

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

Gender, criminal opportunity and landscape in nineteenth-century Wales

Rachael Jones

This article examines the nature of gendered crime and its relation to the rural landscape and urban topography in Montgomeryshire, Wales, during the 1870s. Its main sources are the Quarter Sessions records for the county, and newspaper reports. Court proceedings and witness depositions are used to study the varying experiences of men and women who were prosecuted for the most prolific offence that was seen, namely theft.¹ Peter King, Jennifer Davis and David Phillips among others have shown the criminal courts to be a theatre in which all manner of social situations were seen and discussed,² and it has been said that the history of the criminal justice system is ‘central to unlocking the meanings of ... social history’³ As such, the courts allow a valuable study of gender differences, as crime was fundamentally gender related.⁴ This gender comparison has been under-studied hitherto,⁵ as criminality was largely a male domain, and histories of crime have concentrated on men.⁶ Garthine Walker contends that, as such, few studies have dealt with gender as an analytical category, and her study into the characteristics of female property offences in the early modern period provides valuable details about the *modi*

¹ *Newtown and Welshpool Express* (henceforth *N.W.E.*); *Montgomeryshire Express* (henceforth *M.E.*); Quarter Sessions Records held at Powys County Archives (henceforth P.C.A.).

² P. King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000); J. Davis, ‘A poor man’s system of justice: The London police courts in the second half of the nineteenth century’, *Historical Journal*, 27 (1984), pp. 309-335; D. Phillips, *Crime and Authority in Victorian England: The Black Country, 1835-1860* (London, 1997), pp. 96-109.

³ D. Hay, P. Linebaugh, J.G. Rule, E.P. Thompson and C. Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-century England* (London, 1975), p.13. For class-based analysis of rural crime see M. Reed and R. Wells (eds), *Class, Conflict and Protest in the English Countryside, 1700-1880* (London, 1990).

⁴ G. Walker, *Crime, Gender and Social Order* (Cambridge, 2003), p. 159.

⁵ King makes the comment: ‘Historians working on major indictable crimes were, like most criminologists, slow to pick out gender as an important variable.’ King, *Crime and Law*, (Cambridge, 2006), p. 196. See also comments in ‘Why Gender and Crime?’, M.L. Arnot and C. Osborne (eds), *Gender and Crime in Modern Europe* (1999, London, 2003), pp. 1-43; M.M. Feeley and D.J. Little, ‘The vanishing female: the decline of women in the criminal process, 1687-1912’, *Law & Society Review*, 25 (1991), pp. 719-757.

⁶ Jones, D.J.V., *Crime in Nineteenth-Century Wales* (Cardiff, 1992), p. 171; A. Barrett and C. Harrison (eds), *Crime and Punishment in England – A Sourcebook* (Keele, 1999), pp. 190-192. For the period 1740-1847 in various English counties (and for England and Wales, 1805-1853) see Tables 6.1-6.5 and Figure 6.1 in P. King, *Crime and Law*, pp. 201-206. For Surrey 1666-1802 see J. M. Beattie, ‘The Criminality of women in eighteenth-century England’, *Journal of Social History*, 8 (1975), p. 81.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

operandi of female offenders and their patterns of crime.⁷ This article develops these themes further in a rural Welsh county that hitherto has been little studied, especially with regard to crime,⁸ acknowledging Peter King's assertion that there is a need to look further afield for data with which to develop criminal justice scenarios. He would certainly have endorsed the need for more rural Welsh studies for his own work threw up many tantalizing English-Welsh contrasts that he was not able to explore further himself.

By the middle of the nineteenth century Montgomeryshire was composed of a few heavily-industrialised, but declining, textile towns with a large agricultural (mainly pastoral and small-farm) hinterland.⁹ The idea of two environments ripe for criminal activity was engendered by the respective natures of townscapes and countryside. Present in the urban areas were pawnshops and close-packed dwellings, unemployment and itinerant labourers – situations that were recognised as genitors of crime. Present, too, were canal, road and railway, facilitators of a thief's opportunity for offending and getaway. The rural areas provided isolated farms,

⁷ G. Walker, *Crime*, p. 159-209.

⁸ In David Jones's classic work *Crime in Nineteenth-century Wales*, the county receives scant attention (note 5). In the same author's essay on the experiences of the plebeian Welsh, even less attention is paid to the county (D.J.V. Jones, 'The Welsh and crime: 1801-1891', in C. Emsley and J. Walvin (eds). *Artisans, Peasants and Proletarians, 1760-1860* (Beckenham, 1983), pp.81-103. The Welsh dimension in his book, *Crime, Protest, Community and Police in Nineteenth-century Britain*, is concentrated on industrialised Merthyr Tydfil in the south (D.J.V. Jones, *Crime, Protest, Community and Police in Nineteenth-Century Britain* (Boston, 1982). However, for a paper presented to *Llafur* – the Welsh People's History Society which studies history from below – Jones did use 300 cases from early 1860s Montgomeryshire for an investigation. In this, he concentrated on rural offences, mainly arson, poaching and vagrancy, with a decided leaning towards men's experience of crime (D.J.V. Jones, 'Crime, Protest and Community in Nineteenth-century Wales', *Llafur*, 3 (1974), pp. 110-20). Melvin Humphreys devoted a chapter to the subject of crime in Montgomeryshire in *The Crisis of Community*, although his focus is on the eighteenth century (M. Humphreys, 'Harmony, crime and order', in *The Crisis of Community* (Cardiff, 1996), pp. 217-52) and Nicholas Woodward considered the county in his studies of rural crime and infanticide during the early eighteenth to early nineteenth centuries (N. Woodward, 'Burglary in Wales, 1730-1830: evidence from Great Sessions', *Welsh History Review*, 24 (2008), pp. 60-91; N. Woodward, 'Horse stealing in Wales, 1730-1830', *Agricultural History Review*, 57 (2009), pp. 70-108; N. Woodward, 'Seasonality and sheep stealing in Wales, 1730-1830', *Agricultural History Review*, 56 (2008), pp. 23-47; N. Woodward, 'Infanticide in Wales, 1730-1830', *Welsh History Review*, 23 (2007), pp. 94-125). Carl Griffin has analysed the protest aspect of rural crime in C. Griffin, *Protest, Politics and Work in Rural England, 1700-1850* (Basingstoke, 2014).

