

**Rural Conflict and Resistance in Late Eighteenth and Early Nineteenth Century
Gloucestershire.**

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Abstract

This thesis aims to broaden the geographical scope of the historiography of late eighteenth and early nineteenth century rural conflict and resistance. Focusing on the county of Gloucestershire, this study draws upon court records, gaol registers, and contemporary local newspapers to identify acts of resistance that are by their very nature less prominent in the historical record.

The study begins by considering more established forms of rural resistance, particularly poaching and incendiarism. The prominence of poaching in the broader historiography is reflected in the county, where the general resentment towards the Game Laws represented both a catalyst and sphere of social conflict in rural communities. Poachers were identified from across the social strata, highlighting the varied motivations of their actions. While poaching was often motivated by economic necessity, it was also employed as a significant weapon of social conflict and resistance in the county.

The study continues with an investigation into incendiarism, a widely understood expression of rural discontent. While evidence of incendiarism is found throughout the period of study, arson is found to increase in the late 1820s. Fire was evidently a weapon deliberately employed in the arena of social conflict and resistance in the county, best encapsulated through the targeting of high-status individuals and valuable private property. Incendiarism served as a potent weapon of intimidation in Gloucestershire, symbolising broader feelings of rural discontent across England.

The impact of machine breaking is also considered, in particular the influence of Swing and its connection to earlier discontent in the county. Before the 1830s, machines were targeted on a smaller scale, often through incendiarism. While the

Swing Riots were most prominent outside of Gloucestershire, their influence was still felt in the county. Although discussed to a lesser extent than other forms of resistance in this study, the impact of Swing is significant due to its connection to wider patterns of rural discontent in the county.

The thesis also explores the roles of women and children, both groups underrepresented in the historiography, particularly regarding the theft and vandalism of wood and crops. These acts, often motivated by the needs of the domestic economy, were crimes committed on a significant scale by women and children in Gloucestershire. Theft and vandalism represent an arena where women and children could challenge an environment of decreasing living standards, exercising a measure of agency despite their social standing. The study of these acts broadens the understanding of rural resistance and provides a voice to otherwise marginalised groups.

Finally, the idea and extent of community solidarity in Gloucestershire during the late eighteenth and early nineteenth centuries is questioned. While it is acknowledged that rural discontent was often driven by shared grievances, such as mechanisation, declining living standards, and the erosion of customary rights, individual responses varied significantly. Labourers, for example, were found to act as informants or collaborators with authorities, while the combination of violence and fear of reprisal likely silenced opposition towards criminals within the rural communities of the county. These factors complicate the concept of communal solidarity and question the extent of collective resistance at the time.

I declare that the work in this thesis was carried out in accordance with the regulations of the University of Gloucestershire and is original except where indicated by specific reference in the text. No part of the thesis has been submitted as part of any other academic award. The thesis has not been presented to any other education institution in the United Kingdom or overseas.

Any views expressed in the thesis are those of the author and in no way represent those of the University.

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Contents

1.	Introduction	1
2.	Gloucestershire	24
3.	Primary Sources	41
4.	The History and Historiography of Poaching	52
5.	Petty Sessions: Gender and Occupation	74
6.	Petty Sessions: Night Poaching, Temporal and Spatial Analysis	127
7.	Quarter Sessions, Newspapers, and Violent Affrays	160
8.	Voices of Conflict	193
9.	Incendiarism in Gloucestershire	211
10.	Attacks on machines and the impact of Swing	266
11.	Women and Children in Gloucestershire	281
12.	Overall Conclusions	347
	Bibliography	264
	Appendices	383

List of Tables

1.	Population growth in towns between 1801 and 1831	30
2.	Surviving gaol registers	49
3.	Occupation of convictions at the Petty Sessions	80
4.	Miscellaneous occupations at the Petty Sessions	117
5.	Targets of attacks on machinery	267
6.	Location of disturbances associated with Swing	271

List of Graphs

5.1.	Month of convictions of labourers at the Petty Sessions	84
5.2.	Terminology used in Petty Sessions indictments	90
5.5.	Animals targeted by yeomen and farmers	112
5.6.	Animals poached by miscellaneous workers	118
6.1.	Annual poaching distribution at the Petty Sessions	135

6.2.	All convictions at the Petty Sessions by month	142
6.3.	All convictions by Division at the Petty Sessions	144
6.4	Poaching incidents at the Petty Sessions by Hundreds	145
7.1.	Poaching affrays identified in Gloucestershire: 1827-1831	168
9.1.	Targets of incendiarism	226
9.3.	Locations of incendiarism by Division	233
9.4	Location of incendiarism by Hundred	234
9.9.	Suspected cases of arson in the press by month	261
9.10	Suspected cases of arson in the press by year	262
10.2.	Location of disturbances	278
10.3.	Target of rioters	279
11.3.	Total indictments referring to wood and crops	307
11.4.	Indictments of women referring to wood and crops by year	308
11.6.	Total indictments of women referring to wood or crops by month	321
11.7	Indictments of women referring to wood or crops, 1810-1832	328

List of Images

1.1.	Rule's division of criminal and deviant behaviour	15
5.3.	A poaching notice – Ashchurch and Northway	100
5.4.	Charles Pole's poaching notice	101
6.5.	A mantrap and spring gun	146
6.6.	A warning sign	146
6.7.	Pamphlet describing the death of Penny and Allen	153
8.1.	Baghott and Bethell-Codrington	200
9.2.	William Curre's reward	232
9.5.	William Ireland's first auction	236
9.6.	William Ireland's second auction	237
9.7.	Reward following a fire	238
9.8.	Reward following a fire a Mrs Peacey's property	240
10.1.	Centres of disturbance in later 1830	272

11.1. A map of Cheltenham	300
11.2. A cheval de frize using glass	303
11.5. A map of Bisley Common	313

Chapter 1: Introduction

Focusing on Gloucestershire

Andrew Charlesworth, writing in 1991, declared that ‘agricultural history in Britain has always been shot through with southern English insularity, and has consequently produced an imbalance in the historiography of rural protest.’¹ To Charlesworth, ‘hardly a reference is made to any event north of Birmingham or west of Gloucester.’² This was based on the relatively rich source material available for research, particularly the system of provincial newspapers.³ To offer a sense of comparison, the British Newspaper Archive holds 1796 papers for Gloucestershire between 1800 and 1829. In contrast 4060 are held for Suffolk and 4501 for Kent.⁴ This, unsurprisingly, has been a major draw to the studies of these areas. Furthermore, and specific to the study of resistance, the contemporary context of these areas meant they were more vulnerable to fluctuations in the agricultural market. It was theorised, therefore, that local rural communities were more likely to suffer from distress and were consequently more susceptible to acts of discontent.

The outcome of this attention means areas outside of the south and east of England have traditionally been underrepresented in the literature of protest and resistance. Since Charlesworth’s comment on the limitations of the historiography, the

¹ Andrew Charlesworth, ‘An Agenda for Historical Studies of Rural Protest in Britain, 1750-1850’, *Rural History*, 2 (1991), 231-240 (p. 238).

² Charlesworth, ‘Agenda for Historical Studies’, p. 238.

³ Carl Griffin, ‘Knowable geographies? The reporting of incendiarism in the eighteenth and early nineteenth century English provincial press’, *Journal of Historical Geography*, 32 (2006), 38-56 (p.38).

⁴ Across the same period 7353 survive covering Yorkshire, 1738 for Northumberland, and 2285 in Cornwall.

geographical scope of studies has expanded to include a broader representation of regions across the country.⁵ This includes a distinct move towards the west of England, as reliant on agriculture as the counties of the south east and where the challenges experienced were similar.⁶ This was echoed by Carl Griffin, who suggests new studies of rural protest and resistance should focus on previously 'marginalised' counties, especially those along the Welsh border such as Gloucestershire.⁷

A study focusing on Gloucestershire and the surrounding localities seeks to situate the county in the broader historiography of late eighteenth and early nineteenth century rural resistance. This study will build on Charlesworth's suggestion that progress be made by considering the impact of local community relationships through the utilisation of smaller-scale studies, reflected in the reduction in timescale, narrowing of geographical location, and focus on specific forms of resistance.⁸

The reduction in scale of historical studies creates an opportunity for historians to highlight the uneven impact of broad historical trends and shine a light on the agency of ordinary people within a local context.⁹ Barry Reay's *Microhistories* best encapsulates this methodology, as he sought to examine the 'social change [...] through the history of three Kent villages.'¹⁰ This study takes inspiration from these approaches through a focus on Gloucestershire. This in turn builds the 'understanding

⁵ Timothy Shakesheff, *Rural Conflict, Crime and Protest: Herefordshire, 1800-1860* (Suffolk: Boydell and Brewer, 2003).

Harvey Osborne, 'The Seasonality of Nineteenth Century Poaching', *Agricultural History Review*, 48 (2000).

John Archer, 'Poaching Gangs and Violence: The Urban-Rural Divide in Nineteenth Century Lancashire', *The British Journal of Criminology*, 39 (1999) 25-38.

⁶ Timothy Shakesheff quoted in Carl Griffin, 'Social Conflict and Control in Hanoverian and Victorian England', *Journal of Historical Geography*, 31 (2005), 168-176 (p. 170).

⁷ Griffin, 'Social Conflict and Control', p. 169.

⁸ John Archer, *Social Unrest and Popular Protest in England 1780-1840* (Cambridge: Cambridge University Press, 2000), p.5. Charlesworth, 'Agenda for Historical Studies', pp. 233-235.

⁹ Brad Gregory, 'Is Small Beautiful? Microhistory and the History of Everyday Life', *History and Theory*, 38 (1999) 100-110 (p. 101).

¹⁰ Barry Reay, *Microhistories: demography, society, and culture in rural England, 1800-1930* (Cambridge: Cambridge University Press, 1996). Sigurður Gylfi Magnússon and István M. Szigjártó, *What is Microhistory: Theory and Practice* (Abingdon: Routledge, 2013), p. 48.

of the complexity of past rural protest' and therefore adds to the general corpus of knowledge regarding rural conflict and resistance in the eighteenth and nineteenth centuries.¹¹

Smaller-scale history, however, is not without limitations. Joyce Burnette points out that historians risk sacrificing an understanding of the 'broader view across space and time [...] across the country as a whole', while Griffin believes this methodology risks replacing 'one form of exceptionalism with another.'¹² Counties, for example, were not separate geographical areas isolated from their neighbours and wider events. This is best encapsulated through the Game Laws, national legislation that had a significant influence on contemporary community relationships. Striking a balance between the national and local is therefore essential.

While examining a range of activities, including poaching, incendiarism, resource theft and vandalism, this thesis does not claim to offer a comprehensive account of resistance in Gloucestershire.¹³ The role of men in resource theft and vandalism are largely omitted from this study in order to focus on the activities of women and children, in addition to excluding crimes more associated with urban settings. Industrial disputes are also excluded, despite the clear link to resistance, the formation of working-class consciousness and trade unionism at the time.¹⁴

Omitting industrial and urban crimes, however, does not exclude the inhabitants of these areas. Towns and cities were not isolated environments, particularly in more rural counties such as Gloucestershire, where strong familial and economic links

¹¹ Carl Griffin, *Protest, Politics, and Work* (Basingstoke: Palgrave Macmillan, 2014), p. 11.

