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A DESCRIPTIVE ANALYSIS OF CRIMES COMMON TO INNS, ALEHOUSES AND VICTUALLING HOUSES IN MIDDLESEX: 1607-1611

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ABBREVIATIONS

C.S.P.D. Calendar of State Papers Domestic.

Ec. H.R. Economic History Review.

E.H.R. English Historical Review.

Eliz. Elizabeth.

f. or fo. Folio.

G.D.R. Gaol Delivery Register.

K.B.Roll King's Bench Roll.

Lansd. Lansdowne.

Midd. Middlesex.

M.C.R. Middlesex County Records.

M.S.R. Middlesex Sessions Records.

P.R.O. Public Record Office, London.


S.Reg. Sessions Register.

S.Roll Sessions Roll.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>A. Introduction</strong></td>
<td>p.</td>
</tr>
<tr>
<td><strong>B. Inns, Alehouses and Victualling Houses</strong></td>
<td></td>
</tr>
<tr>
<td>I. Problems of Definition</td>
<td>p.</td>
</tr>
<tr>
<td>II. Inns</td>
<td>p.</td>
</tr>
<tr>
<td>III. Alehouses</td>
<td>p.</td>
</tr>
<tr>
<td>IV. Victualling Houses</td>
<td>p.</td>
</tr>
<tr>
<td><strong>C. Middlesex County Records: A Critical Discussion</strong></td>
<td>p.</td>
</tr>
<tr>
<td><strong>D. Conclusion</strong></td>
<td>p.</td>
</tr>
<tr>
<td><strong>E. Bibliography</strong></td>
<td>p.</td>
</tr>
</tbody>
</table>

Appendix A  John Norden's Map of Middlesex,1593

Appendix B  J.C. Jeaffreson: Statistical Tables

Appendix C  Illustrations of the Series of Middlesex Archives used
A. INTRODUCTION

Criminal activity in the areas in and around the London of James I has been discussed by a number of historians. However, the pattern of crime involving 17th Century Middlesex inns, alehouses and victualling houses has been mentioned but never analysed in any depth. This is somewhat unusual, considering the frequent reference to these establishments in 16th and 17th century sources as centers of criminal activity. Consequently, this study concentrates on a descriptive analysis of crimes common among owners and clients of the inns, alehouses and victualling houses mainly in the hundred of Ossulston during the years 1607-1611. The results affirm that the authorities at all levels were justified in viewing these places with suspicion. They were indeed convenient meeting houses for felons of every sort. In addition, the study proposes that the cause for this phenomenon lay less in the fact that the local constables were inefficient and negligent in their supervision of the houses under their jurisdiction, than in the uncooperative attitudes of the owners themselves. The latter found it more profitable to side with the felons than with the constables.

Middlesex was described by John Norden in his Speculum Britanniae in 1593: "Middlesex is a small shire, in length not twenty miles, in circuit (as it were by the ring) not above 70 miles, yet for the fertility thereof it may compare with any other shire; for the soil is excellent, fat and fertile and full of profit..."1 The county was rich in produce and

the inhabitants found a ready market in nearby London. Norden also mentioned the most common occupations of the "meaner" people of the county. Those near the Thames were watermen of various kinds and fishermen. Those in the "in-country" were farmers: breeding cattle, poultry, pigs, and selling dairy products, vegetables and fruit in London. There were also richer husbandmen, who farmed through servants only. Finally, Norden mentioned all those in the carrying trade engaged in transporting goods and people back and forth between London and points in the county. Middlesex was an area influenced by the proximity of London which drew to itself goods of many types and people of every station and occupation.

The county was divided for administrative purposes into six hundreds: Ossulston, Edmonton, Gore, Elthorne, Spelthorne and Isleworth. The divisions dated from Anglo-Saxon times, are found in the Domesday Book, and remained in use until the 19th Century. Each hundred comprised a number of "hides", a fiscal unit which may have represented about 120 acres. In the Domesday Book, the county was assessed at 880 hides, with about five hides per parish. By late 16th and early 17th Century, of course, this unit had lost importance, especially with the post-Dissolution emphasis on the parish itself as the basis for civil administration. By this later period, there were six major market towns in Middlesex: Brentford, Edgware, Staines, Uxbridge, Westminster and London. The exchange of goods and services and the

1. Ibid., pp.33-34.


resulting mobility of the people involved created problems for the authorities who sought to control these activities to prevent abuses. As the Middlesex Sessions Records demonstrate, they met resistance from those who stood to benefit most from illegal traffic.

Ossulston is the principal subject of analysis because it was the hundred closest to London and Westminster, and felt the influence of urban growth more keenly than the other five. It included the parishes immediately without the City and Liberties of London, Westminster and the Tower. Ossulston, because of the number of parishes it included, had the largest number of constables, inns, alehouses and victualling houses in comparison with the remaining five hundreds. In addition, the Sessions of Inquiry were held at the Castle Inn, Clerkenwell, for the entire county. The justices, constables and other inhabitants concerned, travelled from every part of the county to attend them. Ossulston thus drew people from the whole of Middlesex to see the law enforced as well as to break it. A study of the most common types of crime in the establishments of this hundred proved most rewarding in terms of variety and frequency.

Mention of the inns, alehouses and victualling houses tends in most works to be theoretical or literary. In the first case, historians use official documents: Proclamations, Privy Council Letters to Justices and other authorities, and letters to the Privy Council or its members. In the second case, historians rely on the popular literature of the time as produced by writers such as Thomas Dekker, Robert
Greene, and Thomas Nash. In both cases, the view of social conditions is distorted, the former documents being somewhat spare and the latter too embroidered. However, the Middlesex Sessions Records afford an opportunity for a detailed approach and from them one can gain a more nearly accurate idea of criminal activities in the inns, alehouses and victualling houses of the time.

Innkeepers appeared in the Sessions Court generally to answer charges of abusing the constables, harbouring felons, rescuing prisoners, attacking their guests and dealing in stolen goods. In return, their clients sometimes abused and stole from them. Alehouse keepers appeared most often to answer for tippling without licence, allowing unruly behaviour among clients, keeping unlawful games, buying and selling stolen goods, harbouring criminals, keeping bawdy houses and abusing the constables and their customers. They also suffered theft and abuse from their guests. Victuallers operated frequently without licence, selling both food and drink illegally. Felons found shelter with them, constables received abuse from them, traffic in stolen goods and prostitution flourished, Victuallers seemed particularly inclined to permit illegal games on their premises to the added distress of the local authorities. The petty or sub-constables were charged by the justices to supervise the activities of these people under direction of the chief constables of each hundred. They had to check on the existence of valid licenses, the orderly conduct of both owners and clients, and the exchange of currency for lawful purposes. Depending on the size of the hundred, they could be appointed by parish
or street. In Ossulston, even various streets were assigned a constable if the nature of the district warranted this. The petty constables received very little by way of recompense for their services and were usually tradesmen of all kinds. There work as constables left them very little time to carry on these trades, except in a piecemeal fashion, and survival must have been a problem. They also had charge of the watch and ward, small groups of "volunteers" who were to assist them in the night- and day-time surveillance of their territories. The police system was thus at best endangered by the small rewards available to those so engaged.

The mass of material available necessitated the imposition of certain restrictions which resulted in the omission of the greater part of the information on criminal life in Middlesex. An analysis of this length had to omit much fascinating detail concerning the criminals themselves and their activities. For example, an examination of the various types of theft committed in the county would add a useful perspective on the lively exchange of stolen goods which took place in the inns, taverns and victualling houses. The period studied is included within the years 1607-1612 covered by the Middlesex Sessions Records on microfilm, and for which the greatest number of Sessions do-

1. William Lambarde. The Duties of Constables, Borsholders, Tithingmen... 1583 (London), Middlesex Sessions Records, Sess.Reg.I/1/348; (96493/2/VI) p.156: The volunteers were not always able-bodied: "Order by the Court at "the pitiful" complaint of Edward Filpot, an old man of the age of four score years, that the constable of that precinct wherein he dwelleth shall not compell him to watch or ward in his proper person for henceforth."
vi
cuments is extant. The analysis is largely confined to the establishment owners themselves, with a secondary emphasis on their clients. As has been noted above, the hundred of Ossulston defines the main area examined.

The material consists of transcripts prepared from the original documents deposited in the Greater London Record Office. They were edited by W.J. Hardy and W. Le Hardy in eight mimeographed volumes, and include both translations from the formal legal Latin in use in the courts of the time and transcripts of the descriptions and testimony of witnesses and others in the original English. The work was begun about 1904 by W.J. Hardy and completed about 1935, by his son W. Le Hardy. The sources transcribed under the direction of these editors include the Gaol Delivery Register for the Gaol Delivery Sessions of Newgate, the Sessions Rolls and Registers in which were recorded the business of the General Sessions of the Peace, and Special Sessions of Oyer and Terminer. The Middlesex Sessions Records are supplemented in this study by excerpts from other printed sources, among which are included the Remembrancia, Tudor Royal Proclamations, A Source Book of English Law, Abstracts of English Records and Chancery Proceedings James I.¹

Following the study of crime in the inns, alehouses and victualling houses, a critique is included of what has been the main printed

¹. See Bibliography pp. i-iv. See Appendix C.
source for statements on crime in Middlesex since its publication in 1886-87: *Middlesex County Records* edited by John Cordy Jeaffreson. It is featured in almost every treatment of crime and law enforcement in Tudor and Stuart England. Historians such as E.P. Cheney, among earlier writers, and A.L. Rowse among contemporary ones, quote either from the labyrinthine "Editor's Preface" to either of the two volumes in question, from the selection of cases in the text, or from the statistics compiled at the end of Volume II. Jeaffreson's work has remained popular among historians despite its many faults, some serious enough to have created various degrees of distortion in the view of the social impact of crime in the county.

The "Editor's Preface" to both volumes contains a number of inaccurate statements interwoven with others that appear less so. The cases were selected by Jeaffreson in a highly biased manner, conforming to the prejudices of his time and to his own personal opinions about Tudor and Stuart England. He tended to neglect the "common" people in favor of those of high social status on the grounds that the latter were of true "historic" interest. In so doing, he omitted a very valuable part of the Records for it is in the activities and interests of these "common" people that an understanding of the time may be better obtained.

Such use of Jeaffreson is curious in the light of the work undertaken by W.J. Hardy and his son, and when considered in comparison

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1. John Cordy Jeaffreson *Middlesex County Records*, (Published by the Middlesex County Records Society at the Clerkenwell Sessions House, London, 1886-87) 2 Volumes.
with the extensive nature of the mimeographed transcripts which were readily available at the Record Office. Jeaffreson's selections ought to be used with caution in view of the inaccuracies examined in more detail below. It would also be worthwhile to revise the M.C.R. or at least to reissue the two volumes with a new, well-prepared introduction and a caveat to the reader. Jeaffreson's usefulness is limited, although he remains an interesting example of Victorian attitudes to the 16th and 17th Centuries.

Before dealing directly with the inns, alehouses and victualling houses in Middlesex, it is necessary to attempt a definition of exactly what each of these places was in 16th and 17th Century terms. There was some confusion among the various levels of authority in the country as to whom an inn or an alehouse could receive as clients. Originally designed to house travellers, inns could also, under some circumstances, serve food or drink to local people. Similarly, alehouses were licensed to sell ale and beer to travellers, but they gradually counted local inhabitants as their main clients, although travellers could also find lodging in some of them. Victuallers, on the other hand, were more likely to attempt to sell ale and beer, as well as food, although their original function was that of a kind of small cook house, probably also meant to feed those on the road. The following section of this study will be concerned then, with the description of what each of these establishments were, from a theoretical point of view. Succeeding this will come a practical description based on the Middlesex Sessions
Records for the years 1607-1611, and finally, the critical discussion of John Cordy Jeaffreson and his methods of preparing the Middlesex County Records.
Problems of definition: Inns, alehouses and victualling houses.

According to contemporary definition, an inn was an establishment designed to serve travellers, and an alehouse was meant to serve the inhabitants of the parish where it was built. Both in theory and in practice, however, the lines were not that clearly drawn between the two. Inns could be licensed to serve drink to local clients, and alehouses could have a few rooms set aside for the occasional wayfarer. There were obviously distinctions between the type of inn described by Harrison, situated on a well-travelled road, and a small parish alehouse in an obscure location. But generally, if an owner felt that he could increase his revenue by expanding the type of services provided, he might do so, with or without the necessary license. This added somewhat to the confusion of the local authorities, since they needed to know the precise nature of each establishment in order to determine whether or not regulations were followed. Presentments before the justices could not be made, and neither could the justices assign penalties to the offenders until they could determine what the innkeepers or alehouse keepers had the right to do.

The ambiguities are notable in Michael Dalton's discussion of inns and alehouses in *The Countrey Justice*. Dalton says that "Common Innes are appointed for travellers and wayfaring men." This seems to limit nicely the function of an inn. He then continues, and the definition is qualified, becoming less clear:"...if any Inne keeper shall suffer persons
Inhabiting in the same towne, or any other persons (contrary to the statute) to be usually tippling in his house: such an Inne-keeper may be accompted as well an Ale-house-keeper, as an Innekeeper, and may be bound by Recogn(isances) with suerties, for the keeping of good order, as Ale-house-keepers are..." Although an innkeeper ought not to serve others than travellers, yet he might do so by also becoming a licensed alehouse keeper.

However, the difficulties continue from there. Dalton then says that innkeepers could be bound by recognisance with sureties, whether or not they intended to cater to local inhabitants. He dated this practice from a statute of 5 Edward VI which dealt with the licensing of alehouse keepers. An innkeeper could then be considered an alehouse keeper, provided he obtained the proper license from the justices.

The ambiguities in the system seem to have existed throughout, since they also appear in the statutes, and in letters from the Privy Council.

A statute dated I J I stated clearly that "...the ancient and principall True use of Innes and Victuallinge Houses was for the Receipte, Relief and Lodginge of wayfaring people travellinge from place to place."  

2. Ibid., p.325.
Here, victualling houses are classified with inns as being set aside for the use of travellers. But, a Privy Council circular letter addressed generally to mayors and justices in the following year points to the lack of clarity contributed by official directives.

In the letter, the Council show concern for the proliferation of alehouses and victualling houses in the country. They instruct the justices to limit the licenses granted. They give the reason that these places "...ought to be no more than a number competent for the receipt of travellers..."1 It would seem from this statement that alehouses and victualling houses, together with inns as mentioned above, were to serve only wayfarers, and no others. However, the letter continues with the stipulation that alehouses and victualling houses were to provide food for those poor unable to see to their own needs. The poor were necessarily local parish people, and could have occasionally been others on their way to their place of birth, in accordance with the Poor Law of 1601.2 Consequently, although these establishments were set aside for travellers, they were also supposed to serve the local poor. The emphasis placed on wayfarers as the natural clients was weakened, and left open a means for owners to admit local people other than the poor.

1. Privy Council Circular Letter to Mayors and Justices, 1604 quoted in Sidney and Beatrice Webb The History of Liquor Licensing, English Local Government, Vol. II, (Liverpool, 1903; reprint, London, 1963) I, p.13. It is difficult to agree with the Webb's statement that there was always a distinction between inns and alehouses. Their functions overlapped, as their own quotations from primary sources demonstrate.

In addition to this, the complexity of the situation made it possible for an inn to be a licensed alehouse and/or victualling house. Both types of service were offered. An alehouse could also have a license as a victualling house and vice versa. But, alehouses and victualling houses could also be inns of a sort, since they frequently kept a few beds for the use of travellers. Despite the confusion as to what they were in theory, authorities were unanimous on one point when referring to inns, alehouses or victualling houses. All three were suspect in their view as potential gathering places for idlers and trouble-makers of various sorts. The justices were charged with close supervision of both the numbers and reliability of those to be issued licenses. With the aid of the parish constables, supervision of both owners and clients was to be carried out. Occasionally, regulations of a specific nature were sent to the justices. Pertaining at first only to one county, they could in later letters or proclamations be made applicable to the entire country. One such example appeared in the orders of the local justices of Hertfordshire, published in 1596-97, and later in part by Royal Proclamation. Although intended for alehouse keepers and victuallers, they probably applied to innkeepers as well, since all three could obtain similar licenses.

1. Analytical Index to the series of records known as the Remembrancia A.D. 1579-1664 (London, MDCCLXXVIII) III, 159; pp. 358-59: "Letter from the Lord Mayor to the Lord Chamberlain...", July 14th, 1614: "Finding the gaol pestered with prisoners, and their bane to take root and beginning at ale-houses, and much mischief to bethere..." This is one sample of the prevalent opinion of local authorities and in turn, of the central government.
In what was an attempt to control services provided, the orders prohibit the selling of ale or beer above the regulated prices, dressing meat in Lent and at other forbidden periods, and "unlawful games", eating and drinking in time of Divine Service, on Sunday or holidays. Only local business men were to be served drink, and only lodgers until nine in the evening between Easter and Michaelmas, and until eight during winter. Each innkeeper, alehouse keeper or victualler was obliged to cooperate with the local constables in keeping guests of all kinds under observation. The orders requested that "...none of them doe lodge any person or persons but such as he will answer for..."\(^1\)

Responsibility for guests was not the only burden. The host was obliged to discover everything he could about them. This was so that he could, if need be, supply information to the constables about strangers in the district. The occasion for such a request was made quite clear: "...if knowledge come to the towne of any robbery committed then everye one of them shall declare to the constables the names, apparrrell, and, if he can, the dwelling place allsoe of all such persons as dyd lodge in his hous two daies before or two daies after suche robbery commyted." There is no doubt that the alehouses, victualling houses and inns were considered as likely hiding-places for thieves. They were also thought to be centres for the exchange of stolen goods. The

next item in the orders forbids the buying of anything for sale by a traveller unless the constable be notified. The alehouse keeper, victualler or inn keeper should "...firste before he shall buy then make the constable or some officer acquainted therewith, whereby if any suspition may be conceaved that the same goods were stolne the partie and the said goods may be staid."¹

Doubtless, in theory, these instructions were to simplify the task of tracking down felons, and preventing thefts and other crimes. However, in practice, because of the cupidity of many of the establishment owners and their readiness to cooperate rather with the felons than the constables, the latter had a seemingly endless work load. However, all of the local and central authorities seemed to agree that, into whatever category these places might fit, they ought to be closely supervised. An interesting comparison may be made between the legal opinion regarding alehouses, victualling houses and inns, and that of a contemporary observer.

William Harrison wrote in an earlier era than Dalton, but much of what he reported about inns in his day is found in later accounts.² His is a particularly concise and readable one, and so best suited to a comparative analysis. Many points occur in Fynes Moryson's narratives, and also in the Recantation of John Clavell.³ Much of the popular

literature contains similar insights into life and crime in and about inns, alehouses and victualling houses, but the material is too extensive for discussion here. Harrison concentrated his description on the "great and sumptuous innes" to be found in the "townes that we call thorowfaires". It is safe to assume that London and its inns was included. Although he was favourably biased towards the English inn, he nevertheless pointed out the dangers facing travellers in them.

The inns were usually clean, well-furnished and well-kept. The traveller could generally find sufficient comfort both for himself and his horse, if he had one. The English inn "...is not like to that of some other countries..." for "...euerie man may vse his inne as his owne house in England". These inns were well stocked with ale, beer, wine and food, requiring three separate licenses. Moreover, it was "...a world to see how each owner of them contendeth with other for goodnesse of interteinement of their ghests." On the other hand, many unpleasant incidents could occur. The traveller might have his goods stolen or find that his horse had not been properly cared for according to the rate charged. According to Harrison, "...manie an honest man is spoiled of his goods as he trauelleth to and fro, in which feet also the counsell of the tapsters or drawers of drinke, and chamberleins is not seldome behind or wanting."

2. Ibid., p.415, #1.
3. Ibid., p.414, #2.
Despite the fact that the host was legally responsible for any goods damaged or stolen, thefts were common. Harrison described how the employees of an inn sized up the customer, his goods and purse and then proceeded to take what they wanted by means of "subtile practises". It is difficult to say whether Harrison actually had contact with these places, but his opinion agrees with that expressed in the official sources: inns were often dangerous resting places.  

It is also significant that he made a definitely negative comment about London inns. "howbeit of all in England there are no worse ins than in London, and yet manie are there far better than the best I haue heard of in anie forren countrie, if all circumstances be dule considered."  