⁹ P. Phillips, *A View of Old Montgomeryshire* (1977, Swansea, 1978); J.E. Roberts and R. Owen, *The Story of Montgomeryshire* (Cardiff, 1916); The rise and fall of the flannel industry in mid Wales is well document, see for example J. G. Jenkins, 'The woollen industry in Montgomeryshire', *Mont. Colls*, 58 (1963-64), pp. 50-69.; J. M. Pearson, 'The decayed and decaying industries of Montgomeryshire', *Mont. Colls*, 37 (1915), pp. 15-30. See also an excellent discussion in an editorial 'The population in Newtown, 1871', *N.W.E.*, 23/4/1871.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

livestock and crops in unattended fields, and hills across which to escape. The nature of the county thus provides scope for comparisons between the rural and the urban, and the spatial dimension of offending is investigated here both at the time of the offence and through the getaway stage. In particular, this builds on the work of Brian Short who vividly reconstructed people's lives in the landscape, and pointed to how motives and behaviour could be heavily conditioned by topography.¹⁰ I also wish to augment understanding of gender history which discusses the role of gendered spheres as affecting respective action, furthering the work of Gemma Goodman and Charlotte Mathieson who explored gender and space in rural settings.¹¹

A review of the cases seen in court

A total of 352 cases appeared before the county Bench between Hilary 1869 and Michaelmas 1878. Figure 1 shows the number of cases appearing at Quarter Sessions in each year across the decade. The chart shows a generally downward trend, similar to that for the whole of Wales as noted by Jones.¹²

¹⁰ See discussions on the link between culture and environment in B. Short, 'Conservation, class and custom: lifespace and conflict in a nineteenth-century forest environment', *Rural History*, 10 (1999), pp. 127-154; B. Short, 'Environmental politics, custom and personal testimony: memory and lifespace on the late Victorian Ashdown Forest, Sussex', *Journal of Historical Geography*, 30 (2004), pp. 470-95. Peter King has identified the spatial dimension of crime as being neglected: P. King, 'The impact of urbanization on murder rates and on the geography of homicide in England and Wales, 1780-1850', *Historical Journal*, 53 (2010), p. 671.

¹¹ G. Goodman and C. Mathieson, *Gender and Space in Rural Britain, 1840-1920* (Abingdon, 2014).

¹² Jones, *Crime*, p. 32. See also V.A.C. Gattrell, 'The decline of theft and violence in Victorian and Edwardian England' in V.A.C. Gattrell, B. Lenman and G. Parker (eds), *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), pp. 238-370. Crime was declining over much of Europe at this time. See European Committee on Crime Problems, *Crime and Economy: Reports Presented to the 11th Criminological Colloquium, 1994* (Strasbourg, 1995), p.25.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

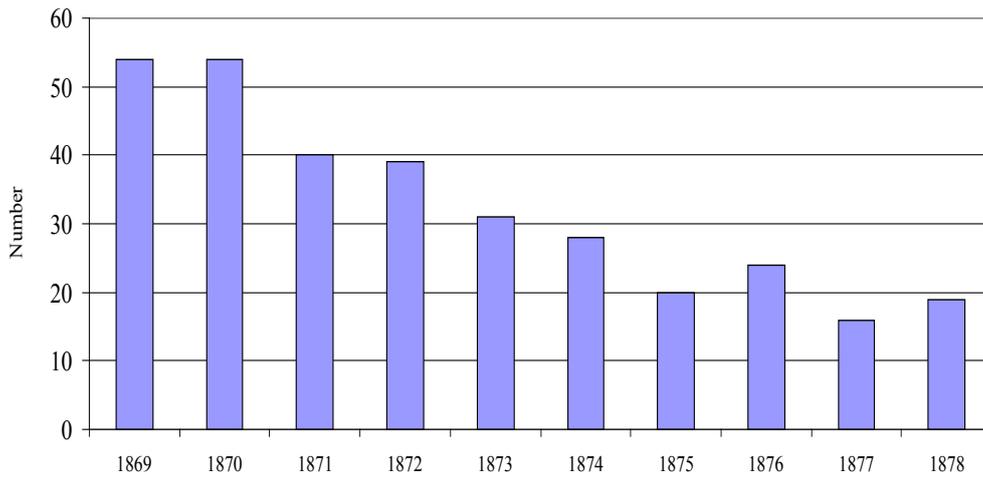


Figure 1: Number of offences appearing at Montgomeryshire Quarter Sessions, 1869-78 (352 in total)

The most prolific offence prosecuted in court in Montgomeryshire was theft, but other notable offences were breaking and entering (which nearly always included theft of items) and assault (Figure 2). Receiving stolen items also featured, and the crimes categorised here as ‘other’ included uttering counterfeit coins, animal maiming, attempted arson, the vagrancy offence of being a rogue and vagabond, deserting a child and attempted suicide.

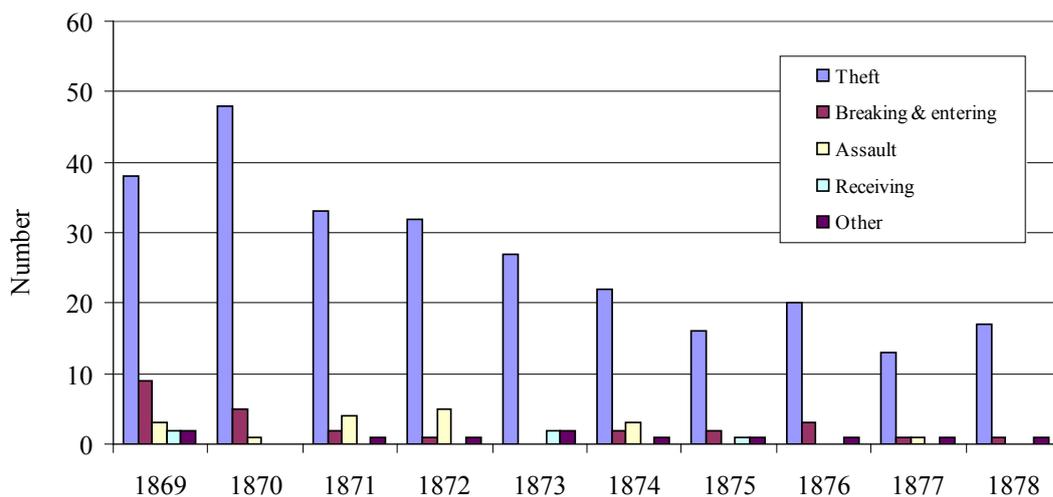


Figure 2: Offences as seen in court each year. (352 in total)

The downward trend continued to the end of the century and was also seen in England and elsewhere in Wales. Jones discussed the figures for different regions and concluded that the

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

rate was lower in rural areas, and he made comparisons between heavily-industrialised areas such as Merthyr and less built-up areas such as Pwllheli. Reasons given for the difference include the character of the peasantry and a co-operative mentality among members of the rural community. Deference or a 'feudal dependence' was also cited as a reason for a lower rate of crime in rural areas.¹³ Lack of policing in rural areas may have resulted in a lower level of recorded crime. Many unskilled workers appeared in the dock, but the occupations of a third of the accused were unknown. Multiple crimes committed by individual offenders account for the anomaly between the numbers of offences and offenders.

