

University of Newcastle upon Tyne
Department of History

Violence and Violent Crime in the North East, c. 1650-1720

A Thesis submitted for the degree of Doctor of Philosophy

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Abstract

This thesis focuses on the violent actions, illegal and semi-legal, of the men and women of north eastern England in the period c. 1650 to 1720. The north east in this period was poised between a violent reiving past and the more cultured, “civilised” society of the later eighteenth century. This makes it a fascinating period for a study of violence, in its own right and as an index of wider social and individual tensions.

Both qualitative and quantitative methodology have been employed to facilitate a greater understanding not only of the bare facts of violent acts, but also their contexts and the meanings they held to those involved. The main sources for this study are legal depositions, from the courts of Durham, Newcastle, Berwick, Northumberland, and the northern circuit assizes; these have been supplemented with other material where possible.

Major themes which are drawn from the material include the ways in which ideas of honour functioned to both provoke and constrain assault, the relationship between assault and legitimate forms of violence, and the nature of gender difference in the context of violent activity. By exposition of the wide range of motives which led to violence, this thesis also argues against the stereotypical perception of early modern man as prone to meaningless aggression.

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Abbreviations Used

AA - Archaeologia Aeliana

BER - Berwick Record Office

CSPD - Calendar of State Papers Domestic

DRO – Durham Record Office

PG - Palace Green Library, Durham

PRO - Public Record Office

PSAN - Proceedings of the Society of Antiquaries of Newcastle upon Tyne

NCC - North Country Lore and Legend

NCHC - Northumberland County History Commission

NPL - Newcastle Public Library

NRO - Northumberland Record Office, Morpeth

NROG - Northumberland Record Office, Gosforth

SA - Society of Antiquaries of Newcastle upon Tyne

SS - Surtees Society

TWAS - Tyne and Wear Archive Service

Introduction: Violence, the courts and the sources

However we may feel about interpersonal violence in the modern world, conflicts past have long held a compelling grip upon the imagination of historians from all sectors of the discipline. Accordingly, they have brought to the study a wide range of theoretical standpoints and methodological approaches.¹ Usually, however, the study of violence has been just one aspect of a wider study of crime, gender, or social interaction in a region; and often it has been carried out with heavy reliance upon a single source.

In 1980, W. King grouped scholars of crime into quantifiers, those analysing the value of their approach, and the “sensational”.² These terms can fairly be said to describe most research of the previous years, although there were honourable exceptions such as the work of Macfarlane.³ More recently, whilst statistics remain the underpinning for most studies of crime, qualitative methodology is no longer seen as unsound, and quantitative methods are increasingly treated with caution.

One flourishing line of approach has been to concentrate upon the construction of narratives of events.⁴ A second approach to the whole question of violence has also emerged, focusing on

¹ Rather than listing the whole historiography of violence here, key examples of different phases of historiography will be introduced as their arguments become relevant to the thesis.

² W. J. King, “Vagrancy and law enforcement: why be a constable in Stuart Lancashire?”, *The Historian* XLII(2), (1984), pp. 264-5 - he does accept that the best work comes from combining elements of these approaches.

³ A. Macfarlane, *The Justice and the Mare's Ale*.

⁴ The narrative strategy approach was brought to wide attention by N. Z. Davis, *Fiction in the Archives: Pardon Tellers and their Tales in Sixteenth-Century France*, Stanford: Stanford University Press, (1987). Recent works include D. Purkiss, “Women’s stories of witchcraft in early modern England: the house, the body, the child”, and M. Chaytor, “Husband(ry): narratives of rape in the seventeenth century”, both from *Gender and History*, 7, (1995). M. Gaskill, “Attitudes to Crime in Early Modern England with specific reference to Witchcraft, Coining, and Murder”, Cambridge University PhD thesis (1994), and G. Walker, “Crime, Gender and the Social Order in Early Modern Cheshire”, Liverpool University PhD thesis (1994), analyse both narrative strategy and wider values and beliefs, though they differ in their approach to statistics.

social meanings and motivations rather than aggregate data or narrative structure.⁵ Amussen for instance writes of a relational approach in which “who is doing what to whom, and why, and the reactions provoked, are the central elements”, Rowlands of the study of “the aspirations, strategies, emotions and rivalries of ordinary people”.⁶ This thesis follows similar lines, using qualitative material not for the insights provided by the shaping of narrative and inclusion of stock elements, but for what it can tell us about the attitudes and behavioural patterns of ordinary people.

Greater understanding of the contexts of historical violence provides insight not only into aggression, but also into diverse aspects of mentality and sociability, from priorities in social interaction to sources of self-worth and the boundaries of legitimate behaviour. Arguably, the study of past violence also provides a valuable counterpoint to modern thinking on contemporary crime.⁷

The Parameters of Violence

The prime focus of this thesis is interpersonal violent behaviour, illegal or quasi-legal - the contexts in which it flourished, its patterns, motivations, and its relationship with the wider life of the inhabitants of north eastern England⁸ in the late seventeenth and early eighteenth centuries.⁹ Firstly, the parameters of violence as examined within this thesis require definition. What is meant by ‘violence’, and what categories of action are included within the heading?

⁵ Good examples of this new approach include S. Amussen, “Punishment, discipline and power”, and M. Greenshields, An Economy of Violence. P. Maddern’s work is a valuable medieval parallel - Violence and the Social Order: East Anglia 1422-1442, Oxford: Oxford University Press, (1992), p. 21

⁶ S. Amussen, *op. cit.*, p. 2; A. Rowlands, “Women, gender and power in Rothenburg ob der Tauber and its rural environs 1500-1618”, Cambridge University Ph.D. thesis (1995), p. 30

⁷ Hence its inclusion in the Economic and Social Research Council’s recent Violence Research Programme.

⁸ Defined as the counties of Northumberland and Durham, including North Durham, and the townships of Newcastle upon Tyne and Berwick upon Tweed.

⁹ Useful court records start in 1657, and this has dictated the approximate starting date of the thesis, although isolated material from previous years will be used where relevant. The end date of 1720 reflects a growth in

This question has been approached in a variety of ways by students of early modern behaviour. Many studies focus on prosecuted crimes, and thus utilise contemporary legal definitions of interpersonal violence. This is most often with respect to an interest in the legal process, but has also proved a viable basis for study of attitudes and behavioural patterns.¹⁰ Others have advocated a broader approach encompassing all physically harmful actions in both legal and illegal contexts. Amussen, for instance, studies violence within society in all its manifestations, to establish wider patterns of attitudes and social meaning. She considers that limiting a study of violence to criminal acts is only useful if the aim is to gain the perspective of those in authority.¹¹

Whilst this point is acknowledged, a desire to focus upon the variably defined boundaries of the unacceptable have shaped a somewhat different approach in this study, based upon (though not wholly reliant upon) contemporary definitions of illegal interpersonal violence. This is partly because the boundaries of illegality, when examined, are in themselves instructive, and partly because those definitions are entrenched in the stories found within available documents.

Included, then, are incidents prosecuted as homicide, infanticide, and assault (including threat, which formed part of the legal definition).¹² Events become relevant by virtue of their violent

suitable testimonies which made comprehensive coverage of later years unfeasibly time-consuming, rather than a point of change, and as such does not function as an absolute limit. Statistics, unless otherwise stated, cover the period 1657 to 1720 (with, as will become apparent, a weighting towards the latter date created by the source material).

¹⁰ For example M. Greenshields, An Economy of Violence in Early Modern France: crime and justice in the Haute Auvergne, 1587-1664, Pennsylvania: Pennsylvania State University Press (1994), draws conclusions about violence in society based upon illegal instances. Many studies of crime and law use violence against the person as a category of offence; see for example R. A. H. Bennett, "Enforcing the Law in Revolutionary England: Yorkshire 1640-1660", London PhD (1988), ch. 5; J. Sharpe, Crime in Seventeenth-Century England: a county study, Cambridge: Cambridge University Press (1983)

¹¹ S. Amussen, "Punishment, discipline and power - the social meanings of violence in early modern England", Journal of British Studies, 34(1) (1995), p. 2-3 and passim. Beattie's definition ("Violence and Society in Early Modern England" in ed. A. Doob and E. Greenspan, Perspectives in Criminal Law, Aurora (1985), p. 36), goes further and includes property damage, whilst placing initial stress upon will and the achievement of ends.

¹² Dalton, Countrey Justice, p. 282

content, however, rather than the title under which they were prosecuted, and this is reflected by the addition of instances of theft, riot, rescue and escape which explicitly included violence against persons.¹³ Sexual assault and rape are also included in statistics as instances of interpersonal violence, and related depositions have been used where they illustrate wider points. However, the psychology and contexts specifically relating to sexual violence have not been treated in any detail, being significantly different in type.

Conversely, activities which were entirely legal are not the direct focus of this study. Major forms of physical violence which are thereby excluded from detailed consideration, in spite of their presence in contemporary society, include judicial and authoritarian violence (except where it was conducted in a way that compromised legitimacy, either legally or in the eyes of those suffering it), the chastisement of inferiors (with a similar caveat), and military actions. Each of these areas will be considered only insofar as they helped to shape the wider context in which personal violence emerged, and sometimes the forms it took.

Also excluded from this study is verbal assault, which manifested itself in contemporary parlance as scolding and defamation.¹⁴ This is in spite of some historians' inclusion of verbal abuse in the same category as physical abuse, based upon the intention to commit harm.¹⁵

¹³ These latter accusations, though prosecuted as theft and so on, are included in analysis and statistical breakdowns within this thesis as threat, assault, or homicide, on the sole basis of the level of violence involved. Tables therefore do not show accurate figures for accusations of crime types, rather they indicate accusations of actual violent actions performed.

¹⁴ For scolding, see L. E. Boose, "Scolding brides and bridling scolds: taming the woman's unruly member", Shakespeare Quarterly, 42(2), (1991), D. Underdown, "The taming of the scold: the enforcement of patriarchal authority in early modern England" in ed. A. Fletcher and J. Stevenson, Order and Disorder in Early Modern England, Cambridge: Cambridge University Press (1985) and its critique in M. Ingram, "'Scolding women cucked or washed': a crisis in gender relations in early modern England?" in ed. J. Kermode and G. Walker, Women Crime and the Courts in Early Modern England, London: UCL Press (1994). For defamation, see L. Gowing, Domestic Dangers: Women, Words and Sex in Early Modern London, Oxford: Oxford University Press (1996), p. 54-79

¹⁵ For example, G. Walker, "Crime, Gender and the Social Order", p. 55, J. R. Ruff, Crime, Justice and Public Order in Old Regime France, London: Croom Helm (1984), p. 71. T. Brennan, Public Drinking and Popular

Greene refers to “assault with words” - and words certainly could be harmful in the early modern era, as we shall see.¹⁶ There are, however many ways to harm another individual, and insults and the blackening of reputation differ as much from blows as from, for instance, property damage or a legal suit. They were different responses or actions available to individuals with a grudge, and as such were more prevalent in different contexts, encouraged by different circumstances.¹⁷ This choice of parameters is influenced by contemporary definitions, in which verbal abuse was not indictable unless it was likely to lead to violence, as with a challenge to a duel.¹⁸ Thus, such abuse was rarely present in secular court records as an offence in its own right. Many disruptive individuals combined insults, threats and violent actions, however, and the relationship between words and actions is an important element of the whole picture.¹⁹ Similarly, damage enacted upon property has been discounted as materially different from interpersonal violence although like insult it was sometimes a concomitant to personal assault, and will therefore occasionally surface in discussion here.

The secular crime of witchcraft was defined in terms of physical damage (and usually human suffering) through maleficia, and was generally perceived as a violent attack upon the person performed by supernatural means.²⁰ There is therefore an argument for the inclusion of the

Culture in Eighteenth-Century France, Princeton: Princeton University Press (1988), p. 34, also studies verbal violence.

¹⁶ C. Greene, “Women as perpetrators of violence”, conference paper at Women, Gender and Interpersonal Violence, Leeds Metropolitan University (1999).

¹⁷ R. Shoemaker, “The violent male? Men and public insult in London 1660-1760”, conference paper at Masculinities, University of North London (1997), reflects this idea of a choice of strategy by suggesting that a transitional stage in a decline in male violence in defence of honour was the use of the alternative approach of defamation.

¹⁸ Although it could lead to a recognisance to keep the peace, in practice it rarely did so.

¹⁹ Thus where individuals have been reported for a range of behaviours which probably constituted an accusation of scolding, and one of these behaviours was threat or physical violence, it has been included as such.

²⁰ For an overview see A. Macfarlane, Witchcraft in Tudor and Stuart England, London: Routledge and Kegan Paul (1970), and more recently J. Sharpe, Instruments of Darkness: Witchcraft in England, 1550-1750,

analysis of witchcraft in a study of violent crime. However, the different literature and historiography, and the mental constructs underpinning witchcraft, varied sufficiently greatly from those of other violent crimes as to preclude an integrated study in a project of this nature.

It is inevitable that the main sources for this investigation into criminal or socially unacceptable practices should be legal documents from the many courts working in the area and especially those which produced discursive material. Table 1.1 shows how many accusations producing qualitative material (predominantly, but not uniformly, informations and examinations) survive for each type of crime, across all local secular courts for the period 1657 to 1720.²¹

Table 1 - accusations of violence

<i>Crime Type</i>	<i>Accusations</i>
Assault	572
Threat	175
Homicide	65
Sexual crime	32
Infanticide	19

Clearly, such data cannot be used to determine the relative incidence of crimes, as different considerations apply to the reporting and recording of each type - they merely demonstrate the range of surviving evidence. It should be noted that threat and sexual assault were not legally distinguishable from physical assault at this time; the distinction made here is my own and is, in some cases, a fine one. Assaults are defined as physical contact between the parties or their implements, including such distanced techniques as poison and stone-throwing, and attempts to assault such as aiming a blow but missing. It excludes the mere offering of a blow, and all verbal attacks.

Actions covered by the legal definition of assault ranged from simply putting in fear of physical harm at one extreme, to attempted homicide at the other. This wide range of activities can be

London: Hamish Hamilton (1996). For the local picture in the late seventeenth century, see P. Rushton, "Crazes and quarrels: the character of witchcraft in the north east of England, 1649-1680", *Bulletin of the Durham County Local History Society*, 31 (1983), and J. Sharpe, "Witchcraft and women in seventeenth-century England: some northern evidence", *Continuity and Change*, 6(2), (1991)

seen as an obstacle to analysis. Beattie considers that assault comprised “such a wide variety of events and behaviour that they do not form a category of offence that can be usefully analysed from the court records”.²² This thesis, however, attempts to draw meaningful conclusions about the nature of early modern violence, and Beattie’s conclusions are arguably overly pessimistic.²³ The broad definition of assault only becomes problematic if certain types of statistical analysis are to be attempted, on a class of event too variable to conform to the process. Given the qualitative nature of much of this thesis, all forms of violence can often be considered together in an analysis of various aspects of their context. After all, since many homicides were unintended, many factors were the same whether threat, assault, or homicide was the result.

The courts and their sources

Since almost all the records used are pre-trial legal documents, it is necessary to have some understanding of how such records came into being, and thus what they can conceal or reveal about contemporary realities. The structure of criminal justice in the seventeenth century was complex and many layered, and in the north east was complicated further by the presence of various special jurisdictions.²⁴ Newcastle’s civic government had the right to try its own criminals at all levels but felony, whilst Berwick’s court could do even this alone, although it tended to be reluctant to use the death penalty.²⁵ County Durham as a palatinate had the right to try all crimes, although ultimately appeals could still be directed to London. It also had

²¹ See below, p. 18, for the references used

²² J. Beattie, Crime and the Courts in England 1660-1800, Oxford: Clarendon (1986), p. 75. J. Sharpe, Crime in Seventeenth-Century England, p. 117, also considers this a major, though not insurmountable, problem.

²³ In fact Beattie does make limited use of quarter sessions assault accusations in other places, especially “Violence and society”, pp. 42-48

²⁴ For an overview of the court system in general, see T. H. Baker, “Criminal courts and procedure at common law” in ed. J. Cockburn, Crime in England 1550-1800, London: Methuen (1977).

²⁵ G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, London: University College London Press (1998), p. 21, D. Brenchley, A Place by Itself: Berwick upon Tweed in the Eighteenth-Century, Berwick upon Tweed: Berwick upon Tweed Civic Society (1997), p. 216

jurisdiction over “little” or “North” Durham, a region to the north of Northumberland. Thus the only area which operated entirely under the standard court system of quarter sessions and assizes was the remainder of Northumberland. Although Morgan and Rushton demonstrate that in the eighteenth century at least there was significant co-operation between the different bodies, the decentralised system and associated differences in record preservation obstruct efforts to detect behavioural trends in the north east.²⁶

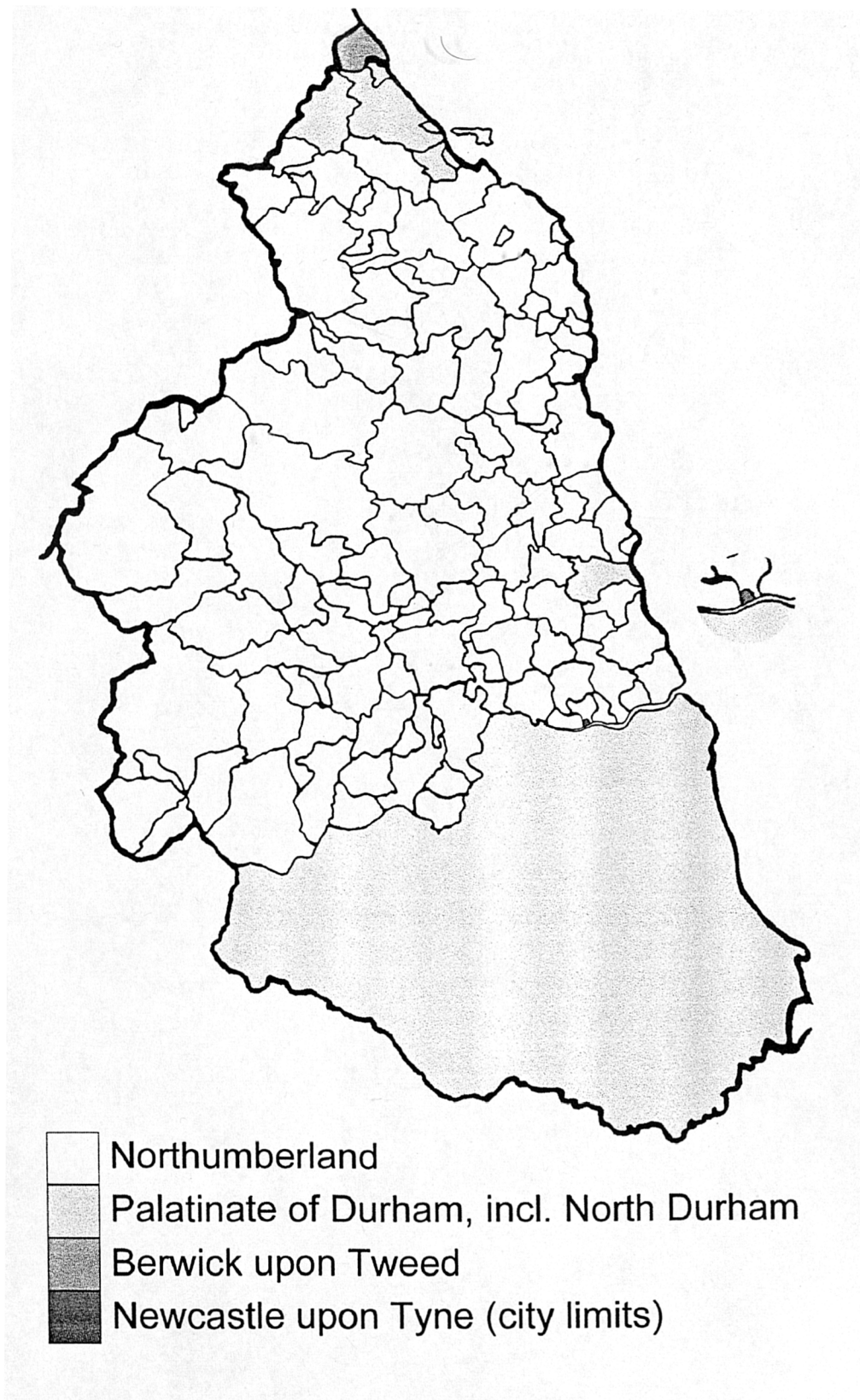
Local manorial courts dealt with minor assaults, but what few records survive from these are very cursory, and have little bearing upon this study.²⁷ In most cases we know of, the law’s involvement began when an individual, in most cases the injured party, took his complaint concerning a misdemeanour to a magistrate. Resort to a justice could be with the aim of asking for an informal settlement or a summary conviction - in which case the complaint is unlikely to have left a mark in the surviving records.²⁸ The plaintiff could also “crave the surety of the peace” or more rarely “good behaviour”, which would force the suspect to behave in certain exemplary ways towards them and others or pay a fine.

²⁶ G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, pp. 27-41

²⁷ For instance TWAS Records of Benwell manor court. In the low level (below quarter sessions) courts of early seventeenth-century Kent, for instance, twenty two percent of crimes tried were against the person (rather than property, the peace, or moral and nuisance offences). Since these courts heard evidence against seventy three percent of all suspects, it is unsurprising that statistics for all courts tend to follow the similar patterns. L. A. Knafla, “Sin of all sorts swarmeth: criminal litigation in an English county in the early seventeenth century” in eds E. W. Ives and A. H. Manchester, Law, Litigants and the Legal Profession, London: Royal Historical Society (1983), p. 58. Not all of these accusations would have been of assault, and manorial courts were in decline in the period, but this nonetheless demonstrates that the cases looked at in this thesis are only a small proportion even of those crimes which were brought before a court. Figures for the manor of Prescot, quoted by J. Sharpe, “Gender and violence in early modern England, an agenda for future research”, conference paper in Women, gender and interpersonal violence, Leeds Metropolitan University (1999), confirm this.

²⁸ See pp. 30-30, on the factors which influenced the course of action taken by victims of assault.

Figure 1 - north eastern criminal jurisdictions



As well as being a punishment in itself, the recognisance might be used to encourage attendance at court, especially if the plaintiff also decided to prosecute the crime by indictment, a more complex process.²⁹ These bindings or recognisances have been used as the focus of studies, though more often of court procedure than of crime itself.³⁰ Whilst some recognisances are written on the same sheet as the deposition, those which were not rarely detail complaints, containing only an injunction to keep the peace or be of good behaviour or a vague accusation of “misdemeanours” to be answered. Hence they are of limited value, since violent crimes cannot always be separated out.

Whether an accusation was to be prosecuted by recognisance or by indictment, the next stage was the quarter sessions, which heard and passed judgement on all prosecutions for misdemeanour as well as fulfilling a complex administrative role. In Northumberland, this body usually met in Hexham or Morpeth.³¹ Certain serious crimes either bypassed the justices and the quarter sessions because of their severity - the most notable example being homicide, which was separately dealt with by the coroner and then by the assizes - or were gradually filtered up through the system until they arrived at the assizes.³² Each summer, two judges appointed from Westminster came to Newcastle, and there heard cases from both Newcastle and Northumberland, with the aim of emptying the counties’ gaols. Durham dealt with its

²⁹ This is a simplification of the purposes of a recognisance or bond, bypassing for instance the differences between the two types of bond. See R. Shoemaker, Prosecution and Punishment, pp. 21-31, for a detailed examination of recognisance law and practice. According to R. Shoemaker, *ibid.*, p. 31, around two thirds of recognisances had this secondary function of ensuring court appearance.

³⁰ For example R. Shoemaker, *ibid.*, S. Hindle, “The keeping of the public peace”, in eds P. Griffiths, A. Fox and S. Hindle, The Experience of Authority in Early Modern England, London: MacMillan Press (1996)

³¹ For details of meetings and attendees, see NCC QSO 1-4 *passim*.

³² This demarcation between quarter sessions and assizes business is something of a simplification, but is substantially true. See S. Ferguson, “Law and Order on the Anglo Scottish Border 1603-1707”, St. Andrews PhD (1980), pp. 78, 284, and tables of court business below. S. Mercer, “Crime in late seventeenth-century Yorkshire: an exception to the national pattern?”, Northern History, 27, (1991), *passim*, challenges the felony/misdemeanour split between the two courts with regard to Yorkshire, but violent crimes do not seem to form a substantial part of this.

felons internally, at palatinate courts - although their gaol delivery commissions were being issued by the crown and merely reissued by the bishop, and tended to include a circuit judge, and so in most practical respects were integrated into the circuit system.³³

In Northumberland before the 1680's, the system was complicated further by the Border Commission, which ran concurrently with the assizes and had a wide range of powers extending to the trial of felons.³⁴ The duplication of Border Commission material in surviving assize documents shows the close connection and co-operation between the post-Restoration Border Commission and assize courts.³⁵ We know however that the Border Commission did try many people who are not listed in the assize records.³⁶ Francis North in 1676 described a recent border commission session, saying that they "hang up at another rate than the assizes, for we are told that, at one sessions, they hanged eighteen for not reading *sicut clerici*".³⁷ A Commission gaol book of 1662 to 1676 is little more than a list of names and punishments to be received, but shows the extent of a parallel system of justice in Northumberland for which no detailed records survive.³⁸

So, from this plethora of courts, what documents were produced which have value to the historian of violent behaviour? Notwithstanding their occasional contextual details, recognisances are much less useful than the depositions and informations which preceded them, the creation of which will be discussed below.³⁹ Informations survive for the assizes of

³³ J. Cockburn, "The northern assize circuit", Northern History, 3 (1968), p. 126; J. Cockburn, History of English Assizes 1558-1714, Cambridge: Cambridge University Press (1972), pp 43-44.

³⁴ S. Ferguson, "Law and Order", p. 167

³⁵ S. Ferguson, *ibid.*, p. 107

³⁶ In 1675 alone, the Border Commission as a whole tried 140 people - G. Parker, "The wearing of the vizard", Times Literary Supplement (10.7.1981), p. 780.

³⁷ R. North, The Life of the Right Hon. Francis North, Lord Guildford, ed. A. Jessopp, Farnborough: Gregg International, (1972), pp. 178-9

³⁸ PRO ASSI 42/2

³⁹ See p. 15 and following.

Northumberland and Newcastle, the quarter sessions of Northumberland and the borough court (effectively a quarter sessions court) of Berwick, although not for the quarter sessions of Newcastle. Additionally the Public Record Office houses a small collection of informations relating to cases heard before Durham Palatinate court. These four collections of documents form the core of primary material used in this thesis.⁴⁰

All descriptive material available from these four courts was read closely, and analysed according to the aforementioned criteria. Table 2 gives a picture of the number of different accusations of violence which were brought before each of these courts for which discursive material remains. Such material is predominantly in the form of informations, examinations and warrants, but occasionally comprises other material such as letters and petitions.

Table 2 - accusations of violence heard by courts

<i>Court</i>	<i>Total</i>	<i>Assault</i>	<i>Threat</i>	<i>Homicide</i>	<i>Sexual crime</i>	<i>Infanticide</i>
Northumberland	650	474	152	2	20	1
Assizes	100	23	7	50	7	12
Berwick	65	56	9			
Durham	50	19	7	13	5	6

It should be recalled again that this table shows accusations which included violent action for which substantive material survives for the period 1657-1720. It cannot be taken as an indication of the relative scale of each court's operations, or of the make-up of cases brought before them in all but the loosest sense. Figures for the Northumberland and Newcastle assizes are combined throughout. Incidents which two people reported as an assault upon them by the other party are counted once, as are several repeated assaults involving the same parties. Separate claims of assault by different individuals are counted separately even when they were made within the same formal information. These records contain the data from which statistical analysis of trends has been drawn. Other court records, such as quarter sessions

⁴⁰ PRO ASSI 45/5/6-45/17, NCC QSB 1-55, BER C15/1, PRO DURH 17/1

minute books, have also been drawn upon qualitatively where they can shed light upon violence.⁴¹

Although all these courts operated throughout the seventeenth and eighteenth centuries, record survival in each case is limited to a fraction of the period being studied, the early years being well represented by the assizes, and the later period being better represented by the lower level courts. Table 3 details the surviving years in each court. All dates have been adjusted to the modern calendar. The year relates to the incident, not the accusation. Where no date is mentioned, assaults are assumed to have happened in the year of the accusation, except when the accusation was made on January the first.

Table 3 - accusations by year

<i>Year</i>	<i>Assizes</i>	<i>Northumberland</i>	<i>Berwick</i>	<i>Durham</i>	<i>Total</i>
1657	2				2
1658					0
1659	2				2
1660	1				1
1661	3				3
1662	2				2
1663	2				2
1664	6				6
1665	3				3
1666	2				2
1667	3	1			4
1668	3				3
1669	5				5
1670	3				3
1671					0
1672	3				3
1673	3			1	4
1674	2			4	6
1675	4				4
1676	5				5
1677	6				6
1678	1	1			2

⁴¹ For instance BER C7/1, TWAS NC/QS/1/3

1679	2	1			3
1680	1	11			12
1681	2	12			14
1682	4	4			8
1683	3	6			9
1684	7	5			12
1685	5	5			10
1686	4	9		4	17
1687	1	6			7
1688		6			6
1689	2	1			3
1690	4				4
1691	1				1
1692		1			1
1693		8			8
1694		8			8
1695		5			5
1696		9			9
1697	1	15			16
1698	1	5	1		7
1699		14			14
1700		17			17
1701		22			22
1702		14	2	1	17
1703		20	6	3	29
1704		13	2	4	19
1705		11	4	4	19
1706		19	3	1	23
1707		17	5	1	23
1708		23	7	2	32
1709		21	1	1	24
1710		24	4	7	35
1711		25			25
1712		26			26
1713		29			29
1714		28	2		30
1715		32	8	5	45
1716		25	4	4	33
1717		35	1	3	39
1718		44	7	1	52
1719		41	3	3	47
1720		28	4		32

It should be plain that the total number of cases for each year is not meaningful since it is a composite of different courts for which records only survive from a part of the period. There is no period during which all record types run concurrently. The peculiar distribution of surviving records unfortunately makes it impossible to establish patterns of change over

time. Trends in numbers of cases within each court are not necessarily indicative of any more than the vagaries of record survival or the efficiency of officials. In the case of the assizes, it is not known why assize depositions tail off so dramatically in the 1690's and are absent between 1698 to the 1720's. There is certainly no reason to see this as indicating any lessening of local violence, and concurrent indictments continue apace.⁴²

Similarly, the Northumberland quarter sessions accusations gradually rise in number, with a dearth in the period 1689 to 1692. However, this pattern is also true of other forms of record kept within the quarter sessions bundles. It is likely to reflect at best prosecution levels and perhaps simply record keeping practices, rather than changes in the scale of violence itself. The period of poor sources may be a reflection of the confusion in civil government and appointment of new justices which followed the politically motivated purges of the Bench between 1686 and 1688.⁴³

Depositions as a source

Both those accusations heard at the quarter sessions, and those forwarded to the assizes, began with a testimony before a magistrate. In accusations of felony, magistrates' course of action was clear and legally prescribed. In cases of misdemeanour, although there were no formal rules, it seems that when an individual came to a justice to make a complaint, similar practice was followed to that in cases of felony.⁴⁴ In either event, a deposition would be taken from the accuser, and based on this information the magistrate issued a warrant which would force the

⁴² Homicides in this period are occasionally detailed in private papers or antiquarian records (for instance ed. J. Hodgson, "The diary of Jacob Bee", *Surtees Society*, 118/124 (1910/14), and NCHC *The History of Northumberland* volumes, Newcastle: A. Reid (1893-1940)). Others are mentioned in local court material. For example NCC QSB 22/7a details the expenses of a constable carrying to gaol a man who "killed the man in Walker Wood", and TWAS NC/QS/1/3 (MF 300) lists accusations forwarded by the early eighteenth-century quarter sessions of Newcastle. Such evidence represents only a fraction of assize court homicide hearings.

⁴³ S. Ferguson, "Law and Order", p. 276

⁴⁴ T. G. Barnes, "Examination before a justice in the seventeenth century", *Somerset and Dorset Notes and Queries*, 27 (1955), p. 40

accused to appear before him to agree to the binding.⁴⁵ In the case of felony, the suspect would be examined and his answers recorded, in adherence to two acts from the reign of Mary, in order to establish whether bail could safely be granted.⁴⁶ He was then bound to appear at the next assizes, or else placed in gaol to await them. Further witnesses might also be called to testify at this stage.

Whilst in cases of felony more testimonies and additional detail were sought, the form and style - and the advantages and disadvantages as a source - of assize depositions are very similar to those of quarter sessions depositions. Certainly there is no difference in tone and layout between those depositions in quarter sessions records and in assize records. The personnel involved were the same, (with the addition of more examinations of the accused at the assizes), and the narrative appears to have the same fundamental strengths and weaknesses.

There is much disagreement over the extent to which depositions can be said to provide an accurate, and verbatim, description of events. There are several objections to the theoretical spontaneity and usefulness of the deposition. The magistrate was only asked to record the story "or as much thereof as shall be material to prove the felony". This leads Langbein to conclude that legal depositions are "less a deposition of the examinant than a memorandum of the justice of the peace recounting the evidence which led him to gaol the accused".⁴⁷ Some examinations certainly take on a more clearly defined question-and-answer structure than other depositions, albeit a potentially misleading one in which the questions are not always recorded and can only be interpolated from the answers given. Others appear to remain free of such structure, however.

There are also question marks over the accuracy and meaning of the recorded word in all depositions. There was a potential time delay between the delivery of the words, and their

⁴⁵ R. Shoemaker, Prosecution and Punishment, p. 23.

⁴⁶ 1 and 2 Philip and Mary c. 13, 2 and 3 Philip and Mary c. 10. J. H. Langbein, Prosecuting Crime in the Renaissance, Cambridge Massachusetts: Harvard University Press, (1974), pp. 6-43 *passim*, discusses the Marian bail statutes in detail.

formal writing up, although it is hard to say how much use was made of the statutory allowance of two days before testimony had to be written down.⁴⁸ The confused nature of aspects of the depositions would suggest it was not used to any significant degree.

Many of those giving testimony had an incentive to lie or exaggerate their stories. It was often the only chance they would have to present a favourable interpretation of events to the court.⁴⁹ On this point we can perhaps take comfort from Greenshield's argument that "one cannot hope to discover the truth or falsehood of cases reassembled from fragmented documents over three hundred years old. The usefulness of statements ... lies in their *plausibility*, which in turn allows the discovery of other characteristics of the speakers".⁵⁰

It must be accepted that an element of paraphrase comes into play when dealing with the testimony of the unlettered and often distraught, who may not have told the story in an uncluttered fashion. Sabean argues that "what appears as direct testimony in a judicial text may well be a paragraph redaction of something that took quite a long time to say".⁵¹ Additionally subtleties reliant upon tone of voice, body language, and even dialect, are lost (not all words are clear to the modern reader, and perhaps not all would have been clear to local justices). At very least the majority of accounts have been changed into the third person, (although they occasionally slip between viewpoints), and stylised with the introduction of clarifications (most often "the aforesaid" or similar).

In spite of these problems, depositions do give a great deal of background and context to crimes which we would otherwise only know of in the barest detail, and even a cursory reading impresses one with the freshness of the material. Whilst they were the production of the elite,

⁴⁷ M. Dalton, *The Countrey Justice* (1618), quoted by R. Houston, "The development of literacy: northern England, 1640-1750", *Economic History Review*, 2(35), (1982), p. 201; J. Langbein, *Prosecuting Crime*, p. 35

⁴⁸ J. Langbein, *Prosecuting Crime*, p. 24

⁴⁹ T. Barnes, "Examination before a justice", p. 40

⁵⁰ M. Greenshields, "Women, violence and criminal justice in early modern Haute Auvergne, 1587-1664", *Canadian Journal of History*, 22(2), (1987), p. 182

depositions rarely appear to favour the elite, or to contain didactic lessons, leading Gaskill to consider that justices were more likely to be indifferent or dutiful than actively manipulative of testimonies.⁵² In 1861, in the introduction to the only published Northern circuit material, Raine argued that the depositions “give us a picture, which is drawn nowhere else, not only of political feeling but of the everyday life of the inhabitants of the provinces”.⁵³ Whilst we should note that scenes of serious crime are unlikely places for the study of everyday life, several historians have noted the potential in depositions for what Sharpe terms “numerous insights into popular notions on crime”.⁵⁴

Filters and biases in surviving testimony

Historians have long lamented the “dark figure” of crimes which have left no trace in the court record, a problem which can be ignored by no scholar of crime.⁵⁵ The problem is particularly acute when investigating minor incidents, such as assault. Court materials act as a filter, only providing details of incidents which led to the making of a certain series of decisions regarding their handling. Only a fraction of assaults led to accusations before a justice; and of those that were, only a fraction left discursive records which have survived and are of the kind needed for this study. Thus, there are two broad times at which information has been lost - before and after any accusation was brought before a legal official.

Accusations reaching the attentions of legal officials must in general have either already been judged worthy of punishment or caused a desire to prevent their recurrence by legal means, by

⁵¹ D. Sabeau, Power in the Blood, Cambridge: Cambridge University Press (1987), p. 2

⁵² M. Gaskill, “Attitudes to Crime in Early Modern England”, p. 26

⁵³ J. Raine, “Preface” to “Depositions from York Castle”, Surtees Society, 40(2) (1861), p. viii

⁵⁴ J. Sharpe, Crime in Early Modern England, London: Longman (1984), p. 36

⁵⁵ See for instance the various articles on the homicide rate detailed in Chapter 1. See also J. M. Beattie, “Towards a study of crime in the eighteenth century: a note on indictments” in eds P. Fritz and D. Williams, The Triumph of Culture: Eighteenth-Century Perspectives, Toronto: J. M. Hakkert, (1972), p.304-314 for a discussion of factors affecting the ‘dark figure’ behind assize indictments, which concludes that none had a sufficiently *variable* impact to invalidate a study of change over time.

individuals who were in a position to act upon this desire.⁵⁶ It is very difficult to establish why some individuals were reported to the authorities and made it to trial and others were not, but it is worth making the attempt since it will enable a truer perspective upon those incidents we do know about. It is important to have some idea about which elements of the extant data are evidence of real behavioural patterns, and which are likely to be merely distortions caused by the nature of the record.

There were many considerations which could influence the victim's choice of strategy in response to violence.⁵⁷ One obvious determinant is severity - the more severe the violence, the more likely it was to be reported. The most extreme example of this is homicide, which special rules took out of the hands of individuals and into the hands of coroners, who had a duty to investigate all suspicious deaths. Cockburn argues that the community had no reservations about the prosecution of homicide, and revulsion remained high.⁵⁸ Difficulties in hiding evidence, the likelihood of a disappearance being noticed, and the desire to punish an offender in cases with witnesses, combined to make homicide "the only offence of which we can be fairly confident that the record of prosecution comes close to being an accurate reflection of the incidence of the crime".⁵⁹

⁵⁶ Investigative action and the decision to prosecute generally lay with the victim, not legal officials, see J. Styles, "An eighteenth-century magistrate as detective: Samuel Lister of Little Horton", Bradford Antiquary, 42, (1982), p. 103, C. Herrup, The Common Peace: Participation and the Criminal Law in Seventeenth-Century England, Cambridge: Cambridge University Press, (1987), pp. 67-86.

⁵⁷ It should be noted that the discussion below focuses upon the decision whether or not to formally accuse, as this is a significant factor in shaping our surviving information. There were of course other responses which avoided the law which were nonetheless pro-active. Returning the action with further violence, for instance, was seen by some as a valid alternative, whilst the use of gossip and the raising of communal pressure against the offending individual also had a place as counter strategies.

⁵⁸ J. Cockburn "Patterns of homicide in English society: homicide in Kent 1560-1985", Past and Present, 130 (1991), p. 76

⁵⁹ K. Wrightson, English Society 1580-1680, London: Hutchinson, (1982), p. 160

Even here, however, many factors could be involved in determining whether a coroner was called.⁶⁰ The responsibility placed upon the body's legal 'first finder' might make individuals unwilling to accept the position, for instance. More crucially, population mobility was such that certain types of individual could disappear without attracting a great deal of attention.⁶¹ Glanvil recounted an incident in 1630's County Durham, in which a young servant girl was murdered. His informant said that "she was not heard of a long time and no noise or little was made about it", even though she had been staying with her aunt at the time.⁶² The poisoning of Jane Scage, a beggar, did not attract the coroners' attention for three years,⁶³ and whilst Robert Garlick's claim to have seen county keeper William Charleton kill his own grandfather is somewhat suspect, he still thought the accusation worth making fifteen years after the events he described.⁶⁴ In both cases there were apparently no questions officially asked at the time of death. Stevenson argues that coroners' efficiency and geographical distribution were sufficiently variable to distort figures for sixteenth-century suicides.⁶⁵

Homicide is exceptional as a violent crime as the victim was not able to choose his or her own strategy of response. For living victims, it seems natural that the more minor the offence, the

⁶⁰ M Gaskill, "Attitudes to Crime", p. 256, R. A. H. Bennett, "Enforcing the Law", pp. 176-179

⁶¹ For example in industrial areas like Whickham, as K. Wrightson and D. Levine put it, "at any given time it would seem that most of the people... were birds of passage" ~ "Death in Whickham", (1989), in ed. J. Walter and R. Schofield, Famine, Disease and the Social Order, Cambridge University Press: Cambridge, p. 137.

⁶² J. Glanvil, Sadducimus Triumphatus, Wing Microfilm (1685) p. 17

⁶³ See p. 263

⁶⁴ ASSI 45/5/7/82-91; QSB 21/30/a (information of Robert Garlick). The accusation was one salvo in a campaign fought out between two county keepers in the early years of the century, see p. 251

⁶⁵ S. J. Stevenson, "The rise of suicide verdicts in south east England 1530-1590: the legal process", Continuity and Change, 2(2), (1987), pp. 60 and passim. In 1655 Ralph Gardiner's complaints against the council included one woman's testimony that coroners were not looking at the bodies of those found in the Tyne, apparently drowned, despite their legal duty to do so; Gardiner, R. (1655). England's Grievance Discovered, in Relation to the Coal Trade: the Tyrannical Oppression of the Magistrates of Newcastle, their Charter and Grants, the several Tryals, Depositions and Judgements obtained against them: with Proposals for Reducing the Excessive Rates of Coals for the Future. (1849 ed.). North Shields: Philipson and Hare, p. 121

less likely the victim or others would be to resort to the law. Unfortunately, it is difficult to test this theory by assessment of the degree of injury involved in an assault, which is often couched in somewhat stylised language. Additionally we must contend with the possibility of victims exaggerating their injuries to bolster their case. Thus, it is not possible to gauge the frequency of different degrees of violence in the incidents reported. It is notable however that accusations of threat alone are relatively frequent. Twenty-four percent of complaints of incidents of “assault” dealt with by the Northumberland quarter sessions in the years 1680 to 1720 were in fact for threatening words or actions, rather than physical violence.⁶⁶ This indicates that the law was seen as a tool which could be used to counter violence even before it occurred, and was not only a strategy pursued *in extremis*.

However, many minor assaults and intimidations were considered of little import or as best forgotten. When Robert Johnson of Learmouth was first attacked by his brother Luke, in 1709, he “being ashamed that difference should be seen betwixt two brothers did not take any notice of it at that time”. He only went to a justice after a second attack the following year.⁶⁷ Similarly, two men temporarily halted their drunken quarrel in an alehouse far from home with the sentiment that “they might be friends again for it is a shame that they being neighbours should fall out”.⁶⁸ When the vicar of Aycliffe felled a porter in Durham cathedral with his staff, there was heated debate over whether any disciplinary action was required, let alone any legal action.⁶⁹

There were many possible degrees of response. One Tynemouth woman responded to an assault by showing the injury to the governor of Tynemouth castle, who “being a magistrate would have him bound over but I desired that time might pass, which the governor did admire of, but I told his honour I hoped he would do no more”. Thus no official complaint had been

⁶⁶ QSB 1-55, 152 in 627.

⁶⁷ QSB 32/97a (information of Robert Johnson)

⁶⁸ PRO ASSI 45/7/1/91-97, quote from ASSI 45/7/1/95 (information of Phillis Amers). The pair did indeed quieten for a while, although fighting broke out again on their journey homeward resulting in a death.

made, and her forbearance in this was considered admirable, yet in the light of future violence, she had an official witness to the assault.⁷⁰

Within a single testimony, a story can emerge of repeated abuse over a period of time, with the victim only turning to the law when the extent of their tormentors' enmity became unbearable. To take a single instance, Aaron Lee of Acomb was several times abused, threatened and assaulted by members of the Welton and Smith families, who also threw stones at his windows, broke his wall, and bragged about their actions in the streets, over a period of at least a month, before he went to a magistrate. Yet he had already complained to the law the previous year, about violence from the Smith family. Perhaps he thought that there would be no gain to be had from legal action, since it had not prevented antagonism the previous occasion.⁷¹ He may well have been right. Two years later, the battle still dragged on in the courts, and perhaps in the streets, with Lee accused of swearing malicious oaths to get revenge for the assault.⁷²

Certain crimes imposed their own particular pressures, to report, or more usually to hide, an incident. Notably, there are tremendous difficulties involved in using court records to establish any meaningful patterns concerning rape. There were great pressures upon victims to remain silent, rather than face a lengthy and potentially humiliating court process which would almost certainly not result in a conviction.⁷³ These pressures fell unevenly upon different groups. Married women were more likely to have financial and emotional support, and less likely to

⁶⁹ C. E. Whiting, Nathaniel Lord Crewe, Bishop of Durham (1674-1721), London: Church Historical Society, (1940), p. 273. Finally the matter was settled when he was made to acknowledge his fault to the congregation.

⁷⁰ NCC QSB 35/13b (letter of Isabel Burdon)

⁷¹ NCC QSB 48/56a (information of Aaron Lee); NCC QSB 46/71b (information of Anne Lee)

⁷² NCC QSB 53/111a

⁷³ No survey of verdicts has been possible for the evidence examined here, but other studies, notably N. Bashar's quantification of home counties indictments for rape, "Rape in England between 1550-1700", in ed. London Feminist History Group, The Sexual Dynamics of History: Men's Power, Women's Resistance, London: Pluto, (1983), p. 35, J. Gammon, "I made all the resistance I could", conference paper, Women, Gender and Interpersonal Violence, Leeds Metropolitan University, and A. Clark, Women's Silence, Men's Violence, London: Longman, (1987), p. 58, make this point.

have questions raised against their own character. At the same time, all but the youngest of spinsters would have their own sexual history placed under a critical spotlight.⁷⁴ It has therefore been argued that women intent on retribution might chose to present an accusation of attempted rape, or even assault, rather than undergo a full scale rape trial. As a non-capital crime, evidentiary standards were lower and it was more likely that a guilty verdict would be made.⁷⁵

The problem of under-reporting of sexual violence, especially in the case of spinsters, is partially mitigated by the presence in court records of informations for bastard bearing, which not infrequently imply or state that physical force was involved in the conception.⁷⁶ However, there is certainly evidence that sexual offences were swept under the carpet. Isabel Kell reported an attempted rape, but it is clear she only did so because in the struggle her ability to breastfeed her new-born baby had been impaired, and her attacker, who had promised to pay for her cure if she told no-one of the matter, “did lend [her] half a crown but has since refused to give her any aid but gives her ill language”. This could be viewed as Kell’s attempt to milk the situation as much as possible, a tactic which the man refused to be party to. Still, a similar financial settlement - lower, even, because of the complications of Kell’s injury - must have seemed a viable solution in other cases.⁷⁷

Domestic violence too was subject to particular pressures against reporting. Wives, children and servants could all find it difficult to find resources and stability from which to mount a

⁷⁴ J. Gammon, “I made all the resistance I could”, stresses the importance of character witnesses and insinuations. R. King, “Well! First and last all women must be won: Public cultures of non-consensual sex in England, 1660-1770”, conference paper, Women, Gender and Interpersonal Violence, Leeds Metropolitan University, notes that in pamphlet accounts of rape trials, character evidence against the accuser seems to go hand in hand with a not guilty verdict. However, N. Bashar, “Rape in England”, p. 38, argues that only past relations with the accused were dissected in detail.

⁷⁵ Ibid., pp. 39-40

⁷⁶ For example NCC QSB 2/22 (information of Elizabeth Marshall).

⁷⁷ NCC QSB 45/94a (information of Isabel Kell)

prosecution, and to differentiate their treatment from that which was their legal burden.⁷⁸ Men who were beaten by their wives would similarly find in society's expectations reasons to avoid legal attention. Whilst the struggle to control one's wife for the sake of one's own honour was generally framed in sexual terms, it would be just as shameful to admit to being ruled by a violent wife. Loss of control in one's own household was the loss of any claim to honourable manhood.⁷⁹

It is likely that husband-beating was far less common than wife-beating - the majority of women would have been physically outmatched by their labouring husbands, and there was no grey area of legitimate punishment as there was for men. It is notable that only one man unequivocally reports receiving violence at the hands of his wife in the quarter sessions records, and he does so alongside his work colleagues. In 1712, four excise men of North Shields reported Eleanor Frederick to the local justice for a variety of abusive behaviours, including scolding, insults and challenges to fight. One of the four was Anthony Frederick, Eleanor's husband, who laid the most serious charge, of attempts at strangulation and assault with a spit. His complaint was not the first one made, and was not presented any differently from the lesser charges of the other excisemen. The agreement of his colleagues about Eleanor Frederick's extreme behaviour may have sheltered Anthony Frederick from the opprobrium of his peers. This made it easier to charge her with a criminal offence. That they all considered Eleanor Frederick a serious problem is evinced by their claim to be willing to take the matter to the Court of Exchequer if nothing could be done locally to curb her.⁸⁰ The dearth of reports

⁷⁸ See p.96 and following.

⁷⁹ For the theory that male honour revolved around their ability to control their wives' sexual behaviour, see E. Foyster, "The Concept of Male Honour in the Seventeenth Century", Durham University Ph.D. thesis, (1996), *passim*. Foyster also notes the rarity of accusations of violence in cases of men suing for divorce; it is never the sole or primary accusation, but only mentioned as a backup to sexual transgressions, p. 142. See p.140, and related references, on 'riding the stang' as it applied to men dominated by their wives.

⁸⁰ NCC QSB 36/40b (information of David Bell, Richard Uriel, Anthony Frederick and Simon Breese). Much more could be made of this case, particularly as the battle continued in the local press - Newcastle Courant 114 (19th-20th of April, 1712), Newcastle Courant 116 (23rd-25th of April, 1712), repeated in issue 117 and 118, (which should be viewed in the light of J. Bailey's comments on matrimonial use of newspaper advertisements in "Breaking the Conjugal Vows: Marriage and Marriage Breakdown in the North of England 1660-1800",

does not necessarily correspond to a dearth of actual assault - other downtrodden husbands must simply have not had the support of those around, or have preferred to handle the situation by other means.⁸¹

More generally, much violence must have occurred in circumstances and surroundings where a certain degree of physical force was considered a normal part of life, and so not a matter for the courts. As will be seen, a study considering the boundaries of unacceptable behaviour has to face the problem that these are precisely the regions in which actions which were technically illegal might have occurred on a regular basis without attracting prosecution. Additionally, it has been suggested that nuisances to a community, whose behaviour could include violence, would initially be dealt with within the community, through peer pressure and the use of a range of informal mediators. The option of legal sanctions existed as a last resort when behaviour became chronic or severe.⁸²

It is hard to establish the frequency of informal sanctions since such low-key methods would usually leave no lasting record. The forbearance of communities with their black sheep is implicit however in those accusations which included a wide range of complaints for a variety of behavioural problems, which are unlikely to have all simultaneously emerged as noteworthy. For example William Winter is said to have threatened people, but also to have been a bad neighbour who injured his own and other's livestock and attempted to burn his own mother's

Durham University Ph.D. thesis (1999), and especially "Credit and Discredit: the public face of marital conflict", seminar paper, Durham University Early Modern Postgraduate Seminar, Durham University, (1997).

⁸¹ For instance, in 1718 John Tomlinson recorded that "Cousin Jackson's wife beats him, or at least scolds him abominably - she is barbarous to his mother". ed. J. Hodgson, "Diary of John Tomlinson", Surtees Society, 124 (1910), p. 107

⁸² K. Wrightson, "Two concepts of order: justices, constables and jurymen in seventeenth-century England", in eds J. Brewer and J. Styles, An Ungovernable People: the English and their Law in the Seventeenth and Eighteenth Centuries, London: Hutchinson, (1980), p. 30, T. Curtis, "Quarter sessions appearances and their background", p. 141, J. Sharpe, "Enforcing the law in the seventeenth-century village", in eds V. A. C. Gatrell, B. Lenman and G. Parker, Crime and the Law: the Social History of Crime in Western Europe since 1500, London: Europa Publications, (1980), p. 109-110.

house down.⁸³ Richard Hindmarsh wrote a letter to his local justices complaining of one Mrs Hewison of North Shields, who broke the Sabbath, attacked her maids, blasphemed against the church, threatened local children, swore, and entertained men. He said “I could hardly let you know of all her wickednesses if I could but think of all that I have heard.”⁸⁴

Thus the opinion of peers, the chances of a successful mediation, and the incorrigibility of the aggressor were factors in determining how likely it was that an assaulted party would chose to forgive or at least forget an incident. Another consideration was financial. As well as the inconvenience of the journey to the justice - especially in some of the more remote areas of Northumberland - money was required at each stage of a formal prosecution. Although no complete scale of costs is known, prices could certainly mount up. For example, in the 1660’s, warrants for arrest in the north cost 6d, and recognisances for a court appearance 2s 6d.⁸⁵ This would have been a strong disincentive against taking a grievance to court, and for many must have made prosecution untenable or at least impractical when compared to cheaper alternatives.⁸⁶

This financial bias can be seen in a breakdown of the victims of violence (note this is not always the same as the accuser, though accusers are nearly always either the victim or a

⁸³ QSB 10/25b, 69b (informations of Cuthbert Forster and John Rowland)

⁸⁴ QSB 15/14b (letter of Richard Hindmarsh, reproducing petition of John Fenwick). According to an accusation by his wife Anne, ten days previously Hewison had threatened to have John Fenwick impressed, and threw Anne Fenwick down the stairs. This may have prompted John’s letter, though he does not make this explicit.

⁸⁵ R.A.H. Bennett, “Enforcing the Law”, p.324. Bennett notes that to prosecute the theft of a sheep, for example, would cost more than the sheep itself (p. 325). In the early seventeenth century, a defended case at quarter sessions, with legal advice, could run into pounds - J. Sharpe, “Enforcing the law”, p. 111. In the border counties, certain measures were made towards reimbursement, but these centred on the County Keeper and his role in curtailing livestock theft. G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, pp. 21-2

⁸⁶ Hence, for instance, in R. Shoemaker’s London - Prosecution and Punishment, p. 141 - fewer prosecutors per capita come from the poorer areas. Although this may have stemmed from different degrees of tolerance towards misdemeanours, financial imperatives must have helped shape such tolerance.

member of their family).⁸⁷ Only one labourer's accusation of violence has survived in the quarter sessions bundles, and in this case, the emphasis is upon the fear of lost earnings through the injury. Only a financial imperative such as this could persuade those with so little money to use it in court proceedings.⁸⁸

Financial inducements were another way in which money could play a role. There is no way of knowing how commonly swift bribery was used to settle a dispute. In the medium term, and in the legally sanctioned form of an out-of-court mediated settlement with a financial element, this form of settlement was considered advisable - justices worked towards it, except in cases of felony, where it was illegal.⁸⁹ The quick fix of a payment might look dubious, however, especially when directed towards a legal official. Again, there is no way to estimate the scale of bribe taking by bailiffs and constables in settling violence or any other context. We know from isolated reports only that it did happen, and could be attempted following incidents of violence. John Boulton, a customs officer who had been assaulted and locked up on board ship, had money slipped into his coat pocket the following morning as a sweetener.⁹⁰ Similarly in 1701, the mother of a man who was violently trying to avoid taxation took the constable aside and tried to give him 13½d to leave her son alone, desiring him to turn a blind eye both to the taxation, and to the associated threats.⁹¹

For some, however, prosecution and punishment was a matter of principle, as well as personal retribution, and there was no chance of informal settlement. When Michael Hall was lying fatally injured, his friends tried to encourage him to forgive his attacker - which might have

⁸⁷ See p. 42

⁸⁸ NCC QSB 51/83 (information of John Purvis). Others on low incomes also tended to stress their financial losses; for example NCC QSB 48/85a (information of Thomas Garlick) contains a herdsman's worries of incapacity following injury.

⁸⁹ R. Shoemaker, Prosecution and Punishment, p. 7, and *ibid.* p. 23, which discusses officials' attitudes towards financial settlement.

⁹⁰ PRO DURH 17/1 unnumbered (information of John Boulton)

⁹¹ NCC QSB 15/88a (information of Ralph Pattison)

encouraged the judge or jury towards lenience. Hall refused on the grounds that “if I forgive him he need not mind how many he knock down by the highway”.⁹²

A related point - as visible above in Aaron Lee’s case - is how seriously the courts were taken by both accusers and those bound over by them, and the extent to which it was believed that binding was an effective deterrent. The large number of people going to justices craving the security of the peace would indicate that this was taken seriously as a strategy for dealing with a threatening neighbour; the idea of using it after informal methods had failed reinforces this. However, many violent men declared during the course of their actions that they cared nothing for the law or justices. Cuthbert Robinson of Hexham plainly saw the bond as no disincentive, saying that “he cared not a farthing for justice, it was but forty pounds recognisance, and he would stab this informant for all that”.⁹³ When dancing master Thomas Jones said he would bind to the peace two men who were abusing him, they made the punning riposte that, rather, “they would bind [him] hand and foot and throw him down the stairs”.⁹⁴

Even the greatest sanctions of the legal system might be treated with a light disdain. People said they did not mind the penalty - like William Lee, who threatened murder “if he were hanged the next day for it” - or else that they could escape it.⁹⁵ When William Waugh told his attacker that he would be hanged for his murder, the man answered “he would either abscond or flee the country so that he should not catch him”.⁹⁶ Angry bravado or the genuine plan of a man willing to sacrifice his own life or surroundings for the sake of revenge, such extreme statements left victims in great fear for their lives.

⁹² PRO ASSI 45/14/1/113 (information of Robert Elliot). It should be noted that this incident was subject to much conflicting testimony, and others reported that Hall had indeed said “he could not blame” his attacker for the seriousness of his wound - *ibid.*, f. 114 (information of John Atkinson).

⁹³ QSB 21/47a (information of Adam Alcock)

⁹⁴ BER C15/1 unnumbered (information of Thomas Jones)

⁹⁵ NCC QSB 51/83b (information of Elizabeth Thornton). Thornton had accused Lee’s sister of theft - see p. 198

⁹⁶ NCC QSB 41/75b (warrant against John Forster)

In many contexts, there must therefore have been a desire to avoid further antagonism, for fear of reprisal. This may have been especially acute in the case of household members and particularly wives. Reporting violence to the law would have exacerbated tensions and so been rejected, allowing many wife-beaters to go unchallenged except where the violence became extreme or overly public. In such cases, recourse to the law could be not only unhelpful but positively dangerous, a point which might be implicit or explicit in the behaviour of the aggressor. A completed binding to the peace was not necessarily enough to guarantee safety, and there are occasional examples of criminals defying their bonds. A note added to the information of William Potts of Prestwick reports that in the week following a recognisance being entered against John Robson of Ponteland, Robson had “threatened [Pott’s] servant and son, and followed them with a handsaw... swearing he would knock them on the head”.⁹⁷ In fact, the attack was probably directly inspired by the legal action, which far from calming the situation made it all the more bitter.⁹⁸

Some individuals, then, must have doubted the usefulness of the law in their particular case and so avoided it. If this is so, it is almost inevitably lost to us. It is difficult to know if they were correct to do this, and this thesis does not aim to analyse the actual effectiveness of the English judicial system. In Northumberland, it is at least notable that on only a handful of occasions did an individual testify against the same assailant more than once. Whilst the Berwick order books reveal a higher level of recidivism, even here it is directed against different individuals on each occasion.⁹⁹ However, the intermittent survival of records and the many other disincentives against reporting prevent us from reading too much into this.

So, many people seem to have had a variety of good reasons to avoid court action. On the other hand, the early modern English - and perhaps particularly those of the north - have been characterised as very attached to their legal system, familiar with and willing to use both the

⁹⁷ QSB 31/44a (information of William Potts, addendum)

⁹⁸ See pp. 198-200 on violence as a response to legal moves.

⁹⁹ BER C7/1

criminal and civil courts.¹⁰⁰ Walker considers the folk of Cheshire, at least, to have been particularly prone to this compared to those of the south east.¹⁰¹ A letter written in Marske, Teeside, in 1725, argued that in the region “the lawyer’s is always the best house in any town you go through” due to the people being “protestanly litigious” [sic].¹⁰² Certainly in the 1750’s Justice Tew of county Durham believed that many complaints, especially of theft, brought before him were malicious, and his casebook includes many complaints of false accusation.¹⁰³ Evidence of this also occasionally, and increasingly, appears in the quarter sessions records.¹⁰⁴ Nonetheless, for every exaggerated, biased or invented accusation, we may suspect that many more assaults that were genuine sank without trace.

This is true even of aggression reported to legal officials. A justice’s first instinct when hearing of an assault was not to create a formal testimony, but to try to smooth over the matter. Apart from in cases of felony, where informal settlements were illegal, justices encouraged mediation to resolve difficulties, and increasingly the quarter sessions documents contain notices of informal agreement between parties precluding the need for further prosecution.¹⁰⁵ Additionally justices could summarily convict and fine for minor crimes, including quarrelling and affray, for which they rarely left records.¹⁰⁶

¹⁰⁰ J. Sharpe, “The people and their law”, in ed. B. Reay, Popular Culture in Seventeenth-Century England, London: Croom Helm, (1985), p. 246 on, and S. Hindle, “The keeping of the public peace”, p. 218.

¹⁰¹ G. Walker, “Crime Gender and the Social Order”, p. 61

¹⁰² T. Sowler, A History of the Town and Borough of Stockton on Tees, Stockton: Teeside Museums and Art Galleries Department (1972), p. 112

¹⁰³ G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, p. 32

¹⁰⁴ For instance, NCC QSB 17/63a (letter by Richard Hindmarsh), is a letter from a magistrate passing the case on to another since he cannot attend court, in which he professes a belief that the information was “truly malicious”.

¹⁰⁵ R. Shoemaker, Prosecution and Punishment, p. 7; e.g. NCC QSB 43/34a (statement of William Thompson).

¹⁰⁶ NCC QSB 27/15c (summary conviction before Mr Delaval) is a rare example.

Justices' notebooks show that a large part of the day might be taken up with incidents which never reached a stage of formality which required a written account.¹⁰⁷ Whilst no such documents survive for the north east for the period, that of Justice Tew contains "hundreds of complaints which only exceptionally reached court", and his usual reaction was to attempt to broker an agreement between those concerned.¹⁰⁸ Ambrose Barnes' biographer, speaking of Barnes' tenure as a magistrate in 1660's Newcastle, noted that he was "inexorable ... in cases of duels, blows and blood". Equally importantly though he had great "dexterity ... in allaying quarrels ... in some cases of wrong he thought restitution might pass for satisfaction". Evidently, there was room for discretion, and the ability to exercise that discretion was an important part of a magistrate's role.¹⁰⁹

Certain types of accusation were more likely than others to be satisfactorily dealt with at this level. Notably where those involved were neighbours, and especially where they were related or part of the same household, there may have been increased pressure placed upon them to resolve difficulties and "live quietly".¹¹⁰ One magistrate who heard a complaint between in-laws passed it forward to another justice, being unable to attend the sessions himself. His letter said "I believe there will be no prosecution, the difference being betwixt the father and son-in-

¹⁰⁷ For example, R. Shoemaker, Prosecution and Punishment, p. 55, says that in the late seventeenth-century books of London justices William Hunt and Henry Norris, between 56 and 73% of accusations heard for assault, riot and defamation ended in informal settlement. The latter has been published as ed. R. Paley, Justice in Eighteenth-Century Hackney: the Justicing Notebook of Henry Norris, London: London Record Society, (1991)

¹⁰⁸ G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, pp. 31-2, G. Morgan and P. Rushton, "Introduction" to "The Justicing Notebook (1750-64) of Edmund Tew, Rector of Boldon", Surtees Society, 205 (2000), pp 16-18 - of over 1000 complaints of various types, only 18 were heard at court. Many more were marked "agreed".

¹⁰⁹ M. R., Memoirs of the life of Ambrose Barnes, (1866), Surtees Society, 50, p. 101

¹¹⁰ R. Shoemaker, Prosecution and Punishment, p. 92. In William Hunt's notebook, 66% of cases where the two were from the same parish were settled informally, compared to 58% where they were of different parishes. This proportion rose to 82% of all accusations in which the two parties were in the same household.

law Dawes, and as I understand both are in the wrong to each other and will be made up".¹¹¹ Thus incidents between even indirect relatives will be underrepresented in the informations. In addition, if Tew's notebook is any indication, the accusations of those of questionable character were unlikely to gain sufficient magisterial support to go forward to trial.¹¹²

Other assaults were dealt with by the summary actions of minor legal officials such as constables, and were even less likely to bear written fruit than those taken to a magistrate. Although constables were often advised to stay out of individual fights, and are rarely seen getting involved, they did have powers to impose minor on-the-spot punishments. In 1659, for example, William Richeson, bailiff of Wooler, attempted to place Henry Scott in the stocks for having tried to rescue another violent man from his custody. This was a decision which left no paper record. We know of the incident, and the assaults which began the chain of events, only because they ended with a manslaughter.¹¹³ Such minor actions, settled informally if at all, were recounted not infrequently by witnesses in the light of later more serious events. Many are visible to us only as shadowy presences on the sidelines of recorded confrontations of men with previous grievances or grudges, but even these can be useful.

The lack of regulations concerning the preservation of records does not help. In cases of misdemeanour, there was no legal necessity for justices to take written records of accusations of assault brought to them, whether the request was for a binding to the peace, or a prosecution. Equally, once accusations had been heard in court, there was no requirement for even depositions in cases of felony to be kept thereafter, and both initial vigilance and record-keeping habits must have varied between justices.¹¹⁴

¹¹¹ NCC QSB 37/55b (letter from Thomas Burrell to Mr Ord)

¹¹² G. Morgan and P. Rushton, "The Justicing Notebook", p. 24

¹¹³ PRO ASSI 45/5/6/39-44, especially ASSI 45/5/6/42 (information of William Richeson)

¹¹⁴ For example, in cases of sexual assault, north Northumberland justices appear to have tended to draw up full examinations made in the presence of the accused, whilst in the south of the county summaries made subsequently were more common - M. Chaytor, "Husband(ry): narratives of rape in the seventeenth century", *Gender and History*, 7, (1995), p. 40

Additionally, all surviving Northumberland quarter sessions depositions appear to relate to cases in which the decision was taken to prosecute by means of binding, rather than indictment. There are no overlaps between indictments and depositions in the year 1685-6.¹¹⁵ In the period 1675 to 1700 there are three hundred and sixty four surviving indictments for assault in Northumberland quarter sessions, compared to somewhat under one hundred and fifty three deposed accusations (since some informations contain details of incidents which have been treated as separate cases). Thus in Northumberland, even of those incidents treated sufficiently seriously to merit a full legal treatment, only a third left discursive material.¹¹⁶

When the effects of three hundred years of variable record preservation are added into the equation, it is unsurprising that many violent crimes, where they are known to us at all, are known through only the most terse or formulaic of reports, such as those found in minute books and indictments. However, it is important to realise that many incidents of a comparatively minor nature did in fact reach the ears of justices of the peace and many of them are thus preserved in depositions. We have already seen the importance of threat accusations, for instance. Minor actions are often incidentally mentioned within the evidence concerning more major ones, and thus pass into the legal record as they would not have done in their own right.

As Herrup has shown, the outcome of a particular criminal act was determined upon many levels and not merely by “authority”.¹¹⁷ Yet when viewed in context even the filters between crime and prosecution may in themselves provide insights into mentality, and perceptions of the divisions between everyday violence and punishable crime.

¹¹⁵ NCC Calendar of indictments QSI 22/1-22, 23/1-18. This may indicate that in the region the two methods of prosecution were thought of as separate strategies, or merely that they were stored in different ways which have affected their survival.

¹¹⁶ S. Ferguson, “Law and Order”, p. 284 tabulates NCC QSI 1/2/1-65.

¹¹⁷ C. Herrup, *The Common Peace*, *passim*.

Non-legal sources

Some degree of bias in court material can be mitigated by comparing impressions gleaned from court accounts with those provided by other types of source. Violence *per se* was a secular crime, but was occasionally accompanied by other actions which brought it into the remit of the ecclesiastical courts, as represented in the region by that serving the Bishopric of Durham, and the smaller jurisdiction of Hexham Abbey, which has left no useful records. Durham's church court suffers from a dearth of records from precisely that era in which this thesis has most interest, but a scattering of depositions remain, including pleas for a separation from bed and board which often involved testimonies of domestic cruelty.¹¹⁸

Another particularly valuable secondary source is the guild record. When examining the disputes of professional men, there is an additional need - and an opportunity - to look beyond the court records to those of the guild itself, which detail "numerous episodes of violence, trickery, and temperamental outbursts".¹¹⁹ Complaint here was an easier, cheaper and less disruptive port of call in the event of abuse or violence from a colleague. Thus, guild records and court records can be used in combination to provide insights into the working quarrels of ordinary men.¹²⁰ Not all guild minute books are blood stained - for instance the bricklayers' guild minutes mention no violence, although there were occasional insults. Nevertheless, some certainly portray the professional guilds as both groups of turbulent and potentially violent men, and as a crucial arena for the airing of old grievances and frequently the starting of new

¹¹⁸ Palace Green, Temporary Green Box 414, and unsorted Proctors Papers and Consistory Court Cause Papers. See J. Bailey, "Breaking the Conjugal Vows" on separation. Other investigative work conducted using church court records includes M. Ingram, The Church Courts, Sex and Marriage, Cambridge: Cambridge University Press, (1987), L. Gowing, Domestic Dangers, and more locally, P. Rushton, "The church courts in north east England in the sixteenth and seventeenth centuries: a historical gossip column?", Antiquities of Sunderland and its Vicinity - Sunderland's History, 5, (1989)

¹¹⁹ R. Howell, Newcastle upon Tyne and the Puritan Revolution, Oxford: Clarendon Press, (1967), pp. 279-280.

¹²⁰ Guild minute and order books consulted were - TWAS GU/JO/2/2, GU/JO/2/3, GU/BU/1, GU/BR/1, TWAS Extracts of the minutes of the guild of Barber Surgeons, ed. F. W. Dendy, "Extracts from the records of the merchant adventurers society of Newcastle upon Tyne", v. 1, Surtees Society, 93(1), 1894.

ones.¹²¹ This contributed to a sense of defensiveness. The guild of barber surgeons in Newcastle in the late seventeenth century heard several complaints for various levels of abuse, ridicule and insult, and a couple for assault. Yet it still fined one of its own members a noble for “going away and saying we were turbulent fellows”.¹²²

Guild records are the most important non-legal source used in this thesis. Where possible, reference is also made to contemporary printed works, diaries and letters, which provide further albeit highly specific windows on the early modern world.¹²³

¹²¹ TWAS GU/BR/1. Guild minute books do vary in what information was considered worthy of record, however, so an absence of record need not equate to an absence of antagonism.

¹²² TWAS Barber Surgeons, Oct. 3rd 1670

¹²³ See pp. 346-342

Chapter 1) A statistical overview

Before diving too deeply into the contexts and motivations surrounding particular classes of violence, there is a need to develop a broad understanding of the participants in violence, and their activities. Who were the men and women who were brought before the courts accused of violent action, and who were their victims? What weapons did they use, and where did they fight? Of course, there are many reasons why these people and their actions are not necessarily a representative sample. Some of the factors affecting this, such as the costs involved in prosecution, have already been mentioned, and others will become apparent over the following pages. These statistics must be treated with caution and in context. They do however provide a foundation for the subsequent qualitative analysis, and enable us to make some important observations and comparisons.

j) The homicide rate

The first and most problematic task which is asked of the statistical record is to provide a measure of changing levels of violence, in relative if not absolute terms. Methods of achieving this have tended to centre upon trying to establish the 'homicide rate' - the number of homicides per year, per 100,000 people. Whilst as we have seen not all homicides were necessarily reported, they were more consistently handled than other assaults, the response to which lay with the victims. Thus the homicide rate has become the central focus for those debating the whole statistical approach, for if homicide accusations are not reliable, which others will be?¹²⁴

There are problems, however, concerning both the statistical validity of the homicide rate as a measure of violence in society, and the viability of cross-cultural or inter-regional comparisons. Some ask what changes to the homicide rate can be taken to mean about society, or even about violence in general. It has been seen by those who calculate it as a significant index of the changing propensity towards violence of individuals and communities. For instance,

¹²⁴ The most outspoken supporter of the value of the homicide rate is L. Stone, in "Interpersonal violence in society 1300-1980", *Past and Present*, 108(August), (1983).

Spierenburg argues that homicide is at one end of a spectrum of violence, indicating those cases which got out of hand. The homicide rate is therefore valid as “an indication of the frequency of relatively common and minor forms of violence”, and hence the decline in the homicide rate is indicative of a decline in the level of routine assault.¹²⁵ This point is accepted, and in this thesis many figures, and broader patterns, are for all types of violent crime not just for homicide. As many felonious killings appear to have been simply assaults which went too far, the resultant death apparently unintended, to a certain extent the motivations and circumstances of these crimes can be considered together, especially given the broad range of actual degrees of violence already contained within the category of assault.

This is not to imply that the homicide rate is valued highly here. Homicides should not be treated as forming an unchanging proportion of violence overall, either in records or in reality. There are several good arguments against attempts like this to quantify violence in society. The proportion of homicides which we have evidence for must be affected by variable legal efficiency and legislation, record taking and survival. Additionally, the widely differing medical knowledge and facilities of different times and regions prevents simple comparison.¹²⁶ Even the population of regions is subject to question, as in many areas, including the north east, it rests upon choosing the correct multiplier to apply to hearth tax results reflecting of local household size.¹²⁷

Despite these limitations, the homicide rate is nonetheless worth calculating. To the sixty-two cases heard at assizes in Northumberland and Newcastle need to be added those heard at the

¹²⁵ P. Spierenburg, “Long term trends in homicide: theoretical reflections and Dutch evidence, fifteenth to twentieth centuries”, in eds E. A. Johnson and E. H. Monkkenen, The Civilization of Crime: Violence in Town and Country since the Middle Ages, Urbana: University of Illinois Press, (1996), p. 74

¹²⁶ J. Sharpe, “The history of violence in England: some observations”, Past and Present, 108(August), (1985), L. Stone, “A rejoinder”, Past and Present, 108(August), (1985). The debate subsequently died down although eds E. A. Johnson and E. H. Monkkenen, The Civilization of Crime includes some discussion, for example J. Sharpe, “Crime in England: long term trends and the history of modernisation”.

¹²⁷ As is the case for the north east, see below

Northumberland quarter sessions - twenty nine indictments, all in the period 1660-1675, according to Ferguson, plus two depositions.¹²⁸

Using Brassley's estimate for the population of Northumberland and Newcastle in 1674 of 71,680, the homicide rate for the area in the period 1657 to 1691 can be calculated at around 3.8 per 100,000 per year.¹²⁹ This is lower than for instance calculations for seventeenth-century Essex of 6.8, and is perhaps surprisingly low in an area reputed for lawlessness.¹³⁰ It is however an under-estimate.¹³¹ Quite apart from the probably inefficient workings of the law in the wilds of Northumberland, there is the absence of quarter sessions records for Newcastle to contend with,¹³² and the loss of material relating to cases which were heard by the border commission rather than the assize court.¹³³ The former is probably not of great significance as the vast majority of homicides would have been forwarded to the assizes. The Border Commission is a thornier issue, as we know that before 1678, when it seems to have been

¹²⁸ S. Ferguson, "Law and Order", p. 272

¹²⁹ P. Brassley, The Agricultural Economy of Northumberland and Durham in the period 1640-1750, New York: Garland Publications, (1985), p. 17. This estimate is based on hearth tax returns using the multiplier of 4.75.

¹³⁰ Calculations of Samaha and Cockburn, quoted by L. Stone, "Interpersonal violence in English Society", p. 23

¹³¹ To begin with, it totals accusations, rather than victims, because the number of victims in accusations which leave indictments is unknown. It cannot be lower than the number of accusations, however, and if it follows the ratio of accusations of victims of the depositional sources, will be slightly higher, although not so much as to significantly affect findings.

¹³² TWAS NC/QS/1/3 (MF300), the Newcastle order book for the early eighteenth century, occasionally lists those accusations which the quarter sessions has forwarded to the assizes - for instance August 1711, "Ralph Wilson, yeoman, for the murder of Eleanor Elliot". These are rare, and not necessarily complete, but may show one hole in the evidence, if similar business was occasionally conducted in the seventeenth century which has not survived within assize records.

¹³³ The population may also be an overestimate as it comes from towards the end of the period and the population in many areas was rising at that time. Also we know from stray references that not all of even those

disbanded, it handled a significant number of felonies, and could hear homicide accusations. However, its particular remit was for the livestock theft of the border regions.¹³⁴ Its handling of homicide cases may not have been great enough to shake the apparently remarkably low incidence of northern homicide.¹³⁵

The incidence of homicide does not show any notable changes, comprising a steady stream of between none and three cases a year, with the one exception of five cases in 1684. A five year average from the assizes shows a great degree of consistency over thirty five years. The thirteen extant infanticide cases are scattered evenly through the years covered by the assize records - if attitudes were relaxing in the area, and there is some evidence that they were, this did not manifest as a lower prosecution rate but only in verdicts.¹³⁶ Interestingly, this occurs at a time of population growth across Northumberland, especially in industrial regions. Newcastle itself doubled in population between 1666 and 1736, and Morpeth expanded by thirty percent over the same period, although some outlying populations of Northumberland may have shrunk slightly. However, the numbers are too small to read much into this, especially without being able to calculate a comparable result for the early eighteenth century, when at least half of this increase took place.¹³⁷

cases which reached the assizes have left extant records (for instance, Roger North's account of a Bedlam killer, see p. 80, has left no surviving information).

¹³⁴ G. Parker, "The wearing of the vizard", p. 780, places the emphasis on violent crimes, however, S. Ferguson, "Law and Order", p. 108, argues that it dwelt heavily on theft, and this appears more credible.

¹³⁵ Similarly, A. Macfarlane, The Justice and the Mare's Ale, Oxford: Oxford University Press, (1981), p. 186, finds very low levels of homicide accusations in late seventeenth-century Westmorland.

¹³⁶ See for example the 1728 judge's report, recorded in the State Papers Domestic, of Newcastle justices long-standing aversion to hanging for infanticide - PRO SP/36/9/4/7, cited by M. Gaskill, "The displacement of providence: policing and prosecution in seventeenth and eighteenth-century England", Continuity and Change, 11(3), (1996), p. 346

¹³⁷ P. Brassley, The Agricultural Economy of Northumberland and Durham, p. 20

ii) The participants in violence and their actions

Much of the homicide debate can be largely put to one side as no effort is being made in this thesis to analyse change over time - variations in record survival, if nothing else, preclude this. Quantification, however, remains important to gaining an overall picture of the realities of violence. Central to understanding violence is knowledge of the identity of the men and women who enacted and suffered it. The first basic division which can be made is by gender.

Table 4 - crime types and criminal gender breakdown¹³⁸

<i>Crime</i>	<i>Female criminals</i>	<i>Male criminals</i>	<i>Unknown</i>
Assault	137	795	
Threat	20	218	2
Homicide	8	69	
Infanticide	19	1	
Sexual crime		33	

Table 5 - crime types and victim gender breakdown¹³⁹

<i>Crime</i>	<i>Female victims</i>	<i>Male victims</i>	<i>Unknown</i>
Assault	173	519	3
Threat	48	159	
Homicide	12	54	1
Sexual crime	32		

Spierenburg argues that “in practically every historical setting, violent crime has been overwhelmingly a male enterprise”. Violent women were certainly in the minority, but the raw statistics alone - here counting criminals, rather than their crimes - demonstrate that female

¹³⁸ Those of unknown gender are members of the gypsy gang, the Faws, whose gender was not mentioned in testimony.

¹³⁹ Thirteen victims of infanticide have been excluded. Many of these are of unknown gender, and it is generally accepted that babies were generally killed to try to avert future problems for the mother, such that the infant's characteristics did not figure in determining its death. Unknowns in this context are children of the primary victim.

participation in violent actions was by no means insignificant.¹⁴⁰ Fourteen percent of violent criminals - 184 in 1302 - were female. Twenty seven percent of non-infant victims were female, and once the necessarily male crimes of rape and sexual assault (there being no legislation against female sexual abuse) are removed, less than a quarter of victims were female. Far from being typically the victims of violence, women were giving half as much violence as they got (discounting for the moment questions of severity).

Table 6 - gender participation in groups of criminals

	<i>Total</i>		<i>Male</i>		<i>Female</i>	
Alone	644	49.5%	553	49.6%	89	48.4%
2	230	17.7%	185	16.6%	45	24.5%
3-4	249	19.1%	228	20.4%	21	11.4%
5+	179	13.8%	150	13.4%	29	15.8%

Table 7 - gender distribution of groups among victims

	<i>Total</i>		<i>Male</i>		<i>Female</i>	
Alone	717	71.6%	514	70%	202	76.2%
2	212	21.1%	149	20.4%	60	22.6%
3-4	61	6.1%	58	7.9%	3	1.1%
5+	11	1.1%	11	1.5%	0	0%

The two tables above break down the presence of men and women amongst groups of criminals and victims, and their comparative frequency (percentages are based on the total number of that gender). A couple of things stand out. Women were just as likely to act alone, or in large groups, as men – they were not habitually hiding behind others. What they rarely did was act in small groups, instead acting in pairs, most of which were marital pairs.¹⁴¹

¹⁴⁰ P. Spierenburg, "Masculinity, violence and honour: an introduction", in ed. P. Spierenburg, *Men and Violence*, Ohio: Ohio State University, (1998), p. 1

¹⁴¹ This conclusion is contrary to that of C. Wiener, "Sex roles and crime in late Elizabethan Hertfordshire", *Journal of Social History*, 8, (1975), p. 42, which records a similar rate of male solo violence, but a lower rate of around a third for female independent violence. This suggests an increased degree of independence on the part of northern women.

Female victims were usually found alone or in pairs (again, often marital ones), and unlike men were very rarely attacked while in groups.

The profession of criminals and victims, and the relationship between these figures, is another area which can be usefully analysed statistically.

Table 8 - profession of criminals and victims where known

Profession	Criminals	Victims
Yeoman	198	129
Craft	105	61
Servant	32	59
Gentleman	57	49
Sailor	41	30
Trade	13	12
Military	27	11
Professional	11	10
Young	1	9
Unskilled	26	8
Industrial	4	7
Misc.	1	3
Unemployed	2	0

Table 9 - crosstabulation of profession of male criminals and victims¹⁴²

<i>CV</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>
1	18	3	3	22	3	1
2	1	4	2	7	2	7
3	1	0	4	2	5	6
4	9	4	2	65	10	10
5	2	4	6	18	34	12
6	8	4	1	10	7	24

1 – gentry

2 – high status trades clergy and professionals

3 – intermediate status trades

4 – yeomen

5 – low status trades

6 – labourers

This table can be analysed in terms of the “behavioural vectors” described by Greenshields. She equates “downward” violence with punishment, and “upward” violence with defence of rights or possessions. In her studies, violence tended to be “downward”, rather than against superiors or equals, unless it involved servants as representative of masters.¹⁴³ Local sources would tend to concur. Table 9 certainly demonstrates that violence towards inferiors was in almost every combination more common than violence by them. For instance, twenty-one non-gentlemen attacked gentlemen, and thirty-two gentlemen attacked those of lower status. This is interesting, and appears to be a dynamic opposite to that of theft.¹⁴⁴ We have already noted the scarcity of informations from the poorest sections of society, and the possible

¹⁴² In order to provide a picture based on relative status in society, this table has been constructed based on Weatherill’s “social status” listings, L. Weatherill, *Consumer Behaviour and Material Culture*, pp. 209-212. Women and those with unknown trades have been excluded, and numbers are also low because only cases where the status of both accuser and accused are known are included.

¹⁴³ M. Greenshields, *An Economy of Violence*, p. 154. See also a similar tabulation by J. R. Ruff, *Crime, Justice and Public Order*, p. 86, and T. Brennan, *Public Drinking and Popular Culture*, p. 38, with regard to the dynamics of tavern violence.

¹⁴⁴ R. A. H. Bennett, “Enforcing the Law”, p. 286 argues for a “yawning gap” in the social, cultural and economic standing of criminals and victims before the assizes, probably due to the preponderance of theft trials.

reasons for this. The lower classes are scarcely more evident in the ranks of criminals. This is probably because much of their violence was directed towards those of similar status.

This economic factor is probably also one reason why the industrial workers of the north east - the miners, keelmen and workers in the lime kilns, salt pans and so on - make surprisingly little impact upon the court record.¹⁴⁵ Parts of the region had a proto-industrial economy, with communities growing up around the coal industry and subsidiary industries that transported coal and fed on its by-products. The workforce of young men required was an important element of the employment pattern of the region. These men were also feared by those in power as an unstable force when acting together. The Jacobites hoped to reach Newcastle and turn the labouring men there into an army to sweep through England.¹⁴⁶ Ellis argues that "keelmen in particular were handled with the utmost care in order to avoid trouble whenever possible".¹⁴⁷ Miners, too, were a growing force of labouring men in areas, physically strong, distinctive in elements of their appearance and culture, and viewed as uncivilised by outsiders.¹⁴⁸

One might therefore expect to see them in prominence in the courts, but this is not in fact the case. In Whickham, Durham, miners appeared in court occasionally, but Wrightson and Levine note that they had no particular prominence either in general or amongst those groups

¹⁴⁵ NCC QSB 48/101b (warrant against Thomas Forster) involves a dispute between colliers which left the victim unable to work.

¹⁴⁶ L. Gooch, A Desperate Faction? Jacobites of North-East England, 1688-1774, Hull: University of Hull Press, (1995), p. 43. These fears proved unfounded.

¹⁴⁷ J. Ellis "A dynamic society: social relations in Newcastle 1600-1800", in ed. P. Clark, The Transformation of English Towns, London: Hutchinson, (1984), p. 216

¹⁴⁸ C. Ellison, A Most Pleasant Description of Benwel village in the county of Northumberland, Newcastle upon Tyne: John White, (1726), p. 102, compared miners to troglodytes and "common draught", concluding "pitmen were much better fed than taught". John Wesley considered that the colliers of Plessey, Northumberland, were "in the first rank of savage ignorance and wickedness of every kind"; K. Wrightson and D. Levine, The Making of an Industrial Society, Whickham 1560-1765, Oxford: Clarendon Press, (1991), p. 275

frequently in trouble.¹⁴⁹ They are not common in the quarter sessions record of Northumberland, and what appearances they make are generally connected to rights to work in different areas of the coalfield.¹⁵⁰

It is likely that financial disincentives were compounded by an acceptance of a level of violence as part of daily life, amongst all kinds of labouring workers. Certainly the higher figure for violence committed by unskilled labourers, as opposed to towards them, is indicative of this.¹⁵¹ Nonetheless, we might expect to find their bodies being the subject of coroners' enquiries. It is curious that there is a complete dearth of labourers and industrial workers from the records of homicide in contrast to, for instance, the industrial workers of Amsterdam.¹⁵² It may be that violence within these groups, being to some extent a commonplace, was nonetheless controlled and for the most part involved a low level of injury. A more concrete factor was probably the lower ownership and availability of weapons likely to cause severe damage, notably swords and guns.¹⁵³

What of the other men involved? There may be additional distorting reasons for the dearth of the lower classes, but violence was by no means solely their prerogative. By far the largest descriptive used is that of "yeoman". In the north east, yeoman was used at times not so much as a description of an occupation - although as context demonstrates, there certainly were many of these - but simply as a designation of status. The vast majority of those bound to the peace in Northumberland were listed as yeomen, but a reading of associated depositions shows that individual yeoman could in fact be many other things – craftsmen, miners or servants, or

¹⁴⁹ D. Levine and K. Wrightson, The Making of an Industrial Society p. 297.