The responsibility of an innkeeper by law is illustrated in a case coming before the Court of King's Bench at Easter of 4 J I. Both the principle of liability and the type of incident mentioned by Harrison and later writers are present in the details of the case. The

1. Ibid., pp.414-415;
defendant was one Philip Clarke, owner of a "common inn", "The Sign of the White Hart" at Uxbridge. Clarke, in the custody of the Marshal of the Marshalsea, found himself accused of Trespass on the Case. The plaintiff, William Jelley, represented by his attorney, Richard Sheppard, had been a guest at the White Hart. Jelley, probably a merchant, had to leave the inn for two days, giving a hamper containing "...9 felt hats...werth £4" to Clarke. The latter was to guard them until Jelley's return. However, when he did, Jelley found that the contents of the hamper had been stolen during his absence. He then brought a case against Clarke for damages"...to the value of £6. 2

Although the outcome of the case is not known, the bill contains an interesting statement of the liability of a common innkeeper. It also repeats the emphasis on inns as places providing accommodation to travellers: "...whereas according to the law and custom of the realm of our Lord the King of England innkeepers who keep common inns, to lodge wayfarers passing through such parts, are bound day and night to guard their guests' goods within their inns, without loss or interference, lest in default of the said innkeepers or their servants any damage in any way accrue to such guests..." 3

2. K.B.roll, Kiralfy, loc.cit.
3. Ibid., p.205, #2; Kiralfy states that judgment was reserved for six terms and that no judgment was ever found recorded.
The notion of liability here points also to that of protection, since the host must defend his guests against inn servants, and presumably also against other wayfarers. Another case coming before Star Chamber in the same year demonstrates the widespread opinion that inn keepers, alehouse keepers and victuallers were generally disreputable.

William Peache of "Wythicombe in the Moor, co.Devon" brought a complaint against two constables of Yealmpton, John Peach and John Walsh. The latter were directed by warrant in June to search for "one Dolton", a suspected felon. They went to the houses of John and Michael Algar, and of Walter Dearing. Not finding Dolton, they carried off goods belonging to William Peache which he had given to the Algars and to Dearing for their use. Among the articles removed from Dearing's house, was a "great long bucket". The wrangling over this bucket came before the Assizes and continued without settlement until April of 1609. The Star Chamber case specifically questioned


2. Ibid., The "affair of the bucket" led to some humorous dialogue: John Peache locked inside the house of Walter Dearinge by his wife, called out to her: "...what will you keep the King's officer within your house being on the King's business." To which Joan Dearinge replied: "God save our King; I have nothing to do with him, but if you will leave my bucket behind you can come forth." However, Peache broke out, and "with violence took away the bucket." p.241, Bundle 244.No.6.
the right of the constables to have searched these particular houses. One of them, John Peach, stated in his testimony that "...the said John Algar did, at the time of the search sell cider, and used to receive people to drink in his house, and that there was sometimes card playing, but otherwise, neither John Algar, nor Walter Dearing, nor Michael Algar, were at that time inn-keepers, victuallers, or lodged strangers or travellers."¹

Algar entertained strictly in a private capacity. Consequently he was not obliged to assist the constables in their search. There was no question here of "hue and cry", nor did he have contact with Dolton. Neither was he bound to answer for his guests nor provide information about them. Further testimony stressed the good character of the Algars and Dearing. William Peache stated that Walter Dearing was "...a man of very good fame, credit and reputation."² Martin Donne, making a statement for the constables, also said that "...these persons are not suspected of being "receivers or harborers" of felons, nor are any of them inn-keepers, victuallers, ale-drawers or lodged strangers or travellers."³ Here, too, the consistency of opinion is striking. It appears to have been generally believed that innkeepers, victuallers and alehouse keepers received felons as well as innocent travellers. It was also vital to honest men,

² Ibd., p.239, Bundle 244, No.6, #2.
³ Ibd., "Answers of the Defendants", p.239.
whether or not they fit the description as innkeepers, to keep a good reputation. Failure to do so meant that they could be annoyed by overly zealous local officers.

Another category of host existed, quite separate legally and socially from the innkeepers, alehouse keepers and victuallers. Occasionally, private citizens undertook to lodge guests. This they did at their own risk, since their lodgers could often take advantage of them. However, they had none of the obligations to assist the constables or to provide information. Nor were they under the same suspicion as the innkeepers as likely harborers of criminals. One such person, Mrs. Julia Penn, accepted the Earl of Oxford as a guest in 1591. She was a reputable widow, mother-in-law of Michael Hicks, Lord Burghley's private secretary. She let rooms in her house on St. Peter's Hill, London. Mrs. Penn had difficulty in collecting payment from the Earl according to their agreement.

Thomas Churchyard, former servant to Lord Surrey, had made the arrange-


ments"...for takyng som rowlms in your howse by quartter, aftter
the raett off a hondreth pounds a yeer..."¹

In addition, Churchyard bound himself "ffor the satesffyeng
off youe fforyrst quartters rentt off the rowlms my lord dyd
taek ..."² and even for the use of food, drink, linen etc., although
these were not in the original agreement. All this until the Earl
should compensate Mrs. Penn for the use of her goods. Thus, his bond,
made in the presence of "mr Babtyst hycks off cheap syed"³ orders
payment to "Julia Penn her executors and assignees the somme of
twentie and five pounds...in or vpon the feast daye of Thannuncyacon
of or Ladie the Virgin next ensuing..."⁴ However, Mrs. Penn still
attempting to get her due payment direct from the Earl, wrote to him,
saying that she did not wish to trouble Churchyard. She further re­
mineded Oxford that "...you had hene theng In my hose watt so hewer
you or yor men wold demand yf yt wher I my howse yf yt had byn a
thosen tyms more I wold a byn glad to pleswr yor lordshyp wth all..."⁵

¹. Lansd. M.S. 68 fo. 252, "T. Churchyard to Mrs. Penn", quoted in Moore
Smith, op.cit., p.448, #1.
². Ibid., loc.cit.
³. Ibid., loc.cit., #2; This is likely Sir Baptist Hickes, builder of
Hickes Hall.
⁴. Lansd. 68. fo.253, quoted in Moore Smith, op.cit., pp.448-49.
⁵. Ibid., fo.255, "Mrs. Penn to the Earl of Oxford", in Moore Smith, op.cit.,
p.449, #2.
Whatever the outcome may have been, the incident is useful as it indicates the fact that others besides the legally recognized hosts also received lodgers. However, their guests were more likely to cause more trouble to them than to the local authorities.

Apart from this exception, the majority of those catering to travellers and lodgers belonged to the categories of innkeepers, alehouse keepers or victuallers. Although there was confusion in the minds of the authorities as to the precise nature of each of these places, they were agreed on one aspect. Whatever they might be, they were to be under constant supervision by the local authorities as places of ill-repute. Inns could have licenses as alehouses and as victualling houses; alehouses could also be licensed as victualling houses. Neither of the last two categories could be called inns, but they might keep a few beds for the use of clients. The constables were concerned with all of them.

Only one method could be used by the local authorities to exercise control over the owners. It fell to the village constables to keep track of the exact nature of the license held by an establishment owner.\(^1\) From the licenses found in possession of an innkeeper, for example, a constable could decide whether the latter had the right to sell ale or beer, or provide victuals for his guests. Doubtful cases could be referred to the local justices whose responsibility it was at the time

\(^1\) William Lambarde, *op.cit.*, p. 6, ff.
to issue the licenses. The justices, in turn, could ask that
the Clerk of the Sessions, or someone delegated by him, consult
the Sessions records. Here the names of those obtaining licenses
in the petty sessions were written down for future reference in
just such a situation. These lists were usually also consulted
when it was necessary to check whether or not a man requesting a
license had lost it for offences against the statutes. Generally,
the justices had knowledge of the applicant's honesty, or at
least knew of him. However, information could be misleading and
often was. More than one alehouse keeper had a license renewed
in spite of a previous appearance in court for offences of various
sorts.

The evidence found in the M.S.R. tends to strengthen the
general picture constructed from the statutes, proclamations, legal
commentaries and contemporary descriptions. A large number of illus-
trations emphasizes that the inns, and especially the alehouses and
victualling houses in Middlesex proved no exception to the general
trends of the time. The owners obstructed the work of the constables
by cooperating with felons and conducting criminal business of their
own. These activities were not constant, but rather sporadic, and
doubtless many of the innkeepers and others were close to honesty.
However, those who were problems for the authorities served to weaken
the system which aimed at complete cooperation between responsible in-
habitants and the constables.

1. Charles Austin Beard The Office of Justice of the Peace in England,
(New York, 1904) IV, pp.84-85.
The incidents found in the M.S.R. dealing with inns, alehouses and victualling houses will be discussed here in turn. From the lack of details in the records, it is difficult to state into which category some of these places belong. They range from private houses permitting noisy visitors to get out of control to local bawdy houses. However, an attempt to arrange them into some reasonable sequence makes analysis less formidable. The cases involving strangers to the county, inhabitants of London and others without permanent address have been selected, omitting cases where only inhabitants of Middlesex have been concerned. This seemed appropriate in view of the social mobility of the time and the attempts of the government to curb it. This approach seemed useful as well because it helped clarify the relationship between the people of the county and those of London itself. Many of the felons sheltered by the innkeepers and others were from London, and they were less like plunderers than welcome accomplices. The Middlesex innkeepers distinguished themselves in the records for their active abuse of the constables, harbouring of felons, rescuing prisoners, abusing their guests and dealing in stolen goods. They were often themselves victims, probably of the same criminals they protected.

Travellers looked to Saint Julian for protection, and they needed it when stopping at an inn. The old motto, referring to the saint was "When I was harbourless, ye lodged me." ¹ The innkeepers of

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the day frequently fell short of the standards of the legend, their conduct being less saintly than human. The theoretical cooperation between the constables and the innkeepers was often absent in practice. The former occasionally met with violent reception when attempting to carry out their duty. One John Griffin of the parish of St. Giles-in-the-Fields was brought before the justices in the session of December 6th, 7 J I "to answer for abusing the constable of St. Giles aforesaid." He turned to two friends, or perhaps business associates for sureties: Geoffrey Foxeley, a weaver, and John Amys, a cook, both of the same parish.1

In the sessions of 18 April, 8 J I, Thomas Holdworth, an inn-keeper in Clerkenwell, was obliged to appear "for that he hath abused the bailiffs of Middlesex." These had come to arrest him, claiming that they were sent to do so, but Holdworth resisted arrest. He had two tradesmen of Longland provided sureties for him: Arthur Milton, a chandler, and John Kitchin, a barber-surgeon. Holdworth was subsequently discharged, perhaps for lack of evidence.2 An accusation against a Paddington innholder, Jeffrey Awdley, concerned the

1. M.S.R., Sess. Roll 479/44; S.Reg., 1/203; (96493/1 Vol. III), p.86. The judgment is not recorded, but it is likely that he was released on payment of a fine. St. Giles-in-the-Fields was at that time in an area not heavily populated, south-west of Clerkenwell. Inhabitants appeared before the justices frequently according to the records.

latter's involvement with felons. John Underhill of Allchurch, Worcester, a yeoman visiting London, had complained to the local justices against Awdley. He was required to give evidence at the sessions at the Castle in St. John Street, on 25th July, 9 J I. He stated that he suspected Awdley "to be an accessory to the robbing of him..." ¹

Richard Gallant, an inn keeper of St. Leonard's Shoreditch, found himself called before the sessions of 10 July, 7 J I to be bound over to the next sessions of the peace, together with his ostler, Henry Dorsett, and a victualler, William Smith of Hoxton. The two had apparently threatened John Cory, a gentleman, from Burton Coyles, Lincoln, with violence of some sort. One of the constables at Hoxton, William Smith, had both Cory and his brother Francis, bound over in connection with what must have become a loud quarrel ². The receiving of stolen goods seems to have been a popular and steady pastime for Middlesex tradesmen and private citizens. The records for the five years studied in detail show a constant stream of people brought into the sessions courts on charges of possession and buying and selling of stolen goods. On the 6th December, of the same year, an innholder from Shoreditch, Thomas Raye, was bound over by the justices for having been

found in the possession of stolen cloaks. The thieves were known to the court, having been apprehended earlier. Raye had the sureties, however, of two tradesmen: Thomas Perren, of "St. Peter's in Cheap", a London goldsmith, and John Knepp, a haberdasher of St.Botolph's Aldgate. It is not inconceivable that Raye and Knepp had a sideline in the traffic of stolen goods, especially of wearing apparel. ¹

In addition to refusing to cooperate with the local constables in the tracking down of felons, innkeepers sometimes took more active part. On the 5th April, 10 J I, Richard Mascall of Holloway, an innkeeper, was brought before the Westminster sessions of 23 April, of the same year, for rescuing a prisoner from "one of the Marshall's (sic) bidding him cut their throats rather than obey him." Nothing more is stated beyond the names of his bondsmen. The question as to whether the rescued prisoner was an employee, a confederate in felony or simply a friend remains unanswered. ² Innkeepers had other responsibilities before the law with regard to


the local community. Among these were included the duty of disposing of waste material in a place set aside for it. They were not always cooperative in this sphere either.

Nicholas Webb, an innholder from St. Clement Danes and his cook, appeared before the justices in the sessions of the Castle. They had apparently ignored a previous warning to remove stable "annoyances" from the fields "beyond Lincoln's Inn" where they had been depositing them. They complicated the problem by "using contemptuous speeches towards Mr. Chamber one of the Commissioners for Annoyances," when he warned them against further offences. They also made light of his warning, since he seems to have taken his work seriously and they were obliged to come to the sessions. A baker, likely an associate of Webb's agreed to give sureties for both him and his cook.¹

Thomas of Reading depicted crime carried on by the innkeepers and developed to a fine art. Thomas Deloney's novel described the murder of a prosperous merchant by an innkeeper and his wife. However, a murder or an assault often resulted from a private quarrel, the inn simply being the occasion for the knife-thrust.

On the 5th of March, 9 J I, Hugh Daniell, of St. Dunstan's, had taken a room in the "Lion" at Staines. During the night, he was

attacked by Thomas Williams, a yeoman from Binsted, Hampshire: "Daniell...being asleep in the bed received sundry thrusts and dangerous wounds by the hands of the said Williams."¹ The attack did not produce fatal wounds and Daniell was able to bring Williams before "Mr. Spyller," a justice, at the sessions at Westminster, 23 April, 10 J I. The assault may well have been the result of a private quarrel. Williams had, as one of the two men who gave sureties for him, one Richard Daniell, merchant-tailor, either a brother of a kinsman of Hugh. In addition, the record ends with the rather cryptic note that "...Hugh Daniell is satisfied."²

Nevertheless, the innkeepers were often themselves the victims as well as the confederates of felons. Sir Roger Wilbraham, a lawyer, kept a journal from 1593 to 1616 in which he recorded items of interest.³ Among these were a number of incidents having to do with


2. M.S.R., loc. cit.; The other man to give sureties for Williams was William Collett, described as a "gentleman" from London.

3. Margery Fisher "Notes on the Sources of Some Incidents in Middleton's London Plays" in R.E.S. Vol 15, 1939 (No.59, July) pp. 283-293, p.289, #3; In this article, Ms. Fisher suggests the sensible hypothesis that much of the material found in the conny-catching pamphlets and plays dealing with the London underworld drew as much from actual events that were common property as from common literary sources.
crimes committed at inns. One of these demonstrates how easily some of the innkeepers could be duped by thieves. Wilbraham tells of an innkeeper who helped a thief make off with some of his own goods: "Item one was rolling a packe of bedding downe the stairs to have stolen them: & the owner coming, he said that was the sign of the Dragon, & he went to have left the pack ther: thother told him he mistook the house like a knave, & so helped him out with his owne goodes: who was never founde after."¹

As the M.S.R. show, bedding and linens of all sorts formed a large part of the goods stolen from the inns. Many other items, including silver cutlery, plate, clothing and livestock were among the lists of stolen articles. The innkeepers were generally prosperous and consequently attracted thieves who mingled with other clients for various reasons. Robert Like, on 8 April, 6 J I and innkeeper in St.Giles'-in-the-Fields entered into "recognizances against John Jaques, Francis Echener and Francis Bingham, for suspicion of felony." He was joined in this action by Philemen Gurson, of "Bishop Stratford" Hertfordshire, also an innholder, who had been victimised by the same men. The latter were of unspecified status and occupation. None is recorded, on the Newgate "Gaol Delivery Register".² A London waterman, Richard Bennett, was found guilty in the sessions of the 15th and 16th February, 6 J I.³ He had stolen "...a silver bowl worth 50s. from

¹. Ibid., p.289,#6.
². M.S.R., G.D.R. Newgate, f.13d.(96493/1/ Vol. 1)
³. M.S.R., Sess. Roll-463,52,153; Sess. Reg. I,98; G.D.R. I/54d, p.190, (96493/1/ Vol.I). There is unfortunately no information as to the whereabouts of the bowl in question: whether it was restored to Niccalls or whether it had been sold.
Fulk Niccolls at Old Brentford, Ealing, on the 7th February of the same year. Bennett is recorded as having no chattels. Successfully pleading his clergy, he escaped with a branded thumb as punishment. Niccolls appears to have been well off as an innkeeper. This was not unusual, however, as silver items occur frequently in the lists of stolen goods. Thomas Swinckfield, an innkeeper in St. Giles-in-the-Fields, had two silver spoons, assessed at 8s. stolen from his inn by one David Hayden, of London, on the 10th March, 6 J I. The act was witnessed by the innkeeper himself, and two guests: another innkeeper from St. Mary's in the Strand, and a widow, Helen Scryven of St. Giles-in-the-Fields. Hayden also had benefit of clergy and escaped with branding at the sessions of March 29th, 7 J I.¹ On the 30th October, 8 J I, John Cane of London, described as a yeoman, stole a "silver beaker" worth 48s. from an innkeeper of St. Clement Danes, and appeared at the sessions of 5th December, 8 J I. Unfortunately, the judgment is not given.²


2. Ibid., Sess. Roll.495/170, 258; S.Reg. 1/318; G.D.R.,1/139d. (96493/2/VI) p.43. The innkeeper is listed as Robert Sompner or Sumpner, and, in brackets, "(of Aldermanbury)."
Women as well as men appeared frequently for stealing from innkeepers. At the sessions of the 3rd and 4th of October, 9 J I, Margaret Harwood, described as a "spinster", from London, was found guilty of theft. She stole "a pillow beere worth 12d., a cupboard cloth worth 12d., a silver beaker worth 40s., and 50 pieces of pewter worth 40s belonging to Thomas Malborne," an inn-holder in Islington. A witness to the theft was a widow from St.Andrew's, Holborn, either a servant or a guest at the inn. Margaret Harwood, however, was found guilty only of petty larceny "to the value of 1ld." in spite of the fact that the goods removed were worth far more. She was sentenced to be whipped.¹

In addition to silver articles, thieves were attracted to other goods, whether belonging to the innkeepers or to their guests. Geoffrey Pooke, a yeoman from London, appeared before the sessions of the 20th June, 6 J I. He was accused of stealing a "Norwich Coverlett", worth 10s., from an innkeeper at Old Brentford, William Samford, exactly one month previous. He admitted his guilt and pleaded benefit of clergy, being branded on the thumb and freed.² William Chappell, of St.Mary's, Whitechapel, another innkeeper, was bound over during the

Any article stolen which had a value of 10s. and less, was considered petty larceny.
sessions of the 15th and 16th February, 7 J I. He was to prosecute two yeomen, probably from London, Robert Ayton and Charles Heyward. These two had apparently stolen a cloak from him. Ayton found two tradesmen to go surety for him. He was not a vagrant, since he could easily find friends in London. It is also possible that these men were partners in the receiving and selling of stolen goods. The outcome of the incident is not found in the records, unfortunately. At the same sessions in February, John Long, an innholder in the parish of St. Clement Danes, joined with one Richard Dunne, a yeoman from the same parish, to prosecute John Wilson for "stealing a bason of pewter...out of his house in the said parish." 