Contemporary thoughts about crime

Thinkers and writers about crime in the nineteenth century perceived it largely as an urban problem, assuming that any area 'teeming' with poor people was a haven for the dangerous classes.¹⁴ There was a focus on London in much public discussion, with many of the more alarming and best-publicised nineteenth-century offences being committed there. As the century progressed, crime was increasingly publicised in the other burgeoning urban environments, where a growing proportion of the public was located.¹⁵ Thomas Plint declared that:

'The pickpocket and the thief can find no nesting place amongst the statesmen of Cumberland and Westmorland, or the miners of Durham and Cornwall. They fly to Birmingham, London, Manchester, Liverpool, Leeds. They congregate where there is plenty of plunder, and verge [greenery] enough to hide in.'¹⁶

¹³ See Jones, *Crime*, pp. 37-45 for a detailed discussion.

¹⁴ Emsley, *Crime and Society in England, 1750-1900* (1987, Harlow, 2005), p. 114- 136.

¹⁵ Emsley, *Crime and Society* p. 114.

¹⁶ Thomas Plint (1851) quoted in Emsley, *Crime and Society in England*, p. 114. 'Flying' to urban areas may have been a reference to the new fashion for railway transport, described as 'railway mania' (See 'Timeline of UK Railways', <http://www.stationbuffet.co.uk/history4.html> (viewed 5/8/12). 'Flying' was later to be incorporated into the locomotive name *Flying Scotsman* when that particular vehicle started travelling the London to Edinburgh route. *Flying Scotsman* viewed at www.bbc.co.uk/ahistoryoftheworld (viewed 5/8/12). The railways provided access to criminal opportunities and a quick getaway. See R. Ireland, 'An increasing mass of heathens in the bosom of a Christian land: the railway and crime in the nineteenth century', *Continuity and Change*, 12 (1997), pp. 55-78 for a discussion on railway crime and increased mobility.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

James T. Hammick emphasised that the criminal classes were mainly found in towns, and generally crime in rural society was not considered to be so serious. Charles Brereton said:

The majority of thieves exist in gangs, practise fraud by profession, and live by a constant series of depredations... criminals in the country only occasionally once or twice a year steal a sheep, pig, corn hay, wood, turnips, poultry as the case may be.¹⁷

Journalist Angus Bethune Reach, however, like many others in the 1830s and 40s, identified a ‘startling’ amount of crime in rural areas, out of proportion to the number of people living there, and believed that this was the result of rural poverty.¹⁸ Others have identified rural dwellers as more prone to violent crime, with urban dwellers being more likely to experience property crime.¹⁹ As Montgomeryshire was a county with both characteristics, an investigation was carried out to discover if the county showed a small-scale version of the country-wide picture described by Reach and others. Court reports and censuses were used to establish the precise geographical locations of crimes. In a little over a third of the cases, the exact location details could not be found, but from the remaining 218 the following information could be determined. The presence of a resident police officer was adopted as an indication of a settlement being of significant size, and the information shown in Table 1 was obtained. The proportions of crimes occurring in populated and isolated areas were 59% and 41% respectively.

County population	67623	Proportion of county population (%)	Proportion of Quarter Session crime (%)
Population having resident policeman	38464	57	59
Population without resident policeman	29159	43	41

Table 1: Proportions of Quarter Session crimes related to population.²⁰

This gives an almost one-to-one correspondence between population and incidence of crime in both areas, which does not support Reach’s assertions about rural crime being out of

¹⁷ Brereton quoted in Emsley, *Crime and Society in England*, p. 115.

¹⁸ Reach quoted in Emsley, *Crime and Society in England*, footnote 3, p. 136. Biography of Reach, *D.N.B.*

¹⁹ Emsley, *Crime and Society in England*, p. 120 and footnote 28, p. 139.

²⁰ Population figures obtained from *Census of England and Wales, 1871 population tables*, Vol. 1 (Counties), p. 11; Volume 2 (Registration or Union), pp. 551-2.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

proportion to population. However, a focus on Welshpool and Newtown gives the results shown in Table 2 and Figure 3.

	Proportion of county population (%)	Proportion of Quarter Session crime (%)
Newtown and Welshpool	13	31
Remainder of county	87	69

Table 2: Proportion of Quarter Sessions crimes related to the population of Welshpool, Newtown and the remainder of the county

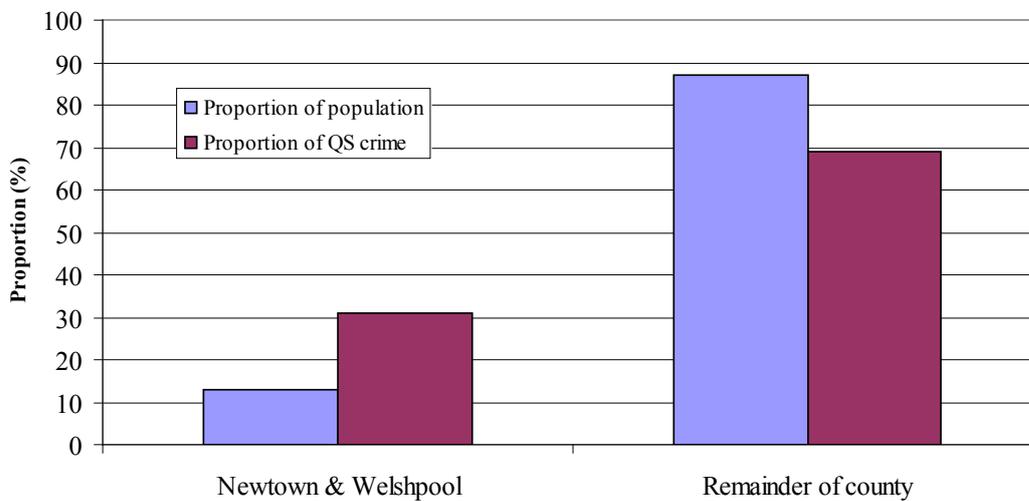


Figure 3: Relative proportions of population and crime

This shows that crime was disproportionately high in the two most populous Montgomeryshire towns and justifies the extra officers stationed there – eight in Newtown and seven in Welshpool. In comparison, Llanidloes had two officers and Montgomery – the county town – had one. Brereton’s comment about rural criminals stealing livestock and crops is reflected in Figure 4, with thefts of these commodities being the most common, but almost non-existent in urban locations.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