¹⁵⁰ See below, p. 228

¹⁵¹ 19 known accused labourers and industrial workers, 8 victims.

¹⁵² P. Spierenburg, "Knife fighting and codes of honour in early modern Amsterdam", in ed. P. Spierenburg, Men and Violence, does not go into great detail concerning the status of his murderers, but his description of young men on the verge of respectability differs from the apparent status of northern criminals, p. 107

¹⁵³ See below, p. 59

even female.¹⁵⁴ Thus the preponderance of yeomen (especially where the only status data available is from recognisances) cannot be taken too literally; Shoemaker concludes that often in this context “the term yeoman ... appears to be meaningless”.¹⁵⁵ This flaw in the sources - together with the bias away from the violence of the poor - may be responsible for Wrightson and Levine’s postulation that assault in Whickham was primarily the behaviour of middling men in land disputes.¹⁵⁶ That said, the expansion of the coal industry into previously agricultural regions around Whickham is shown to have helped occasion disputes of this type. The region did have many men of whom the term yeoman - as a descriptive of profession, rather than status - could rightfully be applied, and they do appear in the courts in a range of primarily practical contexts.¹⁵⁷

The second largest category after the problematic yeoman is that of craftsman, a convenient heading under which a wide range of actual professions have been grouped for ease of reference. When it comes to a breakdown between individual professions, the numbers are too small to have a great deal of value, especially as there is no easy way to establish corresponding figures for wider society. This is one area in which close study of guild records can shed additional light.

¹⁵⁴ NCC QSB 48/101b (recognisance of Thomas Forster) terms a collier a yeoman, for instance.

¹⁵⁵ R. Shoemaker, “Using quarter sessions records as evidence for the study of crime and criminal justice”, Archives, 20, (1993), p. 151

¹⁵⁶ K. Wrightson and D. Levine, The Making of an Industrial Society, p. 297-8

¹⁵⁷ See below, pp. 230-238

Table 10 - violent craftsmen

<i>Profession</i>			
Butcher	20	Tanner	2
Smith	13	Badger	1
Miller	10	Baker	1
Tailor	10	Brickmaker	1
Shoemaker	7	Currier	1
Gardener	6	Hatter	1
Weaver	6	Maltster	1
Dyer	5	Mason	1
Carpenter	3	Pattonmaker	1
Glover	3	Saddler	1
Joiner	3	Sailmaker	1
Cooper	3	Shipwright	1
Glazier	2	Skinner	1
		Slater	1

The most interesting feature of this table is perhaps the prevalence of butchers. It is particularly important as it corresponds with both contemporary perceptions and later scholarship on a special propensity to violence on the part of butchers. Butchers, it has been argued, were by the regular exposure to blood and force, inured to violence to an unusually large degree.¹⁵⁸ According to this theory it is therefore hardly surprising that they frequently appeared in the courts. It is an extension, in effect, of the theory that violence in the surroundings of all early modern men, in terms of sports, punishment, correction, and so on, increased their propensity to violence.¹⁵⁹ Underdown traces the illegal and frequently violent activities of a family of butchers in seventeenth-century Dorchester. He concludes that "it may be that the nature of that occupation - the familiarity it engendered with blood, violence and the physical - made its members particularly hostile to puritan discipline".¹⁶⁰ This idea is not

¹⁵⁸ D. Underdown, *Fire from Heaven: Life in an English Town in the Seventeenth Century*, London: Harper Collins, (1992), p. 163

¹⁵⁹ See below, pp. 96 and following.

new - John Brand wrote in 1777 of metal spurs for cock fighting, invented by butchers, describing them as “an invention highly worthy of men that delight in blood.”¹⁶¹

Certainly regional studies such as Underdown’s have lent credence to the idea that butchers were particularly difficult to control. Brenchley identifies three families which were thorns in the side of the Berwick law enforcers over the course of the eighteenth century, frequently assaulting their neighbours and fighting amongst themselves; all three were based on dynasties of butchers.¹⁶² The first generation of one of these families is apparent in the pre-1720 sources. In April 1705, William Suddis was fined for an assault and wounding, an activity he and his son and grandson were to continue for decades to come.¹⁶³ He was not a lone precursor to a more violent age - Thomas Clerk also appeared before the courts for assaulting a pair of apprentices to another butcher.¹⁶⁴

In fact, all the major population centres of the north east - most notably North Shields and Hexham, but also Morpeth, Alnwick, Berwick and Durham - received informations of violence

¹⁶⁰ D. Underdown, Fire from Heaven, pp. 163-164. He describes one family member as a “sort of godfather to the unruly and unregenerate of Dorchester”

¹⁶¹ J. Brand, Observations of Popular Antiquities, Newcastle upon Tyne: J. Johnson, (1777), p. 379

¹⁶² D. Brenchley, A Place by Itself, pp. 210-212, 257. He does not comment upon the significance of this clustering. Butchers might display notable criminality in other respects. Both Dorchester and Berwick saw butchers behaving in other disorderly ways. G. Morgan and P. Rushton note that in the eighteenth-century north east there is some evidence also that butchers became heavily involved in livestock theft and receivership - Rogues Thieves and the Rule of Law, p. 85. E. Hughes, North Country Life in the Eighteenth Century, London: Oxford University Press, (1952), p. xv, gives an example of a butcher/receiver of county Durham in 1670. This is logical given the area’s ties with cattle theft and the need to dispose of the goods, and may have encouraged butchers into mental association with criminality which made light of violence.

¹⁶³ BER C8/1. BER C15/1 unnumbered (information of Joseph Simpson, 1714) accuses a William Suddis, burgess - likely the same man - of aggression against the local military force.

¹⁶⁴ BER C 15/1 unnumbered (information of James Young, 1715)

from their butchers in the early eighteenth century.¹⁶⁵ The largest group of course would have been that of Newcastle itself, which boasted a Flesh Market frequented by the populations of Tyneside and south Northumberland as well as the town itself.¹⁶⁶ Whilst the lack of quarter sessions records hampers study, the guild records provide some insight.¹⁶⁷ Its minute book did not record the causes for fines except in the case of apprentices, whose service history was noted alongside their initial entry. This allows us to view the behaviour of the junior members of the guild, and whilst there is a reasonable amount of complaint about staying out drinking, complaints of abuse are rare, and violence very infrequent – or else ignored.¹⁶⁸ That said, a significant number of Newcastle butchers - one every few years - have their names crossed from the book “for conviction of felony”. This was probably for livestock theft or receivership; theirs was not a community respectful of the law.¹⁶⁹

That court records only provide a viable picture of craft-related violence when used in conjunction with guild records is also revealed when we turn to joiners.¹⁷⁰ Despite their low showing in the table above, detailed guild records demonstrate that this was not due to passivity, since they illustrate several aspects of professional antagonism and violence. In a group whose largely static membership ranged in the thirties and forties in the 1670’s, over thirty individuals were involved in accusations of insult, or, less frequently but not rarely, assault. There were not two clearly defined sides to this conflict, but rather a complex network, with certain members being particularly frequently culpable, but no-one appearing simply as a victim. Woodward picks the example of Henry Wallas, a repeat offender, and points to his troubled apprenticeship and “disturbed upbringing” as a possible factor in his

¹⁶⁵ For example, see the Morpeth fight between two butchers NCC QSB 49/97b (information of Bartholomew Marr)

¹⁶⁶ W. Gray, Chorographia, or a survey of Newcastle upon Tyne, Newcastle upon Tyne: Graham, (1649), p. 68

¹⁶⁷ Butchers do occasionally turn up in the Newcastle quarter sessions order books - for example two were ordered to keep the peace to one another in February 1650 - but not with evident frequency. TWAS QS/NC/1/1

¹⁶⁸ TWAS GU/BU/1

¹⁶⁹ Ibid.

turbulence. However, his actions were by no means exceptional even within his own guild, and others had no such excuse.¹⁷¹

Ferguson argues (predominantly in relation to theft cases, rather than assault) that border gentlemen rarely involved themselves in crime following the union of the crowns. She believes that most were prosperous with no need to take such risks and in any case, most English border gentry aspired to a place on the justices' bench.¹⁷² However, in practice a significant number of incidents were at the hands of those styled gentlemen. It may be that this status was more likely to be noted than a lesser one, so few of the "unknowns" are likely to be gentlemen, but nonetheless they make up at least four and a half percent of criminals. Possibly, the withdrawal of gentry from the fields of combat came somewhat late to the north east. Brenchley notes that whilst gentry and substantial merchants played a role in assaults in the first quarter of the eighteenth century, they were absent by the end of it, dealing with quarrels more privately.¹⁷³

It is very hard to say how much resistance there was to the various institutions which comprised authority, as represented by the justices and their constables, the sheriffs and their bailiffs, and the multitude of men working for the regulatory bodies of church and state.¹⁷⁴ Incidents regularly appear before the courts concerning resistance to arrest, taxation, and other governmental actions - in fact, these areas combined make up around ten percent of total

¹⁷⁰ TWAS GU/JO/2/2, GU/JO/2/3

¹⁷¹ D. Woodward, Men at Work: Labourers and Building Craftsmen in the Towns of Northern England 1450-1750, Cambridge: Cambridge University Press, (1995), p. 80

¹⁷² S. Ferguson, "Law and Order", p. 461. Similarly, J. Sundin "For God, state and people: crime and local justice in pre-industrial Sweden", in eds E. A. Johnson and E. H. Monkkonen, The Civilization of Crime, p. 182, notes a withdrawal of gentry from the fields of combat in the seventeenth century.

¹⁷³ D. Brenchley, A Place by Itself, pp. 209-210

¹⁷⁴ Not a great deal of work has been done on anti-official dispute except where it took the form of large scale rioting, although see M. J. Braddick, Parliamentary Taxation in Seventeenth-Century England: Local Administration and Response, Suffolk: Royal Historical Society, (1994), *passim.*, with regard to anti-taxation violence.

assaults, a significant proportion.¹⁷⁵ Of course, it is possible some officials were not designated as such in the depositions, but most victims made a point of stressing their duties, and equally those attacked by officials often stress the fact. In Berwick alone, the 1690's saw one accusation made by an official each year.¹⁷⁶ In part, however, this is a reflection of reportage, and the increased likelihood of officials reporting resistance, both because they were familiar with the legal structure and because such resistance impinged upon their ability to do their job.¹⁷⁷ Probably not all such assaults were reported, and other accounts will have been lost over the years, but the figure is likely to be higher than for other types of violence.

Arrest, goods impoundment and impressment could each be an official reaction to a civil or criminal offence, and it is not always clear whether disputed goods were being impounded for debt or for taxation purposes. Given this intertwining of different categories of disputed action, there is only limited value in dividing further the reactions encountered and strategies used. However, since all officials had a reason to report violence against them, the proportions at least of the following table have more chance of being internally consistent than is true of a more disparate collection of assaults.

¹⁷⁵ 92 in 935; where context is known, 92 in 586, or 15.7%. This figure is comparable to J. Sharpe's calculation of 14% of victims of assaults tried at Essex quarter sessions; Crime in Seventeenth-Century England, p. 122.

¹⁷⁶ BER C8/1

¹⁷⁷ See J. R. Kent, The English Village Constable 1580-1642 - a Social and Administrative Study, Oxford: Clarendon Press, (1986), pp. 225-233 on the pressures upon constables to perform their jobs properly, and potential penalties for failure.

Table 11 - contexts of violence involving authority figures

<i>Problem</i>	<i>Against authority</i>	<i>By authority</i>
Arrest	37	3
Money/goods	22	3
Other	15	3
Impressment	7	8
Customs	5	1
Military	1	1
Unknown	5	5

Table 12 - legal official criminals and victims

<i>Office</i>	<i>Victims</i>	<i>Criminals</i>
Bailiff	35	5
Constable	28	9
Customs officer	11	4
Tax collector	6	
Salt office	4	
High constable	4	3
Press master	2	
JP	2	1
Overseer of poor	2	
Highways surveyor	2	
Church warden	1	
Borough sergeant	1	
River authority	1	
Militia trooper	1	
Sentry	1	
Gaoler		1
Unclear	2	
Total	103	23

Officials were not always the innocent victims, of course. Bennett shows that in Civil War Yorkshire, in spite of regular assaults on legal officers, when it came to the (more easily calculable) crime of homicide, legal officials were more likely to be defendants than victims.¹⁷⁸ This was also true in Northumberland, although the single homicide by a legal official is hardly suggestive of a fist-happy policing force - the victim's death, resulting from a badly-treated

¹⁷⁸ R. A H. Bennett, "Enforcing the Law", pp. 192-193

broken leg, did not occur until months after the event.¹⁷⁹ In any event, in this context homicides present a skewed picture of the reality of violence, as is shown by a count of cases of assault and threat. Only 2.6% of cases were accusations of assault by officials in the course of their work.¹⁸⁰

It seems that the north east's officials were in fact not a very violent group, especially when the hundreds of constables who carried out their often difficult tasks each year without raising complaint are considered. They were not, however, spotless citizens, and this makes the scarcity of accusations of abuse of power all the more remarkable. Constables were not of much greater status than those they tried to arrest - Sharpe calls them "small property owners of middling fortunes", who themselves sometimes had criminal records for offences unrelated to their office.¹⁸¹ Butcher William Suddis for instance, mentioned above as the founding father of generations of law-breakers, was made constable three years after his own first court appearance for assault.¹⁸² Yet no north eastern constable is known to have demonstrated the "glaring chronic" delinquency attributed by Sharpe to a few Essex constables.

Some acknowledgement, however, should be made of those individuals who were indeed accused in the course of their duties. Constables and the like were entitled to use limited force within certain aspects of their work, and it is possible that some of the accusations of violence from legal officials should be read as an attempt to maliciously portray this force as

¹⁷⁹ PRO ASSI 45/13/1/60 (information of William Robson), 61 (information of Thomas Chat), 13/2/114 (information of John Newham). ASSI 47/20/1 (petition of Samuel Kell) states that poor doctoring of a leg broken during a struggle over the impounding of straying sheep caused the death. Depositions detail no homicides of legal officials. However it did occur, albeit rarely enough to be noteworthy - Jacob Bee wrote on December 2nd, 1685, "John Mackarty was slain at Stranton, being a bailiff". ed. J. Hodgson, "The diary of Jacob Bee of Durham", *Surtees Society*, 118 (1910)/"Jacob Bee's chronicle", 124, (1914), p. 114

¹⁸⁰ 24/935; of cases with contextual detail, 24/586, or 4.1%

¹⁸¹ J. Sharpe, "Crime and delinquency in an Essex parish 1600-1640", in ed. J. Cockburn, *Crime in England 1500-1800*, London: Methuen, (1977), p. 95. Although R. A. H. Bennett conversely argues that constables were usually from the middling or elite parts of society, unlike most criminals, and that there was an increasing "gulf" between them - "Enforcing the Law", pp. 318

¹⁸² BER C8/1, April 1705, 1708.

unnecessary.¹⁸³ Given this possibility, it is perhaps odd that no more men were accused, especially as Justice Tew in the 1750's seems to have taken accusations against officials especially seriously.¹⁸⁴ Interestingly, in parts of France in the same era, even at the level of assault, officials were giving as much violence as they received.¹⁸⁵ Some part of the difference may be legislative - after 1715, the Riot Act provided protection for those involved in suppressing certain crowds- but these circumstances only apply in a minority of cases.¹⁸⁶ Other factors must also have been involved.

Violent women are far from insignificant, in numerical or percentile terms. Eleven and a half percent of assaulters (including cases of threat only) were female, compared to the twenty five percent in Walker's quarter sessions recognisances of 1660's Cheshire (although Walker skews the comparison by including scolding).¹⁸⁷ Part of this difference may stem from the fact that Table 2.1.2 includes assaults prosecuted at assizes, most of which are either for highway robbery or the assault of officials, and such crimes tended to involve men. In Sharpe's work on Essex 1620-80, only eight percent of those accused of assault at quarter sessions were female, and at the assizes for the same period six percent of assaulters were female.¹⁸⁸

This raises an interesting question about geographical difference, suggesting either that northern women were more prone to violence than their southern counterparts, or that they were more liable to be prosecuted for this. We do not know of any campaign of morals against

¹⁸³ See p. 102

¹⁸⁴ G. Morgan and P. Rushton, "The Justicing Notebook", p. 17

¹⁸⁵ M. Greenshields, An Economy of Violence, p. 161

¹⁸⁶ N. Rogers, Whigs and Cities: Popular Politics in the Age of Walpole and Pitt, Oxford: Clarendon Press, (1989), pp. 29-30. In fact, there is no categorical instance of the local use of the Riot Act in the period, although a few incidents were of the type to which it could feasibly have been applied.

¹⁸⁷ G. Walker, "Crime, Gender and the Social Order", p. 57; note this is not necessarily comparing like with like, as gender balance varies between different court records, for instance Walker's indictments for the same period are 90% male. See also J. Sharpe, Crime in Seventeenth-Century England, p. 117 - eight percent of recognisances for assault in Essex 1620-1680 were against women

unruly women prosecuted in the area. The decision to prosecute, then, was a sufficiently personal one that it seems likely that it reflects actual patterns of violent behaviour to some extent.

Female participation increases by one percent if allegations of threat are excluded (threat was technically assault in the seventeenth century, but it has been convenient to be able to separate the two).¹⁸⁹ Either women rarely made threats, or any threats they made were rarely taken seriously enough to warrant judicial attention. If a woman wanted to make her point known by forceful means, then, a threat would have to be very strongly made, or made in conjunction with men, to be meaningful.

So who were these women? Generally, less is forthcoming about them than about men, as marital status is often the sole identifier used. Very few female criminals had designated professions of their own, apart from a handful of servants. It is likely that in other cases profession was simply not seen as an important factor.

Table 13 - marital status of female criminals

<i>Marital Status</i>	<i>Female criminals</i>
Unknown	38
Married	79
Spinster	33
Widow	8
Married?	2

¹⁸⁸ J. Sharpe, *Crime in Seventeenth-Century England*, p. 117- 118

¹⁸⁹ 111/894, compared to 128/1125

Table 14 - profession of husband of married female criminals

<i>Profession of the husbands of female criminals</i>	<i>Female criminals</i>
Unknown	51
Sailor	7
Yeoman	7
Craft	6
Professional	3
Official	2
Burgess	1
Gentleman	1
Military	1

The mythology and reality of female violence is worth further discussion at this point. Seventeenth-century pamphlets illustrated the common archetypes of female violence in the early modern period - the scold, the secretive poisoner of her husband, the infanticidal mother, users of secret weapons and the weapons of the powerless, most notably their tongues. Where women were allowed agency in this literature as physically violent, it was as crazed axe-wielding murderesses, completely unnatural in their destruction of their own homes.¹⁹⁰

Until very recently, historians' conceptualisation of early modern female violence has followed similar lines. Where female crime has been considered at all (rather than being sidelined by an entirely statistical approach) certain types of crime, in which women predominated statistically, have been categorised as "female crime" and studied as such, thus highlighting women as domestic poisoners, scolds and defamers, and infanticidal mothers.¹⁹¹ There has even been tendency to label violent women in sensationalist terms without equally labelling men.¹⁹²

¹⁹⁰ See for example F. E. Dolan, "'Home rebels and house traitors': murderous wives in early modern England", *Journal of Law and the Humanities*, 4(1), (1992).

¹⁹¹ See J. Kermode and G. Walker, "Introduction", in eds J. Kermode and G. Walker, *Women, Crime and the Courts in Early Modern England*, London: University College London Press, (1994), passim, for a critique of previous approaches to female criminality; also G. Walker, "Crime Gender and the Social Order", pp. 7-10.

¹⁹² For example F. McLynn, *Crime and Punishment in Eighteenth-Century England*, London: Routledge, (1989), p. 117, says that whilst there were a few female instances of "psychopathic brutality", most female homicide was domestic, thus allowing no other interpretation for non-domestic female aggression.

It is not that historians have been completely selective in their study of feminine violence, although the focus on specifically 'female' crime does tend to marginalise feminine agency in other spheres. Rather, it is partly a result of concentration upon homicide cases and a dearth of studies of lesser crimes heard at quarter sessions. Consideration of the north eastern assizes cases alone would in fact seem to confirm the standard pattern. Here, certainly, female violent action is generally contained within the domestic sphere, and involves infanticide or poisoning. There are nineteen women (and only one man) accused in extant informations of infanticide. Otherwise, ten women were alleged to have been involved in a homicide.¹⁹³ Three were poisoners, and five played a role – and in some cases a relatively passive role – in a group activity with several men. Only two acted alone and with force – one of these against her own small child, the other against another woman. No male homicidal poisonings reached the assizes. Therefore, infanticide and poisoning were distinctively female forms of homicide, and conversely the individual lethal attack was not.

The assize courts, however, provide an unbalanced picture of women as users of violence, leading to distortion in some historians' construction of feminine aggression.¹⁹⁴ A very different picture emerges when female assault is included. Violent women were in a minority compared to their male counterparts. This means that their actions can be marginalised if analysed together with male behaviours, and it can be more useful to view them on their own terms.¹⁹⁵ At the same time, it is important to remember that it is misleading to completely isolate these women from male behaviour patterns, since these were often interlinked.¹⁹⁶

¹⁹³ Out of eighty individuals accused of homicide.

¹⁹⁴ For example F. McLynn, Crime and Punishment, pp. 116-120; N. E. H Hull, Female Felons: Women and Serious Crime in Colonial Massachusetts, Urbana: University of Illinois Press, (1987), pp. 46-48. Students of many assize courts are further handicapped by the lack of contextual detail – as J. Beattie notes, indictments leave no clue as to whether feminine assaults were generally less aggressive than male – “The Criminality of Women in Eighteenth-Century England”, Journal of Social History, 8, (1975), p. 80

¹⁹⁵ J. Kermode and G. Walker, “Introduction”, p. 4

¹⁹⁶ See below, pp. 294-297

Use of quarter sessions depositions challenges archetypal representations by bringing violent women out from the kitchen and into the streets and fields of their neighbourhoods. Here it is plain that female violence was not characteristically underhand, and no more domestic in scope than male violence, despite the truism that women's lifestyles gave them a smaller range of contacts with the outside world than men's. Many women were strong enough to do real damage. Many were involved in moderately heavy farming work, and a few in heavy industrial labour - they were not fainting damsels, and in any case early modern medicine would not always have prevented comparatively mild assaults from resulting in death.¹⁹⁷

Significant numbers of north eastern women, then, were using physical force, alone and in groups, against women and men. They were going against traditionally prescribed codes of behaviour, and not necessarily being judged as mad or wild, even where they were taken to court. Like the Sunderland woman who in the mid-eighteenth century successfully defended John Wesley from a mud-flinging crowd, simply by putting her arm around him and saying "she would floor directly any who ventured to touch her canny man", they were not afraid to use the strength of their bodies to get things done.¹⁹⁸

This is especially interesting given that the north east is an area in which contemporary images of criminality were predominantly masculine, focusing on the rioting of the keelmen in the urban areas, and memories of the reiving past in the hinterlands.¹⁹⁹ Unlike men, local women did not have a past model of disorder to look back to. Meikle has studied the women of the sixteenth-century borders, and considers that "though border violence was not gender specific

¹⁹⁷ See D. Woodward, Men at Work, pp.108-112 for evidence of women involved in industrial labour in the north.

¹⁹⁸ F. F. Bretherton, "John Wesley's visits to Sunderland", Antiquities of Sunderland - Sunderland's History, 20, (1932-43). Bretherton attributes the incident to Sunderland, 1743, whilst noting that others attribute it to Newcastle.

¹⁹⁹ For the reivers, G. Fraser, The Border Reivers, London: Hale, (1974). For rioting keelmen, see J. Ellis, "A dynamic society", pp. 209, 212; and for the continuation of the problem into the eighteenth century, J. Ellis, "Urban conflict and popular violence: the guildhall riots of 1740 in Newcastle upon Tyne", International Review of Social History, 25(3), (1980). See also below, p. 311

... trouble was mostly instigated by men ... there were definitely no Calamity Janes on this frontier”.²⁰⁰

Table 15 - weapon use and gender

<i>Weapon type</i>	<i>female use</i>	<i>male use</i>	<i>total</i>
Unknown	70	381	451
Body	49	294	343
Staff	4	108	112
Tool	8	83	91
Sword	1	63	64
Gun	1	54	55
Blunt		24	24
Knife etc.	1	23	24
Other	13	11	24
Riding tool		24	24
Stone	4	20	24
Fall		8	8
Poison	3	3	6
Drowning	1	2	3
Horse		3	3

Macfarlane argues that the carrying of weaponry was rare, and remarked upon, in seventeenth-century Cumbria.²⁰¹ This is supported by inventory evidence. For instance, in Darlington in the early seventeenth century, around a quarter of testators owned some form of weapon, but these often seem to have been “no more than inherited clutter”. The only testators with significant weaponry were a gentleman, a town bailiff, and a man of likely military background.²⁰² It should be noted that several of the gun ‘homicides’ which the coroner heard

²⁰⁰ M. M. Meikle, “Victims, viragos and vamps: women of the sixteenth century Anglo-Scottish frontier”, in eds J. C. Appleby and P. Dalton, *Government, Religion and Society in North East England, 1000-1700*, Stroud: Sutton, (1997), p. 173. Whilst in this article Meikle outlines various roles women played in society, none of these involved personal or even indirect use of violence by women.

²⁰¹ A. Macfarlane, *The Justice and the Mayor’s Ale.*, p. 190

²⁰² Ibid. , p. 191. J. Atkinson et al, “Darlington wills and inventories, 1600-25”, *Surtees Society*, 201 (1993), pp. 20-1 (14 in 58 testators; 7 of these owned firearms).

were probably accidental, especially in the Durham records where these seem to have been kept with true homicide investigations.²⁰³

Whether they had an alternative or not, both men and women fought predominantly using their own bodies. This is especially clear since it is likely most 'unknown' cases also fall into this category (as a weapon would probably have been mentioned if it figured significantly in events). Women were more likely than men to use their body alone, ranging from thirty seven to seventy three percent (depending on the truth behind those 'unknowns'). This can be compared to a male rate of eighteen to forty nine percent. When it comes to the actual actions performed, it is often hard to be sure what was going on - one woman was said to punch with her foot, for instance - but fighting techniques do not appear to be gender specific.²⁰⁴ Men scratched and pulled off wigs and women punched and kicked, and vice versa.²⁰⁵ However, male and female patterns of weapon usage were notably different.

A range of alternative weapons were available, particularly to men. With the exception of poison, the increased use of the body by women was balanced by a commensurate lower use of other weapons. Firearms, cudgels, knives, riding equipment and staffs were rare in female hands (even though the latter was often merely a walking aid appropriated for violent means). The sword was distinctively male and predominantly the preserve of the better off. Although Roger North reported in 1676 that all the tenant farmers in the highlands of eastern Northumberland carried broadswords to travel, by court evidence they do not seem to have used them a great deal, or else he was underplaying their status.²⁰⁶

²⁰³ PRO DURH 17/1 unnumbered (information of Thomas Scot), and DUR H 17/1 unnumbered (information of Giles Hall), are both accidental shootings by boys, one hunting for birds, the other playing a game; PRO DURH 17/1 unnumbered (information of Mary Hutchinson) also seems to have been an accident.

²⁰⁴ NCC QSB 34/41a (information of Margaret Watson)

²⁰⁵ G. Walker, "Crime Gender and the Social Order", p. 64, concurs in this, whilst wondering whether a term like "strike" could have a range of meanings which obscure gendered differences in violent action.

²⁰⁶ R. North, The Life of Francis North, p. 180. J. Sharpe, Crime in Seventeenth-Century England, p. 129, finds class bias remarkably rare amongst sword homicides. For further discussion of sword wearing, see pp. 173 and 273

More common was the improvised use of household implements. Staffs and knives were common implements, and most locations contained tools well suited to assault. Men frequently took up the tools of their trade, and both sexes reached for dishes and cups - drinking vessels unsurprisingly proved a common feature of spontaneous alehouse brawls.²⁰⁷ Women in particular rarely seem to have carried anything potentially offensive around; rather, they reached for whatever was to hand. This could mean tools - and could be highly threatening, as with the woman who went searching for her intended victim with a hammer in her hand.²⁰⁸ They also reached for their shoes, for stones and mud, food, and in one slightly comical incident between a pair of fisherman's wives, fish from a nearby market stall.²⁰⁹

So, whilst few people carried around weapons which were specifically designed as such, it was not difficult for the violently inclined to find weaponry if they wished it. A few men had access to swords and guns, even if they had to borrow them. Most hit out with their fists, having not the time, the opportunity, or the desire to find an alternative.

Sharpe has considered the prevalence of homicide within the family. His figures for late sixteenth and seventeenth-century Essex are that fourteen percent of indicted homicides were between family members, and a further ten percent involved household members, servants and apprentices.²¹⁰ These figures are rather higher than those of the north eastern depositions, in which fifteen percent - ten in sixty eight, one of which is notably suspect - involve household members including servants. There is no obvious source of bias which would give this effect. Equally, if there was indeed a lower rate of homicide, it is unclear why this should be the case.

The following table lists the attacker's relationship to his or her victim, where this relationship was intimate.

²⁰⁷ PRO ASSI 45/9/2/59, for instance. The records of Newcastle's joiners guild also show the frequent real or threatened violence using a quart pot - TWAS GU/JO/2/2, e.g. 25/10/1672, 16/4/1673, 6/8/1678

²⁰⁸ NCC QSB 49/49a (information of Grace Thompson)

²⁰⁹ BER C15/1 unnumbered (information of Margaret Wilson)

²¹⁰ J. Sharpe, "Domestic Homicide in Early Modern England", *Historical Journal*, 24(1), (1981), p. 34

Table 16 - intra-household violence

Relationship	Total	Assault	Homicide	Infanticide	Sexual crime	Threat
Marital partner	17	13	2			2
Parent	21	1	2	18		
Child	3	2			1	
Sibling	3	3				
Other blood relation	2	1	1			
Other intimate	3	1	2			
In-law	5	3				2
Probable relation	4	3	1			
Master/mistress	15	11	2		1	1
Other household	11	5			5	1
Servant	1	1				

There are currently no other studies which give comparable figures for assault within the family. It is generally considered unprofitable to quantify since, for example in the case of wife-beating, it is likely that very many instances occurred unchallenged.²¹¹ Whilst the table above provides an interesting summary, material relating to these assaults is better used qualitatively.

Domestic homicide figures have been used as “*prime facie* evidence that the role of women in crime, as in other social activities, was a limited and restricted one”.²¹² There is not enough evidence of homicide in the north east to compare and, as we have seen, homicides tell only part of the story, but with regard to violent crime in general this does not seem to be the case. Only twelve and a half percent of family violence was female, compared to ten percent of violence overall. Excluding infanticide, both men and women committed around three and a half percent of their violence against family members and a further two and a half percent against other household members.²¹³

²¹¹ See for example M. Hunt, “Wife beating, domesticity and women’s independence in eighteenth-century London”, *Gender and History*, 4(1), (1992), p. 13

²¹² J. Sharpe, “Domestic homicide”, p. 36. Here, 42% of domestic homicide is female, but only 14% of homicides in general.

²¹³ Family: 28 men - 3.6%, 4 women - 3.3%. Household: 18 men - 2.3%, 3 women - 2.5%

Note that these figures exclude infanticide, which if treated as a domestic crime does indeed significantly tip female violence towards the home.²¹⁴ However, though the relationship was a blood tie, there are reasons to deal with infanticide separately. Though the bond was intimate, it was not one of the contemporary family – the very lack of family stability was usually the spur to violence.

Beyond family designations, it is frequently difficult to tell whether criminal and victim were neighbours, or otherwise shared a history. Only a minority appear to have been chance strangers. For cases where the home parish of all participants is known, in around ninety percent of accusations they lived in the same parish. Given that strangers would be unlikely to be given lenient treatment in the form of grudging acceptance or arbitration, there must have been a genuine trend away from violence by strangers.

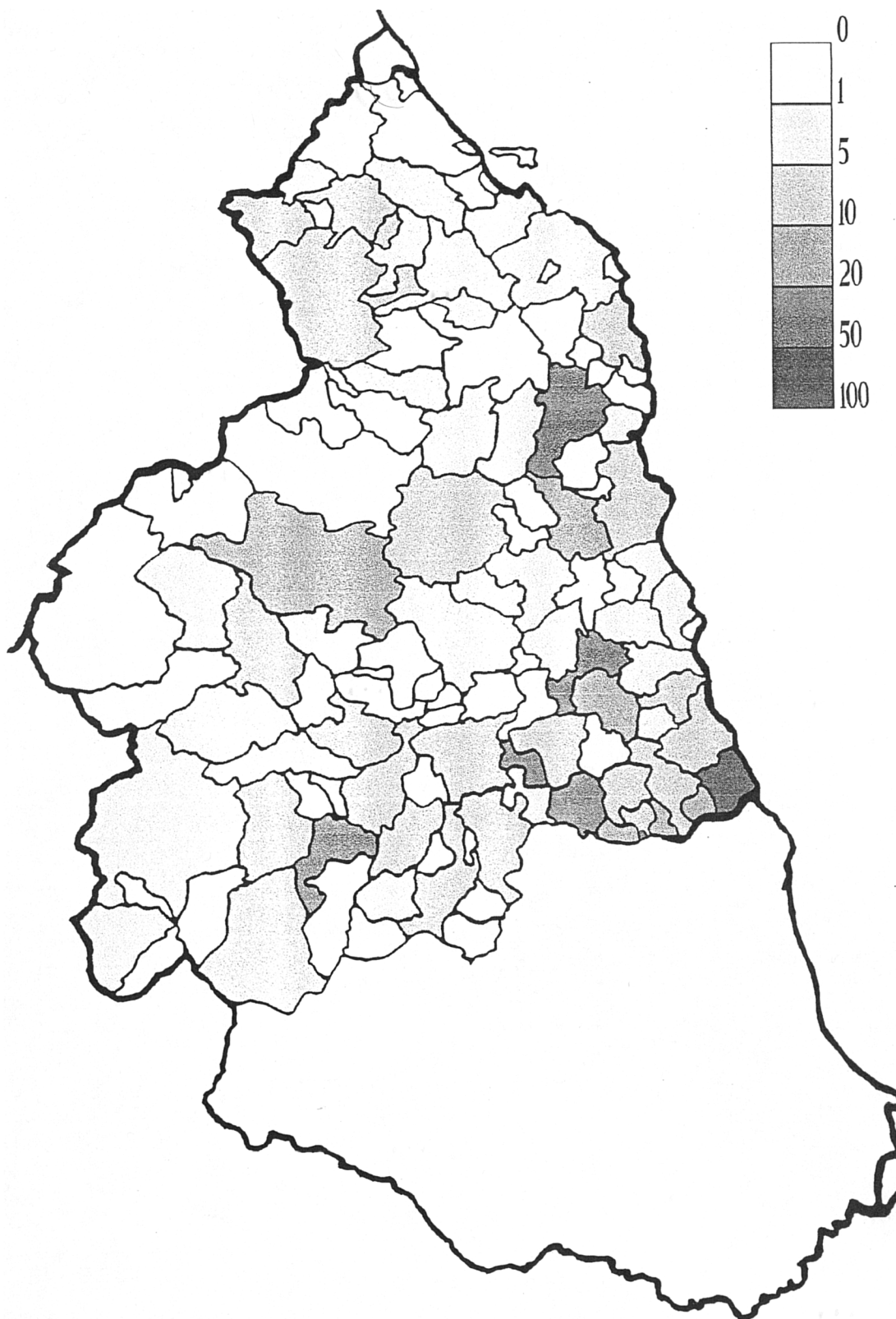
The map and table below show the number of incidents reported in each of Northumberland's parishes to the Northumberland quarter sessions or assizes courts (including those areas of Newcastle's parishes outside its walls and thus within Northumberland's jurisdiction, but excluding the jurisdiction of Newcastle corporation).

Accusations were distributed amongst the parishes of Northumberland as follows:

- 1 Alwinton, Birtley, Bolam, Bywell St Andrew, Eglingham, Guizance, Hebburn, Howick, Ilderton, Kirkheaton, Kirkwhelpington, Lucker, Newbiggin, Newbrough, Shilbottle, Warden, Whitfield
- 2 Belford, Bothal, Chatton, Cornhill, Cramlington, Doddington, Edlingham, Ingram, Lesbury, Longhorsley, Slaley, Thorneyburn, Whittingham, Widdrington
- 3 Bedlington, Chillingham, Corsenside, Hartburn, Knaresdale, Netherwitton

Figure 2 - geographical spread of Northumberland accusations

²¹⁴ Infanticide makes up 15.7% of known-cause female crime, and only 0.1% of male. Also excluded, but in some cases relevant, are crimes of passion such as killing the wife of one's lover.



- 4 Heddon on the Wall, Simonburn
- 5 Bamburgh, Haltwhistle, Lowick, Mitford, Wark, Woodhorn
- 6 Allendale, Bellingham, Carham, Earsdon, Haydon Bridge,
Horton, Longbenton, Stamfordham
- 7 Corbridge, Ford, Gosforth
- 8 Chollerton, Embleton, Warkworth
- 9 Bywell St Peter, Ovingham, Rothbury, Wooler
- 10 Kirknewton, Newcastle St Andrew, Ponteland, St John Lee
- 11 Wallsend
- 12 Elsdon, Newcastle All Saints, Newcastle St John
- 13 Stannington
- 16 Felton
- 23 Newburn
- 26 Hexham
- 29 Newcastle St Nicholas
- 31 Alnwick
- 41 Morpeth
- 91 Tynemouth

Accusations seem spread across the whole county, clustering in the larger centres of population such as Morpeth, Alnwick and Hexham. Tynemouth saw a large number of

accusations, and most of these relate either to soldiers at the Tynemouth barracks or, more often, to the populous proto-industrial area of North Shields.²¹⁵ The dearth of reports from the wild highlands of Northumberland is interesting given their reputation for lawlessness, but may well be due to a paucity of local law enforcement, and the involvement of the border commission in the seventeenth century.

One significant anomaly in the distribution of violence in the area is a particular concentration of female offenders in and around the North Shields region. Whilst still only a small figure in absolute terms, Tyneside women formed a large proportion of violent women. This is not true of the mass community actions, which tended to occur in rural villages, but is notable with regard to incidents of individual violence and violence alongside with husbands. Overall, around eight percent of reported violent crime was from Tynemouth parish. Yet nearly a third women of who were independently violent were from Tynemouth, including the perpetrators of most of the most dramatic incidents, as were significant numbers of those acting with husbands, amounting to more than twice as many incidents involving female aggression as any other parish.

The question arises whether this pattern is representative of actuality or merely the concerns of locals and justices. It is, of course, not possible to be completely certain of the answer, but local bias does not seem to be the whole answer. There is not a common magistrate involved in the cases; this is not a mark of a personal crusade. Whilst it may be true that the population of North Shields was particularly concerned with trying to keep women under control, it is likely that this was because there was a genuine problem in the urban region.

North Shields was by no means unusual as an urban area in attracting female criminality. Landau studies the records ten Kent justices made of their own activities in the late seventeenth and early eighteenth centuries and notes that rural justices were less likely than urban ones to deal with women. She argues that as urban areas were less of a community, there were fewer methods of control and fewer possible mediators of dispute than in rural

²¹⁵ C. M. Fraser and K. Emsley, *Tyneside*, Newton Abbot: David Charles, (1973), p. 42, estimate that North Shields had a population of between 115 and 190 households in 1665, making it the next largest settlement on northern Tyneside after Newcastle itself.

areas.²¹⁶ Another study showed that eighty three percent of female violence in eighteenth-century Surrey was urban, compared with sixty eight percent of men's.²¹⁷ Ingram notes that urban areas tended to produce more prosecutions for scolding.²¹⁸

Urban areas in general gave greater opportunities for women to live independently of men by choice, or forced others to do so, and left many more women working outside the home.²¹⁹ Beattie emphasises that the roles performed by urban women more often involved contact with the wider community than the household-based tasks of the rural housewife.²²⁰ Certain features of the Shields area may have exacerbated the trend. Mariners in particular were often away from home, leaving women with varied responsibilities. The area was also not a rich one. Keelmen and pitmen did not work a full year and mariners' fortunes were heavily dependent upon weather conditions. National politics and local regulations also occasionally combined to cause food shortages and other hardships which may have increased the significance of small matters.²²¹

²¹⁶ N. Landau, The Justices of the Peace, 1679-1760, Berkeley: University of California Press, (1984), pp. 196-198

²¹⁷ J. M. Beattie, "The criminality of women", p. 96

²¹⁸ M. Ingram, "Scolding women, cuckold or washed", p. 56. This divide stretches beyond interpersonal crime. In seventeenth-century London - R. Shoemaker, Prosecution and Punishment, p. 283 - 63% of urban crime was male, and 89% of rural crime. The majority of commentators throughout Europe seem to concur on this point, although Sundin's work on seventeenth-century Sweden finds "no decisive difference... except in cases of pure theft"; "For God, state and people", p. 191

²¹⁹ R. Shoemaker, Prosecution and Punishment, p. 209

²²⁰ Ibid., p. 99. C. Wiener "Sex roles and crime", p. 38, also notes that women's roles were liable to be more equal when their labour was vital for survival, this is more likely to be true when that labour involved dealings beyond the household.

²²¹ P. Brassley, The Agricultural Economy of Northumberland and Durham, p. 41. Gardiner probably exaggerated when he said that a sea captain could only find two dozen loaves to provision his ship on either side of the Shields, and thus had to send in to London for more (England's Grievance Discovered, p. 167). Nonetheless, the council's policy in the 1650's certainly exacerbated hardship for some, as did blockades and strikes.

A further aspect of the pattern of violence was its location.

Table 17 - the location of violence

<i>Broad Locale</i>	<i>Count</i>
Unknown	255
House	234
Road	141
Field	106
Workplace	43
Commerce	20
Leisure	20
Wild	10
River	9
Civic	9
Outbuilding	8
Religious	5
Military	3

There are several cases in which attempts were made to take violence outside, or to call a potential victim out from his or her house. This may be to do with acceptance of a fight, and was obviously easier than breaking into the house. It also seems to indicate a desire not to start a fight on what could be considered enemy territory, and suggests the importance of the boundaries of one's own home as a defence - breaches of this are generally stressed in the text.

This is to be expected, given how much time was spent there - the vast majority of waking hours were for almost all able-bodied adults simply devoted to work, in field or workshop, home or industrial centre, and their material well-being was inextricably linked to their work - but does highlight the importance of the work dispute.

The majority of fights occurred on "neutral" or joint territory, as far as it can now be determined, and only sixteen percent took place in the territory of the victim. Several fights took place in what could be termed disputed territory, and here the territory itself was crucial to the build up to violence.

Table 18 - number of criminals of each gender accused of violence in each location

<i>Broad Locale</i>	<i>Total</i>		<i>Male</i>		<i>Female</i>	
unknown	365	39.0%	300	36.8%	65	53.7%
civic	10	1.1%	8	1.0%	2	1.7%
commerce	36	3.8%	24	2.9%	12	9.9%
field	160	17.1%	147	18.0%	13	10.7%
house	339	36.2%	284	34.8%	55	45.5%
leisure	39	4.2%	38	4.7%	1	0.8%
military	3	0.3%	3	0.4%	0	0.0%
outbuilding	8	0.9%	8	1.0%	0	0.0%
religious	8	0.9%	8	1.0%	0	0.0%
river	17	1.8%	12	1.5%	5	4.1%
road	231	24.7%	206	25.2%	25	20.7%
wild	23	2.5%	23	2.8%	0	0.0%
workplace	63	6.7%	55	6.7%	8	6.6%

Location gives us another tool with which to consider gender difference. It can be seen that most figures in the above table would confirm the perception that women's crime, along with the rest of their lives, was based around the home. Certainly, proportionately more female violence occurred within a house, and they did not fight in alehouses, in the wilderness, or in churches and forts. However, the occupancy of the house is important here. Both men and women were three times as likely to be violent in their victim's home as in their own home, so women were staying at home little more than men were.²²² They were also present in numbers on the roads and in workplaces, and had a particularly strong presence in market places and shops.

Figures such as these help to demonstrate the general nature of violent crime. However, they can only take us so far into the mental world of the criminal and victim. Fortunately, the source material used allows the transmission of much more subtle and personal detail, providing insights into the causes and contexts of violence, its inspirations and limits.

²²² 7 women were violent in their own home, 22 in their victim's; 37 men in their own, 126 in their victim's. This excludes incidents where the house was home to both participants.

Chapter 2) Savagery and civility: motivation in its context

Historians studying violence primarily from the standpoint of quantitative analysis of court records have tended to conclude that violence was the first, rather than the last, resort of medieval and early modern man.²²³ The existence was postulated of a culture of fist-happy men with little room in their mental universe for any but the most immediate and forcible response to any troublesome situation, and a tendency towards random and pointless aggression. This characterisation becomes more pronounced the earlier the period under consideration. Finch argues that male violence in fifteenth-century France was “characteristically motiveless and apparently spontaneous,” and Emmison lists “disorder, violence, hot tempers and lack of control” as central features of Elizabethan life.²²⁴ There are many differences between Finch’s medieval French case study and early modern England, but the archetype of masculine anger persists in historiography. Moving into the seventeenth century, Stone speaks of the English village as “filled with malice and hatred, its only underlying bond being the occasional episode of mass hysteria”, and believes that “the behaviour of the propertied classes like that of the poor was characterised by ... ferocity, childishness and a lack of self control”.²²⁵ His portrayal has been criticised as extreme, but the shift away from brutality and towards a more “civilised”, restrained pattern of behaviour is considered by many to have occurred primarily over the eighteenth century.²²⁶ Beattie

²²³ For an overview of the differing levels of violence perceived by historians of different decades to have been prevalent in the early modern period, in relation to the types of source they were using, see A. Macfarlane, The Justice and the Mare’s Ale, pp. 2-22

²²⁴ A. Finch, “Women and violence in the later middle ages”, Continuity and Change, 7(May), (1992), p. 25, F. G. Emmison, Elizabethan life: Home Work and Land, Chelmsford: Cullingford and Co. Ltd., (1970), p. 224

²²⁵ L. Stone, The Family, Sex and Marriage, London: Weidenfield and Nicholson, (1977), p. 98, The Crisis of the Aristocracy, p. 108

²²⁶ See for instance J. Beattie, “Violence and society”, p. 48 onward; R. Shoemaker, “The decline of public insult in London, 1660-1800”, Past and Present, 169(November), (1999), on decreasing acceptance of violence and insult.

concludes from his study of court records that “there is good reason to think that violent physical conflict ... was commonly experienced” in the seventeenth century.²²⁷

Were men (and indeed women) really so short of temper before the eighteenth century that physical assault was commonly resorted to without significant provocation, as the first reaction to the smallest of setbacks, or the regular result of mood swings unbridled by restraint? This question lies at the heart of the debate over the changes in mentality over the centuries, bringing together the declining homicide rate discussed in the previous chapter, and the “civilising process” first outlined by Elias and applied in more depth to the arena of violence by subsequent historians.²²⁸

Judgements of savagery were echoed in the opinions of those who travelled to the north east. Few commentators had good things to say of the character of the region’s denizens, and gave character sketches which prepare us for the worst in terms of violence, tacitly bolstering Stone’s vision of an unaffectionate society. If such a society was to be found anywhere in England, we would, it seems, be wise to look for it amongst the “savage” peoples of the far north. Their poverty was supposedly matched by their old-fashioned outlook, ill manners and stubbornness. One Norwich soldier, travelling to Newcastle before the civil war, “found the people and the streets alike; neither sweet nor clean”. Over one hundred years later Hutchinson spoke of a “ferocity and uncultivated sullenness of mind [which] scarce confesses

²²⁷ J. Beattie, Crime and the Courts, p. 74

²²⁸ “The Civilising Process?” conference, ed. E. A. Johnson and E. H. Monkkonen, The Civilization of Crime, *passim*.

civilisation enough to direct a stranger on his way.”²²⁹ Similarly, in 1717, John Tomlinson called his uncle’s flock in Rothbury “very rude and degenerate.”²³⁰

The reports are so consistent that it seems likely that the people of the region were, at very least, often suspicious of strangers, and did not warm to them quickly. Caution is required, however. The majority of reports were written by southerners, or educated northerners who looked to the south for a lead in ways of manners and fashion. Such witnesses could not easily see beyond their own prejudices of the uncouth nature of the plebeian workforce. Their very prejudices must have inclined the locals towards surliness. “Sullenness and fear” were not the only possible reasons why in 1765 the Duke of Northumberland found the men “savage and could hardly be brought to rise from the heath”.²³¹ Such accounts must be read critically and, if they show the northern people as unfriendly, this is as much because of the enduring popularity of the myth of the savage north as any good internal evidence.

There were other reasons, after all, for the myth. Visitors appear to have overemphasised the shocking backwardness of the border highlands, so different from what they were used to, whilst taking little note of the more “civilised” and familiar lowland regions of the north east.²³² Very little local news reached the London newspapers. What did filter through consisted in the main of trade information and reports of the depredations of the Dutch, supplemented by

²²⁹ S. Middlebrook, Newcastle upon Tyne: its Growth and Achievement, Newcastle upon Tyne: Newcastle Chronicle and Journal, (1950), p. 84; W. Hutchinson, A View of Northumberland, Newcastle upon Tyne: W. Charnley, (1778), p. 259. He compared this temper unfavourably with the character of those living across the border into Scotland.

²³⁰ NCHC History of Northumberland, v. xv, p. 223. ed. J. Hodgson, “Diary of John Tomlinson”, Surtees Society, 118 (1910), p. 79

²³¹ NCHC History of Northumberland, v. xv, p. 163

²³² P. Brassley, The Agricultural Economy, p. 3

occasional adverts concerning stolen property, and was hardly likely to foster greater understanding.²³³

Locals may also have taken perverse pride in shocking travellers with tales of savagery. When Mr. Stainsby visited the north in 1666, he wrote that he had been to “Morpeth, alias Murderpeth, from the many robberies and murders in those parts committed”. The post-1650 crime figures do not give any indication why the area should have developed this reputation, and it is possible Mr. Stainsby’s hosts were having a joke at his expense.²³⁴ Similarly, in 1718, John Tomlinson told a story about a “country ale-house” in which a traveller was told by a local that the reason all the tombstones in the churchyard commemorated women was that the rest - the men - “were all buried at Wooller i.e. they were all hanged”. The main thing William Brereton had to report from his visit to Durham was that he had been regaled with tales of a local poisoning.²³⁵

Such reports and tall tales were aided by the memory of a culture more heavily imbued with violence than that in which the writers lived, a culture which had only recently declined following the union of the crowns. Before this in England’s northern reaches the royal writ was insecure, clans controlled territory by organised intimidation, and men were “accustomed to fighting as a normal part of life”.²³⁶ Of course, the violent traditions of the border past, of blackmail and reiving, were not the sole components of the culture of the sixteenth-century borders. Additionally, vigorous attempts were made to clamp down on the accompanying

²³³ Extracts from the London Gazette, 1665-1705, SA GA/71

²³⁴ J. Stainsby “Observations in a northern journey taken in Hillary vacation 1666”, in ed. H. H. E. Craster, Northern Notes and Queries, Newcastle upon Tyne, (1906-7), p. 66.

²³⁵ 17th Aug 1718, “Diary of John Tomlinson”, p. 132, ed. J. Hodgson, “Journal of Sir William Brereton”, Surtees Society, 124, (1914), pp. 20-1

²³⁶ J. Sharpe, “Crime in England: long term trends and the problem of modernisation”, p. 18, commenting particularly upon petitions to Elizabeth I in around 1600 regarding the Grayme clan of Northumberland. See G. Fraser, The Border Reivers

lifestyle in the subsequent years. Nonetheless, at the time under consideration, the reiver culture had not entirely been forgotten.

The Whiggish notion that after 1603 the inhabitants of the borders “hung up their spears and became a quiet, pastoral, and religious people” is flawed.²³⁷ Although he saw clan feuding as a thing of the past in 1649, Gray talked of a present threat from gangs of raiding highlanders, who were hanged “sometimes twenty or thirty” each year.²³⁸ Moving beyond the Restoration, the belief that the civil war saw the “final flourish” of the “lawless life of the border dales”, whilst true for many, was not the whole picture.²³⁹ New legislation against mosstroopers was considered necessary in the 1660’s, and gangs such as the Armstrongs and Faws continued to terrorise their neighbourhoods into the eighteenth century.²⁴⁰

In the more inaccessible parts of Northumberland, “progress” was slow to make itself felt. A simple example of this is in the realm of clothing and appearance, which can perhaps be taken as a pointer to wider changes in manners. The “true image of a border country” was described by North: “those who were mounted had long beards, broad belts, and basket-hilted swords which as they rode upon nags, as they call their diminutive horses, almost touched the ground, and with their short cloaks made strange figures, yet they would ride cheek by jowl along with the judge as if they were his companions”.²⁴¹ This echoes Sir Jacob Astley’s description of the men of Coquetdale in 1639, of “short, broadshouldered men, with broad swords and blue

²³⁷ North Country Lore and Legend, 1891, p. 246,

²³⁸ W. Gray, Chorographia, p. 119

²³⁹ P. Brassley, The Agricultural Economy, p. 6

²⁴⁰ G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, pp. 86-8; see pp. 101, 251, 268 for the Armstrongs. In 1703 men were being charged with hunting down wandering thieves and “mosstroopers” - NCC QSB 19/18b - and as late as the 1740’s, attacks by English and Scots borderers left tenants unable to pay their rents - P. Brassley, The Agricultural Economy, p. 56

²⁴¹ K. Emsley, “A circuit judge in Northumberland”, Tyne and Tweed, 31 (spring), (1978), p. 17. The more complex description in printed volumes of North’s Lives appears to have been added to by Montagu North.

capas, all upon little nags”.²⁴² Nonetheless, in the early eighteenth century new fashions were discussed eagerly by genteel young women of the very same region.²⁴³

Certainly, the inhabitants of the region at the turn of the eighteenth century were not of the same habits as their great-grandfathers.²⁴⁴ Parts of the change were artificially generated; in their different ways, various groups were trying to dispel the perceived savagery of the natives, apparently with some success. In the late seventeenth century, Gabriel Semple was a curate working in Ford, and his words about his rector, whilst obviously biased, remain pertinent. He said “these borderers were looked upon to be ignorant, barbarous, and debauched with all sorts of wickedness, that none thought it worth their consideration to look after them, thinking they could not be brought to any reformation. Yet ... the preaching to these borderers had more fruit than in many places that was more civilised”.²⁴⁵

From 1691 onward, Ambrose Crowley created an artificial village for the workforce of his ironworkers in county Durham, and imposed strict regulations which seem to have been for the most part successful in curbing the violent and anti-social tendencies of his flock, who were soon known as “Crowley’s Crew”.²⁴⁶ He set up an independent court which levied a three shilling fine for assault, and included the provision that more than one fighter could be

²⁴² NCHC History of Northumberland, v. xv, p. 303

²⁴³ E. Hughes, North Country Life, p. 380

²⁴⁴ See pp. 301-303 for a consideration of the limited relevance of clan loyalties to early eighteenth century violence.

²⁴⁵ NCHC History of Northumberland, v. xi, p. 357. It should be noted that Semple’s Presbyterianism was far enough from the mainstream to prompt the new incumbent of 1677 to ban him from preaching - C. E. Whiting, Nathaniel Lord Crewe, p. 96

²⁴⁶ Winlaton and District Local History Society, A History of Blaydon, Gateshead: Gateshead Metropolitan Borough Council, (1975), p. 39 onward; ed. M. W. Flinn, “The Law Book of the Crowley Ironworks”, (1952), Surtees Society 167. Crowley does not appear to have belonged to any moral movement, but rather to have been personally motivated to create an efficient working environment for his men.

considered equally liable.²⁴⁷ These social experiments reflected a wider mood of society, and can be viewed as an effect as much as cause. Whilst some regions were to continue little changed throughout the eighteenth century, in others change was already working in diverse ways.

The most significant factor for change in the outlook and life experience of many locals was the rapid growth of industry, especially in Tyneside. Even in North's time, industry was taking over as the most notable feature of society in some areas.²⁴⁸ When Defoe visited forty years later, his main impressions were of the coal, glass and salt industry of Tyneside. He saw "a land of mines, not of mosstroopers".²⁴⁹

How does all this help us to build a picture of early modern mentalities towards violence? Such background information is important because the violence of early modern men and women was deeply embedded in the communities in which they lived, and the values all members placed upon a range of actions and behaviours. In informations we find recurring motivations, attitudes and responses, patterns of behaviour which reflected broader ideals and ideas within society. It is crucially important to realise that violence cannot be truly separated from other aspects of the social life and mental environment of early modern man. Violence was rarely committed for its own sake - it was an inextricable part of the complexities of life.

If such connections are only occasionally apparent in informations, this is because such documents, which effectively function as arguments for the prosecution, inevitably provide a one-sided picture, and frequently one in which few details about anything are extant. We

²⁴⁷ Ed. M. W. Flinn, "The Law Book", p. 5

²⁴⁸ R. North, The Life of Francis North, v. i., p. 173-5. North was pleased that most of the entertainment laid on for the circuit judges revolved around local industry. C. Fiennes noted the strong smell of sulphur in the air in Newcastle in 1698, ed. C. Morris, The Illustrated Journeys of Celia Fiennes, London: MacDonald and Son, (1982), p. 176

²⁴⁹ D. Defoe, A Tour through England and Wales, London: J. M. Dent, (1959), pp. 250-1. P. Brassley, The Agricultural Economy, p. 6

cannot take the prevailing image of a violent society at face value, but need to consider actions in terms of their contemporary meanings and motivations where these can be seen or inferred.²⁵⁰ Although in many accusations no explanation for aggression is immediately apparent, and the observation that violence occurred “without cause or provocation” recurs, it can be viewed as a legal phrase whose realism must sometimes be questioned. For instance, it often seems to refer only to immediate provocation, with no allowance for past grievances. Greene argues that given the formulaic use of “no cause or provocation”, a cause can be inferred wherever this statement is not present.²⁵¹ Walker argues that assaults were “as much due to material contexts of [aggressors] lives as it was their disorderly temperaments” - she stresses that conflicts were in the vast majority of cases *about* something.²⁵² Greenshields makes an even stronger case for violence as a reactionary strategy against the trials and challenges of daily life.²⁵³ A large part of this thesis is dedicated to analysing the nature of those contexts, from honour-based assault to causes of disagreement rooted firmly in the eminently practical challenges of ordinary life. This was not a society in which violence was commonly mindless, automatic, unremarked, or generally purposeless.

This is not to say that all violence was thought of as perfectly rational and was a response to specific events and histories. Excluding vexatious claims (and those in which prosecution, whilst valid, was a tactic in a wider dispute) every case that reached court did so because someone thought it was the correct response to a violent action which was unjustified or at least excessive and frightening. Thus, study of accusations of violence simultaneously illuminates the contexts – rational, emotional, and petty - in which a violent strategy might be

²⁵⁰ Things could certainly have been much worse, as indeed they had been a century earlier. See also A. Macfarlane, *The Justice and the Mare's Ale*, pp.173-187, in which attention is drawn to the very different picture of a “violent” society which can be drawn of other places and times. Whilst G. Parker considers these comparisons “bizarrely chosen” - “The wearing of the vizard”, p. 780 - they do at least demonstrate that the scale of violence could go far beyond that demonstrated by the early modern English.

²⁵¹ C. Greene, “Women as perpetrators of violence”, conference paper

²⁵² G. Walker, “Crime, Gender and the Social Order”, p. 128

²⁵³ Greenshields, *An Economy of Violence*, p. 16 and *passim*

deemed appropriate by assailants, and sheds light upon the boundaries of that legitimacy in the eyes of the victim.

Certainly the visible sparks which provoked violence may seem trivial, but it is too easy to forget that the individuals concerned in most cases must have had many years of acquaintance and contacts, during which time more deep rooted feelings of animosity could flourish, coming to a head in a single violent event which may now be all we can see of them. In very few cases can a violent action be read in isolation without a loss of depth of understanding. Most of those involved in these incidents knew each other to some extent, participating in violence as only one of a range of behavioural strategies, perhaps only following the failure of other methods of settling dispute. At this distance we cannot expect to fully know or understand the reasons behind a fight, or the layers of meaning within a single action, and our knowledge of the history between individuals is often slim. However, the sense of such a history has important bearing upon interpretation of depositions.

There are other factors which we need to be aware of because of their potential to influence actions in all other situations, namely mental instability, and the temporary instability engendered by alcohol.

1) Instability and insanity

Consideration of mental instability as a factor in early modern violence places the commentator in something of an awkward position, the sources for the most part being barely adequate to establish the sequence of events and the implied emotional involvement of participants, let alone their psychological problems. Some inroads were made by MacDonald's study of Richard Napier's casebooks, but such rich sources are not forthcoming for the north east.²⁵⁴ Nonetheless, there are instances which do seem to fit the category of mental instability, albeit sometimes simply in terms of a lack of control and a chronic inability to follow societal expectations of proper behaviour. Some general observations can thus be made.

²⁵⁴ M. MacDonald, Mystical Bedlam: Anxiety, Madness and Healing in Seventeenth-Century England, Cambridge: Cambridge University Press, (1981), pp. 126-8, 141-2

Harley argues that “secular concepts of mental illness were widely familiar in the north of England, used comfortably by all classes of society”.²⁵⁵ Nonetheless, religious mania featured strongly in individual instances of aggressive instability, as with the case of Elizabeth Abbot, who threatened to burn down Newcastle after she was denied an absolution, and was suspected by listeners of being possessed.²⁵⁶ Cleansing fire was similarly attractive to Richard Foster of Crinneldykes, who was convinced that his sixteen week old son “was the devil”, and threw him into the fire, burning his wife badly in the process. One can only imagine that the extra stress placed on the household by an uncooperative baby had driven Foster over the edge.²⁵⁷

One of the most memorable murders of the era, committed by a servant upon his master’s three teenaged children, also contained overtones of religious mania. Andrew Mills, who appears to have been somewhat simple-minded and (according to an examination seemingly no longer in existence) blamed the devil for his actions, brutally killed the three siblings with an axe, perhaps in a fit of jealous rage (he was said to be attached to the elder girl, who was soon to be married). He was executed, and for many years his name remained associated with the gibbet in which his body was displayed, evidence of the stir which was created by the unusual ferocity of the crime.²⁵⁸

²⁵⁵ D. Harley, “Mental illness, magical medicine and the devil in northern England, 1650-1700”, in R. French & A. Wear (Eds.), The Medical Revolution of the Seventeenth Century, Cambridge: Cambridge University Press, p. 118

²⁵⁶ PRO ASSI 45/12/2/1-2 (information of Thomas Pierson, examination of Elizabeth Abbot)

²⁵⁷ PRO ASSI 45/7/1/78-80 (informations of Michael Dobson and Christopher Bell, examination of Richard Foster)

²⁵⁸ J. Sykes, Local Records of Northumberland and Durham, Newcastle upon Tyne and Berwick upon Tweed, v. i, Stockton on Tees: Patrick and Shotton, (1973), pp. 118-9, Jacob Bee, SS 1910, 45-46 also ed. J. Hardy, The Denham Tracts, v. 1, London: Publications of the Folklore Society 29, pp. 72-73. A further notorious homicide

Incidents like this one must have contributed to the fear that the mentally handicapped, being “past government”, might suddenly turn violent.²⁵⁹ In 1676, Roger North reported that the north east was “troubled with Bedlamers ... frightening people in their houses and taking what they list”.²⁶⁰ Although Jacob Bee reported in 1694 that a local man had been “killed by a madman at night”, there is little contemporary evidence to support North’s assertion, which reflects wider fears of vagabonds of whom only a small proportion would have been Bedlamites in the true sense of the insane ex-inmates of an asylum.²⁶¹ Other marginal individuals perhaps used the pretence of madness as one of many schemes for survival.²⁶² North gives the example of a lethal assault by one “Bedlamer” upon another, but doubt must be placed upon it. His note that “there were horse copers among them” is suggestive of a larger band of vagabonds of all descriptions.²⁶³ Further, this incident is probably that described elsewhere as being a blow by a cripple upon a glazier, the only disability involved being physical.²⁶⁴

Besides the dubious mental stability of some individuals and groups existing on the margins of society, and feared for that reason, others were struggling with the maintenance of emotional

occurred in 1741, when a woman was declared lunatic following the murder of her children and subsequent suicide - J. Sykes, Local Records, v. 1, p. 166.

²⁵⁹ The expression comes from NCC QSB 17/17a (petition of Margaret Williamston), see below p. 81

²⁶⁰ R. North, The Life of Francis North, v. 1, p. 179

²⁶¹ “Diary of Jacob Bee”, p. 137

²⁶² This had certainly been the case a century earlier; G. Salgado, The Elizabethan Underworld, London: Book Club Associates, (1977), p. 197-199, discusses the myth, at least, of wandering Elizabethan Bedlamites and shamming vagabonds.

²⁶³ R. North, The Life of Francis North, v. 1, p. 179

²⁶⁴ T. Richmond, The Local Records of Stockton and the Neighbourhood, Stockton: Will. Robinson, (1868). The year - 1673, the county, the method of killing, the punishment, and the implication of marginal survival, link the accounts.

control, in themselves or their dependants. One Allendale mother wrote to the bench in 1702 of her “innocent son twelve years of age incapable of knowing any by name or face”, asking for an allowance which would allow her to stay at home with him, as his unruly behaviour meant “she is in daily fear of some ill to be done by him to her herself or some others”. This was not seen as a private problem - she claimed that the whole neighbourhood wished that for their own safety, she should stay indoors with him.²⁶⁵ In the same year, a prospective footpad claimed in his defence that “he was under some fits of a distemper ... and was not himself at the time”, here using mental problems both as a reason for the assault, and an attempted mitigation.²⁶⁶

Mental problems, particularly, have been raised as a possibility in cases of domestic violence. Ingram certainly takes the possibility to heart, claiming that all five of the husbands reported for excessive wife-beating in his seventeenth-century church court sources show signs of mental instability.²⁶⁷ Given the prevailing paradigm that man and wife were as one flesh, and the idea that one’s family helped to create one’s social identity within society, a desire to harm one’s partner was on an intellectual level a symptom of abnormal mentality and grave irrationality just as much as a desire to harm one’s own body would be. Thus when a man corrected his wife for her faults, he was ideally supposed to do so level-headedly, without anger.²⁶⁸ Although evidence is very hard to tease out from the sources clearly, and no witness or accuser specifically highlights it in relation to wife beating, some actions certainly bring the

²⁶⁵ NCC QSB 17/17a (petition of Margaret Williamston). M. MacDonald, Mystical Bedlam, p. 141, considers the way in which the potential for such unfocussed and uncontrollable violence provoked high levels of fear.

²⁶⁶ PRO DURH 17/1, unnumbered, (examination of Thomas Farey). Sadly, we do not know if this plea helped in Farey’s defence.

²⁶⁷ M. Ingram, Church Courts, Sex and Marriage, p. 183

²⁶⁸ M. MacDonald, Mystical Bedlam, p 128 discusses the fine line between insanity and criminality in contemporaries’ minds with regard to domestic violence. The domestic handbook of William Gouge, cited by S. Amussen “‘Being stirred to much unquietness’: violence and domestic violence in early modern England”, Journal of Women’s History, 6(2), (1994), p. 72, compares beating one’s wife to beating oneself.

possibility to mind, demonstrating consistently irrational and highly violent behaviour indicating a man not fully in control of his temper or emotions.²⁶⁹

Insanity may be too easy an answer, however. In practical terms, it might not only be those given to uncontrollable rages of passion and lack of self-will who might cross the line into unacceptable levels of forcible behaviour, especially when this line was so ill defined. We must be careful not to give wife-beating a connection to mental problems simply because the details we have do not furnish us with any other explanation but instead see it in the context of contemporary ideals of obedience and chastisement, albeit ideals sometimes taken grotesquely beyond their proper bounds.²⁷⁰ Due to the nature of the court sources, in which very few suspect examinations exist except in cases of felony, no man is given a chance to answer his wife's claims with his own explanations or denials. Yet marital breakdown was often a two-way process, with fault, frustration and helplessness on both sides. The wife beaters we know of were mainly not habitually violent in other respects - they were not, for instance, at war with their neighbours.²⁷¹ There is no evidence here that, as MacDonald puts it, "contemporaries were inclined to believe that people who [attacked their kin] were insane", and those involved were never condemned as such by their neighbours, only as cruel.²⁷²

This observation can be extended to other types of assault. Neighbours might have claimed violence was motiveless, but they do not comment upon assaults they witnessed or suffered in

²⁶⁹ For example NCC QSB 5/14c (information of Margaret Story), see p. 116

²⁷⁰ See on, p. 110

²⁷¹ One notable exception is Lawrence Appleby, see below, p. 141. One other resisted arrest - NCC QSB 4/2b (information of George Braydley). However, the petitions considered by Amussen, An Ordered Society: Gender and Class in Early Modern England, Oxford: Blackwell, (1988), p. 168 contrastingly show domestic violence as one offence among many; the difference is probably between media, suggesting that the adversarial nature of informations minimises broader patterns of disruption.

²⁷² M. MacDonald, Mystical Bedlam, p. 128

terms of madness.²⁷³ Assuming that the strong opinion of others on their sanity would have been included within depositions, it can only be concluded that individuals whose aggression stemmed from true insanity must have been responsible for a tiny (albeit highly visible) fraction of actual violence, and even those of unstable temperament to the point of mental illness make very little impact on the court record.

ii) Alcohol and licence

If insanity was rare, the temporary release from rational thought provided by alcohol was much more common. Ale was a ubiquitous drink, being nutritious, healthier than the water in many regions, and not overly expensive.²⁷⁴ Amongst certain groups of men, excessive drinking was also creditworthy.²⁷⁵ The north east may have been even more alcohol-prone than other parts of the country. John Wesley in 1742 said of the region “so much drunkenness and cursing (even from the mouths of little children) do I never remember to have seen before”.²⁷⁶ *The Collier’s Wedding*, a ribald poem written in 1720 by Newcastle schoolmaster Edward Chicken, and called a “classic in accuracy” by a scholar of industrial folk culture, described the “drunken

²⁷³ Although they may occasionally have made judgements about people on this basis, as with Ralph Maddison, nicknamed “mad Maddison”, appropriately enough in the light of his later execution for murdering Laird Atkinson - “Diary of Jacob Bee”, p. 56 and footnote.

²⁷⁴ In Newcastle around 1705, a gallon of ale was worth a labourer’s wages for a day - around 14d; D. Woodward, *Men at Work*, pp. 271, 283 for prices, p. 148 for comments on water cleanliness. K. Wrightson, “Alehouses, order and reformation in rural England”, in ed. Yeo, *Popular Culture and Class Conflict, 1590-1914: Exploration in the History of Labour and Leisure*, Sussex: Harvester Press, (1981), p. 2, considers ale “a staple nutritional necessity for the mass of the populace”, although he also says that “few labourers could afford to drink deep”, *ibid.*, p. 16

²⁷⁵ A. Shepard, “Manhood, credit and patriarchy in early modern England, c. 1580-1640”, *Past and Present*, 167, (2000), p. 103

²⁷⁶ Quoted by C. M. Fraser and K. Emsley, *Tyneside*, p. 67

honest working lives” of local colliers. As Woodward argues, “all but a handful of [Northern] workers drank beer or ale at work”.²⁷⁷

This propensity for drinking alcohol makes inebriation a potential factor in assaults taking place in all locations. In 1606 the government named drunkenness the cause of “bloodshed, stabbing, murder, swearing, fornication, adultery and such like”, and it was certainly a contributory factor in many instances of these behaviours.²⁷⁸ In number references to drunkenness are fewer than might perhaps be expected, perhaps because a low level of drunkenness was too common to be considered worthy of comment. There is thus not enough evidence to concur with Wills that it was “the single most frequently recurring problem the poor cited as the cause of their involvement in crime”, but it was nonetheless an important facet of the pattern of daily life, and its violent outbursts.²⁷⁹

Whilst alcohol was considered vital part of fellowship between males, its role in fostering sociability was compromised by the fact that drinking too much could impair tact and judgement, inhibiting all-important self-rule and perspective and thus precipitating the anti-social behaviours of quarrel and discord. It also made men less likely to be able to utilise more complex and non-violent methods of dealing with a situation, thus potentially escalating the slightest of tensions rapidly.

²⁷⁷ T. Colls, The Collier’s Rant: Song and Culture in the Industrial Village, London: Croom Helm, (1977), pp. 58-59, D. Woodward, Men at Work, p. 156. Keelmen were also paid in ale, C. M. Fraser and K. Emsley, Tyneside, p. 64. So much was drunk that, as V. G. Kiernan, The Duel in European History: honour and the reign of the aristocracy, Oxford: Oxford University Press, (1988), p. 120 puts it, Restoration man “can seldom have been perfectly sober”, although equally a high tolerance must have been developed.

²⁷⁸ Quoted in K. Wrightson, “Alehouses, order and reformation”, p. 12

²⁷⁹ Similarly V. Stater, High Life, Low Morals, London: John Murray (1999), p. 62, contextualises the majority of fights between seventeenth century London gentlemen as “the result of drinking quarrels gone bad”. See also A. Rowlands, “Women, gender and power”, p. 84

Contemporaries were aware of this aspect of drinking and it was one of the reasons alehouses were viewed with suspicion as “disorderly” by certain segments of society.²⁸⁰ In 1678, Christopher Sanderson of Barnard Castle recorded in his diary details of a drunken fight in a Wakefield tavern, which ended in the deaths of both participants. Subsequently he severely berated his two sons about the evils of drinking, forcing them to swear to abhor it.²⁸¹ Forty years on, when Newcastle gentleman Ralph Jennison went drinking, he habitually “being sensible to what dangers he then exposed himself, gave his man power to take his spurs, sword and whip from him”. Apparently he believed that it was not wise to carry weapons whilst drunk for fear of causing serious harm within a fight.²⁸²

This fear was justified, as can be seen in the diary of George Hilton of Cumberland, a young man who “habitually carried a sword, whip and riding crop”, despite his frequent drinking. This led him into brawls on several occasions.²⁸³ He was well aware of the connection between his drinking and brawling, writing in August 1703 “this day twelve month had then misfortune to strike out a fellows eye with my stick being much in drink, hath done several foolish things since in drink, for which no man living shall prevail with me to drink a drop of anything that's strong for twelve months.” Predictably, this resolution was in vain. The next night he reported himself “sadly fuddled” with drink, and he was in at least two drunken brawls in the next three years.²⁸⁴ We do not know how typical his attitudes were of young northern men, and he seems to have been a colourful character. Still, Hilton did have a shifting group of

²⁸⁰ K. Wrightson, “Alehouses, order and reformation”, p. 12, P. Clark, The English Alehouse: a social history, 1200-1830, London: Longman, (1983), p. 147

²⁸¹ ed. J. Hodgson, “Diary of Christopher Sanderson”, Surtees Society, 118, (1910), p. 39, 41 (entries for March 22nd 1678, July 29th 1678)

²⁸² “Diary of John Tomlinson”, p. 68 (entry for July 28th 1717)

²⁸³ ed. A. Hilman, The Rake's Diary: the Journal of George Hilton, Kendal: Curwen Archives Trust, (1994), p. xxvii. There is no comparable source from the north east, but Hilton's actions do not seem out of keeping with the bar room scenes described by north eastern deponents.

²⁸⁴ *Ibid.*, pp. 45-6. For his subsequent brawls, pp. 64, xxvii.

like-minded friends, showing that his behaviour was far from unique, however badly his more orderly neighbours may have looked upon it.

Hilton was not the only one to connect drunkenness with subsequent violent events. When charged with shooting his own serving maid on new years eve, 1720, Captain Hercules Burleigh admitted that he “happened to drink too freely”, although he claimed to remember nothing else of events.²⁸⁵ Drunken aggression however was a charge more likely to be laid upon other people than admitted to or used as defence. One Darlington woman is described in a letter as “like to have been killed by one rude and in drink” in an alehouse.²⁸⁶ When Michael Hall of Ogle provoked a fight against Edward Ogle which ultimately led to his own death, a witness testified that she “believeth the said Michael was something consumed in drink, being a person that seldom could get it, but when he could would have a large share to himself as he then had got”.²⁸⁷

Following alcohol, it did not require a great deal to turn certain minds to abuse and violence.²⁸⁸ Morgan and Rushton describe a mid-eighteenth-century incident in which a drunken Newcastle keelman boasted of his great skill in fighting Scotsmen, and promptly set upon the first

²⁸⁵ NCC QSB 55/122b (information of John Tweddle), 55/123b (examination of Captain Hercules Burleigh). The survival of an examination for homicide within quarter sessions records, a very rare occurrence, suggests that the case was not forwarded to the assizes, a turn of events which could be connected to the nature of the charge, or to Captain Burleigh’s standing in society.

²⁸⁶ Letter from Robert Colthirst to Miles Stapleton, in ed. J. Hodgson, “Correspondence of Miles Stapleton”, Surtees Society, 131(1), (1918), p. 140

²⁸⁷ PRO ASSI 45/14/1/111-117, esp. 116 (information of John Cutter). Other witnesses similarly informed that they judged liquor to be involved in men’s behaviour, for example NCC QSB 49/111a (information of Nicholas Lock). In 1634 Curate George Methwen was called “addicted to quarrelling and fighting” whenever he was drunk - NCHC History of Northumberland, v. 1, p. 195, from the Acts of the Court of High Commission’s investigation into his character.

²⁸⁸ Some men were informed against on grounds simply of abusive and troublesome behaviour while drunk. NCC QSB 34/61b (information of Jane Richell), for example, provides a vivid picture of a man drunkenly pursuing his target down the street, swearing and cursing her.

Scotsman he met.²⁸⁹ Much domestic violence was alcohol-fuelled, and several wife-beaters are known to have been either frequent alehouse-haunters or drunk at the time of their violence, such that their anger was additionally fuelled by alcohol. For example, Mary Appleby testified that “when [her husband was] drunk he threatens to be her death”, and Robert Story was a habitual drunk who “had been drinking all day and most of the night” when he finally drove his wife from the house with his blows.²⁹⁰ Servant Anne Tayler complained that her master “did often come home drunk and then he beat” her.²⁹¹ The known instances are a bare minimum, as other wives may simply not have mentioned it, other concerns being more important to them.

Drink plays a more obvious role in tales of domestic violence than in any other context except that of the alehouse itself. This is unsurprising in the light of the short term effect of the alcohol itself, in loosening self-control, in combination with the longer term impact upon a marriage of a habitually drunk husband, frequently away from the house, wasting household finances, and perhaps also neglecting his marital responsibilities.²⁹² The alehouse was also a place where the husband could relax and socialise, generally away from his wife’s watchful eye, and perhaps meet women whose involvement further weakened the conjugal bond.

The acknowledged link between alcohol and aggression made an individual’s sober violence seem more reprehensible. In 1720, two servants, having seen Mr. John Proctor seriously assault his own mother, ended their information by stressing that “he was not concerned in drink” at the time, apparently thinking that this might otherwise be suspected, and perhaps used as the basis for some leniency.²⁹³ The Berwick court seems to have made some allowance

²⁸⁹ G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, p. 53, from ASSI 45/21/3/128-43

²⁹⁰ NCC QSB 39/76b (information of Mary Appleby), NCC QSB 5/14c (information of Margaret Story). See also testimony concerning Philip Barker (BER c15/1/20)

²⁹¹ PRO ASSI 45/14/1/34 (information of Anne Tayler). Despite the seriousness of the damage she alleged, her final comment referred to a loss of wages.

²⁹² J. Bailey, “Breaking the Conjugal Vows”, p. 142

²⁹³ NCC QSB 54/25a (deposition of Thomas Taylor and Isabel Forest)

for the effects of alcohol on behaviour, imposing a “fine of five shillings he being in drink” when George Johnson threatened to shoot someone.²⁹⁴

However, being drunk was not an excuse for violence, in and of itself, and a reputable man was supposed to know his limitations in this respect, and not allow drink to incite him to violence.²⁹⁵ When Frances Cuthberts of Berwick found James Ferguson beating her son, she challenged him, “saying he was a drunken fellow and asking him if he would carry his liquor no better than to beat her child”.²⁹⁶ There was strong disapproval in Robert Colthirst’s tone when he described a man as “too subject to drink and quarrel, and save that I presume you know him I should say more”.²⁹⁷

It is worth noting, however, that it was not always the more inebriated party that initiated violence. Alcohol could leave a man prone to unwise decisions and unable to defend himself from the unscrupulous. This was the case with William Donkin, a South Shields boatman who was lured from the tavern by an unknown man (or a work mate, depending upon whose story one believes) who robbed and killed him.²⁹⁸ During a visit to county Durham smith George Wall drank so much “brandy and other liquors” with a group of sailors that when he was found dead the following day nobody knew whether he had been killed or had merely fallen from his

²⁹⁴ It is hard to say whether this was especially lenient, a few fines were lower although many were higher. BER C8/1, Jan 1701

²⁹⁵ E. Foyster, “The Concept of Male Honour”, p. 58-9 argues that it was insulting to be called a drunk because this implied a loss of control over one’s own actions, contrary to concepts of honour.

²⁹⁶ BER C15/1, unnumbered (information of Frances Cuthberts)

²⁹⁷ Letter from Robert Colthirst to Miles Stapleton, in The Correspondence of Miles Stapleton, p. 140.

²⁹⁸ PRO DUR 17/1, unnumbered (informations of Hugh Story et al, and Eleanor Bell, and the examination of Dennis Ward)

horse, the only potential witness having (or at least claiming to have) no memory of the evening's events.²⁹⁹

Once a very drunken man entered a fight, he was inevitably at a disadvantage. John Hutcheson, described by a third party as sober, is portrayed as drawing a reluctant Robert Heatherington, "much overtaken with drink", into a one-sided fight. Heatherington initially protested, then drawing his sword "fell to the ground without striking any at all", whereupon Hutcheson struck at him. This account may contain an element of bias, stressing as it does the inequality of the fight, but this may be significant in itself. It is possible that the attack would be considered all the worse for having been enacted by the sober against the drunk.³⁰⁰

Drunkenness must have been a factor in a large number of cases, predicated towards the motiveless aggression which undoubtedly did sometimes lead to assault, and increasing the gravity of otherwise minor confrontations. Its impact becomes greater, however, when it is considered as one facet of the wider problem of predominantly male sociability that centred on the alehouse.³⁰¹ The alehouse, and the patterns of behaviour and currents of tension which co-existed within it, will be met repeatedly over the following pages, and it is clear that there was something special about the location that transcended the ready availability of alcohol.

Certainly, alehouses were plentiful in the north east. In 1629 the Durham polemicist "A.L." argued that alehouses in the county were so thick on the ground that it was impossible to count them, and that "upon every corner of a common or moor there must be one alehouse at least".³⁰² Ralph Gardiner claimed in 1655 that North Shields had two hundred houses of which

²⁹⁹ PRO DUR 17/1, unnumbered (examination of Richard Applegarth).

³⁰⁰ PRO ASSI 45/14/1/116

³⁰¹ Sundin notes the striking frequency of assaults "in inns, at weddings, and on other occasions where intoxication had heightened feelings", in seventeenth-century Sweden - J. Sundin, "For God, state, and people", p. 182.

³⁰² A.L., "A relation of abuses of the Commonwealth", in ed. F. Maddern, Camden Miscellany, 3, (1855), p. 22

one hundred and forty were public houses.³⁰³ These statements are the opinions of men who intended to criticise the status quo, but their words would have had less impact had the alehouse not in fact been ubiquitous. It is difficult to get a more accurate picture, from unbiased sources. In 1665 just over one hundred people were licensed to brew in Newcastle; this seems a low figure for a population of around twelve thousand, but many others would have been involved in selling ale, and small brewers often slipped through the administrative net.³⁰⁴ Perhaps the most telling figure is that calculated by Brenchley with respect to eighteenth-century Berwick, which never contained fewer than thirty licensed alehouses - a figure which works out at one alehouse to approximately every twenty five adult males.³⁰⁵

That the alehouse was a significant location for violence is clear from its statistical profile within homicide cases. Sharpe surveyed sixty-four seventeenth-century northern circuit homicides, and found that twenty-one deaths were linked to an alehouse, whilst only three related to another crime such as theft.³⁰⁶ Whilst this is a much higher proportion than is true of recorded north eastern assaults - only two percent of assault charges relate to incidents within alehouses - this is because assault cases in record are the tip of the iceberg of assaults and so not statistically representative. As will be seen, extra-legal methods and responses might be applied to this type of dispute even more than others.³⁰⁷ The possibility that tavern brawls are

³⁰³ R. Gardiner, England's Grievance Discovered, p. 167

³⁰⁴ TWAS QS/NC/1/2; P. Clark, The English Alehouse, pp. 39-45 discusses methods for and problems of quantifying alehouses. R. Welford, "Newcastle householders in 1665: assessment of the hearth or chimney tax: introduction", Archaeologia Aeliana, 3(7), (1911), for population figures.

³⁰⁵ D. Brenchley, A Place By Itself, p. 257. It is likely that there were additionally several unlicensed alehouses, making for an astonishing number of alehouses even when it is realised that such low-key establishments were frequently not easily distinguishable from the houses to either side. A similar figure is provided by K. Wrightson, "Alehouses", p. 4, for south Lancashire, of one alehouse to around 57 inhabitants.

³⁰⁶ J. Sharpe, Crime in Seventeenth-Century England, p. 131

³⁰⁷ Of around 750 assaults and threats in the region only 15 certainly happened in alehouses, though several others happened in sociable groupings or subsequent to an alehouse visit. T. Brennan, Public Drinking and

disproportionately represented in homicide trial documents because their violence was particularly forceful can be discounted, as the weapons involved are less extreme than those used in other homicides (frequently just the hands and feet are involved). Thus, whilst statistical analysis of prosecution records will produce an unreliable reflection of reality, the prevalence of alehouse brawls within the homicide record can be taken as indicative of a genuine feature of violent behaviour.³⁰⁸

The alehouse was a focal point for male social behaviour and a forum for a wide range of activities and the discussion of a wide range of topics, a place in which men met “in endless permutations of their networks of friends, colleagues, rivals and allies”. As such, it can be seen as an almost inevitable location for alcohol-fuelled disputes such as those already mentioned. It is also important to consider whether an atmosphere was fostered in which the rules were different to those of daily life.

The degree of restraint shown towards brawling must have been affected by the atmosphere of the surroundings, which could vary considerably between establishments. When blacksmith Henry Hoggart’s wife was threatened by a vagabond in a Newbrough alehouse, he complained more vociferously of the tippler who kept a disorderly house and entertained “idle persons” than he did of the vagabonds themselves.³⁰⁹ “A.L.” argued that “anyone, man or woman, honest or vicious” who could raise enough money for a license would be allowed to run a tippling house in the north.³¹⁰ In the court record, there are only three cases of the tippler or his staff attempting to intervene in brawls within their establishment, which is striking given

Popular Culture p. 32, claims that over a quarter of violent incidents which reached the attention of officials in eighteenth century Paris occurred within or just outside alehouses. This higher figure is probably partly due to different patterns of sociability, but also reflects a more interventionist policing policy, which lessened the chance of incidents being passed over as probably happened in north eastern England.