In the sessions of 21 March, 7 J I, John Lawrence, a yeoman from London, was sentenced to be hanged for house-breaking and theft. He had, on the 10th of March previous, broken into the house


2. Ibid., S.Roll. 481, 47, 52; S.Reg., I/230; (96493/1/Vol.III) p. 167, There is no mention of the restoration of Long's property.
of Roger Sharpe, an innkeeper of St. Margaret's, Westminster, from which he stole bed-linen to the total value of 18s. ¹

Another London yeoman, William Sare, was more fortunate. On the 21 February, 8 J I, he had stolen goods belonging to a guest at the Red Bull in Clerkenwell. The goods included "a velvet jerkin of purple colour, worth 20s., a pair of satin breeches of black colour, worth 20s., a hatched sword, worth 10s., a scarf of black colour, worth 6s.8d, a velvet cloak of crimson colour lined with cloth of silver, worth £20." He admitted his guilt, but was able to plead benefit of clergy successfully, so that he was freed after branding with the letter "T". ²

Domestic animals were also stolen from inn grounds. Sometimes, these were the property of the innkeeper, and sometimes, of his guests. In this case, the unfortunate John Long found himself victimised. On the 27th August, 9 J I, three London men stole four black oxen, stated to be worth £27 from his grounds, near Marlebone Park, North of St. Giles-in-the-Fields. The men were likely looking for free meat to dress and sell. They were a cook, Richard Eastwaye, a butcher, William Mintes, and one Thomas Masters, described as a yeoman. Eastwaye and Masters were found guilty and unsuccessfully pleaded their clergy. They were consequently sentenced to be hanged. The but-


² Ibid., S.Roll.499/70, 114,123; S.Reg., 1/345; G.D.R., I/151d. (96493/2/VI) p.150. Sare was led to jail by Evan Jones.
cher, Mintes, was branded as an accessory since he was not found guilty of a felony. Occasionally, cases occurred that brought outsiders into the sessions courts. An innkeeper from the parish of St. George's, Surrey, William Roberts, appeared to prosecute "Thomas Coplande for stealinge of Pewter." The theft took place on the 17th November, 8 J I, and both parties came to the sessions court on the 5th December, 8 J I.

On the 13th June, 9 J I, William Savage, yeoman, from Dunchurch in the county of Warwick, was accused in the sessions court of having robbed the house of an innholder, Thomas Morryce, of the same place. This had happened, apparently two years before on the 15th December, 7 J I. The process which brought him to justice would be fascinating, if known: for example, one wonders how he was tracked. He was not a common vagrant, since two men gave sureties for him: William Symes of Welton, Northampton, described as a "gentleman", and Henry Savage of Christ Church, London, "tailor". He was committed to prison, and later reprieved for Warwick where he was to be hanged. The prison was likely Newgate, since the Gaol


2. Ibid., S.Roll 495/219; S.Reg., 1/319, (96493/2/Vol. VI) p.32.
Delivery Record from Newgate provided the information. It is impossible to say, however, if Savage was hanged in Warwick, or indeed, if he reached there. The difficulty of keeping prisoners from escaping, even from Newgate, presented a problem for the authorities.¹

Inns, then, were usually larger establishments than either alehouses or victualling houses. They could be operated as alehouses and victualling houses, if the owner took the trouble to obtain the necessary licenses from the justices at the Sessions of the Peace, when the alehouse keepers and victuallers applied for theirs. According to the M.S.R., however, they did not always bother to be licensed in such manner. This placed a burden on the local constables who were required to check on those places where a valid license obligatory. This type of infraction was a minor one, compared to their failure to cooperate at all times with demands made upon them for the maintenance of local order. Keeping unlicensed premises encouraged the congregation of undesirable people such as petty thieves, dealers in stolen goods, and other felons. The innkeepers themselves often engaged in various kinds of criminal activity, with the emphasis on traffic in stolen goods of all kinds. They were accused in the records of abusing the constables and harbouring felons. Needless to say, this cooperation with the elements of social disorder worked against the

theoretical concept of the local innkeeper as the ally of the authorities.

In practice, this did not always occur. This does not mean to say that at all times and in all areas innkeepers failed to assist the constables. The evidence in the Middlesex Sessions Records points instead to a constant undercurrent of independence in the attitude of these people. Sporadic occurrences were usual throughout the county of failure of one kind or another of the innkeepers to live up to their position as informers in the service, indirectly, of the authorities. They provided aid to others in the food and allied trades who found themselves in difficulties in court. They tended to support the existence of felonies and felons if this meant profit for themselves. This independence and self-interest made them somewhat unreliable as elements of social control. The authorities were not unaware of this on the other hand. Nor were the public generally.

Official statements at almost all levels stress the unsuitable atmosphere of the inns. Travellers ought to find comfort and protection at inns, and innkeepers ought to assist the local constables in the prevention of crime in each parish. The innkeeper ought to be respectable. General opinion, as found in popular writers of the day, such as Dekker, Nash and Greene, or in the chroniclers such as Harrison or Moryson, took the same point of view. Inns might be comfortable places to stay, but they were generally not safe, and the traveller was advised to beware of his safety and that of his goods.
Yet, in the county of Middlesex, it appears that the greatest number of felonious activities revolved about the alehouses and victualling houses. A Royal Proclamation of 42 E I mentioned the necessity of restraining the number of alehouses in general because they were "...occasions not only of great waste, riot, and expenses...but also of infinite idleness, thefts, and other inconveniences and disorders..." Various records refer to taverns, alehouses and tippling houses, but these are all the same type of place. They will be called alehouses as this term is commonly used in the Middlesex Sessions Records.

It fell to the justices, with the aid of the local constables, to supervise the alehouses in each parish. Alehouse keepers had to be licensed by two justices, one of whom was of the Quorum. The licensing was to take place during Quarter Sessions, and the applicants were required to give bond to keep order and prevent the playing of unlawful games in their establishments. The justices could also revoke licenses as they saw fit, using the sessions records as a means of checking on the alehouse keepers. The constables were to keep each place under constant observation, both as to possession of a valid license and the maintenance of good order.

2. Beard, op.cit.
The system was difficult to put into practice, as the M.S.R. show.

The alehouse keepers were generally more uncooperative than the innkeepers. The number of persons brought before the sessions for tippling without license is quite high. Part of the problem derived from the fact that many became tipplers, with or without license, because it was profitable to do so. Those names found in the records show that craftsmen and tradesmen of all kinds, as well as innkeepers and victuallers, tried to operate taverns, in addition to those calling themselves "tipplers". Many of these people were likely overlooked by the constables, simply because there were so many of them. Again, sometimes the constables found it profitable to overlook an unlicensed establishment.

Licensing regulation was only one of the problems faced by the government in its attempt to control alehouses. Petty tradesmen, among whom were counted taverners, had their own form of exchange currency. This currency took the place of the official coins, and circulated among the vintners, bakers and taverners. It was usually made and issued by each tradesman, to be used as a means of exchange between him and his customers. Tokens of lead, tin, latten and leather, impressed with each taverner's name, initials, signs or addresses, served as small coin for his trade.¹

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¹ "An Antiquary", Chronicles of London Bridge, (London, MDCCCXVII), pp.382-85. There are a few illustrations of the tokens in question, but most were from taverns on or near London Bridge, and the dated ones are mid-seventeenth century.
Needless to say, the government frowned on such activity as a further source of disorder in these places. A draft of a royal proclamation, possibly dating from 1600, proposed replacing these tokens by "...pure and fine copper of halfpence and farthings..." The tokens were considered as debasing the coinage, causing disorder and offending the honour and dignity of the crown. Those issuing the tokens were named: "...grocers, vintners, chandlers, and alehouse keepers and divers other persons..."¹ It is uncertain whether the proclamation was eventually made, but if it was, not much notice was taken of it. The custom of issuing such tokens had begun in early Tudor times and persisted well into the reign of James I. In 1612, Sir Robert Cotton stated that there were about three thousand persons who cast leaden tokens to the amount of £5 annually, losing all but about one tenth by the year's end.² His estimate refers only to leaden tokens, but it would seem that the use of tokens had increased in proportion to the increase in population and economic activity in and around London. The difficulty in suppressing the use of tokens among the taverners and their customers paralleled that of suppressing their engagement in felonious activity.

The Middlesex alehouse keepers were known for this ability to cheat customers as well as their ability to cheat the law. They were frequently found to have altered their pewter tankards with a

¹. P.R.O. SP 12/276/65 (endorsement, late hand, 1600) quoted in Tudor Royal Proclamations, op.cit., 805, pp.222-23.

². "An Antiquary", op.cit., p.384, #1. The author, unfortunately, does not name the source of information for any of his material.
hot iron after inspection by the Clerk of the Market.\footnote{Neville Williams, "Sessions of the Clerk of the Market of the Household in Middlesex" in \textit{Transactions of the London and Middlesex Archaeological Society}, pp.76-84.} However, that was a minor offense, when compared with their usual charges as found in the sessions records. Here, they were accused of tippling without license, permitting disorderly behaviour, the playing of unlawful games, the exchange of stolen goods, harbouring felons, keeping bawdy houses and abusing their customers. Occasionally, as happened to the innkeepers, they also suffered at the hands of their clients. Silver plate, gold pieces and jewelry, as well as linens of all kinds, were stolen from alehouses. The traffic in goods was heavy, and the taverners were subject to thefts, probably from those they sheltered from the constables.

The cases discussed from the M.S.R. generally involve alehouse keepers and people either from London or outside the county. The number of cases dealing only with inhabitants of the county was too extensive to be included. Again, there was a spirit of complicity among all of these people, suggesting that the Londoners were looked upon by the taverners as welcome accomplices in crime, rather than as a nuisance.
When an alehouse keeper lost his license, he also lost the sign which distinguished his establishment from others. This disgraced the unfortunate man in a public and irreversible manner. It was a well-known consequence of a loss of license, and occurs in the popular literature of the time. Philip Massinger in *A New Way to Pay Old Debts*, gives the following lines to a justice punishing a guilty tippler:

"For this gross fault I here do damn thy licence, Forbidding thee ever to tap or draw, For instantly I will in mine own person Command the constable to pull down thy sign." 1

The pulling down of signs is mentioned frequently in the M.S.R., but not, of course, in the same manner. The justices had little occasion for verse in court.

Thomas Palmer and his wife were thus disgraced when they had the sign taken down from their alehouse in Old Street on 27 July, 6 J I. 2 They had broken the curfew, had not kept on orderly house, and remained open during church time. It is worth reproducing part of the sessions record because it gives a clear picture of the grand jury in action at the sessions court. It was obviously deadly to run afoul of one's neighbors when running a business of any sort.


"John Cornweall, foreman of the jury, and divers other of his fellow jurymen, inform the court that Thomas Palmer and his wife keep ill rule and quarelling "in his house in the night about tenn of the clocke, and also keeps in the time of divine service divers drinking in his house." He probably had to pay a fine, although this is not stated, and he seems to have obtained some compassion from the court, as he was permitted to remain open until his stock of beer was sold.¹

Not all of the guilty escaped so easily. On the 28th November, 6 J I, Christopher Elliott, of St. Martin's-in-the-Fields was sent to prison for tippling without licence. He was freed the following spring at the sessions of 27th April, 7 J I, when he was "bound over not to vittle or tipple any more". His sureties came from George Fowler, of St. Martin's-in-the-Fields, a sadler, and Richard Oliver, occupation not given, of St. Margaret's, Westminster. He was also fined 20s. "to be assessed upon him to the King's use."² It is also likely that he may have had less influence in the parish than had Palmer in his.

¹M.S.R., "...but leave is given to "utter his beere which he nowe hath in house one whole moneth."

²Ibid., S.Roll 470, 60; S.Reg., I/126; (96493/1/Vol. II), p.80; St. Martin's-in-the-Fields came within the Liberty of Westminster. Two of the burgesses were permitted by 27 F I to try petty cases and to commit and report to the justices of Middlesex those breaking the peace. Stow, op.cit., pp.421-22.
The authorities faced considerable abuse and lack of respect from those occupied in the alehouse trade without benefit of license. One example of the type of torment endured by some of the local officers concerns the case of one Richard Blithe, of Chiswick. Blithe was a cook and licensed victualler who had begun tippling without the necessary license. At the General Sessions, held at New Brentford, the 21st April, 10 J.I, he was discharged from victualling "and the Constables must pull down his sign." The sessions must have been lively, because Blithe was also in difficulties for "railing against Mr. Saunders." In addition, the record states that Blithe was a "common drunkard" and that "e kept a taverne upon Strand greene neere Mr. Sanders in Despighte of Mr. Sanders." It is to be suspected that it was the long-suffering Sanders, a local justice, who had Blithe before the sessions. Blithe could find only Jon Downes of New Brentford, a baker and possibly an employee, to give sureties for him. He had to provide the other half himself.1

However, tippling without license was one of the minor infractions committed by alehouse keepers. It often concealed other, more serious ones, and many of these places sheltered disorderly people. Avoiding the authorities was thus a necessity,

For example, on the 13th December, 6 J I, three men from Little Stanmore were found to have kept an unlicensed tippling house, in which they permitted disorderly behaviour: Nicholas Stanbridge, Thomas Cooke, and William Miller. A yeoman from the same parish

attempted to give sureties for them, but was himself obliged to answer the sessions court because he had failed to apprehend Cooke and Stanbridge. He had received a warrant to do so from Edward Forsett, esquire, one of the local justices of the peace. For sureties, then, they had all to turn to two other men: Michael Stanbridge, a porter of Holborn Bridge, and Edward Rippen, a baker from Fleet Street. No doubt, Michael Stanbridge was either a brother or cousin of the Little Stanmore tippler. The judgment is not recorded.¹

Not all the warrants issued failed to produce results. During the regular sessions at the Castle in St. John Street, 11 January, 6 J I, Randal Brenton, a "Ratcliffe" yeoman was brought to the court by warrant.² The judgment was that he be committed to Newgate," and bound over not to keep any alehouse until he is licensed." He must not have committed any other infraction other than tippling without license. He found sureties from two tradesmen, Thomas Caston, a cook in Norton Folgate, and Thomas Clarke, a weaver from Houndsditch.


2. Ibid., S.Reg. I/83; (96493/1/Vol.II), p.28. Warrants were issued by the Clerk of the Peace through his staff of under clerks, generally attorneys. T.G.Barnes "The Clerk of the Peace in Caroline Somerset", quoted in Alan Harding A Social History of English Law (Penguin,1966) II,7,p.185. "Radscliffe", according to Stow, was an area built up mostly by shipwrights and "other marine men". Stow, op.cit., 376 #1.
In addition to warrants, various writs are mentioned in connection with some of the sessions cases. A writ of supersedeas was made out in connection with the indictment of Thomas Hartley, of Puddle Wharf, a brewer, Richard Stringer, of Panoches Lane, a baker, and John Hartley, of East Smithfield, yeoman. The case involved another brewer, Mathew Tyce, alias Rutten, who had apparently been delivering beer to unlicensed houses. Thomas Hartly was an alehouse keeper as well as a brewer, but his license was of recent date. He claimed in court that "Matthew Tyce alias Rutten did deliver unto him five hundred barrells of X-beere (sic) he having noe licence before December last..." There appears to have been some confusion as to who received the beer, since another witness, William Clayton, stated that "fourescore barrells" were sent to an alehouse in East Smithfield, the sign of "Jacob's Well", two weeks before Christmas. The case was dealt with during the regular sessions of 15th and 16th February, 6 J I. 1 No further information is recorded as to whether the receiver was identified. It is likely that all three men, the two Hartleys and Stringer, were involved in the illegal sale of beer together.

1. M.S.R., S.Roll-563,135; S.Reg., I/100 (96493/1/Vol I) p.185. The writ seems to have been issued on the 13 February, 6 J I. A writ of supersedeas was issued by the Chancellor or on his authority to the sheriff to protect a litigant in Chancery from another court, or to stop proceedings at Common Law. W.P.Baildon Select Cases in the Court of Chancery (1364-1471) (Seldon Society, Vol.10), p.30; Kiralfy, op. cit., p.264; quoted in Harding, op.cit.,V,6,p.146, #2.
The authorities seem to have made a definite attempt to stop the illegal selling of beer by tracking down the brewers who sold it to the unlicensed tipplers in the first place. In a case that was filled with complex testimony, the operation of the court may be more clearly seen. It also took place during same February sessions. The culprit was Richard Arnold, a brewer of St.Martin's-in-the-Fields who had been selling beer to unlicensed tipplers in the parish. He was accused in three separate statements concerning his operations, and was heavily fined for each lot of beer delivered. During the proceedings, an acquaintance George Leyfe stated that Arnold was "sick and languid" and for this reason had not appeared in court. Well he might be, as his trade was doubtless damaged by the fines and bad publicity.

Arnold was indicted on the information provided by William Inges, occupation and place of residence unstated. Possibly he was a professional informer. Certainly, he stood to gain handsomely from his work that February. His first statement maintained that Arnold had delivered to Owen Pope, also of St.Martin's-in-the-Fields, two hundred barrels of beer during a period that began on the 1st of July 6 J I, to the date of the sessions, the 16th February of the same year. Pope was not licensed as a common tippler. Inges asked in court

that Arnold be fined 100 marks or 6s., 8d., for each barrel
sold to Pope. However, his zeal was not to see justice done,
but to enrich himself. He further proposed that one half the
fine go to the poor of the parish, and that he keep the other
half himself. Arnold was then to appear before the justices
to answer the accusation. 1

Inges then stated that Arnold had also sold beer to one
Laurence Woodward, an unlicensed tippler in the same parish.
During the period from the 5th October, 5 J I until the date of
the sessions of 6 J I, he had supplied Woodward with 80 barrels
of beer. Inges proposed a penalty of 40 marks to be divided in the
same manner as the 100 marks above. 2

Arnold was then stated by Inges to have sold 200 barrels
of beer to Christopher Elliott, also of the same parish, and
an unlicensed tippler. The sales took place from 1 August, 6 J I
to that same date. He asked for a penalty of 100 marks to be divided
again as with the first fine. 3 Consequently, Arnold would have to pay
a total of 240 marks, out of which 120 would go to Inges.

2. Ibid., S.Roll-463,131; S.Reg., I/113 (96493/1/Vol I) p.184.
Similarly, another informer, George Raymond, appeared at the Westminster Sessions of the 1st October, 7 J I. He gave information concerning two brewers who had also sold beer to two unlicensed alehouse keepers. Edmond Maney and John Poole had, from the 1st of November of that year, sold thirty barrels of beer to Thomas Pearson, and the same quantity to Mary Fletcher, both tipplers in the parish of St. James', Clerkenwell. Neither had been licensed at the time. Pearson was charged with buying an amount "...other than necessary for the use of his family...." Maney and Poole were fined £30 each, "...being at the rate of 6s., 8d., for each barrel..." From this, George Raymond claimed half for the poor of the parish and half for himself. He took care that the records stated that he was mainly concerned with the fine for the sake of the poor. Using informers was only partially successful.

The local authorities had difficulty in following the instructions sent them by the Privy Council for the control and suppression of alehouses. On the 3rd March, 6 J I, the King himself sent instructions to the Sheriffs and justices of the counties. He demanded that they follow directions and cease granting too many licenses to "improper persons."²

The abuses continued for a proclamation of the 12th of December, of the same year, again ordered limitation of the alehouse

2. C.S.P.D., James I: Vol XXXI, #64; p.411.
keepers¹. The returns from the licensing had apparently been insufficient, despite the large numbers in legal operation. The Clerks of the Peace of several counties had submitted depositions in November regarding the problem, likely on request of the Council. They also included suggestions for improvement of the licensing procedure.² On the 29th of the same month, a further note was made of the total amount of licensing money received from the counties³. The justices were not content with the existing system and the alehouses continued to cause them trouble. Among the list of grievances presented by the House of Commons to the King in July, 8 J I, was included a complaint about the alehouse tax.⁴ The Middlesex constables and the justices were faced with a persistent set of tradesmen, who, for various reasons, were determined to flout the law.

The unlicensed alehouse keepers were interested in more than the clandestine retail of beer. This was a profitable activity, but they also engaged in one that brought them more clients, and more revenue. They must not have received only tokens as payment for all of the services they might provide. One charge often found in the M.S.R.

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2. Ibid., Vol. XLIX, #41; p. 560 (Date: Nov.19 (1609), Westminster).
3. Ibid., Vol. XLIX, #76; p.564.
4. Ibid., Vol. LVI, #10; p. 622 (Date: July 7th, (1610)).
is that of operating a bawdy house, with the consequent encouragement of people of ill-repute to frequent the neighborhood.