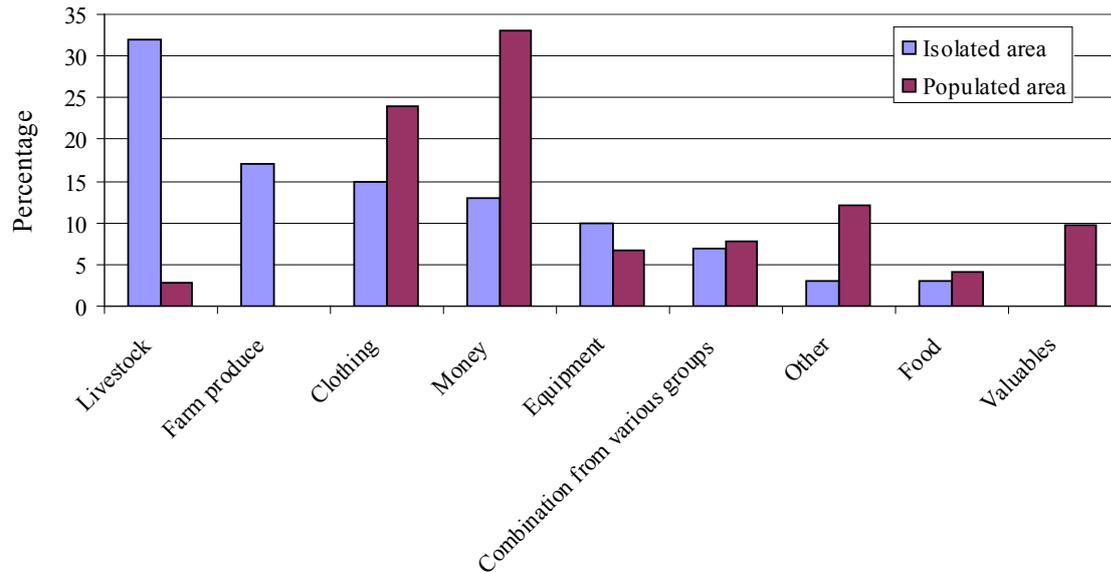


Figure 4: Thefts in isolated and populated areas (172 in total).²¹

Clothing and money were also widely stolen in isolated areas, but constituted only about half as many thefts as livestock and crops. Money was the biggest single target for theft in more populated areas and was approximately equal to livestock thefts in rural areas.

Location of offences and gendered difference

Jones briefly discusses women's contribution to crime in Wales during the nineteenth century, concentrating mainly on a statistical analysis that highlights a disproportionate amount of offending in industrial areas.²² For example, during the middle years of the nineteenth century, 40% of persons committed to the upper courts in the industrialised towns of Merthyr, Cardiff, Newport and Swansea were women, contrasting 'starkly' with Cardiganshire, where about 1% of apprehended persons were women. The present study found that in Montgomeryshire 18% of the 352 persons appearing in the dock were female and that they were unlikely to commit offences in isolated areas (Figure 5). In general, offences took place in the woman's home area: in a house, which might be the employer's house, on the street or in a shop.²³ It has been said that the boundaries of women's lives were circumscribed, with

²¹ 'Other' includes items such as animal bedding, coal and umbrellas.

²² Jones, *Crime*, pp. 171-176.

²³ In cases where the defendant pleaded guilty, no trial followed and therefore the exact location of the offence is unclear. The data for Figure 6.8 is from the 49 cases where the woman pleaded not guilty thus a trial ensued, and more details were given.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

domestic responsibilities keeping them near the home,²⁴ but another reason for not venturing abroad could be that isolation increased the risk of sexual assault. For example, in June 1870, Elizabeth Morris was attacked on the canal towpath near Newtown while on her way home from the market.²⁵

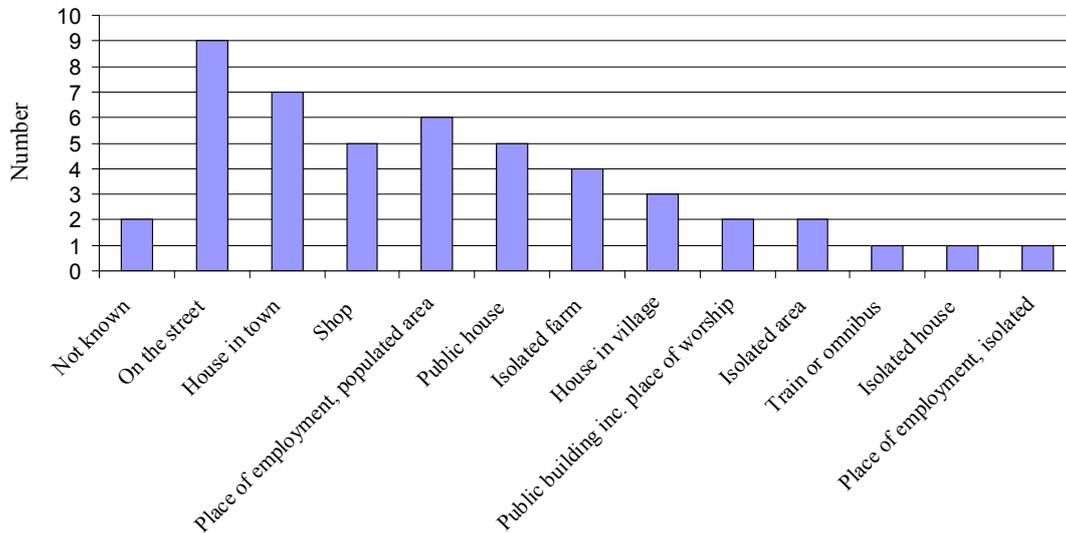


Figure 5: Scenes of offences involving women suspects (49 cases where the defendant pleaded not guilty)

Females were largely responsible for purchasing items for the home and family, a responsibility that took them out of the house and into shopping areas. Although this journey from the home left them vulnerable, there were also temptations and opportunities which could turn women into culprits rather than victims. Some shop thefts were clearly opportunistic, as in the case of Frances Jones who was convicted of stealing money from a woman who had momentarily left her handbag on a shop counter,²⁶ and two farm girls who picked up a bonnet from a shop counter while browsing.²⁷ But women could also show a degree of devious behaviour. Elizabeth Hughes claimed to have been sent by her employer to a draper to order a shawl on approval. Little did the draper know that Hughes had recently left the employment

²⁴ MacKay, 'Why they steal', p. 629.

²⁵ *N.W.E.*, 5/7/1870. The present study found allegations of sexual assault in the workplace, private homes, on the street and in isolated areas. The lone woman was clearly vulnerable in any place. Louise Jackson briefly discusses the relation of social space and sexual assault in L.A. Jackson, 'Women professional and the regulation of violence in interwar Britain', in D'Cruze, *Everyday Violence in Britain*, pp. 128-130. D'Cruze herself devotes a section to space in *Crimes of Outrage: Sex, Violence and Victorian Working Women* (London, 1998), pp. 30-36.

²⁶ *M.E.*, 12/3/1878.

²⁷ *N.W.E.*, 6/7/1869.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

and intended to appropriate the item herself.²⁸ Another woman caused a distraction in a shop while waiting to be served, and purloined several waistcoats.²⁹ Figure 6 shows that men and women stole clothes in approximately the same proportion, and yet the following analysis of the thefts shows a strong gender difference in subsequent handling of the stolen items, thereby indicating dissimilar motivations.