³⁰⁸ Interestingly, this trend continued (and is perhaps more obvious in the court record) into the nineteenth century, when a high proportion of assaults brought before Newcastle’s courts were alcohol related. “Memory Lane”, Evening Chronicle, Newcastle, November 3rd 1999, p. 11

³⁰⁹ NCC QSB 55/88b (information of Henry Hoggart)

how many brawls were broken up by those around. Two of these men ran a higher class of establishment, patronised by gentlemen and army officers, where men might expect to be protected from uncouth outsiders; one of them was also a constable.³¹¹ When Robert Liddell, a Newcastle landlord, realised that one of his customers was determined to attack another (ironically in a misplaced desire to reply to a slight to Liddell), he forced the aggressor to drink in a separate room from his target.³¹²

In spite of these occurrences, the impression remains that the majority of tipplers, especially in cheaper alehouses, were not overly concerned with interfering in the actions of their customers. The lack of alehouse keeper involvement in general may be partly because examples are skewed towards those alehouses which were more disorderly. At the same time, it is likely that more respectable establishments would see a higher proportion of its violent incidents resulting in court cases. Landlords had a balance to keep between attracting custom and selling ale in quantity, and avoiding attracting the attentions of the justices, who, fearing alehouses could act as breeding ground for vice, might take action if an alehouse became too notorious or riotous. Such was the fate of Robert Coates of North Shields, recorded in the 1690 Northumberland quarter sessions order book as losing his licence for keeping a “disorderly and lewd alehouse”.³¹³ It was difficult for magistrates to control all alehouses though. It appears that registered tipplers only risked losing their license when alehouses drew

³¹⁰ A.L., A Relation of Abuses of the Commonwealth, p. 22

³¹¹ NCC QSB 44/56b (information of Samuel Warren). See p. 313 for more information on the context of this incident, NCC QSB 47/61b (information of Elizabeth Heslip)

³¹² NCC QSB 36/76a (information of Thomas Mathers)

³¹³ NCC QSO 2, p. 43v. A similar order was made seven years later against Thomas Thompson; *ibid.*, p. 170r. The frequency of these orders suggests that the Northumberland justices never embarked on a sustained campaign of alehouse suppression, although in 1695 a warrant was issued against all unlicensed tipplers; *ibid.*, p. 141r. S. Ferguson, “Law and Order”, p. 300, suggests that the 1690’s saw increased suppression because of a grain shortfall.

attention to themselves to a large degree, as in 1694 when Justice Charles Howard was assaulted within an alehouse.³¹⁴

Certain alehouses inevitably picked up a reputation as houses of disorder, where brawling was tolerated. The Darlington alehouse of widow Mary Miles was brought to the attention of Bishop Cosin's auditor Miles Stapleton after two serious fights occurred there within a short space of time. One point made in favour of its suppression was that "I do not perceive that the people at whose house this was acted endeavoured or used any means to prevent what happened".³¹⁵ In an alehouse in Wooler, a group of wandering pickpockets could apparently hold a young servant, Charles Jamison, and a "little girl" at sword point, while they coerced the youth to take up their trade, without fear of unwanted attention or interference (or at least Jamison thought this a believable story).³¹⁶ Many would consider a brawl to be none of their business and several such fist-fights appear to have occurred in crowded spaces with little or no interference.³¹⁷ Indeed, constables were advised in manuals not to get involved in the essentially private matter of brawling.³¹⁸

Tipplers might even be actively involved, greatly aiding in the creation of an atmosphere where brawling was accepted. Brenchley gives an account of the misdeeds, violent and otherwise, of a mid-eighteenth-century tippler of Berwick, John Ferguson, and his wife, and concludes that certain alehouses, Ferguson's amongst them, were focuses for a significant proportion of

³¹⁴ NCC QSO 2, p. 118v. Even such an incident did not necessarily have permanent effects - Robert Eckles appears to have regained his license three months later following an investigation into the circumstances of the complaint; NCC QSO 2, p 123r-v.

³¹⁵ Letter from Robert Colthirst to Miles Stapleton, in the Correspondence of Miles Stapleton, p. 140

³¹⁶ PRO ASSI 45/14/3/46-49, esp. 49 (information of Charles Jamison). Jamison called himself a servant, and he was old enough to drink, but John Bolton (who brought him before the bailiffs) described him as a boy.

³¹⁷ e.g. PRO ASSI 45/6/2/47-49a

³¹⁸ Saunders Welch's Observations on the Office of Constable (1754) quoted by J. Beattie, "Violence and society in early modern England", p. 42

Berwick's assaults.³¹⁹ This was not necessarily exceptional. In Terling, Essex, in the early seventeenth century, all but one of those known to have sold ale came before the courts for some personal disorder or the breaking of licensing laws.³²⁰ One of their commonest offences was personal drunkenness. The ease with which tipplers could take from their own stock must have led to some of them providing an example of uncontrolled behaviour which would affect the alehouse's atmosphere, although surprisingly there is only one accusation against an alehouse keeper for actions within his own establishment.³²¹

Griffiths has argued that a degree of violence was expected of male youths, particularly apprentices, as part of their participation in a "rough nocturnal culture which showed off the excessive and violent aspects of manhood", a culture in which he sees the alehouse as playing a crucial part.³²² Whilst undoubtedly true of areas such as London with its large population of young males, the separate youth culture of male apprentices seems to have little overt bearing on the northern cases. Although we generally do not know the age of those involved in alehouse fights, many were married and seem to have come from a wide range of classes and trades, from labourers to gentlemen. Conversely, we only rarely find that those involved were youths.

Sadly, the records extant from Newcastle - the place most likely to have generated an apprentice culture similar to that described by Griffiths - are not adequate to attempt to trace equivalent behaviour. The larking around of drunken youths could certainly get out of hand. This appears to be the truth behind the information of widow Alice Bates of Ovingham in 1718, in which she claimed six young men entered her house demanding brandy. When she refused in no uncertain terms, on the grounds that she did not keep an alehouse, they became

³¹⁹ D. Brenchley, *A Place By Itself*, pp. 210, 212

³²⁰ K. Wrightson, "Alehouses order and reformation", p. 12

³²¹ See p. 150

³²² P. Griffiths, *Youth and Authority: Formative Experiences in England 1560-1640*, Oxford: Clarendon Press, (1996), p. 207

violent in their search for more brandy, destroying property, drinking what alcohol they could find, and also engaging in unwelcome sexual horseplay with Bates.³²³ She claimed to have feared for her life, but the tone of the youths' actions suggests that no serious harm was intended, and that she herself was of limited interest in their quest for more alcohol. It is likely that low key brawling was an accepted behaviour by the standards of a group participating in it, and as such it would rarely be reported or prosecuted, unless, as with Alice Bates, bystanders were drawn in.

It would be easy to paint too dark a picture however; given how many alehouses there were it is almost surprising that more violence is not known of. When "Drunken Barnabee" made a tour of the alehouses of northern England, he seems to have deliberately sought out local colour and disreputable establishments, yet one thing which marks his account of his adventures is a notable lack of violence.³²⁴ This would suggest that a lack of information was not necessarily entirely due to a tacit acceptance of alehouse brawling.

Rather, it is clear that many assaults were specific to and motivated by a particular set of circumstances, whether short or long term, and that these circumstances were on at least some levels, by some individuals, considered to be valid causes for a response which might include force.

³²³ NCC QSB 49/33a (information of Alice Bates)

³²⁴ R. Braithwaite, Drunken Barnabee's Four Journeys to the North of England, London: S. Illidge (1716) He only travelled as far north as Northallerton.

Chapter 3) Forms of violence in society, their effects and their mirrors

Criminal violence cannot be studied in isolation from the society from which it sprang, and patterns of both motivation and behaviour were directly rooted in the lives of participants. We have already seen the ways in which society's fondness for alcohol engendered violence. Moreover, early modern society was one in which violence was condoned or even recommended in a wide range of circumstances. The effect of this was potentially twofold. On the one hand, regular exposure to, and perhaps experience of, violence and aggression, may have acted to desensitize the population towards violence, and suggest it as a behavioural strategy.³²⁵ More narrowly, it could influence the forms assault took and the contexts in which it was employed, as people consciously or unconsciously mirrored legitimate violence in their actions. It is these possibilities which subsequent sections will explore, focussing particularly upon violence within sport, legitimate chastisement, authority force and corporal punishment.

i) Sport

It has been suggested that there is a connection in mentality between the predilection of early modern man for blood sports, and his participation in violent crime - either that both are pointers to a more deep-seated insensitivity to cruelty, or that each desensitized the watcher or participant to violence and thus made other forms of violence more likely to emerge without restraint.³²⁶ The scope of this study does not reach far enough into the eighteenth century to look for correlations in the period of supposed change, but in the later seventeenth century the region's enthusiasm for blood sports might conceivably have had an effect upon the collective psyche.

³²⁵ Open University, "Individual aggression and social conflict", p. 65

³²⁶ J. Beattie, "Violence and society in early modern England", p. 45

Blood sports were certainly amongst the most popular in the seventeenth-century north east. The administrators of the godly community known as “Crowley’s Crew” left good records which show the community’s interest in a wide range of sports, most notably bull baiting, cockfighting and bare fist fighting.³²⁷ Bull baiting - supposed to make the meat tender - had become institutionalised, to the extent that in Hexham in 1660 it was made illegal to kill a bull for meat unless it had first been baited.³²⁸ The most popular activity, though, was cock fighting.

Early issues of the Newcastle Courant contain advertisements for examples of this “noble and heroic art” taking place throughout the year, with a glut around Shrove Tuesday, many of which were mass fights with large numbers of cocks appearing in a single bout.³²⁹ Contests were often between counties or towns, fostering local rivalries. Respectable citizens were involved; Sir William Chayton wrote letters on the subject in 1700, and Sir Walter Calverley also indulged as a young man in the early eighteenth century.³³⁰ Alderman Ambrose Barnes of Newcastle was also heavily involved, his biographer claiming that “his chief recreation was cock fighting”.³³¹

³²⁷ Winlaton and District Local History Society, A History of Blaydon, p. 39

³²⁸ NCHC History of Northumberland, v. iii, p. 293

³²⁹ Newcastle Courant, e.g. 90, 92, 93, 107, 110 etc - quotation is from issue 90 (24-5th February 1712). New pits were also being built - Jacob Bee mentions one such in 1704, ed. J. Hodgson, “Jacob Bee”, (1910), p. 62

³³⁰ E. Hughes, North Country Life, p. 382. Although, of course, at this date being a gentleman was no guarantee of a violence-free life, these individuals at least seem to have placed decorum above aggression. The involvement of gentry in cock fighting was to change - in the later eighteenth century, support was increasingly confined to the lower classes. J. Brand, Observations of Popular Antiquities, p. 379, said it “continues to be a favourite sport of our colliers in the north” in 1777.

³³¹ M.R, Memoirs of the life of Ambrose Barnes, Surtees Society, 50, (1866), p. 3

Disputes about cock fighting could become serious - it was claimed that “the sparks of Streatlam Castle killed [a cock] out of mere envy”, and other cocks were stolen, one such theft being reported to the quarter sessions of Durham in 1674.³³² This is understandable given the sums of money which could be involved - Sir William Chaytor reported that Frampton had lost £1000 “of his cocks”.³³³ Given such stakes, and the highly charged atmosphere of any gaming environment, it is surprising that no assaults at the cockpit were reported to the magistrates (although at least one argument started there).³³⁴ This is perhaps because in certain pits, a degree of high temper was an acceptable behaviour, rather than because no blows were struck; however in the absence of a contemporary local description of a cockfight, we can only speculate on this matter.

Cocks were also the victims of human aggression. In 1708, a game was played in which a cock was set fifty paces away and shot at, four pence going to the owner for each shot until the cock’s death.³³⁵ This was a variant of throwing stones at cocks of Shrove Tuesday, a custom which Brand, looking back from 1777, noted with relief had finally died out amongst his fellow north country men.³³⁶ This relief is symptomatic of the changes in attitude towards certain violent sports which occurred over the course of the eighteenth century, concurrently with changes in attitudes towards other forms of violence.³³⁷ Within the period under

³³² Ibid., p. 3; PRO DURH 17/1: 1674/92

³³³ E. Hughes, North Country Life, p. 382. This heavy betting was not confined to the north, see N. Wymer, Sport in England: a History of Two Thousand Years of Games and Pastimes, London: Harrap, (1949), p. 90

³³⁴ NCC QSB 13/77a (information of William Gallon). William Gallon may be the same man as was involved in the violent aftermath of bastardy, p. 213. Gambling in any context was potentially dangerous, see p. 245

³³⁵ PRO DURH 17/1 unnumbered (information of Ralph Haswell).

³³⁶ J. Brand, Observations of Popular Antiquities, p. 377

³³⁷ J. Beattie, “Violence and society”, *passim*.

consideration, however, there was no lessening of interest in blood sports even amongst the upper classes of the region.³³⁸

Fighting was not confined to the animal kingdom. Whilst there is not a great deal of evidence for prize fighting in the region at this date, it certainly did occur. Jacob Bee records watching a fight in Durham in 1683, in which “two men fought a prize in the New Place, upon the stage - Swainston and Wood - but Wood wounded Swainston with back sword although Swainston got the better”.³³⁹ Men also wrestled. One woman, when asked to give her version of a set of violent events around her house, said that “some of them wrestled, but as for quarrels or fightings she knows none of it”.³⁴⁰ Given other witnesses’ descriptions of the same scene, her reply seems self-deluding or more likely disingenuous - she probably ran an alehouse, and did not want to be seen to have allowed violence within her walls. It still shows the practice of wrestling to be active, and the dividing line between fighting for sport, and fighting through personal animosity, to have been thin and potentially blurred.

The violent content of sports and games, insofar as it can be said to reflect upon the mentality of the population, was not confined solely to direct contests of physical prowess. It is well known that seventeenth-century “football” was a very different game from that which is now played, with a large and indeterminate number of players and very few constraints on tactics.³⁴¹ Thus, it is no surprise to find a complaint like that of Ralph Lowriston, who suffered injuries including a broken arm at the hands of two members of the opposing team in the middle of the game. The severity of a broken arm was a greater - and more long term - degree of injury than that caused by the usual rough and tumble. To take those responsible to court shows that the action was probably considered deliberate - either as a “nobbling” action for the sake of the

³³⁸ E. Hughes, North Country Life, p. 382.

³³⁹ ed. J. Hodgson, “Jacob Bee”, p. 46

³⁴⁰ PRO ASSI 45/11/3/83 (information of Alice Henderson)

game, or a more personal assault hidden by the game.³⁴² Again, we cannot tell how often more minor personal assaults went unremarked and effectively licensed; this incident was the only such to be deposed about to the quarter sessions.

So, whilst not all sport was centred upon a physical conflict, a significant amount of it featured aggression, more or less directed against an opponent or encouraged in beasts. There is no way to judge how much this directly influenced individuals towards violence in their dealings with each other. Certainly there was no necessary link, as the fondness for cockfighting of such upstanding (and non-violent) citizens as Ambrose Barnes indicates. Nonetheless, games could provide a forum for, and acceptable expression of, violent impulses and additionally interpersonally violent sport seems to have had influence, or at least analogues, in the realm of true assault. Also, games themselves held the potential to accidentally injure or kill. The shooting at cocks mentioned above, for instance, ended tragically as a boy shot and killed a bystander.³⁴³

Beattie has described boxing matches which incorporated a known code of behaviour, and effectively functioned in some instances as a plebeian equivalent of the duel.³⁴⁴ There is, admittedly, no evidence for impromptu formalised boxing in the north east. This does not necessarily mean that there was none, as staged fights would arguably be amongst the least likely to reach the attention of the justices. The account of Berwick watchman Thomas Richardson concerning his discovery of two young men stripped to the waist, fighting, while two others looked on, may well preserve an instance of such a staged combat, which neither

³⁴¹ N. Wymer, Sport in England, p. 97

³⁴² NCC QSB 1/28 (information of Ralph Lowrison)

³⁴³ PRO DURH 17/1 unnumbered (information of Ralph Haswell)

³⁴⁴ J. Beattie, "Violence and society", p. 46

participant felt a need to report.³⁴⁵ Sport provided a set of rules within which a combat might be taken to have a meaningful result and, as we shall see later, this was an important facet of early modern male violence.

ii) The uses and abuses of authority

Early modern English society was stratified such that every man could identify those he met as his superiors, inferiors or equals, each identification bringing with it patterns of correct behaviour, and implications of deference and responsibility.³⁴⁶ Within this system, violence had a disciplinary function and in several contexts was legitimate when directed towards those whom society deemed to be the inferior party of the transaction. This had a much more tangible influence than the practice of blood sport.

On the one hand, the state had the right to use corrective violence against its members, and this power was not monolithic but filtered down through a wide range of courts and into the hands of individual officers of the law. At the same time, household heads, rulers of the microcosm state of their house, had a legitimate call upon force.³⁴⁷ In both instances, commensurability was an important consideration, and violence had prescribed limitations. Equally, in both contexts, individuals might pass beyond those limitations and into outright assault which we can study, assault which was to a certain extent shaped and prompted by the philosophy of legitimate violence from which it sprang, and which can be seen as an attempt to claim the very superiority which would make it rightful.

a) Authority figures and corruption of power

The state valued its mandate to use force, within certain bounds, to obtain its objectives and keep the peace. There were lawless men at large - a force went to capture a gang of horse

³⁴⁵ BER C15/1, unnumbered (information of Thomas Richardson)

³⁴⁶ These ideas run through all writing on early modern society; see for instance K. Wrightson, English Society 1580-1680, pp. 51-61

thieves in 1701, but found the gang “was so strongly armed that they durst not venture to take them”.³⁴⁸ In the light of this kind of opposition, authority needed to be tough, and a certain amount of violence was considered (and often was) necessary, held in the hands of individual officials upon whom the responsibilities of state devolved.

That this is rarely evident in the court records is partly because it was not often questioned, but attitudes to the use of force do sometimes emerge. When a move was made to arrest a gang of “rogues” - probably more horse thieves - acting in the Northumberland/Cumbria/ Scotland border regions in 1720, the fact that “Birnie, another of them, was killed when Mr Forrester was endeavouring to apprehend him” did not count as a mark against Forrester. Indeed, he was recommended in a letter as having done “very good service”.³⁴⁹

Even when dealing with men less dangerous than these, it could be argued that a degree of menace was needed in order to gain respect in some circumstances, in a world in which men had their own opinions on matters of law and bureaucracy, and were often not afraid to stand up for those views.³⁵⁰ That both parties might have considered their own actions within a violent dispute to be perfectly valid, given their initial views on the validity of the official action, is visible in the handful of allegations which were made in both directions. The line between legal force and unnecessary aggression is an ambiguous one. One man’s legal action might be another man’s “riot”, and peaceful criminals were apt to interpret state moves against them as “violence” by dint of their views of its legitimacy.³⁵¹ Braddick argues that many

³⁴⁷ S. Amussen, “Punishment, discipline and power”, p. 13

³⁴⁸ NCC QSB 15/15a (petition of William Turner). This is the same William Turner, and the same gang, who were on opposite sides of a claim of maiming the previous year - see p. 145

³⁴⁹ NCC QSB 53/11a (letter)

³⁵⁰ See below pp. 200-200 for assaults made upon authority figures by others, a more common phenomenon.

³⁵¹ PRO DURH 17/1, unnumbered (information of Thomas Hudson), in which a chief constable is accused of “riotously assembl[ing]” a group of armed men to forcibly enter a smelting milne and tally its contents. S.

accusations of assault and trespass by tax collectors were in fact vexatious claims by disgruntled individuals who may even have themselves initiated any violence.³⁵²

The large number of assaults upon constables and bailiffs demonstrate that they often had problems in generating enough of an air of authority to be able to carry out their duties unhindered, without resort to full scale confrontation.³⁵³ This is in some ways hardly surprising given that they were often neighbours of those they tried to arrest. The same men might appear in court on both sides of the law, and their violence before appointment need not stop.³⁵⁴

There is no clear-cut line between the excessively violent constable, and the ineffectual one bullied by his neighbour; the criminal and the victim. This can be seen in the case of bailiffs Gawen and John Murden, a father and son from Wark, who seem particularly prone to involvement in violent incident, or at least to reporting such (although not all reports were initiated by them), in careers spanning at least eighteen years. In 1702, Gawen was violently repelled from a field when he tried to levy goods there.³⁵⁵ Eight years on their joint attempt to levy a mare to cover a debt was met with force by a large number.³⁵⁶ In 1712, they were the repossession agents of a hotly disputed property, receiving threats but fortunately leaving the

Amussen, "Punishment, discipline and power", p. 18 analyses the language of a peaceful group of non-conformists in casting authority actions against them in a "violent" mould.

³⁵² M. J. Braddick, Parliamentary Taxation in Seventeenth-Century England, pp. 175-6. Braddick uses the records of the central Indemnity Court, where constables argued their innocence and claimed indemnity from civil prosecution as they were only carrying out their duties.

³⁵³ See p. 52 for figures.

³⁵⁴ J. Sharpe, "Crime and delinquency in an Essex parish", p. 95

³⁵⁵ NCC QSB 18/43a (information of Robert Rutherford)

³⁵⁶ NCC QSB 33/59a (information of Gawen and John Murden)

area before conflict broke out.³⁵⁷ They were both assaulted again in 1715, though what their “lawful occasions” were at the time is not mentioned.³⁵⁸ They were not merely victims - in 1719, John was accused of assaulting another, again in the course of his duties, and the following year a recognisance to keep the peace was brought against Gawen.³⁵⁹ This string of events makes them the most noticeable of legal officials - others reported repeated abuse over a short time, but not such a series of unconnected events. There is no reason to believe that Wark was a particularly lawless area - in fact, all the incidents of violence it is known to have reported are connected to the Murdens. It can only be imagined that they were locally unpopular, probably violent, and thus more likely to receive abuse than other men, as violence and resentment bred further aggression.

Thus, constables and bailiffs walked a thin line between inadequacy at their jobs and a reputation for brutality in the case of those disputing their authority or the validity of their actions. Sadly, it is difficult to delineate this problem with great clarity, as accusations made against violent officials are rarely detailed. Most simply say that an action was carried out with unnecessary force, or portray an allegedly wrongful arrest or over-taxation as an act of personal violence.

Where violence was alleged, it sometimes appears that personal greed and brutality, rather than a rigid application of the law, was to blame. Positions of authority brought with them power as well as responsibility, power which for some was enjoyable and to be hung onto. When in 1720 an Act of Parliament was issued designed to free many imprisoned debtors, John Ridley, gaoler of Hexham, obviously saw many of his charges – along with what money he could squeeze out of them - slipping out of his hands. He may also have feared unfavourable reports

³⁵⁷ NCC QSB 37/20b (informations of John Scott et al)

³⁵⁸ NCC QSB 43/36a, 38a (information of John Murdue, warrant against Matthew Brown)

³⁵⁹ NCC QSB 51/107a (warrant against John Murden), NCC QSB 53/101a (recognisance against Gawen Murdew)

of the conditions of the prison, and his own conduct. Unfortunately, the prisoners were reliant upon him to arrange for their names to be put forward, which he refused to do although they paid him. He promised, instead, to resist the act, threatening harm to them if they pursued the matter.³⁶⁰

There is little difference between this miserly approach to a limited degree of power and that demonstrated occasionally by military officers. Assaults between soldiers were presumably handled by military law and court martial - the only instance in secular records is a homicide - but a handful of soldiers appear to have vastly overstepped their authority in dealing with civilians. When this occurred it was generally under the guise of being part of the law enforcement body just as constables were, but backed up with more force. For example, Roger Spoore of Walker and his wife were assaulted in 1677, and two days later he was forcibly taken to Tynemouth Castle, on the grounds that "he was a rogue and a thief and they would hang him immediately". When his friends went to enquire after him to the castle governor, they were told that the assailant was temporarily in charge, and hounded from the place. Although the army did have a role in capturing criminals, power seems to have gone to the new governor's head.³⁶¹ The same elevated perceptions of a small degree of power affected David Scotland, gunner at Clifford's Fort, Tynemouth, who twenty years on was

³⁶⁰ NCC QSB 54/26a (information of William Aydon, Ralph Heple, and Joseph Williams). Ridley was allegedly habitually drunk and abusive; he was also involved in a violent arrest in 1715 - NCC QSB 42/130a (information of Ann Clerke). G. Howson, Thief-taker General: the Rise and Fall of Jonathan Wild, London: Hutchinson, (1970), ch. 2, discusses life inside a debtor's prison in London, showing the varying stages of discomfort into which prisoners could sink, depending upon their crimes and finances. Hexham Gaol now houses the Border History Museum in which certain of the prison rooms are open to view, showing much the same range of conditions. See also NCHC History of Northumberland, v. iv, p. 103, on the treatment of an imprisoned Allendale Quaker in 1686.

³⁶¹ ASSI 45/12/3/19 (information of Roger Spoore, Matthew Smith, and Anthony Bowden)

pushing people around and “damning himself if he had not as much command in the fort as the governor had at the castle”.³⁶²

Military men also made violent appearances in their role as recruiters for the army and navy. Like other legal officials, press gangs were empowered to use force if they were resisted, and popular dislike of their role meant that they must have expected to occasionally need to use their mandate for force. Some press masters do seem to have been very ready to take whatever opportunities they could, and believe other’s words when they claimed that a certain individual was a suitable candidate for impressment. Thus pointing out a suitable candidate was a possible, and occasionally successful, tactic against an enemy, or even a weapon in a warring marriage.³⁶³

Interestingly, soldiers involved in impressment appear to have been more zealous in their duties, more determined to use force, than civilian press masters. Civilian press masters were only once accused of over-forceful recruitment, and in this instance the men, whose authority may have been questionable, intended to take their victim, allegedly a criminal, to the military rather than to a justice, who would presumably, they thought, be less likely to accept their catch.³⁶⁴ Conversely several military gangers allegedly went overboard by any standards, as with Captain George Ord, who broke into a house with several of his men, pistols at the ready, in order to seize several local men - whose legitimate professions were of course stressed by informants - and send them to sea.³⁶⁵

³⁶² NCC QSB 24/38b-42b (informations of Jane Pickering, Samuel Penny, John Mitcalfe and Mary Penny). Clifford’s Fort is a small tower about a mile from Tynemouth Castle, built in the 1670’s.

³⁶³ See p. 313

³⁶⁴ NCC QSB 26/58a

³⁶⁵ NCC QSB 24/50a (informations of David Thompson). See also NCC QSB 24/67a (information of Anthony Forster) for a similar incident.

Brothers Ralph, Cuthbert and Wharton Wilson were an even more extreme case.³⁶⁶ In 1708, Ralph was accused of using an axe to break into a man's house, carrying him away to sea and beating his mother.³⁶⁷ At around the same date, he and his brothers were involved in an attempt to impress a man which became personal, or at least a matter of pride, as they repeatedly attempted to imprison John Wilkinson and get him sent to sea over a period of over six months.³⁶⁸ Their initial effort, forcing him to write a note in which he promised to either become a soldier or else pay them ten pounds, was ruled invalid by the courts because he had a lawful employment as a weaver - interestingly also the profession of Wilson's other known victim. They next attempted to hold him to the ten pounds, and (when the legality of this was questioned) effectively kidnapped Wilkinson and carried him to Darlington, perhaps in the hope that the Durham justices would not pursue the matter. They were mistaken, though, and forced to release Wilkinson again. Once more, army officers carried him to Tynemouth, and refused to deliver him to constables to take him once more before the justices; eventually he was discharged again. Interestingly, Wilkinson's complaint was made in the hope of forcing the Wilsons to pay for lost earnings and the money he spent in defending the note, rather than to try them for their actions, suggesting he did not think this would achieve anything. Perhaps the events described were not exceptionally rare, although the justices' responses make it plain that they were illegal.

As well as being an aberrant behaviour exhibited by certain individuals, violence by officials could also be - or be seen to be - part of a wider conspiracy by the authorities themselves, a

³⁶⁶ A victim said that Ralph Wilson "pretends to be a captain lieutenant or other officer", it is unclear whether he really was, but the father of the three, and Wharton, were genuine officers and able to command other soldiers.

³⁶⁷ NCC QSB 28/47b (information of Anne Charleton), NCC QSB 29/22a (warrant against Captain Ralph Wilson, John Nicholson and Nicholas Ridley)

³⁶⁸ NCC QSB 29/72b (petition of John Wilkinson)

tacit extension of legitimate powers into illegal behaviours in order to enforce the status quo.³⁶⁹ This was certainly the view of Ralph Gardiner, who in commonwealth era Newcastle was vocal in expressing his grievances against the corporation, one of which was its oppressive use of violence via its lesser officials. Gardiner claimed that two sergeants, sent to arrest a shipwright who was (in contravention of a strict interpretation of corporation rules) saving a ship from sinking, acted with unnecessary force. When Ann Cliffe, the wife of the arrested shipwright, protested, the sergeants knocked her down and gave her “several blows with a rule or truncheon”, of which she later died; they also broke her daughter’s arm. Gardiner also claimed that the sergeants fled when they saw soldiers approaching from Tynemouth, in the knowledge that what they had done was unlawful but that they would be safe behind the protection of the corporation within Newcastle’s walls.³⁷⁰ One man was nonetheless tried but suffered no punishment, allegedly due to corporation connivance.³⁷¹ In related events, local officials were also accused of excessively violent arrests, of other individuals and of Gardiner himself, sending “bloody rogues with pistols and swords” to take him. Despite shots being fired, he escaped due to the help of some sailors who were “sensible of the cruelty of that town”.³⁷²

³⁶⁹ See p. 321, footnote.

³⁷⁰ R. Gardiner, England’s Grievance Discovered, pp. 134-5

³⁷¹ The corporation claimed the death was proved to have other causes - ed. R. Howell, Monopoly on the Tyne: Papers relating to Ralph Gardiner, Newcastle: Society of Antiquaries of Newcastle upon Tyne, (1978), p. 95 - whilst Gardiner argued that the accused was “found by the jury guilty, yet did not suffer”. Howell suggests the grand jury upheld the indictment as *billa vera*, but the magistrates then found against it; the case then dragged on for several years in various courts. Introduction to *ibid.*, p. 9, R. Gardiner, England’s Grievance Discovered, pp. 133-134.

Figure 3 – violence at North Shields, 1655, from *England's Grievance Discovered*



It is unclear how seriously we can take Gardiner's black and white description of Newcastle, especially as we have so little counter-evidence. His writing is anti-corporation propaganda, but follows witness' statements to the river court, and may accurately describe events, if not their interpretation.³⁷² Officials rarely appear in the courts of Newcastle at this date or later, but if the corporation sometimes turned a blind eye to the use of a heavy hand in the pursuance of a controlled citizenry - and the suppression of antagonistic critics like Gardiner - this is hardly surprising.

As well as genuinely disruptive officials, spurious reference to a higher authority could be used by those wishing to have their own way. Some stole goods under the pretence of customs

³⁷² TWAS NCX/DM/1/19, transcribed in ed. R. Howell, *Monopoly on the Tyne*, p. 50, NCX/DM/1/32, *ibid.*, p. 121.

³⁷³ TWAS NXC/CT7/1/1; TWAS NCX/DM/1/18, *ibid.*, p. 49.

levies.³⁷⁴ Others imprisoned individuals with the claim of a warrant, as when Thomas Carrick was dragged to a neighbour's house and held captive there by a group who claimed they had a sheriff's warrant, but would not produce it.³⁷⁵ Similarly, a Newcastle yeoman was accused of "pretending to be a constable and coming at night to search [another's] house and beating him".³⁷⁶ Here, then, legitimate legal violence found an echo in the conscious actions of ordinary people who wished to give spurious authority to otherwise unacceptable behaviours. That such behaviours included violence is testimony to the potential for force and its abuse, inevitable within a system which left much power in the hands of men little different from their neighbours.

b) Chastisement, household order and domestic violence

Legitimate chastisement and the battered wife

The right of individuals to use limited violence was a commonplace in the theory, at least, of the maintenance of the status quo when employed by husbands, masters and parents against their inferiors within the household structure. Nobody could avoid experiencing involvement in the household hierarchy, with its complex inter-linking of duties, rights, and responsibilities and its concomitant prescription of limited force. Men were entitled to use "moderate force" in order to correct their wives' wrongdoings, and a mental framework held sway in which violence was, as Hunt puts it, "a necessary if not always optimal way of maintaining order in

³⁷⁴ See p. 283

³⁷⁵ NCC QSB 2722(a)a (information of Thomas Carrick)

³⁷⁶ TWAS NC/QS/1/3, 23.5.1715

any hierarchical relationship".³⁷⁷ Similar stipulations were made with regard to children and servants.³⁷⁸

The right to physical correction was not universally acknowledged or defined, and even amongst domestic advice handbooks there was a wide range of degrees of acceptance of violence in the home, from complete condemnation to limited recommendation.³⁷⁹ It is likely that this led to confusion about what the best practice amounted to, although, in general, violence was only advised where the wife had fallen significantly short of the ideal. A man's right to chastise was directly dependant upon his place in the household hierarchy, and as such violence only had a place in maintaining that hierarchy. When it was excessive enough to instead unbalance the household and create more disorder, its legitimacy was negated. The same principles applied to other hierarchical relationships within the family. Children and servants were subordinate to both the household head and his wife, and were subject to similar chastisement, within limits based upon the maintenance, rather than undermining, of order.³⁸⁰

There is no good evidence for how much, and which elements, of this advice, had been internalised. It is worth posing the question, however, of the relationship between chastisement and domestic violence. Did the latter stem specifically from the abuse of the former right, or, more generally, was an atmosphere created in which a violent solution was more likely to present itself than would otherwise have been the case?

³⁷⁷ M. Hunt, "Wife beating, domesticity and women's independence in eighteenth-century London ", p. 14

³⁷⁸ These have been subjected to less analysis than marital chastisement, but see L. Pollock, Forgotten Children: parent-child relations from 1500 to 1900, Cambridge: Cambridge University Press, (1983) pp. 152-156, P. Griffiths, Youth and Authority, p. 299

³⁷⁹ Debate upon the didactic literature relating to chastisement can be found at S. Amussen, "Being stirred to much unquietness", pp. 71-2, which stresses that advice books of the period discourage violence and only ever give it limited acceptability.

³⁸⁰ S. Amussen, "Punishment , discipline and power", p. 13

Domestic violence, both legitimate and illegitimate, is hard to study. It is difficult to establish what was considered to be normal behaviour in practice, precisely because it was not worthy of reportage. Even those couples attracting attention would often be informally encouraged to alter their ways, so that only the most extreme instances of abuse reach court. A balanced analysis of marital breakdown is therefore a challenge for many years considered impossible, due to the likelihood of atypicality amongst those few case histories of abuse which found their way before the courts, assumed quite reasonably to be only a tiny minority compared to a wider pattern of abuse suffered in silence.³⁸¹ The unnuanced impression of a great deal of unrecorded abuse is a cornerstone of the works of Stone and others who argue for the brutality of the early modern era.³⁸²

Recently progress has been made in delineating attitudes towards domestic violence and the boundaries of the acceptable.³⁸³ Ecclesiastical records relating to applications for separation from bed and board - the closest approximation to divorce available, allowing separate lives without shame but not the possibility of remarriage - provide a significant window into failing marriages. Extant records for the north east are not a complete loss in this respect. Durham's ecclesiastical court preserved several such applications,³⁸⁴ and the quarter sessions also saw a slow but steady stream of complaints from women, and very occasionally men, regarding the

³⁸¹ For instance, J. Sharpe, "Domestic homicide in early modern England", p. 32 says that only a "very impressionistic portrayal" of non-lethal domestic violence is possible.

³⁸² L. Stone, The Family, Sex and Marriage, p. 95 - "a great deal of casual wife beating... simply went unrecorded".

³⁸³ Most notably J. Bailey, "Breaking the Conjugal Vows"; other noteworthy studies include S. Amussen, "Being stirred to much unquietness", L. Gowing, Domestic Dangers, M. Hunt, "Wife beating, domesticity and women's independence", and A. Fletcher, Gender, Sex and Subordination, pp. 192-203

³⁸⁴ PG Proctors Papers.

behaviour of their spouses. Domestic homicides came under the inescapable remit of the higher courts.³⁸⁵

Such respectable options as church sanctioned separation were impossible for the poorest sectors of society. Poorer couples may, however, have been less likely to feel the build up of pressure through entrapment in a loveless marriage, as they could simply agree to ignore their vows and go separate ways - or desert - with more impunity than others.³⁸⁶ Additionally, gentry often lived in greater isolation than others, such that they arguably had less access to friends and witnesses.³⁸⁷

Despite the bias towards detailing crimes of violence, in the case of the quarter sessions, and “cruelty”, in the case of the ecclesiastical courts, it would be simplistic to argue that these things occurred in isolation from other symptoms of stress. Indeed, closer reading of “secondary” problems in failing marriages demonstrates that problems were generally more complex. Many accounts of domestic violence can be construed as the most extreme symptoms of a relationship failing on many levels. They co-exist with the tales of women

³⁸⁵ Although the scant selection of incidents appearing before the quarter sessions of Northumberland may seem discouraging, it is at least better than the situation in seventeenth century Essex, where Sharpe finds only two reports of spousal violence (although he studies indictments, and recognisances might have been a preferred, less disruptive, route of prosecution); J. Sharpe, Crime in Seventeenth-Century England, a County Study, p. 120

³⁸⁶ J. Sharpe, “Domestic Homicide”, p. 45. This might be especially common when the man had more incentive to leave. An example of this occurs in the assizes records in a rare accusation of bigamy, PRO ASSI 45/12/3/40-41v (informations of Thomas Harperly and Anne Harperly). Here, the deserted wife allegedly “abused him and frightened herself sick and had him brought before authority”, so he moved in with another woman.

³⁸⁷ S. Amussen, “Being stirred to much unquietness”, p. 81. This could apply to both men and women. The story that in 1664 Lady Carr locked her husband up “and by ill usage rendered him incapable of management”, although told by their son, must be taken with a pinch of salt, but demonstrates the not-entirely-incredible suspicions which could circulate about events occurring behind closed gentry doors. CSPD, 1664-5, p. 196, NCHC History of Northumberland, v. xi, p. 456

whose husbands spent time away or with other women, drank too much and misused money.³⁸⁸ In a society without divorce, men and women incompatible with their partners would experience a build up of pressure and desperation as the relationship broke down and yet there was no simple and respectable escape from wedlock. Even separation from bed and board was rare and required proof of adultery or cruelty. This left men feeling unable to use this route unless their wife had been unfaithful.³⁸⁹

Thus there must have been many households in which dissatisfaction was a defining feature of members' relationships, simmering below a level which would generally make it visible to historians. John Tomlinson spoke from a position of knowledge, as a local vicar, when he argued that "marriages are styled matches - yet amongst those many that are married, how few are there matched".³⁹⁰ When Newcastle cunning man Peter Banks claimed in 1679 to be able to make "ill husbands be good to their wives", he expected, and got, clients.³⁹¹ This is demonstrative both of a pre-existing market of troubled couples, and of the appeal of alternative coping strategies besides those options offered by the church and the state, recourse to which could be counter-productive or financially impossible.³⁹² One such couple was described in Ambrose Barnes' biography. Barnes, it is said, used to relate the tale of a Newcastle man who wished to become "unmarried" by the vicar who had married him, on the grounds that "she is a shrew, I never have a quiet day, and the worst is, she is contriving to get me pressed away for a soldier". The vicar replied that he would be better off amongst soldiers,

³⁸⁸ J. Bailey, "Breaking the Conjugal Vows", spends equal amounts of time discussing these various indicators of a failing marriage, and thus provides a more balanced picture of marital breakdown than can be achieved here.

³⁸⁹ L. Gowing, *Domestic Dangers*, pp. 188-206. Again, J. Bailey, *op. cit.*, provides the best discussion of the different strategies available for leaving an unsatisfactory relationship.

³⁹⁰ April 24th, 1718, "Diary of Rev. John Tomlinson", p. 116

³⁹¹ PRO ASSI 45/12/3/6 (information of Jane Burrell)

³⁹² We have already argued that reporting or prosecuting domestic violence was a particularly risky area in terms of possible retribution and heightening of tension; p. 23

as at least he would then be rid of her. He also quoted a proverb that “a man ... whose wife is never quiet should be exempt from going to the wars, as having war enough at home”.³⁹³ Unsurprisingly, no-one was willing to take his or her partner to court simply because of scolding or shrewish behaviour, and neither is marital disruption mentioned in more general accusations of scolding and spreading discord. In fact in many such cases, both partners are condemned equally, and it is likely that both partners had a role to play in the deterioration of many relationships.³⁹⁴

Archetypically, this disruption within marriage by scolding and shrewishness was the sphere of the wife, whilst the husband was more prone to physical expression of anger. This archetype was self-reinforcing, as cultural pressures might have kept men from reporting violence against them, although Bailey argues that in reality women too were willing and able to use violence against their menfolk.³⁹⁵ However, physical domestic violence was certainly much more commonly reported by women, and this is partly due to the very construction of the marriage bond, male honour and the license given to chastisement of inferiors.

Foyster considers that an important element of the construction of a man's honour was his ability to control his wife and keep her from unruliness and sexual impropriety. She believes “men ... were only held worthy of honour if they could demonstrate control over their wives,

³⁹³ M.R., *The Life of Ambrose Barnes. Surtees Society*, p. 155. In the 1700's, the vicar of Embleton wrote a popular poem, “The Celebrated Cure of a Scold”, whose shrewish leading lady probably shared the characteristics of some of those he saw around him - J. Mason, *A Border Tour*, p. 16. Similarly C. Ellison's 1726 poem, *A Most Pleasant Description of Benwel Village*, features a constantly quarrelling couple whose neighbours' attempts to calm the situation tend rather to inflame it, e.g. p. 328.

³⁹⁴ A 1685 indictment condemns a married couple, Michael and Anna Turpin of Morton, for “a breach of the peace over a prolonged period”. It is unclear whether this was against neighbours, each other, or most likely both.

³⁹⁵ J. Bailey, “Breaking the Conjugal Vows”, pp. 67-70, “Power and prejudice? Marital violence in the late seventeenth and eighteenth centuries”, seminar paper, *Modern Postgraduate History Seminar Group*, (1998).

children and servants”.³⁹⁶ In combination with the right to chastise, this allowed for an abuse of power by those with a tendency towards paranoia, or a desire to have control even in tiny matters which the wider world would not have seen as any slur on reputation. Whilst the ideal marriage was portrayed as a partnership of equal but different parts, the wife beater went a step further in wishing to control his wife’s whereabouts and behaviour.³⁹⁷

Men over-sensitive about their authority would also be demanding of absolute obedience, in a form of slavery far beyond the gentle submission for mutual advantage recommended by conduct books. Most women do not mention what sparked their husbands into anger, preferring to present it as completely disassociated from their own behaviour or the state of the relationship.³⁹⁸ What foci are discussed are often issues of control, in part because of the allowance for correction, and the difficult balance of power within marriage, espoused by law and society. Margaret Story was beaten chronically by her husband Robert, a yeoman of Bedlington, with whatever implements came to hand. Her account, told through a third party, contains virtually all the themes of control and lack of control reflected in other wives’ narratives. His reasons for his actions appear petty - “pretending she had not milked the cow”, or something wrong with his dinner - but also betray a desire to completely control his wife’s actions.³⁹⁹ We have already seen that such domestic strife, and particularly violence, was frequently exacerbated by alcohol.⁴⁰⁰

A desire to maintain control over the wife’s physical whereabouts, and suspicion concerning what she might be doing out of sight is a recurring element in the thinking of violent husbands.

³⁹⁶ E. Foyster, The Concept of Male Honour, passim, “Male honour, social control and wife beating in late Stuart England”, Transactions of the Royal Historical Society, 6(6), (1996), p. 215

³⁹⁷ E. Foyster, *ibid.*, p. 216: “many violent husbands exhibited a deeply entrenched desire to be in control of their wives”.

³⁹⁸ J. Bailey, “Breaking the Conjugal Vows”, p. 58

³⁹⁹ NCC QSB 5/14c (information of Margaret Story)

⁴⁰⁰ p. 87

Angry men would embark upon journeys to find their wives. For example, Philip Barker of Berwick went to the house of Margaret Graham where his wife was talking with friends, and attacked and threatened her.⁴⁰¹ If a man's wife was not in the expected location, this did not necessarily prevent violence, as anger might instead be turned against whoever lived there, in simple frustration or the belief that they were in some way covering for wifely wrongdoing. In 1703, James Forster of Hertly visited the Midleyeard household searching for his wife. He broke open the door and called Mary Midleyeard a rogue and witch before asking for his wife - apparently believing the two of them to be in some way conspiring against him (the rare use of rogue to describe a woman is suggestive of a fear of dishonest dealings). He then attacked the Midleyeards and threatened to burn down their house.⁴⁰²

For a man sensitive to his honour, not knowing the whereabouts of his wife could be both embarrassing and a personal affront. It was especially provoking if a man believed that his wife was building up independent allies, people outside his sphere of influence, who might one day be used against him, or provide support if she were to leave.⁴⁰³ The most obvious people in this category were the wife's own blood family, to whom she might continue to turn to with her problems, and feel a sense of allegiance. Legally speaking, there were ways in which a woman was her husband's property - certainly none had the right to keep her from him - but this was at odds with the reality.⁴⁰⁴

The tug-of-war that could potentially develop between a husband and his in-laws over the welfare and behaviour of the central woman is clearly visible in a dispute between George Dawes and his father-in-law George Meryson over his wife's whereabouts and well being. The

⁴⁰¹ BER C15/1/20. Two years later Barker appeared in court again having threatened to kill his wife, having evidently not been reformed by the intervention of the law - BER C8/1, February 1705

⁴⁰² NCC QSB 19/43a (information of Mary Midleyeard)

⁴⁰³ M. Hunt, "Wife beating", p. 23, argues that involvement in the local community could be a woman's best method of counterbalancing her husband's power, especially as some might be willing to help the battered wife.

⁴⁰⁴ *Ibid.*, p. 19

woman at the centre of the dispute was never named in testimony, perhaps in unconscious reflection of her essentially passive role in the scene. She was heavily pregnant, but had gone to visit her father's household. George Dawes arrived and demanded that she leave with him, but her father was "not willing to let her go out lest she might get harm she being great with child". Dawes dragged his wife from the house despite her father's protestations, and threatened further violence against the Meryson family, who took the incident to the magistrate. He also threatened to "cause [George Meryson] to have as little as he should have himself", showing that economic tension exacerbated the apparent battle for the woman's favour and obedience.⁴⁰⁵

Probably the only thing worse, in the husbands' eyes, than this building of allies, was the possibility that a woman had in fact found a new sexual partner, or at least that he had rivals for her attentions. Unsurprisingly this was a source for much aggravation, such that jealousy and rivalry in sexual relationships have been allocated their own chapter.⁴⁰⁶

Several incidents happened in public. This could represent a genuine pattern of behaviour, either because the points of conflict were found here, as in instances of attempting to control a wife's whereabouts, or because there was a desire to create a public spectacle, in a misplaced attempt to publicly demonstrate a man's ability to control his wife, or on the wife's part to gain allies by showing others her husband's irrationality.⁴⁰⁷ In an action directed at both his wife and his audience, John Charleton bid his neighbours "take [his wife] and kill her out of hand

⁴⁰⁵ NCC QSB 37/53b (information of Mrs Eleanor Meryson). Francis Addison was prosecuted for beating his mother in law, a quarrel which may have similar roots; NCC QSB 15/55a (information of Isabel Thompson). Quarrels between members of a man's family and his in-laws, which did not have the same undertones of divided allegiance, were rarer. There is only one known example - William Hogg's sister apparently beat his wife, the cause of the dispute is unknown but Hogg soon afterwards reported that the matter had been settled. NCC QSB 53/76-77b (warrant against Margaret Hogg, letter from William Hogg to the bench)

⁴⁰⁶ See on, pp. 255-267

and he would be well pleased.”⁴⁰⁸ It is likely however that women only thought it worth taking their case to the authorities when they had the backing of the local community, both to act as witnesses, and, if necessary, to help them adjust to life alone. Since this would be more likely to be forthcoming if others had seen for themselves the husband’s violence, cases tend to be skewed towards those occurring in public sight.

This begs the question of how domestic violence was responded to by those around. Ingram argues that “domestic relations were on the borders of public and private morality”, and the ambivalence of this position, and the legality of chastisement, must have affected reactions to domestic violence.⁴⁰⁹ There is no way to know how many actions of assault were met with collusion or indifference because they were perceived as falling close enough to the grey areas of private practice.

Hunt thinks that there was “willingness on the part of a wide spectrum of the population to get involved in other people’s marital disputes”, arguing that because violence was not seen as universally repellent, there was less temptation to try to avoid or turn a blind eye to it.⁴¹⁰ She studies London, where the proximity of people’s homes and the general habit of living life on the streets around might have increased neighbourly involvement. Whilst some bystanders did get involved in the north east, they do not seem to have been particularly curious or concerned as a matter of course. In the case of Mae Charleton, neighbours appear to have noted a disturbance, but not actually gone to her house until she was heard to cry out murder, giving a

⁴⁰⁷ M. Hunt, “Wife beating”, p. 23, argues that some acts were designed for a public audience. Conversely, Gowing argues that most marriage-breaking violence occurred within the home, as litigants stressed violation to the domestic structure for example by pushing down stairs, locking in or out - Domestic Dangers, p. 209

⁴⁰⁸ NCC QSB 4/1b (information of Mae Charleton)

⁴⁰⁹ M. Ingram, Church Courts, Sex and Marriage, p. 142.

⁴¹⁰ M. Hunt, “Wife beating”, p. 21, 23

better indication of the severity of the assault.⁴¹¹ Their unwillingness to become involved in affairs which may have proved private and legitimate is understandable.

Additionally, this group, all women, may have felt they would be endangering themselves to interfere, given the mental instability, chronic or temporary, which often seemed to accompany excessive wife beating.⁴¹² In 1668, a Newcastle man was shot dead because he happened to be in the room when a man lost his temper with his wife, and helped her get away from him.⁴¹³ This did not stop “the women of the neighbourhood” from stepping in to save the wife of Robert Trumble from serious harm, however.⁴¹⁴ Women do seem to have been more likely to get involved in domestic disputes than men, allying themselves with others of their sex in spite of fears of harm.⁴¹⁵

As a last resort the wife could leave the household and lodge elsewhere, and this would be considerably easier if others were behind her. At least three of the beaten wives reported to magistrates had moved away from their husbands.⁴¹⁶ There were times when leaving was

⁴¹¹ NCC QSB 4/3b (information of Isabel Moor, Ann Jackson and Sara Robson)

⁴¹² p. 81

⁴¹³ PRO ASSI 45/9/1/53-55. A similar incident, in which a London man was murdered when he stepped between a fleeing woman and her husband, was made notorious by a pamphlet in 1677 - S. Amussen, “Being stirred to much unquietness”, p. 79

⁴¹⁴ NCC QSB 42/1a (presentment against Robert Trumble). In a remarkable display of self-interest, the (unknown) town - or fifteen male members of it - presented Trumble not so much because of the beatings themselves, as their wider influence. They were afraid of “some harm to the town” if he followed up his threat of setting fire to her house, and of having to pick up the bill for the maintenance of the family because of his idleness.

⁴¹⁵ L. Gowing, Domestic Dangers, pp. 218, 231, M. Hunt, “Wife beating”, p. 21, 24

⁴¹⁶ Conversely, it is theorised that upper class women were more cut off from society, and therefore most vulnerable to domestic assault; the evidence contributes nothing to this possibility - S. Amussen, “Being stirred to much unquietness”, p. 81

considered a perfectly reasonable, and even expected response to severe ill treatment.⁴¹⁷ Ralph Dane put it thus: “that John Wood of Brickhead yeoman hath lately unreasonably beat and abused his own wife by which and sundry other savage usages he hath forced her to depart from him”.⁴¹⁸ Margaret Story also fled dramatically, “escaping from him in a most tempestuous night being glad to beg for entertainment of any charitable neighbours”, preferring to make herself completely vulnerable than to risk staying any longer with her husband.⁴¹⁹ Her plight was certainly extreme, but led to her having support from the most substantial local figures, not merely her own friends or family.

Most such broad ranging accusations of mistreatment on all fronts were made in pursuit of a separation from bed and board, but even before the criminal courts violence could play a minor role in complaints against a husband.⁴²⁰ Margaret Story’s husband neglected to provide enough food and resources for her and their child, to the extent of hiding food in the fields. He also spent long periods away from the family home, frequently drinking and possibly consorting with another woman. Anne Tomlinson of Knaresdale accused her husband primarily of squandering her goods and preventing her from making her living elsewhere, while not allowing her to stay in the house. That he also beat her is mentioned only in passing in the information, and not at all in the related petition.⁴²¹ Elizabeth Mills mentioned violence, but was primarily concerned with having been kept from contact with potential allies in the community, and replaced in the home and in the affections of her husband - even in her role as bearer of her husband’s children - by Margaret Hall, an alehouse keeper. The violence that scared her was not simply the expression of an uncontrolled temper. Rather, it underlined her

⁴¹⁷ J. Bailey, “Breaking the Conjugal Vows”, p. 113

⁴¹⁸ NCC QSB 6/6b (information of Ralph Dane).

⁴¹⁹ NCC QSB 5/14c (information of Margaret Story)

⁴²⁰ For cases from the ecclesiastical court of Durham involving being turned out of doors and starved, see Proctors Papers 1717/2, 1687/2

⁴²¹ NCC QSB 50/57b (information of Anne Tomlinson), 79b (petition of Anne Tomlinson)

position as an unwanted obstacle, strengthening her fear that the two of them together would “contrive some means to take this informants life”.⁴²² Cruelty was the prime reason women sued for separation, but this could take many forms. For many women, there were worse ways in which a husband could fail in his duties as head of the household than through a tendency to anger.

The lack of divorce options clearly cannot be blamed entirely for domestic violence. However, the pressures upon a couple to function as a unit, placed upon them by the community and by their own hopes and expectations, could have a suffocating, and potentially incendiary, effect upon less than perfect relationships. The dynamic taken by this tension was along the line of least resistance created by the allowance for domestic chastisement (and indeed the duty to correct wrongdoing). Chastisement was not the only thing which suggested violence to husbands, and they did not generally plead this right, even when questioned about their violence, preferring outright denial - even accepted chastisement was not something to be freely and openly admitted.⁴²³ Nor was it the only pattern of aggression used; the place of beating within wider patterns of marital breakdown, alcoholism and disorder is too central to afford simple answers. Monetary matters, for instance, were an important arena of contested control which will be considered later.⁴²⁴ However, in combination with the sexual and controlling components of male honour it is a vital component in understanding domestic violence.

Servants and masters

Domestic violence extended beyond the husband-wife relationship to the rest of the household, just as all household members were bound up in the same system of deference and duty. In particular, servants and apprentices, like wives, were subject to correctional beating and thus

⁴²² NCC QSB 54/39a (information of Elizabeth Mills)

⁴²³ J. Bailey, “Breaking the Conjugal Vows”, p. 72, 76

⁴²⁴ See p. 246

to uncertainty regarding the bounds of acceptable treatment.⁴²⁵ As with wives, violence towards servants was sometimes merely a symptom of a wider breakdown in household order, the ways in which this manifested physically following the lines of least resistance. To an even greater degree than wife beating, violence against servants must have been viewed dispassionately. Whilst humanitarian reasoning and the ideals of household hierarchy and order would rule against it, the particular arguments concerning the marital bond did not apply here - servants were inferiors whereas wives were partners.⁴²⁶

Many young people must have suffered in silence and isolation and left no record for us.⁴²⁷ Nonetheless, some young adults apparently acted without parental support, and seem remarkably able to state their case even from this vulnerable position.⁴²⁸ Often servants would turn to the law when the violence they had suffered was such that they were left unable to work. At this point they had little choice but to try to gain a new posting, and some form of redress, and so an accusation would not affect a future working relationship - although one Isabel Hog in her complaint appears to place as much stress upon being turned out of her master's service before her contract was finished because she was left too weak to work than

⁴²⁵ P. Rushton "The matter at variance: adolescents and domestic conflict in north east England, 1600-1800", Journal of Social History, 25, (1992), p. 90, stresses that urban apprentices, hired rural workers and resident servants had significantly different lives. However, numbers of each in the court record are too small to test this or treat such groups separately.

⁴²⁶ S. Amussen, "Being stirred to much unquietness", p. 72

⁴²⁷ M. MacDonald and T. R. Murphy, Sleepless Souls: Suicide in Early Modern England, Oxford: Oxford University Press, (1990), presents a bleak picture of the isolation and potential for abuse of servant life frequently leading to suicide. M. Chaytor, "Household and kinship: Ryton in the late sixteenth and early seventeenth centuries", History Workshop Journal, 10, (1980), p. 47 speaks of the "isolation and near destitution of some female servants", arguing that daughters seem to have preferred to stay at home whenever the household could support it. Griffiths concurs that life could be very stressful especially at the lower end of the household pecking order, though he also believes MacDonald and Murphy to be overly pessimistic about the broad picture; P. Griffiths, Youth and Authority, pp. 296-7

upon the beating itself.⁴²⁹ In a small number of cases, of course, it was too late. In county Durham, two masters inflicted sufficient damage that their servants died shortly afterwards, in each case having been sent back to their parents because they were too ill to work.⁴³⁰

Others who turned to their parents for support survived and went on to prosecute. John Dixon, for example, returned to his father in 1701 when his arm became unusable, perhaps permanently, following a beating.⁴³¹ John Henderson “having intelligence that his son was very sore bruised and beat by his master, he sent his wife for him”, only to find his son, as he put it, in danger of death.⁴³² Some parents went to still greater lengths to protect their children - in 1669, Mark Close travelled more than one hundred miles in order to rescue his son, apprenticed in Newcastle, from overwork and abuse.⁴³³

A few young people found outside aid - when Ann Bell was beaten by her master Edward Shepherd, two neighbours carried her out of his house and lodged her in another house in town while she gradually recovered her senses.⁴³⁴ However, such neighbourly interference was rare, and only in the most extreme of circumstances, where there could be no doubt as to the abuse of power entailed, did others get involved. Servants putting their case before the courts therefore stressed the “inhuman” or “unseasonable” nature of the beatings they received, and would also stress that they had done nothing in order to deserve the punishment. This

⁴²⁸ P. Griffiths, *Youth and Authority*, pp. 310-311 argues that young people in apprenticeship disputes seem familiar with legal and civil procedure.

⁴²⁹ QSB 46/49a (information of Isabel Hog)

⁴³⁰ PRO DURH 17/1, unnumbered (informations of Margaret and John Marshall on the death of Margaret Marshall, and Isabel Green on the death of Elizabeth Green)

⁴³¹ NCC QSB 15/46b (information of Stephen Dixon)

⁴³² NCC QSB 15/42b (information of John Henderson)

⁴³³ P. Rushton, “The matter at variance”, p. 93

⁴³⁴ NCC QSB 23/35a (warrant for Edward Shepherd)

intentionally distinguishes the assault from chastisement, but it is hard to believe that the right to beat servants played no part in the situation. Evidence is scarce, however. None mentioned any action which precipitated the violence, except for Elizabeth Green, who received lethal violence after “sitting down by the fire beside her said master to put on her night cap”. According to her father, Elizabeth’s young master had then said “dirty hussy or dirty whore, what did she put on her night cap before him”. This was perceived as either an action above her station, or possibly a presumptuous sexual invitation. No witness commented upon this as a wrongdoing however, and certainly the violence she received was out of proportion, rather than being an acceptable chastisement.⁴³⁵

Whilst service contracts could be much shorter, apprenticeships were often for seven years. As with wives, the beating of servants did not occur in isolation from a general deterioration in relations, which might have other symptoms. Just as the marriage bond kept together those who grated upon each other, so some indentures forced individuals into uncomfortable proximity. Although it is not directly mentioned in testimony, simple resentment at being bound by a contract to continue employing and feeding an unwelcome individual must have been an important factor in the deterioration of relations.

Whilst beatings and neglect were mentioned in a significant proportion of petitions made to Newcastle corporation, the most significant factor was a failure to teach the apprentice the trade for which he had been indentured, sometimes instead putting him to work on menial tasks.⁴³⁶ A steady stream of Newcastle masters were found to be inadequate in their training,

⁴³⁵ PRO DURH 17/1 (information of William Green). Another oblique reference to sexual reasoning may be in a violent couple’s statement to their servant, “lord put by an ill hour” – perhaps “whore”. NCC QSB 34/41a (information of Margaret Watson)

⁴³⁶ TWAS QS/NC/1/3, *passim*. For example, the sessions of January 1704 saw the complaint of Joseph Wheldon apprentice joiner for not being taught the trade, and beatings without just cause, and of George Marshall, apprentice carpenter, who was put to work grinding malt (his master also being a millwright), beaten, and threatened with banishment from the house

but violence was generally mentioned as an afterthought. In isolation it was rarely considered severe enough, it seems, to make attempting to break a bond worthwhile.⁴³⁷

Other masters merely seem to have been habitually violent. Merchant William Johnson was brought before his guild in 1697 for “unreasonable and violent beating” of his servant, who had returned to his father’s house unable to work. More unusually, only two years later he was again reported for an identical offence against a different servant, “beating ... kicking ... and endeavoured to thrust him headlong downstairs”.⁴³⁸

Being a domestic servant, under the control and potential abuse of one’s master and mistress, was one thing - servants in specialised circumstances might be more vulnerable yet. In particular, working within an alehouse was risky. Not only was there the possibility of violent scenes within the public rooms during drinking hours, the alehouse’s function as a lodging house also placed random strangers in positions of pseudo-authority over serving maids, a position which could easily be abused. Two butchers, lodging in an inn just beyond the walls of Newcastle, got up one night and roughly woke the kitchen servants, saying “bitch, I am dry, get me some water to drink”, and threatened her. The master and mistress of the house were unable to curtail this.⁴³⁹

Master-servant disputes, whether concerning physical abuse or matters such as wage payment, were not always one sided, and masters occasionally attempted to redress the balance. They explained their own actions as a valid response to provocation and the intractability of their charge. Their ability to attempt this, or correctly claim it, following a vexatious accusation

⁴³⁷ TWAS QS/NC/1/3, 1704. In the petition of apprentice joiner Andrew Davison, the main problem was plainly perceived as one of neglect and lack of provisions. The justices ignored the accusations of barbarous beating and made Davison remain with his master, so long as he did “find him sufficient meat and diet”. See also ed. F. W. Dendy, “Extract from the records of the merchants adventurers society of Newcastle upon Tyne”, vol. 1, *Surtees Society*, 93(1)(1894), e.g. p. 241

⁴³⁸ “Extract from the records of the merchants adventurers society of Newcastle upon Tyne”, vol. 1, pp. 240-1. Despite this in 1721 William Johnson accused another man of assault against him; *ibid.*, p. 253

demonstrates the linkage between chastisement and beating. Three days after John Featherstone had caused his master Job Whitehouse to be bound to the peace, William Jennison, a friend of Whitehouse, wrote to the magistrate concerned saying that Featherstone was idle and kept running away, and that witnesses could be called who had heard the youth deny the charges he had made. He argued “its plain the youth’s put upon it by his bondsmen because he has broken his indentures and they would have him now away ... whereas he has served scarce half his time”.⁴⁴⁰ These accusations would make a degree of punishment justifiable, although equally running away would be understandable in the light of the treatment Featherstone alleged, involving beating with a heavy knotted stick and being forced to steal coals. Similar accusations could fly in cases of dispute between men and their hired labourers, with one side claiming ill treatment and sometimes theft, the other a desertion or breaking of contract.⁴⁴¹

In cases of dispute, and particularly ones in which both master and apprentice alleged abuse of contract by the other, arbitrators might be called in. In the case of the dispute between tailor Lawrence Appleby, and his apprentice John Thew, this appears to have been a semi-official process. Whilst the agreed arbitrators were not legal officers, the whole agreement made between the two of them was written down and given the weight of law.

The process appears to have started with John Thew’s complaint to the magistrates of having been beaten by Lawrence Appleby, who also threatened to be his death. Thew said he was so scared by the threat that he claimed he “dare not continue in his master’s house”. Nonetheless, the bond was not revoked, but reconciliation through arbitration was attempted. Eight days later, both were agreeing to a document binding the master to “order himself mildly and

⁴³⁹ NCC QSB 47/61b (information of Elizabeth Heslip)

⁴⁴⁰ NCC QSB 27/16a (letter of William Jenison); 19a (information of John Featherstone)

⁴⁴¹ NCC QSB 53/104, 108a (information of David Messer and Henry Anderson; information of James Strang) concern contention between a master mariner and his hired sailors, for instance. NCC QSB 53/115a, 105b. (informations of Robert Muddley and Thomas Stokoe) involves a hired labourer, who interestingly does not mention his relationship with his abusive master in his own testimony.

orderly towards his apprentice” and the servant to “act honestly and dutifully”.⁴⁴² Perhaps this was successful, certainly they did not appear disputing in court again.

The courts, and guild arbitrators, did sometimes accept that relationships had irreparably broken down, however. In 1664 the Black Book of Newcastle recorded a complaint by the father of a servant who was “inhumanly beaten” by his master, and allows for the discharge of the servant, who could then find a new master.⁴⁴³ The records of the Newcastle quarter sessions contain many similar cases.⁴⁴⁴

Arguably, a particular vulnerability was to sexual harassment. Of course, no conduct book or sermon gave license for the sexual harassment of servants, and it is a step removed from overzealous correction. Bailey finds no sense of an “institutionalised right” to the sexual favours of servants.⁴⁴⁵ Nonetheless, it was a potential aspect of the lot of the servant, and an extreme example of the ways in which a nominal authority could be twisted to personal gain. In Quaife’s survey of Somerset, around one in ten women who appear at quarter sessions in relation to bastardy or pre-marital sex, most of whom were servants, alleged rape.⁴⁴⁶ What is most obvious here is that spinsters were particularly vulnerable to members of their own household, with whom they not only shared a roof but were also directly subordinate. This power relationship could be abused by unscrupulous men who might assume their sexual availability.

⁴⁴² NCC QSB 29/17a (agreement between Lawrence Appleby and John Thew); 49(a)a (information of John Thew)

⁴⁴³ ed. E. M. Halcrow, Calendar of the Black Book, Newcastle upon Tyne: City Archives Office, (1951), p. 14

⁴⁴⁴ TWAS NC/QS/1/3 passim. In most of these cases, the petition was upheld, although sometimes the master was simply ordered to act according to the terms of the bond and provide for his apprentice. Northumberland’s quarter sessions rarely record such cases, though NCC QSB 31/77b (recognisance of James Hull) is against a sail maker for “turning away” his apprentice. Ironically, the paper having being reused, the back is an information against a violent master or fellow servant.

⁴⁴⁵ J. Bailey, “Breaking the Conjugal Vows”, p. 94

The case of James Aynsley, master of Newcastle's house of correction in 1677, and his charges, amply illustrates this point, and the pressures against reporting the offence when it was committed by one's superior. Whilst not strictly speaking master of the teenage girls in the house in the usual household sense of the word, Aynsley did share their accommodation and oversee their work every day. He appears to have used his position of authority over his charges to sexually abuse several of them. His behaviour was something of an open secret, known by all the girls but not talked about. When sixteen-year-old Isabel Bradford was raped, she was unable to contain her tears in front of her fellow inmates. At this point, "Mary Bell and others [said] you need not keep it secret for we know what the matter is as well as yourself and so mentioned the fact, and then this informer told them it was so and then they replied hang him ... for we know his tricks in that before now". The girls attempted in rudimentary ways to protect themselves against Aynsley, but his authority over them was too great in spite of his misuse of it. Another girl went with Isabel Bradford for support the next time he called her to his room, but felt unable to disobey when he ordered her from the room, instead standing helplessly outside his door.⁴⁴⁷ Being an inmate of the house of correction in the first place suggests a high degree of powerlessness, poverty, and perhaps an imperfect reputation; the worst possible circumstances from which to mount a viable accusation. A further three girls, in support of Bradford's accusation, testified to having been sexually assaulted by Aynsley, and had it not been for Isabel Bradford's accusation, the whole situation might never have come to light.⁴⁴⁸

The argument about maidservant vulnerability requires qualification, however. Only six of the twenty seven - twenty two percent - attacked were servants, a figure which does not seem excessively high given the high proportion of young single women who went through

⁴⁴⁶ G. R. Quaife, Wanton Wenches and Wayward Wives, London: Croom Helm, (1979), p. 66

⁴⁴⁷ PRO ASSI 45/12/2/1-2

⁴⁴⁸ PRO ASSI 45/12/2/3-4a

service.⁴⁴⁹ Moreover, only one man was accused in the courts of raping his own servant, this accusation only coming out in the course of a bastardy investigation.⁴⁵⁰ If the court record can be taken as any indication, danger seems to have more frequently come from fellow servants, rather than employers.⁴⁵¹ We may suspect that more sexual abuse occurred. Certainly those who were made pregnant by their master's attentions - more likely in the case of systematic abuse than with an isolated attack - would have had a much weaker case in the light of the contemporary opinion that conception implied consent.⁴⁵² In general, servants evidently did not consider themselves to be in a position to prosecute their masters.⁴⁵³ The evidence will thus not support any strong conclusion.

Violence against children

The study of violence towards children presents similar methodological problems to the study of wife beating, in that societal mores allowed limited correction and thus help to obscure the excesses of parental behaviour. Pollock has found that many seventeenth-century diarists physically punished children in their charge, although it was generally a last resort, and not necessarily agreed to by both parents.⁴⁵⁴ Since children had little means to gain outside support, parental abuse only became apparent to the courts when it reached extremes which were considered to be severe enough to warrant intervention by the wider community.

⁴⁴⁹ A. Clark, *Women's Silence, Men's Violence*, p. 138, says that nine percent of north eastern sexual assault victims in the late eighteenth-century were attacked by their masters or master's relatives.

⁴⁵⁰ NCC QSB 2/22 (information of Elizabeth Marshall). Marshall's master appears to have tried to seduce her, saying that he would acknowledge any child they had, and turned to violence when this failed.

⁴⁵¹ NCC QSB 28/98a (information of Margaret Adamson), NCC QSB 2/29d (information of Anne Pattison)

⁴⁵² N. Bashar, "Rape in England 1550-1700", p. 36

⁴⁵³ A. Clark, *Women's Silence, Men's Violence*, notes the vulnerability of late eighteenth-century servants, p. 40.

⁴⁵⁴ L. Pollock, *Forgotten Children*, pp. 152-156, esp. p. 155. Pollock believes that the personality of the parent, and his or her knowledge of his own children, shaped views on discipline more than class or religion.

Amussen argues that child abuse would rarely reach the courts unless it culminated in the death of the child, and the sources do not challenge this.⁴⁵⁵ Excluding contexts of contested paternity, only one parent was accused of anything less than child homicide, and this was extremely rare. The exception, a tiny window on more normal practice, was Mrs Hewitson, who apparently publicly threatened to beat her own children if they played with the neighbour's children again. Here, however, the complaint is a minor one in a long list and the list writer's objection appears to have been more to her calling his own children "hogs", than to her threats.⁴⁵⁶

Despite the possibility of abuse behind closed doors, the homicide of a child would be unlikely to go unnoticed, and Stone's argument that "children were often neglected, brutally treated, and killed" must be taken with a large pinch of salt.⁴⁵⁷ There is one homicide by a mother in which victim's age is not stated. It is not an instance of neonatal infanticide, although the method, beating the child's head against a cradle, suggests youth.⁴⁵⁸ The alarm was raised when another child of the household, aged about four or five, ran with remarkable presence of mind to a neighbour for help. This action, combined with the neighbour's action in running for further help when she viewed the scene, rather than tackling the mother herself, combine to suggest a woman very much caught up in a violent passion, having lost her temper with the child. This kind of wild behaviour might attract others' attention, as other violence towards children did not. The only other child killing was that by Richard Foster, whom we met earlier, plainly suffering some form of mental delusion as he threw his infant son into the fire. A local woman called another neighbour from his house and asked him to go and stop Foster, allowing

⁴⁵⁵ S. Amussen, "Being stirred to much unquietness", p. 76

⁴⁵⁶ NCC QSB 15/14b (letter of Richard Hindmarsh)

⁴⁵⁷ L. Stone, *The Family, Sex and Marriage*, p. 99. There is slim evidence suggesting an improvement compared with the early part of the century; the Newcastle gaol calendars of 1628 and 29 show the imprisonment of one son-killer, sentenced to hang - Sir Thomas Swinburne, "Northumberland gaol calendars 1628-9", *Archaeologia Aeliana*, 1(1), (1822)

⁴⁵⁸ PRO DURH 17/1 unnumbered (information of Ann Young)

the wife - who seems to have been a secondary target anyway - to escape, but it was too late for the child.⁴⁵⁹ Child killing was thus a most exceptional offence performed in the heat of passion and causing a great stir in the community.

Parents, by right of their ability to chastise, seem to escape the courts' notice as violent, except in the most extreme and passionate of circumstances. The same is true of those who dealt with children *in loco parentis*; no schoolmaster or equivalent was accused of assault, for instance. Given the youth of some servants, there is a case for arguing that beatings of servants occurred in some sense from an adult *in loco parentis*; servants, however, were considered to be in a different life-stage to children.⁴⁶⁰ Only occasionally were younger children placed under the care of other adults to do a job of work - we know that children occasionally worked in the mines, for instance, and that beating formed part of the disciplinary methods there.⁴⁶¹ None of this reaches the courts precisely because it was sanctioned, except in cases of blatant abuse (and perhaps, then, covered up or dealt with informally).

The wider applicability of chastisement

The ability of every man and woman to act in judgement and punishment of his or her inferiors in the household, albeit supposedly with temperance, must have helped foster a pseudo-acceptability for similar judgements made beyond the home, whether or not directly connected to their own concerns. There can be no clear dividing line between communal punishments, and pseudo-chastisement, in the popular consciousness or in reality. However, some indication may be gleaned from the relative status of the participants. In the case of the enactment of popular justice, which will be considered next, the participants considered their right to punish

⁴⁵⁹ PRO ASSI 45/7/1/78-80 (information of Michael Dobson and Christopher Bell, examination of Richard Foster). The outcome of this prosecution is not known, but a woman who killed her three children in Fishburn, Durham, in 1741, received a verdict of lunacy. J. Sykes, *Local Records*, v. 1, p. 166

⁴⁶⁰ P. Griffiths, *Youth and Authority*, deals with the existence of the separate life-stage inhabited by servants and apprentices.

⁴⁶¹ D. Woodward, *Men at Work*, p. 57

to transcend the bounds of hierarchy, just as the forces of law levelled (in theory, at least) all degrees of men. Chastisement, though, was directed down the social hierarchy, according to the assailant's perception of the world and his place in it.

One context in which this pseudo-chastisement is very plain is in violence against children. As children grew older, they disappear almost entirely from the court record, reappearing as servants and young adults. Older children, it seems, were rarely subject to external violence, or at least it rarely reached proportions worthy of legal recourse (a blow to an older child being less likely to cause major damage accidentally).

Where children were attacked, however, justification seems to revolve around "punishment" for inappropriate behaviour, which might be thought to require a beating just as it would do from a parent or master. The word "beating" appears in these testimonies. When Robert Trehwitt asked the Urwin family why they attacked his son, Ann Urwin replied that "the boy had an ill tongue and deserved to be hanged". If this had been the end of the matter we might well never have heard of it, even given the unusual punishment (thrown stones and setting a dog upon him). The incident was reported because the family then turned upon Robert himself, assaulting him and making further threats.⁴⁶² Trespass by children appears to have been a particular problem. James Ferguson of Berwick found a child had strayed into his yard and beat him for this.⁴⁶³ In 1715, nine-year-old George Thornton was beaten by John Alder in the latter's byre, apparently on similar grounds.⁴⁶⁴

That such incidents had a degree of legitimacy through their connection to valid chastisement is visible in the desire of parents, reporting violence against their children, to deny the possibility, stressing instead the extremity of the violence. When Margaret Stubbs of

⁴⁶² NCC QSB 52/108 (warrant against Peter Urwin, Thomas Urwin and Ann Urwin) A counter claim made by Peter Urwin of abuse by Robert Trehwitt was made the following day; NCC QSB 52/119 (information of Peter Urwin)

⁴⁶³ BER C15/1, unnumbered (information of Frances Cuthberts)

⁴⁶⁴ NCC QSB 42/76a (information of Rachel Thornton)

Framwellgate Durham reported her female neighbour to the justice for beating two year old Nicholas Stubbs so that “he is in great danger of his life”, she stressed that the beating had occurred “without any provocation whatsoever”.⁴⁶⁵ Anne Heron, wife of an Elvet labourer, reported that Richard Smith had kicked her infant son in the belly, and he had died three days later. She made particular note of the fact that the child was standing by her at the time - and by implication was doing nothing to which Smith could rightfully object.⁴⁶⁶

In most cases, the hierarchy is clear, and violence can be seen as flowing either downwards in the excesses of chastisement, or upwards in revolt against authority. Families were not necessarily this simple, however, especially given the high rates of remarriage and combination families which included step-relations. In subsequent chapters, domestic power struggles, particularly concerning the maintenance of household power struggles, will be seen to have culminated in violence.

⁴⁶⁵ PRO DURH 17/1 unnumbered (information of Margaret Stubbs)

⁴⁶⁶ PRO DURH 17/1 unnumbered (information of Anne Heron)

iii) Corporal punishment

a) Ritual punishment, individual retribution

Early modern communities functioned by reference not only to the law, but also to a set of norms and values held in common, and tacitly agreed, by all community members. This set of standards shared boundaries with, but did not equate to, behaviours prescribed by law. We have already seen that some illegal actions were accepted by most people, and not prosecuted except in extreme circumstances. Equally, certain legal behaviours were still viewed as disruptive and unacceptable within a peaceable community.

Wrightson encapsulates this in his “two concepts of order” model, juxtaposing official ideology and popular pragmatism.⁴⁶⁷ Any bipolar model will inevitably oversimplify the picture. The concept remains useful, however, when we consider the attempts of ordinary people to regulate the world in which they lived.

In practice, there was a spectrum of community-sanctioned or -centred actions which aimed to restrict the behaviour of members of that community. Strategies to control the unruly elements of society might be conceived of as including gossip - which had great power to influence reputation and hence lives⁴⁶⁸ - public rebuke, and accusations of poor character which others, especially those on the receiving end, might term defamation.⁴⁶⁹ Bastard bearers might be “outed”, fornicators and others who breached a moral code similarly exposed to humiliation and mockery, both within and outside of the church court system, and neighbours were alert for the sexually incontinent or infanticidal.⁴⁷⁰ These actions differed in their position with regard to the law and their physicality, and individuals must have made their own decisions

⁴⁶⁷ K. Wrightson, “Two concepts of order”, *passim*.

⁴⁶⁸ M. Ingram, “Scolding women cucked or washed”, p. 49

⁴⁶⁹ S. Amussen, *An Ordered Society*, p. 173, argues that these strategies as well as informal arbitration would be used before resort was made to the courts in the case of a troublemaker.

⁴⁷⁰ L. Gowing, *Domestic Dangers*, p. 101

about the acceptability of a range of activities, but each expressed the same self-perceptions as guardians of a communal order.⁴⁷¹

It is notable that most of these areas of action were within the sphere of female activity. Gowing argues that women in particular claimed a “moral responsibility and right” to use the language of insult to punish whores, presenting themselves as legitimate judges of others’ morality.⁴⁷² Kermode and Walker echo this, saying that “women assumed responsibility for regulating ... feminine dishonesty”.⁴⁷³ They argue that this is partly because women had less opportunity to use the forms of law to punish, and turned to defamation as an alternative. This is not to say that men could not also informally police, and use strategies of gossip or ridicule.⁴⁷⁴ However, women do seem particularly linked with communal regulatory activities, and this trend continues when violence is examined as another such activity. It is not that men did not also sometimes perform similar functions by means of assault, but it was proportionately a much rarer element of their behaviour and particularly their recourse to violence.⁴⁷⁵

Public involvement in legal corporal punishment, and a sense of propriety held and policed by all sectors of the community, came together in violent actions against those who had broken the unwritten rules. In a world in which much legal punishment was of a corporal nature (and it was quite acceptable for a man to chastise his wife, servants and children for wrongdoings by means of physical force) personal punishment by violence was an extension of behaviours

⁴⁷¹ R. Shoemaker, “The decline of public insult”, p. 97, groups together defamation, shaming punishments, and neighbourhood policing, as facets of the public regulation of reputation. The definition of reputation means that this, and the maintenance of communal order, were intimately linked, and involved the same methods.

⁴⁷² L. Gowing, *Domestic Dangers*, pp. 101-2, 70

⁴⁷³ J. Kermode and G. Walker, “Introduction”, p. 13

⁴⁷⁴ D. Turner, “‘Nothing is so secret but shall be revealed’: the scandalous life of Robert Foulkes”, conference paper at *Masculinities*, University of North London, (1997) and S. Hindle, “The shaming of Margaret Knowlsey: gossip, gender and the experience of authority in early modern England”, *Continuity and Change*, 9(3), (1994), both debate the transmission of gossip through a community and the active involvement of men.

⁴⁷⁵ 5.8% compared to 1.4% of criminals (where the cause is known) – see pp. 327 and 327

directed towards one's inferiors in the household, redirected against anyone whose actions had, in the eyes of the assailant, temporarily stripped from them the rights of their position as non-subordinates. Attackers who had no legitimate authority for violence might claim it by virtue of their own conduct in comparison with the other parties'. Accusations were only likely to reach court if the violence administered was excessive compared with the offence "punished".⁴⁷⁶ This aggression could be personal, and effectively revenge or retribution in which the only impact of corporal punishment was perhaps to increase a fondness for vigilantism, and "do-it-yourself" judgement. Yet there is also significant evidence of punishments being carried out in a context which had little or no personal importance to the assailant.

A more important dynamic in understanding the early modern use of violence as a castigating response to a perceived social evil was the relationship of personal violence to the judicial corporal punishment which provided it with, if not legitimacy, then structure, inspiration and rationale. Certainly the existence of such phenomena as the branks, the ducking stool, and more officially dictated corporal punishments such as the stocks, combined with the prevalence of the concept of corporal punishment in household relations, make it unsurprising that principles were taken up by ordinary people in their daily lives, and that violence and shame, separately or very often entwined, might be used to punish.

Beattie (with particular reference to violence against informers for profit in early modern London) comments upon the existence of "groups of ordinary men and women ... apparently willing to thrash and even kill those who violated deeply held community values". He argues for a general willingness on the part of ordinary people to accept violence against those flouting law or customary values.⁴⁷⁷ That such motivations were not alien to the people of the north east is visible in the fears of John Hunter, who had acted as an informer following the 1715 rebellion, that having "incurr[ed] the hatred of the friends and survivors" of those he had

⁴⁷⁶ This view is put forward by S. Amussen, "Punishment, discipline and power", *passim*, esp. pp. 26, 32. See also M. Greenshields, "Women, violence and criminal justice", p. 182

⁴⁷⁷ J. Beattie, Crime and the Courts 1660-1800, p. 135, J. Beattie, "Violence and society in early modern England", p. 40

incriminated, he would be murdered, and his claims that some people had “lain in wait to murder” him.⁴⁷⁸

What then were the transgressions which were considered by certain individuals, and sometimes larger groups, to justify punitive force, in preference to, or in addition to, legal action? On the depositional evidence, broadly speaking, prime targets were sexually immoral women, and (usually domestically) violent men, both of whom damaged household integrity and were, by extension, a destabilising influence upon the community. These were crimes for which legal provision was slight, ineffective or difficult to implement unequivocally, or which were not punishable in the eyes of the law. Thus, communal punishment tackled the very areas in which the “two concepts of law and order” described by Wrightson did not neatly mesh.⁴⁷⁹

There was a particular role for violence as a response to, or informal punishment for, real or perceived unconventional sexual behaviour. Greene details a case from seventeenth-century Warwickshire in which women berated and attacked a non-local woman for having an affair with a local man, perhaps because she was an easier target than the man himself.⁴⁸⁰ In Wooler in 1720, a woman and her daughter repeatedly abused a young woman and her parents on the grounds that “[she was a] whore and named several men, and said [her parents] had put by her marriage and that they would put it by again by ruining her character”.⁴⁸¹ It is hard to distinguish clearly however between those women who were punished as a direct response to whoredom, and those for whom this merely removed the barrier to violence provided by respectability, as these concepts may themselves have been entwined.⁴⁸²

Other issues relating to the good maintenance of the household could also arouse ire which was expressed in a desire to punish, and for men, the perceived crime was usually domestic

⁴⁷⁸ NCC QSB 51/48b (petition of John Hunter); 51/52b (information of John Hunter)

⁴⁷⁹ K. Wrightson, “Two concepts of order”, *passim*.

⁴⁸⁰ C. Greene, “Women as perpetrators of violence”, conference paper.

⁴⁸¹ NCC QSB 53/59b (information of Cuthbert Roddam)

violence. When word got out that John Thompson, a North Shields' shopkeeper, "had violently beat and abused a girl servant he had", this was not considered to be a private matter of no concern to others. A group of people gathered outside his shop, and there was some sort of fracas, although the details are disputed. Even Thomas Smith, who in his information denied that anyone had actually hit Thompson or his wife, as they claimed, said he heard Mary Grant say "I could find it in my heart to help to beat that fellow who has so unnaturally beat that poor young creature". Whilst a group of local residents swore to the peaceable character of Mary Grant and her companion Elizabeth Kingsberry, Thompson claimed that they had caught hold of his wife, who was heavily pregnant, and thrown loaves of bread at her, knocking her to the floor. If this was the case, then this action is one of the most clear cut examples of direct violence aiming to punish a specific offence, unconnected to oneself, in the sources. The two women were apparently acting simply against the "unnatural" nature of the violence committed by Thompson, which may well have been of a particularly extreme or horrific nature to attract so much attention.⁴⁸³ It is testimony to the occasional willingness of outsiders to become involved in the affairs of the household when disorder went beyond a certain point. That several locals were willing to testify to the Thompsons' reputation as "very troublesome, uneasy and contentious amongst their neighbours being always restless and seeking advantage against them ... very dangerous persons" also points to a wider reason why they should have been singled out for community disturbance and, ultimately, forcible reaction. It also demonstrates that appreciation, or at least acknowledgement, of the existence of a wider backdrop of strained community relations is essential to understanding these incidents.⁴⁸⁴

Thus, individuals believed that they held a mandate to punish, probably influenced by their duties within the household and the legal system. Sometimes, however, they did more than this, making more explicit the link between corporal and communal punishment by the

⁴⁸² See p. 258 on the ritual "whore's mark", and p. 159 on the connection between dishonour and vulnerability to assault, particularly sexual assault.

⁴⁸³ A more common response to even extreme violence by a master was to remove the servant from the household.

⁴⁸⁴ NCC QSB 10/53a (information of Thomas Smith); 54a (information of John Thompson), 55a (certificate of good character). This will also be seen below.

ritualistic borrowing of elements of the physical enactment of corporal punishment. When the principles of punishment were taken up, so too were certain aspects of the concurrent method. When the striking keelmen of Newcastle wanted to demonstrate their feelings towards blacklegs in 1710, rather than being overtly physically violent, they “carried them by force to Sandgate stocks where they detained them”. This is a clear instance of a group of ordinary people responding to a perceived “crime”, in this case against their striking code, by a symbolic appropriation of legitimate judicial corporal punishment.⁴⁸⁵ We can only imagine the taunts and missiles which must have followed the detention of Sandgate’s strike-breakers, but these must have been much the same in form as those directed towards legitimate prisoners of the stocks, if perhaps expressed with more vehemence than in instances inspired by other, less contentious, matters.