¹² Joyce Burnette, 'The wages and employment of female day labourers in English agriculture, 1740-1850', *Economic History Review*, 57 (2004), 664-690 (p. 664), Griffin, *Protest*, p. 11.

¹³ Machine breaking and the role of women in industrial theft is also discussed, albeit in a more limited manner.

¹⁴ The following indictments show evidence of industrial disputes in Gloucestershire. GHH Q/PC/2. See also 22/A/2-22/A/7, 22/A/12-22/A/17, 40/C/44-40/C/50.

between rural and urban communities were common. Inhabitants of urban areas have been identified as partaking in criminal activities more associated with rural settings, principally poaching, across both the wider historiography and in this study.¹⁵ The imposition of a strict urban-rural divide would therefore be historically misleading.

Gregory adds further caution, explaining that 'sources reflect only dimly a partial aspect' of the lives of individuals, calling into question any claims regarding the validity of conclusions regarding the past.¹⁶ While this can be applied generally, it is particularly true of groups at the lower end of the social hierarchy. Harry Hopkins, in his seminal work on poaching violence in the nineteenth century, comments that 'only very rarely, by some freak of the human spirit or accident of circumstance [...] does a voice come through' from the depths of the past.¹⁷ Very little evidence survives from which historians can glean meaning.

This is further exacerbated when seeking to understand the role of under-represented groups, including women and children, in actions that are inherently secretive. Evidence of these acts rely most on sources such as court documents and provincial newspapers, and risks viewing the past only through crimes contemporary writers deemed 'worthy of record.'¹⁸ In addition, the significant gaps that exist in the official record and the provincial press during the eighteenth and early nineteenth centuries means that most acts of resistance are 'lost to time.'¹⁹ Existing records will never be able to reveal the reality of experience, and merely reflects the 'tip of an

¹⁵ Archer, 'Poaching Gangs and Violence'. Harvey Osborne and Michael Winstanley, 'Rural and Urban Poaching in Victorian England', *Rural History*, 17 (2006), 149-168.

¹⁶ Gregory, 'Is Small Beautiful?', p. 107.

¹⁷ Harry Hopkins, *The Long Affray: The Poaching Wars in Britain* (London: Papermac, 1986), p. 14.

¹⁸ Griffin, *Protest, Politics, and Work*, p. 11.

¹⁹ Carl Griffin, 'Rural Workers and the Role of the Rural in Eighteenth Century English Food Rioting', *The Historical Journal*, 64 (2021), 1230-1256 (p. 1238). Interactions with the criminal justice system, however, are often the only source available to historians.

iceberg of unknowable size.’²⁰ The paucity in source material from their perspective casts doubt on any claims of validity.

History from Below

While attempts had been made to understand the lives of the rural poor, most notably the Hammonds’ ground-breaking study of the ‘village labourer’, it was not until the 1960s that a determined effort was made to redress the imbalance characteristic of the top down approach to history.²¹ Classified as ‘history from below’, this new perspective sought to rebalance the study of the past by transferring focus onto groups that had previously been under-represented in the literature.²² The early pioneers of this approach, heavily influenced by Marxist political philosophy, sought to reinterpret the events of the past primarily through the prism of social class.²³

This new paradigm compelled scholars to question whether humanity was best served by confining its historical attention to the ‘doings of kings, statesmen and generals.’²⁴ George Rudé wrote that earlier historical writing had told ‘us so little about the great majority’, meaning previously accepted narratives of the past needed to be re-examined to incorporate the experiences of the lower classes.²⁵ Historians such as Rudé, Edward Thompson, and Eric Hobsbawm sought to uncover the experiences of groups under-represented through the writing of history and explain the evolution of

²⁰ Griffin, *Protest, Politics, and Work*, p. 11.

²¹ J. L. Hammond and Barbara Hammond, *The Village Labourer 1760-1832: A Study of the Government of England Before the Reform Bill* (London: Longman Group Limited, 1995)

²² Heavily influenced by the *Annales* school

²³ Anthony Brundage, *Going to the Sources* (West Sussex: Wiley, 2018), p.9. need first reference here and add to bib

²⁴ Brundage, *Going to the Sources*, p.6.

²⁵ Eric Hobsbawm, *On History* (London: Hachette, 1997), p.201.

the English working-class and nascent class consciousness. This, it was argued, would better reflect the realities of everyday life.

The work of Thompson has been transformational in reinterpreting the understanding of history.²⁶ The people at the bottom of society, the 'masses who normally left little historical record', would no longer be reduced to mere spectators of the events of the past.²⁷ His work embodied the fundamental goals of history from below by adding a nuance to what was previously reduced to a single homogenous group of people.

The significance of Thompson, Katrina Navickas points out, can be identified through the influence of his work in most new research, particularly his concept of the moral economy.²⁸ Society, he argued, was based on a 'particular equilibrium' between the paternalistic agents of authority and the poor.²⁹ This in turn justified the existing social order through the guarantee of subsistence. The breaking of these obligations, in turn, 'sanctioned direct action by the crowd.'³⁰ Resistance, best encapsulated by the food riot, was therefore legitimised.³¹

Thompson's concept of the moral economy can be applied beyond its original focus on urban crowd action and food riots to the context of rural protest and resistance.³² Rural communities in the eighteenth and early nineteenth centuries experienced significant change, most notably through enclosure, the erosion of

²⁶ Edward Thompson, *The Making of the English Working Class* (Harmondsworth: Pelican Books, 1972), p.12.

²⁷ Archer, *Social Unrest and Popular Protest*, p. 2.

²⁸ Katrina Navickas, 'What happened to class? New histories of labour and collective action in Britain', *Social History*, 36 (2011) 192-204 (p. 199).

²⁹ Norbert Götz, 'Moral Economy: Its Conceptual History and Analytical Prospects', *Journal of Global Ethics*, 11 (2015), 147-162 (p. 152).

³⁰ Götz, 'Moral Economy'. p.152.

³¹ Edward Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past and Present*, 50 (1971), p.79.

³² Thompson, 'Moral Economy', p. 78.

customary rights, an increasing reliance on wage labour, and the introduction of mechanisation. For many, these changes not only challenged both their economic and domestic security but also overturned traditional expectations of mutual obligation and reciprocity that were considered the foundation of rural society and the very root of Thompson's moral economy.³³ In a similar manner to food riots, resistance to this change in rural areas was often legitimised by both the local community and a shared moral framework.

The goal of history from below, Hobsbawm argues, is to explore the previously 'unknown dimensions of the past [...] creating a history of the common man and the working class.'³⁴ Rudé's pioneering study of the 'crowd' challenged the traditional stereotype of participants in overt collective action as the acts of a disorganised and valueless 'mob' or 'rabble.'³⁵ This pejorative terminology, utilised since the seventeenth century, reflected the dominant contemporary prejudices and values of an elite that sought to demonise acts of discontent.³⁶ This was re-examined through Rudé's determination to identify the 'faces in the crowd', with the intention of giving a voice to those protestors who previously had none.³⁷ In parallel with Thompson's moral economy, Rudé's approach attempted to add rationality to collective acts of protest, overturning the unfavourable interpretations of earlier historiography. It is this approach that set Thompson, Rudé, et al apart.

The first forays into the study of history from below were, according to Navickas, explicitly political in nature and unashamedly designed to counteract the top-down

³³ Thompson, 'Moral Economy'.

³⁴ Hobsbawm, *On History*, p.204, John Tosh, *The Pursuit of History* (London: Routledge, 2010), p.241.

³⁵ George Rudé, *The Crowd in English History: Revised Edition* (London: Lawrence and Wishart, 1981), p. 6.

³⁶ Peter King, 'Newspaper reporting and attitudes to crime and justice in late eighteenth and early nineteenth century London', *Continuity and Change*, 22 (2007), 73-112 (p. 103).

³⁷ Rudé, *The Crowd*, p.6.

historiography that had proceeded them.³⁸ To Hopkins, this was essential, for 'while the poor were largely absent from the writing of history it was grave error to assume that this was because they had nothing to say.'³⁹ Despite the overt politicisation of interpretation, this new approach revolutionised the historiography.

Recent studies, however, have moved away from this singular model. As a consequence, the 'blinkers' that prevented historians from interpreting social resistance as anything other than the 'ancestors of the socialist cause' have been removed.⁴⁰ Even Hobsbawm issues a note of caution to historians in projecting modern political concepts onto the actions of individuals they may not have considered.⁴¹

Hobsbawm advocates a more nuanced approach, stressing that there is 'nothing wrong' in a plurality of interpretation.⁴² By moving away from a singular, class-based paradigm, historians have the opportunity to uncover more a diverse range of motivations of the participants in conflict and resistance. John Archer applies Hobsbawm's concepts to protest and resistance, highlighting the transformation in the historiography to a more sophisticated and multi-faceted picture of unrest.⁴³ This approach, it is argued, better reflects the complexities of everyday life and the varied cultural, social, and economic factors that shaped rural relations at the time.

David Eastwood points to newer studies abandoning paradigms that had imposed 'clumsy, blunt and [...] static' models of class conflict onto the historical reality of a 'mutable social landscape' while John Stevenson argues that previous studies

³⁸ Katrina Navickas, 'Protest History or the History of Protest?', *History Workshop*, 73 (2012), 302-307 (p. 304).

³⁹ Hopkins, *Long Affray*, p. 14.

⁴⁰ Hobsbawm, *On History*, p.203.

⁴¹ Hobsbawm, *On History*, p.204.

⁴² Hobsbawm, *On History*, p.169.

⁴³ Archer, *Social Unrest and Popular Protest*, p. 5.

theorised a 'homogeneity of feeling and action that is not always warranted.'⁴⁴ Navickas continues, pointing to the rejection of 'over-arching structures' dictating the search for the motivations behind acts of protest, moving away from the binary interpretation of social relations that had developed in this period.⁴⁵ This new approach appreciated the potential influence of class on individuals without it being the sole determining factor in social relations at the time. It is this paradigm that will be applied to this study.

Covert Resistance

This study also reflects the shift in focus from overt and large-scale acts of protest towards an appreciation of the significance of smaller-scale covert actions. Social-anthropologist James Scott was influential in this, arguing that riots, revolts, and rebellions were relatively rare 'moments' in time.⁴⁶ This led to their prominence in the historical record and consequently studies of the past.

This, however, led to an invalid representation of past events. More commonplace, Scott suggests, was the 'unremitting guerrilla warfare that took place day-in and day-out' within rural communities.⁴⁷ Labelled 'everyday' acts of resistance, these mundane activities were perpetrated on a scale previously under-estimated by historians. Low status individuals, lacking formal agency, sought to resist through any

⁴⁴ David Eastwood, 'Communities, Protest, and Police in Early Nineteenth Century Oxfordshire: The Enclosure of Otmoor Reconsidered', *Agricultural History Review*, 44 (1996), 35-46 (p. 35). John Stevenson, *Popular Disturbance in England 1700-1870* (London: Longman, 1979), p. 11.

⁴⁵ Navickas, 'What happened to class?', p. 197.

⁴⁶ James Scott, 'Everyday Forms of Resistance', *The Copenhagen Papers*, 4 (1989), 33-62 (p. 49).