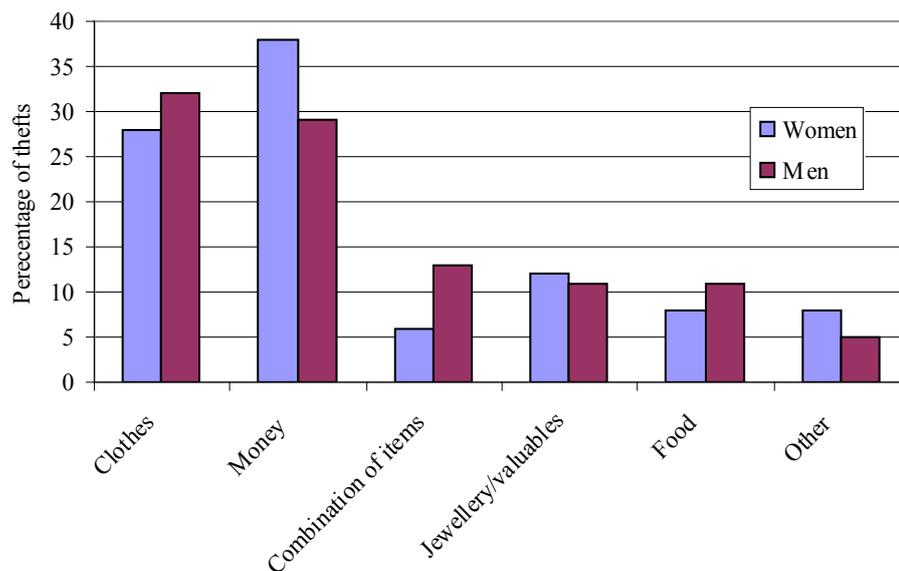


Figure 6: Types of thefts committed by men and women (182 in total)

When Elizabeth Hughes was found ‘on the street’ in Newtown after she had deceived a draper into giving her a valuable shawl, she was wearing the garment. When market-stall holder Elizabeth Pilot noticed a bolt of fabric and a silk dress missing, she suspected her employee, Mary Ann Braidsdell, and obtained a warrant for the woman’s lodgings to be searched.³⁰ Found in Braidsdell’s room were the silk dress as well as a garment, described as a tunic, that Braidsdell had made from the stolen fabric. Ann Williams stole a bonnet and a shawl from two different women in Newtown, put them on and was apprehended wearing them, and Mary Ann Nason was found in a pub wearing a silk dress stolen from her employer.³¹ Nason was not

²⁸ *N.W.E.*, 8/7/1873.

²⁹ *N.W.E.*, 22/8/1873.

³⁰ *N.W.E.*, 10/3/1874.

³¹ Information given in Ann Lloyd’s witness statement, Powys County Archives, M/Q/SR Midsummer 1869, and the deposition of P.C. John Gregory P.C.A., M/Q/SR, Easter 1869.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

alone in her efforts to wear fine clothing: in the 1860s, *Punch* poked fun at working-class women who tried to follow fashion with cartoons picturing servants in ridiculous and indecent situations who insisted on wearing crinolines while cleaning.³² In Hughes's case it might also have been a way of 'getting even' as her cross-examination of Mrs Pilot during her trial revealed that Pilot had made her a present of a wedding dress but had deducted the cost of it from Hughes's wages. Although the details of many of the offences are not known, there is at least some indication that the women were stealing for their own use, with little evidence that they stole for financial gain. It would have been much easier for Braidsdell simply to sell the cloth than go to the trouble of making the tunic, particularly considering the increased risk of being discovered. The fact that she did make it up into wearing apparel suggests that, for the time being at least, she intended to use it herself. It has been argued that people 'were moved by a desire for novel and popular fashions',³³ and the 1870s was a decade when Newtown entrepreneur Sir Pryce Pryce-Jones was becoming increasingly famous for his tweeds. He showed his products at exhibitions and won medals for his goods. He also supplied shawls to Florence Nightingale, Queen Victoria and her daughters.³⁴ Newspapers often carried advertisements that described the sorts of goods available at that time, and some contemporaries considered that promotions of this type encouraged shoplifting. Also at the time of Braidsdell's case, fashion magazines were becoming popular, having been available from the late 1860s. *The Month's Fashions* was first published in London 1868 and paper patterns for gowns also became very popular at this time, although they had been available earlier.³⁵ Fashion was associated firmly with elite modes of consumption emanating from London, and different meanings might be associated with particular items or certain colours, making clothing a medium which could be used for complex sartorial elaboration within social classes.³⁶ Fashion was also part of the 'social ritual' which served to maintain class

³² E. Wilson and L. Taylor, *Through The Looking Glass: A History of Dress from 1860 to the Present Day* (London, 1989), pp. 21-2.

³³ B. Lemire, 'The theft of clothes and popular consumerism in early modern England', *Journal of Social History*, 24 (1990), p. 256.

³⁴ Exhibition in Newtown Flannel Museum, summer 2011; C. Rose and V. Richmond, *Clothing, Society and Culture in Nineteenth-Century Britain* (London, 2010), Vol. 1, p.129.

³⁵ Rose and Richmond, *Clothing*, pp. 141-2.

³⁶ A. Toplis, 'A stolen garment or a reasonable purchase? The male consumer and the illicit second-hand clothing market in the first half of the nineteenth century', in J. Stobart and I. Van Damme (eds), *Modernity and the Second-Hand Trade: European Consumption Cultures and Practices, 1700-1900* (Basingstoke, 2011), pp. 59-60.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

immediately hung them up on his own stall for resale.⁴³ Shoemaker Owen Davies stole 20 pairs of boots from his employer and took them straight to a Newtown pawnbroker who gave Davies the choice of pawning them or selling them. Davies chose to sell and then absconded to Shropshire.⁴⁴ When Thomas Burke stole a length of cloth and various pieces of apparel in Newtown, unlike Mary Ann Braidsdell, he made off to Shropshire where he sold some of the items to a lodging-house keeper.⁴⁵ Most of the clothing thefts in this study were committed by tramps who were found wearing the articles. If tramp thefts are discounted, then a picture emerges of women stealing clothes for their own use, and men stealing for financial gain. In Phillips's analysis of Black Country clothing thefts, he makes the deduction that 'those who stole regularly while also being employed ... could hardly be called professional thieves since stealing clothing was not particularly lucrative. They were neither honest poor nor criminal class but an important third category – people in employment who supplemented their income with theft'.⁴⁶ But this statement is the sort of generalisation criticized by Walker for omitting women. It is a generalisation that does not identify an important fourth category – women who stole clothing for their own use.⁴⁷

Street thefts committed by women were always those of money or small items of value such as a watch, whereas men's street offences were often thefts of livestock on market days, but rarely money or valuables. This does not seem readily explainable by differently gendered material aspirations and so is most likely to be related to contrasting opportunities.⁴⁸ A man would not be out of place browsing around animal pens or taking away a sheep in a cart, and a woman on a street, looking into shop windows or mingling with buyers inside, would not necessarily be suspicious.⁴⁹ These locations would offer her the readiest opportunities. There

⁴³ *N.W.E.*, 4/4/1876.