Assaults with an element of punishment often appear designed to shame and humiliate those who had overstepped some boundary of communal norms, an unsurprising feature when these actions are viewed in part as echoes and parodies of judicial violence. The most ritualised form of extra-legal physical punishment was “riding the stang”, the northern form of a range of activities collectively termed charivari or “rough music” by historians.⁴⁸⁶ A counterpart to the southern “skimmington”, which involved a horse, the stang ride involved either the intended target, or a substitute or effigy, being carried round the streets on a pole, with much ridicule and tumult. According to Thompson, it was predominantly reserved in this era for the public humiliation of men who allowed their wives to rule them, although evidence from this region is more mixed.⁴⁸⁷ It was not primarily intended to cause physical damage, but certainly enforcing

⁴⁸⁵ TWAS 394/3 Keelmen’s Strike Papers, unnumbered (depositions of William Cragg, James Weatherhead and Richard Humble). John Reasly deposed that he had overheard strikers say that if they “could catch [magistrate William Coatsworth] they would put him in Sandgate stocks”. Later eighteenth-century striking pitmen and keelmen of Tyneside turned instead to the forms of rough music (see below) to demonstrate their feelings towards blackguards; E. P. Thompson, *Customs in Common*, London: Merlin Press, (1991), p. 485

⁴⁸⁶ M. Chaytor, “Household and kinship”, p. 47

⁴⁸⁷ E. Foyster, *The Concept of Male Honour*, p. 146; J. Brand, in his additions to H. Bourne’s *Antiquitates Vulgares*, reports that the “vulgar custom” of riding the stang was still being performed in his day, for “his neighbour’s wife’s fault”, p. 409. S. Amussen, *An Ordered Society*, p. 118, connects seventeenth-century

participation of an unwilling target might have involved as much physical force as was cited within some accusations of assault.⁴⁸⁸

Unfortunately whilst we know that the charivari was familiar in the north east (and it will be seen to influence to pattern of some attacks) there are no descriptions in the period which clearly display all the expected elements.⁴⁸⁹ The only unequivocal mention of rough music in testimony, reported because the participants became over-enthusiastic and attacked a bystander, stops before the victim or his substitute was brought into the picture. The participants comprised a mixed sex group - the prime movers being a married couple - suggesting this form of action was not the particular prerogative of either sex, although Foyster argues that it was particularly linked to “female enjoyment”.⁴⁹⁰

One group acted forcefully to shame a violent man in Newburn in 1712, in a way which certainly brings rough music to mind. Lawrence Appleby complained to the justices that a group of young women had dragged him from his house, tied him up, exposed his genitals, and eventually thrown him into the midden to wait for help, before they “went their way laughing”.⁴⁹¹ At first sight, this seems like an unpleasant practical joke. But other factors have to be taken into account. Lawrence Appleby also appears in the legal record on several other

skimmingtons to “husband beaters and adulterous wives”. E. P. Thompson. Customs in Common, pp. 489-505 surveys the various triggers for rough music.

⁴⁸⁸ G. T. Brown, “Riding the stang”, Antiquities of Sunderland, 11, (1910), p. 31. In 1793 a Sunderland stang ride which found its intended victim resulted in some participants serving two years in gaol for assault, although the earlier period does not see any prosecutions for events which were archetypal charivari (although see below); G. T. Brown, “Riding the stang”, p. 34.

⁴⁸⁹ In 1739 the Newcastle Courant reported a stang ride inflicted on a guardsman wife-beater, J. Bailey, “Breaking the Conjugal Vows”, p. 112

⁴⁹⁰ NCC QSB 9/60b (information of Mary Spack alias Heckle); E. Foyster, The Concept of Male Honour, p. 147. All those fined in 1739 were male, as were those arrested after a stang riding in 1793, Brown suggests that younger men were the usual participants; “Riding the stang”, p. 3, Thompson argues that women had a role in the ridicule although it was more often male participants who were indicted when the law got involved, Customs in Common, p. 511

⁴⁹¹ NCC QSB 36/58b (information of Lawrence Appleby).

occasions. His servant, his wife, and her friend all claimed to have suffered violence at his hands and his wife also accused him of drunkenness and profligacy. Neighbours claimed he had disturbed the peace, broken windows and threatened to set fire to their houses in spite of a previous binding against this behaviour.⁴⁹²

Thus, we have here a man who was abusing his authority over his household and wearing the patience of the community, seemingly oblivious to the constraining influence of legal proceedings. The treatment he received was related to this. One of the women, seemingly the ringleader, was the wife of the vicar of Newburn, adding an aura of semi-legitimacy to the proceedings.⁴⁹³ The form, as well as the intent, has parallels with the stang ride, from the intention to shame to the fact that charivari very often ended up with the victim in a ditch or pond.⁴⁹⁴ The date - the last of the local hoppings - may also have traditional significance. Foyster notes that certain fairs, known as “horn fairs”, were particularly associated with popular charivari activity.⁴⁹⁵

Foyster links the charivari to literary archetypes and the imagery of the world turned upside down (a particular feature of fair and carnival), but for Lawrence Appleby (who had himself misused the hierarchy of society) the disruption of the traditional order was all too real. It should be noted that Lawrence Appleby’s treatment was for the abuse rather than under-use of legitimate authority (allegedly its more common application in this period). Interestingly, Thompson argues that in the later eighteenth century the focus of the charivari had moved

⁴⁹² NCC QSB 39/76a, 77a (informations of Mary Appleby and Dorothy Hunter). NCC QSB 29/17 (arbitration between Lawrence Appleby and John Thew), 49(a)a (information of John Thew); NCC QSB 36/56b and 42/71a (informations of Michael Lonridge), 73a (information of Edward Alexander). No one else is accused of so many separate violent and disruptive incidents in the quarter sessions.

⁴⁹³ The vicar in question was alleged to be a sex pest some years later, as well as having a running dispute with the church warden and his wife - the couple were, at least, not model members of the godly community – see p. 300

⁴⁹⁴ E. P. Thompson, Customs in Common, p. 472

⁴⁹⁵ E. Foyster, “The Concept of Male Honour”, p. 147

from weak husbands to violent ones; in this light, Appleby's attackers might be seen as being ahead of their time.⁴⁹⁶

The attack on Lawrence Appleby largely followed the forms of the charivari, although certain characteristic elements - such as the "rough music" itself - were absent, or at least not mentioned in the testimony. Other attacks occupy a more ambivalent position between communal ritual and individualist reaction. In 1713, Margaret Waugh, a married Alnwick woman, complained of an attack made upon her by a group of youths. This was much more physically violent than that upon Lawrence Appleby, leaving her "almost dead and insensible", confined to her bed for a week.⁴⁹⁷ Part of this difference maybe be due to a tendency, examined by Walker, in which men did not feel able to frame their narratives against women in terms of physical harm, whilst women's testimonies were strengthened by dwelling upon force and bodily damage.⁴⁹⁸ If Waugh's testimony has any credibility though, she experienced a prolonged and severe attack, continuing over several hours in spite of neighbours' attempts to rescue her.

Certain elements parallel those of Appleby's tale; she was dragged from her home, by a local opposite-sex group, and humiliated by public exposure (her skirts being "turned ... over her head") as well as severely beaten.⁴⁹⁹ She was also "put into a cart and dragged ... in the streets", a circumstance which echoes rough music directed at whores or violent wives.⁵⁰⁰ It

⁴⁹⁶ E. Thompson, Customs in Common, p. 505. S. Amussen, "Being stirred to much unquietness", p. 84, agrees, whilst suggesting that this shaming might have been less effective against violent men than direct intervention.

⁴⁹⁷ NCC QSB 38/50a (information of Margaret Waugh)

⁴⁹⁸ G. Walker, "Crime, Gender and the Social Order", pp. 80-89

⁴⁹⁹ An interesting parallel is in R. Shoemaker, Prosecution and Punishment, p. 53, in which is quoted a 1722 recognisance involving "exposing her nakedness... and throwing water upon [her]". Shoemaker describes this as a "symbolic act of defamation". It is unfortunate that no matching deposition survives to check the suspicion that this was also a symbolic act of punishment.

⁵⁰⁰ D. E. Underdown, "The taming of the scold", p. 127. There was a mental connection between the wife who physically dominated her husband, and the one who cuckolded him, and thus their punishments were parallel.

also parodies legitimate justice, in which scolds might be carted to the site of a legal ducking.⁵⁰¹ These parallels indicate that the local youths believed themselves to be passing a judgement upon Waugh and punishing her accordingly. However, the fact that many neighbours intervened on her behalf shows that this was not in fact a truly communal action, let alone a legal punishment, and did not have widespread support.

No explanation is immediately forthcoming as to what Waugh had done to warrant the punishment, although she is known to have been friendly with a man who had burdened the parish with a bastard child four years earlier, a relationship which led her to the courts several times in some capacity and may have at least tarnished her own reputation.⁵⁰² Two weeks after her information, one of the men she had accused made a counter-claim that she was a “turbulent woman” who was being paid to make the claim by another local man in order to run him out of town.⁵⁰³ Margaret Waugh may indeed have had backing, and even financial support from her neighbours, but it is hard to imagine her claiming such wide public witness to her humiliation if it were not based in truth.

The treatment she received was certainly unusual, but the broader mentality upon which it was based is visible in several testimonies which report attackers referring to legal, or quasi-legal, punishments. Even when the violence offered was free from apparent symbolism or ritual, several individuals in the heat of anger retained a sense of appropriate punishment, using such threats as “he would duck her for a whore”.⁵⁰⁴ The threats made towards the wife of a

⁵⁰¹ In previous centuries, a naked carting had in itself been a legal punishment against a range of sexual offenders; L. E. Boose, “Scolding brides and bridling scolds”, p. 189, E. P. Thompson, Customs in Common, p. 478. L. Stone, The Family, Sex and Marriage, p. 325, notes the use of stripping, whipping and carting for bastard bearers until 1700.

⁵⁰² See p.213

⁵⁰³ NCC QSB 38/53a (information of John Nicholson)

⁵⁰⁴ e.g. NCC QSB 49/79a (warrant against Thomas Betson). Elizabeth Maxwell was also called a whore and then threatened with a ducking in the Tyne (warrant against John Roberts). Ducking is the most common punishment to be referred to in this way. Ironically, four years later, Robert’s own pregnant wife was assaulted, another couple “throwing upon her stinking piss and call[ing] her carted whore” NCC QSB 43/54a

Berwick burgess, accused of whoredom, in 1707, are also reminiscent of public punishment - "that he would cut her coats above her rump, and also threatened to beat her daughter with a bridle".⁵⁰⁵ Punishments abandoned by the law might still be remembered and their image resurrected in anger. A prime example is in the cry of "a tarbarrell for her" to a suspected Northumbrian suspect, a tar barrel being central to a defunct Scots form of public punishment.⁵⁰⁶

Punishing violence could also be a great deal more individualistic, an action taken by an individual or small group, either in response to actions against them personally, or wider problems, which might, or might not, include the appropriation of the symbols of judicial punishment. Sometimes the only hint of a possible motive we have is in phrases used by the attacker, such as that the victim "deserved" the assault.⁵⁰⁷ At this point, the violent "punishment" became a target for the legal authorities, which appear to have turned a blind eye towards actions such as rough music, provided that the violence did not get out of hand (thus minimising the sources available for the study of such community actions). The most dramatic incident of the whole period, in many ways, was the cutting off of the ear and tongue of William Turner in 1700. The aggressors were men whose motives were distinctly complicated, but appear to have centred upon revenge for his actions in trying to direct the full force of the law against the gang of horse thieves of which they were members.⁵⁰⁸ This was sensational at the time, and was forwarded to the assizes as well as ultimately fuelling a long and complex tale of corruption.⁵⁰⁹

(information of John Roberts). The circles he moved in were plainly very sensitive to issues of sexual reputation, and quick to police them.

⁵⁰⁵ BER 15/1/45 (information of Jane Gibson)

⁵⁰⁶ BER C15/1/58 (information of Elizabeth Edmerson)

⁵⁰⁷ For example Robert Dods "deserved to be stabbed" - BER C15/1 unnumbered (information of Robert Dods)

⁵⁰⁸ This motivation is that noted by the victim.

⁵⁰⁹ See p. 251

Macfarlane argues that there is “scarcely any evidence that people used physical threats or brutal attacks to punish each other”.⁵¹⁰ Certainly, unless this was the underlying cause in many cases where few details are given, direct punishment for transgressions of a personal or moral code was not a commonplace element of early modern violence. This may be why Macfarlane, focusing on a small number of inter-related incidents, finds no evidence of it. It certainly did occur, though, and was a concept embedded in the early modern psyche. In practice, whilst some actions of revenge clearly went beyond any possibility of legitimacy in the eyes of the majority, there is no clear distinction between individuals, or small groups, using physical force for the purposes of retribution, and more ritualised communal punishments, only differing degrees of the appropriation of ritualistic and legalistic forms within the expression of communal rejection. The actions of otherwise entirely law abiding citizens whose violence responded, impersonally or otherwise, to perceived wrongs against morality, is in many ways a more significant measure of the codes of conduct of the era than the vengeful tactics of gang members, and other criminally minded individuals, against those who had attracted their ire.

b) Communal enforcement and the authorities

So far the focus has been upon individuals or small groups who took it upon themselves to act against the community’s own black sheep. Wider sections of the community could be jolted into action when the “wrong” committed involved outsiders, and particularly the imposition from above of regulations or authority when they clashed with the local community’s idea of propriety. Greenshields speaks of violence in these circumstances as “a popular administration of justice”.⁵¹¹ They can thus be viewed as a larger scale analogue of the individual enactment of popular justice by those who did not consider their actions to be criminal. There is a distinction, however. The crux here was not necessarily imposition of a punishment for a wrong already done, but maintenance or enforcement of the perceived pre-existing right.

⁵¹⁰ A. Macfarlane, The Justice and the Mare’s Ale, p. 194

⁵¹¹ M. Greenshields, “Women, violence and criminal justice”, p. 178. See also G. Walker, “Expanding the boundaries of female honour in early modern England”, Transactions of the Royal Historical Society, 6 (6), (1995), p. 241

This does not necessarily imply widespread altruism, as the actions of the inhabitants of Newcastle's Sandgate in 1667 demonstrate. Collectors of the hearth tax were twice driven from the district by thrown stones and other violence, and the crowd only relented when the mayor himself promised that only the willing would be taxed. Tax collection might be opposed on an individual or household basis, but in this instance the collection of the hearth tax, following a period of plague, dearth, and unemployment, sparked widespread resentment. The tax farmers involved were crown officials, and probably not locals, which may have made their actions seem especially intrusive.⁵¹² Many of those involved would have paid nothing, being below the rate for assessment. This was a protest about the resented broad concept, to the advantage of many people, rather than involving a particular action against an individual.⁵¹³ Tax protest on such a large scale was, however, rare.⁵¹⁴ More often, riotous action involved members of a community mobilising against an outside force, or figure of the law - a press master, or a constable come to arrest someone, or to impound their goods as tax or debt payment.

Impressment was often perceived as an unwelcome intrusion into private lives, and was thus an issue in which wider community feeling could be roused against agents of government policy. Soldiers might occasionally be resisted on these occasions, but the majority of violence was against their agents, particularly constables. Civilian recruiters presented a less well armed and organised opponent than military men – and, being local men, were less likely to command respect, and more likely to be considered turncoats - and thus were more vulnerable to resistance. Just as when making arrests, constables were placed in a difficult position by the

⁵¹² R. Welford, "Newcastle householders in 1665", p. 55, 51; CSPD 1666-7, pp. 327, 330-1; M. J. Braddick, Parliamentary Taxation in Seventeenth Century England, p. 255.

⁵¹³ Similarly, in 1634, there was a serious riot in Newcastle, as apprentices and Sandgate men "marshalled themselves in arms" following the building of a lime-kiln on Ballast Hills. There were clashes with the armed forces before the "rebels" dispersed. W. Gray, Chorographia, pp. 95-6, S. Middlebrook, Newcastle upon Tyne: its Growth and Achievement, p. 84

⁵¹⁴ Other parts of the country, including Hexham, saw dissent in 1666/7 over the hearth tax - M. J. Braddick, Parliamentary Taxation, p. 261

need to fulfil their duties without overstraining their ties to the local community.⁵¹⁵ This may explain the behaviour of men such as constable Thomas Carter, who simply wandered off and allowed two impressed men to escape.⁵¹⁶ Other constables were zealous in their actions, however, pursuing candidates for impressment vigorously, and this attracted dislike and sometimes violent rescue.⁵¹⁷

Whole communities could rise up to keep press masters and their recruits apart - in fact all defiance against the actions of military press gangs (as opposed to civilian recruiters) involved large groups, indicating a belief that safety lay in numbers when dealing with the military. In 1708, a “riot” occurred in Lucker when three deserters hid apparently with the support of a large number of locals. Their leader articulated the community’s solidarity on the issue, saying to the officer “neither [he] nor his betters should take any man out of that constabulary and that he did not value or care for the Act of Parliament”.⁵¹⁸ Similar defiance had met sergeant Thomas Holland four years earlier in Durham. He claimed that his man, Thomas Craggs of Durham, was a willing recruit for the army who had taken money and directions about lodging, but that did not stop a group of seven men, mostly cordwainers and dyers, from assault and from forcing him to release Craggs. Their leader’s words indicate a deep dislike of recruiters and their work, of which their violent actions were merely the physical expression - “his captain was a rogue and they were all rogues and we will kick you out of town”.⁵¹⁹

⁵¹⁵ J. R. Kent, The English Village Constable looks at this problem in detail; K Wrightson, “Two concepts of Order” discusses the difficulties for a constable of being both part of the local community and answerable to those beyond it.

⁵¹⁶ PRO DURH 17/1 unnumbered (information of Thomas Lawson). NCC QSB 21/52a describes the refusal of both constables and other men to prevent an escape from impressment.

⁵¹⁷ NCC QSB 29/88b (information of William Hudson), for example.

⁵¹⁸ NCC QSB 28/70a (information of David Sutton). He was described as an officer in a related letter denying involvement, NCC QSB 27/17c (Thomas Forster to Mr John Ord). NCC QSB 28/30b (information of William Leighton) involves a large group, in this case all women, preventing recapture, two months after the Lucker riot.

⁵¹⁹ PRO DURH 17/1 unnumbered (information of Thomas Holland)

In some ways, however, this - probably the most vicious outburst known of pre-1720 - was mild language in comparison with the increasing expression of extreme feelings which press masters provoked over the course of the eighteenth century.⁵²⁰ The legislation was not popular and, inevitably, there were particular circumstances in which dangerous unrest was sparked off by the actions of the press masters, particularly in times of drive to recruit the idle poor, but these remained isolated incidents of protest. That said, there was plainly little love lost between press gangs and the populations upon which they preyed, and the seeds of mistrust and resentment which were to find expression later in the century were already sown, albeit rarely seen.

Certain locations could engender a particular sense of insularity, giving rise to a resentment of intrusion which might not arise in a different context. Most notable is the alehouse. Here, violence could be a result of clashes of intent between drinkers and “outsiders” or officials attempting to impose governmental or legal directives.⁵²¹ Given the social profile of constables, bailiffs and the like, it is possible that many of the same individuals would themselves have patronised the same taverns at other times. Nonetheless, their duties could set them apart, transforming them into unwanted intrusions, at best, and at worst targets for abuse and violence, both from the individuals concerned and from the wider clientele of the alehouse.

⁵²⁰ In Tyneside and county Durham, at least. In 1759 Stockton Wesley watched as assault and stoning forced a press gang to run away; W. Thomlinson, “Early travellers in Durham and their impressions”, in ed. W. Andrews, *Bygone Durham*, London: W. Andrews, (1898), p. 234. The ultimate expression of this trend towards extreme reaction was in 1783, when a group of sailors got shore leave and used it to revenge themselves on those who had betrayed them to the gang. This involved a “stanging” (see p. 140) but was violent enough to kill one of the victims. See also *North Country Lore and Legend*, 1891, pp. 1-4. Targets may have capitalised on the reputation for ruthlessness, and consequent fear and unwillingness to carry out enforced recruitment, this provided. In 1793, a group of press gangers had their jackets turned backward before being forcibly ejected from North Shields “under pain of being torn limb from limb”; C. M. Fraser and K. Emsley, *Tyneside*, p. 65. Another gang were driven from Blaydon in 1759, and apparently never returned, leading other men to go there specifically to avoid the impressment - *A History of Blaydon*, p. 43. On the other hand, Brenchley argues that Berwick saw very little complaint in the eighteenth century, aside from occasional complaints of malpractice taken through legal channels, D. Brenchley, *A Place By Itself*, pp. 149-150.

⁵²¹ T. Brennan, *Public Drinking and Popular Culture*, considers in depth the many different roles which the alehouse performed amongst many groups of individual drinkers.

In the poorer, more “industrialised” areas, the gulf between drinkers and police might have been wider. It was in awareness of the limits of their own authority in such a region, and in order to avoid confrontation, that Newcastle corporation employed local keelmen when it wished to search the Sandgate for Sunday tipplers.⁵²² Confrontation was sometimes unavoidable, and alehouses were in other respects good places for figures of authority to find their targets, be they specific suspected criminals, or idle able-bodied men.⁵²³

There are numerous instances of clashes. The only tippler known by depositional sources to have been personally involved in violent action was Richard Clerke of North Bailey, Durham, *who attacked a constable who had come into his alehouse to find and charge Sunday drinkers. Clerke was said to have been furious at this interference in his trade, and violently threw the constable, Humphrey Chapman, from the alehouse.*⁵²⁴ When press-gang master James Hixon attempted to do the “King’s business” in an alehouse in North Shields, he was violently thrown out by Cuthbert Potts who questioned the legitimacy of the King and thus of Hixon’s orders.⁵²⁵ In 1685, Cuthbert Studholme attempted to execute a writ against John Moralee in a Hexham *alehouse. He was initially stalled by the tippler’s wife and other drinkers, but eventually found Moralee and tried to make him leave. When Moralee resisted, Studholme appears to have lost his temper and lethally assaulted him.*⁵²⁶ Even when an official entered the alehouse as a private individual, his duties could not always be entirely left behind. The church courts of Durham preserve an account of a man abusing a local bailiff in a Framwellgate alehouse

⁵²² J. Ellis, “A dynamic society”, p. 216; Calendar of the Common Council Book of Newcastle upon Tyne, f. 52

⁵²³ See also pp. 208-211 on criminals evading arrest.

⁵²⁴ DURH 17/1 (information of Humphrey Chapman). See K. Wrightson, “Alehouses, order and reformation”, p. 13-15 on resistance to licensing laws. K. Wrightson, “Two concepts of order”, p. 21, gives an example of a similar incident occurring to watchmen in Lancashire in 1652. See p. 150 above for an attack on a Northumberland justice which involved the tippler himself; the tension may again have been one of a possibly repressive outsider disturbing business as usual.

⁵²⁵ PRO ASSI 45/14/3/109 (information of James Hixon)

because the bailiff had, in his opinion, not done enough to serve a writ he had placed on a third man.⁵²⁷

As in communal policing actions, women often played a crucial role in large mobilised groups.⁵²⁸ The largest proportion of violent women were accused of acting within a few large groups composed predominantly of non-family members, and largely of other women. One deserter was saved from the army by a group of nine women, at least some of whom were young, who swore “they would lose their lives” before the army carried George Ridley away again.⁵²⁹ Joseph Gibson of Elrington was rescued from custody by his wife and female servant, with the help of six other, married, women.⁵³⁰ In another case, a large group of women appear to have attacked a constable whilst men stood around “encouraging” but playing no part.

This may be indicative of (at least the belief in) a gender-biased attitude in the courts which worked in women’s favour, or a belief that married women would not be held responsible for their own actions.⁵³¹ Thompson sees, in female food rioters, “the calculation that they had slightly greater immunity than the men from the retaliation of the authorities”.⁵³² It is beyond the scope of this thesis to analyse the veracity of this belief, but it is certainly plausible. In

⁵²⁶ PRO ASSI 45/14/3/126-128. See also QSB 45/7b (information of William Wood) in which several butchers tried to prevent the high constable from arresting their drinking companion, also NCC QSB 42/128a, 130a (informations of George Smith and Ann Clerke) for another contested alehouse arrest.

⁵²⁷ Palace Green Temporary Green Box 414/15 (information of John Hall)

⁵²⁸ See C. Weiner, “Sex roles and crime”, p. 48

⁵²⁹ NCC QSB 28/30b (information of William Leighton)

⁵³⁰ NCC QSB 46/81a (information of John Robson)

⁵³¹ NCC QSB 20/29a (information of Richard Gibson). A. Lawrence, Women in England, London: Weidenfield and Nicholson, (1994), p. 266

⁵³² E. Thompson, Customs in Common, p. 233

1702, the Newcastle authorities bound several participants in the riots to the peace, all but one of whom were male.⁵³³

It is hard to say how active a part the women necessarily played in events with mixed participants, and some groups were so large that not everyone named could have had significant involvement in the violence itself. However, constables listed those names they remembered, sometimes from larger groups, so these women were not just shadowy figures on the sidelines, bulking out the numbers whilst male participants became aggressive. Equally, it should be noted that words like “violently” or “forcibly” might well have been added to an official’s testimony to justify his lack of success in achieving his designated task, when he was “hindered or obstructed” from his duty. It was reasonable to fear large numbers of people standing in opposition, but even a “mob” did not necessarily have to do more than make its presence and feelings known.⁵³⁴

However, it is clear that on occasion legal officials could be subjected to physical injury from those within groups with wide support in the community. As evidence of “violence” this must be treated very cautiously, especially if a link is made with other wide-scale anti-authority protests, most notably strikes.⁵³⁵ Such actions shade into wider “crowd” actions, such as those studied by Thompson, there not always being much difference between an arrest or taxation “riot” and a food “riot”, each of which was a response to the imposition of particular governmental strategies (food riots generally following on from measures to regulate distribution of food, as well as dislike of local individuals who profited from others hardship).⁵³⁶ Greenshields notes that tax protests and the like show the range of the spectrum

⁵³³ TWAS NC/QS/1/3, 1701-2. The exception was Jane Brown, bound “for her part in the keelmen’s riots, she coming out and encouraging them to oppose the mayor and aldermen”, March 1702. Newcastle’s authorities also passed over women when indicting rioting pitmen in 1740, although at the same time several Sunderland women suffered severe penalties for their actions; E. Thompson, Customs in Common, p. 312

⁵³⁴ For example against bailiff Cuthbert Marshall, no violence is specifically mentioned but he was “overpowered” by a “mob”. NCC QSB 31/97b (information of Cuthbert Marshall)

⁵³⁵ See p. 311 on strike actions and their violent content

⁵³⁶ E. Thompson, Customs in Common, p. 188

between individual and collective violence which arguably should not fall within studies of criminality, becoming popular revolt and ultimately war.⁵³⁷

Greenshields frames all these types of incidents between authority figures and family or community groups in terms of reaction against an “alien threat”, noting that people tended to live and work in groups to which it would be natural to call for assistance before going to challenge an “outsider”.⁵³⁸ It is true that some of these actions were against outsiders, or against those who, because of their role, were redefined as such for the duration of the action. Tax collectors, and especially salt officers (or at least, the unpopular ones) in general seem to have been gentlemen, or their agents – this may have heightened tensions due to the belief that they did not understand the financial concerns of the people.⁵³⁹ However, it would be a mistake to overemphasise the “alien” nature of the threat, or believe that people saw themselves as somehow separate from the legal and governmental infrastructure of the country, given the degree of contact which they had with it, and the low status of most officials. Whether those involved were truly outsiders, or by their duty to enforce higher policies they marked themselves out as such, they could thus could attract enmity. For example, Shoemaker notes the fate of constables who tried to enforce unpopular reforming measures in seventeenth-century London.⁵⁴⁰

It is ironic that both the violence of authority, and at least some of that directed against authority, stems from use of legitimate violence in the name of maintaining order and civility.⁵⁴¹ However, this does make sense if both types of violence are construed as based upon the defence of what is perceived to be the right. To simplify somewhat, in each case the deviation

⁵³⁷ M. Greenshields, *An Economy of Violence*, pp. 158-160

⁵³⁸ Ibid.

⁵³⁹ Four out of five salt officer victims styled themselves gentlemen, the fifth had been sent to do his duty by one.

⁵⁴⁰ R. Shoemaker, *Prosecution and Punishment*, pp. 241, 259. See also J. Kent, *The English Village Constable*, ch. on local pressures and loyalties.

⁵⁴¹ Although not all anti-authority violence – see pp. 200 for a different perspective.

of the victim from the path of the law, on the one hand, and the values encapsulating the good of the community, made them targets for what was in the eyes of the assailant legitimate prevention or punishment.

Chapter 4) Perceptions of honour and patterns of violence

i) The construction and importance of credit

It is now generally acknowledged that “honour”, as defined by a wide range of social, cultural, and personal parameters, was important in the early modern era not only to upper-class males, as in its narrow definition, but to men and women, rich and poor alike.⁵⁴² Honour, in its broadest sense (which was also termed credit, reputation, or good name, although there were shades of meaning between these words) was a complex construct incorporating both self-image and the opinions of others, and was influenced by gender, age, profession and position in society. On all levels it was vitally important for an individual to establish, maintain and defend reputation. This is visible in the actions of those who considered it worth the expense and bother of a church court trial to clear their name of defamations which to modern eyes seem spiteful and petty, yet ultimately trivial.⁵⁴³ Several victims and witnesses demonstrated a belief that words spoken by either party during a dispute were damaging to the credit of the recipient. Servant Phillis Taylor described a defamation of whoredom as “injurious”, more emotive in this description than in that of her subsequent beating.⁵⁴⁴ A member of the guild of merchant adventurers of Newcastle reported a colleague who “with diverse scandalous, opprobrious and reviling speeches, endeavoured... to blast his credit and destroy that reputation he had with his creditors, neighbours and relations”.⁵⁴⁵ Gossip would spread any

⁵⁴² The subject has thus produced a flurry of scholarship. E. Foyster, “The Concept of Male Honour”, pp. 1-8, reviews much of this, especially with regard to males. See also *Transactions of the Royal Historical Society*, 1996, which prints several papers presented to a conference on “honour and reputation in early modern England”, and A. Shepard, “Manhood, credit and patriarchy”.

⁵⁴³ M. Chaytor, “Household and kinship” p. 26, makes this point with regard to the north east in the late sixteenth and early seventeenth centuries. It is unfortunate that few of these records survive from the north east for the following century.

⁵⁴⁴ NCC QSB 32/54a (information of Phillis Taylor) [387]

⁵⁴⁵ “Extracts from the records of the Merchants Adventurers Society of Newcastle upon Tyne”, vol. 1, p. 216

slander given; as John Tomlinson described one rumour in 1718, “the thing took air and is now in everyone’s mouth”.⁵⁴⁶

Since honour depended as much upon the consensus of peers and betters as upon self-esteem, the status of witnesses who heard a slight to credit had a bearing upon how damaging that statement was perceived to be, and thus how it was reacted to.⁵⁴⁷ This is visible in cases of defamation which were more likely to reach court when they were witnessed by reputable people, partly because these people made reliable and weighty witnesses, but equally because credit was a public concept, and so the more influential those who heard or believed a slander, the more damage was done.⁵⁴⁸ Thus, the merchant adventurer mentioned above strengthened his testimony by listing the “persons of quality” who were present at the slander.⁵⁴⁹

Honour was far from monolithic, and a broad overview of the defining features of a good reputation is necessary. Much of the construction of honour has been delineated by reference to its opposite, those slanders the refutation of which drove individuals to court. A sexual *differential is universally acknowledged*, though its scale is occasionally questioned.⁵⁵⁰

The sexual component of female honour, more central for women than for men, has been much written about, for example by Gowing, who points to the sexual root of the vast majority of insults challenged by women.⁵⁵¹ Walker and Chaytor have expanded upon this, highlighting the importance of other elements of female reputation besides that of chastity and fidelity, the

⁵⁴⁶ Sept. 30th 1718, “Diary of John Tomlinson”, p. 141. His diary is full of slightly disapproving comments upon gossip and “tattle”, but he himself also listened for rumour with interest.

⁵⁴⁷ See E. Foyster, “The Concept of Male Honour”, p. 8, on the different levels of the construct of honour, those constructed from within and those imposed from without.

⁵⁴⁸ R. Shoemaker, “The decline of public insult”, p. 108, argues that over the eighteenth century, insult became less public, and therefore less powerful.

⁵⁴⁹ “Extracts from the records of the Merchants Adventurers Society of Newcastle upon Tyne”, vol. 1, p. 216

⁵⁵⁰ See below. G. Walker, “Expanding the boundaries of female honour”, p. 235 and *passim*, argues against such an “oppositional model” of the constructions of male and female reputation.

⁵⁵¹ L. Gowing, Domestic Dangers, pp. 62-67

latter proposing that “scrupulous respect for property, industry and competence in the household, and sexual fidelity to their husbands, must have constituted the basis of honour”.⁵⁵² This broader definition finds contemporary resonance in the words of Elizabeth Myers, the widow of a Durham alderman, who said that depositions would “confirm her good name, fame, credit and reputation for honesty, good life and conversation, her charity and her religion”.⁵⁵³

The usual conception of male honour centres upon more public virtues such as honesty and probity, in counterpoint to the private basis of female credit. This has also been made more nuanced. Foyster’s thesis counters the perception of male honour as predominantly concerned with public deeds, stressing the importance of maintaining control over one’s household and particularly female sexual conduct.⁵⁵⁴ Shepard, meanwhile, studies both patriarchal, economically-rooted credit, and alternative forms involving alcohol, comradeship and bravery, and warns against treating the ideal of honour advocated by advice books as the sole option open to men.⁵⁵⁵

Credit was not just an important commodity in its own right. Its importance to early modern man lay at least in part in the ways in which reputation was inextricably bound to physical and economic well-being. On the simplest of levels, given the types of virtues upon which it was based, it is not surprising that a good name was generally the possession of economically stable individuals. Such an understanding, however, fails to appreciate the complexity and permanence of the connection, as recently dissected by Muldrew.⁵⁵⁶ As considered in his thesis, the whole economic functioning of the early modern community revolved around the

⁵⁵² M. Chaytor, “Household and Kinship”, p. 26, G. Walker, “Expanding the boundaries of female honour”, *passim*. A. Shepard, “Manhood, credit and patriarchy”, pp. 90-92, also shows women drawing self-worth from traditionally masculine economic activity.

⁵⁵³ J. Bailey, “Breaking the Conjugal Bond”, p. 108, summarising a Durham Consistory Court Case now held in York - *BI Trans CP Office vs. Myers*

⁵⁵⁴ E. Foyster, “The Concept of Male Honour”, *passim*

⁵⁵⁵ A. Shepard, “Manhood, credit and patriarchy”, pp. 77-86, 102-105

⁵⁵⁶ C. Muldrew, The Economy of Obligation, esp. pp. 148-159. See also A. Shepard, “Manhood, credit and patriarchy”, *passim*.

extension of economic credit, based upon communal judgements of the honesty and trustworthiness of those involved. Those to whom credit could be safely extended were fully integrated into the functioning community, whereas anyone whose creditworthiness was in doubt would find it hard to maintain, let alone expand, his household economy. Thus, any word casting doubt upon a man's good name had the potential to endanger his financial well-being, as such rumours were taken seriously by cautious businessmen and would spread from one to another.⁵⁵⁷ Women, too, had an important role in the domestic economy and thus their credit had a financial side.

The dual nature of credit is crucial in all that follows. As Muldrew puts it, "making a division between economically rational transactions, and other social transactions, such as courtship, sex, patronage and parenthood, does not make sense".⁵⁵⁸ Not only is it possible to trace elements of both types of motivation in many actions, but implications in the physical realm reach into the social and cultural, and vice versa. The two-fold link between the vital and ubiquitous maintenance of honour and stability, and the implications of this for aggressive behaviour, form the focus of the remainder of this thesis.

The relationship between aggression and credit is complex, even leaving aside - for the moment - questions of the defence of honour. Significantly, perceptions of relative credit affected actions. Ideas of permissible behaviour were influenced by judgements made about others' status and reputation, allowing violence towards those lacking honour to be excused more easily than assaults against other targets. At the same time, self-perceptions of honourability were an important factor in shaping patterns of violence, and prescribing codes of behaviour designed to maintain a semblance of honour even in the midst of violent dispute.

⁵⁵⁷ Other writers, such as T. Brennan, Public Drinking and Popular Culture, p. 70-1, and A. Shepard, "Manhood credit and patriarchy", pp. 86-89, have also noted the economic implications in slanderous words as a reason to refute them.

⁵⁵⁸ Ibid., p. 149. Similarly E. Foyster argues against the possibility of splitting ideals of honour into public and private components - The Concept of Male of Honour, p. 6

a) Loss of credit and female vulnerability to assault

Unsurprisingly in the light of the broad definitions of credit discussed above, attitudes towards a person hinged upon assessments of their reputation. This reliance upon reputation as a tool for determining appropriate behaviour extended to influencing patterns of aggressive behaviour. Specifically, a poor reputation could make one vulnerable to attack, which was considered to be of lesser import in the face of that lack of credit. It provoked - and sanctioned - punishing actions of the type already discussed. Secondly, it might also be a factor in encouraging or mitigating violence not directly related to the loss of good name. It is possible that the reverse was also true, so a good reputation provided at least some defence against assault, but a choice to use an alternative behaviour will by definition not reach us. In any case such a thesis would be complicated in some cases by factors such as class deference and increased risk of prosecution.

Women's reputations appear to have been particularly prone to devaluation in the eyes of onlookers, with a concomitant lessening of their protection against violence. We have seen women, whose sole crime was to gain a questionable reputation, attacked by those who considered themselves to have some interest in the matter.⁵⁵⁹ Other assaults were made easier by a poor name, despite not being directly connected to the actions which engendered this. One Berwick couple justified their attack by saying that even those who protested had agreed that the victim was commonly thought to have been a whore before she married. This was a lack of credit as an excuse and mitigation, not as a reason to punish.⁵⁶⁰

Poor credit, and related perceptions of behaviour, also eased the path to violence in many instances of sexual assault. In the first instance, there is evidence that in outlying areas at least, many men did not realise the seriousness of rape in the eyes of the law, let alone in the eyes of its victims. In 1717 John Tomlinson reported in his diary "two men endeavoured to ravish a

⁵⁵⁹ See p. 143

⁵⁶⁰ BER c15/1/18-18v (informations of Margaret Brown and James Wallas), 23 (information of James Archbald). The statement is made by the husband of the woman who committed the assault.

woman. Uncle [vicar of Rothbury] took notice of it in his sermon, it had no less punishment assigned by our law than death, this startled the audience".⁵⁶¹

If this popular light opinion of the seriousness of the offence was true of any ravishment, it was truer still of the attempt upon a woman of doubtful moral character. Since no sexual assaults upon such women reached the ears of the justices, we may be sure that a lack of sympathetic treatment played a part. There are no extant accusations of sexual crime in which there is solid evidence that the victim was of dubious moral character by contemporary measures.⁵⁶² Such a woman, however, must have known that her chances of success at court were minimal. Indeed, other testimonies provide us with ample proof of the potential for expectations and actions to be built upon perceptions of virtue.

Certainly, any virtuous woman mistaken for a prostitute could expect a rough time, and this misconception could be made on the slimmest of grounds.⁵⁶³ Jane Harrit of Berwick was walking alone near the town wall, when she was grabbed by a gardener, Thomas Ainsley, who threw her to the ground and tore her clothes, then forced her at sword point to go with him to the house of a friend.⁵⁶⁴ He kept her there overnight and told her "he would have her lie with" the friend. Berwick certainly had a significant number of prostitutes, some of whom operated from around the town walls,⁵⁶⁵ and the most likely explanation for this incident is that Ainsley

⁵⁶¹ ed. J. Hodgson, "Diary of John Tomlinson", p. 79, Surtees Society, 1914

⁵⁶² See G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, p. 56, for a "systematic derogation" of a Sunderland woman involved in a rape case. Whether or not she had worked as a prostitute, the defence wished to give this impression.

⁵⁶³ T. Brennan, Public Drinking and Popular Culture, p. 150, discusses the rape of a Parisian woman who was taken to be a "libertine" because of her presence in a tavern late at night.

⁵⁶⁴ BER C15/1 unnumbered (62) (information of Jane Harrit). M. Chaytor, "Husband(ry): narratives of rape in the seventeenth century", p. 382, notes that the tearing of garments is often used in female testimony as a euphemism, distancing technique or altered focus in descriptions of sexual assault, and this would certainly fit the rest of the information, although this cannot be said with any certainty.

⁵⁶⁵ See for example BER C15/1 unnumbered, accusation against a woman and her pimp. D. Brenchley, A Place By Itself, pp. 226-8 for evidence on Berwick prostitution.

mistook Harrit for a prostitute and therefore felt within his rights to act in whatever way he felt like towards her.

This interpretation is supported by other accounts with a similar theme. Servant Jane Tweddle was sexually assaulted in 1713, a few months after her master and mistress had been brought before the courts for running a bawdyhouse. When examined, the attacker claimed that he was drunk at the time, did follow her, and might well have called her a whore, but he did no more. It seems the reputation of her master's house had worn off upon Tweddle, such that she was (rightly or wrongly) viewed as a prostitute, or at least of low moral character, and as such considered fair game for insults and sexual advances.⁵⁶⁶ Another would-be rapist, George Hill, excused himself of any wrongdoing in his violence against Jane Greathead on the grounds that "she had lain with men before or she would not be so afraid". To him, her reluctance was explained by previous experience, and at the same time this perceived experience made her fair game for his assaults.⁵⁶⁷

The idea that violence (including sexual violence), towards prostitutes, or those of dubious virtue, was acceptable might be exploited by those willing to provide payment. Richard Sharp of Newburn assaulted married woman Isabel Richardson in 1718. The terms in which Richardson described the attack - primarily "nipping", throwing to the ground and cutting her lip - are unusual, but would not necessarily lead one to suspect a sexual motive had it not been for his words that "if [she] wanted payment he would pay her". In his mind, this would obviously have confirmed her status as whore and thus excused the roughness of his actions.⁵⁶⁸

Most victims of sexual assault had not, as far as we can tell, given their attackers any reason to think that their virtue was already in doubt (although George Hill's twisted logic demonstrates that justification could be constructed in the attacker's mind from the thinnest of materials). One third of victims were married women, rather than young servants vulnerable to rough wooing. Nonetheless, a previous reputation seems to have been an important factor in

⁵⁶⁶ NCC QSB 38/66-7b (information of Jane Tweddle, examination of Charles Whinney)

⁵⁶⁷ NCC QSB 49/104a (warrant against George Hill)

⁵⁶⁸ NCC QSB 48/99a (information of Isabel Richardson)

determining a man's perceptions and course of behaviour, most obviously towards women and their sexual availability.

b) Codes of behaviour and honourable violence

Just as perceptions of another's status and credit impacted upon the limits of tolerated behaviour against them, so too self-perceptions of honourability constrained, for some at least, the shape of that behaviour. Ideally, the maintenance of honour involved self-restraint and control in the face of angry impulses, which were akin to madness and made men unworthy to claim true manliness; in contrast, self-control and self-governance were admirable.⁵⁶⁹ The idea that physical retaliation should not be resorted to in anger was articulated primarily with regard to the legal chastisement of wives, servants and children. It also had wider applicability, as is visible in eighteenth-century advice books which stressed that unregulated anger was responsible for much violence.⁵⁷⁰

Equally, however, the honourable man was no coward, and courage, when tempered by self-control, was a praiseworthy virtue. By channelling aggression into formalised forms of violence, fighting - for men, at least - did not negate claims to credit and virtue. Rather, adherence to a mutually accepted code of behaviour might uphold credit and give the fight a status in which the honour of an injured party could be rightfully regained. Therefore, the act of taking part in such a fight could be seen as honourable and manly in itself, and violence, when properly "staged and ritualised", was a tool used in contests over status.⁵⁷¹ When William Tindall ignored a challenge to the door made by his work-mate, Cuthbert Reynaldson, "Reynaldson called him to the door again if he were a man", as one witness put it.⁵⁷²

⁵⁶⁹ E. Foyster, "Boys will be boys? Manhood and aggression 1660-1800", conference paper, Masculinities, University of North London, (1997).

⁵⁷⁰ Ibid.

⁵⁷¹ A. Shepard, "Manhood, credit and patriarchy", p. 103

⁵⁷² PRO ASSI 45/12/3/93 (information of Henry Douglas)

The medieval idea that God would ensure that the right man would win, and so justice prevail, may have survived in attenuated form. Whilst judicial trial by combat had not been practised in England for some time, the last attempt to revive it had occurred at the Durham assizes in 1638. Perhaps the mental link between combat and notional justice survived longer in the region than elsewhere.⁵⁷³

If a fight had been staged honourably, an additional benefit lay in the belief that it would provide an end to the dispute whereas unmoderated retaliation might merely prolong and exacerbate tensions. Such violence also limited the quarrel to the two participants, excluding their families and friends. In Wolsingham in 1703, two men fought together, and once the fight was over one of them professed the belief that “they would be good friends again tomorrow”, now that the air was cleared between them.⁵⁷⁴ Similarly, Underdown details an incident in seventeenth-century Dorchester involving a challenge to the door - in other words to take the fight outside - concluding that it was the product of a “primitive code in which insult had to be avenged, but could then be forgotten after a fair fight”. The two men returned to drinking together following their fight.⁵⁷⁵ Both men had proved their courage and conviction through their willingness to fight, but there was no need for serious injury or prolonged animosity to be involved.

The apogee of formalised combat was the duel, in which all elements of the action were prescribed, and clear-headed participants settled their score by means of a test of skill. The duel cannot be viewed in isolation from other behavioural patterns, however. True duels contained distinctive elements, and are usually perceived as a behaviour of the upper classes - but others besides gentlemen could have a strong sense of the proper way to defend their honour, borrowed in part from their superiors, just as gentlemen could, and did, act in a range

⁵⁷³ J. Sykes, Local Records vol. 1, p. 89. Duelling, as it came to be understood, was, however, introduced from the continent in the sixteenth century, rather than evolving from trial by combat - D. T. Andrew, “The code of honour and its critics: opposition to duelling in England, 1700-1850”, Social History, 5, (1980), p. 410

⁵⁷⁴ PRO DURH 17/1 unnumbered, (information of Robert Coulson)

of honourable and dishonourable ways in their quarrels. Greenshields notes that many features of the duel, such as vengeance, judgement and reconciliation, were structured, and histrionic, versions of elements found in many other assaults.⁵⁷⁶ Spierenburg has recently demonstrated the existence of rules of conduct in the majority of the knife fights prevalent in seventeenth-century Amsterdam, which allow them to be “analysed in terms of honour, ritual and male culture just as much as the official duel”.⁵⁷⁷

Many challenges were fought which contained some, but not all, of the classic elements of the duel; many alehouse brawls, even, stemming from similar needs, can be viewed as more commonplace analogues of the duel, based upon a related code of ritualised honourable behaviour.⁵⁷⁸ As has already been suggested, wrestling and boxing provided one frame of reference for fair combat accessible to all classes, and there is evidence of sensibility concerning the maintenance of honourable behaviour within at least a proportion of “brawls”.⁵⁷⁹

Notions of fair play could be called upon in any circumstance. Even in the middle of the political rioting of 1718 Berwick, a bystander like burgess Thomas Richardson might interrupt to “desire David Forster might have fair play” when he saw blows begin.⁵⁸⁰ This was not the preserve of the upper classes. When yeoman James Hood saw his companion assaulted on the road without obvious cause, his response was to exclaim “be ye gentleman or yeoman, that is

⁵⁷⁵ D. Underdown, Fire from Heaven, p. 164. Underdown notes that one of the individuals involved was frequently in trouble with the law for a wide range of offences, yet retained his own moral code. T. Brennan, Public Drinking and Popular Culture, p. 46, details a similar occurrence in eighteenth-century Paris.

⁵⁷⁶ M. Greenshields, An Economy of Violence, pp. 70, 73

⁵⁷⁷ P. Spierenburg, “Knife fighting”, p. 104, J. M. Beattie, “Violence and society in early modern England”, pp. 46-7.

⁵⁷⁸ A. Shepard, “Manhood, credit and patriarchy”, p. 104

⁵⁷⁹ p. 99

not fair play”.⁵⁸¹ The details varied, partly in accordance with social status, but this ideal of fair play permeated conflict on all levels.

In practice, violent actions in the quasi-honourable sphere can be viewed as falling within a spectrum of behavioural patterns characterised by a degree of fairness, formality and adherence to known rules. Factors such as the use of a written or verbal challenge, the setting of a later date for conflict, the number and role of participants and a parity of weaponry place events within this continuum.

Given this degree of fluidity, there is a need for the definition of terms. In the following passages, “duel” refers to a fight preceded by a written or verbal “formal challenge” to a later meeting. “Challenge” may simply mean an expression of the desire to go to another location, usually outside, to fight.

The simplest level of fair combat was to ensure that no other person intervened to help either party. Even this degree of equality could have an imputation of honour, and Spierenburg argues that this, in combination with parity of weapons, constituted a “popular duel”.⁵⁸² Certainly, any other assault might carry an imputation of dishonour in the eyes of participants and onlookers. Christopher Little, a soldier of Tynemouth, made a somewhat confused and unlikely examination regarding the homicide of his comrade George Phillips in 1663. He claimed to have got into a dispute with Phillips and his friend Thomas Bankes. Phillips initially asked Bankes to help him fight Little, saying “wilt thou ... not take my part”. After a further scuffle, Little “said to them if you be men set not both upon me, but if either of you have anything to say to me do what you can”. Apparently, at this point Bankes backed off, saying, “because thou saist so thou shalt have no foul play”, (though he later got involved when his friend Phillips appeared to be losing). Little’s testimony is very different from that of the other soldiers, but does demonstrate the existence of a basic idea of fair play in which one-on-one

⁵⁸⁰ See p. 316. BER C15/1, unnumbered, (information of Thomas Richardson junior). This request did not succeed, only leading to an assault on Richardson himself; not everyone was willing to acknowledge the advantages of fair combat.

⁵⁸¹ NCC QSB 54/50b (information of James Hood)

combat was the fundamental component, especially as his story might have been strengthened by claiming he had struck in self-defence having been set upon by both men.⁵⁸³

The ideal of non-interference reached beyond military circles.⁵⁸⁴ Robert Trehwitt of Stannington testified to having been attacked by three members of a neighbouring family, a circumstance which he said led to the neighbours crying out “shame, three upon one”.⁵⁸⁵ In 1703, Thomas Brown of Newtonhall barricaded himself into his house following an attack by Henry Colleson and John Shaftoe on the road, apparently stemming from a previous slight. Shaftoe, a servant, called in at his window that “if he this informant would come out and go down into the field and fight Colleson, he would stand by and not meddle with him himself”. Although the subsequent threatening behaviour of both Colleson and Shaftoe casts doubt upon the sincerity of Shaftoe’s offer, he was nonetheless plainly appealing to notions of the fair fight in an attempt to break the stalemate.⁵⁸⁶

This incident also hints at another common way in which violence might be given an air of legitimacy, through the agreement of both parties to leave the building and go outside before fighting.⁵⁸⁷ The challenge to go to the door, whether accepted or not, is the most common element of quasi-formal behaviour to appear in the cases studied, occurring across all classes. It was used by gentlemen, but was also familiar to the joiner’s guild of Newcastle, where such

⁵⁸² P. Spierenburg, “Knife fighting”, p. 107

⁵⁸³ PRO ASSI 45/6/3/86 (examination of Christopher Little). Following testimonies put events differently, saying that Little insulted Phillips for not letting him share a horse, attempted to draw a sword on him, and pursued and stabbed him when others attempted to part them.

⁵⁸⁴ See for instance T. Brennan, Public Drinking and Popular Culture, p. 47

⁵⁸⁵ NCC QSB 52/108 (warrant against Peter Urwin, Thomas Urwin and Ann Urwin)

⁵⁸⁶ NCC QSB 19/54a (information of Thomas Brown). When, in 1708, a man was reported to be angry with his own sons for not joining him in attacking another, their motivation may have stemmed as much from this sense of fair play as from disagreement with their father’s quarrel. NCC QSB 28/44b (information of Thomas Golon)

⁵⁸⁷ P. Spierenburg, “Knife fighting”, p. 112

challenges to the door were complained of occasionally.⁵⁸⁸ It was more significant when both parties left the building together, as one calling another out could merely indicate a desire to place one's opponent in a vulnerable position, although some of those who "dared" another to leave his house must have made it plain what their intention was, leaving the other party to decide how to respond.⁵⁸⁹

Several interpretations can be placed upon the decision to move outside as tensions heightened. Spierenburg highlights the desire "to avoid embarrassing a landlord or landlady" (alehouses very often being the initial setting), and notes that drawing a knife indoors was not quite seen as honourable.⁵⁹⁰ Although this is never mentioned as a reason in the north eastern records, individuals do display an understandable unhappiness at aggression occurring within their own walls, which some must have seen as worthy of respect. Elizabeth Lyndsey of Berwick had organised a gathering in her house involving several local fishermen and their wives. When two of the fishermen fell to blows she "came up at the noise and desired that he might be civil or go out of her house", apparently believing it her own duty to keep the peace within her walls.⁵⁹¹ The very fact that fights or quarrels are seen re-emerging violently as participants returned home after a reconciliation is testament to the desire to maintain conviviality within public surrounds, which also forced fighters out onto the streets.⁵⁹²

⁵⁸⁸ TWAS GU/JO/2/2, e.g. 21/10/1673, 12/10/1680. The practice continued into the eighteenth century, for instance GU/JO/2/3, Nov. 1716, June 1719

⁵⁸⁹ For example John Todd called James Jerrard out from the house, and then assaulted him in a way for which the latter appears to have been completely unprepared. NCC QSB 8/50a (information of James Jerrard). Example of a dare turned down, TWAS GU/JO/2/2, April 1676

⁵⁹⁰ P. Spierenburg, "Knife fighting", p. 112

⁵⁹¹ BER C15/1 unnumbered (information of Elizabeth Lyndsey). The information of a witness also stresses the proprietary nature of her words - "asking him the reason of the disturbance in her house and desiring his absence if he would not be civil".

⁵⁹² E.g. PRO ASSI 45/7/1/91-97 where violence recurred shortly after two reconciled parties left together to go home. This is paralleled in modern pub culture, in which most violence erupts on journeys between and from pubs; L. Gofton, "Folk devils and demon drink: drinking rituals and social integration in north east England", Drogalkohol, 2, (1988)

Another reason to go to the door was to evade at least a proportion of the attempts of others to prevent the fight. Brennan argues this point from the converse end, suggesting that when men fought within an alehouse they expected others to intervene, and limit conflict, and this could be a conscious factor in the choice of a public setting.⁵⁹³ Avoiding interference was one thing - others simply wanted to avoid witnesses.⁵⁹⁴ Even if they tried to follow, others could lose track of the combatants unless they were very determined. When George Hairopp and Andrew Hewie challenged one another and then left a Newcastle alehouse, two other men “followed after them but did not see them, and when they came about the white cross turned back thinking they could not have come so far up, and knew nothing of it”.⁵⁹⁵

More commonly, however, others seem not to have tried to follow, in contrast to both the frequent (although, of course, not universal) interest and attempted involvement of bystanders when a crowded street was the setting for a complete incident, and, more crucially, to numerous attempts to prevent those fights which remained indoors. It is notable that moves outside only tended to enter the court record when they resulted in a death, when one of the participants in some way cheated, or when the challenge was refused but violence erupted anyway.

These factors in combination would suggest that when the movement outside was accepted by both parties, the ensuing fight was considered to be equal and voluntary, with no element of surprise or advantage. Thus, short of serious injury or death, it was not seen as a matter for the courts, as brawls within an alehouse or private residence (not acceded to by both parties) could be. It is but a small step to positing that these fights were considered more honourable, and, by inference, more suited to the settlement of matters of honour than fighting indoors, where unfair advantage might be taken. By going to the door, participants were signalling an acceptance in the process, which might lead others to be more inclined to accept the ensuing fight as a legitimate way of dealing with a dispute.

⁵⁹³ T. Brennan, Public Drinking and Popular Culture, p. 54

⁵⁹⁴ One man threatened violence only “if he had [his victim] out by (meaning... out from the observation of any other person)”. BER C15/1 unnumbered (information of James Berry)

⁵⁹⁵ PRO ASSI 45/11/3/83-96, quote from 85 (information of David Page)

It is impossible to say how common duelling and other semi-formal combat was, both due to the inadequacies of the record and because its quasi-legitimate nature potentially concealed it from legal attention. Certainly, its fullest flowerings were rare occurrences, and it does not permeate the court record as Spierenburg argues it does in Amsterdam around the same date.⁵⁹⁶ Only four instances of a written challenge to a later fight are preserved in the court records, along with a further few instances of verbal challenges not intended to be met immediately. Only a handful of fair duels are known to have taken place, and none of them involved all the characteristics associated with the duel in its most stylised form. There is no local court record, for instance, mentioning the use of formally appointed seconds.

This low figure seems likely to represent a low number of actual incidents of duelling, rather than showing an accepted practice as with alehouse brawls. A duel with swords carried through to its conclusion would be very likely to kill, or seriously injure, one or both parties, and thus reach the attention of the courts. McLynn has argued that duellists might choose to forgive their killers, instead of pushing for their prosecution, and that this desire might minimise the number of cases reaching court; such a theory is, by its nature, impossible to test using legal sources.⁵⁹⁷ Whilst it has been argued that juries were often lenient with duellists, this would not apply to the early stages of court process at which depositions were taken. This leniency was, in any case, often limited to reducing what was technically a premeditated murder charge to manslaughter.⁵⁹⁸

A possible context for duelling which cannot be fully investigated - thus further lessening the value of a statistical approach - is within military circles. In spite of their significant presence, particularly at Berwick and Tynemouth, and the traditional link between the most stylised form of duelling and the armed forces, there is no evidence of soldiers being involved in duelling at

⁵⁹⁶ P. Spierenburg, "Knife fighting", *passim*

⁵⁹⁷ F. McLynn, Crime and Punishment in Eighteenth-Century England, p. 143

⁵⁹⁸ *Ibid.*, p. 142. Other duels could be cast as self-defence by the jury, see G. Walker, "Crime Gender and the Social Order" p. 131 for a Cheshire instance.

this time.⁵⁹⁹ It is reasonable, however, to suppose that unless their actions disturbed civilian populations, soldiers' crimes would be presented before courts-martial rather than the criminal courts. There are no surviving records against which this can be tested, although the presence of at least one homicide between soldiers of Tynemouth heard at the assizes shows that their trials were not automatically hidden from public view.⁶⁰⁰ Christiansen has found very little evidence of northern military duelling even in the better-documented eighteenth century. Whilst it is possible that serious duels have been obscured by the separate judicial mechanism, it seems likely that this is not a major consideration.⁶⁰¹ It is also notable that whilst Cockburn says a significant number of Kentish duellists were sailors, this does not seem to apply within the northern context, sailors occurring not infrequently in the court record but predominantly as brawlers. This is probably because Kent saw a large influx of continental sailors, whereas the vast majority of those entering the northern ports were British.⁶⁰²

The world of the military - male dominated to an even greater extent than the world of the alehouse - as a possible focus for honourable combat leads to an important observation on quasi-formal violence. It may seem over-obvious to note that the duel was the preserve of men, but the wider perspective shows that plebeian echoes of the duel were also solely employed by men. Thus, whatever social level it occurred at, the challenge can be seen to have formed part of the substantially male world of honour, and violence in its defence. Challenge behaviour may have permeated all levels of society, but seems not to have crossed the gender divide, perhaps precisely because of its perceived connection to manliness. Just as women

⁵⁹⁹ For the link between duelling and the military, see, for example, G. Kiernan, The Duel in Early Modern Europe. P. Spierenburg also notes military predominance in Amsterdam duels, "Knife fighting" p. 117

⁶⁰⁰ PRO ASSI 45/6/3/86 and following. DRO Q/S/OB 6 also contains a petition which mentions a soldier "desperately wounded" by a colleague on the march north to Scotland. It is only mentioned because the villagers resented having to pay for his nursing care when, they said, he was wounded in another parish.

⁶⁰¹ D. Christiansen, personal communication. Brenchley notes that one eighteenth-century duel between military men was reported by the newspapers, although it does not seem to have reached the courts; D. Brenchley, A Place by Itself, p. 210. The absence of Berwick soldiers as criminals in the town records suggests that they were dealt with elsewhere.

⁶⁰² J. Cockburn, "Patterns of homicide in English society", p. 84

could not use violence in order to defend their own honour, due to the prevailing definitions of honour as it related to them, the path of honourable combat was barred.

The only way in which the method of feminine violence can be construed as tied to any code of honour was simply in the consideration of certain acts to be particularly dishonourable or heinous. Some (though by no means all) women seemed to regard pregnant women, and children, as unacceptable targets, for instance. One woman berated another for attacking her on the specific grounds that she, the victim, was pregnant, saying “fy did I think that you that has been a child bearing woman ... would have done such a thing to me and in such a condition”. Her appeal to her attacker as another child-bearing woman is significant, highlighting the emotional attachment which a mother was expected to hold towards her child which would lead her to protect it, a feeling which other mothers ought to appreciate and respect.⁶⁰³ It is interesting that this case also features a rare plea for forgiveness. Similarly, one woman stated that if her intended victim had not been carrying a child, “she would tear her ... to pieces”. Interestingly, the victim’s other assailant, the husband of the first, felt no such qualms and threw stones at her.⁶⁰⁴

Several pregnant women made much of their pregnancy in their testimonies of assault, through genuine fear, but also in stressing the particular horror such an assault evoked.⁶⁰⁵ It could be that female violence had its own code beyond such simple restraints, which was not understood by male clerks and so did not transfer itself to the written record. If so, it must have been considerably more understated than its masculine counterpart.

Whilst gender is a given, therefore, in this type of violence, class does seem to be an important, though by no means universal, factor in determining the extent of challenge conduct. The majority of duels occurred between men of similar social status, probably because one’s own

⁶⁰³ PRO DURH 17/1 unnumbered (information of John Nicholls)

⁶⁰⁴ NCC QSB 41/19b (information of Margaret English)

⁶⁰⁵ For example NCC QSB 49/83a (warrant against Mary Ornsby) concerns the throwing of a pail of water upon a pregnant woman, who was “very much affrighted thereby”.

peers were those who were judges of worth.⁶⁰⁶ Whilst gentlemen engaged in lesser forms than the full duel (and, indeed, in simple brawling at times), written challenges and the setting of dates remained primarily behaviours of the upper class.⁶⁰⁷ All four duels which are known to have led to death, whatever the form of the challenge, were conducted between gentlemen. Of the four known written challenges, two were between gentlemen; another was from a gentleman to a yeoman. The fourth was from a man of unknown status to a yeoman, but is unusual in other respects.⁶⁰⁸ Most of the verbal challenges to later fights also involved gentlemen, as when Mr. Charles Shaftoe was challenged by his neighbour to fight “in the church yard the next morning”.⁶⁰⁹

Of course, the use of written challenges was limited to the literate members of society, short of gaining aid from another in the reading or writing of the letter, which seems an unlikely and somewhat pointless exercise, especially given the intrinsic illegality of duelling challenges.⁶¹⁰ However, literacy rates in the north east in the late seventeenth century were not in fact as low as might be implied by its peripheral position. Houston studies state and church court depositions for the period 1640 to 1750, and concludes that the late seventeenth century saw a significant rise in the literacy of the area. By 1700 the male literacy rate in the villages of northern England was around half, and in the towns three-quarters (perhaps even more in the

⁶⁰⁶ P. Spierenburg, “Masculinity, violence and honour”, p. 10

⁶⁰⁷ At the same date, the life of certain young peers in London and beyond appears to have frequently involved violence, very often of a formalised kind. See V. Stater, High Life, Low Morals, pp. 18-21, and ed. J. J. Cartwright, The Memoirs of Sir John Reresby of Thrybergh, 1634-1689, London: Longmans Green and Co., (1875), passim. Of course, the north east was rarely home to men of similar calibre, but it will be seen below in the case of Charles Radcliffe that they did occasionally bring full duelling to the area.

⁶⁰⁸ See p. 179. PRO ASSI 45/10/2/40-43, QSB 13/77a; QSB 5/7d, QSB 28/73a

⁶⁰⁹ NCC QSB 50/56b (information of Mr. Charles Shaftoe)

⁶¹⁰ Since they were liable to cause a later breach of the peace, their issuing was technically an indictable offence. R. Shoemaker, Prosecution and Punishment, p. 29

case of predominantly commercial towns like Newcastle and Durham).⁶¹¹ Thus, illiteracy cannot be blamed for the distribution of the written challenge. However, its overall scarcity makes it impossible to state strongly the case for written challenge as a predominantly gentlemanly behaviour, although status does appear relevant to the degree of formality used.

All honourable combat, excluding obvious “cheating”, involved equal weaponry, although this did not necessarily mean the fight would be equally balanced. Challenges to the door frequently promised no more than a fist-fight. In more formal incidents, there is only one case in which an ostensibly fair duel was fought with anything other than swords (although skill with the sword was, of course, as much a variable factor as brawling ability).⁶¹² The sword was often carried by gentlemen as a matter of course, and the fact that they could produce a sword to fight is not generally considered worthy of note, but those who did not generally carry a sword still thought of it when challenges were mooted. George Hairopp and Andrew Hewie had to go to their respective homes to fetch their swords before starting the fight they had discussed earlier in the alehouse. The two men’s status is not known, but they were apparently not habitual sword wearers - Hairopp is reported as having said that the sword was not his own but one he had borrowed the previous week. Despite this, a sword fight was considered the appropriate mode for resolving their dispute.⁶¹³ Similarly, when Cuthbert

⁶¹¹ R. A. Houston, “The development of literacy in northern England”, pp. 208-211, R. A. Houston, “Illiteracy in the diocese of Durham 1663-89, 1750-62: the evidence of marriage bonds”, *Northern History*, 18, (1982), p. 48. However, see also R. Howell, *Newcastle upon Tyne and the Puritan Revolution*, p. 14, where it is argued that even the governors of Commonwealth Newcastle showed notably high levels of illiteracy.

⁶¹² See below, p. 179

⁶¹³ PRO ASSI 45/11/2/86 (information of Edmund Thompson) details the two men fighting, leaving separately and meeting again later at the alehouse door before going together to fight. 87 (information of Margaret Potts, Hairopp’s servant) shows that Hairopp went to his home within this time, apparently to collect his sword as he did not have it before. PRO ASSI 45/11/2/92 (information of Henry Bell, constable) reports Hairopp’s words about his sword.

Robeson gave a verbal challenge to a later meeting in 1719, he did “fetch out an old sword, and went to get it sharpened and supposing the sword not sufficient he borrowed one”.⁶¹⁴

There is a danger, though, of assuming the link between gentlemen, swords, and duelling.⁶¹⁵ The sword was far from reserved for this formal purpose as an instrument of violence - many other instances of its unequal use are recorded. Equally, many instances of sword use give no hint of the user’s status. Of those cases where it is known, gentleman make up two-thirds, the others being predominantly yeomen, indicating at least that the sword was not reserved for gentry use. Fernando Forster and John Fenwick fought with swords, and were gentlemen, and on the basis of these factors their fight has been called a duel, although in many respects it probably had more in common with the simpler challenge paradigm.⁶¹⁶

The duel by pistol does not seem to have reached the north east by 1720. This makes it more probable that full duels would reach the courts, if, as McLynn suggests, the poor level of marksmanship prevalent meant that duelling with pistols often led only to slight injury, whereas serious damage was generally done by the sword.⁶¹⁷ The lack of severe damage could potentially minimise the numbers of pistol duels in the court record.

Despite the acceptability of the duel in certain circles, boldly issuing challenges was a very different thing to facing up to one’s actions should the fight result in a death or serious injury. Now the glamour of ritual was gone, what remained was guilt, and the spectre of legal action for one’s crimes. The only detailed account we have of a duellist’s subsequent actions portrays a man in apparent shock, obsessively attempting to place his coat around his dead or dying opponent, and ignoring a bystander’s repeated comment that “it was too late, for he was dead”

⁶¹⁴ NCC QSB 50/56b (information of Charles Shaftoe). See also ed. J. J. Cartwright, The Memoirs of Sir John Reresby, p. 68 for a lent sword for duelling

⁶¹⁵ Of 60 cases of sword use, 16 give status information; 9 gentlemen, 5 yeomen, 1 soldier and 1 merchant.

⁶¹⁶ For instance P. Brown, North Country Sketches, Notes, Essays and Reviews, Durham: Thomas Caldcleugh (1893), p. 31 refers to the fight as a duel.

⁶¹⁷ J. McLynn, Crime and Punishment in Eighteenth-Century England, p. 143

several times before being sufficiently convinced to make a run for it.⁶¹⁸ This man, William “Bowrie” Charlton, eventually secured a pardon, the only one extant for the north east in this era, perhaps demonstrating the tacit acceptance of certain acts of honourable duel; it is suggested that his care for the dying man weighed in his favour.⁶¹⁹

Whoever the participants and their weapons, the legitimacy of challenge fights remained limited to the minds of only a proportion of the populace, although it is impossible to establish this proportion. There is certainly evidence that the duel, and more generally the idea of settling dispute by stylised violence, was not considered appropriate behaviour by everyone.⁶²⁰ Shoemaker argues that over the late seventeenth and early eighteenth centuries, challenges increasingly prompted a report to the magistrates, rather than the acceptance of a fight.⁶²¹ The northern sources are too scant and too variable to comment, but there is certainly some evidence of hostility. In the early eighteenth century, a Durham challenger to duel was met with laughter and disbelief rather than either fear or acceptance.⁶²² In 1708, when an unnamed man tried to call Thomas Forster from his house to “give him satisfaction”, possibly in relation to a wages dispute, Forster refused. In a letter to justice Lisle, apparently concerning a false information given by the man, Forster called the challenge impudent, and wrote “I leave you to be the judges of whether (the refusal was) reasonable or no”, evidently expecting the answer to be in his favour. In this case the circumstances, and possibly a class differential between the parties, may have combined to make the action seem even more inappropriate than it might

⁶¹⁸ History of Northumberland, vol. iv, p. 372 (information of William Laidley)

⁶¹⁹ Proceedings of the Society of Antiquaries of Newcastle upon Tyne, 1905-6, pp. 166-7 is a picture of the pardon. E. Charlton, “Jacobite Relics of 1715 and 1745”, Archaeologia Aeliana, 6, (1865), p. 30, argues that the pardon was granted because the fight was “regarded in the light of a mere brawl”; but it is likely that brawling would have been treated rather more harshly than the duelling here. Bowrie was not the only local killer to plead for a pardon, just the only one for whom circumstances are known - see for instance CSPD 1660-1, p. 344.

⁶²⁰ See D. T. Andrew, “The code of honour and its critics”, for a discussion of the criticism to which duelling was subject.

⁶²¹ R. Shoemaker, “The violent male?”, conference paper.

otherwise have been. Forster was at the time entertaining one Sir Van Colsten and not wishing to be disturbed by what he saw as effrontery.⁶²³

Others had more definite grounds for scorning the duel. When Jeremiah Baynes heard a man make a challenge, his response was to tell him that this was “the worst way of determining such differences, for one of them must undoubtedly die, and the other be accountable to the law”. The challenger, Mr. Mayson, appears to have considered himself safe from physical harm on grounds that “Mr. Ilderton was a man of no blood” - and hence, conceptually, no fighter - and from the law because of his “friends and money”.⁶²⁴ Other challengers probably did not think through the risks so clearly, but acted on impulse. In any case, more of the challenges we know of were met with refusal than not, despite the fact that in itself, without subsequent violence or threat, a formal challenge, whilst technically illegal, might not have been considered worthy of the courts attention, and so many more may have gone unrecorded. The prevailing impression is that duelling codes were thought about, and certain elements appealed to, rather more readily than the duel itself. This is strongly suggested by the memoirs of Sir John Reresby, who was challenged, or issued a challenge, at least nine times, but was only actually involved in one duel, due to the submission or “cowardice” of the other party, or the intervention of another. Of the several duels he described in detail, none resulted in a death.

Despite the apparent public feeling against duelling, it could still be potentially damaging to reputation to refuse. Robert Coatsforth of Allendale refused to go to the field to fight, and in response his challenger “did put up a paper on the cross at Allendale town end wherein he

⁶²² Adrian Green, personal communication.

⁶²³ NCC QSB 29/3a, (letter of Thomas Forster to Mr. Lisle, copies also sent to Justices Lorraine and Ainsley). NCC QSB 29/28a and 29a comprise the informations of James Reston and William Scott, yeomen, accusing Forster of failing to pay their wages; it is possible therefore that one of these is the unnamed man, and that this accusation is the charge of which Forster speaks.

⁶²⁴ NCC QSB 51/53b (information of Jeremiah Baynes)

proclaimed the said informant a coward”.⁶²⁵ This public intimation of cowardice may have been a factor in Coatsforth’s decision to go to the duelling site named by the challenger’s brother the following day. Equally, the written challenge of Matthew Bell called Robert Ramsey a coward if he did not present himself.⁶²⁶ The accusation of cowardice as an insult is not used in any other context within the court record, and thus seems particularly bound up with the ideals of behaviour as expressed in the duelling code.

It might also be physically dangerous to refuse. Some may have agreed to fight because they felt were going to be attacked anyway if they did not. Morgan and Rushton describe a incident in Newcastle in the mid-eighteenth century in which a man accepted a challenge to the inn door: “seeing himself in danger and likely to be very ill treated in case he did not fight the said Lamb and defend himself”.⁶²⁷ Once in the fight, of course, the demands of self-defence explained a man’s actions. Duellist George Hairopp argued at his examination that if he had not killed he would have been killed (although he had accepted the challenge readily enough).⁶²⁸ Evidently there is a degree of self preservation in these defences - Bennett argues that men would claim a fight was a challenge simply to reduce a charge to felonious killing - but the fear of violence was real enough, and the many cases at quarter sessions, which do not involve life or death decisions, are testimony to the reality of the need.⁶²⁹

The danger of attack regardless of one’s response to a challenge was certainly real, as even challengers to honourable combat appear to have not always believed in the code they professed to following, being in many cases not beyond breaking the code themselves, either

⁶²⁵ NCC QSB 5/7d (information of Robert Coatsforth). V. Stater, *High Life, Low Morals*, p. 19, argues that “for a gentleman to refuse a duel amounted to the surrender of his rank”. However this view may have been less true in the north than amongst London’s peers, and certainly was not universally held.

⁶²⁶ NCC QSB 28/73a (information of Thomas Moffett)

⁶²⁷ G. Morgan and P. Rushton, *Rogues, Thieves and the Rule of Law*, p. 53, quoting PRO ASSI 45/32/2/106-14

⁶²⁸ PRO ASSI 45/11/3/94 (information of Margaret Browne)

⁶²⁹ R. A. H. Bennett, “Enforcing the Law in Revolutionary England”, pp. 189-190. G. Walker, “Crime Gender and the Social Order”, pp. 129-130, also discusses the ways in which definitions of manslaughter and self-defence could affect an accused man’s testimony, including the role of the challenge.

by violence if the challenge was not met, or by using the challenge simply to place their more honourable opponents at a disadvantage. A significant number of challenges had this kind of result, leading to a suspicion that for many the desire to use formal means was only superficial. Berwick gardener George Taylor reported that a man had “dared him to go out to the garden when at the same time he had a nabbed knife in his pocket”, this extra weapon adding to the seriousness of the action.⁶³⁰

Challenge to a duel and more impulsive violence were not incompatible strategies for dealing with an opponent, especially if he proved unwilling to rise to the challenge. Mr. John Archbald deposed that miller Robert Scott “did dare him full times to go to the door with him and he the said Scott being a weak infirm man and not for quarrelling told him he need not go ... thinking to put him off so, but he the said Scott when he see he could not have his opportunity so did assault him with a candlestick”.⁶³¹ In 1699, gentlemen Andrew Duncan and William Archbold assaulted William Gallon of Alnwick at the cockpit and, a month later, Duncan sent Gallon a written challenge. When he failed to appear, they went to his door and dared him to come out, threatening him and insulting his character. The aims of the two assailants, and the mental landscape which would allow these different strategies of attack to work side by side, remain unclear, but the incident does show that a duellist was not incapable of also being a brawler.⁶³²

The challenge to the door cannot be isolated from other patterns of aggressive behaviour, and does not necessarily imply a clear-cut sequence of events. Violence could be the final stage in a complex escalation of verbal and physical actions by both parties, of which challenge behaviours were only one element. In Howden Pans glasshouse in 1677, Cuthbert Reynaldson called William Tindall “a cheating rogue and he would prove it”, and tried to prevent him going about his work. Tindall told Reynaldson to go home, and that “he could find it in his

⁶³⁰ D. Brenchley, A Place by Itself, p. 31

⁶³¹ NCC QSB 15/83a (information of Mr John Archbald)

⁶³² NCC QSB 13/77a (information of William Gallon). Yorkshireman Sir John Reresby was not ashamed to write in his memoirs that when a man refused his challenge, he went with a servant, found the man and hit him with a cudgel. The man later retaliated by attacking in force, showing a continuing breakdown of honourable combat. ed. J. J. Cartwright, The Memoirs of Sir John Reresby, p. 28

heart to put the iron pole in his mouth"; Reynaldson took the pole and hit Tindall with it. Tindall pushed Reynaldson to the ground and restarted his work. Reynaldson challenged him to go to the door if he had a mind to fight, but then at the door only threatened a later meeting. Tindall then struck Reynaldson with the iron pole, which killed him. Both men here appear to have been happy to resort to violence to settle the issue, by non-equal means if necessary, in spite of the challenge to the door and Reynaldson's apparent desire to have a fight, rather than merely to belittle his opponent. It is not simply that Tindall responded violently to Reynaldson's insults, as Reynaldson himself wanted to fight or arrange a future fight and in fact struck the first blow, although Tindall made the first threat of violence.⁶³³

Another way in which prescribed patterns of honourable violence could be damaged was by cheating. It is difficult to say how common cheating was. Arguably, the abuse of ideas of honourable combat might be more likely to lead to prosecution than fights which went through smoothly, and certainly the majority of assaults, rather than homicides, which reached the court record involved refusals or cheating. At the same time, in a world in which some men plainly placed more stock in the honourability of their actions than others, some must have found the temptation to use this to their own advantage irresistible.

The most detailed description of cheating was given in 1707 by Thomas Moffett, who deposed concerning an attack by Matthew Bell upon one Robert Ramsey. After an argument the previous day, Ramsey, accompanied by Moffett, went to meet Bell on Lowick Moor according to the terms of a written challenge. Neither Ramsey nor Moffett carried a weapon, Ramsey apparently wishing to effect some form of reconciliation. Bell carried a sword so, if Ramsey had arrived with one, there would probably have been a sword fight. Arriving weaponless apparently caused some debate about how to proceed; Moffett reports that "after some words had passed between the said Matthew Bell the younger, Matthew Bell the elder and the said Robert Ramsey he the said Matthew Bell the younger laid down his sword and said they would determine the matter by blows". Although it is probable that a second sword could have been provided from amongst the group, the scene was instead set for a fist-fight, which it seems was thought, in this instance, to provide an equal measure of acceptability as an arena for the

⁶³³ PRO ASSI 45/12/3/93

defence of honour. Bell, however, cheated by holding a stone in his hand, taken from his pocket, before a single blow was struck. This is puzzling as it suggests that he had planned for the possibility of a fist-fight in spite of the formal nature of his challenge, and, along with the settling on a fist-fight, reflects the unusual and hybrid nature of the fight, the only written challenge not to involve gentry. However, despite transgressing the bounds of fair fight, it is still notable that Bell did not merely cut Ramsey down, or enlist the help of his several supporters present, suggesting limits to his willingness to overstep the code of the duel.

A similar incident occurred in 1687 when Robert Coatsforth went to an agreed duelling site, again taking no weapon. In this instance, his challenger, William Rowland, apparently did attempt to use his sword against Coatsforth rather than recreate an even fight on a lower level. Rowland's versions of events differed, placing the imputation of breaking agreed standards of conduct at Coatsforth's door; he claimed that Coatsforth had carried a club, and along with another man had attacked him when he went to a meeting described as solely for the purposes of discussing a grievance.⁶³⁴

Even the simpler form of calling to the door, was open to abuse, as we have seen. The most notorious example that the north was to see occurred in 1701 between Fernando Forster and John Fenwick.⁶³⁵ After quarrelling, apparently in front of the whole grand jury of the assize then in process, Forster accepted Fenwick's challenge to fight. There is some dispute over what happened next: Alderman Hornby's oral sources led him to recount that those present intervened at that time, and the fight occurred the following morning when the parties accidentally met again in the same area. Brand, however, has it that Fenwick cheated in the challenge, stabbing Forster on their way out. Whiting stages the fight immediately but claims that Fenwick stabbed Forster when he slipped.⁶³⁶ It has been argued that duels rarely resulted

⁶³⁴ NCC QSB 5/7d (information of Robert Coatsforth); Rowland "struck at" Coatsforth, and whilst the weapon is not mentioned he is not described as having put down the sword he was carrying; NCC QSB 5/9d (warrant on information of William Rowland)

⁶³⁵ See p. 321

⁶³⁶ J. Sykes, Local Records, pp. 127-8, C. E. Whiting, Nathaniel Lord Crewe, p. 235

in executions at that time, as this instance did.⁶³⁷ If Brand is correct, the difference may lie with the many witnesses with justice on their minds, and in the underhand tactics of Fenwick.

Whilst the more significant elements of the duel were rarely called into play, there was nonetheless a feeling that certain ritual actions, notably the calling to the door, were the “right” way to go about violence. Through these actions, assault could gain legitimacy in the eyes of both aggressors and some bystanders. Challenge behaviour was the main way in which this could be achieved, but it was not the only violent action which, simply because of the form which it took and the ritual meanings invested in that form, became something larger and more respectable than it would otherwise be.⁶³⁸

Another example of the value placed upon ritual violence to redress a balance was the scratching of a suspected witch. It was thought by some that drawing a witch’s blood would help to relieve the sufferings of her bewitched victims, a practice which was occasionally enacted and discussed by men but almost universally suggested or instigated by women.⁶³⁹ This led to some women under neighbours’ suspicion to be content to volunteer their involvement in the ritual action - Elizabeth Fenwick was obliging, saying “if blood would do her any good she might have had it long since” - or at least to acquiesce.⁶⁴⁰ Other personalities might thoroughly reject the whole thing, despite the furtherance of suspicions which such a refusal might raise, and perhaps prosecute. In 1687 “wishing he could get blood of” Jane Blackburn was enough to cause several witnesses (not Blackburn herself) to inform against

⁶³⁷ F. McLynn, Crime and Punishment, p. 142.

⁶³⁸ See also p. 258 on the ritual “whore’s mark”.

⁶³⁹ The court record may under-represent the prevalence of witch scratching, as, if this was thought to bring relief, the grievance might not then have been taken to court. Scratching a witch was also a strategy to ensure you had the right suspect; another method for this was burning her thatch, thought to make her uncomfortable. A. Macfarlane, Witchcraft in Tudor and Stuart England, p. 109

⁶⁴⁰ PRO ASSI 45/12/4/55 (information of Nicholas Raymas). Isabel Atcheson and Jane Simpson are reported as “partly condescending” to their alleged victim’s desire to draw blood. PRO ASSI 45/7/1/7 (information of Anthony Heron). In Yorkshire, one woman volunteered, and scratched herself when this offer was refused; J.

John Richardson, although here the violent intent cannot be separated from the defamatory intimation of witchcraft.⁶⁴¹

Throughout the period there were both supporters and critics of the process, and there was not necessarily a decrease in this support as belief in witchcraft waned, although reports are too scarce to be certain (the lack of alternative legal response perhaps even strengthened the custom). As late as the 1720's or 30's, one suspected Northumbrian witch was pricked with a pin, by a group of schoolboys, to nullify her spell.⁶⁴²

The act could be quite violent, especially if the aim was to enable the bewitched individual, generally confined to his or her own bed, to do the scratching, as this involved forcing the suspected witch to go there.⁶⁴³ Elizabeth Albon, a widow of Longhurst, was "assaulted and beaten" by a neighbour who believed that she had bewitched her child; this might well have been an attempt to nullify the bewitchment, but still amounted to an assault charge.⁶⁴⁴ However, it should be realised, as Sharpe notes, whilst scratching was the most common form of violence against suspected witches, other suspects were simply beaten in the hope of obtaining a confession.⁶⁴⁵ There is no evidence of the ducking of witches in the north east for

Sharpe, "Witchcraft in seventeenth-century Yorkshire: accusations and counter measures", Borthwick Papers, 81, (1992), p. 15

⁶⁴¹ NCC QSB 5/27b (information of John Potts).

⁶⁴² NCHC History of Northumberland, v. ix., p. 22

⁶⁴³ Dorothy Sharpe for instance was "carried" to her alleged victim's bedside and her face scratched - PRO ASSI 45/7/1/185 (examination of Dorothy Sharpe)

⁶⁴⁴ NCC QSB 49/40a (information of Elizabeth Albon). A warrant was issued in 1709 for "publicly scandalising" a man by accusing him of witchcraft on cattle, following him and drawing blood from him. It is unclear who performed the latter action, but it may have been Robert Johnson responding to a challenge to prove his charge. NCC QSB 30/31-34b (informations of Christopher Middleton, Elinor Middleton, Margaret Hobson, cancellation of warrant against Robert Johnson)

⁶⁴⁵ J. A. Sharpe, "Witchcraft in seventeenth-century Yorkshire", p. 14

this period - officially it was abandoned during the civil war, and does not seem to have retained great currency in popular culture.⁶⁴⁶

Thus there was a range of ways in which ritualised elements of violence provided semi-legitimacy by reference to honour, as well as by reference to ideas of retribution and the borrowing of judicial punishment. Because the form of honourable combat served to bolster reputation, rather than to damage it, it was particularly suitable as a defence against slander and other threats to reputation, and it is to this sphere of motivation we shall now turn.

ii) The defence of credit

a) Responding to insult

The closing discussion of a recent conference on early modern honour noted that the acceptability of violence in reputation's defence was an important historical variable which has not yet been adequately explored. However, it is widely acknowledged that the defence of honour was a significant element in the causation of early modern violence.⁶⁴⁷ Foyster argues that for seventeenth-century men, "the most immediate and frequent action to perceived loss of honour was not legal action ... but physical action".⁶⁴⁸ Brennan, too, speaks of an early modern world in which all classes of men "insisted on their self-respect and the respect of others and fought to defend it".⁶⁴⁹ Greenshields argues that seventeenth-century Haute Auvergne was characterised by an "economy of violence" in which there were endless cycles of provocation and riposte, the attacking and defence of possessions, and especially of honour.⁶⁵⁰

⁶⁴⁶ C. Holmes, "Popular culture? Magistrates and divines in early modern England", in ed. S. Kaplan, Understanding Popular Culture, Berlin: Mouton, (1984), p. 104

⁶⁴⁷ I. Tague and H. Berry, "Summary of closing plenary discussion on 'Honour and reputation in early modern England'", Transactions of the Royal Historical Society, 6 (6), (1996), p. 248

⁶⁴⁸ E. Foyster, The Concept of Male Honour, p. 241

⁶⁴⁹ T. Brennan, Public Drinking and Popular Culture, p. 18. See also V. G. Kiernan, The Duel in European History, p.56

⁶⁵⁰ M. Greenshields, An Economy of Violence, p. 281.