One rather formidable alehouse keeper thus charged during the sessions of the 6th December 1671, was Elizabeth Warren, the wife of a yeoman of St. Sepulchre's. She was bound over to appear at the sessions because she was "suspected to be a whoare and for beating Christopher Mayses and keepinge an alehouse she suffereth disorder there att all howers in the nighte." Two musicians from Clerkenwell gave sureties for her appearance in court: Thomas Griffin and Thomas Shepherde, both probably customers of the establishment, or perhaps partners with an interest in the profits. Fortunately, for Elizabeth Warren the charge of harbouring undesirables was dismissed and she was required only to give sureties not to victual. No mention is made of the assault on Mayses or her own suspicious behaviour. Mayses might have been a constable or a customer, but the records give no further clarification.¹

Another case is more definite with regard to the judgment given. At the December Session of 9 J I at the Castle, John Rolfe, of Clerkenwell, appeared. He was described as a drayman, a tailor, a labourer and a tippler, probably depending on the employment available and also on his own inclination, Rolfe was accused of keeping a bawdy house. He had apparently obliged his maid to "play the whore for his gains" and also refused to return her kirtle to her. He found

associates to give sureties for him, also of the same parish: a chandler, William Parsons, and a brewer, Edward Griffith.

Rolfe was committed to Newgate before the sessions on December 1. When he appeared in court, was dismissed from tippling. He was delivered by proclamation at the Castle and handed in bail to two tradesmen, a smith, Henry Hinckes, and a barber, John Phillipps.

However, the December appearance at the Castle did not deter him, and in April of the following spring, at the Westminster sessions, Rolfe was obliged to present himself for ignoring the court order. He continued selling ale and beer, although he had lost his license. Not only was he still selling ale without a license, but he was "...also suspected to keep a bawdy house." He turned again to the Clerkenwell barber, Phillipps, for sureties and to Nicholas Price, a shoemaker. The penalty is not given, but he was probably fined and committed to Newgate.

2. M.S.R., loc. cit.,
Keeping a bawdy house was a common enough accusation and the penalty for the alehouse keepers generally included the loss of their license to tipple. For example, a specific order appears in the Sessions Register for the 3rd December, 9 J I, for Robert Davies to lose his license, "...because he keeps a notorious bawdy house and receives into his house at St.Giles-in-the-Fields at all hours of the night."¹ The house outside the walls doubtless found it easy to attract City people seeking to escape the vigilance of their local watch. This created problems for the constables in the parishes outside of London itself, since the alehouses were particularly difficult to control. Business was too profitable.

St.Giles-in-the-Fields appears often in the records as an unruly parish. The alehouse keepers there were none too cooperative with the authorities. Robert Davies had a considerable history of offenses against the statutes concerning alehouses. It is surprising that he was able to keep up his license, but he may well have had influential friends. He and his wife Marjery, described as "victuallers" in the records, were accused of keeping an unruly house on the 7th December, 6 J I. They both resisted the constable who reprimanded them. They were obliged to appear before the justices

¹ M.S.R., S.Reg. I; p.459; (96493/3/Vol.IX), p.68. The Sessions were held at the Castle.
during the general sessions held on the 10th and 11th January of the same year. Their only penalty was that they were to be dismissed from victualling should they offend by keeping "ill rule" a second time. Sureties for their appearance came from a tailor, William Jones, of Grey's Inn Lane, and a weaver, Geoffrey Foxeley, of St.Giles-in-the-Fields. These two may have been customers and neighbours of Davies and his wife.¹

Again, at the sessions of the 24th May, 8 J I, Davies appeared on a charge of victualling and tippling without license.² He was committed to Newgate until the next general sessions of the peace. George Flower, a prominent inn-holder, and Richard Powell, of the same parish, gave sureties for Davies' appearance. At the same sessions, John Rondo, a local brewer, was obliged to appear for supplying Davies with beer. It also seems that these two were brought into court through the activities of an informer, Theodore Hanly. His testimony referred to a specific offense occurring on the 10th of the same month. Hanly lost his reward, however. A court order stated that the money paid out to him was to go to the parishioners of St.Giles probably the poor of the parish.³ The fact that Davies was in Newgate temporarily did not stop his trade. On the

¹ M.S.R., S.Roll 467/77; S.Reg., I/81, 124,127,133; (96493/1/Vol.II),p.17
³ Ibid., Rondo had sureties for his appearance from a barber-surgeon of St.Sepulchre's, Richard Etherich, and a brick-maker of St.Giles-in-the-Fields, George Collins.
28th May, his wife was discovered operating the establishment as a tippling house. A local inn holder, John Foster, and a yeoman, Thomas North, gave sureties for her appearance in court. Davies himself, freed from Newgate, was also required to appear at the sessions of the 2nd and 3rd July of the same year. The court ordered him to stop selling ale or beer, and forebade him even to enter another alehouse. The offense on record remained that of without victualling license. A yeoman, Hugh Brooke, of the same parish, and a tailor, Walter Evens, from St. Martin's-in-the-Fields, gave sureties for Davies' appearance. His record shows his persistence, and the pattern his determined flouting of the authorities took. He was certainly a problem for the constables. He was able to operate as a licensed victualler and tippler in spite of a record of keeping ill rule, resisting the officers, victualling and tippling without license, buying beer illegally, and finally, keeping a bawdy house. Had the law been rigorously applied against him, he could never have continued so long in business. His first recorded offense should have been sufficient to prevent him from obtaining another license either to tipple or victual. He may well have been protected by the intervention of people like Flower and Foster, who could have had a share in his profits.

Certainly, many people of diverse backgrounds used alehouses as houses of prostitution. Not only were proprietors involved, such as Rolfe and Davies, but often employees of the alehouse keepers. Men of higher social status also appear in the records, charged with the same offence. Robert Gudridge, a yeoman who worked as a tapster at an alehouse called the "Blewe Anchor" in Old Street, St. Sepulchre's, came before the justices.¹ He was bound over to appear at the sessions of the 6th December, 7 J I, for having kept a bawdy house at the tavern. On the 20th November, he had also abused the constable who came to tell him to come before the authorities. Two cutters gave sureties for him: George Neale of St. Sepulchre's, and Thomas Carmicke, of St. Bride's.

John Barney, described as "gentleman", from High Holborn, appeared at the sessions of the 5th December, 8 J I, where he had to have sureties given for his good behaviour.² Two associates, Edmond Bullock, of Lincoln's Inn, gentleman, and Thomas Reynolds, "cordwayner", also of High Holborn, provided them. Although he was subsequently discharged, he lost his alehouse license, "because he keepeth a suspected bawdy house."³

¹ M.S.R., S.Roll 479/24; S.Reg., I/208; (96493/1/Vol.III), p.83.
³ Ibid., Thomas Reynolds seems to have had a dubious past. A Thomas Reynolds, gentleman, of London, received a pardon for highway robbery at Kensington of one William Starkey. A few years earlier, a servant of his, John Drake, was questioned concerning the Gun Powder Plot. Reynolds at this time was described as being "of Holborn". CSPD,Vol.LVIII, No.20,1610; #25,p.644; Ibid., Vol. XVI,Nov.8,1605; #29,p.245.
The general pattern was sometimes reversed, and a bawdy house owner found extra profit in selling ale and beer without a license. Needless to say, a person of such unsavory repute would not normally have had the approval of two honest justices for the necessary license. One such offender was Joan Sparkes, of Field Lane, spinster, who was called to the sessions of the 21st March, 7 J I to "answer for keeping a notorious bawdy house in Field Lane" and also concerning the illegal sale of beer and ale. She had no difficulty in finding tradesmen to go sureties for her, since her contacts among such people must have been extensive: Thomas Foote, a chandler of Field Lane, and William Bramley, of Showe Lane, a cutler. Two others also went sureties for her appearance: James Grandall, a yeoman from Clerkenwell, and Henry Hill, a goldsmith, from Charterhouse Lane. The authorities had acted quickly. She was discovered on the 15th March and appeared at the sessions of the 21st of the same month.¹

Alehouse keepers might act as pawnbrokers as well as bawdy house keepers. One man, John Abbott, of St.Katherine's, dabbed in more than one trade at the same time. Stow described St. Katherine's as a parish at the west end of a "filthy strait passage". In his time, it was built up with poor tenements, and "sailors' victuallers", and must have been a dangerous neighborhood.² This area

². Stow, op.cit., p.375, #1.
suited Abbott. He was prosecuted at the sessions of the 2nd and 3rd July, 8 J I, by John Stone. He was accused of keeping a bawdy house, and of selling clothing that had been pawned to him "before the time." Abbott is described as a victualler and as an alehouse keeper, and must have been licensed for both trades. Although he was dismissed from keeping an alehouse, no mention is made of the court's withdrawing license to victual, so presumably he continued. Sureties were no problem for Abbott, since two men of the same parish volunteered their financial support: John Thomas, "gentleman", and a haberdasher, William Pavens.

Some were discharged without penalty. This was the case for Henry Barton, an alehouse keeper in Turnmill Street, notorious for its houses of prostitution. Someone had accused him of "living a vicious life with Margery Harris and for keeping an alehouse in Turnmillstreet and hath a wife and children in Staffordshire." The nature of the "vicious life" is not elaborated upon in the records. His alehouse license must have been in order, since he was simply discharged of the accusation. Nonetheless, two of his Turnmill street neighbors gave sureties for him: a blacksmith, Richard Fanell, and a tailor, Thomas Williams. Barton was discovered on the 11th December, 8 J I, and he appeared at the regular sessions of the Peace at the Castle in St. John Street on the 15th January, 8 J I.  

Operating without a license and keeping a bawdy house were common offences leading to payment of a fine or imprisonment for alehouse keepers. However, they could also find themselves in difficulties for entertaining suspected persons, whether at the approved hours or not. The authorities seem also to have had trouble in enforcing the law against the opening of alehouses or victualling houses during the hours of church services.  

George Smith, of Chancery Lane, a licensed victualler and alehouse keeper, was required to appear at the sessions of April 19th, 8 J I for "keeping evill rule in his howse being an alehouse-keper on the Saboth day in the time of devyne service." Two local tradesmen went sureties for him: Robert Pierce, a tailor, and Geoffrey Cooke, a skinner. The record does not state the judgment of the court, but in all likelihood, he was fined, and then discharged. This was the decision of the justices at the sessions of the 8th May, 9 J I, held at the Castle. One Richard Harris or Harrison of Whitechapel, a tippler, had appeared on a charge of "keeping ill rule in his house." The local authorities had discovered this on the 15th April of the same year. Another alehouse keeper fared badly, 

1. 1 Eliz. cap.1 & 23 Eliz.cap.1. (cf. CSPD, Vol CCCXXXIII, #4,p.126,Bill drafted against drunkards and common haunters of alehouses.)
2. M.S.R., S.Roll 485,89; S.Reg.,I/245; (96493/2/Vol.IV), p.17. Smith was guilty of this offence sometime in March of the same year: the date is not available.
having been involved in disorders at his own alehouse during the Sunday services. Edward Hinde of Hoxton appeared for "brawling with other persons" on the 5th May, 9 J I. Two local inhabitants, Edward Shorditche and Alice Smythe, acted as witnesses against him. Hinde's license was withdrawn, at the sessions of the 13th June, 9 J I.¹ Later that same year, Thomas Wharton of Stepney also lost his license "for that he keepeth a house of great disorder."²

Occasionally, when investigating a disorderly house, the constables discovered that the owner was unlicensed as well. Robert Forte, a "cordwinder" of St.James'п Clerkenwell, kept an alehouse that was unlicensed, and he also permitted disorderly behaviour among his customers. He found two yeoman of the parish for the necessary sureties, and was committed to prison, likely Newgate, on the 3rd or 4th October, 9 J I.³ Disorderly behaviour was a nuisance to a neighborhood, and it also encouraged the gathering of felons. Thomas Ray, a yeoman of St.Leonard's, Shoreditch, was required to appear on the 4th October, 8 J I. He was found to have sold ale and

¹ M.S.R., S.Roll 503/219; S.Reg., 1/382,394; G.D.R., 1/153,165 (96493/2/VII) p.148. Hoxton, according to Stow, was a "large street with houses on both sides".

² Ibid., S.Reg. 1, p.491 (96493/3/Vol IX) p.150; The sessions was held at the Castle, on the 17th of March, 9 J I.

beer without license, and was also charged as a "common har­bourer of thieves." Ray was not the only alehouse keeper ac­cused of this offense, as many were also found guilty. Reginald Vaughan, another Turnmill Street alehouse keeper and his wife were brought to the sessions of the 14th March, 8 J I, on a charge of harbouring thieves and receiving stolen goods. Unfortunately for the Vaughans, the goods, the victim and the thieves were all dis­covered, apparently on the 22nd February of the same year. Two men of unknown address, Holland and Younge, stole 15 capons and hens from a local poulterer, William Daye, and found willing ac­complices in the alehouse keeper and his wife. Holland and Younge pleaded their clergy successfully and were freed after the usual branding. Vaughan was an habitual receiver of such goods, being called a "common receiver" in the records. Nonetheless, he had no difficulty in finding two tradesmen to go sureties for him: Richard Ellis, a joiner from St. John Street, and Robert Walgrave, a smith of Long Lane. Two others gave sureties for his wife: John Davies and Anthony Hawfill, both merchant tailors of Friday Street.2

It was profitable for these people to have an interest in buying and selling of stolen goods. Occasionally, as in the Vaughan case, goods such as poultry was meant for use in trade. Almost as often, goods were deposited in alehouses temporarily, to be sold later

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1. M.S.R., S.Roll. 492/58; S.Reg., I/248; (96493/2/Vol V), p.73; The offence came to the notice of the authorities on the 18th September, 8 J I.
there or elsewhere. Many apparently law-abiding people were concerned with the transactions.

When Robert Samford and Roger Osborne were brought to the sessions of the 13th June, 9 J I, they were accused of selling ale and beer without license in Osborne's house in High Holborn. Osborne was also accused of receiving thieves and stolen goods on the 17th May, 9 J I. George Flower, the innkeeper who had provided sureties for Robert Davies, did the same for Osborne. Richard Powell, also from High Holborn, gave sureties. Samford found support from a local blacksmith, Richard Cooke, and a Clerkenwell innholder, Henry French. They must have had other motives than charitable ones, declaring publicly their confidence in known associates of felons.

Another Osborne, John, who may have been a relative of Roger Osborne, lost his license as an alehouse keeper the 27th July of the previous year "for receiving of stolen goods." His house was in Golding Lane, and it is possible that as brothers or cousins, the Osbornes were actively engaged in illegal business.

The constables were not always too far behind the felons. Many cases illustrate that they were frequently about the scene at

2. Ibid., S.Reg. I p.40; (96493/1/Vol. I), p.160. There were thirteen almshouses in Golding Lane in the charge of a London mercer, John Ironmonger. This would have been a suitable neighborhood for illegal trade of all kinds. Stow, op.cit., p.270, #5; p.383,#3.
the time of a crime, or easily reached by witnesses. John Baines, a Clerkenwell vintner, was caught with the stolen goods on hand soon after he had received them. The thief with whom he dealt on this occasion, left him four silver spoons on the 23 August, 8 J I, and then made his escape. Baines was required to appear at the next sessions, the 4th September of the same year where he was "handed over further" until the regular sessions of the peace at the Castle. He was accused of receiving the spoons and letting the thief escape. Two tradesmen, both from Clerkenwell, gave sureties for his first appearance: Richard Barnes, a cutler, and Robert Hitchcock, a gardener. ¹

The thieves were not always unknown, nor were they always caught while in possession of the goods or when in hiding. Thomas Moore, of no recorded address, was suspected of being a horse thief, and found shelter with an Enfield labourer, Thomas Rose, who kept a victualling house. ² Rose was found out on the 5th of September, 8 J I, and had to appear before the justices on the 4th of October of the same year to make answer to them. The record does not state whether Moore was also apprehended, but news of his stay with Rose was abroad in the parish. ³

The authorities took the harbouring of thieves and rogues seriously, since, according to Lambard, such an offence was a felony punishable by death if the justices chose to enforce the maximum penalty of the law according to their commission. The paragraph in Lambard's Eirenarcha is quite clear:

"If any persons knowing the said Felons, have received, comforted, aided, abbetted, or favoured them, before their attainder, or after. Hitherto of Felonies and their accessories in Lay causes, all which are punished by the pains of death, except petit Larceny." 2

The felonies mentioned include "petit treason, murder, manslaughter, rape, robberie," and "burglary". The severity of the punishment advised for harbourers indicates the difficulties encountered by the authorities when they tried to enforce the laws.

1. M.S.R., Rose had no difficulty in finding sureties from local men: John Bassett, a cooper, and Robert Tunbridge, "gentleman."


3. Ibid., loc.cit. The italies are in Lambard. (p.551, #6,#7 Holdsworth, op.cit.)
The Privy Council had issued specific instructions to the Justices in 1599, 1604 and 1608 regarding the granting of licenses to alehouse keepers and victuallers. One of the main reasons stated was that it was necessary to prevent these places from becoming what many of them doubtless were already, dens of undesirable people. The letter of 1604 emphasized the fact that the main purpose of alehouses was, as stated for inns, the provision of service to travellers. Victualling houses were to provide food for those unable to do so for themselves. They further warned that

"...they (the alehouses, etc.) be not made the receptacle of drunkards, felons and loose and idle persons." 3

The local authorities did their best to comply with their orders, but it is evident that they met with limited success. For every one alehouse keeper found out, many others escaped without penalty, and the idlers persisted. From the M.S.R., the overall conclusion that one may draw is that it was usually extremely profitable

1. Ibid., #5.
for the inhabitants of the county to give aid to the felon rather than to the local constable. This was particularly true of the innkeepers and alehouse keepers, as well as the local victuallers.

The justices were sometimes specific in their refusal of bail to such harbourers. Richard Bridges, a yeoman from South Mimms, appeared at the local sessions before "Sir Raphe Cunishey" on the 25th July, 9 J I. He had been first sent to Newgate by the same justice on the 12th of the same month. He was accused of selling ale without a license and of sheltering rogues, and was bound over to appear at the next general sessions on the charge. Curiously, a man from Chipping Barnet in Hertfordshire, William Martin, a yeoman, went sureties for his second appearance. For his first appearance on the 25th July, two local men provided their aid: Robert Hill, a yeoman, and Henry Crabtree, a tanner. Crabtree is also described as being from "High Barnet in the county of Hertford, yeoman."¹ It appears that Bridges was involved in a scheme to help rogues and felons escape across the border into another county when they were wanted in Middlesex. Informers, although sometimes useful to the constables, occasionally operated at risk to themselves. On

the 1st February, 8 J I, Thomas Chappman reported that one Thomas Deringe, an Edmonton victualler, kept a common alehouse "at a place called Highfield" in which he sold bread and beer without license.¹

Both Chappman and Deringe appeared at the sessions of the 5th April, 8 J I. Deringe pleaded not guilty to a charge of trespass. This accusation arose from the fact that on the 13th March, Deringe assaulted Chappman with the aid of two friends or associates, Henry Lowe, a carpenter, and George Squyer, a labourer. They broke into the house of another local man, George Pett, described as a gentleman. He owned a house near Deringe's alehouse in Highfield, and Chappman was visiting him when he was attacked by Deringe. All three, Deringe, Lowe and Squyer, were accused of a second charge of trespass as a result of the attack on Chappman.²

This case is a good example of the active part often taken by alehouse keepers and vintners in the felonies committed about them. In addition to sheltering rogues and using the profits from houses of prostitution, they sometimes committed robbery and assault openly in their establishments. This was the situation of a Ratcliffe vintner, William Foster

who was accused of having "abused" a woman in his house, on
the 23rd November, 7 J I and to have stolen her clothes. The
woman, who is not named in the records, is described as being
from the country, and was probably attacked by Foster when she
stopped by for a drink. Foster appeared at the private sessions
of the 6th December, 7 J I and found sureties for himself from
two men from Stepney, William Chester, a shipwright, and John
Tittley, a fishmonger. 1 The judgment is not given. Another
tippler found it profitable to rob his guests with the aid of his
employees. Roger Lackley of Golding Lane had a man called Elney
as a lodger on the night of the 22nd May, 8 J I. While there,
Elney was robbed by one of Lackley's servants, described as his
"head fellowe". Elney complained to the local authorities, and
Lackley was required to appear at the sessions held two days later.
He found sureties for his appearance: Thomas Beck, a weaver, and
George Hankinson, a dyer. Lackley was not judged at the private ses-
sons but was "handed over" until the next general sessions. 2

2. Ibid., S.Roll 488/84; S.Reg., I/265; (96493/2/Vol. IV), p.71.
The alehouse keepers, however, did not always welcome all guests. They were quick enough to complain in their turn to the local authorities if their guests took advantage of the hospitality available, as often happened.