⁴⁴ *N.W.E.*, 4/7/1871.

⁴⁵ *M.E.*, 12/3/1878.

⁴⁶ Phillips, *Crime and Authority in Victorian England: The Black Country, 1835-1860* (London, 1997), p. 198.

⁴⁷ For a comment on this issue see Jones, *Crime*, p. 127. See also B.S. Godfrey and J.P. Locker, 'The nineteenth-century decline of custom, and its impact on theories of workplace theft and white collar crime', *Northern History*, 38 (2001), pp. 261-73.

⁴⁸ Walker also found that livestock featured much more heavily as a proportion of men's thefts than women's. Walker, *Crime*, p. 162. Reduced opportunity as a reason for women's smaller range of crimes is discussed in Godfrey, B.S., Cox, D.J., and Farrell, S.D., *Criminal Lives: Family Life, Employment and Offending* (Oxford, 2007), p. 36.

⁴⁹ Godfrey discusses gendered opportunities in *Criminal Lives*, pp. 35-8.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

was a type of location, however, where men did carry out the sort of theft normally associated with women, and this was an arena where their mingling would not look out of the ordinary – in public houses. The circumstances of most of the public house thefts were similar for both sexes, often opportunistic, picking the pocket of a drunk or some other person sitting nearby, or walking off with an item left carelessly.⁵⁰ Prostitutes created opportunities for such offences, as seen in the case of Sarah Lewis who picked a client’s pocket,⁵¹ and men sometimes planned thefts such as that committed by Thomas Fitzgerald when he tricked a bartender into giving him money.⁵²

Opportunism thus facilitated thieving, and opportunities for stealing particular things have been said to be culturally disposed, often arising from gendered activities.⁵³ Feeley argued that as the nineteenth century progressed, women were excluded from many forms of developing industry or work, and segregated into low-wage occupations, thereby reducing their opportunities for theft. This can be seen in Montgomeryshire. There were nine cases of women’s theft from their place of employment, and in all but one they were employed either as domestic servants or charwomen in private homes or inns, and in one case, a toll house.⁵⁴ They stole a limited range of items including money, jewellery, beer and clothes. This contrasts with male offenders whose workplaces were farms, an office, a warehouse, railway station, the market place, mines, a canal wharf, coal depot, shop, hotel and boat yard.⁵⁵ The items stolen by men included materials such as lead piping, coal and wool, horse tack, money, farm produce and livestock. Men’s wider work opportunities gave them access and opportunity for temptation and dishonest activities. Women’s purloining, too, was within their everyday

⁵⁰ See for example, Alice Roberts’ theft of a bag, *N.W.E.*, 22/10/1878; Richard Trow’s and Edward Phillips’s pick-pocketing activities, *N.W.E.*, 9/1/1872 and 6/7/1875 respectively.

⁵¹ *M.E.*, 6/7/1869.

⁵² *N.W.E.*, 11/1/1870.

⁵³ Walker, *Crime*, p. 179.

⁵⁴ *N.W.E.*: Susannah Francis, 24/10/1871; Jane Jones, 14/3/1871; Frances Evans, 22/10/1872; Fanny Robinson, Mary Edwards, 8/7/1873; Jane Jones, 11/1/1876; Elizabeth Williams, 9/7/1878; Elizabeth Lewis, 12/3/1878.

⁵⁵ *N.W.E.*: Thomas Vaughan, 16/3/1869; William Jones, 12/1/1869; Edward Jones, 26/10/1869; Thomas Brown, 6/7/1869; Moses Williams, 6/7/1869; George Middleton, 10/1/1870; Edward Mason, 14/3/1871; Thomas Davies, 9/7/1872; Thomas Turner, 11/3/1873; Edward Hughes, 27/10/1874; Edward Jones, 12/1/1875; David Thomas, 19/10/1875; Tudor Williams, 12/1/1875; Thomas Jones, 11/1/1876; John Jones, 11/1/1876; Edward Jones, 11/1/1876; Arthur Williams, 4/4/1876. For background information see Godfrey, B.S., ‘Law, factory discipline and ‘theft’: the impact of the factory on workplace appropriation in mid to late nineteenth-century Yorkshire’, *British Journal of Criminology*, 39 (1999), pp. 56-71.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

boundaries, and the role of family shopper could provide a defence. At the Midsummer Sessions of 1869, two farm women charged with stealing a bonnet from a shop successfully argued that they had picked it up by mistake while browsing, and in 1870 Jane Jones's solicitor successfully argued that standing near the prosecutrix and then walking away was no proof that she had picked the woman's pocket.⁵⁶ No woman among those charged here ever broke into a shop or stole large items involving a high degree of risk. This sort of theft from a shop was the preserve of the male. The women's shop thefts considered here contrast with William and Samuel Edwards who burgled a shop and stole a side of pork that was in the process of being salted.⁵⁷ John McNamara pretended to be an agent for a Liverpool sewing machine company and swindled a shopkeeper out of six shillings – this involved taking away a machine for 'repair'.⁵⁸ Although male thefts were often on a larger scale, it could be argued that they too were acting within normal male boundaries: travelling about, carrying large objects, mending things.⁵⁹

Another generalisation sometimes made is that the getaway for thieves was easy, with particular emphasis on the ease of disappearing from a lodging house, shop or pub.⁶⁰ This generalisation, however, seems relevant only to men: in all but one of the cases involving solely women, the culprit was found in the location of the theft, or within easy reach of it. When charwoman Ann Goodall was suspected of stealing a jacket on 23 August 1871, the local police officer knew where she lived and obtained a warrant to search her home although this was not done until 12 days later. The officer also searched Goodall's mother's house and found the item.⁶¹ Elizabeth Davies noticed an item of her underwear missing at Christmas 1872 but did not suspect her servant of taking it until three months later. Davies then fetched the local P.C. who searched the servant's box and found the garment.⁶² This kind of evidence suggests that

⁵⁶ *N.W.E.*, 6/7/1869 & 25/10/1870.

⁵⁷ *N.W.E.*, 15/3/1870.

⁵⁸ *N.W.E.*, 7/1/1873

⁵⁹ Brian Short also identifies the mobility of males in B. Short, 'Environmental politics, custom and personal testimony: memory and lifespace in the late Victorian Ashdown Forest, Sussex', *Journal of Historical Geography*, 30 (2004), pp. 484-5. Barry Godfrey also highlights men's mobility providing them with opportunities for theft in factories. B. Godfrey, 'Workplace appropriation and the gendering of factory "law"' in M.L. Arnot and C. Osborne (eds), *Gender and Crime in Modern Europe* (1999, London, 2003), p. 140.