Even Stone, writing of the aristocracy, ties the idea of endemic aggression to those who “felt honour bound to challenge and kill each other over the slightest affront”.⁶⁵¹

This latter is hardly relevant to the north east, but if, as has been argued, early modern man was more unrestrained than his modern counterpart in his use of physical means in reaction to slight causes, this may be not so much because of a propensity to over-reaction as because of a greater estimation of the importance of good credit, in conjunction with an increased acceptance of the physical as a valid counter-measure. The precariousness of credit, and co-dependant material well-being, magnified the import of apparently inconsequential events. At this point in time, violence (and particularly violence with an element of ritualised honour as discussed above), was not solely an outburst of anger, but might be the only response believed to be appropriate.⁶⁵² Additionally important was the idea that to leave a slander unanswered was to tacitly acknowledge its truth, or at least to accept the risk that others would do so.⁶⁵³

We should be aware of a possible problem which lies with the evidence: it may lend itself overmuch to interpretation in the light of honour. Here, perhaps more than in relation to other facets of motivation, the possibility of textual tampering - the addition of narrative elements within the informations designed to present material in a favourable light, rather than merely to relate events - is real. Walker studies Cheshire informations with an eye to textual and narrative nuances, and concludes, “notions of honour were ubiquitous as a framework for narratives of male violence”. However, she voices doubts as to the degree to which actual events were affected, seeing honour as a late addition to the story, designed to exonerate the accused man.⁶⁵⁴

⁶⁵¹ L. Stone, The Family, Sex and Marriage, p. 94. He echoes Macaulay, whose undoubtedly exaggerated picture of the early modern country gentleman held him “ready to risk his life rather than see a stain cast on the honour of his house”. Quoted by A. W. Purdue, Merchants and Gentry in North East England, 1650-1830, Sunderland: University of Sunderland Press, (1999), p. 109

⁶⁵² P. Spierenburg, “Knife fighting”, p. 105

⁶⁵³ See J. R. Ruff, Crime, Justice and Public Order, p. 73

⁶⁵⁴ G. Walker, “Crime Gender and the Social Order”, p. 133. See also N. Z. Davies, Fiction in the Archives, which dissects male homicide narratives in terms of their stress on honourability, pp. 39-40

This problem is less apparent in the north eastern sources, if only because it is rare for criminals' own shapings of events to have survived, except where heard at the assizes, and there they are counterbalanced by witnesses' statements. When witnesses and victims had no good reason to mention what provoked a criminal into action, we can be sure - to our loss - that they frequently did not, but when they did (especially if it was self-incriminating) it is likely to be the truth.

The opportunity to defend one's honour against slights - by a variety of methods - was certainly very important. Symptomatic of this was the feeling that it was wrong to speak words against someone who was not there to defend himself against them. As soldier Christopher Little put it, "it was not well done of that soldier to revile a gentleman behind his back". His objection was not to the insult itself, which he seems to have agreed with - claiming he would "fear not to speak [it] to his face" - but to the dishonour attached to its setting.⁶⁵⁵ Similarly, when Jonathan Marlow heard a fellow boatman call his landlady an "old bitch" and "drunken hussy" out of her earshot, he "asked him if he was not ashamed to abuse her as he did and with all he said he deserved to have his head run through the bars".⁶⁵⁶

Thus, being found to have defamed a man behind his back could be dangerous. When Mr. Mayson of Benwell found out that another gentleman "had spoke that behind his back which he durst not say to [Mayson's] face", his first response was to try to gather witnesses for a legal suit; and his second was to challenge and threaten violence, since if no legal action could taken, then he would "take law all in his own hands". This is an interesting thought process, the inverse of the more common challenge, made immediately in hot blood, combined with the legal route of defence chosen by cooler heads. Mayson clearly felt that he needed to act decisively against or even exact vengeance upon, the rumour-monger - even, or especially, against words made out of his own hearing.⁶⁵⁷

⁶⁵⁵ PRO ASSI 45/6/3/90 (information of Richard Graham)

⁶⁵⁶ NCC QSB 39/15a (warrant for William Ord)

⁶⁵⁷ NCC QSB 51/53b (information of Jeremiah Baynes). See also ed. J. J. Cartwright, The Memoirs of Sir John Reresby, p. 6, in which a man calls another a "liar and coward" for having issued a challenge at a distance, and gives a place where he will be if the challenger wished to say anything to his face.

Since the detailed background of an incident is known in only a minority of cases, it is impossible to say how significant “riposte”-type violence is overall. Certainly, many cases do not conform to the pattern postulated by Greenshields. Insults of a kind potentially damaging to credit appear far more often in the testimonies spoken by aggressors immediately prior to an assault than by those who subsequently suffered violence. However, it is also true that a significant number of those incidents for which a clear focal point for trouble can be discerned involved matters of reputation and credit, and the anger felt by those who believed themselves to have been slandered or wronged.

The significance of responses to slights is especially striking given that the vast majority of testimony, especially from quarter sessions cases, is given by the victim of the assault. This speaker would only mention his own part in precipitating the violence in the minority of cases, thus leaving a record which under-represents such spurs to violence. Even though the perceived slight be visible to us only as a reference to becoming “even with” the victim, or “revenged of” him, it was still of vital importance to those involved.⁶⁵⁸

Inevitably, many fights began with arguments and heated words. Various terms are used to describe these altercations, such as “crossing” or “uncivil” words. Often these words are described as having occurred between parties, with no indication of an aggressor, and so, in a gradual escalation of hostility, both parties would naturally have felt that they were in the right, and that they had been defamed. Occasionally, and significantly, these arguments were termed “provoking words”, demonstrating that the insulting terms used were considered adequate justification for retaliation under some circumstances.⁶⁵⁹ As local poet Cuthbert Ellison put it in 1726, “for as I live, I’ve heard men give most soft endearing words/ when, ‘fore they parted, hot feud has started, which has unsheathed their swords.”⁶⁶⁰

⁶⁵⁸ NCC QSB 25/34b (information of Edward Grey). There is of course an overlap here with violence enacted as a punishment, a reminder that there were and are no hard and fast dividing lines between the conceptual categories explored here.

⁶⁵⁹ TWAS GU/JO/2/2, 12.8.1675

⁶⁶⁰ C. Ellison, A Pleasant Description of Benwel, p. 94

Verbal provocation could certainly be sufficiently severe to be thought by witnesses to justify violence as well as insults in response. Burgess William Manning of Berwick was said to have attacked Christopher Ord “without any provocation given (except him being called a beast by the said Christopher Ord when provoked to it)”. The witness wished to portray Ord’s involvement in heating the situation as minimal, but seems to have been unable to omit this significant detail, counter to his own aims, which considerably evens up the picture.⁶⁶¹ We can only wonder how many more accounts of assaults in which “no provocation was given” carefully omitted such balancing details.

As Gowing demonstrates, defamations provide a good outline of the most important elements of honour, as these are the ones worth attacking, and worth defending in a court of law.⁶⁶² Insulting expressions occur frequently in the sources as single word asides - most often the casual use of “rogue” or “whore” and their variants. The commonest of insults could be damaging, especially when given a personal slant, or when there was reason to think they might be taken literally rather than merely as an expression of dislike.

This literal interpretation, combined with detailed and specific claims, seems to have been particularly dangerous and liable to provoke violence.⁶⁶³ It was these which might have been taken most seriously by listeners, and taken for truth if not challenged. Thus, it was these claims which were perceived as a challenge to credit in a manner in which simple slanging usually was not. When, by chance, Thomas Robinson met William Graham in an alehouse in Copeland, Robinson accused Graham of having stolen his horse’s halters several years before.

⁶⁶¹ BER C15/1, unnumbered (information of William Minnick and Arthur Edmundston). PRO ASSI 45/10/2/43 also refers to violence to which the aggressor was “highly provoked” by “crossing words”.

⁶⁶² L. Gowing, *Domestic Dangers*, pp. 62-74 on “terms of insult”. R. Shoemaker, “The decline of public insult”, p. 98, more broadly argues that rates of defamation prosecution indicate the importance people placed on insult.

⁶⁶³ S. Amussen, *An Ordered Society*, p. 104, argues that this was particularly true of men, whose reputations were sturdy enough to withstand more vague accusations without need to respond legally (or indeed with violence), whilst female complaints of defamation are vaguer, demonstrating a more fragile good name. However since women very rarely used violence in response to personal insult - see below - this cannot be commented on.

Each accused the other of lying, and Graham then attacked Robinson. The slur upon Graham's reputation, made not merely in general terms but in relation to a highly specific event, was one he obviously felt could not be allowed to pass.⁶⁶⁴

Several other accusations of theft also met with threats or violence, in many cases as an explicit warning against reporting the theft to the authorities, but possibly also in some instances due to indignation at the charge, and because, if neighbours suspected that the accusation held any truth, economic life might become untenable given the network of credit and goodwill which supported the local economy. When Thomas Newton junior was told that his father stole hay, he responded with apparently genuine shock and anger, calling the accuser a liar and beating him.⁶⁶⁵ For every man who resorted to indignant violence, though, there were others who brought a legal suit - assault was by no means an automatic response.⁶⁶⁶

To professional men, the insults which mattered most were those which had direct bearing upon their professional abilities and integrity, and thus their standing as craftsmen and their ability to attract custom. The joiners' guild minutes show this well.⁶⁶⁷ Diverse insults, from "cuckold" to "picklock", were reported occasionally, but the majority of defamations were slurs against professional reputation and competence. Terms such as "crafty", "dissembler", "lying", "cheating", "knave", and the ubiquitous "rogue", all found their way into the vocabulary of the joiners, although "rogue" was used less universally than in general discourse between angry men, as shown by the quarter sessions record, being to an extent supplanted by more specific accusations of incompetence or dishonesty.⁶⁶⁸ It is hard to tell whether these insults are just terms of abuse or linked to specific professional actions, although several of the

⁶⁶⁴ PRO ASSI 45/9/2/59

⁶⁶⁵ NCC QSB 15/69a (information of William Ridle)

⁶⁶⁶ For example, NCC QSB 25/30b (information of George Skelton), NCC QSB 24/68a (information of George Pattison)

⁶⁶⁷ TWAS GU/JO/2/2, GU/JO/2/3

⁶⁶⁸ For instance, one man was fined in 1719 for calling another a blockhead in the meeting house, while he was over-enthusiastically accusing the other of assault. TWAS GU/2/3 June 1719

same individuals were also reprimanded for infringements of guild regulations, so not all insults were entirely unfounded.⁶⁶⁹

If specific and genuinely intended, it is unsurprising that such an attack upon a crucial facet of reputation (with its potential repercussions for business) would demand a response. This might simply have been to report it to the guild itself, or a more immediately forceful action. Even if there were no witnesses to the slander, there was understandable anger at having vital skills maligned, and the danger remained that, if left unchallenged, unwelcome rumours might be repeated in company. A (probably drunken) labourer, on the way home from Newcastle market, “quarrelled ... for finding fault with [his fellow servant] for loosing a horse out of the wain, and staying away a good time”. The subsequent assault would probably have been unremarkable if the aggressor had not used the incapacity of his victim as an opportunity to steal from him and then disappear for a few days to spend his gains.⁶⁷⁰ Similarly, two ploughmen, working as a team - one driving while the other led - came to blows after denying each other’s competence at driving the oxen along the furrow,⁶⁷¹ and a boat pilot took another man’s need to use a hook to stop their boats colliding as a slur upon his competence worthy of violent retaliation. Although the joiner’s guild minutes suggest fluid patterns of animosity rather than rigid allegiances, it is likely that these kinds of insults frequently formed a part of the origins of more long-standing, self-perpetuating feuds, in which both sides considered their own name to have been blackened, their own dignity or material well-being harmed.

Imputations of poverty were serious, as they implied economic impotence, and thus no part within credit networks.⁶⁷² When Matthew Midlewist boasted drunkenly that he had more dollars than John Cleghorn had bodles, this was an economic way of expressing a wider

⁶⁶⁹ “Extracts from the records of the merchants adventurers society of Newcastle upon Tyne”, vol. 1, more often detail the circumstances behind an insult, and generally seem to involve some form of professional rivalry, or previous legal or disciplinary battles.

⁶⁷⁰ PRO ASSI 45/14/2/95 (examination of John Newton) - which explained the absence in terms of having been made drunk by the other man, and denied all knowledge of theft - and 96 (information of John Cocke)

⁶⁷¹ PRO ASSI 45/11/1/49-50 (examination of James Burn, information of Gilbert Dixon)

⁶⁷² A. Shepard, “Manhood, credit and patriarchy”, pp. 88-9

concept. Cleghorn replied that “though he had not dollars and few bodles yet he held himself as good a man as he for all his dollars”, asserting his worth in spite of his poverty. Despite an apparent reconciliation, a lethal fight broke out on the way home.⁶⁷³

As we have seen, female virtue was by no means based solely upon sexual behaviour, or even around the domestic sphere. Economic activities, similar to those of the joiners and other professional men, could also be important to women. Thus, we might expect to see women defending their own honour in varied fields as men did - although we have equally seen that female construction of credit provided no framework for self-reinforcing violence, but was liable instead to make such action self-defeating. Nonetheless, it was not unknown for women to defend their own reputations, in all their complexity.

One instance in which this secondary aspect of female reputation led to blows involved two North Shields women, Isabel Teesdale and alehouse keeper Barbary Best. Best informed that she had simply, if forcibly, ejected Teesdale from the alehouse for scolding and calling her a “whore, thief, drunken whore, and that she kept John Hall for her pimp” (John Hall was a sheriff’s bailiff, present in the room at the time). Teesdale, conversely, claimed Best had violently pinned her to the door when she tried to complain that the ale she had bought from Best was undrinkable. In either case, and whatever the degree of force shown by Best, she is still portrayed as responding to a slight upon her honour (whether justified or not, it can only have done her reputation harm to have her produce decried in the middle of her own alehouse).⁶⁷⁴

It was rare, however, for a woman to defend her own reputation, sexual or economic, by means of violence, precisely because a violent action would have undermined her own case (just as, if enacted in certain ways, it bolstered the case of men). If, as Foyster puts it, honour was held “by adopting and displaying behaviours or roles which were approved for their gender”, the last thing a woman whose honour was questioned could afford to do was to

⁶⁷³ PRO ASSI 45/7/1/91, 94-7 (informations of Elinor Ewart, Ralph Ewart, Philis Amers, Andrew Stebert, and Gilbert Amers). A dollar was probably slang for a five-shilling piece, and a bodle was a Scottish coin worth only a sixth of an English penny.

⁶⁷⁴ NCC QSB 8/27a, 101a (petition of Isobel Teesdale, information of Barbara Best)

throw further doubt upon her reputation by using inappropriate behaviours in response.⁶⁷⁵ This is not to say that violence was never a valid action for women, only that its validity was circumscribed more tightly, and aggression was too far removed from ideals of feminine perfection to be used to support that reputation.

For men, however, this was much less problematic, and thus we should not be surprised to see the defence of honour as a significant motivating factor in incidents where formalised combat was called into play. Duel-inspired fights were seen by those involved as the most convincing way to defend honour. Peltonen argues that duels occurred because the maintenance of a gentleman's honour was a continual struggle, which forced resort to the duel as soon as it was believed the situation could not be resolved without controversy.⁶⁷⁶ To such individuals, all matters could be seen as relating to their honour, and a slight upon any part of their construct of gentility was seen to weaken the whole, such that violence itself became a necessary reply and support. Thus most duels, where motivation is known, seem to have stemmed simply from perceived insults or wrongs.⁶⁷⁷ The "crossing words" and the like, which sparked trouble are rarely detailed, and in their absence it is hard to distinguish the start of a duel from any other scene of violence between socialising men.

⁶⁷⁵ E. Foyster, "The Concept of Honour", p. 3, G. Walker, "Expanding the boundaries of female honour", p. 241

⁶⁷⁶ M. Peltonen, "'Civilised with death': courtesy and the duel in Elizabethan England", conference paper, The Civilising Process, (1998). D. T. Andrew argues that the cause was usually an affront, especially a public impugning of honour - "The code of honour and its critics", p. 411

⁶⁷⁷ Only one report of a formal challenge claims a lack of provocation or occasion; and even here, Coatsworth's testimony mentions a "controversy that was betwixt them". Equally, fights over women, which Spierenburg notes as central to French duels and Dutch knife fights of around the same date, were almost entirely absent. P. Spierenburg, The broken spell: a cultural and anthropological history of pre-industrial Europe, London: MacMillan, (1991), p. 199 - 20 cases of rivalry over women, 10 family feuds, 7 competition for offices, 7 inheritance problems, 6 slights to honour - and "Knife fighting", p. 117. Ed. J. J. Cartwright, The Memoirs of Sir John Reresby, also suggests a wide range of causes, most of which ultimately related to estimations of prestige and reputation, where an apology or submission sufficed instead of more physical "satisfaction" e.g. p. 2

The passions surrounding the racetrack provide a lens through which a broader pattern may be seen. Two lethal duels in the region, in 1634 and in 1710, were related to horse racing, whilst no brawling or threats were reported there.⁶⁷⁸ This reflects the social group who attended the sport, but it also highlights the connection made by a certain segment of society between racing performance and honour.⁶⁷⁹ This is most apparent in a gossipy letter of around 1715, in which is described the ridicule received by one Sir W. when his horse performed dismally upon visiting Newcastle. While at the races, he was accused of roguery, and told “till he lost his honour, his horse never lost”. He seems to have become something of a laughing stock, “the very boys on the streets abus[ing] him”.⁶⁸⁰ Sir W. did not react to this ridicule, according to the writer, but other men, more sensitive to their honour, would have taken the situation as one worthy of response, probably by honourable means.

Simple insults and defamation were not the only way in which a person’s credit could be attacked. Any challenge made to the rights of precedence and deference which a man’s status was perceived to bring him, was, in effect, a direct challenge to his good name. One place in which this was particularly obvious was in the ranking of the seats at church, which can be seen as a frozen statement of hierarchy. It is for this reason that men are occasionally seen fighting over church pews, when one man sat in a seat which another considered to be his by right.⁶⁸¹

A man’s physical person could also be the seat of his dignity and honour, and so physical violence could be seen as an affront requiring a physical answer, not merely in order to defend oneself or as an act of vengeance, as a challenge which to maintain honour required a response, just as did verbal abuse. This was one cause of the type of “grudge” which combatants are often said to have had between them before a fight. When Mr. Carr and Mr. Swinhoe

⁶⁷⁸ A History of Blaydon, p. 17, NCHC History of Northumberland, v. iv, p. 372.

⁶⁷⁹ A. Fletcher, Gender, Sex and Subordination, p. 326, on the growth of popularity enjoyed by horse racing amongst the gentry.

⁶⁸⁰ NRO ZAL 39/1/1, letter from “M.R.” to Mary Allgood

quarrelled, Swinhoe hit Carr once with a stick. Carr's response was not to attack in return, which could be viewed as mere hot anger or self-defence, but to issue a challenge to a duel, the assault evidently having been an affront to his dignity which could not be borne.

Actual violence was not necessary to provoke this kind of response, men's dignity having a wider vulnerability to being knocked. In 1686, Mr. Hayles of Hexham threw a horn of beer over Mr. John Thirlwall's face. This was to have fatal consequences when Thirlwall responded at a later date by striking at Hayles with a stick, saying "loggerhead I will be satisfied on thee". There are conflicting details in the accounts, but his insistence on fighting Hayles is presented as the cause of Thirlwall's death.⁶⁸²

b) Honour, sociability and alcohol

A thrown pint was a minor problem in comparison with factors linking alcohol to honour and violence alike. We have already seen, in general terms, how alehouses focused aggression towards "outsiders", and how drinking could escalate tensions and prejudice towards conflict. Alcohol has a more specific importance, too, in the light of its symbolic usages. Rituals designed to bring people together, and to give a clear signal regarding the esteem shared by those involved, could have the opposite effect if not accepted by both parties. The sharing of a toast or pledge, or on a less formal level simply drinking together, has a particularly high profile in this context. This act implied agreement, peace and friendship between parties who held a mutually high opinion of each other. Roger Lowe of Lancashire, in 1663, reported the patching of a broken friendship, saying "we went to an Alehouse, and were reconciled".⁶⁸³

⁶⁸¹ NCC QSB 1/61 (information of Rainald Stokoe). This measure of status and dignity was shared by men and women, who also fought over them - A. Lawrence, Women in England 1500-1780, pp. 257-258

⁶⁸² PRO ASSI 45/14/3/59-60. This is incidentally the only non-duelling use of the term "satisfaction".

⁶⁸³ Quoted by K. Wrightson, "Alehouses, order and reformation". In Amsterdam too, the "drinking away" of a quarrel through a shared bottle was the most common ritual of reconciliation - P. Spierenburg, "Knife Fighting", p. 116

The acceptance, or rejection, of drink was therefore invested with a meaning beyond the mundane.⁶⁸⁴ Following a business discussion between tailor James Pringle and gentleman Paul Errington, Errington agreed to Pringle's request that they drink a pledge together. He then attempted to include Pringle's colleague, upholsterer Ralph Rowman, in the toast. Pringle and Rowman plainly disagreed concerning Errington; Rowman said "he would pledge no such knave as he was", which Errington ignored, drinking himself and passing a glass of mum to Rowman to pledge in return. Rowman said "he could afford to throw it in a knaves face", referring to Errington, and the subsequent exchange culminated in Rowman throwing the mum in Errington's face before attacking him more seriously with a stick. We do not know what Errington had done to gain the enmity of the tailors and upholsterers - three more of them pursued and beat him later that evening, and another threatened to find him again the following day. It appears that he was trying to make steps towards a reconciliation through symbolic shared drinking, instigated by Pringle, which was rejected by Rowman and others.⁶⁸⁵ In this instance, the refusal to drink was a prelude to an attack, graphically demonstrating an unwillingness to be reconciled. Foyster has shown that refusal could also be met with mockery and insult, citing an incident in Northumberland in 1606 in which a refusal to drink was met by a torrent of abuse.⁶⁸⁶

The very importance of maintaining rituals of decorum such as the toast made them open to mockery and could place individuals in a difficult position, with potentially violent consequences. It is told of Joseph Barnes, in the biography of his father Ambrose Barnes, that "some gentlemen of Northumberland, drinking where he was sitting, begun a health to the church, being very merry to think how Mr. Barnes, who was a known dissenter, would bring himself off when it came to his turn to pledge it". Mr. Barnes neatly side-stepped the problem,

⁶⁸⁴ For example, see D. O'Hara, Courtship and Constraint: Rethinking the Making of Marriage in Tudor England, Manchester: Manchester University Press, (2000), p. 40-1, on the role of formal drinkings in forming alliances and sealing relationships.

⁶⁸⁵ PRO ASSI 45/9/2/105

⁶⁸⁶ E. Foyster, "The Concept of Male Honour", pp. 58-9, from the records of the Durham ecclesiastical court.

pledging the church's health "for indeed the church wants nothing so much as health". Others might have reacted less adroitly and thus created a potentially dangerous situation.⁶⁸⁷

As well as the particular case of the drinking of toasts, simply accepting the company of a drinking companion was a meaningful act, and choosing to decline the offer of more drink might be taken badly. In 1643, Mr. John Swinburn appears to have lost his life due to affront being taken when he wished to leave his company and ride home to join his wife, who had left earlier that evening. Captain John Salkeld, one of his drinking companions (and reportedly "very merry"), persistently "told him he should light and drink more", and attacked him with a sword when he refused.⁶⁸⁸ A similar incident occurred between two gentlemen in Wolsingham, Durham in 1703. One witness placed the blame for the escalation of the quarrel on a torn coat sleeve. Another (a servant in the house where the violence occurred) expanded on his mention of discourse over a tankard of ale, explaining that following an argument, one of them wanted to leave. The other tried to force him to stay there and have another drink, and it was this difference which brought a physical element to the dispute.⁶⁸⁹

Of course, in such cases, the mechanics of toasts and refusals - as also of pew disputes and other challenges - was often only the trigger for violence, bringing to the surface more serious rifts between parties, ranging from earlier arguments to religious differences. For example, although the relevant information is lost, there is a note in the remaining papers that "there was

⁶⁸⁷ "M.R.", Memoirs of the Life of Ambrose Barnes, pp. 82-4. Certainly, refusal to co-operate with such bullying and abuse of the toast could be a spur to anger. When news came to Sunderland of victory over the French in 1711, a hogshead of ale was brought near to the house of dissenter Reverend George Wilson. Wilson was sent for, and revellers tried to make him drink the queen's health, on his knees. He answered that he "never kneeled but to his God". For this, his windows were broken and his church walls undermined. A. Richardson, A Local Historian's Table Book, Historical Division, v. 1, London: J. R. Smith, p. 342. See p. 313 for a political parallel.

⁶⁸⁸ J. Hodgson, History of Morpeth, pp. 222-4 preserves the original witness' informations surrounding this murder, which are too early to survive in court records; a copy appears to have been kept with the Ogle family papers.

⁶⁸⁹ PRO DURH 17/1 (informations of Robert Coulson and Elizabeth Hixon)

a former quarrel” between Swinburn and Salkeld.⁶⁹⁰ Nevertheless, in the short term, the meanings of sociability invested in the sharing of drink made of it, and other measures of rank and honour, a potentially contentious issue.

An examination of cases in which honour is threatened and immediately defended reveals that many such incidents occurred in alehouses. Whilst alehouse violence accounts for a significant proportion of violent incidents overall, its presence is proportionately much greater in relation to this kind of incident.⁶⁹¹ Alehouse fights are very rarely said to have occurred “without cause or provocation”, despite the perceived link between alehouses and meaningless brawling. Even where it is said, there is more reason to be suspicious of the phrase than in some other incidents. For example, Richard Noble was in a Burnstones alehouse when, he alleged, “without any words or occasion given by this examinant, Parker did quarrel him”. Noble may well be merely trying to show his own actions in a favourable light here though, as it was he who was being examined for the later death of Parker, although he claimed to have struck no blow.⁶⁹²

Crucial to the understanding of this dichotomy is the idea that public drinking spaces served as an arena for social interaction and symbolic exchanges, and as such constituted a highly charged atmosphere for the making and breaking of a man’s credit.⁶⁹³ Incidents which provoked tavern fights may be considered petty by modern eyes, but the difference, in this context at least, may be as much in the importance and vulnerability of honour as in an excessive propensity to violence. What was said would be heard by many individuals, often one’s own peers, who would be watching to see how a slight was reacted to. In many cases, of course, these slight causes for affront were magnified by the bottom of the glass. Arguably, however, the degree of ease with which it was perceived that reputations could be broken

⁶⁹⁰ J. Hodgson, History of Morpeth, p. 223

⁶⁹¹ T. Brennan, Public Drinking and Popular Culture, p. 60, considers that “insults and slander lay at the root of most violence at taverns”.

⁶⁹² PRO ASSI 45/6/1/108 (examination of Richard Noble, information of Thomas Smith)

within the public forum of the alehouse was responsible for much bloodshed. In broad terms, the alehouse or convivial gathering, as a public forum, can be viewed as a significant setting for the re-evaluation of honour, and hence of its defence. The brawl itself functioned as a means of defending reputation, or at least expressing anger at it being attacked.

c) Witnesses, legal action and damaging good name

The trustworthiness of a man's word was a central facet of his honour, and for proper functioning society relied upon a man's word of honour holding good in many matters of business and social relations alike.⁶⁹⁴ Thus, any imputation made against someone's word could be highly charged and lead to violence. In 1719, Richard Taylor made a great nuisance of himself amongst a group meeting for a drink after a day at the fair in Berwick. His reason, albeit disputed by his main target, Guy Warwick, was that Warwick had said "that he the said Richard Taylor's oath would not be taken by any magistrate"; that is, that his word was not credible.⁶⁹⁵

A particularly harmful variation of this was the slur upon name made before a legal or other official, harmful both because of the status of the listeners in themselves, and because such testimonies impacted upon ongoing legal business. One of the most extreme ways to expressly damage reputation was the formal testimony of bad character to justices or other officials. Not only did such a testimony give no opportunity for an immediate counter-action, it could also have serious consequences in the future, perhaps to an even greater extent than allowing slanderous gossip to run unchallenged. When Patrick Robertson, vicar of Berwick, repelled merchant Robert Cooke from the sacrament for ill behaviour and disturbing his neighbours, that was affront enough. When he signed an official document certifying this, the accusation

⁶⁹³ This idea is explored in depth by T. Brennan, *Public Drinking and Popular Culture*, *passim*. See D. O'Hara, *Courtship and Constraint*, p. 143-144, on the role of the alehouse in courtship.

⁶⁹⁴ A. Shepard, "Manhood, credit and patriarchy", p. 87, argues that a man's word was often treated as synonymous with his worth, according to verbal injury suits of Cambridge's university court.

⁶⁹⁵ BER C15/1, unnumbered (information of Guy Warwick)

was greatly magnified, and may have hastened Cooke's expulsion from the freemen of the town. It certainly provoked Cooke into threatening to stick Robertson with his sword.⁶⁹⁶

Formal accusations of criminal activity, if true, or at least credible, had the potential, on both social and economic grounds, to be highly damaging, and revenge for the initiation of legal action was not uncommon.⁶⁹⁷ In the following chapter, we will see criminals using a range of tactics to try to dissuade people from reporting crimes, particularly thefts.⁶⁹⁸ If these tactics failed, however, rage and fear could combine in violence against the one who had gone to the law. James Ferguson struck Thomas Whittle, his tenant and a soldier of Berwick, and "told him that was for a lie he had told of him before a court martial".⁶⁹⁹ His threat to cut off Whittle's ears carries a hint of popular justice, or at least symbolic retribution. Coining was not a common charge, but with the stakes so high it is unsurprising that Thomas Mayors, when formally accused, both abused his accuser, and apparently started carrying a pair of pistols, ready to shoot him given the chance.⁷⁰⁰

This kind of conflict could occur wherever the two parties met after the legal action. One flashpoint was the courtroom door - just beyond the watchful eyes of the magistrates. In both major and minor courts, these areas, and to a lesser extent the courtrooms themselves, were potential locations for bitter conflict, both within the framework of the legal system (within the courtroom), and in less legitimate forms. It was a place where one could guarantee to find one's enemy, and a place where antagonisms were aired. In 1663, Elizabeth Stranger went to the assizes to testify against her sister Dorothy Stranger for witchcraft, and "being in court Daniel Stranger husband to the said Dorothy came to your petitioner and fell upon her and beat

⁶⁹⁶ BER C15/1, unnumbered (information of Patrick Robertson)

⁶⁹⁷ NCC QSB 38/28b (information of Robert Cook and John Cook)

⁶⁹⁸ See below, pp. 202-208

⁶⁹⁹ BER C15/1, unnumbered (information of Thomas Whittle). See also NCC QSB 50/76a (information of Robert Errington), a death threat over the suing of a writ.

her and did abuse her very sore". She claimed she was now afraid to return to court.⁷⁰¹ Even after the matter was supposedly "settled", the departing participants may well have had different ideas.

Along with the opposition in the legal battle, officials who had implemented legal dictats or punishments were targets for violence motivated by anger and revenge. Here too, the courtroom door was an obvious setting in which anger might spill over into violence, and yet on the other hand a point could be made about the criminal's contempt for the law. In 1712, just outside the door of the leet court at Wark, Mr. Dodd "drew his sword in the open street" and made passes at the chief bailiff presiding over the court. The letter writer who detailed this incident (a steward to the court) considered it to be a particularly "insolent and notorious" action, occurring as it did while a court for the sake of her majesties peace was being conducted, and upon its official, suggesting that Dodd be sent to the assizes as an example to other men.⁷⁰²

Other incidents which originated from anti-authority feeling provoked by particular brushes with the law may not be visible to us as such because the target was no longer working for the government. In Wooler, in 1682, a high constable had been instrumental in placing James Thompson in the stocks. From his undignified position, Thompson said that "he would not always be in the stocks and when he got his liberty he would make as sad a fight in Wooler as was ever seen". Whilst there is no evidence that he carried out this threat - perhaps having been cowed when the force of law was brought to bear upon it - it is a clear demonstration of

⁷⁰⁰ Local coining accusations include NCC QSB 36/47b (information of William Pattison), and PRO ASSI 45/7/1/126 (examination of Richard Johns). For attitudes to coining, see M. Gaskill, "Attitudes to Crime", pp. 124-203

⁷⁰¹ ASSI 47/20/1/297.

⁷⁰² NCC QSB 37/24a, 51a (letter from J. Cuthbert to the bench, information of Jonathan Robson and Alexander Davison). The latter involves a Jonathan, rather than Edward, Dodd. There may be a mistake, an alias, or a family feud - incidents two months later involving the same two surnames and residences suggests the latter - NCC QSB 37/42-3b (informations of Thomas Dood and John Dodd). See also p. 213 for a courtroom door scene following a paternity case.

how easy it was for constables to make enemies within the course of their duties, enemies who may well have remained such long after the constable's role was passed on to another.⁷⁰³

The danger following court proceedings was especially severe if the enemies made were not merely integrated members of society who had strayed momentarily, but engaged in a criminal lifestyle. It should be stressed that the early modern north east was not a society with any kind of ruling "mafia", or criminal class, commonly using extreme violence and "examples" in enforcing the obedience of the labouring populace.⁷⁰⁴ However, there were individuals and groups prepared to use violence against those who caused trouble for them with the law, either personally or through their professional actions. The maiming of William Turner because of his involvement in directing the law towards a gang of horse thieves has already been mentioned.⁷⁰⁵ It should in no way be considered a usual part of the violent scene of the day, and stands out from the record precisely because of its unusual nature. It does, however, illustrate themes which were present in more common, lower-key transactions.

Violence was not the only valid response to an affront, and was, undoubtedly, not very often the strategy chosen. Anger was natural in some situations, but self-restraint was a virtue, and other, non-violent, methods might be perceived to be less dangerous or socially damaging, less difficult or more effective. Nonetheless, Greenshields is right to highlight the way in which many assaults were not a prime move, but a response to a sequence of damaging events to which aggression was seen to supply an answer.⁷⁰⁶

d) The aftermath of crime

Violence might be an end in itself, or merely a means by which to achieve another purpose such as theft. In either case, however, the potential for violence did not necessarily cease at

⁷⁰³ NCC QSB 2/13 (information of Jane Gibson)

⁷⁰⁴ See A. Macfarlane, *The Justice and the Mare's Ale*, p. 194 and conclusion passim, where he considers seventeenth century Westmorland in comparison with societies which were truly dominated by a fear of physical violence from a dedicated criminal minority.

⁷⁰⁵ p. 145

the end of an intended criminal action. The desire to take revenge for legal moves, discussed above, was actually the last of a series of opportunities to use violence to alter the course of events in a way favourable to both reputation and prospects. To avoid the full weight of the law, there were opportunities to evade identification or immediate capture, discourage prosecution, and resist arrest. We have already seen that the people of the north east were not necessarily averse to standing against the forces of law and order to protect, or protest, their idea of the right. When their own personal fortunes were at stake, the same willingness might apply more strongly.⁷⁰⁷

In most cases, such resistance to pursuit and arrest is obviously an attempt to avoid the consequences of being brought before a justice, the binding to the peace and subsequent court appearance, or far more seriously the start of a spell in the unpleasant local gaols if binding was not possible. This was a fate worth struggling to avoid, especially given that the gaols' unhygienic conditions were known to kill people.⁷⁰⁸ There was also a not inconsiderable social stigma attached to having been arrested; one seventeenth-century commentator noted that a man's arrest threatened "liberty, credit, person, life, and all that is dear to him".⁷⁰⁹

Evading pursuit

Both his reputation and freedom were at stake where a thief had little chance of arguing his innocence, for example if he was followed by a victim determined to reclaim stolen goods. Gentleman Roger Stokoe found his livestock to be missing and pursued the thieves to their base, where they were forced to turn guns on him before he would leave. Even then he

⁷⁰⁶ M. Greenshields, *An Economy of Violence*, p. 16

⁷⁰⁷ A similar disrespect for authority *per se* can be inferred from the guild records, where it is plain that officials of all guilds were potentially subject to insult, mockery, and occasional violence. The stewards of the guild, in particular, were frequently abused, and must have expected a barrage of hostile words from their fellows as they attempted to keep order, e.g. TWAS GU/JO/2/2, 4.10.1675, Candlemas 1679, 30.6.1679

⁷⁰⁸ For example St. Andrew's parish register, Newcastle, records the deaths of two women prisoners in 1692-3.

⁷⁰⁹ Quoted by C. Muldrew, *An Economy of Obligation*, p. 276

returned with assistance, presumably including legal officials, and captured some of the thieves and most of his stolen animals, the other thieves escaping across to Cumberland.⁷¹⁰

According to his accusers, Scotsman Adam Rippith had stolen a horse, and was making his escape on it. Given the penalties involved, it is hardly surprising that he did his utmost to throw off his pursuers, even struggling with them. His perception of the incident was rather different. He said that he was wrongfully accused, and struggling to avoid captivity - "he being a stranger in these parts and wanting friends" and therefore expecting a rough deal at the hands of local justice. Whether innocent or guilty, the prospect of the law was to be feared and avoided, and pursuit was to be shaken off, by violent means if necessary.⁷¹¹

Avoiding suspicion and discouraging reporting.

The vast majority of theft accusations, complete with proof, were brought before justices by individuals, very often the victims, rather than by constables or other legal officials. There were obvious and compelling reasons to discourage these people, who might be otherwise inclined to report crimes to the authorities, or to investigate further in an attempt to put together a viable charge.⁷¹² If anyone believed they knew a thief's identity and was unafraid to say so, the consequences could be serious. As Francis North saw it, in the north, "if a fellow is suspected, which they term knowing him to be a thief, a small evidence will do his work".⁷¹³ A suspected thief would be subject to the penalties of the law, especially if the evidence was compelling against him. The majority of threats surrounding a theft involved major thefts - grand larceny, a capital offence - most commonly of livestock. Quite apart from legal penalties, it would have been very damaging to one's status in the community, assuming one

⁷¹⁰ PRO ASSI 45/15/4 (information of Roger Stokoe)

⁷¹¹ NCC QSB 51/113a (information of Thomas Gibson and Ralph Oliver), 162a (examination of Adam Rippith). That the records, including an examination, survive in the quarter sessions bundles suggests that Rippith was correct, and the case was never forwarded to the assizes.

⁷¹² C. Herrup, "New shoes and mutton pies: investigative responses to theft in seventeenth-century east Sussex", *Historical Journal*, 27, (1984), passim.

⁷¹³ K. Emsley, "A circuit judge in Northumberland", p. 18

still had an intact reputation, to be perceived as a thief. The two fears must have worked in tandem for many.

Few legal officials appear to have been threatened or assaulted during any sort of investigation into a crime; there was occasionally resistance to an official search, but this was rare.⁷¹⁴ Probably, when an investigation had reached this level of formality, there was less point in trying to prevent its course, an action which would only increase suspicion. Instead, violence in these late stages centred on desperate attempts to resist arrest, whereas the victim himself presented a better target in the early stages.⁷¹⁵

Threats could be either immediate, issued at the time of the event, or only issued later upon discovery, to prevent a response. They were implicit in acts of violence committed upon those stolen from, particularly in burglaries where this was otherwise unnecessary, and stated in other cases. One couple, when challenged by the victim with the theft of a coat at a fair, responded by using two strategies, presumably hoping to double their chances of keeping the matter quiet. The husband threatened murder, while the wife made a pretence of friendship - "she clapped him on the back and bid him say not more of it and he should have the coat, and gave it to him". Here, the loss of the coat was of little importance compared with keeping quiet the many other things the couple had stolen.⁷¹⁶

The maintenance of reputation was not a consideration for some individuals, such as the members of the Faw and Bailey network, a group of vagrants who caused trouble for the authorities in the early years of the eighteenth century. They had no fixed abode, and looked to other group members for a social identity. They were, however, in fear of the law, which

⁷¹⁴ For example NCC QSB 19/63b (information of Edward Nicholas and Thomas Seaburne) is an information by two salt officers who were attacked when they tried to confiscate stolen salt which they had found in searching the house following a tip-off. It is possible their role as salt officers, rather than constables, may have failed to foster a sufficient air of authority. C. Herrup, *The Common Peace*, p. 825, notes occasional resistance, usually verbal, to searches.

⁷¹⁵ See below, p. 208-211

⁷¹⁶ ASSI 45/12/1/40e (information of John Anderson). Other informations in the same set detail a larger theft by the same couple and their attempts to transport the items away from the area.

could, and indeed eventually did, deal harshly with them.⁷¹⁷ In 1710, a warrant for the capture of all of them stated that they “ride armed to the great terror of her majesties subjects”.⁷¹⁸ However, it is likely that this was at least in part a pretext for their arrest. Morgan and Rushton note the lack of serious indictments against them, and the fact that ultimately they were transported as “rogues” rather than for any specific criminality.⁷¹⁹ The only information made against them to the quarter sessions was of hay theft, and of a threat against challenging that theft. It is plain that the threat was a desperate attempt to avoid drawing the eye of authority to their marginal lifestyle.⁷²⁰ In any event, the threat failed, as of course did all those which were themselves reported to the justices. In this case, fear of murder or arson appears to have been less extreme to the accuser than the fear of being forced to “fly into the body of the county and leave his farm”, as he thought he would be if nothing were said.⁷²¹

Straying beasts, with the questions they raised about property and damages, were a common cause for concern in rural and urban regions alike.⁷²² An additional complication was the prospect of theft. Related disputes are often opaque to the later reader, as it is unclear whether the livestock had genuinely strayed, or had been stolen. Certainly, if you already had a bad reputation, an animal straying onto your land could be taken as evidence. Francis North presided over a trial in which Mungo Noble, a renowned - or reputed - thief, was finally brought to justice over a horse found in his yard, even though no-one knew who the horse had previously belonged to.⁷²³

⁷¹⁷ G. Morgan and P. Rushton, Rogues Thieves and the Rule of Law, pp. 86-8

⁷¹⁸ NCC QSO 4/487a

⁷¹⁹ G. Morgan and P. Rushton, Rogues Thieves and the Rule of Law, p. 87

⁷²⁰ NCC QSB 34/37a, 38a (informations of John Coulson and George Smith)

⁷²¹ NCC QSB 34/38a (information of George Smith)

⁷²² See p. 236

⁷²³ R. North, “The Lives of the Norths”, v. 1, p. 179

There are numerous tales in which propriety is unclear, but the maintenance of ill-gotten goods is implicated. Men often knew the difference between their own beasts and another's by the markings - it was difficult to claim otherwise - and yet mistaken identity still seemed a viable possibility.⁷²⁴ Joseph Collins saw a calf of his in another's field, and in the field owner's absence told the "people of the house", presumably servants, that it was his. Aaron Foster, the alleged thief, went out of his way when he heard this claim to seek out Collins in an alehouse and assault him.⁷²⁵ Thomas Morton struck out when he saw a neighbour retrieve his own lamb from Morton's field.⁷²⁶ Such incidents demonstrate the sensitivity of individuals to questions of ownership - a problem which could be complicated by agreements regarding the feeding and shelter of livestock by other men⁷²⁷ - but also highlight the problems involved in attempting to classify cases by any orderly typology. Morton, if a thief, was warning his victim off and preventing recapture. If, however, the sheep had strayed, or the other man was mistaken, his violence was a reaction to the invasion of his own space and the potential theft of his own beast. Similarly, if Foster was in fact guilty of the theft, then his actions were those of a man trying to intimidate. If, however, the charge was false, then the incident can be viewed as a somewhat over-forceful defence of his honour against insult.

Animal theft left material evidence, even after butchery, and it was difficult enough to conceal the crime without having to worry about local gossip and the possibility that certain individuals knew too much of the matter. Elizabeth Somerson worked as a spinner for Christopher Johnson, and thus could not help but notice a large quantity of extra wool appearing. Despite

⁷²⁴ For example, John Ridley and his neighbour Thomas Robson gave a detailed explanation of how they could tell the thief's sheep from Ridley's own, such that only the threat meant that "for fear of more harm he durst not trouble them" until a year after the theft. ASSI 45/12/3/46-7 (information of John Ridley and Thomas Robson)

⁷²⁵ NCC QSB 39/39b (information of Joseph Cape)

⁷²⁶ NCC QSB 1/68a (information of Arthur Crawford). A similar instance is NCC QSB 9/33c (information of William Fletcher), made more serious by the further theft of the victim's horse, making the allegation of theft more insistent.

⁷²⁷ This seems to be behind the threats issued by the Potts family, who had over-wintered some sheep in 1697, when the sheep's owner sent men to reclaim them. NCC QSB 9/20a (information of Walter Trumble)

being charged by Johnson not to speak of this, she “happened to tell” of it. Johnston found out and told her it had nothing to do with her. When she boldly claimed that “she spoke nothing but the truth”, he threatened her with a knife, clearly spelling out the advantages of staying well out of his affairs.⁷²⁸

Johnston had reason to fear the unguarded and dangerous gossip of his servant; others were more jumpy still. Edward Smith had not even directly accused Michael Hall, but was simply “having some discourse about the trespassing of some sheep”, probably angling for information, when Hall cracked and threatened him.⁷²⁹

Theft was not the only crime in which a threat of violence might seem an appropriate way to avoid the attentions of authority, although it was by far the most common. For instance, two youths came in the night to a Hexham cordwainer’s house, threw stones on the roof, banged the door and abused the inhabitants. The situation only erupted into interpersonal violence, however, when one cordwainer reproved them, and threatened to complain to a magistrate. A more secretive activity such as smuggling was perhaps even more liable to protection from discovery by violent means.⁷³⁰

In the case of secret crimes, such as poisoning, the way to avoid repercussions was the successful death of the victim coupled with the minimum of suspicion attracted. The homicide itself was taken care of by the poison, although if the victim grew suspicious before consuming enough poison, the act to force it down his or her throat had as much to do with preventing accusation as finishing the intended job.⁷³¹

⁷²⁸ NCC QSB 13/68a (information of Elizabeth Somerson). Other records suggest that Christopher Johnson was also connected to a gang of horse thieves - “The Confession of John Weir, prisoner in Edinburgh, under sentence of death, July 1701”, reprinted in Scott’s *Border Antiquities*, Appendix xiii, and material linking the two men of the same name in NCC QSB 13/16b and NCC QSB 13/48a. It should be noted in this case that servants might sometimes be implicated as involved in theft if they did not report the actions of their masters, and this incentive may lie behind Somerson’s information. C. Herrup, “New shoes and mutton pies”, p. 824

⁷²⁹ NCC QSB 35/62a (information of Edward Smith)

⁷³⁰ NCC QSB 1/9 (information of William Arwen)

⁷³¹ PRO DUR 17/1 unnumbered (information of Jane White)

Weathering the initial disturbance following a crime was only half the battle, however. It is known that, even if no court case was brought, suspicions could foment in the form of gossip and blacken reputation for many years. This has particularly been demonstrated with reference to suspicions of secret crimes such as witchcraft and poisoning.⁷³² No investigation was brought regarding Jane Scage's death until three years later, when her son saw cause for suspicion in a conversation that he had with Jane Clerk, who had been present at the poisoning.⁷³³ That details of events occurring several years previously could be recalled by several witnesses suggests that not only had suspicions been discussed at the time, but that on some level they had not been forgotten. This was even more true if others knew the truth, and the spectre and memory of violence remained in the air polluting all relationships.

Mary Robinson's eventual confession of poisoning to other servants, later denied in court, is an object lesson in the impossibility of keeping secrets in a house full of servants, and also a demonstration of the mistrust, fear, and potential for further injury which could follow conspiracy. Having killed her husband, Mary Robinson moved in with Henry Bell, officially as his housekeeper (although all the servants knew that they were living incontinently, and suspected Mary of bearing Henry Bell's bastard). Relations between the two grew more tense, until in the summer of 1662, a full six years after the poisoning, he called her a whore, and she in response tried to beat him. Henry Bell, in anger, and perhaps fear, said "if thou had as much power over me as thou had over thy husband thou would do the same to me as thou did to thy husband." She replied "what harm I did my husband you were as guilty of it as I was". Even the man who had helped her to commit the poisoning could not trust her, precisely because he knew what she was capable of. Word of this conversation evidently spread amongst the servants, and in October one of them said "Mary I fear thou will poison me as thou didst thy

⁷³² So, for instance, accused witch Dorothy Sharpe was challenged about words she had used six years previously, which were followed by a lingering illness and death (but not, apparently, by prosecution at that time) – PRO ASSI 45/7/1/185

⁷³³ PRO ASSI 45/5/7/82-91 (poisoning of Jane Scage)

husband". The exposition of her secret in this manner, combined with the breakdown of her relationship with Bell, was enough to cause her to break down and confess her actions.⁷³⁴

A similar picture of a secret badly kept for several years under mounting tension, and with increasing violence is presented by Mary Hawkworth. She appears by her testimony to have been initially happy with the monetary reward she received for her silence, but to have later engaged in blackmail, threatening to reveal what she knew. This scared Margaret Carr into hiring a man to send her far away with more money, and according to the man, asking him to place her on board a ship with an open invitation to the sailors to take her money and "do with her what they pleased".⁷³⁵

Resistance to arrest

The task of arresting malefactors, and bringing them before a justice, belonged to the constable and occasionally to the bailiff, and made them the two most assaulted officials in the region.⁷³⁶ The constableness was seemingly an unpopular job, which many turned down.⁷³⁷ The necessary expenditure of time and money must have played a part, but resistance to constables was, as Kent puts it, a "low level but constant problem", which must have been a significant factor in dissuading potential candidates.⁷³⁸ Constables seem to have carried staffs as a matter of course, but this was not enough to keep them safe in the absence of a personal air of authority or the respect of the public. Indeed, several constables spoke of having their staff of office broken, knocked from their hands, or even used against them.⁷³⁹

⁷³⁴ PRO ASSI 45/7/1/152 (poisoning of Cuthbert Robinson)

⁷³⁵ NCC QSB 55/116, 118-120b (poisoning of Jacob Carr)

⁷³⁶ See above, p. 52. See J. R. Kent, The English Village Constable, and K. Wrightson, "Two concepts of order", for the broader picture of the work of the constable, and the delicate balance they maintained between official policy and community approval.

⁷³⁷ W. J. King, "Vagrancy and law enforcement", pp. 269 and following

⁷³⁸ J. R. Kent, The English Village Constable, p. 253

⁷³⁹ See NCC QSB 11/24b, where the constable's own staff was taken and used to beat him until it broke.

In Essex, the spark was most often the constable berating an individual for his illegal activities, and this type of action did occasionally occur in the borders.⁷⁴⁰ However, both in the north east and in Kent's studies, violence most often stemmed from constables' attempts to serve warrants and make arrests. This distinction may arise because in the north there was less difference between the constable and the ordinary man he was speaking to, and thus he would be less likely to take it upon himself to reform his community. This possibility is not substantiated by the classes of record examined, however.

On the other hand, the north eastern region may have had a particularly strong strain of resistance to authority, especially in the years preceding this study. Clavering argues, with regard to the early seventeenth century, that "executing warrants in Durham was always hazardous; few men, and even fewer women, ever went quietly".⁷⁴¹ This is probably overstating the case - after all, no records exist for those who went quietly precisely because they did so, but they still appeared in large numbers in court on other charges. Clavering's argument does, however, reflect the large number of clashes between legal officials and their targets.⁷⁴² This number may yet represent only a fraction of resistance. Many attempts to resist arrest also involved citation of treasonous words such as "he cared not a fart ... for neither [the constable] nor the queen".⁷⁴³ It is possible that resistance to some degree was much more common, and the cases which reached court were marked out by particular character clashes, excessive violence, or this kind of language.

⁷⁴⁰ J. Sharpe, Crime in Seventeenth-Century England, p. 122. In 1719 constable George Young was assaulted when he demanded the King's Peace after a neighbour was abused and stones thrown. NCC QSB 51/132a (information of Henry Chalomer and George Young)

⁷⁴¹ E. Clavering, "Riot and recusancy: Durham Catholic resistance in the reign of James I", Durham County Local History Society Bulletin, 49 (December), 1992, p. 6. Clavering compares cases of resistance to arrest and distraint in Durham with those in Warwickshire, and finds them to be considerably more common in the north, p. 3

⁷⁴² This is in contrast to contemporary Westmorland, interestingly, where the robber gang examined by Macfarlane ran from arrest but never fought against it - A. Macfarlane, The Justice and the Mare's Ale, p. 193

⁷⁴³ NCC QSB 31/35b (information of James Clerk)

Men fought alone to prevent their own arrest. Even a single individual, if he planned his actions carefully and had a building to shield him, could put up a significant resistance to capture. Lancelot Newton locked himself in his own parlour when five men came to arrest him in 1684. Shooting from his window, he gave a mortal blow to Cuthbert Nicholson, which for a time at least prevented the arrest. It is interesting that of the five, four were bailiffs, whereas Nicholson was a local, showing them to the right door. The selection of the victim may have been random, but it is more likely that it was a deliberate response to what was perceived as a betrayal, in circumstances where neighbours often stuck together.⁷⁴⁴ Because of the possibility of such casualties, a cocked gun could be a very effective threat.⁷⁴⁵ In 1674, John Young of Pittington, Durham, held off two successive attempts to serve him writs - the bailiff returning with reinforcements four days after his first attempt - by using a pitchfork and brandishing a gun.⁷⁴⁶

Those being arrested were accused of a variety of charges, including assault, and might rightly be thought of as dangerous. For instance, in 1709 Gilbert Milburn threatened a constable, having been accused of involvement in throwing a man down a coal shaft and making him beg for his life.⁷⁴⁷ He was plainly a dangerous man of whom the constable was rightfully apprehensive.

Just as common as criminal charges of violence were private suits, usually for debt recovery. Others were charged with animal theft, or political crime.⁷⁴⁸ Thus, the crimes involved had

⁷⁴⁴ PRO ASSI 45/14/1/109 (information of Ralph Reed et al.)

⁷⁴⁵ For example NCC QSB 12/41-2b (informations of George Moffit and William Charleton, and Thomas Davison)

⁷⁴⁶ PRO DURH 17/1 unnumbered (informations of Ralph Westgarth and Thomas Brantingham)

⁷⁴⁷ NCC QSB 31/35b (information of James Clerk), NCC QSB 31/37b (information of William Sanderson). A few months later he was probably accused of threatening behaviour a further time, NCC QSB 32/72b (warrant against Gilbert Milburn et al)

⁷⁴⁸ Of 37 cases: 15 unknown, 7 violence, 6 debt, 3 other private suits, 3 politics/religion, 2 animal theft, 1 defamation.

serious legal consequences, or financial penalties. Resisting arrest was not something undertaken lightly, except in the case of a few individuals already prone to violence.

Women rarely evaded their own arrest although they helped others to do so. Jane Pooter, accused of the surprisingly minor charge of defamation, struck out with a set of tongs to beat the two constables sent to arrest her - but she stands alone in this.⁷⁴⁹ It is unclear why this should be so - it was not countrywide, for example, Shore examines the resistance made by London prostitutes to the bawdyhouse raids of 1730.⁷⁵⁰ These were, however, women whose reputation in polite society could be made no worse by their actions, a circumstance untrue of some, though not all, equivalent northern arrestees.

Resisting impressment

Impressment might be an equally involuntary misfortune, with equally undesirable consequences. Indeed, although to a lesser degree than with criminals and arrest, some men brought impressment upon themselves, whilst for others impressment, like imprisonment, was the destination on a route that began with a criminal action. Thus, here, men might continue to struggle, rejecting the validity of the action in their case. The government considered the keelmen and mariners of Tyneside to constitute a “reserve force” for the navy in times of war.⁷⁵¹ The area was, therefore, particularly prone to the actions of the press gang, who were empowered both to impress men to sea as a legal punishment, and to take any able bodied man who was not at that time gainfully employed - and who in practice, if complaints are to be believed, often impressed men even if they were. The major outbreak of tensions between press gangers and others occurred in the early eighteenth century, in the years following the

⁷⁴⁹ NCC QSB 2/34b and 36b, for the defamation charge; 35b (information of Christopher Heron and George Cowles)

⁷⁵⁰ H. Shore, “‘A noted virago’: violence, sexuality and resistance in London, 1725-1735”, conference paper, Women, Gender and Interpersonal Violence, Leeds Metropolitan University, (1999).

⁷⁵¹ C. M. Fraser and K. Emsley, Tyneside, p. 65.

1705 “Act for Manning the Fleet”, which called for an increase in the pressing of men to service.⁷⁵²

The dynamic of violence in encounters between gangers and men could flow in either direction, and incidents were reported of wrongful and violent impressment as well as wrongful and violent resistance, occasionally with regard to the same incident.⁷⁵³ This is unsurprising, as, if a man resisted impressment, it would be in his interests to claim that the action had been invalid.⁷⁵⁴ The resultant damage affected both persons and property. In January 1664, the corporation of Newcastle had to pay 15s ½d to a glazier “for mending the windows in the merchants’ court broken by the seamen put in there after they were pressed for his majesties service”.⁷⁵⁵ A similar situation might lie behind the complaint in 1708 that the prison at Castle Garth was in poor repair “the window much broke by the soldiers which was last here”.⁷⁵⁶ Men could be rescued from press masters, just as from constables.⁷⁵⁷

e) Shame, bastardy and infanticide

One problematic activity which was devastatingly harmful to reputation, where the solution might be violent, was the bearing of a bastard child. Illegitimate children were potentially an enormous source of shame to both parents, and their families, depending upon their

⁷⁵² A copy of this Act was, unusually, preserved by the justices amongst the quarter sessions records, along with a series of letters relating to the need for more impressment, demonstrating how important it had become to their deliberations - NCC QSB 24/6a and following. C. M. Fraser and K. Emsley, *Tyneside*, p. 65, suggest that the keelmen were particularly singled out for attention when they appeared to be preparing for a strike, but the dating of complaints of wrongful impressment and resistance do not correspond with this theory - it is probably more valid in the later eighteenth and early nineteenth centuries.

⁷⁵³ See pp. 106-107 on violent impressment.

⁷⁵⁴ For instance NCC QSB 24/7a (petition of John Bone), NCC QSB 24/67a (information of Anthony Forster)

⁷⁵⁵ S. Middlebrook, *Newcastle upon Tyne: its Growth and Achievement*, p. 84

⁷⁵⁶ NCC QSB 30/11b

⁷⁵⁷ NCC QSB 30/98a (information of Thomas Richardson)

circumstances. As such, such children could be a focus of violence, both as targets, and as catalysts encouraging tensions between the adults involved to explode into physical form.

Some men went to great lengths to avoid being charged with paternity, and the issue created permanent enmities.⁷⁵⁸ Mary Anderson of Alnwick became pregnant by William Gallin, an Alnwick glover, in July 1709. She claimed that when she told Gallin of this, he “did desire her to father it upon one Walter Lowes ... or Thomas Rutherford ... and he would give her ten pounds”.⁷⁵⁹ When she refused to do this for money, he appears to have resorted to violence to avoid the opprobrium and financial hardship which he might otherwise suffer. He sent his servant George Bell to her to try to persuade her to change her mind, a persuasion which included physical violence. Bell also approached and threatened Mary Anderson’s mother to try to get her support in encouraging Mary to both name a different father, and leave the area until after her child was born, presumably to minimise scandal and gossip against Gallin.⁷⁶⁰ The two women refused to bow to this pressure, and five months after the child’s birth tensions resurfaced in violence at the court room door. Here, it was claimed, Mary, her mother, and another woman (probably a relative) attacked William Gallin and Margaret Waugh. Waugh was probably Gallin’s mistress – she certainly attracted attention for bawdry, as we have already seen⁷⁶¹ - and the context is probably a paternity suit, fought in parallel in the courtroom and just beyond its door. Even this was not the end of the matter, as violence continued to splutter between the young mother and Margaret Waugh.⁷⁶²

Gallin was not the only man who found allies in his attempt to erase an embarrassing alliance from his life. When Elizabeth Hume gave birth to a bastard child by Thomas Thorpe, a mariner

⁷⁵⁸ See S. Amussen, An Ordered Society, pp. 112-113, 167

⁷⁵⁹ NCC QSB 34/76a (information of Mary Anderson). S. Amussen, An Ordered Society, pp. 112-113 examines the range of tactics used by men to avoid becoming seen as the father of a bastard, many of which were exhibited by William Gallin.

⁷⁶⁰ NCC QSB 34/75a (warrant against George Bell)

⁷⁶¹ See p. 143-144 for the attack on Margaret Waugh

of North Shields, she took the baby to his house as soon as she was churched, “desiring him either to take the child or give her allowance and she would take it herself”. Unfortunately for Elizabeth Hume, her lover was a respectable married man with a grown daughter, who was not willing to acknowledge or tolerate the child. His family appears to have known of the situation, and to have wished to aid him in sweeping this embarrassing problem under the carpet. His wife “threw the child down a pair of stairs and afterwards threw a pail of water on it which washed it into the open streets”, symbolically reducing it to rubbish.⁷⁶³

This would have been the end of the matter, and no-one else any the wiser for it, but, according to Hume, she met Thorpe five years later by chance, and asked him for “some relief for what she had done for the child”. It is unclear why she had not applied to the courts to force him to pay maintenance in the meanwhile - perhaps she felt her claim would not be believed. Interestingly, it was once again Thorpe’s wife and daughter who attacked her, and “had her committed to Morpeth gaol”, the cause of her petitioning the court for relief.⁷⁶⁴ The information which sent her to gaol was made by Thomas himself, however, and completely failed to mention his relationship with her, describing her as a persistent stone-throwing threat to himself and his family.⁷⁶⁵ When we add this to Elizabeth’s testimony that she had attempted to leave the area, but with no means of livelihood was driven away from other parishes, and was sleeping in the streets as “none in that place will harbour us for fear of [the Thorpes]”, it is easy to picture an embittered woman falling through the cracks of society because of her bastard child, harassing Thorpe and demanding money from him, not allowing him to conveniently forget an episode of his past, and being met only with obstruction and violence.

This graphically demonstrates some of the problems which could face a bastard bearer and drove her to consider infanticide, especially given a father who would not provide any support, or even acknowledgement. At the same time it shows the pressures which might drive a man’s

⁷⁶² NCC QSB 33/24a (informations of Margaret Waugh and Margaret Anderson), QSB 33/66a (information of William Gallin), QSB 33/68a (information of Margaret Waugh).

⁷⁶³ NCC QSB 29/19b (petition of Elizabeth Hume)

⁷⁶⁴ Ibid.

denial or shame to take violent shape. It is interesting, however, that it was not Thorpe's family that were the problem for him – this was not a case of keeping his past misdeeds from his wife, but rather from wider society. Thomas Thorpe's wife and daughter acted to protect the good name of their family, even if it meant turning a blind eye to his adultery, or at least defending him from its consequences. The magistrate's solution to the situation was to send Elizabeth to her birthplace, Berwick, and demand that Thomas Thorpe pay maintenance for her. Whilst this is obviously something he wished to avoid, the settlement would have got them out of each other's way, and thus might not have been entirely unwelcome. Elizabeth at least got the money, which was all she had wanted in the first instance.

Having a bastard bearer associated with the family could be a source of great shame, and a matter to be hushed up by whatever means necessary. Ideally, a father would want to avoid ever being named as such, for economic as well as personal reasons - begetting a bastard led to a binding to the good behaviour and a financial burden.⁷⁶⁶ This could be behind the violent turning away of midwife Elizabeth Trumble by the father's family when she went to deliver a woman of her bastard child.⁷⁶⁷ If the father's name was not known, one might suspect a desire to avoid the midwife's customary attempts to draw this information from the woman during the course of labour, but Elizabeth Trumble already knew who the child's father was.⁷⁶⁸ Perhaps the connection was widely held gossip, but still lacked the official seal that a midwife's words would place upon it. Or perhaps, more sinisterly, the family intended to do the child harm before it could cause further shame, but needed no outside witnesses that the birth was live. Whilst, as will be seen, most infanticides were solely the actions of a lone, desperate mother, other relatives of the baby might be equally keen to see it dead.

⁷⁶⁵ NCC QSB 29/67b (information of Thomas Thorp)

⁷⁶⁶ TWAS NC/QS/1/3, *passim*.

⁷⁶⁷ NCC QSB 38/47a (information of Elizabeth Trumble)

⁷⁶⁸ Also, the midwife's oath did not impose these attempts until 1726 - L. Stone, The Family, Sex and Marriage, p. 401

Few fathers went to the extremes alleged of Mr Walker of Chester-le-Street in 1632, as reported by collectors of supernatural tales in the 1660's.⁷⁶⁹ He made his young housekeeper and kinswoman pregnant, and she disappeared into the night with a local collier. However the story came to be revealed, the facts appear to be that the girl believed she was leaving to be kept somewhere away from public attention until the child was born - she had told her aunt that Mr Walker would not desert her. Instead, she was attacked on the moors by the collier, who was under the employ of her master, and her body hidden in a coal pit. Like William Gallin, Mr Walker was a man of some social standing, "a yeoman of good estate", such that the man to whom the ghost appeared "feared to disclose a thing of that nature against such a person of credit as Walker was". This very credit, and the need to maintain it, was what led Walker to seek an extreme solution to his problem. This was the ultimately forcible way of eliminating the problem of an unwanted pregnancy, and, according to Glanvil, remained the talk of the region for thirty years.⁷⁷⁰

The implication of Glanvil's tale is that had it not been for supernatural intervention, the deed would have gone undiscovered, as neighbours, suspecting the pregnancy, were not surprised to see the girl quietly removed. Whilst the countryside was not full of men murdering their pregnant lovers, Glanvil's tale was not a fanciful conceit. A similar fate befell Mary Farling of Northallerton in 1727 - she was thrown into the sea by the father of her unborn child.⁷⁷¹

A potentially less risky way for a father to remove an unwanted child from the scene was to utilise more or less deliberately infanticidal wet nursing.⁷⁷² William Herdmon of Skerningham

⁷⁶⁹ J. Sinclair and J. Webster both reported the case, but the fullest version of events is in Glanvil's Saducimus Triumphatus, pp. 17-22

⁷⁷⁰ Glanvil, Saducimus Triumphatus, pp. 17-21

⁷⁷¹ A. Richardson, A Local Historians Table Book, Historical Division, vol. 1., p. 366

⁷⁷² See K. Wrightson, "Infanticide in early seventeenth-century England", Local Population Studies, 15, (1975), for discussion of a system of "less unambiguously criminal" infanticidal wet nursing in Lancashire, pp. 10, 16-17. No comment can be made on its frequency in the north east. A further option, involving indirect violence, was abandonment - depending upon where the baby was abandoned, this could be a death sentence. A different range of sources would be needed to attempt to gauge the frequency of abandonment, although isolated quarter

had a child by his servant, and this was known to several people, including members of both families, but he still seems to have hoped he could keep the matter secret. He asked the midwife to take the labouring mother to an upper room, “lest the poor people should hear the child cry”. His reason for wanting to keep the child secret appears to have been primarily financial, as he said to the midwife “Mr March the parson of Houghton was so extreme against him he would make it cost him a great deal of moneys”. There was also likely to have been an element of reputation-saving at work, however. To avoid both fates, on the night of its birth, he sent the baby away, against the mother’s wishes, “to a friend of his in Durham to be nursed”. In fact, he took it to a different woman, and when the servant asked after her child the following week she was told it was dead. It seems unlikely that Herdmon had any intention of letting the child live, and the indirect nature of his violence does not make it any less real or purposeful.⁷⁷³

The birth of a bastard reflected badly not only upon the father, but upon the family of the mother, and they too might go to extreme lengths to avoid associated troubles. In 1703, dying from a self-inflicted wound, eighty-year-old Elizabeth Sharper of Newcastle made a startling confession. She claimed that she had borne a bastard to a married man, “which was taken from her body, and as she believed, was murdered”. At the time, she had been staying in the house of her sister. The confession, recorded in the biography of Ambrose Barnes, is oblique. She did not admit to killing the child herself, although her suicide appears to have been motivated by feelings of guilt, as she desired not to “hinder ... the devil of his prey” any longer. We can only imagine that the sister, or other relatives in the house, quietly disposed of the child, believing that they could keep a lid on the incident and thus protect the credit of the whole family. Unusually, given the pattern of generation of suspicion common to the infanticide cases, they were right; suspicions of her pregnancy “blew over, and she lived with her sister in

sessions records indicate that it did occur, for instance NCC QSB 26/56a reports the finding of a one year old child in a ditch.

⁷⁷³ PRO DURH 17/1 unnumbered (informations of Margaret Thompson, William Thompson, Elizabeth Askill, William Stubbs, Mary Herdman, and Margaret Stubbs).

good credit many years after”.⁷⁷⁴ She probably got away with it partly because the body was never found, and partly because she had allies around her.

Several spinsters followed in Sharper’s footsteps, and turned to their families for support, and perhaps for concealment.⁷⁷⁵ Family could not be relied upon, however, and their house might be as dangerous as anywhere else. Anne Ovington gave birth in her sister’s house, but “for fear her sister should turn her out of doors would not acquaint her with it”.⁷⁷⁶

Almost all the women gave birth at the home of either their own family or that of their master. Only two were clearly amongst strangers. In both instances, the mother placed the blame for the child’s death, or at least its disappearance, upon those with whom she was staying. Jane Nickelson of Nether Witton, Northumberland, claimed, like Elizabeth Sharper, to have known nothing of her son’s death, being told by the two women tending her that the child was born dead, and that she was not to see it. She said that she had asked for a midwife, and been refused. Some hours after the birth, Jane heard the two talking, saying that “it was come on shore again and they would all be shamed”, the two women apparently having thrown the baby into the Tyne. Despite her protests about her health, Jane was bundled out of the house, walked as far as the churchyard and left there.⁷⁷⁷ Sure enough, the baby was found washed up on the shore a few hours later, and the whole situation brought to light.⁷⁷⁸

The two women were probably not her relatives, being a widow of South Shields, and “a scotchwoman”. Why then should they have felt shamed, and when presented with a still-born baby (or one they could make look so), why did they throw it into the Tyne and thus increase

⁷⁷⁴ M. R. , Biography of Ambrose Barnes, Surtees Society, p. 238. Elizabeth Sharper died shortly after her confession, her burial appears in the parish register, of St. Andrews, Newcastle.

⁷⁷⁵ DURH 17/1, unnumbered, Mary Thompson gave birth, allegedly to a stillborn child, in her father’s house. PRO ASSI 45/8/1/70 (examination of Jane Mewers), Jane Mewers claimed to be making her way to her sister’s house in her home town to give birth, but overestimated the time available to her.

⁷⁷⁶ PRO DURH 17/1 unnumbered (examination of Anne Ovington)

⁷⁷⁷ PRO DURH 17/1 unnumbered (information of Jane Nickelson)

⁷⁷⁸ PRO DURH 17/1 unnumbered (information of Henry Raine)

the danger that foul play would be suspected? There is a suspicion here that they ran a house for the bearing of bastards, and might have had previous brushes with the law which made them wary.

All this said, the majority of infanticides remained in the hands of a mother attempting to salvage the best she could from her own poor situation. Records survive for nineteen infanticides which were brought to the magistrates' attention in the period 1663 to 1719. Twelve were brought to Northumberland and Newcastle assizes, six to Durham courts, and one to the Northumberland quarter sessions; sixteen of these children were allegedly killed by their own mothers. Occasionally, potentially infanticidal women appear to have received a degree of stated or unstated approval, particularly from the child's father. Mark Younge told his lover that "she might use her best means to keep [the pregnancy] from [any]body's knowledge" and that "it would be better for them both" if the child were to die. After she had, she claimed, told him it was born dead, he "replied that then she might privately dispose of it". Whether her claim of stillbirth was genuine or not, Mark Younge got the result he wanted. He paid her two shillings to live on until she could work again, and, oblivious to the mental and physical strain of her previous months, "was very urgent to have carnal use of her body as formerly". To him the pregnancy was a simple inconvenience which his mistress should be able to deal with without any fuss, causing no change in his attitude towards her. We cannot be certain whether he was married, although most would have expected him to marry a long term partner if he was not. Most likely he was; he certainly had a son, who, by a quirk of fate, was to be the one who discovered the baby where it had been disposed of.⁷⁷⁹

Younge's lover may have had no prospect of marriage, but at least she did not face the trials of secret pregnancy and birth alone. Most infanticidal mothers did not have the support of a man, whether in encouraging her crime or dissuading her from it. Of the seventeen mothers accused of infanticide, twelve were definitely spinsters, three married, in one no status was mentioned at all, and in the final case an alias was used, perhaps implying widowhood.⁷⁸⁰ However, only one woman with a present husband appears to have been seriously accused of killing her infant,

⁷⁷⁹ PRO ASSI 45/13/2/68 (confession of Mary Mattison), /67 (information of William Johnson)

⁷⁸⁰ Mary Appleby (PRO ASSI 45/11/2/2-4) is given no status.

tilting the picture further towards the spinster.⁷⁸¹ Of the other married women, one can be effectively ruled out of the picture as the mother died along with her child. Although one witness noted damage to the child's head, none explicitly suggested foul play.⁷⁸²

The last of the "married" women had effectively lost her claimed husband, if he was indeed this, as he "was gone for Holland".⁷⁸³ The claim is perhaps doubtful in that the law looked more harshly upon spinsters in the matter of the deaths of their infants, so it might be advantageous to claim a fictitious marriage.⁷⁸⁴ This is why Dorothy Bates originally claimed that she was married but "her husband had cast her away". When Katherine Vicars "misdoubting her, said [she] thought she was with a bastard", she confessed, saying "she wished it were not to one that was of too great birth, and would not own her or it".⁷⁸⁵ Thus, most women bore their burden alone, and were vulnerable to the practical problems which attended upon bastardy such that infanticide became a viable option.

More than half of the infanticidal spinsters did not mention their lovers in testimony, and we know nothing about them. They must have been either of so little importance in the women's lives that there was no point in naming them, or so central to it as to have been able to make life even more difficult if their involvement was known. One woman is noted specifically as having refused to name her child's father.⁷⁸⁶ Those who did name the infant's father generally

⁷⁸¹ Isabel Browne, who had not attempted to hide her pregnancy. PRO ASSI 45/10/3/14-15, especially 15 (information of Margaret Dixon)

⁷⁸² PRO ASSI 45/15/4/137-143, especially 140 (examination of Joseph Wilson), 142 (information of Anne Rochester). The incident received scrutiny because the mother, in her dying moments, asked that the body be disposed of without alerting the authorities, apparently through guilt that the child had been conceived while the couple were only betrothed.

⁷⁸³ PRO ASSI 45/11/1/84 (information of Mary Greene)

⁷⁸⁴ For a discussion of the finer points of the infanticide law, see M. Jackson, New Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England, Manchester: Manchester University Press, (1996), pp. 29-36

⁷⁸⁵ PRO ASSI 45/7/1/12 (information of Katherine Vicars)

⁷⁸⁶ PRO DURH 17/1 unnumbered (examination of Anne Ovingham)

did so in a way which highlighted the desperate nature of their plight (although this did not correspond to an admission of guilt). Two said that the father had refused to face the financial responsibility fatherhood entailed, either attempting to bribe with a one-off sum, or refusing to acknowledge responsibility at all.⁷⁸⁷ Another said that the man had made promises to her and then married her own sister.⁷⁸⁸

Malcolmson argues that servants and short term helps were particularly prone to infanticide, as character was very important to getting a position, and behaviour was closely observed (as well as the danger of the proximity of masters and their sons).⁷⁸⁹ The north east seems to bear this out, as at least half of the infanticidal spinsters were servants. For such women, the consequences of bastardy could be catastrophic, and they were not ignorant of this.⁷⁹⁰

The killing of a new-born child involved different methods to violence against adults. It is not always easy to tell what is alleged to have happened (let alone what actually occurred, which in such a secretive crime is forever lost to us), especially as methods of killing and methods of body disposal may easily become confused, for example in the case of corpses found in water. Few deaths left marks of physical violence upon the child. Any mother killing her child would have wanted to avoid this, in order to support claims of stillbirth, and some of the children may have been genuinely stillborn.. One midwife testified that “to the best of her skill the said child hath not got or received any wound stroke or hurt”, although of course under contemporary law this was less pertinent to the charge than the secrecy of the birth.⁷⁹¹ In most cases then, there is no evidence, although suffocation seems to have been the most common method

⁷⁸⁷ PRO ASSI 45/7/1/13 (examination of Dorothy Bates); PRO ASSI 45/9/1/132 (information of William Patterson). Katherine Watson placed all the blame for harm to her infant upon its father, since he had ignored her statement that if he did not pay her maintenance “he should neither see both her and the child alive together”

⁷⁸⁸ NCC QSB 5/4e (examination of Ann Bales)

⁷⁸⁹ R. W. Malcolmson, “Infanticide in the eighteenth century”, in ed. J. S. Cockburn, Crime in England 1550-1800, pp. 202-204

⁷⁹⁰ S. Amussen, An Ordered Society, p. 117

⁷⁹¹ ASSI 45/11/1/83 cont. (information of Katherine Lawson alias Wilkinson)

employed. A small number of testimonies involve the use of dirt, ashes, or the like to smother the child, but none appear to have involved methods which left obvious cuts or bruises upon the body.⁷⁹²

Due to the variable survival of records from different jurisdictional areas, and the small size of the sample, it is impossible to make direct comparisons between the prevalence of infanticide in different environments. It is noticeable, however, that of all the violent cases reaching the assizes, eighteen percent were from Newcastle parishes (whether in Newcastle or Northumberland in terms of legal jurisdiction), whereas this figure rises to thirty eight percent if only infanticide cases are considered. It is arguable that this reflects factors other than an higher rate of infanticide, but other factors would in fact seem to count in the opposite direction. Whilst in no way understating the difficulties facing the infanticidal mother in the metropolis, the claustrophobia and even greater impossibility of secrecy or anonymity in smaller communities on the one hand, and possibly the greater ease of disposal of bodies in the city on the other, would tend to suggest that infanticide was indeed occurring more frequently within the urban regions.⁷⁹³ Several bodies ended up in the river Tyne, or on the quayside, others went into coal pit pools, environments tied to the urban regions of Tyneside. This makes the complete absence of accusations in Tynemouth something of a surprise - perhaps it was easier still to dispose of infant bodies there, into the sea.

Regional differences are of little significance compared with the area-wide problems faced by those caught up in an illegitimate pregnancy and birth.⁷⁹⁴ Of course, not all fathers turned to violence to distance themselves from their misdeeds, and not all bastard-bearers found a solution to their problems in infanticide. As far as we know, these were infrequent events, and

⁷⁹² ASSI 45/11/2/2 and following, "the mouth... was filled with dirt and mire and a linen cloth was tied over the mouth" (testimony of Thomas Pescodd)

⁷⁹³ It is puzzling that this conclusion is in opposition to Gowing's analysis of the whole northern circuit - L. Gowing, "Secret births and infanticide in seventeenth-century England", *Past and Present*, 156, (1997), p. 89, suggesting that different factors were at work in Yorkshire.

the latter certainly attracted the attention of whole communities. Nonetheless, violence to avert the consequences of a shameful deed, and most importantly bastardy, is another thread in the tangle of connections between honour and violence, and one which could exert itself at any time from the conception to after birth.

⁷⁹⁴ Note that this thesis does not touch on questions of psychological reaction, suspicion, proof, or investigation of bastardy and infanticide. See M. Jackson, New Born Child Murder, and L. Gowing. "Secret births and infanticide"

Chapter 5) Competition

i) Competition and resources: the physical world

In a sense, honour can be viewed as a shared resource, a commodity possessed or owned, such that one man's loss could be another's gain.⁷⁹⁵ Challenging a man's honour also made an implicit statement about one's own better conduct. This was especially clear in cases of professional rivalry, and defamations between craftsmen can be viewed as weapons in the battle to gain custom.

There are obvious limits, however, to the extent to which intangibles such as honour could be a cause of competition. Except in terms of the concrete effects of having, say, the best professional reputation in the region, honour and credit were not drawn from a finite pot, but were more flexibly accredited. The same could not always be said of physical resources, and here competition was more overt and direct.

Wherever there was competition for limited resources, there was the potential for dispute between those individuals who wished to have access to, or ownership of, those resources. Property, land, money, housing, and work were all aspects of everyday life tied directly to the physical wellbeing of ordinary people. They were also focal points for conflict, the ownership or rights to which could be and were claimed, challenged, defended, and disputed, sometimes through violent means.

With few exceptions, the region was far from rich. Visitors, especially to Northumberland and Newcastle, almost universally felt the need to mention its poverty, from Fiennes' comments on Northumbrian "hovels",⁷⁹⁶ to Defoe's note of the "prodigious number" of poor in

⁷⁹⁵ J. Walker, "Noble violence and ceremony in Venice", conference paper. A. Shepard, "Manhood, credit and patriarchy", p. 88, also treats credit as a commodity to inspire "competition".

⁷⁹⁶ ed. C. Morris, *The Illustrated Journeys of Celia Fiennes*, p. 172. Things seem to have improved little by the late eighteenth century, according to W. Hutchinson, *A View of Northumberland*, Newcastle: W. Charnley,

Newcastle.⁷⁹⁷ Their accounts were not without foundation. Modern analysts have concluded that Newcastle did indeed suffer from a more extreme and uneven distribution of wealth than other major cities, and hence “suffered from the problems of poverty to a greater extent than many other provincial towns”.⁷⁹⁸

In rural areas, soil types provided a wide range of conditions.⁷⁹⁹ Knight argues that county Durham in particular was not economically backward in the seventeenth century, but through complex agriculture and industry had in fact accumulated significant wealth.⁸⁰⁰ However, in 1665, Bishop Cosin’s steward said of Howden, Durham, that “the land is very low and tenants generally poor”, adding that it was even worse further north.⁸⁰¹ This is borne out by the suggestion that the highlands, in particular, could not adequately support their populations.⁸⁰²

The majority of people did not have very many possessions, and in addition their material well-being was vulnerable to disruption, through bad luck, bad debts, bad weather, and a myriad other problems.⁸⁰³ This may help to explain why they fought so vehemently to protect what

(1778), p. 258, who spoke of people “of an abject countenance and miserably clothed, seeming to confess the lowest degree of poverty”

⁷⁹⁷ D. Defoe, A Tour through England and Wales, p. 252. For some of the causes of Newcastle’s poverty, from the civil war to industrialisation, see M. R., The Biography of Ambrose Barnes, p. 31, P. Brassley, The Agricultural Economy, p. 41, R. Howell, Newcastle upon Tyne and the Puritan Revolution, p. 274

⁷⁹⁸ R. Howell, Newcastle upon Tyne and the Puritan Revolution, p. 10. Work on the hearth tax has confirmed the exceptionally uneven distribution of wealth within the town - J. Ellis, “A Dynamic Society”, p. 197

⁷⁹⁹ See P. Brassley, The Agricultural Economy, for detailed examination of the varied economic factors operating in different parts of the region.

⁸⁰⁰ M. Knight, “Litigants and litigation in the seventeenth-century palatinate of Durham”, Durham University Ph.D. thesis, (1990), p. 19

⁸⁰¹ E. Hughes, North Country Life, p. xvi

⁸⁰² P. Brassley, The Agricultural Economy, p. 23. In 1618, at least, many highlanders, when surveyed, could give no trade and may have survived by theft. S. Ferguson, “Law and Order”, p. 470

⁸⁰³ L. Weatherill, Consumer Behaviour and Material Culture in Britain 1660-1760, London: Routledge, (1995), *passim*, details the contents of a variety of homes, including those within the diocese of Durham.

they did have. Although Weatherill has shown an increase in ownership of domestic goods during this period, this does not appear to have had any impact on the number of competitive incidents.⁸⁰⁴

A theme which recurred in the violence of craftsmen, for example, was disagreement over the ownership of particular tools, which led to sometimes forcible attempts to claim or reclaim tools from other men's workshops, and resistance to this. Conflict occurred in this fashion several times between the joiners of Newcastle - one can only imagine that they frequently loaned or "borrowed" items and occasionally lost track of the original owner.⁸⁰⁵ Problems over tools could occur in any trade with items of specialist equipment, which could be passed around, but were not necessarily immediately identifiable; misunderstanding, as well as possessiveness, played a part. In 1709, Jonathan Fallow brought smith James Rea of Carham a tetherstake he "knew to be [Rea's]". Archbald Fallow then came in, saw the stake (which he must have believed to belong to his brother Jonathan) and rashly accused Rea of theft, hitting him with the stake.⁸⁰⁶ Such objects could be rented as well as borrowed - payment and terms of lease, as well as outright ownership, were contested.⁸⁰⁷

Such incidents cannot but bolster the impression of hot-headed men, ready to use strategies of violence rather than actually discussing questions of ownership. Nonetheless, it must be

⁸⁰⁴ J. R. Ruff, Crime, Justice and Public Order in Old Regime France, p. 77, L. Weatherill, Consumer Behaviour and Material Culture, p. 25

⁸⁰⁵ TWAS GU/JO/2/2, 16/4/1673, two complaints made. In August 1720, Cuthbert Bell took tools without permission from William Longmore's shop; Longmore's response was to report the matter to the guild rather than violence - TWAS GU/JO/2/3. One attack followed the accidental breaking of a tool - TWAS GU/JO/2/2 29.9.1679

⁸⁰⁶ NCC QSB 32/56a (information of James Rea). See also NCC QSB 48/54a (information of John Oliver senior and John Oliver junior), an argument between shoemakers starting with the disputed possession of an awl.

⁸⁰⁷ BER C15/1 unnumbered (information of Robert Henderson) involves an attempt, violently thwarted, to collect rent for the loan of a fishing net. Another incident in Berwick BER C15/1 unnumbered (information of Thomas James) shows a response to attempting to reclaim a necktie.

remembered that such possessions were both intrinsically valuable and also vital to a craftsman's livelihood. Litigation for theft must have been socially or financially unviable if agreement was not forthcoming, and whilst debt litigation was not uncommon in Newcastle, it was generally conducted with relation to larger sums of money.⁸⁰⁸

Defending one's own possessions, when the challenger was perceived to be in the wrong or engaged in outright thievery, was a valid reason for physical force. Many individuals seem to have responded to theft with violence, in a way which others might consider acceptable and just.⁸⁰⁹ Interestingly, this allowance appears to have been extended to women. Christobel Lockering punched Margaret Dagleish in the face when she caught her, on Newcastle's quayside, about to walk away with some coals which Lockering had left there while she went home to fetch a basket. The most illuminating aspect of this incident is how we come to know about it. When Lockering hit Dagleish, a third woman called Lockering a "witches bird and that her mother was burnt for a witch". Lockering herself took the speaker to the church courts of Durham over the defamation, where witnesses detailed the whole incident. So, Lockering thought herself well within her rights to punch Dagleish for the attempted theft (despite the dubious sense of leaving her goods unguarded). She was not afraid to admit this in court, and her behaviour did not stop witnesses describing her as a "good honest poor woman" whose reputation was harmed by the insult.⁸¹⁰

Similarly, in a North Shields shop, a small group of women, including the shopkeeper Elizabeth Cape, beat a young girl when they found her, as they claimed, stealing from the shop.⁸¹¹ The resulting warrant placed their actions in the realm of the illegal, but placed unusual emphasis on

⁸⁰⁸ TWAS River Court Book. See also C. Muldrew, The Economy of Obligation, on debt litigation.

⁸⁰⁹ See pp. 286-287 and 289-290 for the violent methods some used to deter highway robbers and burglars. See also M. Greenshields, An Economy of Violence, p. 76 on the use of violence against theft.

⁸¹⁰ PG Temporary Green Box 414, 83 (depositions of Isabel Sanderson and Arthur Shaftoe).

⁸¹¹ NCC QSB 42/78b (information of Samuel Menzie)

the “unprovoked assault”, refuting the reason for the action, and thus its validity. Had the claimed provocation been accepted as genuine, there might have been no further action.⁸¹²

That theft was seen as valid reason to beat someone is also visible in several accusations of assault concurrent with wrongful accusation of theft.⁸¹³ Even an “old friend” considered it reasonable to forcibly strip-search a man once money was known to be missing.⁸¹⁴ The connection was sufficiently well known to be abused, for example by a Felton alehouse keeper and his wife who beat a customer and took away his money on the pretext that he had stolen from them.⁸¹⁵

Disputes often occurred when one party trespassed on the working territory of another. Trespass was a criminal and civil offence, and large numbers of people took each other to court over this alone.⁸¹⁶ Most of the incidents which reached the quarter sessions, however, had an element of threat or violence involved, often alleged in both directions by two groups, or individuals, who both claimed rights to the land.⁸¹⁷ In many terrains, it was hard to adequately mark where one territory ended and another began, thus increasing the potential for misunderstanding and conflict. This was true, for example, of the vast coalfields of Tyneside, where territory was the most common cause of violence known.⁸¹⁸ Roger Lumsden, for example, believed he had the right to “groove” for fire coal on Elsdon common, but Matthew

⁸¹² NCC QSB 42/79b (warrant against Elizabeth Cape, Elizabeth Alnwick, Alice Hugo and Jane Stephenson)

⁸¹³ For example, NCC QSB 54/54a.

