Law, Crime and English Society, 1660–1830

This book examines how the law was made, defined, administered and used in eighteenth-century England. An international team of leading historians explore the ways in which legal concerns and procedures came to permeate society, and reflect on eighteenth-century concepts of corruption, oppression and institutional efficiency. These themes are pursued throughout in a broad range of contributions, which include studies of magistrates and courts, the forcible enlistment of soldiers and sailors, the eighteenth-century ‘bloody code’, the making of law basic to nineteenth-century social reform, the populace’s extension of law’s arena to newspapers, theologians’ use of assumptions basic to English law, Lord Chief Justice Mansfield’s concept of the liberty intrinsic to England and Blackstone’s concept of the framework of English law. The result is an invaluable account of the legal bases of eighteenth-century society which is essential reading for historians at all levels.

Law, Crime and English Society, 1660–1830

edited by

Norma Landau

University of California at Davis
In honour of John M. Beattie

Mentor, scholar, friend
Contents

List of figures page ix
Notes on contributors x

1 Introduction 1
   NORMA LANDAU

Part 1 Law

2 Dread of the Crown Office: the English magistracy and
   King's Bench, 1740–1800 19
   DOUGLAS HAY

3 The trading justice's trade 46
   NORMA LANDAU

4 Impressment and the law in eighteenth-century Britain 71
   NICHOLAS ROGERS

Part 2 Crime

5 War as a judicial resource. Press gangs and prosecution
   rates, 1740–1830 97
   PETER KING

6 Making the ‘bloody code'? Forgery legislation in
   eighteenth-century England 117
   RANDALL MCGOWEN

7 Mapping criminal law: Blackstone and the categories
   of English jurisprudence 139
   DAVID LIEBERMAN
Part 3 Society

8 After *Somerset*: Mansfield, slavery and the law in England, 1772–1830
   RUTH PALEY
   165

9 Religion and the law: evidence, proof and ‘matter of fact’, 1660–1700
   BARBARA SHAPIRO
   185

10 The press and public apologies in eighteenth-century London
   DONNA T. ANDREW
   208

11 Origins of the factory acts: the Health and Morals of Apprentices Act, 1802
   JOANNA INNES
   230

*John M. Beattie’s publications*

*Index*
# Figures

1 Age structure of male and female property offenders, Lancashire, 1820–1822.  
   *page 100*

2 Age structure of male and female property offenders, Lancashire, 1801–1805.  
   *page 101*

3 Age structure of male property offenders, Lancashire, 1801–1805 and 1820–1822.  
   *page 102*

4 Ages of male and female property offenders, Gloucestershire, 1806–1811.  
   *page 102*

5 Ages of male property offenders, Gloucestershire, 1789–1793, 1806–1811 and 1817–1818.  
   *page 103*

6 Ages of male property offenders, Bristol, 1786–1793, 1794–1804 and 1817–1819.  
   *page 104*
Contributors


DOUGLAS HAY holds a joint appointment in the History Department and Osgoode Hall Law School, York University, Toronto. He is a contributor to and an editor of Albion's fatal tree (London and New York, 1975), Policing and prosecution in Britain 1750–1850 (Oxford, 1989) and Labour, law and crime: an historical perspective (London and New York, 1987); and is joint author with Nicholas Rogers of Eighteenth-century English society: shuttles and swords (Oxford and New York, 1997). He has also written numerous articles and chapters which have appeared in journals and other collections. He is currently working on a study of the court of King’s Bench, and a collaborative project on master and servant law in the British Empire.

JOANNA INNES is a fellow of Somerville College, Oxford, where she has taught since 1982. She has published extensively on social problems and policy in the long eighteenth century, and is currently at work on two volumes of her collected essays.

PETER KING is Professor of Social History at University College Northampton. He has published more than a dozen articles on the history of crime, law and society, is joint editor of Chronicling poverty: the voices and strategies of the labouring poor 1640–1820 (London, 1997) and
Notes on contributors

NORMA LANDAU is a professor of history at the University of California at Davis. She is the author of *The justices of the peace, 1679–1760* (Berkeley, 1984) and of articles on the political, social, and legal history of eighteenth-century England. She is now working on two studies: on the regulation of migration within early modern England; and on the justices of the peace and their courts in eighteenth-century metropolitan London.

DAVID LIEBERMAN is the Jefferson E. Peyser Professor of Law and the Chair and Associate Dean of the Jurisprudence and Social Policy Program at the University of California, Berkeley. He is the author of *The province of legislation determined: legal theory in eighteenth-century Britain* (Cambridge, 1989) and other studies in the history of legal ideas. He is currently preparing for publication a critical edition of Jean Louis De Lolme's *The constitution of England*.

RANDALL MCgowen, professor of history at the University of Oregon, has co-authored with Donna Andrew *The Perreaus and Mrs Rudd: forgery and betrayal in eighteenth-century London* (Berkeley, 2001). He is also the author of numerous articles on punishment and the criminal law, and is currently at work on a book on the debate over forgery and capital punishment in early nineteenth-century England.

RUTH PALEY works at the History of Parliament Trust where she is responsible for *The history of the House of Lords, 1660–1832*. She is the editor of *Justice in eighteenth-century Hackney: the justicing notebook of Henry Norris and the Hackney petty sessions book* (London Record Society, 1991), and has published articles on policing in eighteenth- and nineteenth-century London. She is currently preparing, in collaboration with Elaine A. Reynolds, to write about the history of policing London from 1700 to 1839, and is editing a volume of criminal cases that were tried in London from 1700 to 1875.