⁴⁷ Scott, 'Everyday Forms of Resistance', p. 33.

means possible, more often than not through criminal activity targeting their exploiters and oppressors.⁴⁸

Scott argues that the 'subordinate classes throughout most of history have rarely been afforded the luxury of open and organised political activity', with overt expressions of resistance often too 'dangerous, if not suicidal' to enact.⁴⁹ This was especially true of late eighteenth and early nineteenth century England, where the fear of revolution spreading from France combined with the deteriorating living conditions of the poor to produce an atmosphere of fear among the ruling class. This is best encapsulated by the passing of the Combination Acts in 1799 and 1800, effectively banning the activities of trade unions, and the strict enforcement of the 1714 Riot Act.⁵⁰

The study of protest and resistance should therefore not be constrained by singular, albeit significant, events. Covert resistance in rural settings was more likely to be employed by both individuals and groups, particularly those nominally lacking agency. The acceptance of this hypothesis was a significant transition in the study of protest, representing the move away from the 'myopic devotion' to overt protest movements.⁵¹

Covert resistance could be expressed in many forms, from more passive actions such as foot dragging and theft to more assertive behaviour, particularly poaching and arson.⁵² These actions, labelled the 'weapons of the weak' by Scott, represented the 'most significant and most effective' resistance exercised by the

⁴⁸ Scott, 'Everyday Forms of Resistance', p. 49.

⁴⁹ James. C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* New Haven: Yale University Press, 1985), p. xv.

⁵⁰ The Riot Act allowed the authorities to disperse groups of twelve or more individuals.

⁵¹ Roger Wells, 'Social Conflict and Protest in the English Countryside in the Early Nineteenth Century: A Rejoinder', *Class, Conflict, and Protest in the English Countryside, 1700-1880*, ed. by Mick Reed and Roger Wells (Abingdon: Routledge, 1990), pp. 65-82. Such as the Luddites, Rebecca Riots, and Swing Riots.

⁵² Scott, 'Everyday Forms of Resistance', p. 34. Scott's study of peasant resistance in rural Malaysia, within which he focused on the 'weapons of the weak', has become renowned in protest historiography.

powerless in order to 'thwart [...] appropriation by superior classes.'⁵³ These were considered actions of 'first resort' enacted in a social environment that limited open defiance.⁵⁴ Usually perpetrated covertly and at night, by individuals or small groups, when perceived independently these activities were often inconsequential. Their true power was realised when considered collectively, the aggregate results of which far outstripped the impact of overt large-scale protest.

Roger Wells, in a similar vein to Scott, believes that the various forms of covert protest found in England were the most 'significant, and the enduring feature of social unrest in the English countryside during the first half of the nineteenth century.'⁵⁵ Jeanette Neeson, meanwhile, identified acts associated with covert resistance in responses to enclosure in eighteenth-century Northamptonshire, including causing mischief and non-compliance toward social superiors.⁵⁶ Archer argues that these actions presented a constant reminder to the 'landed classes to remain on their guard' to the wide range of activities committed by potentially large amounts of perpetrators.⁵⁷

Covert acts of protest had previously been considered, notably in essays collected in *Albion's Fatal Tree*.⁵⁸ First published in 1975 the essays examined poaching and threatening letters within the prism of social conflict. Later studies by Archer, G. E. Mingay, and David Jones *et al* expanded both the geographical scope

⁵³ Scott, *Weapons of the Weak*, p. xv., Scott, 'Everyday Forms of Resistance', p. 36.

⁵⁴ Scott, 'Everyday Forms of Resistance', p. 34.

⁵⁵ John Archer, *By a Flash and a Scare: Arson, Animal Maiming, and Poaching in East Anglia 1815-1870* (London: Beviary Stuff Publications, 1990), p. 148. Social unrest is a symptom of the transformation of rural society through the erosion of paternalism and the increase in agrarian capitalism, defined by the removal of customary rights and loss of support for the rural poor.

⁵⁶ Jeanette Neeson, 'The Opponents of Enclosure in Eighteenth Century Northamptonshire', *Past and Present*, 105 (1984), 114-139 (p. 118).

⁵⁷ Archer, *Flash and a Scare*, p. 4.

⁵⁸ Douglas Hay and others, *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (London: Verso, 2011).

and range of actions considered in the sphere of rural protest and resistance. The countryside was no longer an addendum to the urban.

Social Crime

The understanding of these crimes further developed through an examination into the role of the wider community and the extent of support perpetrators received. The concept of social crime, first proposed by Hobsbawm, suggests that many illegal acts, including gleaning, poaching, and smuggling, were not perceived to be criminal by the wider local community.⁵⁹ These actions, rooted in a sense of injustice regarding the loss of customary rights, were considered legitimate actions employed by groups to both assert their rights and resist changes that had negatively impacted their communities.

Social crime is therefore based on the principle that breaking the law can be considered 'a more or less explicit' act of protest and a 'conscious challenge to a prevailing social order and its values.'⁶⁰ This, John Lea argues, is predicated on the assumption that social criminals acted 'in some sense as a representative or articulator of social grievances.'⁶¹ As symbolic agents of wider discontent they therefore enjoyed a level of support from the local community. This, Lea continues, was varied and wholly contextual, ranging from positive popular enthusiasm to simply ignoring criminal acts.⁶²

⁵⁹ Eric Hobsbawm, *Primitive Rebels: Studies in Archaic Forms of Social Movement in the 19th and 20th Centuries* (Manchester: Manchester University Press, 1959). Eric Hobsbawm, *Bandits* (London: Weidenfeld & Nicholson, 1969).

⁶⁰ John Lea, 'Social Crime Revisited', *Theoretical Criminology*, 3 (1999), 307-325 (p. 308).

⁶¹ Lea, 'Social Crime', p. 308. Griffin, *Protest, Politics, and Work*, p. 50.

⁶² Lea, 'Social Crime', p. 309.

The eighteenth and early nineteenth centuries witnessed radical social change across England. The expansion of capitalist agricultural practices, absorption of smaller farms into larger entities, and the loss of customary entitlements and traditional rights occurred simultaneously with the intensification of the privatisation of property and enclosure of common land.⁶³ These changes, in combination with the expansion of wage labour in agricultural England, removed the paternalistic scaffold that had supported rural communities and brought about what Norbert Götz describes as a 'demoralising' of interactions between the powerful and the powerless.⁶⁴

This created a clash between the 'rough-and-ready ideology' of the labouring poor and the rapidly modernising ideals of the propertied classes that became synonymous with rural communities of the period.⁶⁵ Thompson describes how this change was resisted despite occurring in a rural society where 'any open, identified resistance to the ruling power may result in instant retaliation.'⁶⁶ Thompson describes how anonymous letters, incendiarism, and vandalism were all employed by individuals who appeared deferential to their social superiors but in reality 'may kill his sheep, snare his pheasants, or poison his dogs at night.'⁶⁷

While Charlesworth suggests that 'conflict and protest are not one and the same' Shakesheff asserts that there must have been 'an element of protest [...] carried out to convey a message of discontent' against those perceived to be the root cause of rural hardship.⁶⁸ Contemporary communities were therefore far from the

⁶³ <https://www.campop.geog.cam.ac.uk/research/occupations/outputs/preliminary/paper7.pdf> [accessed 03.12.24] p3. The transition was not uniform across localities. This process, known as engrossment, was found to have started in some areas in the fourteenth century.

⁶⁴ Götz, 'Moral Economy'. p. 152.

⁶⁵ Shakesheff, *Rural Conflict*, p. 11.

⁶⁶ E.P. Thompson, 'Patrician Society, Plebeian Culture', *Journal of Social History*, 7 (1974), 382-405 (p. 399). This included homelessness and unemployment.

⁶⁷ Thompson, 'Patrician Society, Plebeian Culture', p. 399.

⁶⁸ Charlesworth, 'Agenda for Historical Studies', p. 234. Timothy Shakesheff, 'Wood and Crop Theft in Rural Herefordshire, 1800-1860', *Rural History*, 13 (2002), p. 14..

'harmonious', with relations more akin to a 'simmering kettle of agricultural discontent.'⁶⁹

This context meant crimes, including poaching and resource theft, were not perceived as criminal acts by large swathes of the rural population. Crime became the means to mitigate the impact of poverty, replacing the figurative safety net of common rights and customary access to natural resources eroded by the social change of the period. The scale of criminality at this time suggests crime, 'in the sense of being on the wrong side of the law' was a norm for labouring communities.⁷⁰ Breaking the law became intertwined with both survival and agency, and consequently the stigma of criminality was lost.⁷¹ Social crimes were intertwined with the economic and domestic security of both individuals and communities in rural England, thus explaining contemporary justifications of their actions. The extent to which this was the reality for contemporaries, however, is subjective.

It is important to note that not all crimes were viewed in this manner. Rule points to the 'narrower horizons' of rural communities that 'sharpened the definitions of what was and was not crime.'⁷² It is within this context that Rule defines social crime as actions that enjoyed popular support from 'the people', further extending the concept to include explicit acts of protest against collective grievances.⁷³ To Hobsbawm, the 'social character' of these crimes is gleaned through the targeting of private property through acts such as incendiarism and boundary breaking.⁷⁴

⁶⁹ Götz, 'Moral Economy'. p. 152. Eastwood, 'Communities, Protest, and Police', p. 36.

⁷⁰ Edward Thompson, 'Conference Report', *Bulletin of the Society for the Study of Labour History*, 25 (1972) 5-21 (p. 10).

⁷¹ This did not apply to all crimes.

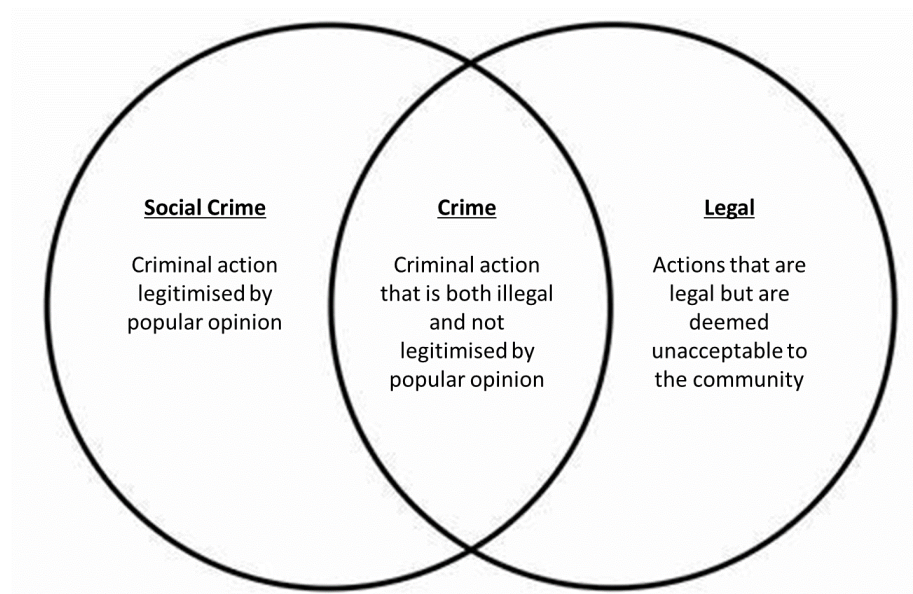
⁷² John Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', *Southern History*, 1 (1979) 135-153 (p. 138).