⁸¹⁴ NCC QSB 40/90a (information of John Colly)

⁸¹⁵ NCC QSB 40/54-5a (informations of John Nixon and Joseph Archer)

⁸¹⁶ See C. Brooks, Pettifoggers and Vipers

⁸¹⁷ For example NCC QSB 4/81d (information of James Gibson), who was “peaceably possessed” of a close, and QSB 4/85d (information of Robert Person) who claimed to have possessed the same land for three years. One can only imagine Person disputed the legitimacy of a recent development which allowed Gibson to make the claim.

Hall “asked him why he was working there and told him he should work no more” before threatening him.⁸¹⁹ Another collier victim was similarly asked, “what business has thou to work here”.⁸²⁰

Quaysides were so crowded, and used by so many people, that it was difficult to lay sole claim to any docking area, but such claims were attempted, and hotly defended.⁸²¹ George Cram assaulted a fellow ferryman and pushed him into the Tyne for allegedly dropping off a customer on “his” landing stage.⁸²² Similar conflict arose between two keelmen of Bishop Wearmouth “about setting down ... their respective keels”, both aiming for the same, preferred, space.⁸²³ Even the sea was subject to the same sort of competition - in 1718 a group of Berwick fishermen fought over who should fish which patch, one apparently feeling hard done by when two others began to divide territory between themselves.⁸²⁴

Certain pieces of land were particular foci for trouble because of the wider implications of their ownership and control. A prime example is the damming of a river, which could have consequences for all those living up- or down-stream. On a small scale, in 1716 in Ponteland,

⁸¹⁸ See K. Wrightson and D. Levine, *The Making of an Industrial Society*, p. 297

⁸¹⁹ NCC QSB 40/71a (information of Roger Lumsdale). The location of this dispute on common land might indicate that differing interpretations of ancient land-use rights were at issue.

⁸²⁰ NCC QSB 2/17d (information of Ralph Sighworth)

⁸²¹ Proof of how crowded they were is visible in PRO ASSI 45/8/1/110 and following, in which an infant body was found on the quayside and men were in a position to “immediately call four or five neighbours to see it” (PRO ASSI 8/1/114, information of William Richards)

⁸²² NCC QSB 55/68a (information of John Bayles). NCC QSB 55/97a (information of George Cram) is a counter claim which gives no explanation for the alleged violence of Bayles. See also NCC QSB 39/63b (information of William Robson and William Bewly), in which violence was sparked by a ferryboat pulling up in the landing of the Duke of Somerset.

⁸²³ PRO DURH 17/1 unnumbered (information of John Stafford, 1705)

⁸²⁴ BER C15/1 unnumbered (information of John Cairnes, 1719)

a miller and the servant of the farmer of the lands around the mill came to blows over the opening of a watercourse, which affected both their livelihoods in different ways.⁸²⁵ The management of other waterways affected larger numbers of people, primarily because river damming could potentially curtail the movement of fish. In Berwick, it was the sparking point for widespread bad feeling and quasi-military mobilisation.⁸²⁶ The Fishgarth riot of 1681 was also over a dam, and the inability of fish to swim higher. Over sixty people gathered to the beat of a drum and went to Fishgarth to pull down the dam, “all or most of them armed with guns, pistols, swords, and other offensive weapons ... [they] did discharge several guns or pistols at the Fishgarth”. No interpersonal violence occurred, but the charged atmosphere of the occasion makes it certain that opposition would have been swept aside.⁸²⁷

Questions of land use, trespass, and rights lie at the root of all these incidents, cropping up whenever there was competition for the same space and the possibility of the usurpation of that space, by force, stealth, or simple confusion. These issues were most often found in disputes between farmers over their rights to use different fields. Wrightson and Levine note that the majority of assaults brought to the quarter sessions in seventeenth-century Whickham were between yeoman and concerned trespass and disputed land use.⁸²⁸ At worst, arguments over land could lead to deaths, for example in Fawdon in 1660 a group of men killed a landowner

⁸²⁵ NCC QSB 45/101a (information of Alexander Doll)

⁸²⁶ See p. 307

⁸²⁷ Ed. T. Richmond, Local Records of Stockton, transcribes the information of Francis Bunney. This appears to have been a second attempt to pull down the dam, the first having been thwarted by the height of the water - The Denham Tracts, p. 138

⁸²⁸ K. Wrightson and D. Levine, The Making of an Industrial Society, p. 297. Similarly, in their other local study, of Terling, they find land and tenancy to be the common themes; K. Wrightson, Poverty and Piety in and English Village: Terling 1527-1700, Oxford: Oxford University Press, (1995), p. 124

who challenged their right to cross his grounds.⁸²⁹ More often, though, men were simply assaulted or threatened as a discouragement to making use of particular field.⁸³⁰

Relevant here is Hutchinson's observation that "the corn land [of Northumberland] ... lays mingled with the other over the open faces of the vales, without any fences; to protect which many an indolent herdsman stands for hours wrapped in his plaid, hanging over a staff, half animated".⁸³¹ Although a caricature, this vivid sketch nonetheless highlights both the ambiguity of territorial boundaries, and the anxiety this could foster. Hyper-awareness of the issue was also recorded by Roger North, who noted the unwillingness of his brother's escorts to "go one inch beyond their own boundary to save the souls of them".⁸³² This reflects the exaggerated concern for boundaries which led to confrontation when some were less interested in the niceties of territory than others.

Part of the explanation lies in the intrinsic complexity of the system of land ownership, leasing, and purchasing. Some conflicts seem to have stemmed from real uncertainty as to who had which rights to farm a stretch of land. Ambiguous boundary markings, disputed succession or purchase, or confused tenancy agreements all combined to leave both parties in a fight believing that they had significant rights to the land in question, and issuing challenges of "what business have you here".⁸³³

It is likely that the known examples do not adequately represent the scale of the problem, and that close reading of civil trespass accusations, probate records, and wills would provide the context for many instances of violence for which the quarter sessions informations are absent

⁸²⁹ PRO ASSI 45/5/7/6-9

⁸³⁰ NCC QSB 31/24a (information of Ralph Pie), NCC QSB 22/53b (warrant against Thomas Douglas)

⁸³¹ W. Hutchinson, A View of Northumberland, p. 258

⁸³² However, this passage is not to be found in the north eastern section of Francis North's original text. ~ R. North, The Life of the Francis North, p. 180; K. Emsley, "A circuit judge in Northumberland", p. 17

⁸³³ NCC QSB 31/24a (information of Ralph Pie)

or discouragingly brief.⁸³⁴ Take, for instance, a violent dispute in 1694 between the Burrell family and the Swinhoe and Reeds of Howtel, involving forced entry and beating with chimney spars, or violent ejection (depending upon whose story one believes).⁸³⁵ This can be traced back to suit in Chancery seven years earlier, itself part of a dispute dating back to documents a generation older, hinging upon two different interpretations of a geographical description in a conveyance. This allowed the Burrells and one Reed to claim, and possibly believe, they had rights to the land.⁸³⁶ In such circumstances, the smallest infractions were a direct challenge to the perceived right, and were the visible component of a much bigger dispute.

Any activity which presupposed a claim to land was a potentially threatening, or conversely self-endangering, act.⁸³⁷ Notable examples of this are claiming crops (by gathering them or letting animals on them), building structures, and hunting. Since the root problem was of land dispute, assault, trespass and goods theft could occur in tandem with the breaking of fences, and letting loose of animals - all claims of rights.⁸³⁸ Gathering in a crop was a time at which rumbling disagreements over land ownership went a stage further, becoming a dispute over the concrete profits of that land, in which aggressors believed themselves to be defending themselves against a theft.⁸³⁹ For instance, the boundary was obviously uncertain in Lanton,

⁸³⁴ NCHC History of Northumberland contains the case histories of many pieces of land, many of which were at times subject to complex ownership situations.

⁸³⁵ NCC QSB 6/24-7d (informations of Robert Rawe, Gilbert Swinhoe, Margaret Burrell and Benjamin Burrell et al.)

⁸³⁶ NCHC History of Northumberland, v. xi, p. 201

⁸³⁷ E.g. PRO ASSI 45/12/1/57 (information of Thomas Potts), NCC QSB 41/83a (information of Mr. George Dawes)

⁸³⁸ NCC QSB 37/64b (information of Mr John Fenwick); NCC QSB 2/10c (information of Robert Jackson)

⁸³⁹ E.g. NCC QSB 43/28a (information of John Guthrey and Gabriel Hedley). The violent actions in this information are peculiarly described in a way which suggests that aggression was more evenly distributed than the witnesses dared to directly state.

where one group of mowing men saw a neighbouring group usurp what they considered their own patch, and were assaulted when they tried to reclaim the hay.⁸⁴⁰

Hunting was another activity which made plain a territorial claim. If there was any possibility of resistance, it is unsurprising that those attempting the act in a self confident way (as opposed to secretive poaching activities, which tried to steal without any wider claim) were prepared to fight if challenged. Hunters were made particularly powerful and dangerous by their guns, and, to a lesser extent, their dogs. In 1690, a man was repeatedly shot, and ultimately killed, when he came upon, in his father's lands, another man who was very confidently hunting there.⁸⁴¹ Other men were luckier and escaped death, but were still assaulted or threatened with shooting for challenging a hunt.⁸⁴²

The attempt to build on or alter the land also served as a concrete and unambiguous demonstration of difference. John Tomlinson reported "Uncle for chopping down a tree which Ned Ogle claims and [the Ogles] say was thought theirs by his father and grandfather. Mrs Ogle says he shall have her heart's blood first".⁸⁴³ When a group of men tried to build a dyke on a piece of land near Alnwick in 1706, another explained to them that "they were in the wrong", and detailed those who had farmed the land over the previous years. His knowledge was not welcome, and he was threatened and forced to leave.⁸⁴⁴

Men were very defensive about what they built. One man built a wall on ground he considered his own, and when its position was challenged said "he would shoot through the head ... whoever offered to pull down one stone of it". Aware of impending court proceedings, he wrote to magistrates claiming that although the line of the wall was not exactly as intended, it

⁸⁴⁰ NCC QSB 29/54a (informations of Alexander Davison and William Tate)

⁸⁴¹ PRO ASSI 45/15/4/52-52a (informations of Edward Read, Thomas Read, William Read and Thomas Read)

⁸⁴² NCC QSB 52/47 (information of Richard Oliver); NCC QSB 37/28b (information of Michael Jobling)

⁸⁴³ 22nd November 1718, "Diary of John Tomlinson", p. 148

remained within his own ground, and that ill language “had put me in a passion and made me say what I would not”.⁸⁴⁵

Brief mention should be made here of a more official form of land alteration which might have violent repercussions: enclosure. This does not make a significant impact upon the Northumberland quarter sessions records, although there is at least one instance in which a new enclosure was forcibly removed by a man rejecting the loss of a way.⁸⁴⁶ Wrightson and Levine, however, note its importance in assault in the Whickham area, so the apparent lack of protest in Northumberland might be due to differing rates of agricultural change, or merely differing attitudes to that change and its effects.⁸⁴⁷

The problem of ambiguous borders was greatly compounded by the need not only to respect boundaries personally, but to ensure that livestock also did so, often to the finest detail. One servant was assaulted because the cows he tended entered the stream which bordered his master’s land, illustrating the problems of a disputable boundary.⁸⁴⁸ Some men appear to have been shameless in their violent attempts to maintain the use of land others considered their lawful property.⁸⁴⁹ Peter Simpson of Thorneyburn “went to stop the draft” of a neighbour as it

⁸⁴⁴ NCC QSB 25/40b (information of Roger Bolam)

⁸⁴⁵ NCC QSB 44/16b (letters to Thomas Ord, from Anthony Coward, and [.....] Donkin. Similarly John Tomlinson described an argument over the building of a wall on disputed land which led to swearing and “great rage”; 21st November, 1718, “The Diary of John Tomlinson”, p. 148

⁸⁴⁶ NCC QSB 49/61a (information of Robert Steel)

⁸⁴⁷ K. Wrightson and D. Levine, The Making of an Industrial Society p. 297. The mid-seventeenth century was “the key period for enclosure in County Durham”, J. R. Wordie, “The Chronology of English Enclosure, 1500-1914”, p. 496. See also P. Brassley, The Agricultural Economy.

⁸⁴⁸ NCC QSB 2/14c (information of Robert Burrell)

⁸⁴⁹ NCC QSB 6/32a (information of Mr Robert Crosby)

passed through Simpson's grounds, trying to exert his own territorial rights over the land, and was knocked down and beaten, and threatened with death, in response.⁸⁵⁰

More often though, the fault was with the animals alone, and the difficulty of confining them. The straying of livestock - cows, pigs, sheep and horses - seems to have been a common problem, and one which men alleging theft of their strayed beasts admitted to without shame.⁸⁵¹ The implication is that this was a common matter, an annoyance certainly, but not something to raise tempers unduly. Nonetheless, some did take great offence, perhaps particularly so if there was already tension between neighbours. In this situation, the animal's presence could be perceived as a signal of intent on the part of its owner, who might claim that the animal was being driven elsewhere, or claim some right to the use of the land itself. Conversely, the presence of animals upon another's territory could be misconstrued as theft.⁸⁵²

Part of the cause for concern must also have been that the livestock might damage property or eat crops, requiring a financial settlement. If a farmer did not feel to blame for the damage caused by his animals, or simply had no intention of paying the consequences, he might object strongly to requests that he do so.⁸⁵³ A heated debate between two Haughton men only erupted into violence when the victim objected that pigs were not only trespassing but also destroying his oats.⁸⁵⁴ Strong enough threats might lead to a situation such as that of Robert Saburn of North Shields, who did not dare remove another man's pigs from his own backyard for fear of reprisals.⁸⁵⁵ On other occasions the situation could verge on farcical, with cows

⁸⁵⁰ NCC QSB 53/62b (information of Peter Simpson)

⁸⁵¹ NCC QSB 1/68 (information of Arthur Crawford)

⁸⁵² NCC QSB 10/37a (information of Elizabeth Raw), 40a (information of Edward and Mary Reed); NCC QSB 46/46b (information of William Johnson). NCC QSB 47/85b (information of Mabel Smith)

⁸⁵³ NCC QSB 12/45b (petition of Reynold Rotchester)

⁸⁵⁴ NCC QSB 45/66a (information of George Lee)

⁸⁵⁵ NCC QSB 52/121 (information of Robert Saburn)

straying over several people's land, two sides having different ideas over where they should be, how best to get them there, and whose cows they actually were.⁸⁵⁶

As animal trespass was itself illegal, the stakes could be raised by the impounding of animals, either by the law, as in Wall in 1681, or by individuals.⁸⁵⁷ This was a more serious action than simply removing offending beasts and as such it sometimes made a useful weapon for feuding families.⁸⁵⁸

The issue of animal trespass seems to have been particularly noticeable in Berwick. A walled town of some 3000 inhabitants, Berwick may seem an unusual site to find a concentration of farming disputes, but, as Brenchley notes, the town "had many of the qualities of an overgrown village".⁸⁵⁹ Many animals were kept in private backyards and grazed on the common land around and on top of the garrison ramparts, so that violence was as liable to erupt over the bulling of a cow, or a straying beast, as over craft matters.⁸⁶⁰

Berwick may in fact have been particularly prone to these problems precisely because the limitations of available land both increased competition in itself, and necessitated a more regimented system, which displeased some of its subjects. There was, for instance, an organised system of payments for grazing which some men tried to avoid, seeing it as an imposition. Butcher Richard Pattison was put on duty guarding a gate, and counting the beasts going through it, in order to establish grazing fees. He was assaulted when he tried to perform this duty, with the words "let him take that for it will stop him hindering any other man's

⁸⁵⁶ NCC QSB 47/64a (information of Elizabeth Reed)

⁸⁵⁷ PRO ASSI 47/20/1 (petition of Samuel Kell); NCC QSB 6/61d (information of William Robson)

⁸⁵⁸ BER C15/1 unnumbered (information of Jane Taylor)

⁸⁵⁹ D. Brenchley, *A Place by Itself*, p. 8. In the north east overall, about 3% of known causes were related to farming or straying beasts. In Berwick alone, this rises to 7%.

⁸⁶⁰ BER c15/1 unnumbered (information of Robert Sharp), (information of John Coxton), BER c15/1 unnumbered (information of John Coxton)

beasts”.⁸⁶¹ Another assault, also in Berwick, occurred over whether payment should be made for grass as well as for corn.⁸⁶²

In fact, no part of the north east had completely shaken off its ties to the countryside. Even in Newcastle, cows were driven through the streets to the town moor daily, and a man was employed to “clear the streets of swine”.⁸⁶³ Unfortunately, however, the lack of quarter sessions depositions for Newcastle prevents any comment upon whether these rural concerns had real significance to the people of Newcastle. There were no complaints to the Northumberland sessions about such disputes on the town moor, officially within their jurisdiction.⁸⁶⁴

Land dispute could be an entirely deliberate action, rather than the result of a misunderstanding. When George Saffin, a London gentleman, acquired possession of some farms in Chipchase, he must have had no idea of the trouble he would be put to by one Robert Algood, a local who also claimed rights to the land. Algood first ejected one of the tenant farmers from his land, using an earlier admission of a “judgement of ejectment” to do so, and took all the land’s crop, thus laying his own claim to the land.⁸⁶⁵ When Saffin and his wife visited the area, presumably in order to investigate this loss, Algood raised a mob which apparently contained military men as well as members of his own household, and went in search of the Saffins. When they were found they were intimidated, and subsequently beaten, when they tried to retreat into private space, attempts to stop the action being forcibly

⁸⁶¹ BER c15/1, unnumbered (information of Richard Pattison)

⁸⁶² BER c15/1/35 (information of Robert Roughead). Another Berwick instance is to be found at BER c15/1/21-2 (information of Mary and Peter Wilson). Mary was attacked when she challenged the assault.

⁸⁶³ J. Sykes, Local Records, v. i., p. 130. Newcastle order books such as TWAS NC/QS/1/1 show the council battling to regulate swine keeping.

⁸⁶⁴ S. Middlebrook, Newcastle upon Tyne, p. 86. In terms of theft, at least, the range of goods stolen was definitely “urban”, with very few animal thefts. TWAS NC/QS/1/3, *passim* - however the same was also true of Berwick - D. Brenchley, A Place by Itself, p. 206

prevented.⁸⁶⁶ Whilst Saffin claimed to suspect murderous intent, scaring him off seems a more likely motive; persuading him that the farm was not worth fighting for was the only way in which Algood's scheme could have succeeded.⁸⁶⁷

Different ideas about ownership of property and land were particularly likely to come to the fore following a change in the status quo. One joiner threatened another in 1716, in the belief that "he had taken his shop over his head".⁸⁶⁸ Inheritance carried with it the possibility of an improved lifestyle, and resentment following a surprising will might lead the disgruntled party to feel aggressive towards those who had taken what was "rightfully" theirs. This may well have been behind John Lisle's assault on Katherine Ogle, the wife of a justice, when he, in his words, "took possession" of the house she was in (probably that of a tenant). Katherine Ogle was born Katherine Lisle, and had inherited a share of the Lisle fortunes, unlike her relative, John.⁸⁶⁹

Fear of this kind of reaction had an impact upon how people conducted their business. In 1695, Thomas and Elizabeth Proctor, having been named inheritors of Fenwick land, made an offer to John Fenwick, Elizabeth's brother, and later explained they had done so not because

⁸⁶⁵ NCC QSB 18/43a (information of Robert Rutherford)

⁸⁶⁶ NCC QSB 18/39-42a (informations of George Saffin, John Yealdert, Isabel Dodd and George Grey)

⁸⁶⁷ For a similar attempt to forcibly claim disputed property, which combined with prior animosities led to a death, see H. H. E. Craster, "The murder of William Delaval in Northumberland in 1618", Archaeologia Aeliana, (1906), 3 (2)

⁸⁶⁸ TWAS GU/JO/2/3 November 1716

⁸⁶⁹ NCC QSB 1/31d (information of Robert Richardson). The case, and the inheritance, are discussed in NCHC History of Northumberland, v. vi, p. 372. NCC QSB 27/20b (information of Margaret Richardson) appears to involve a woman turned out from her house by her own brother, presumably in some form of intra-familial property dispute, although he later claimed that she was violent and abusive - NCC QSB 28/39b (information of Edward Richardson)

they legally had to, but because John was a “very passionate man” who had already issued threats.⁸⁷⁰

Tenancy dealings required agreement on matters of finance, ownership and use-rights of resources, between men and women sometimes of widely differing status and expectations, and thus it is no surprise that they could provide a flash point for tensions. A range of sticking points existed, such as the division of responsibility for building maintenance, and the tactic of withholding rent (and persuading others to do the same) as a strategy within a wider campaign. In the end, though, it came down to either the simple right of occupancy, adequate payment - or both.⁸⁷¹ It is possible that some tenant disputes which reached the courts as “assault” were in fact framed in these terms in order to encourage an out-of-court settlement of damages, while the disagreements were primarily conducted on other levels than the physical.⁸⁷²

There are instances in which inconvenient tenants were forcibly ejected - perhaps sometimes, but not always, due to their own fault in failing to make payments. An inability to pay inevitably raised tensions, and the plans of landholders, or the people themselves, changed with time, but tenant contracts remained binding despite changing circumstances. Conversely, a lack of money on the part of the owner might cause messy repossession and disputed rights to a property.⁸⁷³

⁸⁷⁰ NCHC History of Northumberland, xiii, p. 366. Their estimation of his character was to be tragically proved correct seven years later when John Fenwick committed one of the most notorious homicides of its day - see pp. 180, 321

⁸⁷¹ BER C15/1 unnumbered, (information of Ralph Watson) involves a dispute over keeping a farm in repair. BER C15/1 unnumbered (information of Thomas Graham) concerns a man intimidating a local landlord, not even his own, against attempting to claim rent from his tenants as “what you have got you have got by cheatery”.

⁸⁷² R. Shoemaker, Prosecution and Punishment, p. 129

⁸⁷³ NCC QSB 37/20b (information of John Scott and James Owen). The same surnames recurring on both sides of this conflict suggests a family conflict in which the property moved to a different branch of the family; the legal circumstances of this enforced shift are not known, only the violent consequences.

Widows, attempting to maintain the financial equilibrium of their married life, seem to have been particularly vulnerable to forcible ejection from farms (which would probably be more profitably exploited by an able bodied-man), by the landlord or by someone else who saw an opportunity for easy acquisition.⁸⁷⁴ In 1695, a Felton gentleman attempted to distrain goods for the rent of one of his properties. The yeoman who had signed the deal was now dead, and his widow, Mary Spack, and daughters were living in poverty and probably having difficulty paying the rent. The gentleman claimed that he had been attacked, whilst Spack alleged that he had previously been violent to her. It is possible that both were right; the untenable situation was, at least, breeding resentment and violence.⁸⁷⁵

The problems of widows extended beyond tenancy, and there is a parallel accusation involving Mrs. Donkin, who became violent when asked to repay over eleven pounds owed by her newly deceased husband. Any violence she may have committed was due to frustration at her inadequate circumstances - a letter between justices noted that in other similar cases an agreement had been made to defer payment, and recommended the same in her case.⁸⁷⁶

Early modern society relied upon economic transactions, and money was inevitably a source of conflict of which payments for animal damage, and even for tenancy, were but a small part. That hard cash was scarce and used for only a fraction of this business must have made

⁸⁷⁴ E.g. NCC QSB 10/70b (petition of Mary Collingworth). Having an injured or disabled husband may have had much same effect, even if, as in NCC QSB 35/13b (letter from Isabel Burdon), the disablement was itself the result of an existing tenancy dispute.

⁸⁷⁵ NCC QSB 7/1-2b (informations of Edward Urwen and Mary Sparke), recognisances at 3b, 18-19b. Interestingly, Mary Sparke appears in the court record a further time two years on, as the incidental victim of a stang ride - NCC QSB 9/60b (information of Mary Spack) - see p. 140. This may indicate a litigious nature, or that she was indeed a marginal and mistrusted figure in Felton society.

⁸⁷⁶ NCC QSB 53/90-91a (letter, information of Jonathan Robson). The Donkin family appears to have fallen apart without its household head; NCC QSB 53/83b (information of George and Meriol Donkin) alleged that one of her sons threatened her and stole from his brother.

demands for cash even more pressing and hard to satisfy.⁸⁷⁷ People attempted to claim or gain money, and to defend or hoard it. Given that the source was finite, it would not be unreasonable to see this as another facet of competition for resources, although money could change hands as part of a very wide range of transactions.

It is a truism that village economies were underpinned by a system of credit and debt whereby most men of any means owed money to their neighbours, or were owed money by them.⁸⁷⁸ A man's word of honour was often the only surety regarding the repayment of such debts, and there was a temptation to refuse to pay, or to deny the existence of a debt, if one was desperate, or simply greedy.⁸⁷⁹ Occasionally, attempts were made to collect debts or extort money in a forceful fashion;⁸⁸⁰ a more common theme, though, is the assault performed after a lender tried to reclaim his money, or to claim money rightfully due to him for work done. There was, generally, no explicit threat to forget the matter and the money, the violence being taken as a pointed enough message in itself.⁸⁸¹

The refusal to pay due wages must have affected some servants and apprentices, and official bodies heard complaints of this nature, although it is not known to have sparked assault.⁸⁸² Young people, understandably, seem to have felt more able to commit physical violence once they were no longer living under the same roof as their masters, whom they were both legally

⁸⁷⁷ C. Muldrew, *An Economy of Obligation*, p. 100-1

⁸⁷⁸ C. Muldrew, *ibid.*, *passim*

⁸⁷⁹ Although, of course, this had the potential to destroy neighbours' faith in your good name, with all that this entailed.

⁸⁸⁰ NCC QSB 43/46 (information of Anthony Mawson)

⁸⁸¹ For example NCC QSB 17/86a (information of Robert Gauland)

⁸⁸² P. Rushton, "The Matter at Variance", p. 95, argues that more than two thirds of complaints made by servants to courts or guilds in the north east in the seventeenth and eighteenth centuries concerned non-payment of wages. These cases were often brought only after the servant or apprentice had taken up a new contract elsewhere.

bound to and practically dependent upon. Isabel Rochester had allegedly stolen goods from her master, but committed no violence until she had finished her service, when she returned with her aunt to threaten and beat her former mistress.⁸⁸³ Another youth, John Mallam, returned to his former master's house, took a gun, broke the windows, and insulted and threatened his master's wife, Mrs. Christian Blackett of Framwellgate. The cause of this disturbance was apparently that Mr. Blackett had failed to pay Mallam all of his wages for his time in service.⁸⁸⁴

Payment disputes could also affect casual labourers, perhaps to an even greater degree, as the contractual nature of the work was less clearly defined.⁸⁸⁵ Mason Adam Anderson tried to claim his nine shillings of earnings; the wife of a Hexham man demanded his back pay - in each case the response was violence.⁸⁸⁶ One man was promised some money for having helped a customsman seize some prohibited goods, but was attacked when he tried to claim it. This kind of agreement was probably extremely casual, and could be conveniently denied at a later date.⁸⁸⁷

If the debt remained unpaid, one option was to raise the matter with official powers, who could then levy goods to the value of the debt. This was not only financially damaging, but also embarrassing and bad for the debtor's good name. The anger generated could be directed

⁸⁸³ NCC QSB 48/95a (information of Ralph Waters)

⁸⁸⁴ PRO DURH 17/1 unnumbered (informations of Anne Matthews and Elizabeth Hinney). See also NCC QSB 39/95b (information of Eleanor Anderson); 39/97b (warrant against Eleanor Anderson), a curious case in which a youth claimed missing wages, while his "mistress" accused him of threats, whilst also explicitly naming him her son. It is possible they had some sort of complex blood or legal relationship, which each of them interpreted differently.

⁸⁸⁵ See p. 127 on problems between masters and hired labourers.

⁸⁸⁶ NCC QSB 54/27a (information of Adam Anderson) - 54/65a is a counter claim in the form of a warrant; NCC QSB 5/5c (information of Elizabeth Blankuset) Other examples are NCC QSB 18/25b (information of John Mills) and NCC QSB 46/69b (information of Henry Appleby)

⁸⁸⁷ QSB 39/37b (informations of John Marlow and John Collins)

against an unlucky bailiff, or against the original lender, it being seen as too late to repair relations. One bricklayer had a pile of bricks - probably vital to his ability to work - distrained, to cover a debt he owed, and responded with persistent threats and violence apparently equally designed to revenge the action, and to encourage the bricks' release.⁸⁸⁸ Other recourses to the law and its system of fines seemed excessive and worthy of violent response to some.⁸⁸⁹

The contested claim of authority to money or goods became more obvious in the case of tax collection. Designated tax collectors and salt officers were vulnerable, and additionally some constables were tax collecting at the time of their assaults, alone or with other tax officials.⁸⁹⁰ There were many different taxes and levies in operation, and sometimes it appears that a collector was just one too many for some people to stomach. This might be especially true if the collector was acting in an unsympathetic manner, or there was a feeling that the levy for the region had been set unfairly.⁸⁹¹ When distraint, used in place of tax if money was not forthcoming, often just consisted of picking up an object of about the right value from the

⁸⁸⁸ NCC QSB 35/56b (information of John Armstrong). A similar threat in response to a writ for a debt is NCC QSB 50/76a (information of Robert Errington)

⁸⁸⁹ For instance one man was assaulted "without any other provocation than demanding a forfeiture for breaking an agreement between them"; NCC QSB 38/74b (information of Cuthbert Morland)

⁸⁹⁰ NCC QSB 34/86b (warrant against Ralph Burden), violence against two window sess collectors and one assistant constable. NCC QSB 41/39a (information of Alexander Young) involves a high constable forced to perform lesser duties - and suffer abuse - because Broxfield had no petty constable in 1714. A very similar - but more physically violent - case the previous year is recorded at NCC QSB 39/93b (information of James Atkinson), this seemingly being one of the main ways in which high constables might interact with a critical populace. See M. J. Braddick, Parliamentary Taxation in the Seventeenth-Century, p. 222 and *passim*.

⁸⁹¹ *Ibid.*, *passim*, details the range of taxes, levies and duties imposed in seventeenth-century England. NCC QSB 48/57a (information of John Richardson) describes negotiations surrounding an alleged over-assessment. No connection between this and the subsequent assault by the complainant and other men upon the servant of a committee member is made explicit. However, if the negotiations had raised tensions and made allegiances apparent, drunken gentlemen may well have been encouraged by this to take out their feelings on an easy and symbolic target.

house and taking it away, conflicting assessments of this value, both intrinsically and to the household economy, could lead to bitterness and accusations of thievery.⁸⁹²

Additionally, the tax collector who was very much a part of his own community would have found it hard to temporarily claim authority over his neighbours, especially if daily life had provided some other animosity.⁸⁹³ Richard Baker of North Shields appears to have refused to pay a levy because the collector was a man whom, he claimed, had been acting against his interests over the previous year.⁸⁹⁴ Conversely, an outsider might have been unsympathetic to local circumstances.

Violence of this type was usually purposeful, intending to frighten the collector into ignoring the house. The Reavely family attacked a tax collector and, to make their point clear, said that “if he would not let the sess go [they] would bind him neck and hand and cast [him] into the fold”.⁸⁹⁵ Sometimes, at least, one of these approaches must have been successful, in spite of the personal financial disincentive to the collector, who sometimes had to make up missing revenues from his own pocket. James Liddell of Castle Garth not only confidently threatened legal action against a tax collector, he also said that “if he had him out of the Castle Garth, he would do with him as he did with ... constable Andrew Kirkson whom he had formerly beaten”. The reference to Castle Garth shows the continuing importance, in practice if not in law, of the different jurisdictions of the region, and the lessening authority and security held by an official outside his own patch.⁸⁹⁶ His resistance seems to have been on principle, and further demonstrates a complete lack of regard for authority - he said that “no justice can force either

⁸⁹² NCC QSB 15/88a (information of Ralph Pattison). William Turner knew that Pattison wanted to collect poor sess, but still attacked saying Pattison had “come to rob his house” when he found him there, goods in hand.

⁸⁹³ M. J. Braddick, Parliamentary Taxation in Seventeenth Century England, p. 186

⁸⁹⁴ NCC QSB 39/86b, 39/65b (informations of Thomas Steele and Richard Baker)

⁸⁹⁵ NCC QSB 2/12c (information of Thomas Reavely). The same surname may, or may not, imply a blood relationship further tangling this case. Pointing a firearm made a very direct indication of what was required - NCC QSB 12/41b

⁸⁹⁶ NCC QSB 3/7b (information of Ralph Spragon)

him or any other to pay poor money”.⁸⁹⁷ The justices certainly tried, as the existence of this testimony shows, but although resisting individuals were bound to good behaviour it is unclear whether they might also have managed to escape paying the tax, if the case was delayed long enough.

Tax collection was not the only arena in which officials might find their claim upon individual's goods contested. Customs officials often went alone onto the unfriendly territory of boats and docksides belonging to sailors who preferred not to have their work interfered with, or their goods searched and taxed.⁸⁹⁸ They might also be involved in claiming, for the crown, goods washed from wrecks, which other individuals considered legitimate salvage. Near South Shields in 1713, a wrecked ship spilled several chests into the sea, which attracted the attention of both a customsman and the ship's owner, a North Shields gentleman. Having lost the greater part of his goods, it is hardly surprising that the owner was intent upon salvaging all that he could, but in this he came into conflict with the customsman, who was entitled to secure duty on the surviving goods. When the customsman persisted, the distraught owner assaulted him, or at least forcibly prevented him from taking anything, calling out “stone the thievish rogue”.⁸⁹⁹

The practical concerns of daily existence - particularly money - were not left behind at the end of the working day, and followed men to the tavern door, and beyond. The alehouse, a place of transaction as much as the workplace or home, provided an arena in which monetary tensions, exacerbated by alcohol and laissez-faire, erupted in violence. Gambling was

⁸⁹⁷ Certainly not all of those who resisted did so on grounds of poverty. Richard Baker objected to the idea of goods being taken “from out of any houses which belonged to him”. NCC QSB 39/86b (information of Thomas Steele)

⁸⁹⁸ E.g. NCC QSB 36/60a (information of John Farish), PRO DURH 17/1 unnumbered (information of John Boulton).

⁸⁹⁹ NCC QSB 38/69a (warrant against Ralph Harrison). Claiming such goods for the crown was problematic when others saw them as rightful salvage, even going to court to charge others with their theft. NCC QSB 50/67a, 89a (informations of Thomas Grey and Jonathan Bouchan)

commonly centred on alehouses, and led to at least one death.⁹⁰⁰ The combination of money and alcohol could prove explosive. On more than one occasion, a group of drunken men argued and violence broke out when money put down as a stake went mysteriously missing during, or after, the game.⁹⁰¹

Furthermore, the simple act of paying the tab was a common cause of contention. The action of the extended poem “A Most Pleasant Description of Benwell Village”, written in 1725, centres around a well-known local alehouse and especially around the totting up and paying of the tab, one character fearing the “bitter wranglings [we] will have in paying this shot” - a fear which proves to have a certain accuracy until the landlady offers him a reduced rate.⁹⁰² Such wranglings were not entirely fanciful. In 1671, John Heatherington and Robert Hutcheson of Hexham disagreed over the division of the bill after drinking together. Heatherington left the alehouse, but Hutcheson overtook him and fought with him.⁹⁰³ Sixty years later a man and two women refused to pay for their ale in a Newbiggin alehouse; when the tippler seized the man's work tool, one of the women went for him with a knife.⁹⁰⁴ Brennan concludes, in his study of eighteenth-century Parisian taverns, that the majority of alehouse fights were “contests over payment for, and access to, drink and space”.⁹⁰⁵

Even within the family, money was a bone of contention and source of competition. We have already seen the violence that a disputed inheritance could trigger. Financial matters were perhaps the most commonly noted areas of contested control which could be a cause of

⁹⁰⁰ T. Brennan, Public Drinking and Popular Culture, p. 250 and following. PRO ASSI 45/11/3/85 for a sequence of events beginning with an alehouse card game and ending in a lethal duel. See also P. Clark, The English Alehouse, on the wide range of activities, including financial services, within some alehouses.

⁹⁰¹ NCC QSB 46/73a (information of John Cutter), NCC QSB 40/90a (information of John Colly)

⁹⁰² C. Ellison, A Most Pleasant Description of Benwel Village, p. 95, and further debate at pp. 248-51

⁹⁰³ PRO ASSI 45/9/3/43

⁹⁰⁴ P. Clark, The English Alehouse, p. 207

⁹⁰⁵ T. Brennan, Public Drinking and Popular Culture, p. 35

familial (and particularly marital) disharmony, especially centring on the use of the wife's economic assets - as Hunt puts it, the conflict between women as property, and women as actors.⁹⁰⁶ This could only occur if the wife was believed to have access to some independent means. For instance, one of the many things Robert Story took offence to about his wife was her unwillingness to borrow six pounds from her brother, in the knowledge that he would almost certainly drink it away.⁹⁰⁷

Remarrying widows were particularly vulnerable. A widow's estate, which could include significant financial holdings, was a significant issue upon remarriage to a man who wished to gain control over those holdings, either for their own sake or for greater control over his wife. Many remarrying women, being used to managing their own finances, considered their holdings to be their own to use as they saw fit, and as a safety net should their husband be profligate with his own funds, and thus were unwilling to surrender it. Mary Trumble and her son were abused by her new husband, William, because she refused to set her hand to her first husband's will "seeing that he had wronged her of her living". It is unclear what William Trumble hoped to gain by forcing her to do this - unless Mary's first husband had, for some reason, given him the money instead, directly or simply by tying the money up in awkward ways. The important thing is that the battle was basically over Mary's right to the independent control of her financial affairs.⁹⁰⁸

The simpler issues of the daily use of shared domestic finance, and the wasting of resources, were equally contentious. Veitch wrote in his memoirs that the wife of Sir Thomas Lorraine "being in a passion, kicked [Lorraine] downstairs for selling four oxen and spending the price

⁹⁰⁶ M. Hunt, "Wife beating", p. 16. J. R. Ruff, Crime, Justice and Public Order, p. 80, argues that most domestic conflicts had their roots in property disputes. See also J. Bailey, "Breaking the Conjugal Vows", pp. 165-177 on wives' attitudes to "their" property and resulting quarrels.

⁹⁰⁷ NCC QSB 5/14c (information of Margaret Story). Similarly, Adam Eyre and his wife came into conflict when she refused to sign over her property which Adam wanted to keep the farm running - J. R. Gillis, For Better, for Worse: British Marriages 1600 to the Present, Oxford: Oxford University Press, (1985), p. 82

⁹⁰⁸ NCC QSB 3/29b (information of William Brown)

of them in drinking”, resulting in a broken leg; but Veitch was not above using satire, and in this case was writing of an enemy who had tried to have him arrested for non-conformity. The story may have an element of truth - certainly as a reason for distress it rings true enough - but without better corroboration it cannot be taken too seriously; at best it is local gossip, of a kind considered plausible.⁹⁰⁹

Financial issues following marriage and remarriage could cause fractures within the family in other directions too. In particular, the integration of the stepfamily, and the clash of different individuals or households used to managing their own affairs, brought familial intensity to financial disputes.⁹¹⁰ Conflict was most often between stepfather and grown son, when both considered themselves to be head of the household, and thus potentially at odds concerning matters of economic management. In 1720, for instance, Mr. James Young of Yardhill complained that his mother and, more specifically, his new step-father were violently enforcing alterations to the financial arrangements made for him by his mother after his father’s death, her previously adequate annuity not being sufficient to support a couple.⁹¹¹ Conversely, the following year, magistrate Jonathan Cotesworth wrote a letter to the bench complaining that his wife’s son had come “lately to my house to carry my wife away, their design was I suppose to get her to sign them some writing”, this incident sparking further abuses and threats.⁹¹² In 1665, Thomas Carr of Ford was killed by his stepfather John Ratcliffe. It is suggested that the motive was power and money, in that Ratcliffe lived in the house of his step-son but did not

⁹⁰⁹ Extract from Veitch’s memoirs, in J. Hodgson, The History of Morpeth, p. 347.

⁹¹⁰ Remarriage of widows and widowers was common and many families would have contained disparate elements. M. Chaytor, “Household and kinship”, p. 35 onward.

⁹¹¹ NCC QSB 54/69b (information of Mr. James Young). Young’s step father, conversely, considered the contested property to be his by right of marriage, and did not mention Young’s legal right to it, or indeed familial ties at all, when accusing Young of trespass - NCC QSB 54/108b (information of William Lauder)

⁹¹² NCC QSB 55/7a (letter from Jonathan Cotesworth to the bench)

have land, as Carr did, and, unlike Carr, was out of favour with the new government, having been a supporter of the commonwealth.⁹¹³

Stepfamilies contained many seeds of dispute, but it is notable that financial management and the distribution of resources, with the questions of household authority underlying this, were almost always the crux point. In incidents that did not involve money, the step-children involved were generally much younger, and simply received abuse alongside their mother.⁹¹⁴ Children by a previous marriage of the husband, of any age, are never portrayed as an issue, and despite the smallness of the sample it is tempting here to see less potential for contests over household control or resources.

At first glance, the cases considered so far in this chapter seem somewhat disparate. At the root of them all, though, was the concern to gain, and keep, physical resources - land, money, equipment - in the face of competition from others who desired them. Underlying questions of status and position were equally liable to contention, in part because of their implications of direct physical gain. Between colleagues, position itself could be sought and held, and in the name of increased status and wealth, supposed colleagues could become vigorous rivals - we have already seen how professional competence could be attacked in a way which, if believed, raised the attacker at the expense of the target, and thus might be responded to with violence. Men were also aware of their position within the employment hierarchy, looking at once to defend their position against threats from below and to gain advancement.

Many employed men, as well as apprentices and servants, were hired or otherwise subservient to another, yet might react badly if their own perceived expertise was not acknowledged. In North Shields in 1661, the captain and first mate of the *Henry* and *John* of York disagreed as

⁹¹³ *NCHC* v. xi. p. 401

⁹¹⁴ One husband insisted that his wife “and her kithings (meaning ... her children by a former husband) should never come ... into the house again”. *Proctors Papers* 1718/13.

to their next destination.⁹¹⁵ Neither man was willing to back down, the first mate became abusive when reminded of his inferior status, and the captain responded to this with a blow. The blow proved lethal, but the captain's attempts to revive the sailor demonstrate that this was far from his intention; he was merely trying, heavy-handedly, to restore the hierarchy on board his ship. In 1713, the son of a constable was told, by his father, to convey a woman into the neighbouring constabulary, a job his father should rightfully have done himself. A constable he met saw this a situation he could take advantage of, the son lacking the authority to prevent him violently "borrowing" the mare upon which they rode.⁹¹⁶ Men were also jealously protective of their own working privileges, which might make the difference between their own employment, or idleness and therefore poverty. John Gimethorpe, having collected a debt whilst in a tavern in Alnwick, found himself attacked for allegedly following the tailor's trade in Alnwick without being a guild member. It appears that his attacker misunderstood the nature of the transaction and believed that it came within the guild's jurisdiction.⁹¹⁷

Tension between superiors and inferiors generally sprang from issues of contested respect, but in extreme cases the crux point was the inferior's job itself - losing this was likely to lead to resentment against those who did not, particularly if there was a suspicion that they were responsible for the loss. In 1720, Dudley Brougham lost his job in the excise office of Wooler, and took out his feelings by abusing and spitting on William Ogle, who had been his superior before he was "discharged of his duties". Brougham's testimony suggests that the bad feeling was mutual, and might have been what led to his dismissal in the first place.⁹¹⁸

⁹¹⁵ PRO ASSI 45/6/1/30b (information of Richard Passby) and subsequent informations. 45/6/1/30c (information of William Brinks) shows the captain "rubbing [the victim's] brows with hot water or brandy wine". In PRO ASSI 45/6/1/31 (examination of George Bylith) the captain said the death was "much against his will".

⁹¹⁶ NCC QSB 39/79b (information of Robert Lawson). He later also turned violence upon the constable himself, but it is not over-fanciful to suggest this was an "in for a penny, in for a pound" measure, which he might not have taken in the first instance.

⁹¹⁷ NCC QSB 1/8c

⁹¹⁸ NCC QSB 53/80a (warrant against Dudley Brougham), 81a (information of Dudley Brougham)

Professional rivalry could occur on many levels, from the simple insults of the guilds to the machinations of the great men of society. The main differences were complexity, and the fact that at least some of the time these magnates could distance themselves from the fields of contest. An extreme example of this is that of the leading men of the coal trade in early eighteenth-century Tyneside.⁹¹⁹ Having sunk a great deal of money into what could at times be a very risky enterprise with heavy losses stemming from failure, certain investors appear to have been willing to use any means to protect their interests.⁹²⁰ Such feuding (which started on a professional level but often generated intense personal dislike) involved using confused claims to specific areas of land to close down or hinder the workings of rival collieries, bitter legal confrontations, and also more violent methods, from threats and anonymous letters to intimidating attacks by thugs. Servants were often pressed into carrying out their master's attempts to cow rivals, although some magnates were also personally violent. The culmination of all this came in 1725 when two members of his household attempted to poison William Cotesworth. The two had previously worked for his arch-rival, Richard Ridley, a connection which was quickly appreciated by the judge although Ridley's involvement was never proved.⁹²¹

That this bitter feuding was not a unique or isolated phenomenon is demonstrated by the actions of another pair of gentlemen, William Lowes and William Charlton, who battled it out for the position of county keeper for Northumberland - a potentially lucrative role, if only because of its potential for corruption - in the early eighteenth century. Lowes appears to have been prepared to go to great lengths to take the position from his rival. Over a period of

⁹¹⁹ J. Ellis, "The poisoning of William Cotesworth, 1725", *History Today*, 28, (1978), *passim*. describes "the twisted and often violent intrigues that characterised the coal trade in the early eighteenth century" (p. 753). It is unfortunate that this fascinating article contains no references to specific sources, presumed to be within the wealth of correspondence extant between early eighteenth-century Durham gentlemen, and civil cases at law.

⁹²⁰ For instance, Sir William Blackett told Francis North he had lost £20,000 on unsuccessful attempts to drain a coalfield. K. Emsley, "A circuit judge", p. 15

⁹²¹ At Durham assizes, the judge considered that the scheme had been prompted from outside - J. Ellis, "The poisoning of William Cotesworth", p. 753 - and the men were sentenced to five and three year programmes of whipping and pillorying. J. Sykes, *Local Records*, v. 1, p. 142

several years he hired the Armstrongs, a gang of horse thieves, to bankrupt Charleton by horse theft, and also engineered a series of professional and personal accusations of a range of violent and non-violent actions, of varying degrees of credibility, before the courts.⁹²² No directly violent confrontations between the two men and their representatives exist within the legal record. However, an independent oral tradition reports the two of them sword-fighting, with Lowes' horse killed by (in this version of events) the vindictive Charlton.⁹²³ It is unsubstantiated, but shows at least that the strong personal feeling between the pair, which would not have made such confrontation inconceivable, made a great impression; and that this was an age in which great men might indeed, in their animosity, come to physical blows, in parallel with their court dealings.

High-profile men, like Lowes and Ridley, prepared to utilise a range of strategies against their enemies, left their mark on the court records and letters of their time. Their disputes might last for years, and involve servants, friends and agents. Most professional rivalries and their violent concomitants - like most assaults in other contexts - were played on a much smaller stage than this, however, in personal, immediate and unplanned responses to slights; warnings to competitors and friction between waged labourers and their superiors.

This did not necessarily prevent such rivalries from involving disruptive and noteworthy levels of violence. In workshops and industrial workplaces, there was always a risk of small incidents escalating to a greater degree than they might in other locations because of the extreme

⁹²² "The Confession of John Weir, prisoner in Edinburgh, under sentence of death, July 1701"; NCC QSB 20/7-9c (warrant for William Lowes, informations of Thomas Armstrong, Nicholas Armstrong)

⁹²³ E. Charlton, Memorials of Tyndale, p. 88. An alleged second verse of the rhyme, called here "Lowes and Leehall", is recorded in The Denham Tracts, v. i., p. 258, although the verse as published in the 1892 edition consulted appears rather to relate to the previous note, involving a different occupant of Leehall.

availability of a range of heavy tools - often being to hand, or already in the hand. This was probably the only reason for the death on board the Henry and John of York.⁹²⁴

A gradual increase in severity is even more apparent in the Bishopwearmouth keelmen's dispute mentioned above; there the conflict began with words, which prompted one of the men to throw a single coal. This was responded to with a "light" hit, which was, in turn, responded to with a serious blow from an iron implement.⁹²⁵ It is dangerous to see the typical severity of such assaults as having been greatly affected by the availability of weaponry - we cannot know what these individuals would have done without it and there is no shortage of testimony to incidents in which the body alone was sufficient to cause serious damage and even death. However, in individual cases it must have exacerbated the damage done.

As well as dealing with others of their own profession, craftsmen also had to deal with the public, especially their customers, and also, it seems, with the possibility of violent customers if they were dissatisfied. James Wood of North Shields received a lethal blow to the head from a passenger whom he had delayed when his ferry ran aground on Howden Pan Sands.⁹²⁶ In 1716, a coroner's jury in Durham heard of the last moments of Anne Nicholls, a tailor's wife, whose husband had not finished a commission, a child's pair of stays, on time. She shut the door on abusive customer, Francis Wyver, who threatened to have other goods "arrested", presumably as compensation, but her action only enraged him further, into lethal violence.⁹²⁷

Simple irritation, and a very short fuse, affected both customer and craftsman at times - Stone's suggestion that men were liable to wild anger has some truth, but it is only one part of

⁹²⁴ Even more noticeably, an unconscious fall into the river was certainly the only reason a minor scuffle over landing coals in Newcastle in 1675 resulted in a homicide enquiry. PRO ASSI 45/11/2/122-124 (informations of James Pringle, William Marshall and David Scott)

⁹²⁵ PRO DURH 17/1 (information of John Stafford)

⁹²⁶ PRO ASSI 45/13/2/49c (information of Jane Wood)

⁹²⁷ PRO DURH 17/1 (information of John Nicholls and Stephen Williamson)

a complex picture.⁹²⁸ It is rare to find clients being assaulted, in spite of the fact that, in the day to day nature of things, the roles of customer and craftsman must often have been taken on by the same individuals. Craftsmen's violence was almost always internal, directed towards others of the same craft; violence for them centring upon rivalry and reputation. Presumably the potential loss of earnings implicit in aggression towards a client - and probably the loss of other clients once word got around - was enough motivation to make the vast majority of craftsmen and traders keep a good hold on their temper, whereas, for some customers, there were alternative providers and so less reason to avoid worsening relations.

Oddly, the few accusations made by clients all involved smiths. Henry Armstrong attacked Thomas Gibson when Gibson accidentally knocked some of his work into water, running a "hot nail string" into Gibson's arm in spite of his apologies.⁹²⁹ Telling the angry smith that he dared not carry out a proffered threat was probably a mistake. In Newburn in 1718, a blacksmith threw a shovel full of hot coals onto a woman, and, in the previous year, Henry Appleby was met with threats and violence when he went to a Matfen smithy to demand money he was owed.⁹³⁰ We can perhaps blame the hot working conditions, the ready-to-hand serious weapons, and the association of the job, like that of the butcher, with daily physical force. More tentatively, if smithies were far enough apart that it would have been very inconvenient for custom to be taken elsewhere, this could have had knock-on effects upon the craftsman-client relationship.

So, often it seems that a minute's reasoned debate would have settled the issue without bloodshed, and only stubborn, impatient and aggressive men would react in this way. This is a reminder of the differences in mentality between the modern and early modern worlds. Nonetheless, the evidence does not justify a return to the model of unrestrained, meaningless

⁹²⁸ L. Stone, The Family, Sex and Marriage, p. 99

⁹²⁹ NCC QSB 45/?/b (information of John Robson and John Hume)

⁹³⁰ NCC QSB 49/117b (information of Barbara Kell), NCC QSB 46/69b (information of Henry Appleby). See also PRO ASSI 45/9/3/138-40 (informations of Robert Crisp, James Thompson and William Weddell).

violence. If anything is demonstrated here, it is that violence did have reasons and patterns of motivation centring upon competitive and material desires not alien to us.

One way in which attempts have been made to categorise violence is by considering the “capitalist” nature, or otherwise, of its motivation. Of particular relevance are Spierenburg’s conceptual axes upon which he proposes to plot changes in the broad classes of violence committed, one of these axes ranging between ritual and instrumental violence (the other representing the psychological state of the aggressor).⁹³¹ Spierenburg suggests that, over time, the average position of violent acts on this notional graph would move toward the instrumental. The time-scale and variable sources involved prevent any attempt to track trends in the prevalence of capitalist crime in the north east. It is clear, though, that a significant proportion of violence in the north east was specifically motivated by instrumental and materialist concerns, as seems to have been the case in many of the competitive assaults examined above. If the crime of the early modern period can be seen as a transitional stage between the interpersonal violence of the medieval era and the “capitalist” crime of the modern day, these cases demonstrate that violence in the period was (at least in part) modern in motivation.

ii) Relationship troubles, jealousy and rivalry

There is one further finite resource for which men and women alike can be seen to have fought passionately - each other. The choice of a sexual partner was important on an emotional level, and also on a more practical level, as marriage was conceived of both as the natural relationship of lovers, and also as an economic and pragmatic partnership. Differing surnames, however, make it difficult to track down pre-marital infidelity, jealousy and violence, and there are no accusations in which these are evident.

The prospect of adultery haunted some married couples, providing an (additional or primary) source of tension and high emotion. Adultery was considered a sin, and the only valid reason

⁹³¹ P. Spierenburg, “Faces of violence - homicide trends and cultural meanings, Amsterdam, 1431-1816”, *Journal of Social History*, 27(4), (1994), p. 704

for separation from bed and board besides cruelty and abuse. In the Commonwealth era, adultery and bigamy were additionally made felonious, although in the north east, as elsewhere, there are few surviving informations for its prosecution as such, perhaps reflecting public perceptions of an essentially private matter.⁹³²

Inevitably, each instance of infidelity was different, and can be seen as both cause and effect in a broader pattern of deteriorating relations. The ripples of anguish, jealousy and violence which followed could flow in more than one direction, both from and against the unwanted partner. Violence could be used by the established partner against the straying party as a warning, or in anger. According to their servants, Dorothy Stafford's husband was consumed by jealousy over her adultery to the point that he beat her and then moved to London.⁹³³

Catching one's partner in a compromising position was especially liable to raise tempers to violence. John Tomlinson recounted the comeuppance of a man who had an assignation with the wife of a lame man. When the latter was informed of events, the cuckolded man "went and found them ... he broke her and his head both - I believe with his crutch".⁹³⁴ Mr. William Barnes sent a servant into Darlington to look for his wife Elizabeth, then went "in fury and rage" to the house where she was staying. When the female owner of the house, presumably a friend of Mrs. Barnes, did not open the door straight away, having heard the anger in his voice, he abused her and broke all her windows before leaving. The following day he found his wife drinking with another man in an alehouse, which must have appeared to him to be confirmation of his worst fears concerning his wife's conduct and his own, apparently failing, ability to control this. He reacted with anger against his apparent rival, rather than against his wife.⁹³⁵

⁹³²PRO ASSI 45/12/3/40-41v (informations of Thomas Harperly and Anne Harperly). The accusation was presumably bigamy, no other crime is mentioned; there is merely an investigation into the lifestyle of Thomas Harperly and his new partner.

⁹³³ 1702 case before the Archdeacon's Court of Northumberland, B. I. Trans. CP 1702/3, Office vs. Stafford, cited in J. Bailey, "Breaking the Conjugal Vows", p. 98

⁹³⁴ September 13th, 1717, "Diary of Rev. John Tomlinson", p. 79

⁹³⁵ "Correspondence of Miles Stapleton", Surtees Society 131 (1918), p. 139-140

Even when the marital bond had broken down, some men could not let go of their wives, continuing to take umbrage at their rebuilt lives. In 1687, Anne Fletcher sued for a separation from bed and board following much ill treatment at her husband's hands, including casting her out of doors.⁹³⁶ The following year she was staying with another family in her home village of Benwell. Her belongings had been moved, and she was continuing her life, but her husband seems not to have been able to leave the situation alone. He came to her new house, looking to shoot one Hobb Hobson, in spite of being bound to keep the peace. He threw Anne's goods from the house, and told his two companions to "fall upon [her] for there was none to see".⁹³⁷ It is possible that there is no connection between these events, but the most likely explanation would seem to be that he believed, rightly or wrongly, that his separated wife was over-friendly with Hobson. Even separated, he could not accept this blow to his pride. This is ironic given that it was Anthony Fletcher's adultery, as much as his cruelty, that led to the separation, Anne effectively having being replaced in the household by her husband's mistress.

The importance to men of controlling wifely behaviour might suggest that the trials of courtship were most likely to cause fights between rival men.⁹³⁸ John Tomlinson obliquely acknowledges this in his comment about his previous night's revelries - "quarrels at night about sweethearts etc."⁹³⁹ In reality, though, unambiguous instances are rare, and women seem to have had as much or even more desire to fight their rivals as men did. Feminine honour and physical well being were deeply rooted in marriage, as both an emotional bond and as a working partnership. This must have made life even more difficult for women whose conjugal bonds appeared to be irretrievably broken in the face of external and internal pressures.⁹⁴⁰

⁹³⁶ PG Proctor's Papers, 1687/2 (information of Anne Fletcher)

⁹³⁷ NCC QSB 5/2d (information of Anne Fletcher)

⁹³⁸ E. Foyster, "The Concept of Male Honour", pp. 213-217, D. O'Hara, Courtship and Constraint, p. 15

⁹³⁹ September 22nd 1718, "Diary of Rev. John Tomlinson", p. 141

⁹⁴⁰ See J. Bailey, "Breaking the Conjugal Vows", passim, on the different aspects of partnership that made up a successful marriage.

Thus, women responded violently when they discovered that their husband had a new partner, or when they were afraid of this. This anger was generally directed towards their rival, rather than towards their partner. Of course, instances of the latter may have gone unreported due to the shame of admitting to being assaulted by one's own wife. Equally, though, the other woman was generally a weaker, more socially acceptable target and attacking her was less likely to cause further damage to a, presumably, already strained relationship. The issue was less that of control, of checking up on where the husband went, than that of propriety, and the sanctity of marriage vows. Thus, Isobel Scott of North Shields attacked widow Jane Tittery and called her a whore and bawd because she believed Tittery "was the occasion of parting the said Isobel Scott and her husband".⁹⁴¹

This is a less ritualised form of a behaviour described, and dissected, by Gowing in relation to seventeenth-century London, in which a woman might scratch the face of her husband's lover, or slit her nose, in the symbolic bestowal of an undeniable "whore's mark".⁹⁴² Like witch scratching, the whore's mark was a specific response to specific circumstances which, in some people's eyes, transcended violence to claim a separate, legitimate meaning. This action is not recorded for the north east as such, although Tittery's violence was aimed at the head, and may therefore have been intended to leave a visible, symbolic, mark.⁹⁴³ No conclusion can be drawn about regionality, however, since the church court records, where such accusations would normally be found, are thin on the ground.

Some women were certainly willing and able to fight for their men. Henry Robson of Newburn asked a local spinster if he could have some of her tobacco. His wife reacted angrily, perhaps with an element of jealousy, that "you shall have no whore's tobacco" and started breaking various wooden objects over her target. Henry Robson then joined in the violence

⁹⁴¹ NCC QSB 9/13b (information of Jane Tittery)

⁹⁴² L. Gowing, *Domestic Dangers*, p. 103

⁹⁴³ See P. Spierenburg, "Knife fighting", pp. 116 for discussion of the symbolic targeting of injury. M. Greenshields, *An Economy of Violence*, p. 95, also discusses the head as a symbolic or practical target.

begun by his wife, affirming his allegiance to her, over the advances he had made to the other woman.⁹⁴⁴

Even where there was no obvious threat from an individual rival for the attentions of a partner, the insecure might feel the need to fight, particularly if the relationship was an irregular or disputed one. A rare case of husband beating involves the violence of Hannah Rutter, a troubled North Shields woman. It is unclear whether she was, in fact, ever married to Francis Burton - they were not cohabiting in 1700, when she becomes visible to us - but she certainly appears to have believed that she was. Elizabeth Scott informed that Hannah Rutter "did not value her reputation for her reputation was gone and that she was married at Hamborough to one Francis Burton of Howden Pans master and mariner". Elizabeth Scott did not believe this was true, but considered it a slur on Burton's reputation. Rutter appears to have been somewhat confused, however, as "she then did declare she would have him to herself for that he was her own".⁹⁴⁵ At around the same time, and perhaps in the same conversation, John Henbanke heard her say that "if she had the said Francis Burton in her company or by herself she would pistol him the said Francis Burton and then stab herself and so die by him".⁹⁴⁶ The extremity of emotion displayed here is rare in the sources, and hard to interpret; we are on the edge of an intense personal drama, or even melodrama.

Six months later, witnesses reported seeing Hannah trying to choke Francis Burton with his neck cloth on the quay of North Shields; they parted the pair.⁹⁴⁷ On the same day and in the same place, she assaulted a Mrs. Ewbanks. It is not known what connection she had to other events, although it is tempting to interpret events as a reaction to a real or perceived rival.⁹⁴⁸ It

⁹⁴⁴ NCC QSB 54/29a (information of Elizabeth Natras) The Robsons were a turbulent pair, and had particular reason to be sensitive in matters of sexual honour and reputation - see p. 300

⁹⁴⁵ In 1705, however, she still named herself Mrs. Hannah Burton in testimony. NCC QSB 21/51c (warrant for arrest of Barbara Peacock and Mary Watson)

⁹⁴⁶ NCC QSB 13/75a, 75(a)a (informations of Elizabeth Scott and John Henbanke)

⁹⁴⁷ NCC QSB 13/28b (information of Charles Ellit and Ralph Reed)

⁹⁴⁸ NCC QSB 13/29b (information of Charles Ellit and Ralph Reed)

is interesting to note that Burton did not make the accusation himself, as is usual in these quarter sessions cases. Perhaps this was in order to avoid questioning on the relationship between himself and Mrs. Rutter.

In such assaults, whilst it is tempting to see the involvement of punishment as a motive, simple anger, jealousy and desire for vengeance is equally credible. More common in the sources than the existing partner fighting off a rival, though, was the new partner muscling into the scene and making him or herself at home by whatever means were necessary. There are no examples of husbands being sidelined in this way, or being assaulted by their wives' new lovers, but neither were they responsible for all that went on.

Several mistresses appear to have sat on the sidelines of abusive marriages, exacerbating tensions, sometimes, at least, deliberately. Margaret Gordon of Boleham was convinced that Margaret Routledge, whom she claimed to have heard saying that she would part her from Adam Gordon and have him for herself, was "the great occasion of all the dissension betwixt this informant and her said husband" after he consistently beat her and "bid her go from him", Routledge having, presumably, successfully made her way into Adam Gordon's affections.⁹⁴⁹ That the magistrates took her role in the affair seriously and did not merely dismiss it as Margaret Gordon's imagination is shown by the fact that Routledge was bound over to appear before the courts to answer the charge.⁹⁵⁰

This was a comparatively subtle approach. When a pair of lovers acted together in demeaning the position of an existing spouse, life could become very difficult indeed. In 1715, Michael Young dragged a Berwick woman, the wife of a drummer, through the gutter, while Margaret Graham and her friend called her a whore - not as a generalised insult, but a specific comment on her character, backed up with comments of drunkenness and pre-marital pregnancy. Despite Young delivering all of the physical violence, it was Graham, not Young, who was bound to the peace. This was because the victim thought that Margaret Graham was her husband's lover, who "frequently kept company with [him] at unlawful times of the night". Her husband had denied the validity of their marriage, thus excusing his extra-marital

⁹⁴⁹ NCC QSB 7/4a (information of Margaret Gordon)

relationship, whilst at the same time naming his wife a whore and giving his lover and her friend an excuse to beat her.⁹⁵¹

Some adulterous partners and their new lovers had more ambitious schemes, however. With marriage law standing as it did, their relationship was in itself enough to warrant separation, but only if the other partner chose to pursue this course of action. In any case, this was separation, not divorce, and legally there was no hope of remarriage other than after the partner's death. Thus, it was to death that some couples looked, and almost all those who killed their marital partners did so with the aid, or at least availability of, future partners.

In such instances, also, the would-be murderer turned to poison. There are no instances of non-stealthy love-triangle homicides in the region until later in the eighteenth century.⁹⁵² However, the idea was not unthinkable. When Edward Laing was making unwanted advances towards a married neighbour, he "endeavoured to persuade her to do her said husband some bodily harm ... and hath proposed to her that if she would let the said Laing have carnal knowledge of her body he ... would dispatch or knock her said husband on the head".⁹⁵³

Three cases of poisoning reached the north eastern assize courts.⁹⁵⁴ A further two poisonings, involving the same criminal, were recorded as the talk of the town by William Brereton when he visited Durham in the 1630's. One allegation was heard by the Northumberland quarter sessions in 1721, and an attempted poisoning occurred in Durham in 1704.⁹⁵⁵ The most

⁹⁵⁰ NCC QSB 7/5a (recognition of Margaret Routliffe)

⁹⁵¹ BER c15/1 unnumbered (information of Katherine [illegible])

⁹⁵² J. Sykes, Local Records, vol. 1, p. 157, taking his information from the Courant, details one incident such from Hartley in 1739.

⁹⁵³ NCC QSB 53/63a (information of Catherine Taylor)

⁹⁵⁴ PRO ASSI 45/5/7/82-91; PRO ASSI 45/6/2/50-54a; PRO ASSI 45/7/1/152

⁹⁵⁵ ed. J. Hodgson, "Diary of Sir William Brereton", p. 21, NCC QSB 55/118-120b (poisoning of Jacob Carr)(119 follows on from 120), PRO DURH 17/1. The allegation amongst the quarter sessions bundles probably remains there (rather than having been forwarded to the assizes and thus lost from our view) because the chief accuser later retracted her testimony in full - NCC QSB 55/116b (information of Anne Wilson).

striking feature of these events is that all but the last revolved around the family, and around the disintegration of the bond between husband and wife, due at least in part to the presence of a third party (and even in the last, the implication of events is that the two were in the same household, though not a couple).⁹⁵⁶ Brereton's gossip involves a man killing two successive wives. Four other fatal poisonings involving married couples were tried in the courts.

It is notable that, generally, women were the poisoners, regardless of who was the married party. With the exception of Mr. Lampton's activities, mistresses delivered poison to unwanted wives, whilst wives killed their own husbands.⁹⁵⁷ This pattern fits neatly with the stereotype of female violence in general, and wifely violence in particular. This was usually - although, as we have seen, not always correctly - perceived and portrayed not as part of a pattern of abuse, as with that of the husband, but as extreme, sudden and unpredictable, and, in many cases, as secretive and treacherous - making use of underhand tactics rather than brute strength.⁹⁵⁸

The type is exemplified by Mary Robinson, who in 1657 made a breakfast of hasty pudding for her husband, Cuthbert, which contained some form of poison, of which he fell sick and died the following night.⁹⁵⁹ Her actions go straight to the heart of male fears about the impossibility of making a home safe against threats and uprising from within, and the danger of a secretive and

Given this, it is fortunate that any of the related informations were kept. This retraction casts doubt on the validity of the accusation, but it should not be completely discounted; other individuals also testified against the accused party, and given her testimony there is reason to think she might have been scared into silence. Even if this were not the case, the seriousness with which the magistrates took her story shows that it was considered credible. The date of this case, 1721, should be particularly noted as the accusation is not included in tables.

⁹⁵⁶ PRO DURH 17/1 (information of Jane White). Of course, poisoning was not universally connected to these things - see p. 251 for a poisoning in 1725 with motives of industrial rivalry.

⁹⁵⁷ J. Bailey, "Power and Prejudice?", seminar paper, uses church court sources from Durham in the eighteenth century, and finds seventeen female poisonings compared to two male ones, as well as several female threats.

⁹⁵⁸ This portrayal is true both of literary accounts and of those presented in divorce cases before the seventeenth-century Court of Arches in London; L. Gowing, *Dangerous Familiars*, p. 228

⁹⁵⁹ PRO ASSI 45/7/1/152, 169-171

murderous wife, able to kill using the form of an act which should have been life-giving, by exploiting a husband's reliance on his wife to provide him with meals.⁹⁶⁰

The mental link between wives and potential poisoners was strong. William Archbald was a barber surgeon in Morpeth with a grudge against local tanner William Clarke. He threatened Clarke, but the main accusation against him was that he had approached Clarke's wife, saying that "he would prepare poison for [William Clarke] if she would give it him". The use of the term "prepare" implies that his medical training gave him a particular skill in the handling of poisons which could be put to work to harm William Clarke, a method he plainly preferred to the use of physical force. However, he was obviously not confident that he could administer this poison himself, and the link between poisoning and wives, as the individuals best positioned to administer poison, is evident in his choice of confidante. His choice was a mistake - Elizabeth Clarke testified against him - and it is hard to imagine why he thought it might succeed, given that he also "called her several times whore and said he would prove her one".⁹⁶¹

In court cases of homicide through poison, the motivation, or at least the immediate incentive, appears to have been the availability of a socially acceptable alternative partner once the victim was removed from the picture - an alternative partner who was usually complicitous in the crime. Margaret Green had been living in Durham with William Scage for six years before she poisoned his wife, Jane, in 1657. Margaret and William claimed that they were properly married, and that Dr. Jennison, a preacher of Newcastle, had "divorced" him from Jane Scage. This was plainly a legal impossibility, although it is now impossible to say whether it was believed by those involved to have had similar credence to the "unmarriage" jested about by Ambrose Barnes. If so, it seems strange that William and Jane's son, John Scage, should have been unaware of it, and surprised to find his father cohabiting with another woman when he moved to Durham. Jane Scage, blind and lame, was reduced to begging in the streets of Newcastle. Clearly she must have been something of an embarrassment to William Scage, and

⁹⁶⁰ F. Dolan, "Home rebels and house traitors", p. 9

⁹⁶¹ NCC QSB 40/79a (information of William Clarke, Elizabeth Clarke, and Elizabeth Finlay). This may have been a clumsy attempt at blackmail.

a stumbling block to his mistress' desire for respectability, although it is not clear why she waited so long before taking action.⁹⁶²

The poisoning of Anne Mennin might be ascribed to similar motives.⁹⁶³ In 1662 she was imprisoned in Newcastle gaol awaiting trial for witchcraft, and her husband lived with housekeeper Jane Cakaman (also named as Akanman), whose own husband had deserted her long before. Although no mention is made of impropriety between Akanman and John Mennin, the suspicion remains that it would have been convenient for both of them if Anne Mennin, a woman with a considerable reputation for witchcraft and a string of recent accusations to her name, was to disappear.⁹⁶⁴ Prison, interestingly, also features in the story of Margaret Carr, who, according to her maidservant, began entertaining a lover while her husband was in gaol, and then, finding herself unable to easily carry on her affair when he was released, plotted poisoning.⁹⁶⁵

In the case of Mr. Lampton, a gentleman of Whittle near Chester le Street, the motivation seems to have been a little more complicated and may have revolved around financial concerns within the marriage. Certainly his second wife was a rich woman, and dispute occurred when her eldest son attempted to claim his designated share of money from her former marriage. Having allegedly dispatched his first wife, apparently without arousing suspicion, must have increased the temptation to repeat his strategy.⁹⁶⁶

⁹⁶² PRO ASSI 45/5//7/82-91

⁹⁶³ PRO ASSI 45/6/2/50-54a

⁹⁶⁴ In July 1661, Anne Mennin had, along with three other women, been found not guilty of witchcraft upon the family of Robert Phillip of Newcastle (PRO ASSI 45/6/1/88-90, PRO ASSI 44/8, quoted in C. Ewen, Witchcraft and Demonianism). In October she was accused of a different bewitchment, and once again incarcerated; the informer, Katherine Cudworth, notes that during this time the bewitched children grew better, but "since the said Mennin was let at liberty they have been very sore troubled" (PRO ASSI 45/6/1/165). It can only be assumed that she was re-arrested, either for this offence because of the state of the children, or on a further charge of witchcraft.

⁹⁶⁵ NCC QSB 55/119b (information of Mary Hawkworth)

⁹⁶⁶ ed. J. Hodgson, "Diary of Sir William Brereton", Surtees Society p. 21

It is interesting to speculate how easy it would have been to poison someone in the seventeenth century, and how easy it might have been to escape undetected by the law. The intimate nature of many of the relationships involved made the administration of poison a comparatively simple matter, whilst at the same time underscoring the betrayal of trust implicit as provider became murderer. The act was easy enough for Mr. Lampton, caring for his sick wife, and for Mary Robinson and Margaret Carr providing breakfast for their husbands. Anne Mennin's incarceration made her a vulnerable target, as she was entirely reliant upon her husband's housekeeper for food, and the poison administered to Jane Scage was in a drink given to her as she sat in the almshouse, an act of apparent charity she was unlikely to reject.

The purchase of poison for murder was not necessarily a difficult matter either, although Newcastle seems to have been the favoured source. Poison had valid household uses - arsenic was used to poison rats, for instance, and was probably the most commonly used poison. Arsenic was used by two of the six poisoners; in three other cases the poison used is not known, but the procuring and symptoms are consistent with arsenic.⁹⁶⁷ Margaret Carr claimed that her purchase of opium was for dyeing fabric (though the apprentice of a local apothecary had his doubts when servant gossip reached him) and that her latter purchase of "rattenbread" (probably more arsenic) was to kill a troublesome dog. Twelve-year-old Emy Fairley, maid to William Scage, was prosaic in her testimony that she had never been sent to a shop to buy arsenic or other poison.

However, sometimes questions might be asked. Mary Hawkworth's long testimony is predominantly dedicated to describing her mistress, Margaret Carr's, elaborate attempts to procure poison without arousing suspicion. She allegedly sent out an apprentice to buy small quantities of opium in several different Newcastle apothecaries' shops, providing him with a large and small bottle and separate notes asking for a small quantity from each man (to then be transferred into the large bottle). When this opium failed to have the desired effect, she twice asked others to buy "rattenbread" for her (the first batch was burned by the suspicious husband of the buyer). Lampton sent his maid to an apothecary in Newcastle several times to ask in her master's name for mercury, arsenic and stybium. These the apothecary apparently sold

without problem in the first instance, but some years later refused to sell until he had a note in Lampton's hand, "that he be assured it was for him". It is unclear whether this was because he was suspicious of the serving maid – the response to similar notes written by Margaret Carr authorising the sale would suggest this - or whether this was a primitive attempt to avoid any culpability should the poison come to be misused. Perhaps the apothecary remembered rumours surrounding the death of Lampton's first wife.

Poisoning, then, was primarily used within domestic circumstances, and appears to have been the method of choice for the homicidal woman. It was frequently tied to rivalry over a partner, and as such poisoning was often committed with a conspirator, if not with an active accomplice - for example Margaret Carr got the apprentice of her lover to purchase the poison. It may have been the only visible way to begin afresh with a new partner; it was not necessarily, however, an act of the desperate and impotent. The existence of Jane Scage, for example, does not seem to have inconvenienced William Scage in any significant way, and Mr. Lampton's motive was plainly greed rather than necessity.

Unwanted partners were not the only people who might stand in the way of a new match, and thus become targets for elimination. Parents and guardians, too, had a say, and whether their charge was willing or not, they might end up involved. In 1712, the *Newcastle Courant* ran a rare piece of local news on this theme.⁹⁶⁸ Although the action occurred in Holderness, North Yorkshire, and the trial was at the York Assizes, that the criminals had fled to Sunderland made the matter worthy of local reportage. A young girl, living with her uncle, a vicar, fell in love with his servant. The opposition of their guardian made him a target. He was murdered by means of a complicated scheme in which the lovers allegedly cut themselves, hid the body, faked evidence of a drowning and claimed that he had fled to avoid prosecution for abusing them. The very fact of its appearance in the newspaper is indicative of an out-of-the-ordinary event, made sensational by the clever scheme used, the fact it had gone undetected for four

⁹⁶⁷ Arsenic in drinking chocolate was also the preferred method of two Durham poisoners in 1725. J. Sykes, *Local Records*, p. 124. Pure arsenic is nearly tasteless and colourless, and thus viewed as the perfect poison.

years, and the simultaneous rebellion of a ward and servant to overturn the authority of the rightful head of the household.

The complicity of the desired partner was not necessarily required.⁹⁶⁹ Gentleman Charles Radcliffe fought with a girl's guardian after he made over-friendly advances to her, attempting to abduct her when financial enticements failed. Both drew their swords, the guardian saying "he would lose his life rather than he should carry her off", although they both withdrew before any wound was inflicted.⁹⁷⁰

The partner of choice was much to be desired, for both emotional and economic reasons. Where there were others who were either in direct competition, or otherwise stood in the way of the match, it is unsurprising that rivalry and competition, the claiming and defence of partnership bonds, could erupt in jealous violence or calculated action against both the erring partner and the potential threat, whether the aim was to maintain the status quo, or overturn it. Of course, this kind of violence made up only a small proportion of all violent behaviour – for cases with detailed context, around 0.5% of male violence, and 8.3% of female violence. This female figure is significant, showing women fighting for what they wanted, both through the rare domestic poisonings which were archetypically their preserve, and through more commonplace assault, whether with or without the ritual overtones of the whore's mark.

⁹⁶⁸ NTL, Newcastle Courant 134 (June 4-7th 1712) and 168 (August 23rd-25th 1712). This is another case in which an involved party, in this case the girl's young sister, (who was sent into service to get her out of the way), found the murderous secret impossible to keep.

⁹⁶⁹ P. Spierenburg, "Knife fighting", p. 117

⁹⁷⁰ NRO ZAL 39/1/2, letter from "M.R." to Mary Allgood

Chapter 6) Illegal activities

The heights of capitalist violence, the most selfish and acquisitive of assaults, were enacted for a material gain which was in itself illegal. They cannot be associated with a sense of honour, and only evoke a sense of competition in the most dog-eat-dog of senses. Firstly, men could be paid to attack others. This was not a world of dedicated assassins and their victims, but local men short of a penny were sometimes willing to commit crimes, including violent activities, for a suitable fee. Statements of fear of harm from a neighbour occasionally include the fear of “persons procured by [them] to do the same”.⁹⁷¹ In reality, though, there is little evidence of hired thuggery.⁹⁷² The one obvious example is the maiming of William Turner, already discussed. The Armstrong gang claimed to have been hired by a local gentleman with a (never explained) grudge against Turner. However, as we have seen, personal revenge also played a part in this assault.⁹⁷³

Larceny, in all its forms, was a much more common mercenary activity. There were many thefts in the north east which did not involve force or its threat. The terrain of north and west Northumberland encouraged quiet thievery - as Roger North put it, “the hills are desert and the moors spacious, which favours [thieves’] concealment”.⁹⁷⁴ The region was notorious for livestock theft in particular, an occupation best undertaken without witnesses or force.⁹⁷⁵

⁹⁷¹ NCC QSB 46/88b (information of Michael Bambrough). That this instance involves a woman may be significant, women may have been more likely to look to hire others to fight for them, through physical weakness or social conditioning.

⁹⁷² One indirect exception being the use of servants and apprentices as assailants, see p. 303

⁹⁷³ See p. 145, and NCC QSB 20/8c (information of Thomas Armstrong) and following.

⁹⁷⁴ K. Emsley, “A circuit judge in Northumberland”, p. 18. Macauley’s claim that certain paths were only known to the locals who did not easily admit their route is one of his more credible suggestions - footnote to R. Gardiner, England’s Grievance Discovered, p 187

⁹⁷⁵ Although not on the scale of the pre-union cattle raids, the problem remain sufficiently large that attempts in 1719 to abolish the County Keeper (whose unique role involved prosecuting livestock thieves and compensating their victims) met with horrified petitions. In 1728, Thomas Sisson wrote that “there is seldom a

Violence was a significant element of larceny, however, and, within the remit of this thesis, material gain by means of larceny was one sphere of activity which can be studied with regard to its violent content, since many thefts involved violence, and some assaults appear to have ended in opportunistic theft.⁹⁷⁶ This is in the spirit of Macfarlane's work on seventeenth-century Westmorland, which focuses upon the activity of a robber gang as a window onto violence in that society.⁹⁷⁷

In law, private theft became "robbery" - and therefore, after 1661, exempt from benefit of clergy - if the victim was "put in fear" by the thief.⁹⁷⁸ Since this must generally have involved physical contact or its threat, robbery is, for our purposes, a type of assault. However, it should be noted that this category of analysis does not entirely correspond to the legal classification, even excluding the likelihood that where several similar crimes co-existed legally, actions could be classified in order to promote a particular verdict.⁹⁷⁹ A failed attempt at robbery, in which goods never came into the possession of the putative thief, was not legally robbery. However, for the purposes of this chapter, it will be dealt with as such - the failure of the robber being incidental to certain of the circumstances of his attempt.

week but either some horses or cattle are stolen ... the watch is set for both in Newcastle and Gateshead" and in 1713 Northumberland's chief county keeper's log of beasts reported stolen amounted to 268 animals, taken from over 100 people. E. Hughes, North Country Life, p. xiv, G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, p. 49.

⁹⁷⁶ For example, in South Shields in 1710, a boatman was killed, probably by an acquaintance, and five shillings stolen, probably as an afterthought. PRO DURH 17/1 (information of Hugh Story, John Murton and William Nottle)

⁹⁷⁷ A. Macfarlane, The Justice and the Mare's Ale, passim; although see also G. Parker, "The wearing of the vizard", p. 780, which doubts the wider value of this atypical case as a window on society.

⁹⁷⁸ J. Pocklington, "Highway robbery in London 1660-1720: practices, policies and perceptions", Oxford University M. Phil. thesis, (1997), pp. 9-14 discusses legal definitions of robbery and especially highway robbery and challenges to this.

⁹⁷⁹ This likelihood is one thread of Herrup's argument regarding the flexibility of the legal system - C. Herrup, The Common Peace, passim.

In the 1970's a new theory was espoused regarding long term trends in crime, which saw a change over the course of the seventeenth and eighteenth centuries between a "feudal" crime system, with high levels of interpersonal violence and homicide, and a "modern" one characterised by high levels of capitalist crime. This was simply rendered as the "*violence-au-vol*" thesis, in which violence declined in tandem with an increase in theft. The thesis has recently been criticised effectively and problematised, from a variety of angles and in relation to a variety of eras and locations.⁹⁸⁰ Even excluding the problems inherent in statistical approaches to the imperfect and variable legal record, the focus upon major crimes may be thought to be misleading with regard to the true pattern of criminality. Macfarlane's studies suggest that English crime was fundamentally "modern" - that is, predominantly capitalistically motivated - in the medieval era.⁹⁸¹ On the other hand, even in the nineteenth century there were Newcastle courts in which disorderly behaviour, drunkenness and violence were the prevalent charges.⁹⁸²

Equally, the very impossibility of separating violent crimes and thefts, because of the significant number of incidents which were both, casts doubt upon the approach. By utilising an artificial (albeit contemporary) distinction between crimes against the person and crimes against property in order to track trends, most studies tend to mask the importance of violence within property crime.⁹⁸³ Violent thefts, or attempted thefts, make up almost eight percent – 45 of 586 accusations - of reported violence where context is known; other thefts may also have included a threat of force not made explicit in testimony. Whilst this statistic cannot be

⁹⁸⁰ For a bibliography, and a variety of approaches to the debate, see E. A. Johnson, E. H. Monkkonen (eds.), The Civilization of Crime, and for an English perspective, J. Sharpe, "Crime in England, long term trends and the problem of modernisation", *ibid.*, pp. 17-30

⁹⁸¹ A. Macfarlane, The Justice and the Mare's Ale. J. Sharpe, "Crime in England", is a little more cautious, but agrees that "much of [English crime] looks very modern from a fairly early date", p. 28.

⁹⁸² "Memory Lane", Evening Chronicle, November 3, 1999, p. 11

⁹⁸³ This problem is minimised in studies involving only felony, as, as Bennett (who otherwise makes this distinction) points out, killing in the course of theft was rare. R. A. H. Bennett, "Enforcing the Law in Revolutionary England", p. 192.

assumed to have any connection to the actual prevalence of materialistic motivations for violence, it does at least show that theft was a significant factor in early modern violence.

Thefts which involved violence against the person can be split into two loose types. Firstly, there are those in which money or goods were taken from another person by force, or its threat, generally while he or she was in a public place and, most notably, on the highway (although the definition and distinctiveness of highway robbery as a separate crime from any other robbery varied over the years). Secondly, separate discussion is needed of those crimes in which the victim happened to be in the way as the thief attempted to take possession of goods, either in the field or in his own home during a burglary.

j) Highway robbery

Incidents considered here range from the theft of a bottle of ale from a young woman travelling from one alehouse to another, by youths she probably knew, to more classic threats or assaults upon strangers on the open road. This is such a wide range of activities, albeit all materialistically motivated, that there are few universally applicable insights. Some common elements of violent theft from the person may be highlighted, however. The term “highway robbery” and its derivatives will be used throughout, but care should be taken not to assume any stereotype from this. Pocklington, in his study of highway robbery in contemporary London, sees a clear difference between mounted and non-mounted robbers - that is, between the footpads, preying upon others travelling by foot, mostly within the walls of London, and the mounted highwaymen waylaying coaches in the hinterlands.⁹⁸⁴ As will be seen, however, in the north east there was no clear division, and the latter type was for the most part supplanted by men acting on foot to waylay mounted travellers.

In September 1663, E. Jennings wrote to the Council of the North, noting the arrest “at Newcastle [of] five persons supposed to be highwaymen with whom the country abounds”.⁹⁸⁵ Sadly, it is very hard to say to what degree his words were an accurate reflection of the situation. When further questioned, Jennings’s “highwaymen” turned out to be merely a passing

⁹⁸⁴ J. Pocklington, “Highway robbery in London 1660-1720”, p. 16

⁹⁸⁵ E. Jennings, in Appendix to the “Biography of Ambrose Barnes”, SS 50 (1857), p. 393

Scottish lord and his retinue.⁹⁸⁶ Certainly, there were some men who waited in out of the way spots to steal goods from passers-by, and they were taken seriously by officials. Three years after Jennings's letter, county Durham gained parliamentary representation - partly with the aim of pressing for a law of watch and ward, to guard against highway robbery in winter as it already did in summer. In 1692, the county's fears were proved grounded when, on the road to Chester-le-Street, highwaymen stole a consignment of taxes so substantial that an extra levy had to be created to cover the shortfall.⁹⁸⁷ Even an area as close to civilisation as Gosforth moor was notorious, whether justifiably or not, as a base for footpads in the eighteenth century.⁹⁸⁸ These kinds of events, and a romantic exaggeration of the activities of the reivers of the sixteenth century, led Victorian historians to stress the dangers involved in travel in the North. Macaulay claimed that "no traveller ventured into [the Northumbrian moorlands] without making a will", because of bands of brigands, even in the seventeenth century.⁹⁸⁹

This is probably an exaggeration; many men and women were plainly willing to travel alone, sometimes carrying money, in spite of the potential dangers. Inevitably, some were more cautious than others in their estimation of those dangers and the necessary precautions, leaving us with little clue as to who had rightly judged the risks of travel. There is no doubt that travel, particularly in certain regions, or after dark, was not always lightly undertaken, and individuals, however paranoid, were still relieved when no harm befell them. This is visible in Ralph Moresby's letter to a friend in 1680, where he thought it worthy to note "returned safe to Durham" after a journey of two miles.⁹⁹⁰ Similarly, Bishop Cosin once wrote that he felt "he was in danger of being robbed about Darnton [Darlington] and Neesum by thieves and highwaymen", and in 1712 Henry Liddell wrote to William Cotesworth that a hiatus in their correspondence had made him "conclude that somebody had attacked you on the road in your

⁹⁸⁶ Although, see p. 306-308 for more justifiable fears about the Scottish presence in Northumberland.