⁶⁰ Phillips, *Crime and Authority*, p. 197.

⁶¹ *N.W.E.*, 24/10/1871.

⁶² *N.W.E.*, 8/7/1873

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

women were bound more strongly to domestic situations and less likely to roam unaccompanied away from habitation.⁶³ Physiology and clothing were also relevant: a man's getaway would not be restricted by pregnancy, menstruation or long skirts,⁶⁴ although it is fair to say that the last of these certainly enabled concealment of stolen articles.⁶⁵ When a gang of tramps, including two females, were seen near a farm in the hills above Newtown, the farmer suspected them of stealing fowls which had gone missing. P.C. Hudson tracked them down in Shropshire where one of the men was rueful. He said to the officer: 'If it had not been for these women, you would not have had us – we would have been well away.'⁶⁶ Men's absconding is considered in the next section.

Male boundaries

In some 20% of crimes, the exact location of the offence was given in court reports. Gender analysis reveals a startling difference in the commission of crimes committed in isolated and populated areas (Figure 7).⁶⁷

⁶³ See Zedner, *Women, Crime and Custody*, p. 25 where she argues that women's mobility was restricted by confinement to home.

⁶⁴ For discussions of handicaps imposed by menstruation see J.-M. Strange, 'The assault on ignorance: teaching menstrual etiquette in England, c. 1920s to 1960s', *Social History of Medicine*, 14 (2001), pp. 247-248. Advice given to women was that they should 'avoid sudden exposure to cold or wet and avoid mental agitation' during menstruation, see Showalter, E. and Showalter, E., 'Victorian women and menstruation', in Vicinus, M., *Suffer and be Still* (Indiana, 1973), p. 39.

⁶⁵ See Jane Thomas's theft of six waistcoats, *N.W.E.*, 21/10/1873.

⁶⁶ *N.W.E.*, 11/1/1870.

⁶⁷ For this analysis, a populated area was one where people were likely to congregate, such as towns and villages, while isolated areas are country lanes, fields away from habitation, farms with few or no near neighbours, etc.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

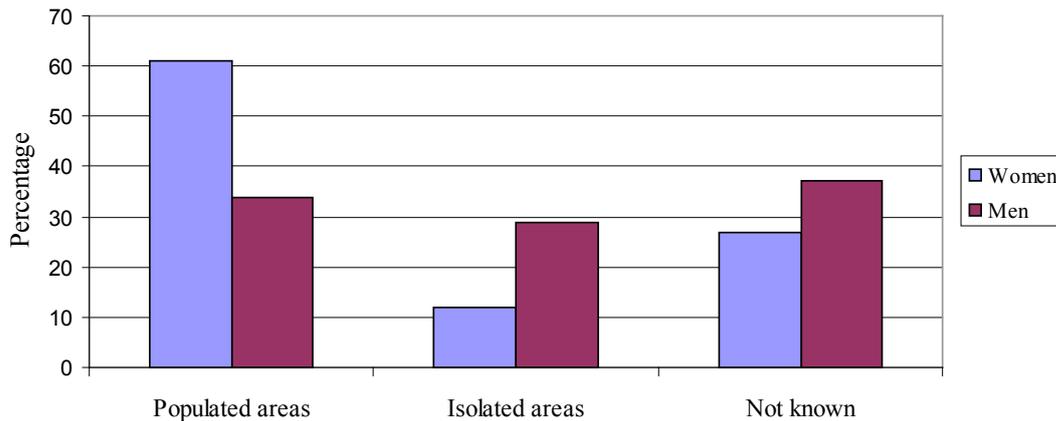


Figure 7: Locations of male and female offences

Although males offended nearly equally in both populated and isolated areas, females were much less likely to offend in areas where there were few people present. In four of the eight cases where women were charged with offences in isolated areas, they were in those locations with men, either gypsies or tramps crossing the countryside.⁶⁸ In the other four cases of women offending in isolated areas, they stole from places where they were employed.⁶⁹ In only 11% of men's cases was workplace theft involved. Usually the men were opportunistically at the scene of the crime. For example, Evan Breeze claimed to have been in a drunken stupor and mistakenly went into a farmyard where he killed a hen by accident.⁷⁰ John Lewis stole leather from a lead mine in the hills where he had called looking for work. Later the same day he stole wool from a field near the mine, then made his way to Newtown where he tried to sell it.⁷¹ In general, male movement around the country enabled and facilitated criminality. For example, boatman John Watkin agreed to transport a load of ketchup between two stops on the Montgomeryshire canal, and during the journey consumed some of the sauce himself.⁷² John Wilson, an American, claimed that the boots he stole from a cottage near Newtown were a pair

⁶⁸ Mary Ann Hearne (two charges): *N.W.E.*, 25/10/1870; Elizabeth Clarke and Louisa Wilson: *N.W.E.*, 11/1/1870.

⁶⁹ Anne Francis: *N.W.E.*, 10/1/1871; Anne Goodall: *N.W.E.*, 24/10/1871; Frances Evans: *N.W.E.*, 22/10/1872; Mary Edwards: *N.W.E.*, 8/7/1873; Elizabeth Williams, *M.E.*, 9/7/78.

⁷⁰ *N.W.E.*, 9/1/1872.

⁷¹ *M.E.*, 9/1/1877.

⁷² *N.W.E.*, 8/9/1874 and 27/10/1874.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

he had brought with him from Cardiff.⁷³ In a case illustrating the enabling of crime by the advent of railways, John Bowker and Josiah Beech travelled home by train to Liverpool from Newtown, and opportunistically stole £59 from a farmer during the journey.⁷⁴

The Bowker/Beech case illustrates how criminality prompted the movement of another group of males – the police. The officers would sometimes travel great distances to apprehend suspects, but probably only when the victim was a ratepayer or one who was able to pay the officer for his time. Sergeant Hudson from Newtown located Bowker and Beech in custody in Liverpool and went there to interview them.⁷⁵ Success for the police was measured in convictions, so they were motivated to make arrests. In an agricultural region such as Montgomeryshire, where farmers' rates helped run the force, the officers needed to be seen making an effort on behalf of farmers.⁷⁶ Great trouble was taken to secure a conviction against the juvenile Mary Anne Nason, who had served time in a reformatory following criminal behaviour several years earlier. She was prosecuted for theft from a surgeon, and a sergeant from the Warwickshire force travelled to Welshpool to give evidence against her. P.C. Edwards of Llanbryn-mair travelled nearly 50 miles to apprehend Thomas Vaughan who had stolen 15 shillings from his timber merchant employer.⁷⁷

The Quarter Sessions Bench heard a wide variety of cases. The offences other than those deemed theft or stealing are shown in Figure 8. The numbers are small but show that the majority were committed by men. Burglary and assault were the two that featured most significantly, and some patterns observed in the theft analysis are seen again.