⁷³ Rule, 'Social Crime', p. 139. Boundary breaking includes damage and destruction to fences, hedges, walls, and gates.

⁷⁴ Hobsbawm, 'Conference Report', p. 6.

Nicholas Blomley explains that during the sixteenth and seventeenth centuries land in England increasingly came to represent power and status. At the same time, the period 'saw a hardening and concretion of the notion of property in land', best symbolised through the process of enclosure and loss of traditional rights relied upon by rural communities.⁷⁵ In response, the symbols and the agents of this transformation were often targeted. Again, Hobsbawm points to the 'popular reluctance to class such delinquents as criminals', reflecting Rule's belief that such actions were motivated by a shared sense of collective grievance.⁷⁶

FIGURE 1.1. Adapted from Rule's division of criminal and deviant behaviour.⁷⁷



Popular support meant certain criminal acts were not considered deviant by large swathes of the rural populace. Griffin, in a similar manner to Rule, makes a clear distinction between 'sanctioned' and 'unsanctioned' crimes.⁷⁸ Local communities were found to participate in the capture of those accused of rape and murder, while

⁷⁵ Nicholas Blomley, 'Making Private Property: Enclosure, Common Right and the Work of Hedges', *Rural History*, 18 (2007) 1-21 (pp. 1-2).

⁷⁶ Hobsbawm, 'Conference Report', p. 6.

⁷⁷ Rule, 'Social Crime', p. 138. Adapted for this study

⁷⁸ Griffin, 'Social Conflict and Control', p. 171.

'labouring communities betrayed striking solidarity in the face of judicial laws that rode roughshod over the moral law of the countryside.'⁷⁹

Rule's model is not without limitations. Douglas Hay *et al* argued that there was no real distinction between 'good or bad' social crimes at the time, with little evidence that points to a 'morally endorsed culture here and a deviant sub-culture there.'⁸⁰ Rule, meanwhile, argues that poaching should not be classified as an explicit protest crime because it was a 'continuing' activity committed for economic purposes.⁸¹ Boundary breaking, in contrast, was perpetrated as an expression of discontent without economic motivations and should therefore be considered an act of protest.

Poaching, however, must be approached from a more nuanced perspective. While the benefits stemming from taking game are clear, evidence from Gloucestershire suggests the act of poaching was utilised for more than economic purposes. Furthermore, it is argued that the destruction of boundaries was motivated by more than a desire to protest due to the potential economic benefits of the crime.

Thompson, however, stresses the importance of not applying modern conceptions of social criminality onto the actions of those in the past, arguing the records do not allow historians to accurately differentiate between contemporary attitudes.⁸² Lea mirrors Thompson, arguing that historians must not apply 'modern conceptualisations and distinctions [...] which have little relevance to the period being studied.'⁸³ The motivations behind criminality, in addition to the levels of support they enjoyed, were fluid and often complex.

⁷⁹ Griffin, 'Social Conflict and Control', p. 174.

⁸⁰ Hay and others, *Albion's Fatal Tree*, p. xvi.

⁸¹ Rule, 'Social Crime', p. 139.

⁸² Thompson, 'Conference Report', p. 10. Thompson uses food rioters and horse thieves as his point of contrast.

⁸³ Lea, 'Social Crime', p. 308.

The extent to which criminal behaviour can or should be justified is both highly subjective and contextual and will likely never be agreed upon. In short, the concept of social crime is more subtle than it first appears. Lea reinterpreted the concept of community support, pointing to the wide scope of responses identified that ranged from active and enthusiastic community backing to feigned ignorance or passivity in local rural populations.⁸⁴ Shakesheff, meanwhile, argues that the most common response to the authorities at the time was a 'wall of silence', a silence that has continued into the present day.⁸⁵

This creates a barrier in comprehending the levels to which contemporary rural communities truly supported criminal activity, and correspondingly the extent to which actions should be considered a social crime. The specific context of local social relations and differing perceptions of criminal acts must be considered. Further uncertainty surrounds the extent to which communities simply tolerated criminal activity. While on the one hand this can be understood as indicative of support, toleration should not be conflated with definitive proof of backing.

While later studies have continued to expand the scope of acts defined as social crimes, the application of discernible political motivation has remained problematic. Griffin, for example, has argued that many actions labelled as social crimes, such as sheep-stealing and deer-taking contained 'little in the way of explicit protest', pointing out that 'theft was [...] always that-theft.'⁸⁶ The dividing line between simple theft and protest is not distinct.

⁸⁴ Lea, 'Social Crime', p. 308.

⁸⁵ Lea, 'Social Crime', p. 308.

⁸⁶ Griffin, *Protest, Politics, and Work*, p. 50.

More recent histories place far greater emphasis on 'unilateral' forms of protest, building on Scott's concept of everyday resistance.⁸⁷ Griffin argues that these actions were 'clear statements of poverty, alienation, and displacement' in the same manner as events such as riots, acts that represent only the 'peak of the protest iceberg.'⁸⁸ Marta Iñiguez de Heredia believes even small-scale acts of self-help such as wood theft represented a 'permanent layer of resistance against domination' effected by the elite.⁸⁹ De Heredia suggests studies of resistance should widen to the fullest extent, taking into account both individual and collective actions from the perspective of 'subordinate actors.'⁹⁰

The blurred nature of criminality in rural England limits the extent to which criminal acts can ever accurately be labelled as crimes of protest.⁹¹ Lea stresses that while social crime is often agreed upon as a form of proto-political protest 'it is also a form of crime [...] even the social bandit may also engage in straightforward predatory crime.'⁹²

The study of Gloucestershire will go some way in addressing the geographical gaps in the literature of social crime, conflict and resistance. Through a focus on the experiences of those at the lower end of society this thesis seeks to broaden the understanding of previously under-represented groups. The examination of poaching and incendiarism builds on modes of resistance long accepted in the historiography, while the study of resource crime, and the role of women and children within this sphere, seeks to develop more recent trends in the literature.

⁸⁷ Griffin, 'Social Conflict and Control', p. 171.

⁸⁸ Griffin, 'Social Conflict and Control', p.171.

⁸⁹ Marta Iñiguez de Heredia, *Everyday Resistance, Peacebuilding and State-making: Insights from 'Africa's World War'* (Manchester: Manchester University Press, 2017), p. 6.

⁹⁰ Heredia, *Everyday Resistance*, p. 6. Even gentlemen were subordinate to the Game Laws.

⁹¹ Lea, 'Social Crime', p. 310.

⁹² Lea, 'Social Crime', p. 310.

Defining key concepts

Given the debate in the historiography it is important to clarify key concepts that underpin this thesis. First, the concept of politics and political motivations must be defined in the context of this study. The study of eighteenth and nineteenth century resistance has moved beyond the traditional interpretation of politics as defined by formal institutions, parliamentary activity or voting. Thompson's introduction of the moral economy was central to this, framing the actions of food rioters as legitimate actions because they were grounded in a 'deeply felt conviction' regarding fairness in local communities, reflecting a form of political negotiation with those in authority.⁹³ This was advanced by Scott, who interpreted everyday acts of resistance such as poaching and petty theft as a more covert challenge to power and authority.⁹⁴ These concepts were applied to an English context through the resistance towards policies such as enclosure or the Game Laws, the implication being that these acts were implicitly political because they challenged the imposition of legislation from above. Neeson, meanwhile, interpreted the defence of customary rights and resistance to enclosure as both a moral and political struggle centred on the preservation of traditional social relationships.⁹⁵

Protest is defined in this study as large scale, organised, and overt dissent, typically motivated by a perceived sense of injustice and grounded in explicitly political ideas. Its defining features lie in coordinated action and shared objectives, in a deliberate attempt to exert pressure on both local and national agents of authority. A variety of protest movements had come to prominence in Gloucestershire during the

⁹³ Thompson, 'Moral Economy', p. 112.

⁹⁴ Scott, 'Everyday Forms of Resistance', p. 33.

⁹⁵ Jeanette Neeson, *Commoners: Common Right, Enclosure, and Social Change in England 1700-1820* (Cambridge: Cambridge University Press, 1993) p. 262.

eighteenth and early nineteenth centuries, including by the Kingswood colliers, strikes by weavers in the Stroud district, riot in response to enclosure in the Forest of Dean, and the events of Swing. While the motivations for overt protest were varied, they shared an explicit political dimension that is absent from more covert and everyday actions.

Conflict, by contrast, is defined as tension or opposition between individuals or groups in society that are not necessarily motivated by the concepts of politics or formal organised protest. Instead, conflict occurred within the sphere of everyday life, often shaped by broader events and at times reflecting the general tensions of rural society. Unlike protest, conflict did not involve organised, overt action, nor was it driven by explicit political motivations.

Social crime refers to illegal activities perpetrated by individuals or groups that were generally tolerated or deemed acceptable by the wider community, particularly when perpetrated in defence of traditional entitlements or in response to perceived injustice. The concept of social crime suggests that certain crimes were viewed as legitimate acts of resistance, both in the eyes of contemporaries and some historians.⁹⁶ The idea of social crime underpins much of the historiography of rural conflict and resistance in eighteenth and nineteenth century England, and is central to the analysis in this thesis.

Resistance, closely linked to social crime, is defined as attempts to contest, change, or retain a particular set of circumstances imposed by authority upon individuals or groups. It is highly contextual, particularly regarding the agents of resistance and methods employed. This includes overt and covert actions, violent and

⁹⁶ Thompson, 'Moral Economy', p. 50. While Thompson was referring to food riot, the concept of legitimacy underpins the concept of social criminality.

non-violent activities, and individual or collective acts of resistance.⁹⁷ These have often been interpreted as legitimate responses to adverse socio-economic change within the broad framework of the moral economy and social criminality, providing a form of agency to nominally powerless groups.

Central to the frameworks described above is the concept of violence, a multi-faceted tool of protest, conflict, and resistance across the eighteenth and early nineteenth centuries. Violence encompassed physical acts including murder, poaching affrays, and machine breaking. It was also employed more symbolically, including the sending of threatening letters, incendiary attacks, and vandalism targeting private property and the capital investment of owners. Violence could be employed both overtly and covertly, by individuals or groups, and frequently represented a powerful expression of agency and resistance.

In summary, politics extends beyond more formal institutions to include challenges to power and authority that include the broad scope actions employed in eighteenth and early nineteenth century Gloucestershire. Protest is defined by explicitly politically motivated actions undertaken through often large-scale, overt, and organised actions. Social crime, in turn, describes illegal activities that have been interpreted as receiving popular support and moral legitimacy, often enacted as an expression of agency in defence of customary rights or in response to a worsening socio-economic condition. Conflict, in contrast, represents acts devoid of political meaning between individuals or groups, often rooted in broader social pressures or inequalities. Finally, violence, both physical and symbolic, functioned as a powerful expression of agency and discontent across the categories described above.

⁹⁷ Jeanette Neeson, *Commoners: Common Right, Enclosure, and Social Change in England 1700-1820* (Cambridge: Cambridge University Press, 1993) pp. 259-294.

It is important to note, however, that the concepts discussed above may simply reflect attempts by historians to impose order on activities that in reality defy neat categorisation. There is every possibility that the actions explored in this study intersect with the categories above, while concepts such as social crime and politics may have been completely absent from the minds of contemporaries.⁹⁸ Again, the paucity of evidence from the perspective of perpetrators limits the extent to which motivations can be applied to the actions of individuals in the past. This study aims to consider the inherent ambiguities in interpreting the actions of contemporaries while also recognising the limitations of existing categorisations of historical behaviour.