On the 14th November, 6 J I, an "outrage" was committed by a group of men at an alehouse in Whitechapel. The owner's name is not stated, but he must have been responsible for the complaint. John Candell, a Whitechapel baker, was required to appear at the sessions of the 30th November of the same year to answer "for an outrage by him 'and his Companie'" at the alehouse. Among the "Companie" was a London shoemaker, Richard Price, who was obliged to appear with Candell. Each found sureties from fellow tradesmen: Price from a Surrey shoemaker, Edmond Younge, and Candell from a local baker, William Loder. Both spent at least one night in Newgate and were likely also fined, but this last is not stated in the record.  

Those in the wine and beer trade, alehouse keepers, vintners and brewers, were as often victims of the thieves in the county as their collaborators. They lost goods and money, suffered

1. M.S.R., Sess. Roll 466,101; S.Reg. 1/76,77 (96493/1/Vol I), p.258; Sess. Roll 466/102 (96493/1/Vol II) p.258. The sessions of the peace were held on the 30th November, and the Gaol Delivery on the 1st of December, the same year: 6 J I.
assault and generally received as much harm as they caused.

On the 23rd September, 6 J I, William Jones, a vintner in Stoke Newington, had a mare stolen, valued at 30s. at the sessions of October 6th, 6 J I. The thief was a London yeoman, William Forde, who was assisted by a victualler, Robert Burt, of St. Leonard's, Shoreditch. Burt was charged as an accessory. They were both led to gaol by Richard Beale, likely a local constable. However, they were found not guilty of the accusation and set free. Sureties for their appearance were given by two gentlemen from St. Leonard's, Edward Panill and John Taylor. Burt may well have been a dealer in stolen horses, the two "gentlemen", sharing in the profits, would then naturally have an interest in seeing Burt freed.

Another vintner, James Hodgson, who was also a citizen of London, owned tame swans which he kept at his house or establishment at Shepperton, West of Hampton Court on the Thames. Two of them were stolen on January 10, 6 J. I., by a London yeoman, Reginald Robinson. The latter was likely caught by the authorities when he attempted to sell them, as luckily, Hodgson had them marked with his "proper swan mark." There were three witnesses to the theft: William Banner, Richard Walker, and John Lonel. Robinson evaded capture, however, until sometime in

the following summer, as he was present at the Newgate Gaol Delivery of the 3rd of July, 8 J I. He was found guilty of petty larceny for 1ld., although the swans were valued by their owner at 20s. Robinson further stated that he had "no chattels", and was sentenced by the justices to a whipping and a fine,¹ Not only the owners themselves, but sometimes also their wives, who frequently helped them run their businesses, shared in receiving abuse from their customers. Jeffrey Loftus, a vintner of Gray's Inn Lane, had apparently help in the shop from his wife. She, however, had the misfortune of suffering assault at the hands of one of the clients of the establishment. Thomas Taylor, a London yeoman, appeared at the sessions of the 27th April, 7 J I charged with "outrageously beating and misusing the wife of Jeffrey Loftus." The assault took place on the 20th of the preceding month: Loftus had not wasted time in registering a complaint before the local authorities. Taylor found friends, since he had a goldsmith, Robert House of St. Peter's Westcheape to give sureties for his appearance. House could well have been his companion in trade. The outcome is not given, but Taylor was likely fined and then discharged.²

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Among the cases where goods were stolen from vintners, two seem most representative, because they illustrate the type of material that the enthusiastic thief could find ready to hand. Bennett Jaye, a London Goldsmith, stole a silver beaker worth 40s. from a vintner, Thomas Draper, at Tuthill Street, in the parish of St. Margaret's Westminster. He was seen and identified by two witnesses, probably clients or servants of the establishment, John Cante and Joan Shewarde. Jaye, however, managed to remain at large, having likely disappeared into the city or into another county: the felony having been committed on the 25th January, 8 J I, and Bennett was still free when charged in absentia at the general sessions of the peace, the 13th February of the same year. Draper seems to have run a place that saw a fair amount of unsavoury activity. He was required to appear at the sessions of the 5th October, 8 J I, to give evidence in an inquiry into the escape of a felon, on the 15th of July previous.


2. Ibid., S.Roll. 493/27; S.Reg; f/300; (96493/2/V) pp. 113-114.
Both he and another man, (also a Thomas Draper, but a London tailor) were to give evidence against William Normanvill, who had a suspected murderer in his custody, "one John Chapman" and had let him escape. 1 The place of the escape is not stated, but may well have occurred near the vintner's house.

Although the alehouse keepers and vintners often dealt in stolen goods, they were also victims of thieves. Thomas Watson of Tower Street, London was one such unfortunate person. Described as a "citizen and vintner" of London, he kept an establishment at Old Street in the parish of St.Giles-without-Cripplegate, fairly distant from his place of residence, On the 3rd July, 9 J I, four yeomen stole a variety of goods from him. The four, seemingly old hands at the game, were William Ford, John Rose alias John Paynter, William Hallgate and Richard Browne. They succeeded in taking the following articles from Watson: "...a brown cloak, a cloak of mingled colour worth 15s., a cloak worth 15s, a gallon pewter pot worth 5s., a diaper towel worth 2d.," They were not strangers either to theft or to the parish itself: they were given shelter by a local woman, Katherine Wager, a yeoman's wife from St.Giles-without-Cripplegate. She also stood accused of taking the stolen property from them to pawn.

Cornelius Chapman, a servant of Watson's, witnessed the theft and appeared at the sessions with his testimony, on the 25th of the same month.

1. M.S.R., Ibid., Many identical names appear through the records and without additional information, precise identification is impossible or at best, untrustworthy.
Katherine Wager was not at a loss to find sureties for herself, but she did not appear at the Castle with the other accused. The judgments were varied, and demonstrate that not all felons were subject to one fate once caught. John Rose successfully pleaded his clergy, was branded and set free. Richard Browne could not read his "neck verse", and was condemned to be hanged, having declared that he owned no goods. William Ford apparently did not plead his clergy, since after a similar declaration, he also was to be hanged. All three of them were found guilty. William Hallgate, however, was not and no judgment is registered for him. Watson doubtless recovered the goods since they were discovered with Katherine Wager. She is stated to have taken the goods to pawn, not that she had actually pawned them.¹

Lewis Jones, a brewer, had a "cloak of mingled colour" stolen from him at St. Katherines. Two business associates happened to witness the thief in his alehouse: Thomas Somers, a victualler, and Maurice Morgan, a brewer, both from the same parish. The thief, Thomas Cole, a London yeoman, acknowledged the indictment, but pleading his clergy successfully he was branded. However, instead of being set free, he was led to gaol on another charge of undervalueing a cloak worth 16s. to 11d. The cloak stolen from Jones was valued in court at

¹ M.S.R., S.Roll. 505/36, 136,227; G.D.R. 1/167,168d; S.Reg.L/399,403; (96493/2/Vol.VII), pp.199-200. The sessions was a general one, held at the Castle in St.John St.
10s. Cole, also known as Coales, must have been a dealer in second hand and stolen goods, perhaps a pawnbroker. The theft was committed on the 18th of August, 9 J I, and came before the general sessions at the Castle on the 2nd of September, of the same year.¹ The alehouse keepers, tipplers and vintners often found themselves in the sessions on various charges brought against them by the local constables. Thomas Regnolds, headborough of Mile End, gave evidence in court that one Elizabeth Mason, wife of a Stepney yeoman, kept a tippling house without license, on the 25th February, 8 J I. She was obliged to appear at the March sessions, and found the necessary sureties from three cloth workers, William Stone, of St. Mary Alchurch; Robert Wright of St. Lawrence Pountney and Stephen Tompson, of Great All Hallows. Her husband was likely also in the cloth trade.² Three men from High Holborn, Giles Clemente and William Ridges, yeomen, and Henry Toomes, a stationer, came to the general session of the 13th February, 8 J I, and confessed that they had kept alehouses without license. They had likely been urged to do so by a local constable who must have discovered them on his rounds. They were each fined 20s, and were to go to Newgate but were pardoned, possibly because of their cooperative attitude.³

³ Ibid., S.Reg. I/337; (96493/2/Vol. VI), p. 128.
They were not all so cooperative, however. An ale-brewer, Thomas Scale was required to appear at the August 9th sessions of 7 J I for having "misbehaved" before Sir William Waade, knight and justice on the 30th July of the same year. Tipplers themselves were often among those recruited from the parishes to perform the duties of constables. They were occasionally obliged to enforce the law instead of breaking it. Two tipplers from Westminster, Walter Coppland and Thomas Hull, evidently did not take their appointment too seriously, much to their later distress. They were brought before the sessions on the 15th or 16th February, 7 J I to answer to their "evill cariage" of themselves as constables "in not attacking a felon". Unfortunately, the felony committed is not mentioned.

The criminal could well have been in league with the two men as tipplers, then taking advantage of their position as constables in order to escape punishment. This would not have been unusual for the time. Stow wrote disgustedly of the unsatisfactory men who sometimes became constables and grand jurymen: "...for I have known a man carted, rung with basons, and banished out of Bishopsgate ward, and afterward in Aldgate ward admitted to be a constable, a grand juryman, and foreman of the wardmote inquest."

It is not surprising that among the numbers of constables chosen in each hundred, several might be incompetent or dangerous to maintaining order. However, the few constables' names occurring in the M.S.R. for infractions are only a small percentage of the long lists of those serving in each area. Ossulston, for example, had a total of 96 for 6 J I. Occasionally, the constables exercised too much vigilance or failed in their zeal to distinguish the types of licenses that were required by different trades or occupations. Richard Mathewe of South Mimms claimed that James Jackson, likely also of the same parish, possessed a counterfeit license for tippling. He came to the sessions of the 27th May, 10 J I to give evidence, and Jackson appeared as well, having in the meantime been given bail under the charge of Robert Howe and Thomas Evans. Mathewe was mistaken, since Jackson did indeed have a genuine license, but it was issued to him as an innkeeper. Jackson was subsequently discharged.

The alehouses were greater sources of disorder than the inns. There were far more of them, and it was easier for a would-be alehouse keeper to set up business anywhere he could find shelter, than for a would-be innkeeper who had to have at least some sort of house. It was not unusual for an alehouse keeper to be found operating without a license in a shed or shack hastily thrown together. The proliferation of these places made it very difficult for the constables

1. Stow, op.cit., p.172; (cf. (96493/1/Vol.I)). The list included a total of 4 gentlemen as Chief Constables, and 96 sub-constables of unnamed status.
to carry out their work of supervision. Although the regulations for licensing were fairly strictly set down, they were not always strictly enforced. Alehouse keepers were supposed to be reliable members of a given parish, known as such to the inhabitants. Licensed by two justices, they were liable to lose this license for infractions of various types. However, this was not always the case, as men could obtain licenses after committing offenses such as abuse of the constables, tippling without license and operating bawdy houses. The system was not completely efficient in practice, because of the tendency of the inhabitants in various trades to aid one another in staying in business, either by providing sureties, giving testimony, or perhaps even by influencing the justices.

There is no evidence in the records of this last, but it is suggested by the occurrence of a number of active businessmen both as jurors and as partners in giving sureties for tradesmen accused of felonies. The tradesmen were involved in the traffic of stolen goods and in prostitution. This is an aspect that would be extremely interesting to investigate through further research, both in the M.S.R. and in Parish and Guild Hall Records. Many otherwise "anonymous" people might then be shown to have been of considerable influence in local affairs, and not always in the interests of public order.

The alehouse keepers themselves seem to have been a generally
unruly group, interested mainly in their own profit. As was the case with the innkeepers, however, they cannot all be said to have engaged in felonious activity at all times. There was the same undercurrent of independence and self-interest, which made it more likely that they would work against the constables and not with them. Traffic in stolen goods and prostitution, for example, could raise their incomes considerably, even if they operated only over a short period. Loss of license did not pose too much of a threat as it was easy to set up another alehouse in another parish if it proved impossible to maintain business through bribery of officials. Tippling without license was symptomatic of an inclination to crime shared by most of the alehouse keepers. Unruly and criminal characters found them useful as places of "business" and as a haven from the constables. Despite the great difficulties facing them, the constables seem to have done their best against an opposition that was often good-humoured, but nonetheless effective.
The problem faced by authorities in controlling the clientele of taverns and inns occurred as well with the many victualling houses in and about London. Only a brief survey can be made here of the types of infractions committed by the victuallers, but they resemble those of the other tradesmen mentioned. Victuallers frequently cooperated with the taverners, each trade being interwoven with the other. Thus, one finds victuallers accused of tippling without license and vice versa, and numbers of each trade going sureties for the other when they ran afoul of the local constable. Charges against them included victualling without license, dealing with other unlicensed establishment owners; harbouring rogues; permitting "ill rule" and illegal games; abuse of the constables, keeping houses of bawdry and disobedience to previous court rulings regarding the licensing of their houses.

The Gaol Delivery record for Newgate or the 20th June, 6 J I shows an unnamed victualler from Turnmill Street dismissed from victualling for harbouring thieves who are named: "Robert Wilkinson and Robert Cockeye, robbers, David Vaughan, Henry Machocke."

Another victualler, John Bennet of Hillingdon, was found to keep "ill rule in his house and lodgeinge of lude and suspicious persons," on the 24th of September of the following year. He was required to appear before the session of the 5th October, 7 J I. No sureties are recorded, nor is his penalty given.¹

Two years later, again on the 24th September, 9 J I, a carpenter, John Adsonn or Ason of Islington, and his wife, were required to appear at the October sessions, on either the 3rd or the 4th that month, "for receiving and harbouring thieves." They were found not guilty but were dismissed from victualling. As was the case with the tipplers, victuallers often had another trade. Keeping an establishment was a profitable sideline. Adsonn had no difficulty producing sureties: John Wilde, a local innkeeper and William Wildman, a bricklayer, also from Islington, for his appearance with his wife before the justices. Two local yeomen gave sureties for their subsequent good behaviour: Gabriel Pannell and George Smythe.² The victuallers did not shelter thieves because of

²Ibid., S.Roll 244/5,6; G.D.R., I/176,177d,178; (96493/3/Vol VIII), p.92.
humanitarian impulses. They were interested in gain. On the 10th September, 7 J I, Thomas Raie, a victualler of Hollywell Street, in St.Leanard's, Shoreditch, was bound over before the justices. He had "...received a pece of counterfaite gould of one Peter Swetman and never convented him before a majestrate". He was indicted in London, but the outcome is not given. The case is something of a puzzle until one notices that sureties for his appearance were given by a Cheapside goldsmith, Thomas Perrin of St.Peters.¹ The two were likely involved with Swetman in some sort of swindling operation, perhaps the substitution of false gold for real.

A more complicated case came before the January sessions, on the 16th of the same year. It illustrates another aspect of the traffic in stolen goods that was carried on among the victuallers and taverners.² Thomas Rogers, a victualler of Great St.Bartholomews, was obliged to answer to the authorities for "his counsellinge of an officer to suffer a felon to escape on the 19th December, 7 J I, being apprehended by warrant and promising to save him harmless..."


The constable must either have been stupid or involved in the theft. The felon appears to have been one Edward Lee, against whom Rogers was also required to give evidence concerning linen which had been stolen from the house of William Pilgram of Hollowell. Sureties for Rogers were given by Denis Cooperthrought, a local merchant-tailor, and Peter Milbourne, a tailor from Charterhouse Lane. William Pilgram, however, described as a yeoman, was in turn required to answer for "his unlawful receivinge the said linen feloniously taken out of his house by Edward Lee...", being also required to give evidence against Lee.¹ Pilgram had stolen the linen, and then was himself robbed by Lee. Rogers and John Millet, a pewterer, also of Great St.Bartolomews, gave sureties for Pilgram. Then Peter Milbourne, the Charterhouse Lane tailor, was also obliged to appear to explain why he allowed Lee to escape, and to give evidence against him, as well. Rogers, and two tradesmen, also from Charterhouse Lane, a shoemaker, Jeremy Davies and a glover, Robert Griffen, gave sureties for Milbourne.² Rogers and Milbourne collaborated in the escape of Lee, who had stolen goods received by Pilgram. The latter may have fallen out with the three others temporarily. It

¹. *Ibid.*; Charterhouse Lane was near St.John's Street and Turnmill Street, the last-named street occurs regularly throughout the *M.S.R.* as its inhabitants seem to have been especially unruly. *Cf.* Stow, op.cit., p.386, #2,#3.

is also possible that Milbourne was the officer in question, in which case he was obviously involved with the group of thieves. The two tailors, Cooperthrought and Milbourne, could well have sold the stolen linen, or used it in their trade, receiving it either from Rogers or Pilgram.

The constables frequently received abuse at the hands of the victuallers, among others, and it is not surprising that they often found it difficult to carry out their warrants either for search or arrest. They frequently met with more than ordinary resistance, and the scene of arrest must have resembled broad comedy on more than one occasion. The constable of Whitecross Street brought in Timothy Newman for keeping a victualling house without license. Newman had resisted arrest, "...threatening to burn the whole street..." When before the justices in general session at the Castle, he went so far as to use "...unreverent words in the Court..." Newman was committed to Newgate until he had paid his fine, and was to "...put in very good surety for his good behaviour...", being further obliged to appear at the next sessions.¹

Martin Featherbye, headborough of Charterhouse Lane, while keeping his watch suffered "an extreme outrage..at 12 o'clock in the night", at the hands of a victualler and tavern keeper of Turnmill Street, George Wilkins. The latter lost his tavern license, but pre-

¹M.S.R., S.Reg. I/p.520; (96493/3/Vol.IX), p.220; Newman's behaviour suggests that he might well have been "drunk and disorderly", and not simply bad tempered.
sumably not the victualling license, and was required to appear at the next sessions. He was handed in bail to two yeomen of Cow Cross, John Coxe and William Thomas at the general session held at the Castle on the 2nd of July, 10 J I.¹

Periodically, the justices would order the constables to "raid" a particular parish, hundred or even the entire county in order to stop abuses in the victuallers' or taverners' houses. One such abuse involved the keeping of illegal games which according to the M.S.R. was extremely frequent.² Gaming encouraged gambling, "cosening" of unsuspecting guests and the gathering of undesirables of all kinds, both local and from London. The raids themselves were sometimes instigated by the information supplied by the informers who stood to gain in many cases, either by the stipend they would receive from the court, or by sharing in the fines imposed upon the guilty persons. An excellent illustration of this sort of activity is recorded for 27th April, 7 J I. Nicholas Crow, of


²Lambard devotes a long paragraph to the question of unlawful games, quoting in the process, 33 Henry VIII, c.9: "If any person have (for lucre) mainteyned or kept any common house, alley, or place of bowling, coyting, cloth, cailes, tennis, dicing, tables, carding, shovegrot, or any other game prohibited by any former statute (as football and casting of the stone) or any other unlawful new game now invented; ...". He also mentions those people to whom the statute applies: "...Husbandman, Apprentice, Labourer, Servant at Husbandrie, Journeyman, or any Servant or Artificer, or any Mariner, Fisherman, Waterman, or serving-man..." Those excepted were either in the employ of a nobleman or "...may dispend C. 11. by yeere...". Christmas season also led to a general exception, but only in private houses. Lambard, quoted in Holdsworth, op.cit., p.567, #2.
no occupation or address, informed on a Ratcliffe victualler, John Fuller, who was required to appear in court on the above date charged with keeping a "common tabling and carding house in Stepney against the form of the statute 16 January, 33 Henry VIII." Mention of an offence, and then quotation from the statute in question occurs only rarely in the records. This particular entry includes the precise section against which John Fuller had offended: "...Which forbids persons to play quoitinge, chose, keyles, half boucles, tennis, tables or cards." The penalty was not recorded, but was probably a fine and or a short imprisonment.