⁷³ *N.W.E.*, 11/1/1870.

⁷⁴ *N.W.E.*, 9/1/1870 and 5/7/1876. See R. Ireland, 'An increasing mass of heathens' for explanatory comments.

⁷⁵ They were being held at Dale Street in the city. Old maps show the police courts, bridewell and detective department situated there.

⁷⁶ Shakesheff, *Rural Conflict, Crime and Protest: Herefordshire, 1800-1860* (Woodbridge, 2003), pp. 69-72.

⁷⁷ Nason's and Vaughan's cases both heard at the Easter 1869 Sessions, *N.W.E.*, 10/3/1869.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

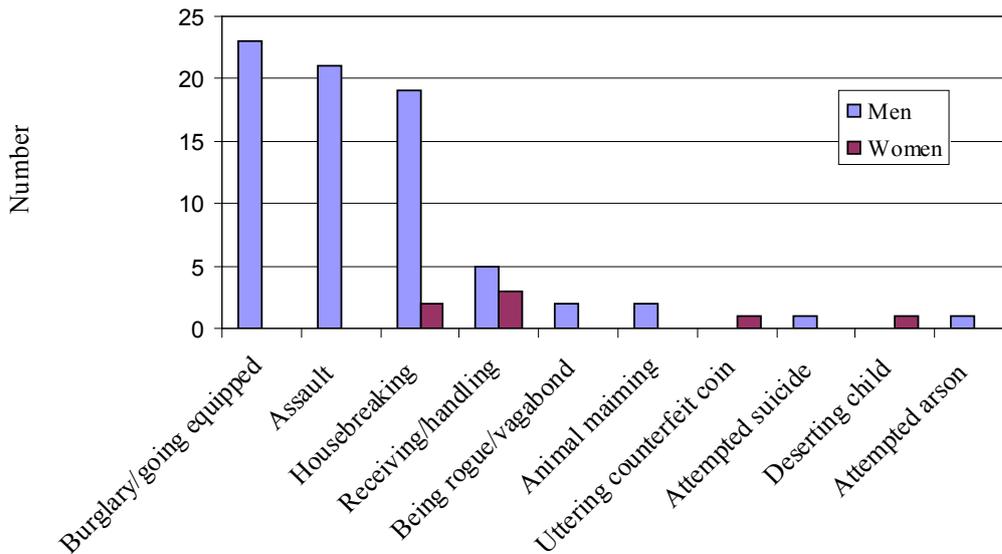


Figure 8: Offences other than theft heard at Quarter Sessions.

Two house-breaking cases were committed by women. By definition, these took place during the day, and they both occurred in populated areas. Wearing apparel was stolen in each case. In one case it was underwear, and the woman was found wearing it, having been searched by the police officer's wife. In the other, the items included a silk scarf and an artificial flower. Significantly, neither case involved a violent or forceful entry into the premises.⁷⁸ Phillips includes breaking and entering/burglary as a violent crime as it included an element of power being used,⁷⁹ and on this basis, these two house-breaking cases by women would have been excluded from Phillips's list. Woodward argues that burglaries in Montgomeryshire were facilitated by its proximity to the border, meaning that goods could be disposed of easily, but he, like Phillips, appears to be confining his analysis to men, as the evidence for women shows that they retained the items.⁸⁰ Men's mobility is again reflected in these violent crimes. In 1874, four tramps broke windows and gained entry into a widow's house in the north of the county. They fled over the hills, first to Llanarmon and then on to Chirk. A police officer followed them and arrested the men in Wrexham.⁸¹ Two sailors removed six panes of glass from the windows of a cottage in the south of the county, intending to commit a felony. They were

⁷⁸ Elizabeth Gough, *M.E.*, 8/1/1878; Mary Ann Kinsey, *N.W.E.*, 25/10/1870.

⁷⁹ Phillips, *Crime*, p. 237.

⁸⁰ Woodward, 'Burglary', p. 67.

⁸¹ *N.W.E.*, 10/3/1874.

- This is the final accepted author manuscript following peer review and corrections. The published version is available here <https://doi.org/10.1017/S0956793316000030>

noticed, and – disturbed by shouting – jumped over fences and ran off up the hillside. They were stopped by field workers who held on to them until a policeman arrived.⁸² Here is an example of a getaway that could hardly have been attempted by a woman in a long skirt. There is a clear difference here between this location and the route that the gang of fowl stealers, including two women, took along the flat Kerry Ridgeway.⁸³

Conclusion

The gendered nature of offending was evident in 1870s Montgomeryshire, and reflected in the county's rural and urban locations, opportunities for crime, and the apparent motivations for thefts. This was particularly notable in the case of clothing which, although stolen by both sexes, was generally moved out of the area and sold on by men but retained and worn openly by women. Females were more likely to steal within domestic settings in populated areas, rarely in isolated locations, and the goods they targeted were of a limited range. Males, however, through mobility and work, stole a wider range of items from much more disparate, more rural and industrialised locations. For both gender groups, their patterns of offending highlighted their normal patterns of life, and reflected their different, social boundaries or their 'separate spheres'.⁸⁴ Particularly, we see that the differentials between everyday opportunities provided by employment and domestic responsibilities led to offending.⁸⁵ The intangible boundaries and places of offending crucially meant that opportunities for evading the law were also gendered and had implications for the police. Law enforcement, consequently, adopted a highly mobilized and tailored form when in pursuit of male offenders that was largely unnecessary when tracking down females who were encumbered by physiology, clothing and the landscape's natural features such as hillsides and hedges.

⁸² *N.W.E.*, 12/1/1869.

⁸³ Even in trousers the two sailors were captured during their attempted getaway across the hillside. It would have been easier for them to make their way west, across the flood plain. Witness testimony, however, reveals that labourers were working in that area, and the sailors tried to avoid them. Note Nicholas Blomley's analysis of the environment in N. Blomley, 'Making private property: enclosure, common right and the work of hedges', *Rural History*, 18, 1 (2007), 1–21.

⁸⁴ For discussion see L.K. Kerber, 'Separate spheres, female worlds, woman's place: The rhetoric of women's history', *Journal of American History* (1988), pp. 9-39; C. Ross, 'Separate Spheres or shared dominions?', *Transformation* (2006), pp. 228-235; R. Ryle, *Questioning Gender: A Sociological Exploration* (Thousand Oaks, 2012).

⁸⁵ For comment and analysis of women's work see N. Verdon, *Rural Women Workers in Nineteenth-Century England: Gender, Work and Wages* (Woodbridge, 2002) and C. Steedman, *Labours Lost: Domestic Service and the Making of Modern England* (Cambridge, 2009).