This study focuses predominantly on conflict and resistance in Gloucestershire, often through activities that fall within the framework of social criminality. While concepts such as social crime and the role of violence as a legitimate form of resistance have been central to the historiography of eighteenth- and early nineteenth-century rural discontent, this thesis adopts a more critical approach. It challenges interpretations that, with hindsight, tend legitimise actions which in other contexts would be considered both morally and legally unacceptable. In particular, this study challenges the interpretation of rural resistance as a collective act and questions the assumption that social criminals enjoyed the popular support and approval of their local communities. It also contests the extent to which violence, both physical and symbolic, should be understood as a legitimate expression of discontent.

⁹⁸ Mona Lilja, 'The definition of resistance', *Journal of Political Power*, 15 (2022), pp. 215-216.

Chapter 2: Gloucestershire

Thompson, in his seminal work on the moral economy, has suggested that the south west of England in the eighteenth-century was ‘an area of traditionalism’ where norms, values, customary rights, and traditions persisted despite the changes to wider British society.¹ This picture of south west England is echoed by Shakesheff in his study of rural crime and protest in nineteenth-century Herefordshire, within which he states that much of the south and south west were ‘characteristically’ late in developing during the Industrial Revolution.² Shakesheff points to the absence of large-scale urbanisation, industrialisation, and the introduction of modern transport links that were found in other parts of England.³ In addition, the persistence of agriculture in the predominantly rural south of England provided a hub for social interactions that contrasted starkly with the emergent urbanised industrial relationships found in areas such as Lancashire and Birmingham.⁴

The context of Gloucestershire, however, is more nuanced. Bryan Jerrard’s longitudinal study of crime in Gloucestershire during the first thirty years of the nineteenth century highlighted the ‘very limited’ scale of modern industrialisation in the county, especially when contrasted with the scale of change in the Midlands and north-west of England.⁵ Large parts of the county, therefore, correspond to the models of the south west described by Thompson and Shakesheff. This context, however, was not uniform. Areas such as Stroud and the Forest of Dean, centres of the cloth industry and mining respectively, more closely mirrored industrialising regions of England and

¹ Thompson, ‘Moral Economy’, p. 84. John Bohstedt, *Riots and Community Politics in England and Wales, 1790-1810* (Harvard: Harvard University Press, 1983). Notably urbanisation and migration leading to cultural change at the local level.

² Shakesheff, *Rural Conflict*, p. 13.

³ Shakesheff, *Rural Conflict*, p. 13. Gloucester, for example, was not served by a railway until 1840.

⁴ Archer, J., ‘Poaching Gangs and Violence: The Urban-Rural Divide in Nineteenth-Century Lancashire’, *The British Journal of Criminology*, 39 (1999), p. 25.

⁵ Bryan Jerrard, ‘Crime in Gloucestershire, 1805 to 1833’, *Gloucestershire History*, 18 (2004), p.3.

remained significant employers across the period of study. The Forest of Dean, for example, sitting on one of the smaller coalfields in the United Kingdom, had more people employed below ground than above, and by the mid nineteenth century had over 300 mines of varying size.

Bristol, located to the south of the county, played a significant role in shaping the region's development during the eighteenth and early nineteenth centuries. As one of England's leading ports, Bristol experienced rapid population growth, rising from approximately 20,000 in 1700 to 65,000 in 1800, and reaching 104,000 by 1831. This urban expansion and the city's increasing demand for goods had a direct impact on Gloucestershire, particularly through improved transport connections and migration to the city.

Despite the growing urban-rural divide, strong connections between Bristol and Gloucestershire persisted. Residents maintained intricate networks of trade, social ties, and mobility, often moving between urban and rural areas for both employment and leisure.⁶ Griffin notes that some agricultural labourers residing in urban areas would walk to nearby farms for work, while Adrian Randall identifies corresponding societies in rural Gloucestershire's woollen districts that maintained close ties with Bristol.⁷

Gloucestershire in the late eighteenth and early nineteenth century was a mixed agricultural, pastoral, and industrial county, broadly divided into three regions.⁸ Firstly, the Cotswold hills in the east of the county were predominantly an area of sheep

⁶ Griffin, 'Rural Workers', p. 1235. This included the illicit market in game.

⁷ Griffin, 'Rural Workers', p. 1235. Adrian Randall, *Before the Luddites: Custom, community and machinery in the English woollen industry 1776-1809* (Cambridge: Cambridge University Press, 1991), p. 273.

⁸ The History of Parliament: British Political, Social, & Local History, *Gloucestershire* <<https://www.historyofparliamentonline.org/volume/1820-1832/constituencies/gloucestershire>> [accessed 19 June 2022]

farming, supplying the raw materials for the cloth manufacturing district centred on the town of Stroud.⁹ The town of Stroud was a 'sort of capital' of the surrounding villages, notably Dursley, Cirencester Minchinhampton, Painswick, and Wotton-under-Edge.¹⁰ The cloth industry, known for its high-quality richly-dyed broadcloth, was connected to both the River Severn and the Thames by canal at the end of the eighteenth century, leading to a period of economic prosperity for the area.¹¹ By the 1820s the cloth industry in Gloucestershire was beginning to experience economic decline as manufacturing transferred to the north of England, despite the population of Stroud and Wotton increasing by over 30% across the decade.¹² The scale of manufacturing in the area remained 'considerable', the 1821 census showing that one-third of inhabitants were employed in the cloth industry, while in 1831 half of households in the Bisley Hundred were found to have gained their livelihood from cloth manufacture.¹³

The second region, situated between the Cotswolds and the River Severn, was known for agricultural production. This included the growing of corn, dairy farming, fruit orchards, and the fattening of livestock. This area, running north to south vertically through the county, included the city of Gloucester, the Vale of Berkeley, the burgeoning regency town of Cheltenham, and the town of Tewkesbury.

Gloucester experienced economic change at the beginning of the nineteenth century. Traditional industries such as pin making and wool stapling were in decline,

⁹ British History Online, *A History of the County of Gloucester: Volume 11, Bisley and Longtree Hundreds* <<https://www.british-history.ac.uk/vch/glos/vol11/pp99-104>> [accessed 19 June 2022]

¹⁰ H.P. R. Finberg *Gloucestershire Studies* (United Kingdom, University Press, 1957), p. 227.

¹¹ British History Online, *A History of the County of Gloucester: Volume 11*.

¹² Randall, *Before the Luddites*, p. 67.

¹³ British History Online, *A History of the County of Gloucester: Volume 11, Bisley and Longtree Hundreds* <<https://www.british-history.ac.uk/vch/glos/vol11/pp99-104>> [accessed 29 December 2024]. Jill Shankleman, 'Hidden From History: Children and Young People in the Woollen Mills of the Stroud Valleys in the Early Nineteenth Century', *Family & Community History*, 27 (2024), 239-263 (p. 244).

slowly being replaced by rope making and tanning.¹⁴ Despite this the city remained the most prosperous area in the county due to its location on the River Severn as a distribution centre for coal, corn, and timber from the surrounding area. Gloucester also benefitted from being the most northerly port on the Severn with access to the industrial areas of the West Midlands and Birmingham. The building of the Berkeley-Gloucester Canal in 1827 improved the navigation of the River Severn, resulting in a rapid growth in trade in the city.¹⁵

By the turn of the nineteenth century the economy of Tewkesbury was centred on stocking knitting, with a quarter of the population employed in the trade by 1830.¹⁶ Other notable industries included leather manufacturing, metal work, and malting. Tewkesbury, in a similar manner to Stroud, was facing economic decline during the early nineteenth century and had started to suffer from improvements to river navigation on the Severn in Gloucester that saw trade begin to bypass the town.

In the west of the county, separated by the River Severn, lay the Forest of Dean. This area was rich in deposits of coal and iron ore, resources that inhabitants of the Forest were entitled to exploit as free-miners.¹⁷ The Forest of Dean served as one of the principal Crown forests from the period of the Norman Conquest, and was the second largest in England after the New Forest.¹⁸ The region was a significant producer of oak timber from the twelfth-century, and experienced large scale

¹⁴ The History of Parliament: British Political, Social, & Local History, *Gloucester* <<https://www.historyofparliamentonline.org/volume/1820-1832/constituencies/gloucester>> [accessed 19 June 2022]

¹⁵ The History of Parliament: British Political, Social, & Local History, *Gloucester*

¹⁶ British History Online, *The borough of Tewkesbury: Economic History* <<https://www.british-history.ac.uk/vch/glos/vol8/pp137-146>> [accessed 29 December 2024]

The History of Parliament: British Political, Social, & Local History, *Tewkesbury* <<https://www.historyofparliamentonline.org/volume/1820-1832/constituencies/tewkesbury>> [accessed 19 June 2022]. This equates to around 700 people.

¹⁷ Inhabitants of the Forest of Dean were first granted free-mining rights in the thirteenth-century by Edward I. Evidence of mining has been found dating to the Roman occupation of England.

¹⁸ British History Online, *A History of the County of Gloucester: Volume 5, Bledisloe Hundred, St Briavels Hundred, the Forest of Dean* <<https://www.british-history.ac.uk/vch/glos/vol5/pp285-294>> [accessed 19 June 2022]

enclosure in order to provide oak for the shipbuilding industry.¹⁹ The Forest also held large areas of common waste ground, often bordering manorial lands, which were utilised by the local inhabitants for the pasturing of their animals.²⁰

Population

Evidence of limited industrialisation within Gloucestershire, and the consequent migration and urbanisation that has become synonymous with this transformation, can be gleaned from the county population figures from the period. Between 1761 and 1801 the populations of the industrialising counties of Lancashire and Yorkshire West Riding increased 132.1% and 64.9% respectively, with an average increase of 74% across all industrial counties.²¹ Agricultural counties in contrast averaged 15% population growth during the same period, with Wiltshire experiencing only 1.6% and Hertfordshire 6.2%.²² During the same period the population of Gloucestershire grew by 21.7%, above the national average of 16%.²³

The first official census, taken in 1801, registered the population of Gloucestershire as 250,723. The following three surveys, taken at ten-year intervals recorded a sustained increase in the population of the county: 285,955 in 1811, 336,910 in 1821, and 387,398 in 1831. Between 1801 and 1831 the population of Gloucestershire increased 55%, totalling 136,675 people, while the city of Gloucester

¹⁹ British History Online, *A History of the County of Gloucester: Volume 5*.

²⁰ British History Online, *A History of the County of Gloucester: Volume 5*.

²¹ Tony Wrigley, 'English county populations in the later eighteenth century: Male Occupational Change and Economic Growth 1750-1851', *Cambridge Group for the History of Population and Social Structure, Department of Geography, University of Cambridge*, 1-40

<<https://www.campop.geog.cam.ac.uk/research/occupations/outputs/preliminary/paper9.pdf>> [accessed 21 June 2022], p. 31. Other industrial counties are listed here.

²² Wrigley, 'English county populations in the later eighteenth century', p. 31.

