The law was one of the most potent sources of authority and stability in early modern England. Historians have, however, argued over whether the discretion and flexibility embodied in the judicial system was used as a method of social control. By focusing their attention on felonies and on the actions of the protagonists in judicial decisions they have tended to ignore rich sources of information concerning attitudes towards and experiences of the law. Misdemeanour prosecutions affected many more people (and a broader social range of participants) than felony prosecutions, and in their choice of methods of prosecution both victims and justices of the peace exercised considerably greater flexibility in responding to petty crimes than they did with felonies. This book examines the day-to-day operation of the criminal justice system in Middlesex from the point of view of both plaintiffs and defendants, and offers an assessment of the social significance of the law in preindustrial England.

The book includes important discussions of the different methods, both formal and informal, of prosecuting petty crimes; of the importance of status, gender, and individual justices of the peace in shaping access to the law; of the attempts by the Societies for the Reformation of Manners from 1690 to manipulate the judicial system in order to enforce systematically the laws against vice; and of the contrasting prosecutorial strategies adopted in rural Middlesex and in different parts of London. The book is based on a careful statistical analysis of thousands of recognizances, indictments, and house of correction commitments, and will be of interest and importance to all social, legal, and urban historians of the early modern period.
Cambridge Studies in Early Modern British History

PROSECUTION AND PUNISHMENT
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PROSECUTION AND PUNISHMENT

Petty crime and the law in London and rural Middlesex, c. 1660–1725

ROBERT B. SHOEMAKER
Lecturer in History, University of Sheffield
For Clara and David Shoemaker
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ACKNOWLEDGMENTS

This book started its life many years ago as a Ph.D. dissertation at Stanford University, and when writing the dissertation I received generous financial support from the Mrs. Giles Whiting Foundation, the Josephine de Karman Fellowship Trust, and the Harris and Weter Funds administered by the History Department at Stanford. A summer grant from the National Endowment for the Humanities helped fund the research necessary to transform the dissertation into a book.

In many ways this book is the product of a collective effort, and I would like to thank several people for assistance beyond the call of duty. The bulk of the research was carried out at the Greater London Record Office, where Richard Samways, Harriet Jones and the rest of the staff patiently responded to my persistent questions and requests for documents. I would also like to acknowledge the help and advice I received from the staffs of the Stanford University Library, Huntington Library, British Library, Guildhall Library, Westminster Public Library, Bodleian Library, Public Record Office, and Corporation of London Record Office, as well as the computer centers of Stanford University and the University of London. As the dissertation research progressed I benefited from the suggestions of Tim Harris, Don Spaeth, and Norma Landau. Professor Landau's provocative questions concerning the nature of judicial procedures, both when I first met her in the archives and later in the form of detailed comments on drafts of the early chapters of the dissertation, helped focus my interests on the relationships between different legal procedures and on the role of individual justices of the peace in shaping patterns of prosecutions. Not only did her comments stimulate my thinking on a number of issues, but they saved me from several errors, and I am very grateful for her help. I was fortunate to have had Paul Seaver as dissertation supervisor. Not only did he patiently guide the dissertation to completion, but he continued to provide insightful suggestions, friendly encouragement, and constant support long after I left the protective confines of graduate school.

In completely rewriting the dissertation I have accumulated many more debts. John Beattie, Tom Green, John Langbein, and Jim Sharpe read the
Acknowledgments

finished dissertation and offered several helpful suggestions for revising and restructuring the manuscript. Laird Easton cast a critical editor’s eye over early versions of several chapters, and Joanna Innes has given useful advice and criticism on many occasions. I am also grateful for suggestions and comments I have received from Tony Claydon, Tim Hitchcock, Mark Jenner, Peter King, Nick Rogers, John Styles, and Tim Wales. Most of these arose during conversations which took place at the Institute of Historical Research at the University of London. With its research library, active seminar schedule, and crowded tearoom, the Institute provided a welcome base for an unaffiliated scholar like myself.

The field of criminal justice history has yielded a rich harvest of research and publications in the last fifteen years; my substantial debts to the historians who came before me are acknowledged in the footnotes. I owe a special note of thanks, however, to those who have shared the products of their unpublished work with me, particularly Joanna Innes, Norma Landau, and Peter King. Chapters 9 and 10 especially are based on foundations laid by the hard work of others: my work on the reformation of manners campaign owes much to the doctoral theses of Andrew Craig and Tina Beth Isaacs, and the prosecution rates presented in chapter 10 were calculated using demographic and socioeconomic statistics compiled by Beatrice Shearer and James Alexander from the hearth tax and four shillings in the pound tax respectively. Without the generosity of these historians in allowing me to make use of their findings, these chapters could never have been written.

Three other academics contributed much more personally to this project. My wife and fellow historian, Wendy Bracewell, provided a healthy mix of advice, encouragement and distractions which kept me sane. My parents, both emeritus professors of chemistry, made this all possible through their encouragement and support of my intellectual interests. It is to them that I dedicate this book.

Kentish Town, London
ABBREVIATIONS AND CONVENTIONS

All dates are in the old style, but with the new year beginning on January 1.
The spelling, capitalization, and punctuation in quotations from manuscript
sources have been modernized.
All cited works were published in London unless otherwise noted.
The following abbreviated forms have been used in the footnotes:

PUBLISHED WORKS

*Albion’s Fatal Tree*, ed. Hay et al: *Albion’s Fatal Tree: Crime and Society in
Rule, E. P. Thompson, and Cal Winslow (Harmondsworth, 1975)


(3rd edn., 1707)

Boulton, *Neighbourhood and Society*: Jeremy Boulton, *Neighbourhood and
Society: A London Suburb in the Seventeenth Century* (Cambridge, 1987)

Cockburn (Princeton, 1977)

CSPD: *Calendar of State Papers, Domestic*

the Practice of the Justices of the Peace out of their Sessions* (various editions)

Dowdell, *Quarter Sessions*: Eric George Dowdell, *A Hundred Years of Quarter
Sessions* (Cambridge, 1932)

Century* (1925; reprint edn. Harmondsworth, 1966)

Crown*, 2 vols. (1716)

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Ingram, Church Courts: Martin Ingram, Church Courts, Sex and Marriage in England, 1570–1640 (Cambridge, 1987)


Lambard, Eirenarcha: William Lambard, Eirenarcha: or the Office of the Justices of the Peace (various editions)


Nelson, Office and Authority: William Nelson, The Office and Authority of a Justice of a Peace (various editions)

Office of the Clerk of the Peace: The Office of the Clerk of the Assize … together with the Office of the Clerk of the Peace (1682)


An Ungovernable People, ed. Brewer and Styles: An Ungovernable People: the
Abbreviations and conventions

_English and their Law in the Seventeenth and Eighteenth Centuries_, ed. John Brewer and John Styles (1980)

Webb and Webb, _The Parish and the County_; Sidney and Beatrice Webb, _English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County_ (1906)

**ARCHIVAL SOURCES**

BL British Library
CLRO Corporation of London Record Office
GLRO Greater London Record Office
MJ / Middlesex sessions records
WJ / Westminster sessions records
OC Orders of the court
SBB Sessions book
SBR Sessions register
SP Sessions paper
SR Sessions roll
CP Calendar of prisoners
GDR Gaol delivery recognizance
HC House of correction calendar
I Indictment number
R Recognizance number

PRO Public Record Office
KB King’s Bench records
SP State Papers