⁹⁸⁷ E. Hughes, North Country Life, p. 15

⁹⁸⁸ P. M. Horsley, Eighteenth Century Newcastle, Newcastle: Oriel Press, (1971), p. 219

⁹⁸⁹ ed. C. Morris, The Illustrated Journeys of Celia Fiennes, p. 173 (footnote)

⁹⁹⁰ L. Gooch, The Desperate Faction?, p. xiv

way to Yorkshire”.⁹⁹¹ The perceived risk was certainly enough to cause men to take precautions. George Hairopp borrowed a sword in 1675 “in order to go to the country”, evidently not insensible to the dangers a travelling man might face in the wilder regions, but equally prepared to face them.⁹⁹² These casual mentions of the concept may be taken to demonstrate how readily theft was an accepted hazard of travel. Yet similar testimonies could be taken of journeys on foot through a modern city centre, in a fashion which has little to do with actual mugging rates.

The situation is complicated by the fact that even without bandits to contend with, crossing the highlands could be dangerous simply in terms of poor road conditions and weather. Celia Fiennes hired a travelling companion when she journeyed from Carlisle to Newcastle in 1698, a precaution she had not taken in other regions, but she describes him as a guide to avoid bogs and cliffs, not a guard, in country where “miles were as it were twice as long as in most counties”.⁹⁹³ As an additional hazard, there was little, if any, street lighting, even in the towns. Despite attempts by Newcastle’s council as early as the 1640’s to provide some lighting, in 1718 John Tomlinson noted that there were “very few or no illuminations” in the town. Generally, smaller settlements would have been even more poorly lit.⁹⁹⁴ This latter point,

⁹⁹¹ The Denham Tracts, p. 78, ed. J. Ellis, “Letters of Henry Liddell to William Cotesworth”, Surtees Society, 197, (1985), p. 76. Whilst the latter case does not explicitly mention robbery, this is implicit in the fear of attack by strangers on the road (although given his later involvement in the 1715 rebellion Liddell may have had additional political reasons to fear for his friend’s safety). Note that county Durham features prominently in these fears. Perhaps, being wealthier, it was more prone to highway robbery; sadly, the court sources are not strong enough to sustain testing of this.

⁹⁹² PRO ASSI 45/11/2/92 (information of Henry Bell, constable). William Cotesworth was advised “never travel without a sturdy blade”, although here again politics may underlie his friend’s fears - ed. J. M. Ellis, “Letters of Henry Liddell”, p. 240

⁹⁹³ Ed. C. Morris, The Illustrated Journeys of Celia Fiennes, p. 175. In any case, her local knowledge was minimal and so she may have been acting upon hearsay, if fears of bandits entered into the equation at all. The road she was travelling was certainly treacherous. In 1676 Francis North described it as “hideous... many sharp turnings and perpetual precipices” - R. North, The Life of Francis North, v. 1, p. 179

⁹⁹⁴ Calendar of the Common Council Book, f. 71, “Dairy of Rev. John Tomlinson”, p. 132

however, far from providing an alternative explanation for caution, must have reinforced fears of the human dangers lurking in the night, as well as the geographical ones.

Despite all this, however, the court record is full of the tales of both men and women travelling alone through the countryside, frequently unarmed.⁹⁹⁵ Assize judges may have been given “dagger money” to purchase a weapon to defend themselves as they travelled the northern circuit, but this had become a purely formal ceremony by the restoration era.⁹⁹⁶ Whilst coaches travelled the road from London to Edinburgh, passing through some wild regions,⁹⁹⁷ there is no evidence that they were held up by thieves.⁹⁹⁸

Ultimately, there is no way of knowing how frequent highway robberies were. If a theft was small, or an attempt unsuccessful, there was little incentive to take the case to court, especially if the attacker was an anonymous stranger. We can only say how often they were heard by the courts, which seems to be infrequent given the area’s reputation - the occasional case went before the assizes, and the quarter sessions of Northumberland heard on average one case every two years. The fear may have been much greater than the reality.

Analysis of the records associated with those incidents which were reported allows us to build up a picture of the anatomy, if not the frequency, of highway robbery. The goods attainable,

⁹⁹⁵ Most victims of attacks on the roads were, or at least claimed to have been, unarmed. However, they are not necessarily a representative sample of travellers in general, being more tempting targets.

⁹⁹⁶ C.S.P.D. 1661-2, p. 239, Sheriffs Duties and Ceremonial at Carlisle Assizes 1661-2 reproduced in J. Cockburn, History of English Assizes appendix 3, p. 301. Francis North was given a dagger by the Sheriff of Northumberland, according to his nephew, Montagu - R. North, The Life of Francis North, v. 1, p. 179, although there is no mention of this in his original notes (K. Emsley, “A circuit judge in Northumberland”).

⁹⁹⁷ North Country Lore and Legend, 1888, p. 298, reprints a 1675 map of the great north road from Chester-le-Street, county Durham, to Berwick. There are only four short stretches of enclosed land, very little woodland, and most of the rest of the roadside is uncultivated. In 1725 the Earl of Oxford, even with a local guide, got lost on the last stretch of the journey to Berwick, the road seemingly being little more than a cattle track. D. Brenchley, A Place by Itself, p. 1

⁹⁹⁸ An express coach to London was stopped in Newcastle in 1702, and “the boy” beaten, but there is no mention in the recognisance of theft, and it was in a populous region not an out-of-the-way roadside. TWAS QS/NC/1/3, June 1702

and the methods used to try to gain them, are all reported. So too are the identities of the participants, as follows.

Table 19 - profession of highway robbers' victims

<i>Profession</i>	<i>Male</i>	<i>Female</i>
Unknown	11	2
Yeoman	7	
Gentleman	5	
Servant	1	1
Trader	1	2
Mariner	2	
Cordwainer	1	
Total	28	5

Male victims were usually gentlemen, or at least yeomen, about their business. Gentlemen may have been especially vulnerable and tempting targets for thieves, but equally they may be over-represented, being more willing and able to prosecute, especially in the light of the potentially greater losses involved in the thefts. Poor individuals were not immune to theft, though, even if the booty was only the coat from a servant's back.⁹⁹⁹

Women constitute fifteen percent of victims, a smaller involvement than as victims of violence overall. Other informations show that this is not because they hardly ever went out alone (and in any case not all highway robberies occurred in very isolated spots). Rather, women may have been less likely to be carrying cash or expensive goods, or at least they might be expected by the prospective thief to have less of value. They may also have been less likely to travel on horseback (see below). These factors are reflected in the status of the victims of highway robbery, where this is known, and especially in the statuses of the women robbed. All of the women stolen from were either involved in trade at the time, on their own or their master's behalf,¹⁰⁰⁰ or else they knew the thief and the grudge being played out had little to do with the

⁹⁹⁹ BER c15/1 (information of Patrick Hogg)

¹⁰⁰⁰ Mary Tinkler was travelling home from a day at market selling milk for her master. PRO DURH 17/1 unnumbered (information of Mary Tinkler). Isabel Brown was carrying a large number of items bought from a Scottish merchant; it is unclear whether she was intending to sell them, or whether they constituted all the

economic gain (a type of theft which very rarely occurred with male victims).¹⁰⁰¹ Whilst the numbers involved are too small to make much of this, it is at least suggestive of some of the factors involved in a potential robber's choice of target.

Table 20 - profession of highway robbers, where known

<i>Profession</i>	
Servant	6
Yeoman	3
Butcher	2
Glover	2
Gentleman	2
Boatman	1
Dyer	1
Heckler	1
Drover	1
Total	19

Accused thieves were generally of a lower social status than their victims, although this appearance in the record may be skewed by the unwillingness of lower status victims to prosecute. Whilst there were two gentleman among the accused robbers or would-be robbers, many were craftsmen and the single largest group is of servants. This is, interestingly, somewhat different from the profile of London's robbers of the same date, where men of a military background dominated, with artisans and their apprentices coming behind them, and servants rarely in evidence.¹⁰⁰² The inclusion of farming men in the rural north east is no surprise, but the absence of military men is interesting. It may be indicative of tighter controls

wordly goods of a traveller; either way, they must have made a bulky and obvious pack. NCC QSB 11/45a, 13/51a (information of Isabel Brown, petition of Isabel Brown). Elizabeth Donkin appears to have been trading between Newcastle and Scotland; NCC QSB 28/38b (information of Elizabeth Donkin)

¹⁰⁰¹ Jane Foster had already been attacked by her aggressors two days before the mugging which she was primarily reporting. NCC QSB 19/70a (information of Jane Foster)

¹⁰⁰² J. Pocklington, "Highway Robbery in London 1660-1720", pp. 34-35

kept upon military men in the north east, most of whom were on active service, unlike many of those in the south.¹⁰⁰³

Despite the high proportion of female involvement in petty larceny, women's theft seems to have stopped short of the open road.¹⁰⁰⁴ Only two women were implicated in highway robberies, both as non-violent accomplices to male action.¹⁰⁰⁵ This cannot be attributed to physical strength alone, given many women's involvement in hard labour - not to mention other acts of violence - although this was probably a factor in dissuading some women from theft. Most highway robbery was committed with brute force and wrestling rather than with firearms, a proposition which (when combined with their less frequent weapon ownership) must have been of limited appeal to most women, who committed a smaller proportion of crimes involving strength, determined force and heavy weaponry than crimes which did not.¹⁰⁰⁶ One additional factor may have been the decreased freedom of movement enjoyed, on average, by women, particularly in rural areas, which would have hindered them from being away from home for an indeterminate time awaiting a suitable victim. This is especially the case given the preponderance of servants amongst highway robbers, male servants being more likely to be sent on long errands, rather than set to specific short tasks.¹⁰⁰⁷

¹⁰⁰³ See G. Bennett, "Enforcing the Law", pp. 220-1, on the highway robbery of soldiers and ex-soldiers in civil-war Yorkshire.

¹⁰⁰⁴ For female involvement in north eastern petty theft, see G. Morgan and P. Rushton, Rogues, Thieves and the Rule of Law, pp. 99-104, D. Brenchley, A Place by Itself, p. 208

¹⁰⁰⁵ NCC QSB 39/41b (information of Robert Milner), NCC QSB 19/70a (information of Jane Foster)

¹⁰⁰⁶ See p. 59 for weaponry. G. Walker, "Women, theft and the world of stolen goods", pp. 90-91 disputes that women lacked bravery or initiative in their thefts, arguing that they simply tended to take opportunities to steal the types of goods, in particular household goods and clothing, which they had means to dispose of.

¹⁰⁰⁷ S. J. Stevenson, "Social and economic contributions to the pattern of "suicide" in South East England 1530-1590", Continuity and Change, 2(2), (1987), p. 277, argues that female servants rarely travelled far from the home other than for specific duties such as water fetching, whilst male ones were often to be found in the fields for long periods of time. Arguably, married women had even less freedom of movement beyond designated, generally busy, areas.

It is impossible to know how often those attacked knew their assailants, as whilst depositions frequently give the name of their attacker, this may have been discovered later. For example, Robert Milner deposed that he did not know his attackers, but that he had been informed of their names.¹⁰⁰⁸ A few definitely knew their attackers, and a small proportion of victims were apparently travelling with them when assaulted, rather than being surprised by an external source. However, unlike in the majority of other assaults, none of the victims and thieves came from the same community as each other. This perhaps reflects the nature of the crime on the open road upon mobile victims, but also suggests a basic precaution on the part of the thieves. In cases where all the thieves were unknown, there would be less incentive to report, unless a detailed description could be given. Indeed, very few such incidents were reported.¹⁰⁰⁹

It is impossible to make good estimates of the value of most robbers' haul. There are no surviving prosecution estimates of the value of property lost, and miscellaneous goods are often mentioned in testimony without being detailed, let alone valued. Nonetheless, a breakdown of known items stolen reveals something of thieves' priorities.

Table 21 - goods stolen during highway robbery

<i>Goods</i>	
Money >£1	3
5s-£1	8
<5s	2
Unknown	1
Horse	6
Horse's bags	4
Clothing or wig	7
Weapon	4
Miscellaneous items	3
Food or drink	2

Highway robbery, unsurprisingly, usually centred on hard cash. It was easily taken, usually being held in some form of pouch, portable, generally unidentifiable and easily disposed of in a

¹⁰⁰⁸ NCC QSB 39/41b (information of Robert Milner)

¹⁰⁰⁹ For example, NCC QSB 46/78a (information of James Martin) described the two assailant's horses and their pistols.

way which other goods were not. The sums stolen ranged from a single shilling (albeit along with other goods; but a few shillings alone might be enough) to several pounds. Some thieves had high expectations, and might exact revenge if their haul was not as good as desired. Thomlinson noted in his diary that “footpadders met a man who had only 18d, and made him take a purge, vomit and cordial all at once, which he had in his pocket”. If the man was an apothecary, the thieves might well have expected richer takings for their efforts.¹⁰¹⁰ Pocklington finds that the sum of money stolen by mounted robbers of coaches was, on average, considerably greater than that stolen by street footpads, but here there was no clear distinction between types of theft. A wide range of sums of money was stolen, but very few gained more than two pounds in cash. Other goods were taken in most cases, some of which involved no money at all.

Another popular target was the horse the victim was riding, and, by association, the horse’s trappings, saddle bags and their contents. In many cases, these horses must have been worth more than the other possessions stolen.¹⁰¹¹ Eleven people were robbed while riding through the countryside, and eight of these had their horses stolen or the attempt made; only one pair of thieves was already mounted.¹⁰¹² Horse theft was a felony, and one which was considered to be a major problem in the border region, committed in part by organised networks of criminals. However, the pamphlet confession of one of these local men, John Weire, makes it clear that professional horse thieves did not take horses from people on the roads, but from quiet fields.¹⁰¹³ That accusations of highway robbery were almost all heard at quarter sessions,

¹⁰¹⁰ ed. J. Hodgson, “Diary of John Thomlinson”, p. 142

¹⁰¹¹ For example, one of the few estimates given is by William Last, who claimed to have been robbed of eight shillings, his saddlebags, and a horse worth three pounds and eleven shillings. PRO ASSI 45/8/2/76 (information of William Last)

¹⁰¹² NCC QSB 46/78a (information of James Martin)

¹⁰¹³ J. Weire, “Confession of John Weire, prisoner in Edinburgh, under sentence of death”, July 1701. Weir was a member of the Armstrong gang responsible for the maiming of William Turner, see p. 145. Other gangs include that mentioned on p. 102

unless they involved homicide, also demonstrates that horse theft was not the real issue here.¹⁰¹⁴

Stealing the victim's horse was, however, a logical method of quickly distancing oneself from the scene of the crime, and any possible hue and cry, whilst preventing the victim giving chase. Equally importantly, horse theft enabled the thief to easily gain possession of and carry away whatever goods were carried on the horse's back. Stolen, and subsequently abandoned, horses may have been recovered at a later date, although there is no specific mention of this. In only one incident is it clear that the loss of the horse was considered by the victim to be the most serious loss, which was officially registered as a stolen beast on the lists kept for this purpose (in this instance, only sixpence was stolen in addition to the horse, which was evidently the primary target).¹⁰¹⁵ It is especially interesting that the theft of horses was not a typical feature of robbery in the London region of the same date. This is probably because within the walls of London muggers could hide themselves and shake off pursuit more easily in the back streets without the encumbrance of a horse, (also travellers might be less likely to use them). Meanwhile, home-counties highwaymen, unlike their north eastern counterparts, were already mounted.¹⁰¹⁶

A wide range of personal possessions could be noticed. These were made attractive by their size or portability, combined with their resale value. Occasionally such a theft - the snatching of a hat, or forcing a man to "buy" back his own coat - seems fundamentally incidental to an

¹⁰¹⁴ It should be noted, however, that this horse theft might be considered the thief's most serious offence if the case ever reached the assizes. The famous highwayman Dick Turpin was hanged at York in 1739 on two charges of horse theft - J. Sharpe, Crime in Early Modern England, p. 108

¹⁰¹⁵ NCC QSB 54/93a (letter from David Moffitt to John Douglas esq.). This survives as private correspondence. Official material relating to similar cases of the same date may have been forwarded to the assizes and thus out of our sight.

¹⁰¹⁶ J. Pocklington, "Highway robbery in London 1660-1720", only 11.8% of highway robberies involved horse theft.

assault motivated by other causes.¹⁰¹⁷ In other incidents, however, the value of the garments of the victim seems to have been a significant factor, as when a gentleman lost his hat, cravat, gloves and spurs as well as his money.¹⁰¹⁸ Weaponry, too, was valuable, as well as tipping the balance of power still further in the thief's favour.¹⁰¹⁹

Highway robbers had at their disposal a variety of tactics to catch victims off guard, and, in fear, many victims gave up their possessions without struggle. A few thieves were mounted, but very often the intended victim was on horseback whilst the criminal was not, and this imposed a pattern upon the directed aggression.¹⁰²⁰ More commonly, simple strength was used to pull the victim to the ground, an approach which left the victim winded and with a minimum of time to react before the thief, if so inclined, was away with the horse and its baggage.¹⁰²¹ A typical robbery was that committed by two servants, John and Gregory Pott, near Morpeth in 1667. They lurked under a hedge, according to their victim, then rushed forth "and came running violently upon this informant and ... struck him, and caught him by the bridle of the mare whereupon this informant rode, and pulled him off her". They then rifled his pockets and left with (or, more likely, on) the mare.¹⁰²²

One way to establish an edge over the victim was through strength of numbers. As this table shows, men acting alone committed the majority of robberies, although partnerships were not uncommon (and of course, more people were involved in groups than in acting alone).

¹⁰¹⁷ NCC QSB 30/73a (information of Gilbert Errington); BER C15/1 unnumbered (information of Patrick Hogg)

¹⁰¹⁸ ASSI 45/15/3/42 (informations of Edward Shaftoe et al.)

¹⁰¹⁹ For instance, one Yorkshire cordwainer, visiting Stockton, had his cane snatched and used against him, the aggressor then taking his hat and gloves as well as the cane. PRO DURH 17/1 unnumbered (information of William Stronger)

¹⁰²⁰ For a mounted thief see PRO DURH 17/1 unnumbered (information of John Walton)

¹⁰²¹ NCC QSB 54/93a (letter from David Moffitt to John Douglas Esq.) is a good example of this type.

Table 22 - group involvement in highway robbery

<i>Number of robbers</i>	<i>Number of incidents</i>
1	19
2	7
3	2
4-6	1
7+	2

Ironically, the most planned and audacious highway robbery we know of (and the one that comes closest in some ways to the romantic image of the highwayman) was never actually carried out. The plan was thwarted because Adam Bell, an Edinburgh burgess, chose to inform the authorities rather than take part in the scheme. Bell was approached by William Warren of Wooler, who first suggested the mugging of a Northumberland man who was in Edinburgh buying sheep. Despite Bell's refusal to involve himself, Warren decided to tell him his more ambitious plan, to wait on Rimside Moor, Northumberland, for two gentlemen agents of William Lord Grey, whom he knew to be travelling with a large sum of money to Newcastle. One of the agents was also named William Warren; although there is no evidence of a relationship, especially in the light of the rest of Warren's plan, but such a relationship might explain how he knew of the potential for a heist. Warren's plan was unusual in that he was expecting to kill all those in the party, with the help of several partners who would act simultaneously when he gave a verbal signal. Such a crime would obviously give rise to a great dealing of feeling, and Warren intended to use the money gained to flee to Ireland or Holland.¹⁰²³ It is interesting, also, that he believed he could hire men to help in this venture. The revelation of his plan to such an unsympathetic audience, however, makes one doubt his chances of success, and suspect that he was a man whose plans were too grand for his own organisational capacities.

A different approach, which may have more commonly met with success, was to disguise the nature of the threat, rather than using violence, by pretending to be customs or toll gate officials. In the absence of violence or obvious threat, but often containing a more or less clear intimidation, such crimes fall uneasily outside official categories of robbery, and the remit of

¹⁰²² PRO ASSI 45/8/2/76 (information of William Last)

this thesis. Fear or force were only brought into play if the victim appeared suspicious or resisted,¹⁰²⁴ and it is impossible to say how many victims were successfully duped into paying illegal “tolls” and the like to such thieves. This is especially true as some genuine customs officials were prone to freelance expansion of their profits. In 1720, during a period of crackdown on brandy smuggling, a conversation between customs men led to the allegation “that Mr John Lupton was reported to be turned highwayman, and that [he] did what [he] could not justify by the waiting in bylanes to attack people that was about their lawful business in running brandy”.¹⁰²⁵ This shows resentment of interference by outsiders, but also the possibility of using the office as a cover for more dubious activities, both by those who legitimately held the office, and those who did not.

Even once the professional archetype is dropped, the robbers on the streets of the north east do not seem to have been a particularly impressive or intelligent group. The area is not known to have spawned any classic highwaymen in this period, and any accusations made certainly did not gain significant popular notoriety. The closest, if his pamphlet life is to be taken at all seriously, is Captain Zachary Howard, whose actions reached as far north as Newcastle before his execution in 1652. The veracity of this romantic account, written a full hundred years later, is doubtful however, and there is no independent corroboration in the area.¹⁰²⁶ Even if Howard did the things ascribed to him, the turbulent era in which he did so - he was supposed to have been a cavalier, who stole from roundheads in order to discreetly fund the royalist cause - marks him out as a rather different figure from later robbers.¹⁰²⁷

¹⁰²³ ASSI 45/9/2/132 (information of Adam Bell)

¹⁰²⁴ For example NCC QSB 13/67b (information of Adam Briding and Joseph Jordan)

¹⁰²⁵ NCC QSB 55/116a (information of Mr Richard Cooper)

¹⁰²⁶ Johnson’s “Lives and adventures of the most famous highwaymen, pirates, etc.” North Country Lore and Legend, 1890, pp. 507-8.

¹⁰²⁷ Bennett, “Enforcing the Law”, p. 221, notes that the 1640’s and 50’s were the worst period for highway robbery in Yorkshire. Bands of soldiers and ex-soldiers took to the trade, and less suspicion adhered to their movements than would otherwise have been the case. There is no evidence of this in the north east, although this may simply reflect the dearth of sources relating to the commonwealth era in the region.

The designation of most robbers, as servants or craftsmen, especially amongst those simply demanding money from strangers on the road, would suggest that robbery was a sideline only, for those with little money and little legitimate means to acquire it. No highway robber appeared in the major courts for other violent actions; they were not habitually violent or troublesome men. Only one man appeared twice on highway robbery charges - Thomas Dodd's brush with the assizes in 1681 did not stop him trying again in 1683, this time with an accomplice. He is also unusual in that he may have chosen his victim in advance, and known of his wealth, through collusion with the owners of a lodging house. James Polles lodged with one Edward Dodd before setting off homeward and into peril. He made no explicit connection between the two Dodds, but this is implicit in him mentioning it at all, and in Thomas Dodd's opening hail "come, you dog, give us your purse for we know you have money".¹⁰²⁸ A degree of organisation is also implied by the fact that they were the only highway robbers known to wear masks. These traces of forward planning are the closest known to an organised system, and as such leave a lot to be desired. There may have been other victims, who did not report a criminal they could not identify, but ultimately the Dodd's were not very good at deception. The victim described their appearance and clothing and concluded that he "really believes the bigger man was Thomas Dodds".¹⁰²⁹

Most highway robbers seem to have taken even less care to avoid identification and capture.¹⁰³⁰ Only one man tied up his victims - Thomas Dodd, on his second attempt. Although time of day is only intermittently specified, only a couple of highway robberies are

¹⁰²⁸ PRO ASSI 45/13/1/23 (information of Thomas Coultis), PRO ASSI 45/13/3/35 (information of James Polles). Dodd's haul on this occasion, of £3 14s 9d, was one of the largest reported successful thefts of money by force. The knowledge that an individual had a large sum in his possession could prove too great a temptation, but is rarely explicit. John Moffett, a Scottish drover, gave a man seventeen pounds, but the next day returned to try to steal it back. NCC QSB 53/67b (information of Alexander Moffett)

¹⁰²⁹ PRO ASSI 45/13/3/35 (information of James Polles)

¹⁰³⁰ Although one may have tried to avoid being seen entirely, challenging and assaulting his victim from behind, and leaving him unable to make a description or identification; other similar incidents may have been thought pointless to report. PRO ASSI 45/16/1/53 (information of John Clavering)

known to have occurred after dark, in contrast to the robberies of the London region.¹⁰³¹ This may reflect a wariness to travel long distances in the dark because of problems with the roads as well as fear of attack, but many other, non theft-related, attacks occurred on the roads after dark. There may have been less need for north eastern burglars to work in the dark because of the increased isolation of many of the roads.

Additionally, robbers were not especially vicious. There are a few notable exceptions. The parish register of Esh, county Durham, recorded in 1698 the burial of a local man “who was found in Brandon wall pit, dead and sore wounded in his head and robbed of all his moneys”.¹⁰³² There is no obvious reason why some thieves found it necessary to kill their victims, although in some cases there is plainly an issue of recognition, especially when the thief had made his way into the victim’s confidence. William Brearclyffe was unfortunate enough to have a travelling companion over the Gunnerton moor who, far from providing any safety in numbers, lured him far from the beaten track with a tale of stopping off to visit his mother, then persuaded him to relax beside a stream. He then shot him in the back and stole all his belongings. This should have kept the crime secret, except that Brearclyffe survived long enough to tell his tale, including the criminal’s name, home, and description, to locals who had found his straying horse.¹⁰³³

Killing one’s victim was by no means common, though. McLynn expresses surprise that it was not more so, given that the robbery itself was likely to carry the death penalty, but the court records show that, in practice, many thefts were not dealt with as capital crimes. There may have been additional psychological barriers against murder which were less penetrable than

¹⁰³¹ For example NCC QSB 30/37a (information of Gilbert Errington). J. Pocklington, “Highway robbery in London”, p. 22

¹⁰³² Footnote to “Jacob Bee”, 1910, p. 58; Bee himself also recorded the murder, although not the associated theft.

¹⁰³³ PRO ASSI 45/15/3/42 (informations of Edward Shaftoe, William Shaftoe, Arthur Shaftoe, John Kitchen and William Usher). E. Charlton, Memorials of Tyndale, p. 91, believes that Brearcliffe was on Jacobite business, and thus might otherwise have not been missed for some time.

those against theft.¹⁰³⁴ Far from being hardened criminals, some robbers even come across as slightly pathetic figures, failing to achieve the necessary fear or force to achieve their ends.¹⁰³⁵ Servant Mary Tinkler was stopped by a man but claimed she had no purse for him, and pointed out that she was within shouting distance of a house. When the man attacked her she ran, leaving her horse with him but saving her purse. She then told her neighbours, who pursued and apprehended the man as he rode towards his home. When confronted over this behaviour, the man claimed “fits of a distemper ... and was not himself at that time”.¹⁰³⁶ Gentleman William Cresswell took a man’s bridle and demanded a shilling, but was persuaded by his own, presumably much embarrassed, son, to let go (although he continued to follow and harass his intended victim).¹⁰³⁷ These are not pictures of men willing to go to any lengths to achieve their ends.

There was no guarantee that a victim would accept his fate, and many were, as we have seen, prepared for the possibility of conflict and willing to defend their possessions.¹⁰³⁸ When Ambrose Barnes was asked why he carried a sword with him as he rode out, he replied “I carry a good sum of money with me ... and I make ready, because I resolve, if I meet a rogue by the way, he shall feel my sword before he finger my money”.¹⁰³⁹

Some thieves appear to have been markedly unprepared for this degree of fervour. When a man tried to unload William Graine’s horses, “pretending there was no highway there” (only, presumably, a private track), Graine fought vigorously to defend his possessions. He ended up

¹⁰³⁴ F. McLynn, Crime and Punishment in Eighteenth-Century England, pp. 42-3

¹⁰³⁵ G. Bennett, “Enforcing the Law in Revolutionary England”, also notes this, p. 219

¹⁰³⁶ PRO DURH 17/1, unnumbered (information of Mary Tinkler, examination of Thomas Farey)

¹⁰³⁷ NCC QSB 2/24b (information of William Lawson)

¹⁰³⁸ P. Spierenburg, “Long term trends in homicide”, pp. 74-5 notes (but subsequently dismisses as statistically insignificant) the argument that the increased likelihood of resistance to early modern theft, compared to modern “cowardice” may “lower the homicide rate artificially”. Certainly unintentional homicide due to ensuing struggle was not a common feature of highway robbery.

¹⁰³⁹ M. R., Memoirs of the Life of Ambrose Barnes, p. 171

presented before the assizes for the apparent homicide of the prospective thief.¹⁰⁴⁰ This is, admittedly, an extreme example, and a thief who did not overawe his victim sufficiently was more likely to be left empty handed, or marched before a magistrate, than killed. One group of thieves certainly met more than they bargained for when they attempted to steal from three Parkhouse brothers by pretending to be customs officials on the road. One of them drew a sword on George Ingo, which was wrested from him. The thieves then produced a pistol, threatening to shoot if the sword was not returned; George leapt on him and took the gun as well, then forced them to go with him to a justice. The story is only spoiled by the escape of one of the thieves while George's wounds were being tended. George Ingo quite probably exaggerated his own prowess, but it is clear that the thieves, for all their weaponry, were outclassed.¹⁰⁴¹

This possibility, and even need, to repel assailants, led some men to an overzealous attitude. At Wallsend in 1718, two men mistook two others for highwaymen, allegedly for no better reason than a jostling to pass by on the road which caused the latter to try to ride away "to prevent any further trouble". They were chased, and the one they caught was assaulted and carried to North Shields before he managed to explain the situation to the others' satisfaction.¹⁰⁴²

So, although elements of the classical highwayman were occasionally visible in the north east, they had not crystallised around individual figures. In practice, the most common approach to highway robbery was for a man to be dragged from his horse, which was then ridden away along with any goods thereon - a blunt and physically demanding tactic which had mixed success. Firearms only surface in a handful of accounts, although one man used one as a cudgel.¹⁰⁴³ This is probably due to the status of those involved. Since these were not gentleman thieves, the aggressors would not generally have had access to firearms, unless, as

¹⁰⁴⁰ PRO ASSI 45/14/1/55-56 (informations of Alice Shield and Michael Maugham)

¹⁰⁴¹ NCC QSB 25/9a (information of George Ingo)

¹⁰⁴² NCC QSB 52/98 (information of Alexander Ridley and John Hills)

¹⁰⁴³ NCC QSB 53/95b (information of John Tate)

servant “Roger” did, they could borrow them from a master (perhaps, ironically, claiming fear of brigands).¹⁰⁴⁴ Whilst highwaymen could successfully carry out daring thefts, they were for the most part desperate men, equally likely to fall foul of the inadequacies of their planning, or their victim’s resistance. Popular fears were occasionally justified, but they were generally in excess of the true scale of the threat.

ii) Burglary

Like highway robbery, burglary is frequently excluded from study of crimes of violence because of its essentially materialistic nature. Undoubtedly, many housebreaks, and especially shopbreaks (where the owner was less likely to be present) were carried out with no element of interpersonal violence. Large houses of this period were rarely left completely empty, however, even if they were occupied only by a serving maid. Thus, any housebreaker would either have to ensure that this was not the case, or be prepared to deal with those he found within, and threaten or damage heads as well as property. If he was lucky, threats might prove sufficient to cow the occupants into silence. However, the need to avoid major confrontation made a virtue of advance planning and group action, and these features are more in evidence in informations of violent burglary than in those of other thefts.

One of the most vicious burglaries, for instance, and one which raised a great deal of interest, was that of the house of Mr. Cuthbert Alder of Weetsledd in 1711.¹⁰⁴⁵ The *Newcastle Courant* ran an advertisement promising a large reward for the discovery of the criminals and attempted to hamper the re-sale of the stolen goods.¹⁰⁴⁶ Several men had stolen a large sum of money and other goods from the house, one of them having entered via the chimney and let the others

¹⁰⁴⁴ PRO ASSI 45/15/3/42 (information of Edward Shaftoe)

¹⁰⁴⁵ The case probably went to the assizes, especially in the light of a tradition that the perpetrators were hanged; certainly, there are no relevant informations in the quarter sessions bundles.

¹⁰⁴⁶ NCL, *Newcastle Courant*, 28-30th January 1712. Two days on, in the next issue, it announced the capture of six of the eight men involved. This speedy capture casts grave doubt upon the method of discovery recounted in the nineteenth century, involving (after all other hopes had been frustrated by keelmen solidarity) the chance discovery of a coin from Alder’s possessions. In any case, two of the men escaped days later - see the *Newcastle Courant*, 9-11th February 1712.

in. They also beat and bound Alder, his son, and manservant.¹⁰⁴⁷ This was a burglary carried out with organisation, forethought - Mr. Alder's house was an ideal target, some way from any other habitation - and ruthless violence, which yielded a large quantity of money and goods. It is for these reasons that such long shadows were cast by the incident (it was recounted by several of the nineteenth-century antiquarians of the area).¹⁰⁴⁸ In the short term, also, the stir it caused implies that such burglaries were not a commonplace of local life, but unusual and shocking events which left every man thinking about his own security.

This is reflected by another piece in the same edition of the *Courant* as the report of the burglary of Cuthbert Alder's house - an advertisement for the raffle of a "good musket". The explanation for the choice of prize is a telling, and well-timed, play upon popular concerns: "whereas lately in the counties of Durham and Northumberland several persons have suffered great damage by robbery chiefly occasioned by their want of Arms being bull'd from their defence by the rapacity of attorneys and severity of gamekeepers ... this is to give notice to all such (as are incapable to kill thieves, and save 200L rather than hares) ..." ¹⁰⁴⁹ This plainly demonstrates the belief in every man's right to defend his own household from intruders, with as much force as necessary, a right which was occasionally exercised in the face of even large groups of burglars.

Oral legend recounts the tale of Frank Stokoe of Chesterwood, who, it is claimed, crept out of a side door when he heard burglars at work on the latch to his main door, and from there shot

¹⁰⁴⁷ Young boys might be employed to wriggle into houses in this way. PRO DURH 17/1 unnumbered (information of Abraham Macally) is a claim of a boy being forced by threats into performing this role.

¹⁰⁴⁸ e.g. M. Richardson, *The Local Historians Table Book*, Legendary Division, v. 2, pp. 1-5; E. Carter, *Tales of the North Country*, Gateshead: Northumberland Press, (1947), pp. 127-132 appears to be based on Richardson rather than an independent source. These versions colourfully state that Alder and his maid fought with the burglars until her arm was broken. Whilst no contemporary evidence survives for this assertion, it should be remembered that antiquarians did sometimes have access to sources since lost. It was, at least, embedded in popular culture, and a popular saying used to bait keelmen seems to date back to the event.

¹⁰⁴⁹ Newcastle Central Library, *Newcastle Courant*, 28-30th January 1712. The reference to attorneys is due to concurrent prosecutions for illegal firearm ownership.

at them, killing one.¹⁰⁵⁰ Of course, oral tradition is fond of the turning of the tables, perhaps to a greater extent than in reality. *The Ballad of the Lang Pack*, ostensibly centring on a real incident which occurred in Lee Hall, North Tynedale, in 1732, is a similar story of failed burglary, in which shots were fired at a sack containing a poorly concealed burglar, dropped off by a peddler, his accomplice. Blowing a whistle summoned the man's confederates, who were seen off with guns by the local men.¹⁰⁵¹

It would be folly to attribute too much accuracy to such accounts, but their tone and outlines probably bear some relation to the truth. Men were willing to use firearms, if they had them, to defend their homes, which in some cases, as with Frank Stokoe, were still the highly defensible pele towers and bastle houses built against the reivers of the previous century, or the mosstroopers of the 1660's and their cattle raiding, with strong stone walls and a lower chamber for keeping beasts safe.¹⁰⁵²

Even in less formidable houses, with less militaristic victims, the best plans of burglars might go astray. One group of Newcastle men travelled to Jarrow to burgle a house, armed with substantial weapons: a staff, a bayonet and a sword. They also wore masks, and plainly entered prepared for a fight, with drawn weapons and explicit threats of homicide aiding the process of tying up their victims. Yet despite this, they got away with only a riding hood,

¹⁰⁵⁰ M. Richardson, A Local Historian's Table Book, Legendary Division vol. 2, p. 81. No court record exists of this incident, but Stokoe, and his fortified house, were real enough, and his history places any such event before 1715.

¹⁰⁵¹ NCHC History of Northumberland, vol. XV, p. 241. A more complete version is in M. Richardson, A Local Historian's Table Book, Legendary Division vol. 3, p. 1 and following; the complete ballad is in The Denham Tracts

¹⁰⁵² Bastle here is a contraction of bastille, a reflection of their fortified nature. Macaulay - quoted in footnote to R. Gardiner, England's Grievance Discovered, p. 187 - claimed that in this period "hot stones and boiling water" were kept in readiness to defend pele towers. This is plainly extravagant, and is probably drawn from Montagu North's additions to his uncle's biography, The Life of Francis North, v. i., p. 178, where mention is made of hot water and stones. In the original - K. Emsley, "A circuit judge in Northumberland" - mention is made simply to defending towers and the cattle they contained, and by the later seventeenth century a gun was a more plausible form for this to take.

suggesting that they had made too much noise and alerted neighbours.¹⁰⁵³ The density of thin-walled housing, and the interest of every man in local affairs, made most targets problematic. Even an old woman, if she called out “murder” loudly enough, could scare off two men intent on burgling a house and assaulting any who stood in their way.¹⁰⁵⁴

Others, however, were (as the *Courant* suggested) less than able to defend their houses against burglars, especially when those men came prepared for violence. It would certainly be a mistake to view all thieves of the north east as easily diverted from their crime, or as no serious threat to householders. Some burglars walked into occupied houses and out again with goods, the simple threat to knock down the resident being disincentive enough to prevent resistance.¹⁰⁵⁵ One indictment from 1685 - breaking from the pared-down formula usual to such documents - names four men who “broke and entered into the home of William Goston of Kenton and put him and his family in danger of their lives”.¹⁰⁵⁶

Such events, however, leave surprisingly little evidence in the court record, and appear to have been genuinely infrequent. When in Berwick in 1710 “two persons marked with vizards on their faces and pistols in their hands” committed a domestic robbery, the town council was sufficiently shocked to order the creation of a force of eight watchmen to walk around the town at night.¹⁰⁵⁷ It must be concluded that, although the tough men of the north east were not the kind to take their safety for granted, violent burglary occurred only rarely, and caused great alarm precisely because of its rarity.

¹⁰⁵³ PRO DURH 17/1 unnumbered (examinations of Thomas Nockett, Thomas Resbbick, George Cooper, the information of Richard Cooper/Common)

¹⁰⁵⁴ NCC QSB 6/46d (information of Mabel Smart). Smart herself was beaten badly before she could raise the alarm, and claimed to be afraid for her life, but the cries of the house’s other occupant scared the men into retreat.

¹⁰⁵⁵ NCC QSB 53/79b (information of Bartholomew Mitchelson)

¹⁰⁵⁶ NCC Calendar of Indictments QSI 22/21

¹⁰⁵⁷ D. Brenchley, *A Place by Itself*, p. 205

As well as with housebreaks, any theft could become a violent one if the thieves were disturbed in the act and chose fight rather than flight in response. We have already seen violence as a reaction to being caught in the act of poaching.¹⁰⁵⁸ There are also examples in the legal record of assaults upon those trying to prevent the taking of their own goods from the dockside, and crops from the fields. One man was even assaulted whilst trying to stop the onward passage of a wain loaded up with goods stolen from him earlier that day.¹⁰⁵⁹

Theft was an ever-present concern to north easterners, and when it was combined with violence it was viewed with particular horror. However, it was not a common event, and few, if any, made their fortunes by highway robbery or burglary, or even practised it regularly. These crimes, rather, were committed by a desperate or rowdy few, sometimes on the spur of the moment, and with the intention to use the minimum force necessary to acquire the desired goods.

¹⁰⁵⁸ p. 233

¹⁰⁵⁹ NCC QSB 1/4d (information of John Elrington) for the former; BER 15/1/12 is an instance of the former, although made somewhat ambiguous by the violent man's assertion that he refused to "be cheated by such an old fool". See also PRO DURH 17/1 unnumbered (information of John Whalton), NCC QSB 10/23b (information of Henry Smith)

Chapter 7) Loyalties and allies

The majority of violent acts considered thus far were motivated primarily by self-interest and the defence, or acquisition, of benefits (whether entwined with reputations or physical fortunes) from competitors.¹⁰⁶⁰ However, individuals, even self-interested ones, cannot be studied in isolation. All early modern people were products, and constituent parts, of their society, bound together by complex networks of obligation, affection, identification and allegiance, on all levels from the familial, to the national.¹⁰⁶¹ Personal interests could be influenced or even determined by those of allies, friends and family, as economic fortunes rose and fell in ways affected by others, and the defensible foundations of honour and duty extended beyond the individual. Religious and political positions provided further points of reference by which men defined and defended their own best interests, often by direct aggression. These factors in tandem mean that a significant amount of violence, whether performed alone or with others, was enacted with reference to a higher sense of identity.

i) Partner, family and friends

At its simplest, this indirect motivation can be perceived within the high levels of family loyalty evidenced in early modern violence. There was a strong tendency for group violence to involve family members.¹⁰⁶² Simple affection for relatives, of course, played a part in encouraging individuals to take their side in any matter. There was more to it than this, however. Honour had a familial dimension, such that attacking the reputation or person of one member of the family could be considered as affecting the others - hence the use of such insults as “whores son”, and “witches bird”.¹⁰⁶³ Foyster argues from accusations of defamation that “even in a

¹⁰⁶⁰ The glaring exception, of course, is the assault performed as a punishment for breaking communal values.

¹⁰⁶¹ For aspects of this, see S. Amussen, *An Ordered Society*, ed. A. Fletcher and J. Stevenson, *Order and Disorder in Early Modern England*, Cambridge: Cambridge University Press, (1985), K. Wrightson, *English Society*, C. Muldrew, *The Economy of Obligation*.

¹⁰⁶² See p. 302

¹⁰⁶³ “Son of a whore” occurs on several occasions, for instance NCC QSB 13/77a (information of William Gallin). Bird seems to mean daughter in this context, as in Ann Atkinson’s words “she would prove her a

city such as Newcastle a man's reputation rested on knowledge of [the identity and reputation of] his parentage and family".¹⁰⁶⁴ As with the link between reputation and economic stability on an individual level, so in terms of the household, credit maintained its dual meaning. A disorderly household reflected badly on all of its members; equally, as the community viewed the household as the basic unit of economy, that which cast doubt upon the credit of one member brought the credit of the whole household into question.¹⁰⁶⁵ Thus, be it as allies, bystanders dragged into violence, or surrogate victims, kin members found themselves involved in each other's battles.

An individual's honour was, in particular, inextricably linked with that of his or her spouse, and, just as in the eyes of the church husband and wife were one flesh, so a slight against one partner was a slight against the other.¹⁰⁶⁶ Even when physically acting alone, violent women frequently demonstrated a strong link with their partners, and to familial, rather than personal, interests. The identification of a woman's fortunes with those of her husband worked on both a practical and symbolic level. Thomas Russell had sent his wife to the house of his landlord, John Sympson, with regard to giving up a room. That their wives came to blows over this demonstrates the extent of the financial entanglement within marriage.¹⁰⁶⁷

We have already noted that the construction of female honour made it problematic to utilise force in its defence, but several women chose to act forcibly to protect a husband's name or reputation, especially if he was in no position to defend himself. In 1709, Elizabeth Barker of Pegsworth testified to having been beaten by Margaret Steward with her fists and a stick. Some years previously, Steward's husband had been impressed to sea, illegally, she claimed; the incident that led to violence was, in Steward's words, "a small quarrel that happened

witches bird and her mother was burnt for a witch" – PG Proctor's papers 83 (information of Isabel Sanderson). This latter was of course particularly damaging as witchcraft was thought to be passed down the female line.

¹⁰⁶⁴ E. Foyster, "The concept of male honour", p. 54

¹⁰⁶⁵ C. Muldrew, The Economy of Obligation, p. 158

¹⁰⁶⁶ See p. 81

¹⁰⁶⁷ NCC QSB 30/45b (information of Margaret Russell)

betwixt them in vindication of her husband".¹⁰⁶⁸ She wrote of this to the justices from her gaol cell, trying to explain the circumstances, which she evidently felt excused her conduct without damage to her credit.

Others disagreed with such forceful behaviour in women, though, and it was liable to make things worse. Army Captain Thomas Lloyd wrote a letter to a justice complaining of the behaviour of Elizabeth Hall of North Shields, the wife of one of his soldiers. She seems to have disapproved of the way in which Lloyd ran his company and the punishments he inflicted upon his soldiers, probably including her husband. She responded by hurling at him verbal abuse, dirt and stones, through the streets of Tynemouth. It is unlikely her husband would have wished such behaviour from her, as it almost certainly made his position within the company very awkward. Her actions can be viewed as those of the angry impotent, with no more positive method of improving her own or her husband's lot. Her situation certainly became worse - she was committed to the castle and unable to care for her small child.¹⁰⁶⁹

Husband and wife are frequently seen acting in concert against a mutual enemy. For every instance where a couple fought between themselves, there are several reports of a husband and wife acting in concert, standing alongside each other to attack another, even planning revenge together - as with the couple "overheard saying they would have [a neighbour's] hearts blood".¹⁰⁷⁰ Such partnerships obviously involved equal numbers of each gender, and thus have a greater impact upon the overall pattern of female violence than upon that of men. It is very significant, in fact - more women were violent alongside their husbands, than alone. Sadly, we generally do not know the issues upon which these pairs fought - these are, for no obvious

¹⁰⁶⁸ NCC QSB 31/14b (warrant for arrest of Margaret Steward), 23b (petition for relief of Margaret Steward). Threatening to get a man impressed was greatly feared in coastal regions, leading to other disputes between women and within troubled marriages. NCC QSB 15/35b (information of Anne Fenwick); M. R., Memoirs of the Life of Ambrose Barnes, SS 50 (1867), p. 155

¹⁰⁶⁹ NCC QSB 15/5b (petition for the relief of Mary Hall), 17b (letter from Thomas Lloyd), 36b (information of William Hill and Thomas Webb)

¹⁰⁷⁰ NCC QSB 21/33c (information of George Bell)

reason, many of the sketchiest accusations of the extant record.¹⁰⁷¹ Despite its undoubted significance in the pattern of aggression, there is no way, given the current evidence, to chart the dynamics of this joint involvement. Certainly, the marital partnership in many cases extended beyond the household into even the most confrontational of relations with the surrounding community.

It is reasonable to suggest that the protection of household interests may often have been involved - as Shepard puts it, "the maintenance and survival of [a couple's] household was their predominant and ... *mutual* concern".¹⁰⁷² Other couples were probably merely showing a united front for reasons of safety or personal loyalty. Husband and wife were very often nearby each other, even when doing separate tasks, making unintended involvement more likely. When John Marlow went to ask for money owed to him by customsman David Bell, and Bell attacked him on the quayside, Marlow's wife was "at hand" and was assaulted when she tried to intervene. Bell's wife "came up at that instant" and also involved herself.¹⁰⁷³

Even when only one partner was actually violent, there is sometimes evidence of behind-the-scenes solidarity making this possible. In Berwick, Rosamund Archbald attacked a female neighbour and said "she would have her heart's blood for it was what she wanted". Another local woman asked her husband James Archbald "what a base sort of woman his wife was to abuse the said Margaret Sibbit at that rate". James Archbald supported his wife's behaviour, saying "he designed to have kicked her if she had not done it".¹⁰⁷⁴ His wife does not appear to have been called before the justices. Technically, unless she committed a serious crime, all a wife's actions were, in law, the responsibility of the husband. In most cases this seems to have been a legal fiction, as many women were prosecuted alone, but in this instance perhaps James

¹⁰⁷¹ We may suspect family feuding, which would be unlikely to make itself clear in any single testimony.

¹⁰⁷² A. Shepard, "Manhood, credit and patriarchy", p. 95

¹⁰⁷³ NCC QSB 39/37b (informations of John Marlow and John Collins). Interestingly, testimony of this assault on Marlow's wife comes from Collins, not Marlow himself.

¹⁰⁷⁴ BER c15/1/18-18v (informations of Margaret Brown and James Wallas), 23 (information of James Archbald)

Archbald's statement of solidarity made him seem particularly liable.¹⁰⁷⁵ In a similar show of solidarity, labourer Joseph Taylor of Brumley said that "if his wife would run a spit through [the complainant] or cleave his head with an axe he would justify her".¹⁰⁷⁶

Of course, not all married couples were in accord about the resort to violence, and a small number of women entered the fray in their attempts to stop their husbands from fighting (no husband can be shown to have acted in the same fashion). Robert Hallyday's wife separated him from an opponent "crying out fie will you murder the man, meaning the [other man]". Since the victim was already on the ground at this point, she may have been afraid of a future lawsuit, or even, as ultimately occurred, a homicide charge.¹⁰⁷⁷ Other wives became involved only by attempting to defend their husbands if they thought them to be in danger, rather than by actively adding their strength. John Gimthorpe's wife saw him being attacked, and "crying out that her husband was killed did run to the said Richardson and grab him by the hair", for instance.¹⁰⁷⁸

Rushing to the defence of other family members is particularly noticeable in the case of children. Parents, and especially mothers,¹⁰⁷⁹ were evidently willing to defend their children against what they saw as unjustified beatings and other abuse, whether by words or deeds, just as they might defend wider household interests. This assertiveness was often seen as acceptable. In female victim's testimonies, where vulnerability was generally the best available narrative strategy, the defence of one's own child was one of the few occasions where a victim

¹⁰⁷⁵ G. Walker, "Crime Gender and the Social Order", p. 14

¹⁰⁷⁶ NCC QSB 37/27b (information of William Oxley)

¹⁰⁷⁷ PRO ASSI 45/12/3/36-37 (informations of Farefax Mathorne and Bartholemew Hall)

¹⁰⁷⁸ NCC QSB 1/8c (information of Mr. John Gimthorpe)

¹⁰⁷⁹ Perhaps simply because of their closer proximity to children. M. Chaytor, "Household and kinship", p.30, notes that little is known of the division of child-care amongst the northern labouring poor, and that where the ecclesiastical depositions of Durham mention children they are not necessarily in the care of the parents, although the carer is usually female. Court sources do highlight the role of the mother, however.

felt free to admit anger and harsh words.¹⁰⁸⁰ Margaret Scott of Berwick, for instance, left her baby with her husband, who then lived with some of his relatives. One of these, another Margaret Scott, laid her child in the open street, a rejection of any responsibility for the child and a statement in a wider conflict between the baby's mother, and the family to which its father had turned in rejection of her. The mother "used some words in passion" against her in-law, and for this was kicked in the belly by Margaret's husband.¹⁰⁸¹

Andrew Scott was bullying two young brothers on a public green in Hepple, Rothbury, knocking one on the head and throwing the other's hat in the pond. The boys' mother fished out the hat with a rake, and then harangued Scott for his actions, "calling him an idle rogue for so daring", and (in one version of events) pushing at him with the rake. This was enough for Scott, who hit her on the head with a stick, killing her. The image is made more poignant by the testimony that she had taken another baby outside with her, and so stood "a young child in one arm and a rake in the other", almost an archetype of maternal defence, albeit in this case unsuccessful.¹⁰⁸²

In both these reported incidents, women brought themselves into danger by asserting their presence against threat to their children. This might be because if they had tackled such a problem successfully, the incident would not have been considered worthy of further pursuit.

Children's proximity to their mothers could endanger as well as protect them, when their mothers became embroiled in violent arguments. Catherine Alder threw a wooden dish at her rival, but missed and hit the rival's child instead. That this was not her intention is plain, for she subsequently picked the dish up and beat her victim with it until it broke. The child was

¹⁰⁸⁰ G. Walker, "Crime Gender and the Social Order", pp. 81-83 on women's construction of their own defencelessness.

¹⁰⁸¹ BER C15/1 unnumbered (information of Margaret Scott). Wider family disputes were also responsible for the beatings of the children of Edward Richardson by their aunt, NCC QSB 28/39b (information of Edward Richardson). See BER C15/1 unnumbered (information of Francis Cuthberts) for another angry mother.

¹⁰⁸² PRO ASSI 45/15/4/91-92 (informations of Andrew Haumble and Roger Snawdon, and Robert Scott, William Jardon and Alex Potts). It is notable that none of these other, adult male, witnesses attempted to get involved in Ann Scott's problems.

merely in the wrong place at the wrong time, and unable to get away.¹⁰⁸³ However, whilst parents frequently included a mention of a fear for the safety of their family or children in their accusations of others, these very rarely seem to have had basis in truth as far as children, and certainly their deliberate targeting, is concerned. Children were far less likely to be made substitute targets than a man's wife or servant, and even this was rare compared with the direct approach.

Family loyalty is particularly noticeable, of course, in the face of a tangible enemy in the shape of a rival or feuding family. If an affront to one member of a family was felt by all its members, then equally a response might be directed towards any member of the offending family. There is no easy way to trace such kin-group rivalry, especially as it could both be kept private and away from the courts, and fought on every battlefield available, not just through physical harm. Certain accusations, however, do indeed point to wider feuds between different households. Such feuds are particularly noticeable amongst the butchers, in whose quarrels whole families involved themselves.¹⁰⁸⁴

In North Shields, there was a running dispute between the Atkinsons and Capes on the one hand, and the Archbolds on the other. Eleanor Brough was a servant to the Archbold household, and appears to have been particularly troublesome. She was reported to be, by her insults, "keeping from quiet life" Joseph Cape, a butcher of North Shields,¹⁰⁸⁵ and to have thrown a freshly severed bullock's foot at Thomas Atkinson, who apparently injured himself with his knife whilst deflecting the missile.¹⁰⁸⁶ It was claimed that Mary Archbold (Brough's

¹⁰⁸³ NCC QSB 35/55a (information of Ann Cook). A similar incident, the mother Isabel Smith claimed, "almost killed" the child in her arms in 1718 - NCC QSB 48/96b (warrant against Sarah Belsay). See also NCC QSB 47/77b (information of Isabel Whitfield). Harm plainly did come to children in this manner, but it was also an easy way for accusers to magnify and emphasise the force of an attack.

¹⁰⁸⁴ As, for instance, when one butcher was attacked by the son of another - NCC QSB 27/22b (information of William Storey). Only amongst the butchers is the wife of a craftsman recorded as involved in solo violence upon a rival of her husband.

¹⁰⁸⁵ NCC QSB 43/62a (warrant against Eleanor Brough)

¹⁰⁸⁶ NCC QSB 48/93a (information of Edward Cape).

mistress) had tried to assault Atkinson and ended up damaging herself with the same knife. The oddity of this testimony, with injury falling in unexpected ways, suggests that this was a counter claim to a claim of injury, now lost, made by Mary Archbold. Regardless, these claims were not made until three months after the alleged events; in the meantime, Mary Archbold had deposed that Thomas Atkinson had attacked her on the road.¹⁰⁸⁷ Here, then, we have a dispute waged with both force and testimony, probably centred upon the two butchers but drawing in their families and also the Cape family, also butchers, one of whom was witness to events.¹⁰⁸⁸ The original cause of the feud is unknown, but the rift became self-perpetuating.

In a flurry of claim and counter claim, it is generally impossible to accurately determine the dynamics of the feud, or even whether it truly was two-sided. Suffice it to say that, whilst infrequent in the sources, multiple incidents between two families constituted a real problem.¹⁰⁸⁹ Some were reported within a short space of time, after one party expanded the battlefield to the legal sphere; others spanned a period of years. There was, for example, a complex battle between the vicar of Newburn and the parish clerk, each aided (or, quite likely, driven by) his wife and daughter. This included accusations of whoredom, scolding and defamation, sexual abuse, drunkenness, the raising of a mob and smashing of windows, and death threats.¹⁰⁹⁰

¹⁰⁸⁷ NCC QSB 48/66a (warrant against Thomas Atkinson)

¹⁰⁸⁸ Michael Cape, North Shields butcher and almost certainly of the same family, was also a violent man, who was informed against for rescue of livestock, battery (twice) and for resisting arrest, NCC QSB 43/52-3a (information of Margaret Taylor, recognisance against Michael Cape); NCC QSB 49/108-9a (information of Henry Corby, warrant vs. Michael Cape). His mother Elizabeth Cape is probably the same as that on p. 227, assaulting a possible thief.

¹⁰⁸⁹ See for instance BER 15/1 unnumbered (informations of Robert and Jane Gibson, George Taylor and Alice Hoggart), feud between the Gibson and the Taylors, involving various alleged threats, assaults, insults, and thefts.

¹⁰⁹⁰ NCC QSB 47/36a (information of Hester Capstack), NCC QSB 52/83-5 (informations of Margaret Robson and Susanna Robson, and William Loftus). Both wives are known to us from elsewhere – Hester Capstack led the mob against Lawrence Appleby, p. 141, and Margaret Robson appears as a jealous wife on p. 258

Family solidarity is particularly evident in certain types of battle against legal officials, for example rescuing a family member from imprisonment or from the press gang.¹⁰⁹¹ The loss of the household head, in particular, was inevitably a great loss to the physical and emotional well-being of most households, and thus was resisted and resented greatly, but other kin were equally valued and fought for.

More often, however, a family's resistance was against the impounding of animals, be it for tax or in payment for a debt. Protecting the homestead in this way was a physical and symbolic act, in which whole families banded together. Animals generally represented a large part of the wealth and livelihood of a poor family, and thus their loss meant a great deal, not only to the household head but to all family members. For example, a threat to the property of the Anderson family of Davy Shields was met by the central couple, their two sons and two daughters, and their servants.¹⁰⁹² Similarly, when Anthony Chapman's goods were threatened, he, his wife and two daughters, and three other Chapmans, fought back.¹⁰⁹³ A significant proportion of allegedly violent women were accused within this context, being notably active - and often successful - in defending the physical possessions of the home against the outside threat presented by government representatives.¹⁰⁹⁴ It is possible that the women named were, on the whole, silent figures in the background, and that their violence was not explicit, as constables could be cowed into retreat simply by the presence of a number of resisters,¹⁰⁹⁵ but they were certainly not all non-combatants.

An additional factor may have strengthened the pull of family ties, and also extended the definition of the allied family more than elsewhere in the country: the remnants of the clan system of the previous generation. In 1649, Gray spoke vividly of the habits of the pre-union

¹⁰⁹¹ NCC QSB 13/94a, NCC QSB 42/128a (information of George Smith). One man was saved by his wife and his father - NCC QSB 26/53a (information of Richard Farmer)

¹⁰⁹² NCC QSB 15/47b (information of Robert Marshall and Nicholas Brown)

¹⁰⁹³ NCC QSB 21/42c (information of Thomas Robson)

¹⁰⁹⁴ This is also noted by G. Walker, "Expanding the boundaries of female honour", p. 241

¹⁰⁹⁵ e.g. NCC QSB 26/57a

Northumbrian highlanders, saying that they “expect no law, but bang it out bravely, one and his kindred against the other, and his; ... in a inhumane and barbarous manner, [they] fight and kill one another”.¹⁰⁹⁶

Most scholars now doubt that clan loyalties survived, in any recognisable form, for long after the union of the crowns, or at latest after the civil war. James, for instance, traces in late sixteenth and early seventeenth-century county Durham a shift from “lineage” based society to “civil society”.¹⁰⁹⁷ We have, of course, seen that north eastern life was hardly uniformly civil, but the evidence for the breakdown of wide kinship networks is compelling. The high level of organised resistance to authority in early seventeenth-century Durham provides a useful comparison.¹⁰⁹⁸ Fifty to one hundred years later, such bonds were weaker and, certainly, resistance to authority was rarely so sophisticated.

However, north eastern men and women, when faced with trouble, seem to have continued to turn to others of their kin, and these were not just close relatives. Forty-one percent of men and forty eight percent of women who acted violently in tandem with others did so with others of their own surname.¹⁰⁹⁹ Of course, some of these were probably distant kin, or not related at all, as settlement in one area over a long period of time might lead to one surname dominating a particular region. However, there are only around twenty cases in which someone attacks another of the same surname where no direct relationship is stated or implied. One might expect to find such instances in greater numbers if the figures simply reflect a clustering of surnames to a large extent in certain areas, since victims, like allies, tended to come from the same parish in the majority of cases. Thus, it would seem that this is evidence of family members frequently acting violently together.

¹⁰⁹⁶ W. Gray, *Chorographia*, pp. 119-120

¹⁰⁹⁷ M. James, *Family, Lineage and Civil Society: a Study of Society, Politics and Mentality in the Durham Region, 1500-1640*, Oxford: Clarendon Press, (1974), *passim*. See also M. Chaytor, “Household and kinship”, and M. Knight, “Litigants and litigation”, p. 64

¹⁰⁹⁸ E. Clavering, “Riot and recusancy”, *passim*.

¹⁰⁹⁹ 278/658 total – 232/563 men, 46/96 women

Whilst, at this date, the clan system was no longer meaningful in the ways it once had been, its legacy might have been increased propensity to band together with other wide family members. Certainly, a surname could be taken to have particular meaning in the creation of attitudes, as with the man who swore he would “kill all of the name of the Jeffrey”.¹¹⁰⁰

Blood or marital ties were not the only ways in which individuals defined themselves and their loyalties to those around them. Within the household, there was the additional presence of servants and apprentices, who, in some cases, were effectively part of the family; and bonds of allegiance extended to friends and companions.

A servant might feel obliged by his service, and a master’s control of his life, to participate in inter-family arguments, and other matters in which the household had an interest, such as tenancy disputes. Alternatively, he might feel genuine allegiance, or sympathy, towards those in whose house he stayed. The available sources do not allow us to judge which motive was more important. What is clear is that servants, apprentices and hired labourers did indeed act as the right hand of their employers, and were equally vulnerable as, perhaps symbolic, targets of violence. Thus, the same meeting between one gentleman and his rival’s servant could be represented by both parties as an assault in which the servant was the symbolic representative of his master, whether he gave or received the violence.¹¹⁰¹ Anyone who did not dare to directly attack a foe might make the same point with violence towards his foe’s servants or family, they being physically weaker and of lower social standing.¹¹⁰²

This substitution of victim is, in fact, considerably more common than the employment of a servant to enact violence. There are isolated instances of the latter, but these generally involve whole households stood together against a threat.¹¹⁰³ This is indicative, perhaps, of both the

¹¹⁰⁰ NCC QSB 37/32a (information of James Cay)

¹¹⁰¹ NCC QSB 28/32b (information of Adam Alcock), 37b (information of Philip Jefferson)

¹¹⁰² NCC QSN 28/72a (information of Mary Turner and Margaret Clegg), NCC QSB 28/96a (warrant against Jane Weatherhead)

¹¹⁰³ e.g. NCC QSB 28/62a (information of Ann Gardner)

relative normality of minor assault for all men (leaving less need to distance oneself physically from the action) and the generally spontaneous and unplanned nature of early modern violence.

The value placed on friendship is beyond the sources: where two individuals were friends this is almost never stated. It is merely implicit in actions of defence and solidarity. For instance, we can only surmise that the involvement of several individuals in rescuing someone was due to reasons of personal loyalty. This bond could be stronger even than family solidarity, as when Catherine Jackson rushed to defend another woman against Thomas Jackson, her brother, only to be attacked in her turn.¹¹⁰⁴ Sometimes there were more complex reasons based on mutual finances. James and Andrew Loagan, captain and first mate of the *Matthew and Susannah*, reacted violently when an attempt was made to impress one of their sailors, for instance.¹¹⁰⁵

More subtle elements could contribute to a man's sense of identity, and the things for which he was willing to fight. We have already seen alehouses which held special significance as communities which resented outside intrusion. This is made explicit in the testimony of Charles Waugh, who claimed that his troublesome neighbours would harm him "and if they could not do it themselves they would get others to do it for them having a great number of sailors and other lewd persons continually entertained at their house". This was not a case of money and mercenary activity, simply of helping out. The house appears to have been an illegal alehouse, and loyalty to its landlords was enough to warrant assault.¹¹⁰⁶ Friends could be relied upon to help one out of the stickiest situations. In 1731, John Mills of Durham confidently argued that he had "23 or more persons, his confederates" willing to attack the justices who had committed him.¹¹⁰⁷

¹¹⁰⁴ TWAS NC/QS/1/3, November 1700

¹¹⁰⁵ PRO DURH 17/1 unnumbered (information of Thomas Lawson). Similarly, William Thompson violently opposed the attempt to impress his servant. PRO ASSI 45/7/2/149-150 (informations of William Steele and Thomas Beadon)

¹¹⁰⁶ NCC QSB 40/161b (information of Charles Waugh)

¹¹⁰⁷ G. Morgan and P. Rushton, "The Justicing Notebook", p. 12

Geographical loyalty was another element of identity with concurrent implications of allegiance. We will see that in this border region, despite (or, perhaps, even due to) significant immigration, the tension between the English and the Scots remained high. More restricted regional identity could also be relevant. A group of men of Bedlington met a group from Cramlington at Morpeth market. One of the latter jeeringly made reference to Bedlington rogues, eliciting the response that “they were as honest as them of Cramlington”. This was enough to set the scene for a violent scuffle which was very probably more two-sided than the informants claimed, suggesting a deep seated rivalry between the two groups.¹¹⁰⁸

ii) Politics, rebellion and religion

Many men were also involved in, or at least identified with a particular standpoint in, the political and religious upheavals that were such a crucial element of the shaping the seventeenth and early eighteenth centuries. Indeed, at times it was hard for a man, particularly one of importance or status, to avoid pinning his colours to a mast. It was generally possible to avoid confrontation by keeping quiet and following the status quo, but anyone with extreme or firmly held views was liable to become involved in conflict.

The strong divisions of political and religious opinion of post civil war and restoration England expressed themselves upon a range of scales. This thesis cannot tackle the area of violence as expressed within warfare - such events have no place in a criminal history, comprising a very different class of behaviour from the daily violence of ordinary men. However, ordinary people also discussed the major issues of the day and interpersonal conflicts could arise which played out in microcosm wider rifts, partisan and confessional, in England’s political fabric. Additionally, there is an ambiguous area between the actions of individuals claiming no higher physical authority, and the actions of groups of soldiers and rebels fighting for the country.

The civil war, of course, had a major impact in the region. Not least of its effects was the devastating impact upon Newcastle of successive sieges and occupations.¹¹⁰⁹ Ripples of the conflict were to be felt for many years to come, and a settled peace did not return for everyone

¹¹⁰⁸ NCC QSB 3/22b (information of John Cotton)

with the advent of the Restoration era. In 1661, parties of horsemen attacked Newcastle, and later Berwick.¹¹¹⁰ The Venner plot of 1663 led to several gatherings of armed and mounted men riding through the north eastern countryside, “but the country thinking to rise upon them they presently dispersed”, apparently without major bloodshed.¹¹¹¹ Further disturbance followed the revolution of 1688. In 1689, the deputy lieutenant of Northumberland required all officers of the county to seize armed rioters, “the Militia of this country not yet being settled by reason of the late revolution”.¹¹¹²

Thus, throughout the late seventeenth century, there was considerable unrest and movement of armed men. Although this does not usually seem to have manifested itself in outright violence,¹¹¹³ never generating enough momentum to constitute a serious threat to the status quo, it must have led to popular unease as well as government action. Unrest may have encouraged more men to travel armed, and certainly men built their houses strong. Fortified pele towers and bastle houses (which were archetypal of the border reiving era, and might subsequently have become obsolete, as similar defences did in the rest of the country) were still being built into the eighteenth century. It may even have helped to promote an atmosphere in which violence was a more readily considered strategy than might otherwise have been the case, although such a connection can only be tentative, especially as most people would not have identified with the riders.

In addition to home-grown unrest, there was disturbance in the form of occasional raiding parties emanating from Scotland. The fear of these may have been larger than the reality - the Scots loomed large in the popular consciousness, forming the butt of “the great part of the

¹¹⁰⁹ See R. Howell, Newcastle upon Tyne and the Puritan Revolution

¹¹¹⁰ CSPD, v. xx, p. 470, 572

¹¹¹¹ “Papers relating to the 1663 plot”, Archaeologia Aeliana, 1, (1822), p. 147

¹¹¹² NCC QSO 2 f. 31v.

¹¹¹³ One exception was the attack on Berwick, where the guard were forced to fire on the rebels. Similarly, in Easington, in 1688, the curate tried to hold off two French war ships using two fowling pieces - C. E. Whiting, Nathaniel Lord Crewe, p. 199.

wit” of the region according to Roger North - but the reality did exist.¹¹¹⁴ In 1678, the suppression of the covenanters of Scotland was driving them into open rebellion, which spilled across into England. In September, a party of soldiers brought in to suppress the English covenants heard of the presence, in England, of a band of Scottish outlaws, who “rode armed up and down the country” according to reports sent to the London press. They set out to capture the Scots, but were taken by surprise and a bloody battle ensued in which each side lost a man. This incident bears the marks of a small-scale military campaign, although the body of the dead Englishman occasioned a civil coroner’s inquest, which found the rebels guilty of murder.¹¹¹⁵ What makes it particularly interesting to us is the help the conventicle received from locals who sheltered them, refused to raise hue and cry, and gave out a story that the Scots had been set upon by the drunken party of soldiers on the road.¹¹¹⁶ Elements such as these prevent the drawing of a clear line between the concerns of civilians and those of military men and their rebellious opponents.

Tensions remained at their strongest along the border. In 1683, when the inhabitants of Berwick heard that a group of Scotsmen were coming to break down a local dam, apparently on the grounds that it stopped salmon from swimming upstream to their own lands, an enormous force was mobilised to prevent them. The sheer scale of this response takes it out of the realm of a simple land dispute, over the right to dam a river, into a battle between communities, and effectively between countries. According to an eyewitness, in the space of an hour three hundred armed men, led by the mayor and the military garrison, were mobilised to ride out to wait for the appearance of the Scots. Wisely, the Scots decided not to make an appearance, and the whole group trooped home again. Two men had gone to the church and rung the bell “by way of derision ... as if there had been a great invasion to be made”. Certainly the mayor and garrison must have looked as though they were overreacting, but the incident demonstrates the degree to which large scale forcible solutions, involving not just

¹¹¹⁴ R. North, The Life of Francis North, v. 1, p. 175, although not contained in K. Emsley’s earlier version, “A circuit judge in Northumberland”.

¹¹¹⁵ 26.9.1678, London Gazette - from p. 37-8, Extracts from the London Gazette, 1665-1705, SA GA71

¹¹¹⁶ NCHC, v. xi, p. 358; C.S.P.D. 1678, pp. 411-2, 416, 417, 419

military men but also civilian volunteers, might be seen as the best line of defence against the Scots, even when the circumstances were on a small scale.¹¹¹⁷

Another nexus between ordinary individuals and the world of high political change was the waging of party politics and the events of election day. Often there was no clear division between local and national issues - since political and religious affiliations cut across those boundaries - and aggressive feeling often occurred during those particular periods of wider unrest in which military and quasi-military forces were acting in more outlying regions.

The major population centres were also foci for political ferment. Despite the mistrust of authority that was visible in strike actions (see below), and the power balance as held during the commonwealth era, the population of Newcastle was considered to be politically conservative, both when holding out against the forces of the commonwealth, and in later years.¹¹¹⁸ In 1715, the high sheriff of Newcastle responded to fear that the Jacobites would find support in the town, by calling its workers "better inclined than thought of". He was proved correct when the miners, many of them dissenters, held out for the king.¹¹¹⁹ It was perhaps this which, in 1719, prompted government officials to term the Newcastle crowd "the only well affected Mob in England".¹¹²⁰ This very conservatism could in itself lead to acts of symbolic violence, however, as in 1688, when Newcastle declared for William of Orange and the Sandgate crowds demolished a statue of James II and threw it into the river.¹¹²¹

¹¹¹⁷ J. Mason, Border Tour, pp. 33-5, transcribes an unpublished MS, pp. 33-5

¹¹¹⁸ S. Middlebrook, Newcastle upon Tyne, pp. 70-74. However see also R. Howell, Newcastle upon Tyne and the Puritan Revolution, pp. 336-343, in which it is argued that local affairs were seen as more important than national, people waited on events and few were enthusiastic royalists.

¹¹¹⁹ L. Gooch, A Desperate Faction?, p.44

¹¹²⁰ J. Ellis, "A Dynamic Society", p. 213

¹¹²¹ *Ibid.*, p. 213, P. M. Horsley, Eighteenth Century Newcastle, p. 8, F. Graham, The Quayside, Newcastle: F. Graham, pp. 26, 35. Seven years later, the statue was salvaged and used to make church bells

Despite the suggestion of military involvement in this action, it was also a manifestation of the popular interest in political affairs, which seems to have been commonplace in Newcastle.¹¹²² The Corporation, which ran the town, was known as much for its members' wider allegiances as for their actions within the town, and the loyalties of the mayor appear to have been a subject of debate.¹¹²³ In 1660, feelings ran so high that when the mayor's staff of office was surrendered by Thomas Bonner to the next incumbent, Bonner was (according to Ambrose Barnes) "so pushed and bruised ... that he was carried out in his chair half dead, such was the violence of the faction". Bonner died from his injuries twelve days later.¹¹²⁴

It is telling that this was not Bonner's first brush with the mob. The Common Council Book reports that Bonner had also been attacked exactly twelve years earlier. He was "coming from the Spittle to go to his dwelling house on the Sandhill, the sergeants carrying torches lighted in their hands, one Edmund Marshall threw a long stick at the said lighted torches, and struck divers of them out; and it being dark, stones etc. were flung".¹¹²⁵ Why was Bonner the focus of such vitriol? Superficially, the dispute was one of local politics. In 1648, Bonner had come to power following the expulsion of John Cosins from the aldermanic bench for breaking rank and speaking out against the nepotistic system of local government. In this atmosphere, the stoning can be seen as a condemnation of the system, with its corruption and irregular voting practices.¹¹²⁶ But there were also wider issues at stake.

¹¹²² Depositions reprinted in M. Richardson, The Local Historian's Table Book, Historical Division, v. 4, pp. 13-17, suggest that the action was actually led by soldiers, who provided speeches, equipment, a guard, and cash incentives. One man claimed to have been assaulted during the incident, when he criticised the soldiers, p. 16.

¹¹²³ Several anti-commonwealth or anti-mayor statements were prosecuted, see TWAS NC/QS/1/1 e.g. 72r, TWAS NC/QS/8/1 e.g. 31r, TWAS NC/QS/1/3 e.g. March 1702. Serious criticism could be treated as sedition and heard before the assizes. PRO ASSI 45/6/3/159, for instance, contains the words of a Newcastle man against the king. J. Raine, "Depositions", reprints several accusations of treason.

¹¹²⁴ M. R., "Memoirs of the Life of Ambrose Barnes", p 173

¹¹²⁵ TWAS Calendar of the Common Council Book, 2nd Oct 1648

¹¹²⁶ C. M. Fraser and K. Emsley, Tyneside, p. 50

The restoration of 1660 had brought a sea change in Newcastle's politics - Bonner's successor in that year was Sir John Marley, a royalist who had gained popularity holding the town against the Scots in 1644 but been excluded from local government in the unsettled years of the late 1640's.¹¹²⁷ Bonner was a leading figure amongst the town's puritans, and may therefore have provided a focus for the anti-commonwealth sentiment within the town, as well as for anti-corporation feeling.¹¹²⁸ We may surmise that Bonner also exhibited an unlikeable character which exacerbated unrest. He certainly used his rank to buy land along the banks of the Tyne and build "shores" which lined his own pockets whilst potentially endangering shipping.¹¹²⁹

That the only two known incidents against senior corporation figures were against the same man implies that this degree of direct action against the higher members of authority was rare (it is unlikely that such events would pass unmentioned and ignored). This is not, however, to say that the north east was uniformly peaceable in its interactions with authority. As well as the resistance of individuals and groups to individual officials, sections of north eastern society were notorious for the lengths they were willing to which they would go, to be heard. Clavering makes a comparison between early seventeenth-century Durham and contemporary Warwickshire, which in proportionate terms saw far less collective violence (which was, in Durham, usually related to anti-authority action). This leads him to conclude that "in Durham the riot was, in short, the usual expression of social conflict; it was not so elsewhere".¹¹³⁰

Things had changed in the subsequent decades, the focal point of social organisation moving from the clan to the working community, but unrest and demonstration continued, with dissatisfaction with local government manifesting itself through a range of crowd actions, strikes and riots.¹¹³¹ The north east, and particularly with respect to its keelmen, was known to

¹¹²⁷ NC1889, p. 235, R. Howell, Monopoly on the Tyne, p. 3

¹¹²⁸ A. W. Purdue, Merchants and Gentry in North East England, pp. 10, 14, 115

¹¹²⁹ *Ibid.*, pp. 12-13, H. Bourne, History of Newcastle, p. 173

¹¹³⁰ E. Clavering "Riot and recusancy", p. 3

¹¹³¹ For a detailed case study of a set of crowd actions motivated primarily by popular political consciousness such as that demonstrated in Newcastle against Bonner, albeit from civil war Colchester, see J. Walter,

be particularly prone to mass demonstrations, usually in protest over wages, or working conditions and constraints imposed by Newcastle Corporation. There were significant outbreaks of unrest on the docksides of Newcastle and Tyneside in 1654, 1660, 1701-2, 1709-10, and 1719.¹¹³² The years between were not paragons of harmony either, and most years had their share of troubles. In 1708, for instance, James Clavering wrote of “a notable... public riot... among the keelmen” of Newcastle.¹¹³³

It is these strikes in combination with the Scots’ invasions and the symptoms of political unrest described above, rather than the assaults of the people, which comprised much of the region’s reputation of being dangerously unlawful, and which lead Fraser and Emsley to say that “violence was the overriding factor in the history of Tyneside until the eighteenth century”.¹¹³⁴ But whilst there were undoubtedly moments of physical aggression, the mass protests of the north east belong, for the most part, to a separate sphere - and a separate history - to the violence of the streets, homes and fields of the region. This is because they were not, in fact, notably violent.

If one relies upon governmental sources, violence might indeed be thought to play a significant part in these mass protests, but actually, the striking thing about the keelmen’s actions is just how little interpersonal violence was involved. Very few people were bound at the quarter sessions, all of whom were bound simply for taking part in the riot, not for any actual assault.¹¹³⁵ Wrightson and Levine, studying Whickham, stress that the violence employed by keelmen and miners within riots “should not be exaggerated or misunderstood ... the remarkable thing about the industrial relations in the eighteenth-century coalfield was the

Understanding Popular Violence in the English Revolution: the Colchester Plunderers, Cambridge: Cambridge University Press, (1999)

¹¹³² R. Howell, Newcastle upon Tyne and the Puritan Revolution, pp. 292-3; TWAS 394/1, 394/3, 394/7, TWAS NC/QS/1/3. Similar protests continued into the eighteenth century.

¹¹³³ E. Hughes, “Some Clavering correspondence”, Archaeologia Aeliana, s.4, 34, (1955), p. 18.

¹¹³⁴ C. M. Fraser and K. Emsley, Tyneside, p. 17

¹¹³⁵ TWAS NC/QS/1/3, scattered throughout April 1701 to April 1702

general lack of violence”.¹¹³⁶ Such violence was limited, purposeful and rarely directed towards individuals. Similarly, Ellis argues that the coal “mutinies” of eighteenth century Newcastle, even including the 1740 riot during which shots were fired at the crowd, were characterised by “large potentially dangerous but disciplined demonstrations rather than the outbreak of violent disorder”.¹¹³⁷

The north-east may have been far from central government, but divisions of party and faction were still a significant part of the identity of the upper classes, and increasingly in the eighteenth century, the battle of the ballot box spilled out onto the streets.¹¹³⁸ In 1710, “the height of the rage of party” led to Newcastle’s elections being a scene of much disorder.¹¹³⁹ The Tories achieved a resounding victory, which they celebrated with parades through the streets, partisan tunes and the wearing of distinctive favours.¹¹⁴⁰ In the charged atmosphere of the time, it is hardly surprising that there was violence. The following quarter sessions heard the case of a man accused of abusing another “for giving William Wright a vote, and threatening to pull down his house”.¹¹⁴¹ A merchant riding home having voted in Newcastle was accosted and asked for whom he had voted. He refused to answer, but was nonetheless assaulted repeatedly. The two sides probably knew each other’s affiliation, through the

¹¹³⁶ D. Levine, K. Wrightson, The Making of an Industrial Society, p. 408. This sentiment echoes that of E. Thompson, Customs in Common, p. 229 regarding eighteenth-century mass-protest in general.

¹¹³⁷ J. Ellis “Urban conflict and popular violence”, p. 337

¹¹³⁸ N. Rogers, Whigs and Cities, pp. 360-372, identifies the period 1710-1722 as one of national popular political disorder, as the political nation enlarged and increased political festival brought with it riot.

¹¹³⁹ W. A. Speck, “Northumberland elections in the eighteenth century”, Northern History, 28(1), (1992), p. 165. The same period saw widespread political rioting in London - V. Stater, High Life, Low Morals, p. 177. Similarly D. Szechi, Jacobitism and Tory Politics 1710-14, (1984), Edinburgh: John Donald Publishers Ltd., p. 59, argues that the election of 1710 was “one of the worst” for violent contexts within the period 1688-1722 of which such violence was characteristic.

¹¹⁴⁰ Dyers Newsletter, BL Add MS 70421, quoted in W. A. Speck, “Northumberland elections in the eighteenth century”, p. 165

¹¹⁴¹ TWAS NC/QS/1/3, Jan 1711; J. Ellis, “A dynamic society”, p. 204. Similar election violence elsewhere is recorded by N. Rogers, Whigs and Cities, p. 228, 314

wearing of distinctive fashions if not through personal contact, and the victim's silence was presumably in the knowledge that his answer would not endear him to his listeners. The assailant was a gentleman, with a clear stake in the result, but lower class support may perhaps be inferred from the fact that a nearby plumber and another man failed to give any assistance and simply looked on.¹¹⁴²

There is less evidence of political antagonism beyond Newcastle in 1710, but a tantalising record from Durham hints at trouble there also. According to one attorney, there was a significant riot in which the "mob of the said city" assaulted several justices and also those who were trying to "suppress" the disturbance, with strong emotion evident in cries such as "kill him lads, kill him". Without further testimony, this can be taken as no more than a sign of unrest, but the concurrent timing is likely to be significant, especially as justices were often also prominent figures in the local political scene.¹¹⁴³

The main talisman of the jubilant crowd in 1710 was a picture of Dr. Sacheverell, the debate over whose impeachment at the hands of the Whigs the previous year (ill feeling from which was partly responsible for the fall of the Whig government in 1710) appears to have provided a focus and rallying point for Whigs and Tories alike.¹¹⁴⁴ As a symbol of wider political divisions, it repeatedly appears in incidents of partisan violence in the early eighteenth century.¹¹⁴⁵ William Dixon would not drink a toast to Doctor Sacheverell in a local alehouse. This marked him out as different to the other drinkers - or more probably confirming an existing difference - and thus deserving of violence in the short term and the longer term attentions of Ensign Green, conveniently available just across the street, who sent him to be a soldier. That this was the primary assailant's intention all along is clear in his repeating "he

¹¹⁴² NCC QSB 33/11b (information of George Fenwick)

¹¹⁴³ PRO DURH 17/1 unnumbered (information of John Paxton)

¹¹⁴⁴ D. Szechi, *Jacobitism and Tory Politics*, p. 62, on the effect of the Sacheverell impeachment in galvanising Tory forces.

¹¹⁴⁵ See below. Popular politics were heavily personalised around individuals and around symbols of partisanship - N. Rogers, *Whigs and Cities*, p. 362, 367

should go, he should go” to Dixon’s wife when she tried to calm the situation, offering to make amends for any harm done.¹¹⁴⁶

In the following years, notable political anniversaries were fervently commemorated with festivities and actions of loyalty, from the wearing of rosettes to the burning of effigies, which could easily get out of hand.¹¹⁴⁷ In the partisan atmosphere of the times, the coronation celebrations of 1714 were little less riotous than the elections four years earlier.¹¹⁴⁸ The drinking of noisy toasts and cries of “A Blackett, a Wrightson” led ultimately to a confrontation as one side tried to extinguish the other’s celebratory bonfires. James Clavering, our witness to these events, wrote “this short hint is sufficient to show ... what must be expected next elections in this place”.¹¹⁴⁹ There is, however, no evidence of this predicted unrest as such, as in 1715 greater events overtook election battles.

The rebellion of 1715 had a notable impact on the region, in the longer term as well as through its battles.¹¹⁵⁰ When we look not at the clash of opposing armies, but at individual soldiers’ actions off the battlefield, the treatment given to individuals who encountered camps of armed men, and the disturbances caused by the meeting of individual supporters of rival forces and ideologies, we see into a murky borderland between true rebellion and more local protest. In 1716 magistrates heard expositions in relation to thirty-five horse thefts by men wishing to stock the Jacobite forces in the Northumberland region. Matthew Robson lost his horse when he accidentally rode into a rebel camp in Rothbury, where he was repeatedly threatened with

¹¹⁴⁶ NCC QSB 32/34b (petition of Mrs. Dixon), NCC QSB 32/56a (information of Ann Dixon). “Memoirs of the Life of Ambrose Barnes”

¹¹⁴⁷ N. Rogers, *Whigs and Cities*, pp. 26, 313, 360

¹¹⁴⁸ *Ibid.*, p. 366, says that almost all towns saw disorder on coronation day, as disappointed Tories and jubilant Whigs clashed.

¹¹⁴⁹ E. Hughes, “Some Clavering Correspondence”, pp. 20-21

¹¹⁵⁰ For example in 1715, rebel forces took Lindisfarne castle. For an excellent study of the ‘15 in the north, see L. Gooch, *A Desperate Faction?*

shooting, but eventually let go.¹¹⁵¹ More commonly, rebels walked into stables and took what they wanted; given their weaponry, it is unsurprising that no one resisted and thus no force was required.¹¹⁵²

Letters from the era, although plainly partisan, highlight the casual violence which armed men, even when officially under the dictates of military law, might individually visit upon those in their path. One such letter records serious attacks by a Dutch force on a man who tried to defend his landlady from abuse, a woman who would not give her food away for free, and a religious man who muttered insults.¹¹⁵³

The actions of governments and rebel forces occurred on a larger stage, but in their wake they left individuals, their animosities fired by the issues raised and the loyalty provoked. Rescues were made of men arrested for involvement.¹¹⁵⁴ One Jacobite fled following the surrender of his compatriots, and attacked with a poker two men who tried to take him prisoner, saying “never while a drop of blood warms my body”, before escaping to France - an act of an individual, but in his mind part of the larger war.¹¹⁵⁵

Former Jacobites were reviled by those who had remained loyal. In 1716 a young man attacked and repeatedly abused a group of gentlemen and military men who were gathered in a Hexham alehouse, all the while calling them Jacobites. He subsequently wished to choose which justice he was sent to because some held Jacobite sympathies and others did not; presumably he expected a more sympathetic hearing from the latter.¹¹⁵⁶

¹¹⁵¹ L. C. Coombes, “The appropriation of horses during the Jacobite rebellion, 1715”, Tyne and Tweed, 49, (1994), pp. 73-4, drawing on PRO FEC1/827

¹¹⁵² *Ibid.*, p. 75

¹¹⁵³ NRO ZAL 39/1/12, letter from “M.R.” to Mary Allgood. “M. R” was perhaps of the Radcliffe family, and thus very much involved in the rebellion - he or she certainly dined with Charles Radcliffe.