²³ Wrigley, 'English county populations in the later eighteenth century', p. 31.

increased 37% from 7,579 to 12,000.²⁴ Meanwhile, the population of Manchester for the same period expanded from 328,609 to 700,486, while Birmingham's population grew from 73,670 to 146,986, an increase of 53% and 49.9% respectively. The city of Bristol, in contrast, increased 37.6%, from 59,526 to 95,374 during the same period. Gloucester remained a relatively small city throughout the early nineteenth century.

Census records for Gloucestershire, presented in Table 1, show all major subdistricts experiencing varying degrees of population growth during the first thirty years of the nineteenth century.²⁵ While Gloucester remained the sole city, a range of towns with relatively substantial populations were found across the county, most notably Cirencester, Coleford, Newnham, Stroud, and Tewkesbury.²⁶

²⁴ British History Online, *A History of the County of Gloucester: Volume 4, the City of Gloucester* < <https://www.british-history.ac.uk/vch/glos/vol4/pp221-241> > [accessed 22 June 2022]

²⁵ Vision of Britain – need ref.

²⁶ See Table 1.

TABLE 1

Population growth in towns between 1801 and 1831

Sub-District	1801	1811	1821	1831	Increase	% Change
Chipping Campden	3,806	3,818	4,232	4,758	952	25.01%
Chipping Sodbury	4,254	4,556	4,704	4,906	652	15.32%
Cirencester	7,150	7,667	8,633	9,553	2,403	33.6%
Coleford	4,830	5,780	6,826	8,027	3,197	66.19%
Dursley	4,853	5,246	6,310	6,572	1,719	35.42%
Moreton on Marsh	4,055	4,186	4,813	5,578	1,523	37.55%
Newent	4,833	5,186	5,613	5,961	1,128	23.33%
Newnham	4,773	5,564	6,657	7,570	2,797	58.6%
Stow on the Wold	3,622	3,893	4,236	4,481	859	23.71%
Stroud	5,422	5,321	7,097	8,607	3,185	13.93%
Tetbury	3,524	3,566	4,106	4,297	773	21.93%
Tewkesbury	5,571	6,259	6,505	7,428	1,857	33.33%
Thornbury	3,770	4,481	5,096	5,832	2,062	54.69%

Data drawn from HistPop: Online Historical Population Reports

When combined with the city of Gloucester, the population of the urban centres of the county amounts to 95,570, accounting for 24.66% of the total population. The population of Gloucestershire at the beginning of the nineteenth century, therefore, remained mainly rural in nature. It is important to note, however, that the term rural should not be conflated with a stereotypical agricultural setting. In 1831, for example,

the Forest of Dean district had a combined population of 34,120, 36.8% of whom lived outside towns such as Coleford, Newnham, and Newent.²⁷

Cultural Continuity

P.J. Cornfield found that small urban centres acted as ‘intermediary places of contact between town and country’ and therefore should not be considered as isolated from the wider rural community.²⁸ Griffin’s recent study of food riots builds on Cornfield, directly challenging the stereotypical view of separate rural and urban spheres during the eighteenth and nineteenth centuries by arguing that ‘the industrial and agricultural worlds were not kept hermetically apart.’²⁹ The rural communities of England were, according to Griffin, linked to urban areas through ‘complex webs of kin, capital, and commodity chains.’³⁰ The idea of separate urban and rural spheres is ‘too spatially and sociologically simplistic’, and fails to appreciate the existence of inter-community links.³¹ The ending of the ‘segregation of urban from rural localities reflects the ‘modernisation’ of the historiography.’³²

This model should be applied to Gloucestershire, and mirrors Thomas Rudge’s comments over two-hundred years previously, in which he directly linked the adverse consequences of unemployment in the manufacturing areas centred on Stroud to the ‘whole agricultural district.’³³ Gloucestershire, with its relatively small urban centres

²⁷ A Vision of Britain Through Time, *Forest of Dean District*

<https://www.visionofbritain.org.uk/unit/10168375/cube/TOT_POP> [accessed 22 June 2022].

²⁸ P.J. Cornfield, ‘Small Towns, Large Implications: Social and Cultural Roles of Small Towns in Eighteenth Century England and Wales’, *Journal for Eighteenth Century Studies*, 10 (1987), 125-138 (p. 127).

²⁹ Griffin, ‘Rural Workers’, p. 1235.

³⁰ Griffin, ‘Rural Workers’, p. 1235.

³¹ Griffin, ‘Rural Workers’, p. 1232.

³² Navickas, ‘What happened to class?’, p. 199.

³³ Thomas Rudge, *General View of the Agriculture of the County of Gloucestershire* (London: Sherwood, Neely, and Jones, 1813), p. 347.

would have been more predisposed to maintain close communal ties between rural and urban areas than the melting-pots of the industrialising north of England.³⁴

Charlesworth, in his comparative study of the moral economy in Manchester and Devon, found that rapid urbanisation and industrialisation had caused a 'swamping' of traditional communal ties and a breakdown of community politics that were a consequence of the merging of a wide variety of different communities, subsequently turning Manchester into a 'town of strangers'.³⁵ The communal bonds that had held rural communities together were lost in the melting pot of the industrial towns and cities.

Devon, in contrast, retained many traditional customs due to the relative stability of its population.³⁶ Mechanisation and a declining domestic textile industry in Devon exerted pressure on local communities that were forced to adapt to a rapidly changing way of life. In contrast to Manchester, however, these changes took place in 'kept communities,' in which tighter social control was maintained through a continuation of local custom and close relationships.³⁷ Given the context of the period, this model must also be applied to Gloucestershire.

Griffin points out that counties during the period were 'coherent cultural spaces,' whose inhabitants held a 'strong sense of attachment to the county'.³⁸ This would have been particularly true in Gloucestershire where traditional community ties would have been maintained due to the lower levels of population change.³⁹ This continuity, it was

³⁴ While industrial workers were known to work in rural areas in during the harvest, the significant population change in these communities would weaken the social bonds with the countryside when compared to counties such as Gloucestershire.

³⁵ Andrew Charlesworth, 'From the Moral Economy of Devon to the Political Economy of Manchester, 1790-1812', *Social History*, 18 (1993), 205-217 (p. 206).

³⁶ Charlesworth, 'From the Moral Economy' p.206.

³⁷ Charlesworth, 'From the Moral Economy' p.209.

³⁸ Griffin, 'Knowable geographies?', p. 44.

³⁹ Charlesworth, 'From the Moral Economy', p.206.

assumed, reduced the chances of more serious and overt forms of protest that became synonymous with the newer urban centres. This study will show that social relations in Gloucestershire were far from harmonious.

Employment

While the agricultural sector remained the single largest employer at the beginning of the nineteenth century, dominating labour markets across large swathes of England, its significance was steadily declining.⁴⁰ The 1831 census found that on average 30.7% of males aged twenty and over were employed in agriculture nationally, with Gloucestershire close to the national average with 28.1% employed in agriculture.⁴¹

Agricultural employment in the county was above the rapidly industrialising counties of Lancashire and Yorkshire West Riding, employing 11.9% and 18.2% respectively.⁴² It was, however, well below the 52.2% average for the agricultural counties identified by Tony Wrigley, and 9.4% below the average for the rest of England.⁴³ Census returns present a diverse picture of agricultural employment levels in neighbouring counties. Worcestershire and Warwickshire employed 35% and 23% respectively, while Somerset saw 39.6%, Oxfordshire 47.4% and Herefordshire 55.9%.⁴⁴ The study of rural conflict and resistance must therefore appreciate the specific context of the county.

⁴⁰ Emma Griffin, 'Diets, Hunger, and Living Standards during the British Industrial Revolution', *Past and Present*, 239 (2018), 24-29 (p. 82). Wrigley, 'English county populations in the later eighteenth century', p. 4. The agricultural sector remained the dominant occupational group into the 1860s.

⁴¹ Wrigley, 'English county populations in the later eighteenth century', p. 34. The textile industry, mining, and timber were each significant employers in the county.

⁴² Wrigley, 'English county populations in the later eighteenth century', p. 35.

⁴³ Wrigley, 'English county populations in the later eighteenth century', p. 35.

⁴⁴ Wrigley, 'English county populations in the later eighteenth century', p. 34. The exclusion of women and men under twenty-one years old limits the utility of this data.

Gloucestershire has been identified as a low-wage county by Margaret Lyle.⁴⁵ Agricultural employment did not therefore ensure economic security for the rural labouring poor. The vagaries of the agricultural and economic cycle, combined with the seasonal nature of agrarian work meant underemployment and unemployment, put pressure on the domestic economies of poor rural families. In combination with the relatively high cost of living, particularly in relation to food and fuel, living standards suffered.

Joyce Burnette, quoting the 1843 report on *Women and Children in Agriculture*, describes how women were employed as agricultural labourers from the age of fifteen.⁴⁶ Before this women and girls were engaged in housework, employed as domestic servants, or employed in the cottage industries of the county.⁴⁷ In Gloucestershire women and children of labouring families were found to have supplemented their wages through more informal work such as spinning, especially through harder winter months.⁴⁸ The ability to earn outside of agricultural employment was particularly significant given that women were less likely to find work. Burnette's study of female agricultural employment found that women accounted for just 13% of the days worked by day-labourers across England, while women represented 20% of labourers at Gloucestershire's Estcourt farm.⁴⁹ This is considered 'relatively' high for the period.⁵⁰ Girls under the age of fourteen, meanwhile, were found to represent just 1% of all days worked, compared to 19% for boys.⁵¹

⁴⁵ Margaret Lyle, 'Regional agricultural wage variations in early nineteenth century England', *Agricultural History Review*, 55 (2007), 95-106 (p. 100). The figures represent 1833-1845. Low-wages describe payment of between 7s. 10d. – 9s. 7d.

⁴⁶ Joyce Burnette, 'Married with children: the family status of female day-labourers at two south-western farms', *Agricultural History Review*, 55 (2007), 75-94 (p. 79).

⁴⁷ Burnette, 'Married with children', p. 79.

⁴⁸ Rudge, *General View*, p. 347.

⁴⁹ Burnette, 'Married with children', p. 79.

⁵⁰ Burnette, 'Married with children', p. 79.

⁵¹ Burnette, 'Married with children', p. 79. Boys under the age of fourteen represented 19% of all days worked.

The mechanisation of spinning meant labouring families lost this additional source of income, further exacerbating the impact of their low economic status. Randall describes how ‘the heaviest blow fell on wives of agricultural workers’, and consequently labouring families, as the loss of employment was exacerbated by the inability of rural women to take employment in Stroud.⁵² This was, according to Peter King, particularly hard on widows and single women in rural communities.⁵³ These women often lacked a wider familial support network and were particularly reliant on employment in the cottage spinning industry. Rudge observed in 1807 that the living conditions of the poor in the proto-industrial areas of the Stroud district, experiencing both underemployment and unemployment, was ‘miserable in the extreme [...] with every appearance of wretchedness and poverty.’⁵⁴

The economic interdependency of towns and surrounding rural areas was commented on by Rudge. He found that the Stroud area, heavily dependent on the woollen cloth industry and the handloom weaving of broadcloth, suffered terribly from the mechanisation of spinning.⁵⁵ This process ‘annihilated the means of domestic employment of women and children, not only in the adjacent villages, but through the whole agricultural district to the extent of forty miles.’⁵⁶ Women in Gloucestershire’s woollen industry were found to have experienced a reduction in income between 1808/15 and 1836/38, falling from 55% of men’s wages to 37%.⁵⁷ The integral role of women to the domestic economy means this reduction would have a significant impact on the hardship faced by poor labouring families at the time.