Crow was active in other parishes as well as Stepney since the list of victuallers offending in the same manner is fairly long, and all appeared at the same sessions of the 27th April, 7 J I. It is not unlikely that all were spied upon by the same man and brought in by the respective constables in accordance with his information. The list includes the following according to parish:

Clerkenwell
  John Ellis
  John Woodward

St. Dunstan's-in-the-West
  Hugh Thomas 1

### Victuallers, etc.

<table>
<thead>
<tr>
<th>Location</th>
<th>Name(s)</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Giles-in-the-Fields</td>
<td>John Foster</td>
<td>victualler illegal games</td>
</tr>
<tr>
<td></td>
<td>William George (Greere)</td>
<td>&quot; &quot;</td>
</tr>
<tr>
<td>East Smithfield</td>
<td>William Southwell</td>
<td>Shovel-board table</td>
</tr>
<tr>
<td></td>
<td>Nicholas Jones</td>
<td>&quot; &quot;</td>
</tr>
<tr>
<td></td>
<td>William Freeman</td>
<td>Illegal games</td>
</tr>
<tr>
<td>Whitechapel</td>
<td>Humphrey Merytt</td>
<td>&quot; &quot;</td>
</tr>
<tr>
<td></td>
<td>Leonard Green</td>
<td>Shovel-board table</td>
</tr>
<tr>
<td></td>
<td>Edward Botter</td>
<td>&quot; &quot;</td>
</tr>
<tr>
<td>St. Andrew's, Holborn</td>
<td>Mathew Walter</td>
<td>Illegal games</td>
</tr>
<tr>
<td>St. Botolph's, Aldersgate</td>
<td>Robert Stokes</td>
<td>Shovel-board table</td>
</tr>
<tr>
<td></td>
<td>Christopher Griffin</td>
<td>Illegal games</td>
</tr>
<tr>
<td></td>
<td>Genninges</td>
<td>&quot; &quot;</td>
</tr>
<tr>
<td>St. Leonard's, Shoreditch</td>
<td>William Symons</td>
<td>Shovel-board table</td>
</tr>
<tr>
<td></td>
<td>Galley</td>
<td>&quot; &quot;</td>
</tr>
<tr>
<td></td>
<td>William Tow</td>
<td>&quot; &quot;</td>
</tr>
<tr>
<td>St. Sepulchre's</td>
<td>Humphrey Milles</td>
<td>Illegal games</td>
</tr>
<tr>
<td>Stepney</td>
<td>William Kettle</td>
<td>Shovel-board table 1</td>
</tr>
</tbody>
</table>

None of the penalties are given for these victuallers, nor can it be determined when they were discovered in their offences. However, by comparing some similar cases occurring both earlier and later than the above, one may obtain a clearer picture of likely penalties.

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On the 20th February, 6 J I, Nicholas Rolf, a Finchley victualler, was found to keep illegal games in his house. Several local people were required to appear at the sessions of the same date as those cases mentioned above, in order to give evidence against him, where Rolf was obliged to answer for his infraction. A collier and his wife, William and Elizabeth Preston, a local husbandman, Robert Rolfe, and Thomas Barker, another husbandman from Hendon, were the accusers. It appears that Nicholas Rolfe may have been the victim of a family quarrel, since Robert Rolfe could well have been a relative. The former, in addition to being bound over to answer the charge against him, was dismissed from victualling and tippling. He also had a tipplers' license.¹

The penalty for the loss of a victualler's license or tippler's license was similar. At the general sessions held at the Castle on the 12th January, 6 J I, William Jones was dismissed from victualling.² He had been previously dismissed at the December

¹ M.S.R., S.Roll. 470, 67,68; S.Reg. I/124,127; (96493/1/Vol.II) p.81. Hendon and Finchley were neighboring parishes northwest of London.

Sessions but had somehow obtained another license. His sign was to be taken down, a penalty imposed on tipplers. Jones' offence was that his victualling house "standeth in an unfitt place in or near the highwaie from any other house, and lately built in the mannor of a shedd."¹ In addition to losing their distinctive signs, the offending victuallers also had to remove any other sign or mark painted on the wall of the establishment. Thus one Robert Marshe, victualler and alehouse keeper in Fynnesburye Fields "nere the Doghouse" was dismissed from victualling and it was ordered that the "redd lettice painted in the wall to be utterly defaced..." He had to appear at the Castle sessions on the 2nd September, 9 J I, charged with permitting misdemeanours in his house.²

Stow mentions this area in connection with archery practice which in his day he says was abandoned because of enclosures. The archers then "...creep into bowling alleys, and ordinary dicing houses nearer home, where they have room enough to hazard their money at unlawful games."³

¹ M.S.R., loc.cit.
² Ibid., S.Reg. I/p.418; (96493/3/Vol. VIII), p.44.
³ Stow, op.cit., pp.95-6.
Gambling was popular and a cause of trouble for the officers.

As well, misdemeanours often involved the "cosening" of guests. William Cowper, a silkweaver from Newington, Surrey, lost 13,10s. at a card game at the house of a Rosemary Lane, victualler, Daniel Lancaster. Cowper was at the victualler's on the 13th February, 9 J I, and Lancaster appeared at the general sessions on the 18th or 20th of the same month. The justices took some complaints seriously enough, and the guilty were dealt with quickly where this was possible. Lancaster had two tradesmen give sureties for him: a baker from St.Katherine's, Bartholomew Bourne, and a gunner from East Smithfield, Oliver Russell. The record does not state whether Cowper recovered his money, nor whether Lancaster lost his license.¹

Some thirty years previous, John Awdeley wrote of the rogues that haunted taverns and other such places, engaging clients in games in order to cheat them of their money.² The M.S.R. mention a game called "My card before thine", which could well have been similar to those Awdeley mentions.

² Iohn Awdeley The Fraternity of Vacabondes, (London, 1575) in Viles and Furnivall, op.cit., p.9. "Of this fraternity there be that be called helpers, which commonly haunt tauernes or alehouses, and commeth in as men not acquainted with none in the companye byt spying them at any game, wil byd them God spede and God be at their game, and will so place him selfe that he will shew his fellow by sygnes and tokens, ...what cardes he hath in his hand, and how he may play against him..."
The authorities sometimes suffered from competition in dealing with unlicensed victuallers. One enterprising inhabitant of St. James's, Clerkenwell, discovered a profitable pastime. Thomas Wilkes, a shoemaker, appeared at the sessions of January 10th or 11th, 6 J I, charged with an interesting variation of fraud: he had been discovered on the 30th December previous posing as a constable with a false warrant. He had been going about threatening with arrest unlicensed victuallers, and "converted the said warrant to his owne profitt and gayne and compounded with them and took money of them." Two silk-weavers from St. Leonard's, Shoreditch, gave sureties for Wilkes: Robert Standfor and Elias Bonam. Wilkes' punishment was not given, but impersonating an officer entitled the justices to use some severity towards him.

The victuallers, in addition to operating without license, holding illegal games, dealing in stolen property and swindling customers, also kept bawdy houses. The number of cases in the M.S.R. is considerable, but only a few can be dealt with here. The keeping of such houses was frequent in some districts, especially near the Thames: St. Katherine's and East Smithfield. Many people besides the victuallers themselves appear to have been involved, judging from those giving sureties and being implicated in the offence. Prostitution was one of many criminal activities encouraged by felons and


2. According to Stow, about three thousand "poor men" were kept at work on the Thames, manning boats of all sorts. St. Katherine's was heavily populated with strangers, and East Smithfield had business with the navy, supplying ships with biscuit. Stow(op.cit.),p.13,#2;pp.113-114.
their associates, forming part of the web of unsavoury activities facing the local authorities. Three inhabitants of East Smithfield appeared at the Sessions of the 27th of April, 7 J I, charged with keeping unlicensed victualling houses and houses of bawdry. Two had other trades, Daniel Care, a tanner, and William Bailiffe, a feltmaker. The third, a widow, was one Jane Smith. They were found out on the 22nd of the same month, and their names appear together. They also obtained the required sureties from the same tradesmen, all, except one, from East Smithfield. These were a glover, Thomas Church, two sailors, William Bawne and John Dyer, and a waterman from St.Katherine's, Michael Wilkinson. It is not inconceivable that all of these people were involved in the illegal activities together. Their connection with the water-front area is striking.

The water-front appears again in another case, the culprit being discovered and dealt with on the same date. The constables probably raided suspected bawdy houses in the same way as they did the illegal gaming houses. Joan Griffin, described as a widow from East Smithfield, was charged by the officers of the parish with victualling without license, and keeping a bawdy house.

Two local sailors gave sureties for her: Baltazar Gee and Henry Gamage, of St. Katherine's. A third case, involving identical dates to the two previously mentioned, tends to suggest that the constables had conducted a raid. Another East Smithfield "widow", Joan Harware, was bound over in the sessions, having been charged by the constables with victualling without license, and "...keeping incontinent persons in her house..." The keeping of brothels by the Thames appears to have been a major source of disorder, and the East Smithfield "widows" were probably very common among the people dealt with by the constables. Often, the unruly visitors met with foul play, and injuries of many kinds, even mortal wounds, could occur. Generally, however, the trouble caused by them was of a minor sort, contributing to the difficulties of maintaining some degree of order.

3. Clients who met with violence were sometimes dumped unceremoniously into the Thames. This was apparently the practice in a bawdy house run by a "Mrs. Holland", about 1631. Bodies of all sorts in the Thames must have been a commonplace. John Bishop, about 1585, complained in verse about the dangerous conditions brought about by the disposal of dead humans and animals in the river. "Holland's Leaguer; or an Historical Discourse of the Life and Actions of Donna Britanica Hollandia..." (London, 1632) quoted in Viles and Furnival, op.cit., "Foretalk"; John Bishop quoted in Fred S. Thacker The Thames Highway, (London, 1914) III, p.52.
Not only were the owners of the victualling houses running bawdy houses, but also their employees. In this case, the owner was held responsible. On the 16th January, 7 J I, Richard Draper was bound over for good behaviour because he had permitted his tapster to keep a bawdy house in his Old Street alehouse. He also admitted to the justices that he had victualled for a month without license, and for this offence he was committee to Newgate for an unspecified length of time. Draper had no difficulty in finding sureties from four friends or associates: a gardener, John Graye, and a husbandman, Roger Hall, of Old Street; a blacksmith, William Daye and a chandler, William Parsons, both of St. James's, Clerkenwell.¹

Turnmill Street appears frequently in the records in connection with many felonies, but especially that of prostitution. Elizabeth Baker appeared in the sessions of the 19th April, 8 J I, charged by the officers "that she keepeth a notorious bawdie house and keepeth wenches there and victualleth without license."² It would seem that the victualling was a secondary activity engaged in to increase the income of the establishment. Elizabeth Baker found

sureties from neighbors who were also probably clients and associates: Thomas Williams, a tailor, and Henry Bichalls, a cordwainer. These were joined by a Smithfield ironmonger, Thomas Abbot. She was not freed at the time, but was to be handed over further, likely until the general sessions.

Occasionally, the justices would require the appearance of the suspected inmates of the houses, but not always successfully. George Douston, a Whitechapel victualler, was found to keep a suspected house on the 9th March, 9 J I. He had to appear at the sessions of the 14th March, 8 J I, to answer the charges against him, but he refused to bring the women into court. Two local men gave sureties for his appearance: Robert Wackfield, yeoman and Thomas Pimme, a chandler.¹ The inmates of the bawdy houses eventually acquired local notoriety as is sometimes found in the charges laid against them.

William Grace, a "Cheek Lane" yeoman, was bound over at the sessions of the 16th January, 7 J I, for unlicensed victualling, discovered on the 21st December, 7 J I. He was also charged with "harbouring Megge Carbett in his house, she being a noted whore." A Clerkenwell baker, Thomas Lowe, and a tailor, John Davies, gave sureties for Grace's further appearance. The record does not state the whereabouts of Megge Carbett, nor whether she had been taken into custody.²

Sometimes, more than one person was involved in keeping houses of prostitution. At the general session of the 18th and 20th February, 9 J I, a group appeared in connection with such a charge.

Hugh Chapham of St. James's, Clerkenwell, was charged with keeping an unlicensed victualling house and running a bawdy house, presumably in the same establishment. His wife, Julia, also appeared, charged with "keeping a bawdy house and harbouring whores." One of the latter brought to court Ann Woodnett, described as a spinster from St. James's parish, was accused of "being a noted whore and living in the house of the said Hugh." Two local shoemakers, John Fisher and Henry Webbe, gave sureties for the appearance of the three. Unfortunately, the judgement is not recorded.

Irregularities in the victualling trade often covered criminal activity. The constables dealt as best they could with these establishments, which, like the alehouses, were small and often short-lived. In the Castle sessions of the 8th May, 9 J I, the constables had several persons presented for victualling without license and keeping ill-rule. Joan Maye, a widow living in Rosemary

Lane, was accused of unlicensed victualling and keeping ill-rule on the 27th April. A baker, probably in her employ, was also charged with her. A further charge of abusing the officers was laid against Joan Maye, but both she and Man were freed without penalty.\(^1\)

At the same sessions, Robert Hatfield, a victualler of Wapping Wall, appeared. On the 29th of April, he was discovered operating without a license and "...keeping lewd company and ill-rule in his house." Two Ratcliffe men, Peter Brillamn, a cutter, and John Harris, a sailor, gave sureties for his appearance. The waterfront area attracted more than one kind of disorderly case.\(^2\) The long-suffering constables frequently met with violent reactions from the people they attempted to arrest.

On the 5th May, 7 J I, William Harvey, a baker from the parish of St. Michael's Bassishaw, and George Thorrowgood, a victualler from St. Giles, Cripplegate were all accused of disorderly behaviour, the reason for which is not stated in the records. They had threatened to pull down the cage, probably in their own parish, and

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finally succeeded in doing so. Whereupon each was bound over on the 30th May, of the same year to appear at the next general sessions to answer for their conduct. Friends or associates gave sureties for them: a blacksmith, Peter Macharell of Little Britain, and a yeoman from the parish of St.Margaret's-at-Hill, Francis Greene. It is likely that they were fined and then discharged.\(^1\)

However, not only the constables received abuse, but often also the justices themselves. On the 23rd of August, 9 J I, a baker, John Fisher, was found victualling without a license in Charterhouse Lane in the parish of St.Sepulchre's. He was obliged to appear at the general sessions of the peace at the Castle on the 2nd of September immediately following, to answer for this, and also "...for great abuses offered to Mr. Bestney, the Justice." From the context, it would seem that Fisher gave vent to his feelings in court. He found friends easily who provided sureties: a local baker, Richard Whitby, and two St.John Street men; an innholder, John Hodgson, and a chandler, Patrick Chambers.\(^2\) It is interesting to note

\begin{itemize}
  \item \textbf{1.} M.S.R., S.Roll 472/86,88; G.D.R., I/73,78; S.Reg., I/138,139; (96493/1/Vol. II), p.146. Neither the M.S.R.nor Stow mentions the precise location of the cage.
  \item \textbf{2.} Ibid., S.Roll 505a/104; S.Reg., I/412; (96493/3/Vol. VIII), p.17.
\end{itemize}
how often innholders, alehouse keepers and others in the service trades appear together for various reasons in court.

Victualling houses, like alehouses, were many in number, and difficult to supervise because they could be moved about easily from one street or one parish to another. The exceptions, of course, as for tippling houses, were those inns licensed as victualling houses as well as inns. Victuallers and taverners often cooperated against the local authorities, and both trades were closely connected. Suppliers of food and drink to travellers, the poor and all of the others who made up their clientele, the victuallers and tipplers had common interests. These interests were not confined to legitimate business. Victuallers operated without license, selling food, ale and beer, abused the constables, engaged in the buying and selling of stolen goods and the usual bawdy houses. In short, they contributed to the general disorder by disobeying the law in the same manner as did the alehouse keepers. Not all of them were breaking these laws at once, but a sufficient number of them were most of the time so that the constables had work enough in finding them out.

Felons found shelter in these places when they were large enough to accommodate them. Again, the probable motive for cooperating against the authorities was one of profit and self-interest. Extortion from a fleeing criminal, or money received for illegal trade in goods and women added to income from victualling itself.
Many of these people also had other trades, and victualling kept a source of income handy, should there be no demand for a particular skill, for whatever reason might have led to unemployment. The keeping of illegal games seems to have been more common among victuallers than among tipplers, just as the keeping of bawdy houses was more common among tipplers than among victuallers. The reasons are difficult to formulate for this interesting phenomenon, and would require further research in order to determine both the cause and whether or not it was the case only within this particular five year period.

Some areas in the county seem to have been more disorderly than others and some streets within particular parishes as well. The parishes near the water-front, such as St. Katherine's and East Smithfield, are often mentioned in the M.S.R., as are such streets as Turnmill Street and Charterhouse Lane. Unless these areas were assigned more constables, and a larger watch than was customary, control of illegal activity must have been very unsatisfactory, however zealous the constable might be.
Middlesex County Records: A Critical Discussion.

As stated in the Introduction to this study, Jeaffreson's two volumes have been included in most descriptions of 16th and 17th Century England since their publication. These books are quoted at first, second and even third hand in nearly all general and specialized works dealing with this period. It is unfortunate that this is the case, since, although the Middlesex County Records was prepared with great diligence, it tends to lead historians astray. This is the result, not so much of the inaccuracy in the contents itself, as of the arbitrary nature of a selection based on Jeaffreson's assumptions about the historical values of students and other researchers. Each volume contains an "Editor's Preface", selections from the records, an index compiled by A.T.Watson, and, in the second volume, a table of statistics. Quotations are generally based on the material in the "Editor's Preface", with the occasional reference to the contents and statistical tables. Jeaffreson states the considerations that led him to make the selection of his material. Items were included on the grounds that they are of "historic" interest. He says that he mentioned "...every indictment that exhibits the name of a historic personage, refers in any way to any movement or state of affairs fairly to be designated "historic", yields evidence touching an obsolete usage, or enlarges an ordinary reader's knowledge of the pursuits, serious interests, pleasures, troubles, costume, personal
ornaments, domestic furniture, social conditions and moral characteristics of our ancestors..."¹ This guide is followed in selections from the early Tudor period through the reign of James I. The result of such an approach is the construction of a catalogue of unrelated items, frustrating to the student because it is incomplete and has no central point for analysis. Unfortunately, Jeaffreson's definition of the term "historic" is more closely concerned with his personal interests than with those of students with differing views from his.

One criticism of Jeaffreson's "Editor's Preface" to each of the two volumes is the lack of references. He discusses details of courtroom procedure and aspects of daily life in Tudor and Stuart England, but gives very few sources. It is not possible to trace the authority for his statements, and this leaves the accuracy of the material open to question. There are a few exceptions: he cites Giles Jacob's New Law Dictionary quite plainly as well as several literary works in a more general way. The New Law Dictionary is mentioned in discussion of the term "Session of Inquiry" the use of the punishment known as the "peine forte et dure" and the question of pardon and acquittal.²


Among the literary works, Jeaffreson refers to Chambers's *Cyclopaedia of Literature*, and Cunningham's edition of Gifford's *Ben Johnson*, in connection with the poet's conviction of manslaughter for the death of Gabriel Spenser in September, 40 Elizabeth. 1 He criticizes these works on the basis of their ignorance of the circumstances of the crime and Ben Johnson's subsequent release. He also analyses the Bill of Indictment and raises the problem of whether or not the poet was actually branded on his release after pleading benefit of clergy. 2 Jeaffreson was not unaware of the necessity for analysis of the sources and of the need for a complete selection of them. But neither he nor the Middlesex County Record Society of the time thought beyond the publication of selections of particular interest only, without consideration of where such interest might lie. 3

Other sources that he cited briefly include Ryland's *Crown Circuit Companion*, from which Jeaffreson quotes in connection with


2. Ibid., pp. xxxviii-xl.ii.

3. Ibid., p.xviii; "Middlesex Record Society", pp.2-5.
the practice of transferring indictments for felony found at the Sessions of the Peace to the Assizes held at the Old Bailey.¹ His discussion, however, runs from 16th Century to 19th Century practice and he also makes reference to Russell and Ryan's Crown Cases for the later period.²

In addition to these, there are a number of statutes which he either quotes in part or cites generally in accordance with a particular point. Among them are 2 Henry V. c. 4; 14 Henry VI. c. 4: on modifications of the regularity of Sessions of the Peace in the county: 4 Henry VII. c. 13; 28 Henry VIII. c. 1; 32 Henry VIII. c. 3; Edward VI. c. 12; 18 Elizabeth c. 7; 1 Edward VI. c. 3.; 3,4 Edward VI. c. 16: on Benefit of Clergy; 5 Elizabeth c. 20; 14 Elizabeth c. 5; 1 Edward VI c. 3.: on the problem of vagrancy.³

These statutes are interesting for a comparative study of the evolution of the theoretical aspects of law enforcement, but they are unfortunately insufficient for any insight into the social conditions and the pressures which caused them. Jeaffreson's discussion of vagrancy is especially deficient, as he fails to understand the signi-

1. Ibid., pp.xxv-xxvi.

2. Ibid., p.xxvi: see note at bottom of page; Sir William Oldnall Russell and Sir Edward Ryan Crown Cases reserved for consideration: and decided by the Twelve judges of England from the year 1799 to the year 1824 (London, 1825).

ficance of both the statutory changes and the cases he used
to illustrate social conditions. This point is criticized be­
low in the analysis of several curious errors in the "Editor's
Preface".