¹¹⁵⁴ NCC QSB 43/26a (information of Simon Dodds)

¹¹⁵⁵ The Denham Tracts, v. i, p. 264

¹¹⁵⁶ NCC QSB 44/56b (information of Samuel Warren)

Thus, being a known Jacobite was potentially dangerous. When John Barker got into a heated political argument with another man during the rebellion, and spoke treasonous Jacobite sentiments, he felt it necessary in the days that followed to threaten violence and arson if his sympathies were revealed.¹¹⁵⁷ Shortly afterwards Barker and his wife assaulted the other man's young daughter, probably in reaction to the posting of informations which spoke of Jacobitism. Another man made an information to the justices that he had been threatened and kept in the party of the Jacobite forces against his will, an unlikely tale which may be an attempt to minimise the impact of his involvement upon his subsequent life and reputation.¹¹⁵⁸

The rebellion did not die easily. In 1716, William Cotesworth reported that up to forty Jacobite supporters "went about the streets of Newcastle assaulting the guard".¹¹⁵⁹ This left no record in the quarter sessions (although many people were arrested for symptoms of disaffection towards the status quo) and may perhaps have been an exaggeration of the violence, if not the number, of Newcastle's dissatisfied men.¹¹⁶⁰ Better documented are two major riots in 1718 with their origins in the deep political divisions of the nation.¹¹⁶¹

In Berwick, trouble broke out on May the 28th - King George's birthday and a date widely associated with the demonstration of Tory sympathies, often by the wearing of oak leaves.¹¹⁶²

¹¹⁵⁷ NCC QSB 45/115a (information of Alexander Moffet). Jacobite sympathies really were remembered and marred reputation for years to come - in 1720 a tentative identification of a horse thief was backed up with the (seemingly irrelevant) information that the suspect had been a Jacobite. NCC QSB 54/93a (letter)

¹¹⁵⁸ BER C15/1 unnumbered, (information of David Scott)

¹¹⁵⁹ L. Gooch, The Desperate Faction?, p. 126

¹¹⁶⁰ TWAS NC/QS/1/3, 1715-16

¹¹⁶¹ Problems, and the survival of judgements made in those times, also continued elsewhere in the north. In the same year, John Tomlinson reported an incident in Carlisle in which a violent colonel, "not loved... he was so imperious in time of rebellion", had his nose broken. "Diary of John Tomlinson", p. 135

¹¹⁶² Similarly, on the 10th of June, the pretender's birthday, Jacobites wore greenery. J. Brand, Observations of Popular Antiquities, pp. 304-5, relates the rhyme "royal oak the whigs to provoke", and its counter, "plane tree leaves, the church folk are thieves", as "boys' rhymes". They may have become this by his day, but the

A large number of Tory men gathered outside the house of apothecary John Scott, when they “heard that they ... were going to burn ... Doctor Sacheverell”.¹¹⁶³ A man left the house to try to reason with the crowd, which set upon him in spite of his attempt to use his constabulary authority to stop the violence. This fulfilled the claim of one of the men that “they would knock down the first man that came out the house”.¹¹⁶⁴ Others in the area were also told that if they were going to burn the doctor “they better let it alone”.¹¹⁶⁵ Some of the crowd attempted to gain entrance to the house, claiming to the maid that they “would go up in submission ... hat in hand”, but they were not trusted.¹¹⁶⁶ Tensions were so high that when the maid was later called a whore for this lack of trust, a scuffle broke out over the comment.¹¹⁶⁷

The gathering at Scott’s house was not an isolated incident, but the largest single conflict in a night of confusion and aggression. On the same night, for instance, another group of oak leaf wearers in a state of high excitement threatened two men who challenged the wearing.¹¹⁶⁸ Shortly afterwards they were apprehended by guard members, who were evidently not all so involved in Tory action to forget their duty or fail to clamp down upon Tory miscreants.¹¹⁶⁹

Brenchley argues that this week of popular political agitation was exceptional and that political trouble was rare.¹¹⁷⁰ Certainly it rarely took such dramatic form, but a series of minor incidents involving some of the named players of the riot suggest that, beneath the surface,

sentiments behind them were far more adult, and potentially dangerous. Post-1715, several Newcastle Jacobites were bound to good behaviour for the wearing of green boughs - TWAS MF 300, 11.6.1716.

¹¹⁶³ The burning of Dr. Sacheverell in effigy was a Whig practice dating back to 1710.

¹¹⁶⁴ BER c15/1 unnumbered (information of Samuel Shell), (information of William Douglas)

¹¹⁶⁵ Ibid., (information of Walter Elliot)

¹¹⁶⁶ Ibid., (information of Elizabeth Curry)

¹¹⁶⁷ Ibid., (information of Thomas Richardson)

¹¹⁶⁸ Ibid., (information of Peter How)

¹¹⁶⁹ Ibid., (information of William Coupland). Some of the guard were involved in the violence on the side of the Tories. *ibid.*, (information of Luke Curry)

certain individuals retained their affiliations with a degree of bitterness which could become vicious.¹¹⁷¹

In Hexham too, the animosities of the Jacobite rebellion spluttered on. The town had been an important staging post for the rebels in 1715, and Gooch argues that it was full of “barely contained Jacobite feeling ... which needed little to excite it”.¹¹⁷² The inhabitants remained uneasy, some believing that “the town would never be quiet till they had more soldiers among them”.¹¹⁷³ Whether soldiers would have helped the situation or merely made it more tense (as ultimately occurred in the great Hexham riot of 1761), without them it was only a matter of time before large-scale violence erupted.¹¹⁷⁴

A group of Jacobite Catholics led by Dr. Edward Charleton were drinking in a local alehouse when they met with the local Protestant minister Robert Wear and his brother, and an argument ensued.¹¹⁷⁵ When a fight developed and Wear was carried out wounded, a crowd gathered and celebrated this victory. In this atmosphere, when Charleton saw a group of his opponents leaving a different alehouse, he called upon the crowd which had gathered to aid him in attacking them. Two fled, but the third, John Aynsley, refusing to be cowed, was knocked down and took shelter in an alley. Even when his friends returned, he considered the streets too dangerous given how many people seemed to stand with Charleton. Several others were attacked on the same occasion. Charleton had personal reason to dislike Aynsley, since he had bought land the Charleton family had forfeited after the rebellion, but this would not have caused a full scale riot had it not been for the highly charged atmosphere in which their

¹¹⁷⁰ D. Brenchley, A Place by Itself, p. 107

¹¹⁷¹ BER C15/1 unnumbered (information of William Methwen), (information of Ralph Williamson)

¹¹⁷² L. Gooch, The Desperate Faction?, p. 131-2

¹¹⁷³ NCC QSB 49/115a (information of John Anesley and Thomas Green)

¹¹⁷⁴ W. Hutchinson, A View of Northumberland, p. 107

¹¹⁷⁵ NCC QSB 51/171-180a, also partially reprinted in ed. J. C. Hodgson, “Depositions from sessions records”. L. Gooch, The Desperate Faction?, p. 131-2, provides a clear summary and contextualisation of this incident.

meeting occurred. No one was ever brought to justice for the riot, the ringleaders having apparently been tipped off by a sympathetic constable.¹¹⁷⁶

The recurrence of alehouses as foci of conflict should be noted, as the group solidarity of an alehouse often extended into partisan loyalties. Especially around election times, drink flowed freely and anyone who stepped into the wrong alehouse was inviting trouble.

Politics, then, had the potential to erupt into conflict on both large and small scales. However, with the possible exception of the years following the uprising of 1715, it was never, as far as may be seen, a particularly significant feature of the landscape of violence in the north east. This is consistent with other regions. Shoemaker notes that two of his sample years with high violence figures were at times of unrest - 1683 and 1715 - blaming both unrest and a low tolerance of such, but argues that, overall, tangible political aggression made up only a small percentage of violence.¹¹⁷⁷

Religious affiliation, as such, seems to have been less contentious in the north east than the political allegiances with which it was often associated. In spite of - or perhaps because of - the presence of a wide range of denominations, from the remnants of Catholic gentry to the new and growing strongholds of non-conformism, testimonies very rarely overtly linked violence with faith. Whilst the corporation initially discouraged Quakerism, pushing Quaker meetings across the river to Gateshead in the 1650's, religious differences appear to have been tolerated except where they were provocative.¹¹⁷⁸ For example, as far as is known, there were no physical attacks upon Quakers in Interregnum Newcastle, or convictions for this, and what suppression occurred was generally controlled.¹¹⁷⁹

¹¹⁷⁶ L. Gooch, *ibid.*, p. 132

¹¹⁷⁷ R. Shoemaker, Prosecution and Punishment, p. 66

¹¹⁷⁸ R. Sansbury, Beyond the Blew Stone: 300 Years of Quakers in Newcastle, Newcastle: Newcastle upon Tyne Preparative Meeting, (1998), pp. 11, 32, and p. 16 on the continued strength of Catholicism in the north east.

¹¹⁷⁹ *Ibid.*, p. 32, R. Howell, Newcastle upon Tyne and the Puritan Revolution, pp. 345-6. This is in contrast to the strong anti-Quaker feeling in contemporary Bristol - N. Rogers, Whigs and Cities, p. 271.

Such attacks as did occur were generally brought about by the contemporary link between secular and confessional politics, which persisted throughout the period. During the civil war, several local vicars were threatened by soldiers and forced, more or less violently, from their pulpits and livings.¹¹⁸⁰ When the occupant of the vicarage of Corbridge was shot dead in 1684 by a man whom the newly widowed woman termed a “traitor”, there is a good chance that wider allegiances - religious, and by association political - were involved.¹¹⁸¹ In 1716, a Hexham man was abused and threatened on a regular basis on his way to the local meeting house for Sunday service, and was eventually attacked in his own home. Two other men also threatened him.¹¹⁸² Given the date and location, it is likely that the shadow of the ‘15 was a more important factor than faith *per se*. In more peaceful times, there were occasional isolated example of hatred, but these can typically be tied to political themes, or their link to religion is otherwise tenuous. There were occasional attacks upon vicars, however there is often no obvious reason to associate the violence with their faiths.¹¹⁸³

One should not paint too rosy a picture of religious toleration, however. In the Hexham incident above, had it not been for the final assault, there might have been no report of the lower level abuse, which might simply have been shouldered by those of marginal denominations. This is the impression given by the biography of Ambrose Barnes, a prominent and respectable non-conformist in late seventeenth-century Newcastle. He managed to avoid the Judge Jeffries’ heavy hand upon non-conformism in 1684, but only because James II’s accession ushered in a more tolerant regime before Barnes could be routed from hiding.¹¹⁸⁴ Smaller incidents continually reminded him of his difference, and he believed himself to be “persecuted” by legal officials. He was also ridiculed, and scorned by a woman on the streets,

¹¹⁸⁰ NCHC History of Northumberland, v. iv, p. 131; v. v, p. 185,

¹¹⁸¹ ASSI 45/14/1/129-130

¹¹⁸² NCC QSB 44/76a (information of John Bell)

¹¹⁸³ NCC QSB 48/79a

¹¹⁸⁴ F. Graham, (1991). Newcastle Quayside, the Sandhill, the Side and the Close, Newcastle: Graham, p. 18

“the language of her rude behaviour being well enough understood by him to be an upbraiding him for his non-conformity”.¹¹⁸⁵

Barnes’ biography is a partisan work, but is a reminder that much abuse - and probably violence - went on unrecorded. Non-conformists may not have taken their grievances to the authorities precisely because they were different, and were at times as likely to be prosecuted for non-conformism as vindicated by the law. Whilst Sansbury concludes that physical force was rarely in evidence against Newcastle’s Quaker community, Besse’s catalogue of the injustices suffered by the Quakers does include incidents of local violence as well as imprisonment. One servant was stripped and flogged in impromptu “punishment” by a pair of JP’s, and in 1688 a group of Sunderland men and boys tore down a meeting house.¹¹⁸⁶

We are, here, a long way from wives aiding their husbands’ causes. Yet in each case, we see people acting in the belief that shared interests made other’s fortunes relate to their own, whether the other be a member of the family, a friendship network, or a political or religious organisation. Indeed, these distinctions were not always clear cut, particularly for prominent men. An oblique slight with familial and political implications was responsible for one of the most notorious fights seen in the north east in the period - the killing of Fernando Forster by John Fenwick in 1701.¹¹⁸⁷ It was reported that Forster, member of parliament for Northumberland, was in the respectable Black Horse Inn, Newcastle, along with many of the Grand Jury for the assizes, when John Fenwick walked in singing a local song, the chorus of

¹¹⁸⁵ M. R., “Memoirs of the Life of Ambrose Barnes”, pp. 198, 193. An interesting parallel is S. Amussen, “Punishment, discipline and power”, pp. 18-25, which argues that state violence was directed against the Baptists of Bristol in the late seventeenth century. Amussen concludes that significant amounts of extra-legal violence was directed towards the Baptists, as their passive resistance “forced the implicit violence of the state to become explicit”.

¹¹⁸⁶ R. Sansbury, Beyond the Blew Stone, pp. 30-31, drawing upon J. Besse, A Collection of the Sufferings of the People called Quakers

¹¹⁸⁷ John Fenwick was a turbulent man, termed “very passionate” by his own sister in 1695. He threatened his own grandfather in an inheritance dispute - NCHC History of Northumberland, v. xiii, p. 366. Also in 1700 with other gentlemen “with the pistols and drawn swords by force” rescued a friend from arrest for heavy debts - NCC QSB 14/46b.

which ran “Sir John Fenwick’s the flower among them”.¹¹⁸⁸ The suggestion is that this raising of his own family was somehow detrimental to the honour of other local families, and was, as such, enough to lead to insults and ultimately to Fenwick challenging Forster to the door. It is likely that there was also a political element to the dispute - Lady Chator certainly thought so when she wrote to her husband that “your cousin Forster of Bambrough is killed at Newcastle assizes in a duel with Fenwick about choosing a parliament man”.¹¹⁸⁹ Forster was of a dynasty of members of parliament, his father and brother-in-law also entering government. Thus, family disputes and political disputes could become intertwined, and a provocative song could end in a death.

¹¹⁸⁸ The Denham Tracts, v. 1, p. 239, indicates that this song was in fact the “clan tune” of the Fenwicks, a marching, or battle, song such as all the major clans would once have had, although the words are, sadly, lost.

¹¹⁸⁹ P. Brown, North Country Sketches, p. 31, E. Hughes, North Country Life, p. 270

Conclusions: structured violence in early modern England?

i) The Scale of Violence

In every sphere of modern life, from the alehouse and the workshop to the bedroom and the open road, the potential for violence lay dormant, stirring sensationally upon occasion, but more significantly manifesting in a stream of acts of petty aggression. After our tour of the violent hotspots of the north east, are we any closer to determining the impact, in numerical or social terms, of that violence upon the north east of England? Most commentators upon seventeenth-century societies have tended towards one of two poles, with intrinsically antagonistic and tense communities, at one extreme, and the fundamentally peaceable, “modern” ones described by Macfarlane.¹¹⁹⁰ On the face of it, seventeenth-century depositions, full of apparently unprovoked aggression and quick temper, suggest that violent behaviour was more widely prevalent, and more readily accepted within certain bounds, than in later years. Yet their quantitative message is uncertain, and much of the violence detailed is both explicable and, arguably, exceptional. There is plenty of room to argue a middle ground, in which violence was neither uncommon nor all-pervasive.

A case study may help to place the numerical scale of violence in perspective. In Berwick, the corporation appears to have paid somewhat closer attention to its citizens than other bodies did, and record survival is unusually good. Here, quantification of assault accusations reinforces the impression of a fundamentally orderly society. Brenchley calculates that in 1700, in a population of 3000, there was only one breach of the peace reported per week, and,

¹¹⁹⁰ L. Stone, *The Family, Sex and Marriage*, A. Macfarlane, “Violence: peasants and bandits” in ed. A. Macfarlane, *The Culture of Capitalism*, Oxford: Blackwell, (1987), *passim*. For example, litigation has been seen as a destructive strategy in early modern England, or as a force for healing breaches and aiding cohesion – see S. Hindle, “The keeping of the public peace”, and J. Sharpe, ““Such disagreement betwyx neighbours’: litigation and human relations in early modern England” (1983), in ed. J. Bossy, *Disputes and Settlements: Law and Human Relations in the West*, Cambridge: Cambridge University Press

in the first ten years of the century, there was only one reported assault every two months.¹¹⁹¹ There was very little serious crime, and no evidence of professional criminality; when major incidents occurred, they were met with shock. Violent crime was, rather, characteristically the behaviour of small numbers of rowdy men, frequently concerning land or animals, or centred upon disorderly alehouses. At same time, the idea of violence permeated society in a low-key manner. There were familial disputes and wrangles over reputation, and Berwick citizens had a sense of political and national loyalty which significant numbers were prepared to take to the streets to defend or demonstrate.

These conclusions may be expanded to cover the rest of the north east. Numbers of accusations before the quarter sessions were low, but no attempt to establish violent incidents per head of population is viable, as many obstacles stood between assault and recognisance. However, the homicide rate was not notably high, and although a few homicides seem to have been simple expressions of anger over a petty incident, this was rare.¹¹⁹² Violent theft was uncommon and generally unprofessional, vendetta and maiming rarer still.

Assaults were judged in the context of both severity and motivation, rather than being universally condemned. People did not expect to see violence before them every day, but were not usually shocked when it occurred, unless it was noteworthy in some other respect. They did not, in general, seem to have lived in fear of assault from strangers or friends; they sometimes took precautions when travelling, but were not excessively security conscious. When people worried, it was with regard to deep-seated animosities with threatening neighbours, the reported assaults often comprising only a narrow window onto a long history of problematic relations between the parties involved.¹¹⁹³

¹¹⁹¹ D. Brenchley, A Place by Itself, pp. 212, 209

¹¹⁹² For instance, the starting point for a death in 1665 seems to have been a simple mishearing of an offer to pay the rent. PRO ASSI 45/7/2/129 (information of Gilbert Percy)

¹¹⁹³ See T. Brennan, Public Drinking and Popular Culture, p. 52

This is not to say that the north eastern evidence is wholly reminiscent of Macfarlane's reconstruction of a harmonious Cumbria.¹¹⁹⁴ There is more evidence available to be sifted in the north east, from lower level courts, and unsurprisingly a wider range of incidents and behavioural patterns comes to light. However atypical they were, the Armstrongs were far more violent than Macfarlane's Smorthwaites - the ear-maiming incident, for example, is of a type Macfarlane did not find. There were two major witch scares, including the biggest single witch-hanging the country saw, and many more suspicions of witchcraft.¹¹⁹⁵ Marital violence, feuding, petty aggression and sadism all find a place in the annals of north eastern history.

Was the north east any different in its violence to other regions of the country? The simple answer is that the unique and inconsistent nature of the sources makes adequate comparison impossible - sporadic parallels and contrasts may be seen, but no overall pattern can be identified strongly. Some aspects of violence in the north east may have had regional elements to their character. There is a preponderance of group actions and family solidarity, drawing on one hand on industrial workforce loyalty, and on the other on the last remnants of clan kinship. We have seen that visitors tended to leave with unfavourable images of the "uncivilised" natives.

Nonetheless, the north east was not massively different from the south in its violence, as it had been a century earlier. In the early eighteenth century, a London lawyer, Charles Sanderson, noted "the northern fashion of being perpetually concerned about other folk's business and a dear love of mischief".¹¹⁹⁶ Perhaps this tendency is visible in at least some of the testimonies, but northerners were not necessarily any different to the rest of the country in this respect.

¹¹⁹⁴ A. Macfarlane, The Justice and the Mare's Ale, passim.

¹¹⁹⁵ PRO ASSI 45/10/3/34-54, R. Gardiner, England's Grievance Discovered, pp. 168-171. Northern witchcraft has been much analysed, including P. Rushton, "Crazes and quarrels" and J. Sharpe, "Witchcraft and women in the seventeenth century"

¹¹⁹⁶ E. Hughes, North Country Life, p. 16

Ultimately, the pattern of violence was not markedly different from that uncovered by studies of similar sources elsewhere in the country.¹¹⁹⁷

There are several conclusions to be drawn from the evidence examined in this thesis. If anything is decisively demonstrated, it is simply that early modern violence had as many faces as it had proponents, and could feasibly occur in almost any circumstance, for any reason, initiated by one of any temperament. The remainder of this thesis will bring together the patterns which have emerged in three key areas - honour, gender, and legitimacy in relation to borrowed behaviours. Of course, as with the whole field, these areas are interlinked - most notably in the ways in which honour and legitimacy reflected gendered patterns - and the interconnections are one of the most important facets of behaviour highlighted by this thesis. Most importantly, the very fact that reputation, material well-being and structured elements of conflict stand out in the evidence strikes a blow to the image of men unable to control their fists and blades.

ii) Gender differences and their meaning

Gender played an important role in the definition of both reputable behaviours, and responsibilities in the realm of work and economy. Patterns of violent crime were also distinctly gendered.¹¹⁹⁸ It is worth bringing together the cogent arguments about male and female approaches to violent behaviour. Doing so takes us beyond archetypal images of women as victims or secretive domestic criminals, and indeed beyond images of men as angry, drunken brawlers or duellists obsessed with some notion of honour.

These archetypes, of course, have their roots in actuality, and an initial glance at findings would seem to support them. Female violence was in the minority, was more often centred on

¹¹⁹⁷ For instance, G. Walker, "Crime, Gender and the Social Order"

the home, and, in addition to the definitively secretive crime of infanticide, nearly all poisonings were the doings of women. Conversely, violent thefts and tavern brawls were almost universally male behavioural patterns. Politics and religion were also the domain of men, just as they predominantly were in the wider world. The table below illustrates this, as well as reiterating many themes already discussed.

Table 23 - the contexts of violence, and gender differences¹¹⁹⁹

<i>Cause</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
Accident	8 (0.9%)	8 (1.0%)	0 (0.0%)
Alcohol	60 (6.7%)	59 (7.6%)	1 (0.8%)
Bad relations	59 (6.6%)	51 (6.6%)	8 (6.6%)
By authority	37 (4.1%)	35 (4.5%)	2 (1.7%)
... arrest	4 (0.4%)	4 (0.5%)	0 (0.0%)
... customs	2 (0.2%)	1 (0.1%)	1 (0.8%)
... impress	15 (1.7%)	15 (1.9%)	0 (0.0%)
... military	1 (0.1%)	1 (0.1%)	0 (0.0%)
... money/goods	4 (0.4%)	4 (0.5%)	0 (0.0%)
... other	5 (0.6%)	5 (0.6%)	0 (0.0%)
... unknown	6 (0.7%)	5 (0.6%)	1 (0.8%)
Bystander	8 (0.9%)	8 (1.0%)	0 (0.0%)
Challenge	19 (2.1%)	19 (2.5%)	0 (0.0%)
Claiming authority	10 (1.1%)	10 (1.3%)	0 (0.0%)
Communal punishment	18 (2.0%)	11 (1.4%)	7 (5.8%)

¹¹⁹⁸ There is a great deal of recent literature on female crime in particular. See G. Walker, "Crime, Gender and the Social Order", which reviews much of this. Ed. J. Kermode and G. Walker, Women Crime and the Courts in Early Modern England is also a good starting point for the subject.

¹¹⁹⁹ Categories used here overlap such that the same incident might count in two or more places.

<i>Cause</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
Family	32 (3.6%)	28 (3.6%)	4 (3.3%)
... chastisement	3 (0.3%)	3 (0.4%)	0 (0.0%)
... control	2 (0.2%)	2 (0.3%)	0 (0.0%)
... money/goods	9 (1.0%)	8 (1.0%)	1 (0.8%)
... other	3 (0.3%)	3 (0.4%)	0 (0.0%)
... partner	2 (0.2%)	2 (0.3%)	0 (0.0%)
... unknown	13 (1.5%)	10 (1.3%)	3 (2.5%)
Games	3 (0.3%)	3 (0.4%)	0 (0.0%)
Household	21 (2.4%)	18 (2.3%)	3 (2.5%)
... chastisement	2 (0.2%)	2 (0.3%)	0 (0.0%)
... money/goods	1 (0.1%)	1 (0.1%)	0 (0.0%)
... other	4 (0.4%)	4 (0.5%)	0 (0.0%)
... unknown	14 (1.6%)	11 (1.4%)	3 (2.5%)
Hunting	6 (0.7%)	6 (0.8%)	0 (0.0%)
Infanticide	20 (2.2%)	1 (0.1%)	19 (15.7%)
Insanity	4 (0.4%)	1 (0.1%)	3 (2.5%)
Money	23 (2.6%)	21 (2.7%)	2 (1.7%)
... debt	19 (2.1%)	17 (2.2%)	2 (1.7%)
... other	2 (0.2%)	2 (0.3%)	0 (0.0%)
... unknown	2 (0.2%)	2 (0.3%)	0 (0.0%)
Other	10 (1.1%)	9 (1.2%)	1 (0.8%)
Partner	14 (1.6%)	4 (0.5%)	10 (8.3%)
Paternity	5 (0.6%)	4 (0.5%)	1 (0.8%)
Politics	22 (2.5%)	22 (2.8%)	0 (0.0%)
Property	33 (3.7%)	29 (3.8%)	4 (3.3%)
Religion	3 (0.3%)	3 (0.4%)	0 (0.0%)
Reputation	6 (0.7%)	3 (0.4%)	3 (2.5%)

<i>Cause</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
Riposte	93 (10.4%)	76 (9.8%)	17 (14.0%)
... challenging action	10 (1.1%)	9 (1.2%)	1 (0.8%)
... earlier violence	1 (0.1%)	1 (0.1%)	0 (0.0%)
... insult	11 (1.2%)	9 (1.2%)	2 (1.7%)
... insult (theft)	4 (0.4%)	4 (0.5%)	0 (0.0%)
... insult (other crime)	3 (0.3%)	3 (0.4%)	0 (0.0%)
... legal action	24 (2.7%)	19 (2.5%)	5 (4.1%)
... loss (money/goods)	7 (0.8%)	5 (0.6%)	2 (1.7%)
... other	3 (0.3%)	2 (0.3%)	1 (0.8%)
... theft	30 (3.4%)	24 (3.1%)	6 (5.0%)
Sex	34 (3.8%)	34 (4.4%)	0 (0.0%)
Theft	72 (8.1%)	72 (9.3%)	0 (0.0%)
... burglary	5 (0.6%)	5 (0.6%)	0 (0.0%)
... highway	49 (5.5%)	49 (6.3%)	0 (0.0%)
... other	18 (2.0%)	18 (2.3%)	0 (0.0%)
Trespass	46 (5.2%)	40 (5.2%)	6 (5.0%)
... animal	22 (2.5%)	16 (2.1%)	6 (5.0%)
... human	24 (2.7%)	24 (3.1%)	0 (0.0%)
Versus authority	161 (18.0%)	136 (17.6%)	25 (20.7%)
... arrest	68 (7.6%)	56 (7.3%)	12 (9.9%)
... customs	7 (0.8%)	7 (0.9%)	0 (0.0%)
... impress	22 (2.5%)	14 (1.8%)	8 (6.6%)
... military	1 (0.1%)	1 (0.1%)	0 (0.0%)
... money/goods	37 (4.1%)	34 (4.4%)	3 (2.5%)
... other	18 (2.0%)	18 (2.3%)	0 (0.0%)
... unknown	8 (0.9%)	6 (0.8%)	2 (1.7%)
Versus report	18 (2.0%)	15 (1.9%)	3 (2.5%)
... theft	16 (1.8%)	13 (1.7%)	3 (2.5%)
... other crime	2 (0.2%)	2 (0.3%)	0 (0.0%)
Work	48 (5.4%)	46 (6.0%)	2 (1.7%)
... competence	5 (0.6%)	5 (0.6%)	0 (0.0%)
... farming dispute	15 (1.7%)	15 (1.9%)	0 (0.0%)
... hierarchy	7 (0.8%)	7 (0.9%)	0 (0.0%)
... money/goods	9 (1.0%)	9 (1.2%)	0 (0.0%)
... other	9 (1.0%)	8 (1.0%)	1 (0.8%)
... unknown	3 (0.3%)	2 (0.3%)	1 (0.8%)

Differences in patterns of violence are partly a reflection of the gendered availability of opportunity. Whilst women were to be found beyond the home, in the streets, workshops, and, most notably, the market places of the region, their violence was nonetheless more concentrated around the homestead than that of men. This is in part a reflection of their different life patterns, being less involved than men in the contexts of drink and tavern, and manual field work, for instance.

Differences in male and female patterns of violence and victimhood were, however, not necessarily in entirely expected places. One crucial factor was the differing ideals held up before men and women of ideal and honourable behaviour. Although these ideals were tempered by contingency, the behaviours of reputable men and women remained very different with respect to their violent content. The constructs surrounding duelling made it possible in certain circumstances for many men to bolster, rather than damage, their reputations through aggression. From gentry to labourers, men could choose to act in aggressive ways which their peers considered to be fair, even if, in reality and in the heat of the moment, many did not do so.

Whilst women were not expected to be passive in all circumstances, and for lower class women a degree of forcefulness was not always harmful, ideals of honour placed severe limits upon the possibilities of female aggression. As we have seen, women were not generally in a position where their reputation could itself be defended by violence without at best a Pyrrhic victory. If femininity and social mores precluded violence, what does this say about those women who engaged in it?

Hull says that female criminality “reveals much about the world in which they lived, and how (and why) they failed to cope with it”. This is certainly true of some, like Hannah Rutter in her doomed quest to get Francis Burton to acknowledge her.¹²⁰⁰ Some individuals do appear to have been out of control, and failing to cope with the world. Mrs. Hewison, probably a widow

¹²⁰⁰ N. E. H. Hull, Female Felons, p. 1

and household head, was irreligious in several ways (calling herself damned), kept men in her house, threatened her children, attacked and threw out her maids, and went into the streets at night with a knife.¹²⁰¹ These are signs of a mental instability which no one seemed to be in a position to keep under control, hence the recourse of her neighbours to the law. At the opposite extreme, Elizabeth Hume was a single mother on the margins of society, drifting and living on the streets of North Shields, when she allegedly attacked her child's father. She had plainly fallen through society's net, in a way which was in all probability relatively common in a rapidly changing community such as North Shields.¹²⁰²

Yet desperation and instability were not universal features of female assault. Considerably more than half of violent women (excluding women acting as part of large groups) were in fact married; their violence did not come from being outside of societal structures, and nor did that of many spinsters. This is not surprising given that their use of violence was often to protect familial interests or to defend community ideals. Many of the north eastern women appear to have been deliberate in their use of violence as one resource in protecting what they believed in: their goods, their families and households, and the communal values which held such households together.

That violence intended to shaming individuals into closer adherence to community values was notably associated with women fits in with the wider picture of other informal actions to bolster the status quo, notably the equivalent use of words as gossip or, if challenged, defamation. Chaytor also believes that the foci of defamation meant that it "very often affirmed the male hierarchy" rather than undermining it, in spite of contemporary fears about

¹²⁰¹ NCC QSB 15/14b (information of John Fenwick, as related in a letter from Richard Hindmarsh to the bench of justices)

¹²⁰² NCC QSB 29/19b (petition of Elizabeth Hume, information of Thomas Thorp). Such misfits of the patriarchal system existed elsewhere - outside North Shields, we find individuals like Philis Jobson of Hebburn, who was firstly described as a widow, then later as the wife of an unknown man, possibly deserted (NCC QSB 20/74c (information of Jane Laidlaw)) - but not in such numbers.

women's tongues.¹²⁰³ This is a reminder that physical violence cannot be viewed in isolation from other strategies of control and offence, and thus patterns of motivation and participation can recur.

That many women fought in North Shields - an area where patriarchy was at its weakest - might indicate that they did so not so much because there was no one to keep them under control, as because the defence of the household and all its individual members became more evenly distributed in an area where men might be absent for long periods and women came into contact with a wider range of individuals. This is tentative however, as numbers are small and information about husbands' profession rare.

It is important not to overstate the case. Women were capable of acting selfishly and hot-headedly – notably, they fought the impoundment of family goods, and fought over partners - and men were not oblivious to the need to maintain good order. Of course, men, as constables, jurymen, customs officers and church officials, had more access to involvement in official channels aimed at preserving order, which may partly explain the distinction. Nonetheless, recent studies have shown that men too used weapons of gossip and defamation, and that this could be for both sexes as much a divisive, self-empowering strategy as one which reinforced communal values.¹²⁰⁴ Shoemaker, for instance, stresses the importance of male defamation but accepts that it was more likely to extend to physical violence than female defamation.¹²⁰⁵

¹²⁰³ M. Chaytor, "Household and kinship", p. 48

¹²⁰⁴ D. Turner, "“Nothing is so secret but shall be revealed”", on male use of gossip in a scandal surrounding an allegedly sexually incontinent vicar

¹²⁰⁵ R. Shoemaker, "The violent male? Men and public insult in London 1660-1760", conference paper, (also drawing upon the work of Meldrum) attempts to redress the balance of defamation studies by focusing on male defamation, which made up a significant proportion of defamation in both the ecclesiastical and secular courts of seventeenth century London. See also E. Foyster, "The Concept of Male Honour", which discusses in detail the relationships between gossip, defamation, and male honour.

Nonetheless, to simplify somewhat, whilst many men defended their own honour and possessions by violence, women's sights were often set more widely upon the world around.

iii) The shapes of violence, legitimacy and social meanings

Violence was frequently spontaneous, and little here challenges Spierenburg's argument that "impulsive violence was overwhelmingly dominant", at least in the sense that planning and premeditation were rare.¹²⁰⁶ Lawrence's statement that "the vast majority of homicides ... were committed as acts of premeditated aggression" is simply untrue.¹²⁰⁷

This does not mean that all assault lacked structure. Even when an assault was the action of a momentary impulse, it is interesting to note how often it conformed to, or reflected, patterns of behaviour elsewhere in society, and particularly the rationale and shapes of legitimate violence. Corporal punishment, chastisement, boxing and cock fights all fed into the psyche, encouraging the acceptance, or enjoyment, of violence, and this cannot entirely be ignored in favour of rational motivations. A song from Interregnum Bristol illustrates the possibility of deriving pleasure from another's pain, encouraged by these sports - "better than bull-baiting, or squailing cocks, meseems, [is] to see the rascal suffer, and hear his saintly screams".¹²⁰⁸ Closer to home are the chilling words of Ralph Gardiner, determined not to be beaten by the corporation, that "nothing troubles me more than that shot should be spent in vain and that it did not hit the sheriff to the heart ... I will ... free spend my blood when and meet him without satisfaction ... and I shall not eat a meal of meat with content till I have recompense from him".¹²⁰⁹

¹²⁰⁶ P. Spierenburg, "Faces of violence", p. 711

¹²⁰⁷ A. Lawrence, Women in England, p. 257

¹²⁰⁸ N. Rogers, Whigs and Cities, p. 271. The screams in question came from a pilloried Quaker.

¹²⁰⁹ ed. R. Howell, Papers relating to Ralph Gardiner, p. 122, quoting NCC NCX/DM/1/32

More important, however, is the way in which these experiences affected the dynamics and shapes of criminal behaviour. From wrestling matches and duelling to the appropriations of church and state justice, structure and outside influences are to be found behind many acts of aggression. There was a complex interplay between the borrowing of legitimate behaviours and the belief in the rightness of one's own actions, which was bolstered further by appropriation of accepted forms.

Most violence fell within certain classes of behaviour which, whilst not necessarily approved, were understood by bystanders, and stopped short of serious harm. It is precisely because some degree of constraint was the norm, even within the heat of assault, that the violence of the unconstrained insane was to be feared.¹²¹⁰ If the courts seem overburdened with incidents which contradict this, it is likely to be due to differing levels of prosecution. Enough more measured, or at least well-motivated, assaults reached the courts to allow us to infer a more likely pattern of actual events, in which both the form and the meaning of assaults were influenced by other types of violence, even when the immediate purpose of the assault was very different.

One final illustration of the experience of violence may be found by revisiting the alehouse. Here, of all places, there is an expectation of masculine posturing, anger and brawling, alcohol-fuelled and frequently meaningless - a more concentrated form of the violence found elsewhere. All these elements did indeed exist, and alcohol undoubtedly helped to turn minor incidents into major disruption. Yet even here, there is much more to say. Reputations and fortunes were made and lost, challenged and defended, and personal, community and political loyalties and moralities were articulated, in front of an appraising audience of ones' peers. Although not always followed, there were generally understood conventions. In this context, the alehouse stands as a microcosm of all society - not always logical in its tensions and aggressions, but rarely purposeless.

¹²¹⁰ M. MacDonald, *Mystical Bedlam*, p. 142

Aggression and violence amongst early modern north-easterners was truly a many-headed monster, impossible to pin down to a particular motivational pattern. Brennan is right to highlight the “rivalries and tensions of self respecting people who resorted to violence for reasons of status, reputation and power”.¹²¹¹ To this must be added circumstances more selfish, idealistic, and purely emotional, with inspiration drawn from violent actions seen in the wider world. In short, in studying violence - and through its lens, honour and legitimacy, love and hate, frustration and strategy - we catch a glimpse of what it meant to be human in the early modern era.

¹²¹¹ T. Brennan, Public Drinking and Popular Culture, p. 15

Appendix: depositions and a relational database structure

Making the best possible use of nearly a thousand accusations, many of them spread over several sheets of paper, was always going to be a challenge. Whilst the depositions were written in English, and are for the most part in good condition (and certainly much more legible than the concurrent assizes indictments), they were not without failings. Handwriting, punctuation and dialect all presented their own challenges, making transcription a slow and painstaking process. Once transcribed (using modern spelling, punctuation and dating), each accusation was assigned a unique number. Key themes in each accusation were then identified and this information collated for ease of access. A similar, themed approach was taken to the indexing of non-court primary material.

Despite the predominance of qualitative methodology in this thesis, it was very soon clear that any thorough investigation of the accusations would involve the use of computerised databases to facilitate sorting and counting. The problem is not logistically easy, however, as individuals could occur as criminals, victims, or on different occasions, both; and in either case, they could be named alone or with others. No simple one- or two-table model would allow the flexibility necessary to be able to count and sort by victim, criminal, or case.

The solution I finally devised involved the use of four inter-linked tables using the database program Access. Two contained significant information. One detailed information relating to all the crimes reported. The other listed all the people who were in some capacity involved in a crime. Each accusation, and each individual, was given a unique identity code. Two further tables were then created, which cross-referenced all crimes to, in the one case their victims, and in the other, their criminals.

Certain problems arose in setting up this system, some of which are worthy of mention here. Where two individuals made accusations against each other regarding the same incident, the accusation which was made first is taken to be the “valid” one in terms of statistics (although in analysis these ambiguities are better catered for). Where the accusations relate to separate

days, they were both taken to be “valid”. With regard to several similar incidents of violence between the same two people or groups reported within one testimony, these have generally been collated into a single entry. However, if separate accusations were brought before the justice then these were entered separately. Where two accusations are made within a single information, they are treated separately unless they appear to refer to the same event.

Another issue related to the identification of individuals, where the same name occurred in separate documents. These have been considered to relate to the same person only where a substantial body of other details, such as home, profession, and marital status, were identical, or where the documents appeared to form a coherent case history.

Building on the four-table structure, tables were created listing all criminals (both as unique figures, and where they appeared as such more than once, several times) and victims; these could be used to identify elements of the profiles of those involved. These tables, along with the crime table itself, provided the raw material, which was filtered, counted and cross-referenced for the majority of queries asked of the data. Some statistical analysis required information that was not a part of the database - for instance, the type of goods stolen by highway robbers. These statistics were calculated by hand.

I am indebted to Andy Holdsworth for lending his technical know-how to the more complex of the queries I had of my data.

It was clear that in cases such as profession and weapon, such a wide range of terms was used within the original documents that to be able to discern broad patterns, equally broad classifications were needed. Profession bands were in most instances based on the kind of work performed. The exception was for the cross-tabulation of professions, where relative status was particularly important. Here Weatherill’s “social status” listings were adapted,¹²¹²

¹²¹² L. Weatherill, Consumer Behaviour and Material Culture, pp. 209-212

Table 24 - banding of weaponry

<i>Broad band</i>	<i>Weapon</i>	<i>Broad band</i>	<i>Weapon</i>	<i>Broad band</i>	<i>Weapon</i>
Blunt	Club	Other	Urine	Tool	Iron ferlet
	Cudgel	Poison			Iron hook
	Gun (in hand)	Riding tool	Bridle		Iron pallin
	Pistol pommel		Driving goad		Iron pipe
Body			Goad		Iron rung
Crockery	Dish		Whip		Iron standish
	Drinking vessel		Whip handle		Jackoleggs
	Pint pot	Staff	Cane		Line
	Quart pot		Staff		Muck fork
	Tankard		Stave		Nail string
Drowning			Stick		Pitchfork
Fall		Stone	Stone		Rake
Gun	Gun		Stones		Rod
	Pistol	Sword	Falcheon		Shovel
Animals	Dogs		Rapier		Sickle
	Horse		Sword		Spade
Knife etc.	Blade	Tool	Axe		Stool
	Dagger		Boat tiller		Tankard
	Dirk		Candlestick		Tetherstake
	Knife		Chimney spar		Threshing flail
	Pole axe		Coal		Timber
Other	Ashes		Curt rung		Tongs
	Bread		Fork		Various tools
	Bullocks foot		Hammer		Weedhook
	Cradle		Handsaw		Window bar
	Dirt		Handspike		
	Fire		Hedging bill		
	Fish		Hedging spade		
	Hot Water		Hook		
	Instrument		Hook/sickle		
	Pail of water		Hot coals		
	Spit		Hot iron		
	Shoe		Iron		

Table 25 - banding of crime locations

<i>Broad Locale</i>	<i>Locale</i>
Military	Fort
	Barracks
	Castle
Religious	Cathedral
	Churchyard
	Church
Commerce	Market
	Fair
	Shop
Outbuilding	Hayloft
	Byre
	Barn
	Stable
	Back house
	River
River	Riverbank
Wild	Shore
	Moor
Leisure	Alehouse
	Cockpit
	Football pitch
Field	Field
	Stackyard
	Backside
	Starkgarth
	Outside
	Green
	Common
	Garden
	Yard
	Grounds

<i>Broad Locale</i>	<i>Locale</i>
Civic	House of correction
	School
Civic	Gaol
	Almshouse
House	House
	Alehouse lodgings
	Lodging house
	Building
	Doorway
Workplace	Workshop
	Ship
	Smelting mill
	Pit
	Smithy
	Coal pit
	Quayside
	Shambles
	Lime kiln
	Boat
	Workplace
	Glasshouse
	Coal field
	Docks
	Granary
Road	Road
	Guard house door
	Outside hall
	Bridge
	Street
	Town gate
	Ford

Table 26 - banding of profession types¹²¹³

<i>Broad band</i>	<i>Profession</i>
Craft	Anchorsmith
	Apprentice butcher
	Apprentice joiner
	Apprentice slater
	Apprentice smith
	Apprentice tailor
	Apprentice wheelwright
	Apprentice wig maker
	Badger
	Baker
	Blacksmith
	Brewer
	Brick maker
	Brodalaise maker
	Butcher
	Carpenter
	Cooper
	Cordwainer
	Cowper
	Currier
	Dyer
	Farrier
	Feltmaker
	Fuller
	Gardener
	Glassmaker
	Glazier
	Glover
	Hatter
	House carpenter
	Joiner
	Journeyman skinner
	Maltster

¹²¹³ "Unknown" was primarily used where no profession was given, but also for a few designations where status or actual job was uncertain, for instance prisoner, hacke and dayter.

Craft	Mason
	Meelmaker
	Miller
	Millwright
	Pattonmaker
	Plasterer bricklayer
	Plumber
	Saddler
	Sailmaker
	Ships carpenter
	Shipwright
	Shoemaker
	Silversmith
	Skinner
	Slater
	Smith
	Tailor
	Tanner
	Upholsterer
	Weaver
Gentleman	Wheelwright
	Whitesmith
Husbandman	Gentleman
	Gentlewoman
Industrial	"Sir" or "Esq."
	Husbandman
Military	Collier
	Keelman
	Lime kiln worker
	Miner
	Pitman
	Colonel
	Dragoon
	Sergeant
	Soldier
	Soldier's servant
Other Professional	Watchman
	Prisoner
	Apothecary
	Barber surgeon
	Barrister
	Bonesetter
	Clerk
	Curate

Professional	Dancing master
	Gaoler
	Master of house of correction
	Midwife
	Minister
	Parson
	Schoolmaster
	Surgeon
	Tollgate keeper
	Vicar
Sailor	Boatman
	Cabin boy
	Chief mate
	Colewater
	Ferryman
	Fisherman
	Lame seaman
	Mariner
	Master mariner
	Pilot
Servant	Sailor
	Seaman
	Servant to master mariner
	Ship captain
	Ship's servant
	Side surveyor
	Skipper
	Tidesman
	Waiter and searcher
	Waterman
Trade	Apprentice (unspecified)
	Butler
	Hired servant
	Housekeeper
	Maid
	Servant
	Servant to butcher
	Servant to sail maker
	Alehouse keeper
	Barber
	Chapman
	Clothier
	Innkeeper

Trade	Lodgings owner
	Maltster
	Merchant
	Shopkeeper
	Tinker
	Trader
	Victualler
	Travellers
	Cowherd
	Drover
Unemployed Unskilled	Herd
	Herdsmen
	Hired labourer
	Horse herd
	Labourer
	Shepherd
	Travelling labourer
	Burgess
	Farmer
	Yeoman
Yeoman	Boy
	Child
	Girl
	Scholar

Bibliography

Manuscript Sources

Public Record Office

Northern Circuit Assizes Court

ASSI 45/5/6-45/17 depositions 1659-1699

ASSI 47/17 file strays

ASSI 47/20/1 petitions 1650 onward

ASSI 47/20/6 minute and gaol books

ASSI 47/20/11 warrants

Border Commission

ASSI 42/2 gaol book 1662-76

Durham Palatinate Court

DURH 17/1 indictments and depositions 1674-1720

Northumberland Record Office

Morpeth Branch

Quarter Sessions Court

QSB 1-55 depositions, warrants, recognisances, etc. 1680-1720

QSO 1-5 order books 1680-1720

QSI 22/1-22, 23/1-18 calendar only, indictments 1685-6

Gosforth Branch

ZAL 39/1/1-15 letters from MR to Mary Allgood

ZAL 31/4-5/19 legal suits

Berwick Branch

Quarter Sessions Court

C8/1 minute book 1694-1727

C15/1 informations 1698-1720

C15/14 examinations 1700-1759

Tyne and Wear Archive Service

Quarter Sessions Court

QS/NC/8/1 1646-7 recognisances

QS/NC/1/1 1649-51 order book (MF 300)

QS/NC/1/2 1665-71 order book

QS/NC/1/3 1700-19 order book (MF 300)

NCX/CTI/1/4 river court book

Extracts from the minutes of the barber surgeons guild of Newcastle

GU/JO/2/2 joiners' guild minute book 1670-1681

GU/JO/2/3 joiners' guild minute book 1714-1720

GU/BR/3/1 bricklayers' guild minutes 1650s onward

GU/BU/1 butchers' guild records

Calendar of the Common Council Book, 1639 onward

TWAS 394/1, 3, 7 keelmens' strike papers

Durham Record Office

QS/OB 6-7 order books, 1660's-80's

Durham University Palace Green Library

DDR consistory court cause papers

DDR proctor's papers

Green Box 414 depositions, 1634-7, 1660-9

Newcastle Central Library

Parish Registers of St Andrews, All Saints, St Johns and St Nicholas, Newcastle

Newspapers Newcastle Courant 1711-18, 20+

Newcastle Gazette 1710-2

Society of Antiquaries of Newcastle upon Tyne

M/13/B35 extracts from the London Gazette 1665-1705 re. Northern England

Printed primary sources

"A.L." (1629/1855). A relation of abuses of the Commonwealth. In F. Madden (Ed.), Camden Miscellany III.

"M.R." (1866). Memoirs of the life of Ambrose Barnes. Surtees Society, 50.

Atkinson, J. et al. (1993). Darlington wills and inventories, 1600-1625. Surtees Society, 201.

Braithwaite, R. (1715). Drunken Barnabee's Four Journeys to the North of England. London: S. Illidge.

Brand, J., & Bourne, H. (1777). Observations on Popular Antiquities: Including the whole of Mr Bourne's Antiquitates Vulgares, with Addenda to every Chapter of that Work as also an Appendix containing such Articles on the Subject as have been Omitted by that Author. Newcastle upon Tyne: J. Johnson.

Cartwright, J. J. (Ed.). (1875). The Memoirs of Sir John Reresby of Thrybergh, bart., MP for York etc. 1634-1689. London: Longmans Green and co.

Craster, H. H. E. (1906). The murder of William Delaval in Northumberland in 1618. Archaeologia Aeliana, 3rd series, 2, 168-172.

Defoe, D. (1928). A Tour Through England and Wales. London: J. M. Dent.

Dendy, F. W. (Ed.). (1894). Extracts from the records of the merchant adventurers society of Newcastle upon Tyne. Surtees Society, 93(1).

Ellis, J. (Ed.). (1985). The letters of Henry Liddell to William Cotesworth. Surtees Society, 197.

Ellison, C. (1726). A Most Pleasant Description of Benwel Village in the County of Northumberland. Newcastle upon Tyne: John White.

Flinn, M. W. (Ed.). (1952). The Law Book of the Crowley Ironworks. Surtees Society, 167.

Gardiner, R. (1655). England's Grievance Discovered, in Relation to the Coal Trade: the Tyrannical Oppression of the Magistrates of Newcastle, their Charter and Grants, the several

Tryals, Depositions and Judgements obtained against them: with Proposals for Reducing the Excessive Rates of Coals for the Future. (1849 ed.). North Shields: Philipson and Hare.

Glanvil, J. (1681). Saducimus Triumphatus. wing microfilm.

Gray, W. (1649). Chorographia, or a Survey of Newcastle Upon Tyne (1970 ed.). Newcastle upon Tyne: Graham.

Halcrow, E. M. (Ed.). (1951). Calendar of the Black Book. Newcastle upon Tyne: City Archives Office.

Hilman, A. (Ed.). (1994). The Rake's Diary: the Journal of George Hilton. Kendal: Curwen Archives Trust.

Hodgson, J. (Ed.). (1822a). Calendar of prisoners confined in the high castle in Newcastle at the assizes for Northumberland in the years 1628 and 1629. Archaeologia Aeliana, 1(1), 149-163.

Hodgson, J. (Ed.). (1822b). Indentures between Sir Francis Branding and Sir Thomas Swinburne in 1627, and Sir Thomas Swinburne and Thomas Carr esq. in 1629, for delivering over the gaol of Northumberland. Archaeologia Aeliana, 1(1), 164-170.

Hodgson, J. (Ed.). (1910a). The diary of Christopher Sanderson. Surtees Society, 118, 35-42.

Hodgson, J. (Ed.). (1910b). The diary of Jacob Bee of Durham. Surtees Society, 118(1), 45-63.

Hodgson, J. (Ed.). (1910c). Diary of John Thomlinson. Surtees Society, 118, 64-167.

Hodgson, J. (Ed.). (1914a). Jacob Bee's chronicle. Surtees Society, 124(1), 54-175.

Hodgson, J. (Ed.). (1914b). The journal of Sir William Brereton, 1635. Surtees Society, 124(1), 3-50.

Hodgson, J. (Ed.). (1914c). Mark Browell's diary. Surtees Society, 124(1), 176-190.

Hodgson, J. (Ed.). (1918a). Correspondence of Miles Stapleton. Surtees Society, 131(1), 132-267.

- Hodgson, J. (Ed.). (1918b). The register of estates of Roman Catholics of Northumberland. Surtees Society, 131, 1-131.
- Howell, R. (Ed.). (1978). Monopoly on the Tyne: Papers Relating to Ralph Gardiner. Newcastle upon Tyne: Society of the Antiquaries of Newcastle upon Tyne.
- Hughes, E. (Ed.). (1956). Some Clavering correspondence. Archaeologia Aeliana, 4th Series, 34, 14-26.
- Hutchinson, W. (1778). A View of Northumberland. Newcastle upon Tyne: W. Charnley.
- Morgan, G. & Rushton, P. (Eds.). (2000). The Justicing Notebook (1750-64) of Edmund Tew, Rector of Boldon. Surtees Society, 205.
- Morris, C. (Ed.). (1982). The Illustrated Journeys of Celia Fiennes. London: MacDonald and son.
- North, R. (1890a). The Autobiography of the Honourable Roger North (ed. A. Jessop, Trans.). (1972 ed.). Farnborough: Gregg International.
- North, R. (Ed.). (1890b). The Life of the Right Honourable Francis North, Lord Guildford (1972 ed.). Farnborough: Gregg International.
- Paley, R. (Ed.). (1991). Justice in Eighteenth-Century Hackney: the Justicing Notebook of Henry Norris and Hackney Petty Sessions Book. London: London Record Society.
- Raine, J. (Ed.). (1861). Depositions from York Castle. Surtees Society, 40(2).
- Richardson, M. (Ed.). (1845). Reprints of Rare Tracts and Imprints of Ancient Manuscripts. Hunstanworth: Edmund Byres.
- Richmond, T. (1868). The Local Records of Stockton and the Neighbourhood. Stockton: Will. Robinson.
- Sinclair, G. (1685). Satan's Invisible World Discovered. wing microfilm.
- Smith, J. (1730). A Compleat History of Durham. London: E. and R. Nutt.

Stainsby, J. (1906). Observations in a northern journey taken in Hillary vacation 1666. In H. H. E. Craster (Eds.), Northern Notes and Queries Newcastle upon Tyne: M. S. Dodds.

Sykes, J. (Ed.). (1866). Local Records of Northumberland and Durham, Newcastle upon Tyne and Berwick upon Tweed (1973 ed.). Stockton on Tees: Patrick and Shotton.

Weir, J. (1889). The confession of John Weir, prisoner in Edinburgh, under sentence of death, July 1701. In W. Scott (Eds.), The Border Antiquities of England and Scotland, comprising Specimens of Architecture and Sculpture and other Vestiges of Former Ages accompanied by Descriptions, together with Illustrations of Remarkable Incidents in Border History and Tradition, and Original Poetry, Appendix xiii. v. 2, London: W. Scott.

Welford, R. (Ed.). (1911). Newcastle householders in 1665: assessment of the hearth or chimney tax. Archaeologia Aeliana, 3(7), 49-76.

_ (1899). The pardon of Bowrie Charlton. Proceedings of the Society of Antiquaries of Newcastle upon Tyne, IX, 2nd series(1).

Secondary sources

(1893-1940). The History of Northumberland, issued under the direction of the Northumberland County History Committee. Newcastle upon Tyne: A. Reid.

Amussen, S. D. (1988). An Ordered Society: Gender and Class in Early Modern England. Oxford: Blackwell.

Amussen, S. D. (1994). "Being stirred to much unquietness": violence and domestic violence in early modern England. Journal of Women's History, 6(2), 70-89.

Amussen, S. D. (1995). Punishment, discipline and power - the social meanings of violence in early modern England. Journal of British Studies, 34(1), 1-34.

Andrew, D. (1980). The code of honour and its critics: opposition to duelling in England, 1700-1850. Social History, 5, 409-434.

Baker, J. H. (1977). Criminal courts and procedure at common law. In J. S. Cockburn (Eds.), Crime in England 1550-1800 (pp. 15-48). London: Methuen.

Barnes, T. G. (1955). Examination before a justice in the seventeenth century. Somerset and Dorset Notes and Queries, 27, 39-42.

Bashar, N. (1983). Rape in England between 1500 and 1700. In Local Family History Group (Ed.), The Sexual Dynamics of History: Men's Power, Women's Resistance (pp. 28-42). London: Pluto.

Beattie, J. M. (1972). Towards a study of crime in eighteenth-century England: a note on indictments. In P. Fritz & D. Williams (Eds.), The Triumph of Culture: Eighteenth-Century Perspectives (pp. 299-314). Toronto: J. M. Hakkert.

Beattie, J. M. (1974). The pattern of crime in England 1660-1800. Past and Present, 62(February), 47-95.

- Beattie, J. M. (1975). The criminality of women in eighteenth-century England. Journal of Social History, 8, 80-116.
- Beattie, J. M. (1985). Violence and society in early modern England. In A. N. Doob & E. L. Greenspan (Eds.), Perspectives in Criminal Law (pp. 36-60). Aurora: Canada Law Book.
- Beattie, J. M. (1986). Crime and the Courts in England, 1660-1800. Oxford: Clarendon.
- Boose, L. E. (1991). Scolding brides and bridling scolds: taming the woman's unruly member. Shakespeare Quarterly, 42(2), 179-213.
- Braddick, M. J. (1994). Parliamentary Taxation in Seventeenth-Century England: Local Administration and Response. Suffolk: Royal Historical Society.
- Brassley, P. (1985). The Agricultural Economy of Northumberland and Durham in the Period 1640-1750. New York: Garland Publications.
- Brenchley, D. (1997). A Place by Itself: Berwick upon Tweed in the Eighteenth Century. Berwick upon Tweed: Berwick upon Tweed Civic Society.
- Brennan, T. (1988). Public Drinking and Popular Culture in Eighteenth-Century Paris. Princeton: Princeton University Press.
- Bretherton, F. F. (1932-43). John Wesley's visits to Sunderland. Antiquities of Sunderland and its Vicinity, 20.
- Brooks, C. (1986). Pettyfoggers and Vipers of the Commonwealth. Cambridge: Cambridge University Press.
- Brown, G. T. (1910). Riding the stang. Antiquities of Sunderland and its Vicinity, 11, 23-36.
- Brown, P. (1893). North Country Sketches, Notes, Essays and Reviews. Durham: Thomas Caldcleugh.

- Burford, E. J., & Shulman, S. (1992). Of Bridles and Burnings: the Punishment of Women. London: Robert Hale.
- Carter, E. (1947). Tales of the North Country. Gateshead: Northumberland Press.
- Charlton, E. (1865). Jacobite relics of 1715 and 1745. Archaeologia Aeliana, 1(6), 29-33.
- Charlton, E. (1871). Memorials of North Tyndale and its Four Surnames. Newcastle upon Tyne: J. M. Carr.
- Chaytor, M. (1980). Household and kinship: Ryton in the late sixteenth and early seventeenth centuries. History Workshop Journal, 10, 25-60.
- Chaytor, M. (1995). Husband(ry): narratives of rape in the seventeenth century. Gender and History, 7, 378-407.
- Clark, A. (1987). Woman's Silence, Men's Violence: Sexual Assault in England 1770-1845. London: Longman.
- Clark, P. (1983). The English Alehouse - a Social History, 1200-1830. London: Longman.
- Clark, P., & Slack, P. (1976). English Towns in Transition 1500-1700. Oxford: Oxford University Press.
- Clavering, E. (1992). Riot and recusancy: Durham Catholic resistance in the reign of James I. Durham County Local History Society Bulletin, 49(December), 3-21.
- Cockburn, J. (1991). Patterns of homicide in English society: homicide in Kent 1560-1985. Past and Present, 130, 70-106.
- Cockburn, J. S. (1968). The northern assize circuit. Northern History, 3, 118-130.
- Cockburn, J. S. (1972). The History of English Assizes 1558-1714. Cambridge: Cambridge University Press.

Cockburn, J. S. (1975). Early modern assize records as historical evidence. Journal of the Society of Archivists, 5, 215-231.

Cockburn, J. S. (1978). Trial by the book? Fact and theory in the criminal process 1558-1625. In J. H. Baker (Eds.), Legal Records and the Historian (pp. 60-79). London: Royal Historical Society.

Cockburn, J. S. (1985). Calendar of Assize Records: Home Circuit Indictments of Elizabeth I and James I - Introduction. London: Her Majesties Stationary Office.

Colls, R. (1977). The Colliers' Rant: Song and Culture in the Industrial Village. London: Croom Helm.

Coombes, L. C. (1994). The appropriation of horses during the Jacobite rebellion 1715. Tyne and Tweed, 49, 73-76.

Crowther, A. (1997, n. 4903). Ruined mothers: review of M. Jackson, *New Born Child Murder*. Times Literary Supplement, p. 10.

Curtis, T. C. (1977). Quarter sessions appearances and their background - a seventeenth-century regional study. In J. S. Cockburn (Eds.), Crime in England 1550-1800 (pp. 135-154). London: Methuen.

Darnton, R. (1985). The Great Cat Massacre and other Episodes from French Cultural History. Harmondsworth: Penguin Books.

Davis, N. Z. (1987). Fiction in the Archives: Pardon Tellers and their Tales in Sixteenth-Century France. Stanford: Stanford University Press.

Dolan, F. (1992). "Home rebels and house traitors": murderous wives in early modern England. Yale Journal of Law and the Humanities, 4(1), 1-31.

Dolan, F. (1994). Dangerous Familiars: Popular Accounts of Domestic Crime in England 1550-1700. Ithaca: Cornell University Press.

- Doody, M. A. (1984). "Those eyes are made so killing": eighteenth-century murderesses and the law. Princeton University Library Chronicle, 46, 49-80.
- Ellis, J. (1978). The poisoning of William Cotesworth, 1725. History Today, 28, 752-757.
- Ellis, J. (1980). Urban conflict and popular violence: the guildhall riots of 1740 in Newcastle upon Tyne. International Review of Social History, 25(3), 332-349.
- Ellis, J. (1984). A dynamic society: social relations in Newcastle 1600-1800. In P. Clark (Eds.), The Transformation of English Towns. (pp. 190-227). London: Hutchinson.
- Emmison, F. G. (1970a). Elizabethan Life: Disorder. Chelmsford: Cullingford and Co. Ltd.
- Emmison, F. G. (1970b). Elizabethan Life: Home, Work and Land. Chelmsford: Cullingford and Co. Ltd.
- Emsley, K. (1978). A circuit judge in Northumberland. Tyne and Tweed, 31(Spring), 13-18.
- Evans, H. C. (1969). Comic constables - fictional and historical. Shakespeare Quarterly, 20, 427-433.
- Ewen, C. (1933). Witchcraft and Demonianism, a Concise Account derived from Sworn Depositions and Confessions obtained within the Courts of England and Wales. London: Heath Cranton Ltd.
- Faller, L. B. (1987). Turned to Account: the Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England. Cambridge: Cambridge University Press.
- Finch, A. (1992). Women and violence in the later middle ages. Continuity and Change, 7(May), 23-45.
- Fletcher, A. (1995). Gender, Sex and Subordination in England 1500-1800. London: Yale University Press.

- Fletcher, A., & Stevenson, J. (1985). Introduction. In A. Fletcher & J. Stevenson (Eds.), Order and Disorder in Early Modern England (pp. 1-40). Cambridge: Cambridge University Press.
- Forbes, T. R. (1978). Crowner's quest. Transactions of the American Philosophical Society, 68(1).
- Foyster, E. (1996b). Male honour, social control and wife beating in late Stuart England. Transactions of the Royal Historical Society, 6(6), 215-223.
- Fraser (1974). The Border Reivers. London: Hale.
- Fraser, C. M., & Emsley, K. (1973). Tyneside. Newton Abbot: David Charles.
- Gaskill, M. (1996a). The displacement of providence: policing and prosecution in seventeenth- and eighteenth-century England. Continuity and Change, 11(3), 341-374.
- Gaskill, M. (1998). Reporting murder: fiction in the archives in early modern England. Social History, 23(1), 1-30.
- Giddens, A. (1993). Sociology. Oxford: Blackwell.
- Gillis, J. R. (1985). For Better, for Worse: British Marriages, 1600 to the Present. Oxford: Oxford University Press.
- Given, J. B. (1977). Society and Homicide in Thirteenth-Century England. Stanford: Stanford University Press.
- Gofton, L. (1988). Folk devils and the demon drink: drinking rituals and social integration in North East England. Drogalkohol, 2, 181-196.
- Gooch, L. (1995). The Desperate Faction? Jacobites of North-East England 1688-1774. Hull: University of Hull Press.
- Gowing, L. (1996). Domestic Dangers: Women, Words and Sex in Early Modern London. Oxford: Oxford University Press.

Gowing, L. (1997). Secret births and infanticide in seventeenth-century England. Past and Present, 156, 87-115.

Graham, F. (1991) Newcastle Quayside, the Sandhill, the Side and the Close: a History and Guide, Newcastle upon Tyne: F. Graham.

Greenshields, M. (1987). Women, violence and criminal justice records in early modern Haute Auvergne, 1587 - 1664. Canadian Journal of History, 22(2), 175-194.

Greenshields, M. (1994). An Economy of Violence in Early Modern France: Crime and Justice in the Haute Auvergne, 1587 - 1664. Pennsylvania: Pennsylvania State University Press.

Griffiths, P. (1996). Youth and Authority: Formative Experiences in England 1580-1640. Oxford: Clarendon Press.

Groebner, V. (1995). Losing face, saving face: noses and honour in the late medieval town. History Workshop Journal, 40, 1-15.

Hair, P. E. H. (1972). Homicide, infanticide and child assault in late Tudor Middlesex. Local Population Studies, 8, 43-46.

Hanawalt, B. A. (1974). The female felon in the fourteenth century. Viator, 5.

Hardy, J. (Ed.). (1891). The Denham Tracts. London: Folklore Society, 29.

Harley, D. (1989). Mental Illness, magical medicine, and the devil in the north of England. In R. French & A. Wear (Eds.), The Medical Revolution of the Seventeenth Century (pp. 114-142). Cambridge: Cambridge University Press

Hay, D. (1975). Property, authority and the criminal law. In D. Hay & P. Linebaugh (Eds.), Albion's Fatal Tree: Crime and Society in Eighteenth-Century England (pp. 17-63). London: A. Lane.

Herrup, C. (1984). New shoes and mutton pies: investigative responses to theft in seventeenth-century East Sussex. Historical Journal, 27, 811-830.

Herrup, C. (1985). Law and morality in seventeenth-century England. Past and Present, 106, 102-123.

Herrup, C. (1987). The Common Peace: Participation and the Criminal Law in Seventeenth-Century England. Cambridge: Cambridge University Press.

Hindle, S. (1994). The shaming of Margaret Knowlsey: gossip, gender, and the experience of authority in early modern England. Continuity and Change, 9(3), 391-419.

Hindle, S. (1996). The keeping of the public peace. In P. Griffiths, A. Fox, & S. Hindle (Eds.), The Experience of Authority in Early Modern England (pp. 213-249). London: MacMillan Press.

Hitchcock, T. (1997). English Sexualities, 1700-1800. Basingstoke: MacMillan.

Hodgson, J. (1820-1858). A History of Northumberland. Newcastle upon Tyne: E. Walker.

Hodgson, J. (1973). A History of Morpeth. Newcastle: Graham.

Hoffer, P. C., & Hull, N. E. H. (1981). Murdering Mothers: Infanticide in England and New England 1558-1803. New York: New York University Press.

Holmes, C. (1984). Popular culture? Magistrates and divines in early modern England. In S. Kaplan (Ed.), Understanding Popular Culture (pp. 85-111). Berlin: Mouton.

Horsley, P. M. (1971). Eighteenth-Century Newcastle. Newcastle upon Tyne: Oriel Press.

Houston, R. A. H. (1982). The development of literacy: northern England 1640-1750. Economic History Review, 2(35), 199-216 .

Houston, R. A. H. (1982). Illiteracy in the diocese of Durham, 1663-89, 1750-62: the evidence of marriage bonds. Northern History, 18, 239-51.

- Howell, R. (1967). Newcastle upon Tyne and the Puritan Revolution. Oxford: Clarendon Press.
- Howell, R. (1978). Introduction. In R. Howell (Ed.), Monopoly on the Tyne, 1650-8 Newcastle: Society of the Antiquaries of Newcastle upon Tyne.
- Howson, G. (1970). Thief-taker General: the rise and fall of Jonathan Wild. London: Hutchinson.
- Hughes, E. (1952). North Country Life in the Eighteenth Century. London: Oxford University Press.
- Hull, N. E. H. (1987). Female Felons: Women and Serious Crime in Colonial Massachusetts. Urbana: University of Illinois Press.
- Hunt, M. (1992). Wife beating, domesticity and women's independence in eighteenth-century London. Gender and History, 4(1), 10-33.
- Hutchinson, W. (1778). A View of Northumberland. Newcastle upon Tyne: W. Charnley.
- Ingram, M. (1987). The Church Courts, Sex and Marriage. Cambridge: Cambridge University Press.
- Ingram, M. (1994). "Scolding women cuckold or washed": a crisis in gender relations in early modern England? In J. Kermode & G. Walker (Eds.), Women Crime and the Courts in Early Modern England (pp. 48-80). London: UCL Press.
- Jackson, M. (1996). New Born Child Murder: Women, Illegitimacy and the Courts in Eighteenth-Century England. Manchester: Manchester University Press.
- James, M. (1974). Family, Lineage and Civil Society: a Study of Society, Politics and Mentality in the Durham Region 1500-1640. Oxford: Clarendon Press.

- Johnson, E. A., & Monkkonen, E. H. (Ed.). (1996). The Civilization of Crime: Violence in Town and Country since the Middle Ages. Ithaca: University of Illinois Press.
- Kent, J. R. (1986). The English Village Constable 1580-1642 - a Social and Administrative Study. Oxford: Clarendon Press.
- Kermode, J., & Walker, G. (1994). Introduction. In J. Kermode & G. Walker (Eds.), Women Crime and the Courts in Early Modern England (pp. 1-25). London: UCL Press.
- Kiernan, G. (1988). The Duel in European History: Honour and the Reign of the Aristocracy. Oxford: Oxford University Press.
- King, P. (1984). Decision makers and the criminal law. Historical Journal, 27(1), 25-58.
- King, W. J. (1980). Vagrancy and law enforcement: why be a constable in Stuart Lancashire? The Historian, XLII(2), 264-283.
- Knafla, L. (1983). Sin of all sorts swarmeth: criminal litigation in an English county in the early seventeenth century. In E. W. Ives & A. H. Manchester (Eds.), Law Litigants and the Legal Profession London: Royal Historical Society.
- Landau, N. (1984). The Justices of the Peace 1679-1760. Berkeley: University of California Press.
- Langbein, J. H. (1974). Prosecuting Crime in the Renaissance. Cambridge, Massachusetts: Harvard University Press.
- Langbein, J. H. (1983). Albion's fatal flaws. Past and Present, 98.
- Langton, J. (1975). Residential patterns in pre-industrial cities: some case studies from the seventeenth century. Transactions of the Institute of British Geographers, 65, 1-28.
- Lawrence, A. (1994). Women in England 1500-1760. London: Weidenfield and Nicholson.

MacDonald, M. (1981). Mystical Bedlam: Anxiety, Madness and Healing in Seventeenth-Century England. Cambridge: Cambridge University Press.

MacDonald, M., & Murphy, T. R. (1990). Sleepless Souls: Suicide in Early Modern England. Oxford: Oxford University Press.

Macfarlane, A. (1970). Witchcraft in Tudor and Stuart England. London: Routledge Kegan and Paul.

Macfarlane, A. (1977). Reconstructing Historical Communities. Cambridge: Cambridge University Press.

Macfarlane, A. (1981). The Justice and the Mare's Ale. Oxford: Oxford University Press.

Macfarlane, A. (1987). Violence: peasants and bandits. In A. Macfarlane (Eds.), The Culture of Capitalism (pp. 53-76). Oxford: Blackwell.

MacKenzie, E. (1825). A Historical Topographical and Descriptive View of the County of Northumberland and of those Parts of County Durham situated North of the River Tyne with Berwick upon Tweed. Newcastle upon Tyne: Mackenzie and Dent.

Maddern, P. (1992). Violence and Social Order: East Anglia 1422-1442. Oxford: Oxford University Press.

Malcolmson, R. W. (1977). Infanticide in the eighteenth century. In J. S. Cockburn (Eds.), Crime in England, 1550-1800 (pp. 187-209). London: Methuen.

Mason, J. (1826). The Border Tour throughout the Most Important and Interesting Places in the Counties of Northumberland Berwick Roxburgh and Selkirk. Edinburgh: Walter Grieve.

McLynn, F. (1989). Crime and Punishment in Eighteenth-Century England. London: Routledge.

- Meikle, M. M. (1997). Victims, viragos and vamps: women of the sixteenth-century Anglo-Scottish frontier. In J. C. Appleby & P. Dalton (Eds.), Government Religion and Society in North East England 1000-1700 (pp. 172-184). Stroud: Sutton.
- Mercer, S. (1981). Crime in late seventeenth-century Yorkshire: an exception to the national pattern? Northern History, 27, 106-119.
- Middlebrook, S. (1950). Newcastle upon Tyne, its Growth and Achievement. Newcastle upon Tyne: Newcastle Journal and Chronicle.
- Morgan, G., & Rushton, P. (1998). Rogues, Thieves and the Rule of Law. London: University College London Press.
- Muldrew, C. (1998). The Economy of Obligation: the Culture of Credit and Social Relations in Early Modern England. New York: St Martin's Press.
- O'Hara, D. (2000). Courtship and Constraint: Rethinking the Making of Marriage in Tudor England. Manchester: Manchester University Press.
- Oakley, A. F. (1971). Reresby and the Moor: a seventeenth-century coroner's inquest. History of Medicine, 3, 27-29.
- Parker, G. (1981, July 10). The wearing of the vizard. Times Literary Supplement, p. 780.
- Pollock, L. A. (1983). Forgotten Children: Parent-Child Relations from 1500 to 1900. Cambridge: Cambridge University Press.
- Porter, J. H. (1989). Crime in the countryside, 1600-1800. In G. E. Mingay (Ed.), The Unquiet Countryside (pp. 9-22). London: Routledge.
- Prest, W. R. (1991). Law and women's rights in early modern England. Seventeenth Century, 6, 169-187.

Purdue, A. W. (1999). Merchants and Gentry in North East England, 1650-1830. Sunderland: University of Sunderland Press.

Purkiss, D. (1995). Womens' stories of witchcraft in early modern England: the house, the body, the child. Gender and History, 7, 408-432.

Purkiss, D. (1996). The Witch in History. London: Routledge.

Quaife, G. R. (1979). Wanton Wenches and Wayward Wives. London: Croom Helm.

Raine, J. (1852). The History and Antiquities of North Durham as Subdivided into the Shires of Norham, Island, and Bedlington, which from the Saxon period until the year 1844 constituted Parcels of the County Palatinate of Durham but are now United to the County of Northumberland. London: B. Nichols and Son.

Raine, J. (1861). Depositions from York Castle: preface. Surtees Society, 40(2), vii-xxxvi.

Richardson, M. (1843-6). The Local Historians Table Book of Remarkable Occurrences, Historical Facts, Traditions, Legendary and Descriptive Ballads etc. etc, connected with the Counties of Newcastle upon Tyne, Northumberland and Durham. London: J. R. Smith.

Rogers, N. (1989). Whigs and Cities: Popular Politics in the Age of Walpole and Pitt. Oxford: Clarendon Press.

Ruff, J. R. (1984). Crime Justice and Public Order in Old Regime France. London: Croom Helm.

Ruggiero, G. (1985). The Boundaries of Eros: Sex Crime and Sexuality in Renaissance Venice. Oxford: Oxford University Press.

Rushton, P. (1982). Women, witchcraft and slander in early modern England: cases from the church courts of Durham, 1560 -1675. Northern History, 18, 116-132.

Rushton, P. (1983). Crazes and quarrels: the character of witchcraft in the north east of England, 1649-1680. Bulletin of the Durham County Local History Society, 31, 2-40.

Rushton, P. (1989). The church courts in north east England in the sixteenth and seventeenth centuries: a historical gossip column? Sunderland's History, 5, 24-36.

Rushton, P. (1991). The matter in variance: adolescents and domestic conflict in north east England, 1600-1800. Journal of Social History, 25(1), 89-107.

Sabean, D. (1987). Power in the Blood. Cambridge: Cambridge University Press.

Salgado, G. (1977). The Elizabethan Underworld. London: Book Club Associates.

Sansbury, R. (1998). Beyond the Blew Stone: 300 years of Quakers in Newcastle. Newcastle: Newcastle upon Tyne Preparative Meeting.

Scott, W. (Ed.). (1887-1892). Monthly Chronicle of North Country Lore and Legend. Newcastle upon Tyne: Scott, W.

Sharpe, J. History from below. In P. Burke (Eds.), New Perspectives on Historical Writing. Cambridge: Polity Press.

Sharpe, J. (1977). Crime and delinquency in an Essex parish 1600-1640. In J. S. Cockburn (Eds.), Crime in England 1550-1800 (pp. 90-109). London: Methuen.

Sharpe, J. (1980). Enforcing the law in the seventeenth-century English village. In V. A. C. Gatrell, B. Lenman, & G. Parker (Eds.), Crime and the Law: the Social History of Crime in Western Europe since 1500 (pp. 97-119). London: Europa Publications.

Sharpe, J. (1981). Domestic homicide in early modern England. Historical Journal, 24(1), 29-48.

Sharpe, J. (1983a). "Such disagreement betwix neighbours": litigation and human relations in early modern England. In J. Bossy (Ed.), Disputes and Settlements : Law and Human Relations in the West (pp. 167-188). Cambridge: Cambridge University Press.

Sharpe, J. (1983b). Crime in Seventeenth-Century England: a County Study. Cambridge: Cambridge University Press.

Sharpe, J. (1984). Crime in Early Modern England. London: Longman.

Sharpe, J. (1985a). The history of violence in England: some observations. Past and Present, 108(August), 206-215.

Sharpe, J. (1985b). The people and the law. In B. Reay (Eds.), Popular Culture in Seventeenth-Century England (pp. 244-70). London: Croom Helm.

Sharpe, J. (1991). Witchcraft and women in seventeenth-century England: some northern evidence. Continuity and Change, 6(2), 179-199.

Sharpe, J. (1992). Witchcraft in seventeenth-century Yorkshire: accusations and counter measures. Borthwick Papers, 81, 1-23.

Sharpe, J. (1994). Witchcraft, women and the legal process. In J. Kermode & G. Walker (Eds.), Women Crime and the Courts in Early Modern England (pp. 106-124). London: UCL Press.

Sharpe, J. (1996a). Crime in England: long term trends and the problem of modernisation. In E. A. Johnson & E. H. Monkkenon (Eds.), The Civilization of Crime: Violence in Town and Country since the Middle Ages. Ithaca: University of Illinois Press.

Sharpe, J. (1996b). Instruments of Darkness: witchcraft in England 1550-1750. London: Hamish Hamilton.

Sharpe, J., & Curtis, T. (1988). Crime in Tudor and Stuart England. History Today, 38, 22-29.

Shepard, A. (2000). Manhood, patriarchy and credit in early modern England, c. 1580-1640. Past and Present, 167, 75-106.

Shoemaker, R. (1991). Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex: 1660-1725. Cambridge: Cambridge University Press.

Shoemaker, R. (1999). The decline of public insult in London, 1660-1800. Past and Present, 169(November), 97-128.

Shoemaker, R. B. (1993). Using quarter sessions records as evidence for the study of crime and criminal justice. Archives, 20, 145-157.

Silcock, R. H. (1988). Crime, criminals and catchers: Worcestershire assize cases in the 1630s and 1650s. Parergon, 6, 179-195.

Sowler, T. (1972). A History of the Town and Borough of Stockton on Tees. Stockton: Teeside Museums and Art Galleries Department.

Speck, W. A. (1992). Northumberland elections in the eighteenth-century. Northern History, 28(1), 164-177.

Spierenburg, P. (1991). The Broken Spell: a Cultural and Anthropological History of pre-industrial Europe. London: MacMillan.

Spierenburg, P. (1994). Faces of violence - homicide trends and cultural meanings, Amsterdam 1431-1816. Journal of Social History, 27(4), 701-716.

Spierenburg, P. (1996). Long term trends in homicide: theoretical reflections and Dutch evidence, fifteenth to twentieth centuries. In E. H. Johnson & E. A. Monkkonen (Eds.), The Civilization of Crime: Violence in Town and Country since the Middle Ages. Ithaca: University of Illinois Press.

Spierenburg, P. (1998a). Knife fighting in seventeenth-century Amsterdam. In P. Spierenburg (Ed.), Men and Violence. Ohio: Ohio State University.

Spierenburg, P. (1998b). Masculinity, violence and honour: an introduction. In P. Spierenburg (Ed.), Men and Violence. Ohio: Ohio State University.

Stater, V. (1999). High Life, Low Morals. London: John Murray

Stevenson, S. J. (1987a). The rise of suicide verdicts in south east England 1530-90: the legal process. Continuity and Change, 2(1), 37-76.

Stevenson, S. J. (1987b). Social and economic contributions to the pattern of "suicide" in south east England. Continuity and Change, 2(2), 225-262.

Stone, L. (1977). The Family, Sex and Marriage. London: Weidenfield and Nicholson.

Stone, L. (1983). Interpersonal violence in English society 1300-1980. Past and Present, 101, 21-33.

Stone, L. (1985). A rejoinder. Past and Present, 108(August), 216-224.

Styles, J. (1982). An eighteenth-century magistrate as detective: Samuel Lister of Little Horton. Bradford Antiquary, 42, 98-117.

Sundin, J. (1996). For God, state and people: crime and local justice in pre-industrial Sweden. In E. A. Johnson & E. H. Monkkonen (Eds.), The Civilization of Crime: Violence in Town and Country since the Middle Ages. Ithaca: University of Illinois Press.

Swain, J. T. (1994). The Lancashire witch trials of 1612 and 1634 and the economics of witchcraft. Northern History, 30, 64-85.

Szechi, D. (1984). Jacobitism and Tory Politics, 1710-1714. Edinburgh: John Donald Publishers Ltd.

Tague, I., & Berry, H. (1996). Summary of the closing plenary discussion on "Honour and Reputation on Early Modern England". Transactions of the Royal Historical Society, 6(6), 247-248.

Thomas, K. (1971). Religion and the Decline of Magic. London: Weidenfield and Nicholson.

Thomlinson, W. (1898). Early travellers in Durham and their impressions. In W. Andrews (Eds.), Bygone Durham. London: Andrews, W.

Thompson, E. P. (1991). Customs in Common. London: Merlin Press.

Underdown, D. (1985). The taming of the scold: the enforcement of patriarchal authority in early modern England. In A. Fletcher & J. Stevenson (Eds.), Order and Disorder in Early Modern England. (pp. 116-136). Cambridge: Cambridge University Press.

Underdown, D. (1992). Fire from Heaven: Life in an English Town in the Seventeenth-Century. London: Harper Collins.

Walker, G. (1994). Women, theft and the world of stolen goods. In J. Kermode & G. Walker (Eds.), Women Crime and the Courts in Early Modern England (pp. 81-105). London: UCL Press.

Walker, G. (1995). Expanding the boundaries of female honour in early modern England. Transactions of the Royal Historical Society, 6(6), 235-245.

Walter, J. (1999). Understanding Popular Violence in the English Revolution: the Colchester Plunderers. Cambridge: Cambridge University Press.

Watts, S. (1975). From Border to Middle Shire: Northumberland 1586-1625. Leicester: Leicester University Press.

Weatherill, L. (1996). Consumer Behaviour and Material Culture in Britain 1660-1760 (2nd ed.). London: Routledge.

Welford, R. (1911). Newcastle householders in 1665: assessment of the hearth or chimney tax: introduction. Archaeologia Aeliana, 3(7).

Whiting, C. E. (1940). Nathaniel, Lord Crewe, Bishop of Durham (1674-1721) and his Diocese. London: Church Historical Society.

Wiener, C. (1975). Sex roles and crime in late Elizabethan Hertfordshire. Journal of Social History, 8, 38-60.

Wiltenburg, J. (1995). Family murders – gender, reproduction and the discourse of crime in early modern Germany. Colloquia Germanica, 28(3-4), 357-374.

Winlaton and District Local History Society (1975). A History of Blaydon. Gateshead: Gateshead Metropolitan Borough Council.

Woodward, D. (1995). Men at Work: Labourers and Building Craftsmen in the Towns of Northern England 1450-1750. Cambridge: Cambridge University Press.

Wordie, J. R. (1983). The chronology of English enclosure, 1500-1914. The Economic History Review, s. 2, v.36(4), 483-505.

Wrightson, K. (1975). Infanticide in earlier seventeenth-century England. Local Population Studies, 15, 10-22.

Wrightson, K. (1980). Two concepts of order: justices, constables and jurymen in seventeenth-century England. In J. Brewer & J. Styles (Eds.), An Ungovernable People: the English and their Law in the Seventeenth and Eighteenth Centuries. (pp. 21-46). London: Hutchinson.

Wrightson, K. (1981). Alehouses and popular reformation? In Yeo and Yeo (Eds.), Popular Culture and Class Conflict, 1590 - 1914: Explorations in the History of Labour and Leisure (pp. 1-28). Sussex: Harvester Press.

Wrightson, K. (1982). English Society 1580-1680. London: Hutchinson.

Wrightson, K., & Levine, D. (1989). Death in Whickham. In J. Walter & R. Schofield (Eds.), Famine, Disease and the Social Order in Early Modern England. (pp. 129-167). Cambridge: Cambridge University Press.

Wrightson, K., & Levine, D. (1991). The Making of an Industrial Society: Whickham 1560-1765. Oxford: Clarendon Press.

Wrightson, K., & Levine, D. (1995). Poverty and Piety in an English Village: Terling 1527-1700. Oxford: Oxford University Press.

Wymer, N. (1949). Sport in England: a History of Two Thousand Years of Games and Pastimes. London: Harrap.

Unpublished Theses

Bailey, J. (1999) Breaking the Conjugal Vows: Marriage and Marriage Breakdown in the North of England, 1660-1800. PhD, Durham University.

Barbour-Mercer, S. A. (1988) Prosecution and Process: Crime and the Criminal Law in Late Seventeenth-Century Yorkshire. DPhil, York University.

Bennett, R. A. H. (1988) Enforcing the Law in Revolutionary England: Yorkshire 1640-1660. PhD, University of London.

Ferguson, S. (1980) Law and Order on the Anglo Scottish Border 1603-1707. PhD, St. Andrews University.

Foyster, E. (1996a) The Concept of Male Honour in the Seventeenth Century. PhD, Durham University.

Gaskill, J. M. (1994) Attitudes to Crime in Early Modern England with specific Reference to Witchcraft, Coining and Murder. PhD, Cambridge University.

Knight, M. (1990) Litigants and Litigation in the Seventeenth-Century Palatinate of Durham. PhD, Cambridge University.

Pocklington, J. (1997) Highway Robbery in London 1660-1720: Practices, Policies and Perceptions. M. Phil, University of Oxford.

Rowlands, A. (1995) Women, Gender and Power in Rothenburg ob der Tauber and its Rural Environs 1500-1618. PhD, Cambridge University.

Walker, G. (1994) Crime, Gender and the Social Order in Early Modern Cheshire. PhD, Liverpool University.

Conference Papers

Bailey, J. (1997). Credit and discredit: the public face of marital conflict 1711-1800. In Early Modern Postgraduate Seminar, Durham University.

Bailey, J. (1998). Power and prejudice? Marital violence in the late seventeenth and eighteenth centuries. In Modern Post Graduate Seminar, Durham University.

D'Cruze, S. (1999). Doing it justice: women gender and interpersonal violence, research issues in women's history. In Women, gender and interpersonal violence conference, Leeds Metropolitan University.

Foyster, E. (1997). Boys will be boys? Manhood and aggression 1660-1800. In Masculinities conference, University of North London.

Gammon, J. (1999). "I made all the resistance I could": testimonies of sexual violence in the eighteenth-century courtroom. In Women, Gender and Interpersonal Violence conference, Leeds Metropolitan University.

Greene, C. (1999). Women as perpetrators of violence in seventeenth-century England. In Women, Gender and Interpersonal Violence conference, Leeds Metropolitan University.

King, R. (1999). "Well! First and last all women must be won": Public Cultures of Non-Consensual Sex in England 1660-1770. In Women, Gender and Interpersonal Violence conference, Leeds Metropolitan University.

Knox, A. (1999). Barbarous and pestiferous women: female criminality, violence and aggression in sixteenth and seventeenth-century Ireland. In Women, Gender and Interpersonal Violence conference, Leeds Metropolitan University.

Peltonen, M. (1998). Civilised with death: courtesy and the duel in Elizabethan England. In The Civilising Process and the Historian conference, Leicester University.

Sharpe, J. (1999). Gender and violence in early modern England, an agenda for future research. In Women, Gender and Interpersonal Violence conference, Leeds Metropolitan University.

Shoemaker, R. (1997). The violent male? Men and public insult in London 1660-1760. In Masculinities conference, University of North London.

Shore, H. (1999). "A noted virago": violence, sexuality and resistance in London 1725-1735. In Women, Gender and Interpersonal Violence conference, Leeds Metropolitan University.

Spierenburg, P. (1998c). Violence, punishment, the body and honour: a reappraisal. In The Civilising Process and the Historian conference, Leicester University.

Turner, D. (1997). "Nothing is so secret but shall be revealed": the scandalous life of Robert Foulkes. In Masculinities conference, University of North London.