⁵² Randall, *Before the Luddites*, pp. 60-68.

⁵³ Peter King, ‘Customary Rights and Women’s Earnings: The Importance of Gleaning to the Rural Labouring Poor, 1750-1850’, *The Economic History Review*, 44 (1991), 461-476 (p. 466).

⁵⁴ Rudge, *General View*, pp. 345-6.

⁵⁵ Rudge, *General View*, p. 347.

⁵⁶ Rudge, *General View*, p. 347.

⁵⁷ Jane Humphries, ‘Lurking in the Wings: Women in the Historiography of the Industrial Revolution’, *Business and Economic History*, 20 (1991) 32-44 (p. 38).

The fallibility of agriculture was a constant threat to the security of the domestic economy of poor families, while the seasonal nature of employment meant periods of hardship were almost certain for unskilled labourers. This was particularly severe following the end of the Napoleonic Wars, when the demobilisation of hundreds of thousands of soldiers flooded the labour market and as a consequence drove down wages. In addition, the opening up of British markets to foreign supplies led to a sharp decline in grain prices and, in turn, agricultural wages. The 1822 Agricultural Distress Report found that England was suffering from 'momentous' levels of agricultural distress with 'large tracts of poor land', with Gloucestershire specifically commented upon.⁵⁸

It is possible to contextualise Gloucestershire within the wider changes of the early nineteenth-century.⁵⁹ Marilyn Palmer and Peter Neaverson insist that Gloucestershire was generally an example of continuity during the early nineteenth century, with the pace of change significantly slower than many parts of England.⁶⁰ While the county experienced enclosure and the introduction of agrarian capitalism it lacked the rapidly transforming population synonymous with the period, with community ties and traditional customs within the county continuing to be robust.⁶¹

Gloucestershire, however, was not a singular and homogenous area. The county encompassed a broad spectrum of economic and agricultural regions, including the open fields of the Cotswolds, the edge of the burgeoning city of Bristol,

⁵⁸ *House of Commons, Hansard's Parliamentary Debates: Agricultural Distress Report* (8 May 1822, vol. 7, cols. 423-54) [Online] <<https://api.parliament.uk/historic-hansard/commons/1822/may/08/agricultural-distress-report>> [accessed 15 February 2024].

⁵⁹ Peter King, 'The Summary Courts and Social Relations in Eighteenth Century England', *Past and Present*, 183 (2004), 125-172 (p. 154). period is known as the Long Eighteenth Century, a period beginning in the 1660s and lasting until the introduction of the 1832 Reform Act.

⁶⁰ Marilyn Palmer and Peter Neaverson, 'Home as workplace in nineteenth-century Wiltshire and Gloucestershire', *Textile History*, 1 (2004), 27-57 (p. 27).

⁶¹ Palmer and Neaverson, 'Home as workplace', p. 27.

the Forest of Dean, and Severn Vale. The micro-regions within the county would have held their own norms and customs, with social groupings often established on the predominant occupation of the locality, connected to each other through institutional networks.⁶² This study will therefore consider the specific local context of acts of resistance within Gloucestershire.

The Culture of Resistance in Gloucestershire

Social conflict and resistance was expressed in a variety of forms in Gloucestershire during the eighteenth and early nineteenth century, influenced by both broader patterns of discontent and more local issues. Griffin, for example, comments on the 'active' role of the Kingswood colliers in the 'first truly national wave of food rioting' in 1740 against those suspected of withholding corn in Gloucestershire.⁶³ The county witnessed further riots in 1766 and was identified by Randall as one of the 'four worst disturbed counties' across the nation.⁶⁴

Randall also describes a 'community consciousness that was both dynamic and defensive' among the workers of Gloucestershire that was predicated upon 'the continuing stability and permanence of the existing economic and social system' that 'at its core was a strong central belief in custom and customary rights.'⁶⁵ This reflected Thompson's belief that protest was often a response to perceived violations of traditional fairness and reciprocity. Throughout the eighteenth century this culture was

⁶² Andrew Charlesworth, 'The spatial diffusion of rural protest: an historical and comparative perspective of rural riots in nineteenth century Britain', *Environment and Planning D*, 1 (1983), 251-263 (p. 251).

⁶³ Griffin, 'Rural Workers', p. 1248.

⁶⁴ A. J. Randall, 'The Gloucestershire Food Riots of 1766', *Midland History*, 10 (1985), 72-93 (p. 72). Further riots occurred in Gloucestershire in 1795, 1800-1801, and 1812.

⁶⁵ Randall, *Before the Luddites*, p. 89. Randall is describing the weaving communities of the county.

increasingly put under pressure, as technological innovation and new economic practices transformed the relationship between employers and their workers.

Griffin, in a similar manner to Randall, identified a 'culture of combination' from at least the 1720s in the communities of the west of England defined by resistance to changes to working practices, when large groups of weavers were found to openly march through the countryside in an attempt to make their discontent known to the local authorities.⁶⁶ Further resistance occurred in the county in 1756, when weavers in Gloucestershire combined with groups from Wiltshire and Somerset to go out on strike.⁶⁷

Griffin describes the existence of 'secret societies' in the weaving communities of Gloucestershire with links to workers in both Wiltshire and Yorkshire.⁶⁸ While Randall suggests workers in the county were characterised by a 'willingness to try magisterial arbitration', the 'culture of combination' brought workers into conflict with the law.⁶⁹ The records of the Petty Sessions, for example, show twenty indictments for crimes including combining with others or persuading an individual to leave their employment.⁷⁰

Further strikes in 1825, in response to a reduction in wages brought upon by declining trade and increasing competition for work, again point to the willingness of Gloucestershire weavers to both defend their livelihood and express their discontent.⁷¹ By 1829 it was estimated that membership of the Gloucestershire union was 20,000,

⁶⁶ Carl Griffin, 'Luddism, Machine-Breaking and the Swing Riots', *Revue Française de Civilisation Britannique*, 30 (2025) 1-34 (p. 7). This includes Gloucestershire. The weavers were unhappy with a reduction in piece rate.

⁶⁷ Randall, *Before the Luddites*, p. 94.

⁶⁸ Carl Griffin, 'The Culture of Combination: Solidarities and Collective Action Before Tolpuddle', *The Historical Journal*, 58 (2015), 443-480 (p. 459).

⁶⁹ Randall, *Before the Luddites*, p.95.

⁷⁰ GHQ Q/PC/2. See also 22/A/2, 22/A/7, 22/A/12-22/A/17, 40/C/44-40/C/50.

⁷¹ Shankleman, 'Hidden From History: Children and Young People in the Woollen Mills of the Stroud Valleys', p. 248.

while Griffin points to the existence of a 'spirit of insubordination' in Painswick, an area dependent on the success of the Gloucestershire cloth trade.⁷² Given the declining fortunes of the region as a whole, and the evidence of both the strength of feeling and willingness to express discontent, it can be imagined this spirit existed beyond the limits of a single village.

Resistance in Gloucestershire was not limited to expressions of discontent linked to either food or the workplace. Robert Malcomson's research into the residents of the Kingswood Forest in the south of the county points to a culture of independence and discontent renowned for resistance to authority.⁷³ The Kingswood colliers, Malcomson contends, 'had few inhibitions in taking direct action' in defence of their perceived rights, and were 'quick to resort' to taking the law into their own hands when protecting their interests.⁷⁴ This included destroying mining machinery, damaging pits, and threatening to destroy locks on the River Severn.⁷⁵ These actions were employed in response to a specific trade dispute in 1738 and as elements of long term resistance to the introduction of tolls from the 1720s to the 1750s, culminating in riot in 1753.⁷⁶

The freeminers of the Forest of Dean, in a similar manner to the Kingswood colliers, were renowned for their 'fearsome reputation for lawlessness.'⁷⁷ Food riots occurred in 1740 and anti-enclosure riots broke out in 1831, while more prosaic forms of conflict and resistance centred on enclosure were a central feature of social relations in the Forest of Dean across the eighteenth and early nineteenth centuries.⁷⁸

⁷² Griffin, 'Culture of Combination', p. 461.

⁷³ Robert W. Malcomson, 'A set of ungovernable people: the Kingswood colliers in the eighteenth century', in *An Ungovernable People: The English and their law in the seventeenth and eighteenth centuries*, ed. By John Brewer and John Styles (London: Hutchinson & Co, 1980), pp. 85-127 (pp. 85-86).

⁷⁴ Malcomson, 'A set of ungovernable people', p. 124. Griffin, 'Rural Workers', p. 1249.

⁷⁵ Griffin, 'Luddism, Machine-Breaking and the Swing Riots', p. 3. Description of the riots found in Chapter 11.

⁷⁶ Griffin, 'Luddism, Machine-Breaking and the Swing Riots', p. 3.

⁷⁷ Griffin, 'Rural Workers', p. 1249. Carl Griffin and Iain Robertson, 'Moral Ecologies: Conservation in Conflict in Rural England', *History Workshop Journal*, 82 (2016), 24-49 (p. 33).

⁷⁸ Griffin and Robertson, 'Moral Ecologies', p. 32.

Griffin and Robertson identified further spheres of resistance in Gloucestershire occurring over elvering rights on the River Severn and in defence of the customary act of grass burning.⁷⁹

When considered together, these examples highlight that resistance in Gloucestershire was broad, encompassing a range of occupations and localities across the county. While national developments, such as food prices, legislation, and mechanisation provided a wider context for discontent, resistance in Gloucestershire was both shaped by and enacted at the local level, framed by community relationships and long-standing traditions.

⁷⁹ Griffin and Robertson, 'Moral Ecologies', pp. 29-42.

Chapter 3: Primary Sources

This study builds on the traditions of social history and the concept of history from below through emphasising the significance of everyday acts of rural conflict and resistance and seeking to uncover the roles of historically under-represented groups such as labourers, women, and children in local social relations. These groups often opposed authority and interacted with the law through in more prosaic, subtle, and ambiguous ways.¹ As a result, this research draws principally on sources that record more minor acts of criminal behaviour, particularly evidenced through the courts of the Petty Sessions. These records, often overlooked in favour of materials from higher court, offer a rich window into the everyday lives of the rural poor.

This emphasis, however, means that more commonly accessed sources such as Home Office papers and criminal petitions are excluded from the analysis. These sources reflect more formal interactions between the law and individuals, particularly during periods of heightened tension, and therefore offer limited insight into more everyday acts of conflict and resistance. While this methodology reflects a departure from the broader trends in the historiography, it is one that more closely aligns with the aims of this study, particularly the emphasis on more prosaic acts of social conflict and resistance.