Several of the main statements made for which no refe­
rence is given underline the necessity for viewing at least part
of the information contained in this section with a degree of re­
servation. Jeaffreson describes with considerable authority the
scenes of violence which he claims were common occurrence in the
London of Shakespeare's time. He says that "...tavern-haunters
of every social grade thus fought with rapier and short-sword, bill
and knife, the staid and law-abiding citizen seldom went abroad
without a dagger, to be drawn in self-defence from a convenient
pocket, should he be molested by street-rioters, or pushed from
the wall by a tipsy swaggerer."¹ He creates the impression that
wounding and murder were the most common incidents in the taverns
and that street violence was a permanent feature of the time. The
Middlesex Sessions Records on the other hand, point to traffic in sto­
len goods and the operation of bawdy houses as the main interests of
the alehouse keepers.

¹. Ibid., p.xliii.
Jeaffreson also does not appear to understand the designation of "gentleman" as found in the records. He confuses the strictly social implications of the term with the Victorian notion of the existence of an inherent standard of behaviour. A man was called a "gentleman" in the 16th Century in order that his place in the social scale might be determined. He states his opinion in this manner: "It was possible in Elizabethan England for a man to be a cutpurse and pickpocket, to be a poacher and cardsharpener, to carry off a silver goblet from a tavern-parlour or a goldsmith's counter, to sneak into a lady's house and sneak out of it with her silver spoons and finest lace, to keep a bowling-alley or a brothel..." and to demand the right to the name of "English gentleman". The idea that status displays a system of moral values appears even more clearly in an earlier section: "...the offences of persons of education and gentility are more indicative of the general state of social morality, than the offences committed by people of inferior quality, training and circumstances." This statement indicates Jeaffreson's personal opinions and those of his time and shows as well the bias that guides him in his selection of cases.

1. Ibid., p.lvi, #2.
2. Ibid., p.lv, #2.
This Victorian bias occurs also in a discussion of the number of women executed during the reign of James I by the *peine forte et dure*. "To the honour of the gentler sex, it is to be recorded that in the ten years under consideration several women went to the "*peine forte et dure*" at their own election, accepting, for love of others, an excess of torture which they would have avoided had they been chiefly actuated by care for themselves.¹ Sentiment blinds him to evidence in the M.S.R. that the women capable of assaulting constables, running alehouses and bawdy houses and committing varieties of theft with violence of all sorts are not to be described as "the gentler sex". Given the necessary physical strength, these women were as rough as their male companions. He assumes that choice of such a death was made out of "love for others", neglecting the possibility that some took advantage of a readily available form of concealed suicide.

He is also confused on the question of loss of goods, equating conviction of felony with the *peine forte et dure* which is not correct. Death under the *peine* did not imply conviction and so no goods whatsoever could be confiscated by the court. Sir Edward Coke discussed this point: "If a felon be convicted by verdict, confession, or re­creancie, he doth forfeit his goods and chattels, etc. presently."

But, he emphasizes that confiscation may take place only after conviction:... by the statute of I R.3.cap.3. no sheriffe, bailiffe, etc.

shall seise the goods of a felon before hee bee convicted of the felony..." He then states: "If the party upon his arraignment refuse to answer according to law, or say nothing, he shall not be adjudged to be hanged, but for his contempt, to peine forte et dure, which worketh no attainder for felony, nor forfeiture of his lands, or corruption of bloud." The accused who chose death by the peine was not punished as a convicted criminal with loss of his goods.

Jeaffreson quotes several cases mentioning violent behaviour by women, and he certainly examined documents with other illustrations. He includes among the cases in Volume II, a recognizance taken before Sir Robert Leigh for the appearance of Joan Woodshawe at the next Sessions of the Peace: "...for that she is a very noted whoare and selles tobacco, and run at ii seafaring men, first with a spitt and afterwardes with a drawne rapier." Joan Woodshawe was not an example of Jeaffreson's notion of the "gentler sex".

2. Jeaffreson, Ibid., p.72: "15 March, 8 James I. ... G.D.R. ...James I"
Not only the records for the Middlesex Sessions, but also other courts held in London at the time contain evidence of the unruly nature of both men and women. This was a frequent source of disorder in the parishes and a further condemnation of Jeaffreys' lack of insight. One such interesting case appeared at the Consistory Court of London, in June, 1613.¹ It involved a tavern, the Sign of the Redd Crosse in Fleet Street. In March of 1613, Margery Hipwell, a shop-owner called the wife of another shop owner, Phebe Cartwright, "a wry mouthe queane".² She further threatened: "...I will make thee...do penaunce in a white sheet, And I will ave thee...carted out of the street..." A witness and servant of the Cartwrights, Alicia Beale, testified that Margery Hipwell had begun a quarrel with Mrs. Cartwright while the latter's husband was at the Redd Crosse. She said that the reason for the quarrel was that Margery Hipwell wished "to discredit the said Phebe Cartwright so much as shee could and to alter the good opinion which her neighbors ave conceeved of her honest life..." The result of this was that the Cartwrights found it necessary to prosecute Margery Hipwell for having spoken "wordes libellate."³ Women often quarrelled among

2. Ibid., p.539,#1.
3. Ibid., #4.
themselves and with the men about them and were no exception
to the general description of many of the Middlesex inhabitants
as somewhat prone to disorder of many kinds.

Another statement of the historical value of his se-
lections leads Jeaffreson to contradict himself in the "Preface"
of Volume II. In a short commentary on the contents of the "sup-
plementary Sessions of the Peace Register", Jeaffreson discusses
the general unimportance of the indictments recorded. These in-
cluded "...nothing worse than common assaults, neglecting to keep
watch, failing to assist in the repair of highways, and forbearing
to attend church."¹ He sees two-thirds of the entries as of "no
historical moment". The petty problems of day to day supervision
by the local constables brought most of these people before the
justices, keeping all levels of the law enforcement system occupied
with them. Neglecting to keep watch was scarcely of "no historical
moment", since the efficiency of the constables depended largely on
the cooperation of the inhabitants of the parishes who were required
to assist them in their work. Without the aid of the watch, for
example, the large number of taverns mentioned in the Middlesex Ses-
sions Records could hardly have been as closely supervised as they no
doubt were.

¹. Ibid., loc.cit., p.xxvi, #2.
Jeaffreson then goes on, a few pages later, to devote an entire section to the problem of "Residents refusing to keep Watch."¹ He also mentions the numbers of "householders" appearing in the Sessions on this charge, and who are included both in his statistical tables and in some of the cases selected. In addition, he quotes at length from an Order made by the Middlesex Justices on 30 September, 11 J I concerning failure to keep watch. His diligence did not extend to discovering discrepancies as obvious as this one.

A further bias which appears in this same "Preface" is illustrated in a section on "Houses of Ill Fame". Here Jeaffreson gives what he believes to be the attitude of county inhabitants toward these places. "Enduring them and looking away from them, so long as they did their vile business unobtrusively and noiselessly, the decent householders of suburban London made fierce war upon the keepers and inmates of brothels, when the houses became unendurably numerous and noisy."² He then mentions their "fervid and ferocious virtue" shown in the fight against bawdy houses. Again, his personal opinion keeps

1. Ibid., p. xlviii.
2. Ibid., p. xlii, #3.
him from seeing the fact that none of these places would have flourished very long without the active cooperation of the "decent householders", who sometimes were clients and sometimes part owners of the brothels. The Sessions Records contain many examples of inhabitants sheltering women from these establishments during pregnancy or when they had to avoid the constables for various reasons.

Several questionable statements occur throughout the "preface" of Volume II. For example, Jeaffreson states that "There is no reason to think that London and Middlesex were much more populous, or that their joint population comprised a larger criminal element in the time of our first Stuart sovereign than in the time of Elizabeth."¹ This is the result of reasoning based on an inaccurate interpretation of the statutes enacted against building new houses, subdividing tenements or receiving inmates. He sees the enforcement of these laws as effectively restraining the growth of the city and its suburbs. However, the statutes were of an unsuccessful attempt to stop or, at least, to control a growth which was part of the general population increase in the whole of the country.²

¹ Ibid., p.xxi, #2.

In the light of studies made since then, it is not possible to accept his statement that there was no or very little increase.\(^1\) Three 16th and 17th Century sources, the Map of London by Braun and Hohenberg made in the late 16th Century, the Map of Middlesex, 1593 by John Norden, and John Stow's *Survey of London*.\(^2\) The maps clearly show the growth of housing in the parishes immediately outside London. Stow comments in many paragraphs on the increase of tenements, shops and houses in his day, and even with an allowance for inaccuracy, he can be considered as a reliable witness. His observations also contradict Jeaffreson, as do others of his contemporaries.\(^3\)

Then, in criticizing the carelessness of the clerk of the gaol deliveries, Jeaffreson points to a particular entry for the 9th February, 9 J I. The Newgate Gaol Register contains an indictment of one Becon Neale, described as a spinster from London,


on a charge of grand larceny. The woman pleaded her clergy, the judges permitted her to have the book, but she could not read and so was sentenced to be hanged.\(^1\) Jeaffreson says that this was not possible as only men had Benefit of Clergy at this time. Clerical error was in his view the only possible explanation of the entry. However, this is not a correct statement. Benefit of Clergy was extended progressively throughout the 16th Century and the 17th Century to include larger groups of people. It was extended in 1547 to bigamists, and to peers of the realm whether or not they were literate. Then it was amended to include some categories of women in 1624, and finally, all women in 1692. By 1707, all felons had the right to plead Benefit of Clergy.\(^2\) It is surprising to consider that although he could quote from the statutes, Jeaffreson seems to have been ignorant of the contents of several important ones. It was thus impossible for him to realize that the practice of allowing women to plead their clergy must have been followed, however, infrequently, in the years immediately preceding 1624.

Another error of the same type occurs in his treatment of vagabonds and vagrancy. Jeaffreson discusses the punishments

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assigned to those convicted of vagrancy during the reign of Elizabeth. These included, according to him, whipping, branding and burning with a hot iron through the right ear lobe. These punishments could be avoided if the person so charged went into service for one year with some "credible person", which Jeaffreson equates with going into slavery. This point of view is justified by his quotation of the Edwardian Statute of slavery: "Anyhow, he (the vagrant) was the slave of the person to whose government he was committed. By 1 Edw. VI.c.3., he was styled the "slave" of the master to whom he was committed." In this case, Jeaffreson fails to note that the statute was repealed by 3 and 4 Edward VI.c.16. because "Thextremitie of some whereof have byn occasion that they have not ben putt in ure (sic)". The law was far too harsh to remain in force long in the country and there was a return to an amended form of 22 Hen. VIII.c.12. which formed a basis for legislation on the matter until 14 Elizabeth.c.5. It is revived by 35 Elizabeth.c.7.

2. Ibid., p.li, #1.
4. C.J. Ribton-Turner A History of Vagrants and Vagrancy and Beggars and Begging, (London,1887) "Index of Statutes", pp.677-680; Although Ribton-Turner shows that 1 Edw. VI.c.3. repealed 22 Hen.VIII.c.12., he does not show that as well as reviving 22 Hen. VIII.c.12., 3&4 Edw.VI.c.16. repealed 1 Edw.VI.c.3. It is curious that the same type of omission should occur in two books published in the same year.
The second error in Jeaffreson's paragraph on slavery is his assumption that the slavery was limited to a period of one year. Slavery according to 1 Edw.VI.c.3. was perpetual, but in any case, the statute no longer applied. Those in service had recourse to the local magistrate if they were treated inhumanely, and a number of cases can be found in the M.S.R. which Jeaffreson himself no doubt saw when he examined them. Those who took service as apprentices or servants were as likely to injure their masters or their property as they were to be injured themselves. Among many cases in the M.S.R., one in particular illustrates the manner in which an apprentice could trouble his master. The apprentice of Thomas Hiccock, trade unnamed, contracted "...marriage with a light wench upon whome he spint his master's goodes." He was led into this by the "light wench", Alice Hill of Charterhouse Lane, and John and Roger Hunt of St.Bride's, London, cutlers.\textsuperscript{1} Theft by apprentices and servants must have been fairly common, and doubtless led many of the tradesmen and artisans to treat their servants with considerable severity. However, complaints against brutal masters were not infrequently heard in the Sessions Court.

\textsuperscript{1} M.S.R., S.Roll 488/78,81; S.Reg., I/265; (96493/2/Vol. IV) p.70. The unfortunate apprentice was "enticed" on 17th May, 8 J I, the case was heard in Sessions on the 24th of the same month. All were dismissed.
Jeaffreson takes for granted that the only place of execution for condemned felons was at Tyburn. This is also questionable. Two sources, one late 16th Century and another, early 17th Century, describe the execution of criminals of several types at different areas within the county, both within and without the gates of the city. The former is a broadside ballad, published toward the end of 1588. It contains the names of fourteen "traitors" hanged for complicity in "Romish" plots, recusants of the politically active variety. Two were hanged "on Myle-end greene", one "in Finsberrie feeld", two in "Lincolnes feelde", one "at Clarkenwell", two "at Braintford" and the others at Tyburn. This list is repeated at the end of the ballad with the name, date and place of hanging of each of the condemned. The ballad is unfortunately anonymous, but the names correspond to actual criminals hanged at about the same period.

In 1612, John Chamberlain, in two of his many letters to Sir Dudley Carleton describes several executions in and about London. In late Spring, two thieves escaped from Newgate after being condemned

2. "A warning to all false Traitors" (Anonymous) in The Broadside Black-letter Ballads. J.P. Collier, Ed. (London, 1868), pp.57-62 gives no date of publication and further remarks in "Notes", Ibid., p.127, #4, that neither name nor initials were found at the end of the ballad. The last stanza is followed by the statement "Imprinted at London by Edward Allde at the long shop near vnto S.Mildred's Church." Ibid., p.62.
to death, and committed a robbery the following night at the house of "Lady Stone". They stole £400 in plate and were caught when they attempted to sell it. They were then hanged in March, one "within the gate and the other without." In a letter dated June 25 of the same year, Chamberlain discusses the trial and death of two felons, Carlyle and Erwin, condemned by a special sessions at Newgate. They had escaped to Scotland, but were brought back and then escorted to prison by a London crowd. Both were hanged, "...trussed up this morning in Fleet street before sixe a clocke to avoyde concourse."  

Although these seem to have been special cases of different types, still one cannot avoid the conclusion that Tyburn was not the exclusive place of execution, but that various areas inside and outside of the walls of the city were used.

Burial of executed felons is not discussed in either of the Prefaces and this omission points to a further weakness


in Jeaffreson's work. He states that because of the incomplete state of the Sessions Records, it is not possible to give a full account of the business of each Sessions. It is not possible, either according to his Preface to Volume II to state how many felons were condemned to death or were actually hanged. This suggests that the statistics compiled in the course of his investigations cannot be taken too seriously. They indicate only an approximation of the number condemned and executed. A record of burials would be a helpful supplement to the information contained in the Records. Some traces can be found in 16th and 17th Century accounts of the disposal of condemned felons.

Criminals destined to die at Tyburn spent at least one night after judgement in Newgate prison. They were not all hanged after sentence, and opportunities remained for escape among those fortunate enough to have money or friends. A London citizen and merchant taylor, Robert Dowe, left an annual sum of twenty-six shillings and eightpence in 1612 to the vicar and churchwardens of St. Sepulchre. They were to appoint someone to preach to the condemned in Newgate the night before their execution. Then, the same person

was to meet the cart at St. Sepulchre's the next morning, and while ringing a bell, lead the onlookers in prayer. The Beadle of the Merchant Taylors' Hall was given a small sum to see that the operation was carried out according to Dowe's will. Later, the task of exhorting prisoners passed to the local warden.¹

Stow offers a partial answer to the question of disposal of the bodies of felons hanged. In the 14th Century, a plot of land in what was later St. John's Street had been set aside for the burial of plague victims. The monks of the Carthusian monastery there looked after the burials which later included those who were suicides or who had been hanged. The land, formerly called "No Man's Land", was called until Stow's time, "Pardon Churchyard". After the Dissolution, the plot was made into a garden.² However, such an arrangement, along with other functions formerly carried out by the monks, likely passed to the parishes where the condemned were executed.

Jeaffreson mentions the "chief room of the Castle Tavern, standing in the Constabulary of St. John's Street."³ The ordinary sessions of the peace were held there until 18th August, 10 J I.

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From the following January, these sessions were held in Hickes Hall, also in St. John's Street. This building was the gift of Sir Baptist Hickes to the county. Jeaffreson assumes that the Castle was a tavern although he states that there is little information about this place in the records. He quotes from a bill of recognizance for 2 July, 10 J I and remarks on the fact that this is one of very few in which the Castle is referred to as a "Sign". He interpreted this to mean that the Castle was a tavern, but it could well have been an inn. Inns could also have licences for supplying customers with ale, beer or food, and the distinctions were not always clear between ale-houses or victualling houses and inns.

The owner of an establishment, described as the Castle Inn, leased property known as the "Fernefield" from Thomas Chichely, Esquire. The land lay adjacent to the inn. The innkeeper provided services of various kinds, including loans of money and repairs to the Chichely house in St. John's Lane. He also saw to the expenses of the Chichely estate after the elder man's death. However, on

1. Ibid., p. 81-2.
presentation of the bill, the innkeeper found the younger Chichely unwilling to pay. The "Fernefield" was then presumably annexed to the Castle in default of the debt.¹ St. John's Lane was in Clerkenwell, running at right angles to St. John St.² The inn seems to have been fairly close to this house and the innkeeper appears to have been prosperous enough to own a large establishment.

The Castle must have been of considerable size. According to Lambard, the Regular or General Sessions of the Peace were to be attended by twenty-four men from each hundred, and twenty-four knights and others in addition to two or more Justices of the Peace, the Custos Rotulorum or his agent, the Clerk of the Peace, the sheriff, coroners, bailiffs of the franchises, constables and sub-constables of the hundreds, jurors and interested spectators, as well as the accused.³

It is consequently more likely that the Castle was an inn and not a tavern as Jeaffreson believes. Unfortunately, there is very

1. Ibid., p. 84; on the Chichley family, see Stow, op.cit., p.155, #3.
little mention of taverns, inns and victualling houses either in the "Editor's Preface" to both volumes or among the cases referred to in the main body of the M.C.R. In Volume I, Jeaffreson gives a list of 312 licensed alehouses for the year 6 Edward VI, from 20th June to 5th September.¹ The alehouses are listed only by number for each parish in the records and it is not possible from them to state to whom they belonged. However, this figure may be used to compare with the number of alehouses at a later period. Extant returns for the years 1574-77 show the number of licensed alehouses at 720, and inns and taverns together total 876.² These figures conform with the generally held opinion that the population of the county rose steadily during the reign of Elizabeth and James. By 1604, in the City of London alone, there were above one thousand alehouses and victualling houses according to a survey made by order of the Lord Mayor. The total amount of beer in stock at this time was estimated at 40,000 barrels.³ It is also clear from the amount of official correspondence on the subject and the frequency


2. Hall, op.cit., "Appendix", p.163. Victualling houses are not included in these figures.

with which they are mentioned in popular literature that
taverns, inns and victualling houses were of concern to the
authorities, both central and local, and to the clients of
these places as well. This puts Jeaffreson's neglect of them
in a peculiar light. Except for a few cases quoted in each
volume and the inclusion in his statistical tables of the num­
bers of owners, indicted for operating without licenses, he
ignores them.¹ In addition, his statistics refer only to those
for whom an indictment was returned, thus omitting those people
charged with an offence, but dismissed through lack of evidence.
"Minor" infractions are also not included and the tables give no
indication of those interrelationships among the owners and va­
rious other tradesmen in the county. The Middlesex Sessions Re­
cords bring these to light in a way that Jeaffreson's statistics
cannot do.² He is concerned mainly with the crimes themselves and
not with the criminals. As a consequence, he fails to grasp the
significance of many of the phenomena he observes.

¹ Jeaffreson, op.cit., Vol. I, pp.37, 142; Vol. II, pp.33,76,141;
pp.245-314.

² See Appendix B.
This is particularly noticeable in his discussion of taverns. In the "Editor's Preface" to Volume II, he mentions taverns briefly, referring especially to the theft of silver plate. He is preoccupied with the fact that so much silver plate occurred among the items stolen from taverns, and comments on the frequency with which "a tavern-cup" appears in the records. However, he makes no attempt to see the connection between the thieves, the taverners and other members of a particular parish. His main concern is the material stolen. The lists of stolen goods are of considerable interest since they illustrate the amount of movable property a comfortable inhabitant might possess at the time. But neglect of other aspects of the thefts creates a rather one-dimensional picture of the period. The people themselves are most important and the information in the records is valuable for the understanding of their lives and the circumstances in which they lived.

The statistical tables are somewhat misleading. Because Jeaffreson states that he compiled them carefully and because he describes his methods in the "Editor's Preface" to Volume II, and the introduction to the tables, the reader tends to assume that there

2. Ibid., Vol. II, p.xxxv-xxxvi; pp.239-244.
there is some rational relationship between them and the cases quoted in the body of the volume. This is not, in fact, what he does. With the exception of a few, the selection of cases is quite arbitrary, subject only to the criterion of Jeaffreson's personal interest. A brief summary of several categories of crime mentioned both in the statistics at the end of Volume II and included in the text illustrate this. The statistics may well be accurate, but they are at best superficial; they supply no answers to the questions of why the crimes were committed, how many people were involved with the felons and in what capacity, and what areas were most troublesome for the authorities. Only the records in entirety can furnish such information and Jeaffreson's tables indicate only generally where the historian might look for his answers.

If one compares the figures from the tables with the cases transcribed in the text, the problem of a rational basis of selection becomes more clear. There is no observable connection between the number of cases of horsetheft, manslaughter and larceny that appear in the statistics and those quoted in the text. The illustrations that follow have been selected from the years 7 J I, 8 J I, and 9 J I, but the results are similar for other years included in

1. Ibid., pp.xlv-liii; These cases included poisoning, witchcraft and riots. The case of Ben Johnson is another exception, see above, p.95. Appendix C.
the text and tables. For 7 J I, Jeaffreson gives the number of
persons convicted of horse theft as 24.\(^1\) The only case quoted
for this year was that of the 21st September, 7 J I, in which
Timothy Crowder, a London yeoman was sentenced to death for stealing
two horses and various goods from Sir Edward Ratcliffe.\(^2\) None of
the other cases are quoted, and the ratio is 1:24. He may have se­
lected this one because the goods of a knight were concerned, and
the matter was thus of "historic" interest.

The number of horsethefts for 8 J I is given as 20.\(^3\) In
the text, Jeaffreson quotes two, both involving Edward Newdigate, a
gentleman from London, who stole two horses at Acton on 3 November,
8 J I, and one horse at Ickenham on the 14th December, 8 J I.\(^4\) For
the theft at Acton, he pleaded a pardon from the King at a Gaol Deli­
very during 9 J I. The curious aspect of these two cases is the fact
that Newdigate had been sentenced to be hanged at a Gaol Delivery
on 16th January, 8 J I. He must have escaped or been set free, (re­
rieved after judgment), but Jeaffreson has no such information re­
corded. He likely selected these two cases because Newdigate had

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1. Jeaffreson, op.cit., Vol. II; p.293, (54.).
2. Ibid., pp.56-7.
3. Ibid., p.294, (55.).
4. Ibid., p.70.
already appeared in a Gaol Delivery of 11 January, 6 J I, and was acquitted of a charge of theft from the Earl of Nottingham.\(^1\) Again, the persons concerned have higher social status than the "ordinary" criminals, and so must have attracted Jeaffreson's notice. The ratio for 8 J I is 2:20,

The total number of horsethefts for 9 J I is placed at 12.\(^2\) None are quoted in the text. The ratio for 9 J I is then 0:12. From these examples, it can be seen that no particular pattern of selection is followed other than Jeaffreson's own interests. The same holds true for the other crimes mentioned.

The number of persons convicted of manslaughter in 7 J I is stated as 14.\(^3\) For the same year, the number Jeaffreson quotes is 2. A London widow, Mary Allam was sentenced to be hanged for killing her servant with a blow from a broomstick on the 16th September, 7 J I, but was reprieved after judgment at the Gaol Delivery of the 6th October.\(^4\) The second case mentioned refers to the death of one Andrew Bitterman, killed in a quarrel with Philip Quarles, a London gentleman, on the 30th December, 7 J I. No judgment is recorded for the Gaol Delivery for which the date is also missing.\(^5\) Again, there

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1. Ibid., p.44.
2. Ibid., p.295.
3. Jeaffreson, op.cit.,p.293, (54.).
4. Ibid.,p.56.
5. Ibid.,p.58.
is no precise reason for the selection of either of the two cases. The first may have been chosen as an example of a reprieve after judgment and the second because it involved a gentleman from London. The ratio of persons indicted for manslaughter in the text to those in the tables is 2:14.

For 8 J I, the number of persons found guilty of manslaughter is given as 13.¹ None are quoted in the text, forming a ratio of 0:13. For 9 J I, the tables show 2 cases of manslaughter, and again, none are quoted in the text, with a ratio of 0:2.²

Finally, the cases of larceny are given in the tables as 104 for 7 J I; 85 for 8 J I, and 97 for 9 J I.³ None are quoted in the text, and the ratios are 0:104; 0:85; 0:97. The only explanation that seems plausible is that none of these cases concerned people of note, either as criminals or as victims, and consequently, Jeaffreson omitted them. If he had adopted a system whereby he chose cases for the text according to a percentage, he could have presented a more complete survey of the crimes committed in the county. Unfortunately, the text remains subject to the limitations imposed by

1. Ibid., p.294, (55.).
2. Ibid., p.295, (56.).
3. Ibid.,
Jeaffreson's personal bias.

These limitations have never been commented on either generally or systematically in any of the large number of historical works that rely on his introductory pages, text and statistics for remarks on 16th and 17th Century crimes in England, and in the County of Middlesex in particular. Generalizations about the crime rate and social conditions that are based on Jeaffreson tend to depict a constant state of disorder, poverty and misery. These conditions, no doubt, existed, but as John Pound has pointed out, they never reached the level of a national emergency. Local authorities complained to the central government in a piece-meal manner about episodes of disorder, vagrancy and accumulations of poor in various parishes and counties. The national authorities then responded in like manner through proclamations and legislation in order to remedy the particular problems. Their approach was as much preventive as corrective. 1 Although Pound quotes from the paragraph common to most sources using Jeaffreson, he interprets it in a moderate manner. This paragraph refers to the seventy-one vagrants sentenced to whipping and branding from 6th October 32 Elizabeth and 14th December 33 Elizabeth. 2 It is among the most

frequent references taken from Jeaffreson in the literature for the period. Most sources tend to use this example to underline the unruly nature of the county at all times. They fail to see that it was a time in which an unusual amount of mobility occurred among the numbers of people classed as vagrants. E.P. Cheney, author of *A History of England from the Defeat of the Armada to the Death of Elizabeth* (1948) is a basic source for the period, while, A.L. Rowse, author of *The England of Elizabeth* (London, 1950; 1959), is one of the most popular historians of Tudor England. Both consulted Jeaffreson.

A.L. Rowse quotes the same paragraph to emphasize his statement that the "...country was crawling with such characters..." (vagrants) and that they were uncontrollable. He does not use Jeaffreson at first hand, however, quoting from E.P. Cheney, who relied heavily on some sections in Jeaffreson's text and on each "Editor's Preface". ¹ Rowse also bases his treatment of the problem of the poor and vagrants in Elizabethan England on E.M. Leonard, another source that uses Jeaffreson extensively. He thus creates a picture of the country as overwhelmed with a multitude of "flotsam and jetsam of soldiers", "beggars, the thieves and rogues who batted on Tudor society and... the Irish.", all converging on the towns,

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especially London. Jeaffreson's inaccurate description is thus reinforced and underlined, but at third hand.¹

Christopher Hill also repeats this same paragraph but gives it a stronger interpretation so that it implies an extraordinary state of stringent application of the law by the magistrates. He states that "In the autumn of 1590 vagrants were being whipped and branded by the Middlesex Quarter Sessions at the rate of one a day."² Hill creates the impression that social disorder had reached proportions of magnitude because of a steady stream of vagrants over a long period. He is quoting Jeaffreson and E.M.Leonard.³

These historians, in addition to quoting from Jeaffreson's various generalizations, also misquote the same source. E.P.Cheney, for example, who relies heavily on Jeaffreson for statements about the legal administration of Middlesex at this time, is guilty as well as others. Cheney writes: "The justices of Middlesex met

1. Ibid., p.352.


sometimes at Westminster, sometimes in the manor house at Finsbury, most frequently in the old castle at St. John's Clerkwell."¹ He assumes that the Castle is neither a tavern, as did Jeaffreson, nor an inn, which it was, but rather an actual castle. Jeaffreson says here: "Held now and then at Westminster, and more often at the Manor of Finsbury, these Sessions of Inquiry were held most often at the Castle in St. John's Street..."² The distortion by itself is not significant, but when placed with the others, both originating with Jeaffreson and with those who quote him, it assumes greater proportions. The picture of the county is thus inaccurate.

A similar distortion occurs in Cheney's quotation of Jeaffreson on the incidence of violence in the county. "Men with iron-shop staves are constantly attacking, for purposes of robbery, servants delivering goods; hasty quarrels in private houses and taverns lead to blows and

¹ E.P. Cheney A History of England From the Defeat of the Armada to the Death of Elizabeth (New York, 1948; First published 1914), VIII, xxxvii, p. 333, #2.

death; men, even common men, fight as the result of insulting words, sword in the right hand and dagger in the left... Even women fight viciously, often in set contests."¹ He is here quoting in part from a full page description in Jeaffreson on violence,² compressing the information into the section which a more recent writer, Esther Moir, then compresses into the following: "Men with iron-shod shares attacking and robbing servants; hasty quarrels in taverns ending in blows and death; even women fighting viciously, often in set contests.³ "Staves" becomes "shares"; robbery of servants carrying goods from one place to another becomes "servants" in general; women are depicted as constantly engaged in violence.

The same emphasis on the violent nature of life in Tudor and Stuart England occurs in other authors relying on Jeaffreson directly or through Cheney, as does Esther Moir. M. St.Clare Byrne writes: "... and the rogues and vagabonds made up a veritable army of parasites, hurtful to the commonwealth, burdensome to the worker, and a perpetual source of trouble and disquiet to the authorities."⁴ The sources are

Leonard and Cheney with, of course, Jeaffreson as the basis for their statements.

That Jeaffreson should have remained popular among historians is difficult to explain clearly. The authoritative nature of his introductory pages doubtless misled many into supposing that the tone signified accuracy. Most likely, the fact that the extracts were translated in part and published in convenient form and were useful to help those who, for various reasons, could not consult the records themselves. Earlier historians such as E.P. Cheney and E.M. Leonard had no other printed sources to turn to since the M.S.R. had not yet been completed in mimeographed form. However, the "Editor's Preface" ought to have been consulted with great care. Later historians using Jeaffreson, such as A.L. Rowse, are more awkward to deal with, since the Middlesex Sessions Records had long been prepared in its present form and the editors had undertaken their work specifically because of the imperfections in the M.C.R. In the published Reports, written from 1902 to 1928, W.J. Hardy and W. Le Hardy both refer to Jeaffreson's extracts.¹

W.J. Hardy remarked in one report that although much had been included in the M.C.R., many entries of interest were omitted. He then mentioned a number of them in this report and others until

¹ W.J. Hardy and W. Le Hardy, Middlesex County Records Reports (London, 1928) pp. 40-43; Most of these cases date from a later period than the one discussed above.
the last submitted by him in October, 1915. Here, he stated that his calendar, sent volume by volume to the Record Office, had proved valuable to students and other researchers who consulted them. The work of calendaring the Records was continued by his son, William Le' Hardy, who seemed more anxious than his father that the originals be consulted. He also commended the work Jeaffreson did, but pointed out that his selection was not nearly as useful as a complete transcript could be: "It is naturally a most dangerous principle to rely on any one author to select items of general interest, for that which is discarded by one may be of vital interest to another, and in a work of this nature when history, topography, economies, and biography are concerned, no Calendar can be considered complete without reference being made of each item appearing in the originals." He quite clearly saw the need for replacing Jeaffreson's extracts because of the valuable omissions brought about by the latter's method of selection. Le Hardy also noted that the new Calendars were favorably received by students and others who were led to consult the Records themselves. It is unfortunate that this example did not inspire many historians of the Tudor and Stuart periods to follow suit.

1. Ibid., pp.139-140.
2. Ibid., p.141, #4.
3. Ibid., p.217.
4. One exception to this trend of almost exclusively using Jeaffreson, is Godfrey Davies whose The Early Stuarts 1603-1660 (London, 1939;1959) relies on the M.S.R.
In addition to the large amount of evidence about criminal activities in the county that they contain, the Middlesex Sessions Records are also a valuable source of information on society in the early 17th Century. Jeaffreson pointed this out as well, but his personal bias prevented him from moving far from the "important" people into the world of the inhabitants of low social status. He and other historians who relied on him have tended to see these tradesmen, artisans, servants, apprentices and labourers as part of a faceless mass, constantly on the edge of riot and revolt. Opposed to them they place the local and national authorities, whom they see as nervously and permanently engaged in inventing repressive measures to prevent the malcontents who challenged the system by their unruliness. This view is warped. The tradesmen, artisans and others who trooped through the various Sessions Courts possessed personalities and ambitions as distinct as those of the members of wealthy families whose names are common place in most histories of the period. Depending on the amount of information available, of course, there is variation in the degree to which an understanding of each of these "ordinary" people may be extended. But, for more of them than one might expect, it is possible to expand and clarify descriptive details in such a way that the apparently faceless crowd breaks up into
its basic components: individuals and their concerns.

There is no doubt that the times were unruly: they were so because the people themselves were inclined to disorderly behaviour. This appetite for disorder, however, was not encouraged by organization on any scale. It appears to have been an intensely personal reaction against signs of authority, whoever and wherever they might be. This reaction gave rise to sporadic acts of violence, disorganized and isolated in character. A drunken alehouse keeper might pull down the cage in his parish because he had either spent a short time of punishment in it, or had been threatened with it. To him, it represented restraints imposed on him: that they were so imposed to protect others from his anti-social behaviour made no difference to him. He objected strenuously to the concrete sign of these restrictions. But, as quickly as it was pulled down, the cage was rebuilt and might well remain intact for a considerable length of time. No one else in that particular area felt inclined to destroy it.

On the other hand, a victualler at the opposite end of that same parish might strike the constable in charge of his district with the closest heavy object at hand, simply because the latter, while carrying out his duty, had found the victualler selling beer and ale without the necessary license. The act was spontaneous, unpremeditated and likely very costly for the victualler, who would be
fined, perhaps imprisoned and deprived of his license to victual. However, he could always move to another parish, or even another county, to begin anew as a victualler or alehouse keeper, ready to make extra profit with whatever illegal trade presented itself to him, as an opportunity. The problem of controlling such disorders remained a constant one for the authorities because of the sporadic and disorganized fashion with which the county inhabitants carried them out. Individual acts of violence and unruliness thus formed the basis for most of the disorder of the time.

This ought not to imply that more serious forms of violence did not occur. Groups of men and women could and did assemble in alehouses, streets or open areas. Incited by some incident or perhaps by several members of a parish, they were bent on causing damage to property, abuse of the local constables and nuisance to other inhabitants. This type of situation could easily have become dangerous, and the authorities were preoccupied with preventing conditions of riot. However, no one was entirely certain as to what constituted a riot. The word might designate a London street mob, excited and boisterous, or it might pertain to as few as six clients of an alehouse, determined to arouse the neighbourhood after they had spent an evening in illegal drink and games in a convenient establishment. As a legal term, "riot" could include a number of disturbances, and the many examples in the Middlesex Sessions Records
for both the reigns of Elizabeth and James I illustrate the many forms a riot might take in the eyes of both the witnesses and the authorities. However, these disorders were generally not of a size that posed a real threat to the authorities. They were concerned with the prevention of large scale disturbance of the social order. That they were successful is due mainly to the fact that the people of the county were more interested in the problems of daily life than they were in banding together for whatever reason to upset a familiar system which, however faulty, permitted them to survive.

This study cannot claim to be more than an initiation to research into criminal activity and law enforcement in the county. A mass of documentation, both in the Sessions Records and among numerous other sources, awaits analysis. Since Jeaffreson's time (1886-87), the Sessions Records have been reclassified and stored in such a way as to simplify research so that problems of this sort, which confronted him, ought largely to be removed. The bias of the 19th Century which tended to romanticize the past, has faded in favour of others of which we are perhaps unaware. Consequently, a further examination of the records could provide a most useful illumination of that past. Certainly, a large proportion of the people appearing in the records could be pulled from the obscurity in which they have remained, in part, due to Jeaffreson's influence.
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**Articles**


APPENDIX B
Persons indicted for trespass, in intruding into the King's palace (Whitehall) and the Prince of Wales's palace (St. James's) without licence .... 1
Persons " trespassing riotously on private ground .... 5
" trespassing on private ground and taking away lead .... 3
Also, Informations for supplying unlicensed ale-house-keepers with ale and beer in excess of their lawful requirements against two brewers .... 2
Persons convicted of capital felonies .... 137
" acquitted of .... 65
Capital felons confessing indictments, twenty-six of them following up their confessions by pleading their clergy effectually .... 38
Culprits standing mute and sentenced to the "peine forte et dure" .... 3
Capital felons pleading and having benefit of clergy .... 57
" sentenced to be hung—males 36, females 4 .... 60
" reprieved—before judgment 12, after judgment 3 .... 17
Culprits (with indictments for capital felonies found against them) at large .... 26
Capital felons described in the indictments as "late of London" .... 115

(55.) SUMMARY OF THE TRUE BILLS OF 8 JAMES I.

Persons indicted for bigamy .... 6
" burglary .... 32
" horse-stealing .... 20
" larceny .... 85
" larceny with housebreaking .... 4
" larcenies from the person (done with secrecy or violence), including highway robberies .... 34
" manslaughter .... 13
" murder .... 4
" ox (cow &c.) stealing .... 5
Person " pig-stealing .... 1
Persons " sheep-stealing .... 4
Persons indicted for capital felonies .... 208

Persons convicted of petty larceny, seven of them being so convicted on indictment for grand larceny .... 24
All of these twenty-four culprits were sentenced to be whipt and pay the fee before being delivered.
Person indicted for abducting a rich widow and detaining her against her will .... 1
Persons " assault and battery .... 21

Persons indicted for assault with sword &c. .... 5
" " assaulting officers and hindering them in the execution of their duty .... 9
" " breaking into a garden and cutting down fruit-trees .... 2
Person " keeping an ale-house without licence .... 1
Persons " keeping brothels .... 2
" not coming to church &c. .... 69
Person " nuisance, in blocking a public way with carts .... 1
" nuisance, in keeping a slaughter-house offensively .... 2
Person " nuisance, in throwing bones and hoofs of animals on a highway .... 1
Persons " vagabondage .... 6
Persons convicted of capital felonies .... 93
" acquitted of .... 73
Capital felons confessing indictments, eleven of them following up their confessions by pleading their clergy effectually .... 17
Culprits standing mute and sentenced to the "peine forte et dure" .... 6
Capital felons pleading and having benefit of clergy .... 42
" sentenced to be hung—males 42, females 3 .... 45
" reprieved—before judgment 6, after judgment 7
Culprits (with indictments for capital felonies found against them) at large .... 26
Capital felons described in the indictments as "late of London" .... 81

(56.) SUMMARY OF THE TRUE BILLS OF 9 JAMES I.

Persons indicted for burglary .... 43
" horse-stealing .... 12
" larceny .... 97
" larceny with housebreaking .... 12
" larcenies from the person (done with secrecy or violence), including highway robberies .... 25
" manslaughter .... 2
" murder .... 9
" ox (cow &c.) stealing .... 5
" pig-stealing .... 2
" sheep-stealing .... 4
Persons indicted for capital felonies .... 211
Persons convicted of petty larceny, fifteen of them being so convicted on indictment for grand larceny .... 35
Of these thirty-two culprits, twenty-seven were sentenced to be whipt, before being delivered on payment of the fee. Three of the remaining five were ordered to be delivered on payment of the fee. In respect to the sentences on the other two, the bills afford no information.
APPENDIX C
“CUT PURSE”
at the
CURTAIN THEATRE,
1600 (exh. 13).

INDICTMENT of
BEN JONSON for
MANSLAUGHTER,
1598 (exh. 20).

MCRO. SR. 158.68