The Petty Sessions

The most significant primary source for this study has been the surviving records of the summary courts of the Petty Sessions, of which Gloucestershire is one of a 'few

¹ As discussed in Chapter 1

good' counties with relatively complete survival.² The Gloucestershire Heritage Hub holds records for the county between 1781 and 1837, although one file for the 1821 Michaelmas session is missing. These records have been transcribed and published by the Bristol and Gloucestershire Archaeological Society and have been accessed in this format.³

A focus on the Petty Sessions allows for the examination of more prosaic, everyday forms of rural resistance through the analysis of lesser offences. Relatively minor breaches of the Game Laws, the theft of crops and wood, and evidence of illicit markets and informal economies are all recorded in the indictments preserved in the records. These sources provide valuable insight into the scale and nature of resistance at the local level, while also offering a window into the lives and actions of underrepresented groups, particularly the rural poor and women.⁴

The Petty Sessions were held quarterly, and followed the Christian festivals of Epiphany, Easter, Trinity, and Michaelmas. They were presided over by two or more Justices of the Peace, local magistrates who provided summary justice for minor crimes, providing an opportunity for cases to be dealt with outside of the criminal courts. If cases were considered too serious, they would be referred to the Quarter Sessions. The surviving Petty Sessions records cover the whole of the county apart from the city of Gloucester and the borough of Tewkesbury, both of which held their own Sessions. The records also hold a small number of convictions for crimes that occurred outside of the county, which have only been included in the analysis where relevant.

² Peter King, *Crime and Law in England, 1750-1840* (Cambridge: Cambridge University Press, 2006), p. 312.

³ Irene Wyatt, *Calendar of Summary Convictions at Petty Sessions 1781-1837* (Bristol: 4word Ltd, 2008), pp. 1-271.

⁴ The Petty Sessions operated in every county across England and Wales. Although the survival of records varies by region, meaningful comparisons between counties can be made.

The returns represent those convicted of criminal acts.⁵ The number of returns in each file differ greatly, with many assumed to be incomplete. This has the potential to distort the analysis of indictments heard at the Petty Sessions. A high proportion of early records cover the Forest of Dean, while no indictments are present from the north east of Gloucestershire.⁶ Returns from the Kiftsgate division do not begin until 1784, with Stow first being recorded in 1785.⁷ The records for Gloucestershire, however, appear to have survived in a far better state than other counties.⁸

The Petty Sessions record the date of the hearing, the date of offence, the name of the offender, the nature of the offence, and the names of the magistrates. The name and occupation of informers are also included. Most records give the place of residence, occupation, and location of the offence, although this was not completed consistently. Less frequently, the name of the victim or complainant is recorded. These details improve towards the later period of the records.⁹ Unfortunately the age of perpetrators is not recorded. This proved to be a considerable limitation in the analysis necessary for this study.

The voices of both perpetrators and victims are overwhelmingly absent. The lack of qualitative detail is the greatest shortcoming with this kind of source, although a small number of indictments against the Game Laws provide comparatively detailed accounts. The lack of qualitative data is further exacerbated through the nature of offences heard at the Petty Sessions. Due to their relatively minor nature details of the cases were unlikely to be published in the local newspapers. Cross referencing the

⁵ Wyatt, *Petty Sessions*, p. xi.

⁶ Wyatt, *Petty Sessions*, p. xii. The divisions of Kiftsgate, Tewkesbury, and Stow.

⁷ Wyatt, *Petty Sessions*, p. xii. Tewkesbury in 1787.

⁸ Petty Sessions records were required to be passed on to the Quarter Sessions in 1848, after which the survival rate increased.

⁹ Wyatt, *Petty Sessions*, pp. xii-xiii. The records only note those convicted.

offences heard at the Petty Sessions was therefore challenging. This is in contrast to the trials heard at the Quarter Sessions and Assizes, details of which were often published.

Justices of the Peace held the power to both convict and sanction offenders. Punishments usually took the form of a fine or a term of imprisonment in the local house of correction.¹⁰ Those that could not pay were imprisoned. If this occurred then cross referencing with the gaol registers could be undertaken.

King points out that the courts of the Petty Sessions were the most common interaction between the rural poor and the legal system.¹¹ These courts heard a wide range of criminal cases and provide a valuable source of information regarding more minor offences, crimes that were by their very nature quotidian. This includes smaller-scale breaches of the Game Laws and the theft of resources.¹² The Petty Sessions, however, have been under-represented in studies of rural England as historians have concentrated on the Quarter Sessions and Assizes.¹³ While this is to be expected, reliance on these sources and the more serious crimes they were responsible for, risks neglecting the most common methods in which the law was challenged at the time.

Quarter Sessions

It was assumed at the beginning of this study that the Quarter Sessions would have been the most valuable source for understanding protest, conflict, and resistance in

¹⁰ Wyatt, *Petty Sessions*, p. ix.

¹¹ King, 'Summary Courts', p. 126. This is unsurprising given the types of crimes they heard.

¹² King, 'Summary Courts', p. 126.

¹³ King, 'Summary Courts', p.128. Both the Assizes and Quarter Sessions were obliged to keep formal records and therefore offer better coverage.

Gloucestershire.¹⁴ This was certainly the case across the historiography. As the research progressed, however, they were overshadowed by the Petty Sessions. This was due to the evolving nature of the research, particularly the transition towards the study of prosaic criminal acts, particularly resource theft, that were by their very nature less likely to be heard at the Quarter Sessions.¹⁵

These records follow the same quarterly schedule as the Petty Sessions. The Quarter Sessions were again led by the Justices of the Peace, and in addition to significant local administrative powers they also heard more serious criminal cases. The guilt of defendants, however, was decided by a jury. The Quarter Sessions were utilised as an intermediary court between the Petty Sessions and the Assizes, where serious capital cases such as murder were held.

The Quarter Sessions record indictments for a wide range of criminal offences, from theft and shop lifting to house breaking and rape. The session rolls hold information on the date of offence, gender, name, location, criminal act, occupation, verdict, and sentence. The session rolls offer only cursory descriptions of the criminal act. Again, this is a limiting factor when seeking the views of perpetrators.

Analysis of the Petty and Quarter Sessions

Given the tight chronological focus for the study it was decided to sample all available records. The variable nature of the recording of information in the primary sources meant a researcher-imposed structure was required to organise the data across

¹⁴ Gloucestershire Heritage Hub, Gloucestershire Quarter Sessions, Court in Session, Indictments, 1728-1836. From Q/Sia (a) 1810 – Q/Sia (d) 1832.

¹⁵ Resource theft for this study describes the taking of wood and crops.

multiple sources.¹⁶ A database of entries was created specifically for this study. The data was organised chronologically, and recorded the name, age, gender, occupation, location of crime, detail on the criminal act including time of day, sentence, and a notes section.

The notes section included information on repeat offences, other known criminal activity, or whether criminals were part of a larger group. If multiple individuals were named on the same indictment they would be listed in this section. The most inconsistent element of the sources was the occupation of perpetrators. Where this was omitted, a researcher-imposed code of *No Status Given (NSG)* was added. Variations in the spelling of place names was evident throughout all records, yet this was not severe enough to make it indecipherable. At times general areas were recorded, notably the 'Forest of Dean' in place of a specific location.

The indictments include the parish in which the criminal act was said to have occurred. To conduct a spatial analysis of the criminal acts each parish was first linked to the hundred in which it was located.¹⁷ The hundreds were then linked to the four administrative divisions of the county.¹⁸ The Petty and Quarter Sessions usually listed both the date when the crimes occurred and the date of the trial, although this was not uniform across the records. The temporal analysis conducted for this study focuses on the date when the crime occurred.

Criminal Register for Gloucestershire

¹⁶ A spreadsheet was created for this process.

¹⁷ Appendix 4.

¹⁸ Appendix 3.

The Criminal Register for Gloucestershire has survived intact for the period of the study and was accessed through the Ancestry website. This register records all individuals who appeared before the Quarter Sessions and the Assizes. Local criminal courts were required to send returns to the Home Office, and record the name, date of trial, crime, and sentence. The most common crime referenced in the Gloucestershire register is larceny. Also included are acts associated with rural social crime, such as sheep and horse stealing, and poaching. This source was not utilised to any great extent for this study.

Registers of Prisoners

A significant shortcoming in the court records is the paucity of personal information, particularly the age of individuals. In order to identify children it was therefore necessary to cross reference the court indictments with the various prison registers. The registers also provide evidence of the punishment individuals ultimately faced. This is in contrast to the court records that often only detail the sentence given. Individuals were often fined, and if they were unable to pay would face incarceration. The gaol registers were used to determine which punishment they ultimately faced, although this was not applied to a great extent across the study.

Seven institutions were located in Gloucestershire. Situated in the city of Gloucester were the County Gaol and the City Gaol. Four houses of correction were established across the county corresponding to the divisions of the Petty Sessions: Northleach, Horsley, Littledean, and Lawfords Gate.¹⁹ A borough gaol was also located in Tewkesbury. Repeat offenders would see fines and terms of commitment

¹⁹ Wyatt, *Petty Sessions*, p. xix.

increase accordingly. The County Gaol, Littledean, Horsely, and Northleach were utilised to a great extent for this study.

As is the norm with records from this period, the survival of the prison registers varies.²⁰ At times the surviving pages were too damaged to read, although this was rare. The physical presentation was also a barrier to access, especially the register of Littledean House of Correction, where on occasion the handwriting was simply illegible. Despite holding a small minority of criminals in Gloucestershire the registers have proven invaluable in adding otherwise hidden details on the individuals discussed. This was particularly relevant when analysing the age of perpetrators. The registers also went some way in overcoming the gaps in coverage from the Petty and Quarter Sessions. The Tewkesbury Borough Gaol register, for example, helped to mitigate the lack of court records for the area although this was by no means a complete solution. The nature of imprisonment meant only a very small minority of criminals were ever recorded.

Official criminal records have been used extensively within the study of rural discontent. These sources are often the only surviving window into the actions of ordinary people. Despite this they are fundamentally imperfect. Shakesheff, when critiquing the methodology of his study into rural crime and protest in Herefordshire, argued that the conclusions he had drawn would never reflect the full reality of social crime as it 'is impossible to discover the true extent [...] those actually convicted probably represented a mere fraction of the true number.'²¹ These limitations apply across all official records used for this study.

²⁰ See Table 2.

²¹ Shakesheff, 'Wood and Crop Theft', p. 2

TABLE 2

The surviving gaol registers.

Setting	Surviving Records
Gloucester Gaol	1810-1852 1816-1835
Horsley House of Correction	1825-1829
Littledean House of Correction	1791-1820 1820-1828 1828-1838
Northleach House of Correction	1791-1816
Tewkesbury Borough Gaol	1815-1854
Gloucestershire County Gaol	1815-1817 1817-1825 1825-1829 1829-1833

Accessed through the Ancestry website.

Newspapers

Three newspapers were accessed digitally through the British Newspaper Archive website: The *Gloucester Journal*, the *Cheltenham Chronicle*, and the *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*. The newspapers have irregular coverage across the period of study. The *Gloucester Journal* covers from 1782 until 1816, the *Cheltenham Chronicle* was published from May 1809 and survives for the duration of the study, while the *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* begins in August 1825.

The ability to access newspapers digitally meant specific key words could be searched for. This greatly sped up the first steps in the analysis of this source base. Between 1810 and 1819, for example, 884 newspaper editions survive for Gloucestershire, each of which is four pages long. A search for 'poaching' during this

period returned fifty-three articles, allowing for more tightly focused research to be employed. While this process was utilised across the study, it was not without its disadvantages. The significance of the placement of articles in the paper, and other stories covered at the time, were potentially lost. The specificity and speed of this method, however, outweigh the potential weaknesses.

A total of 2394 editions were accessible from 1782 until 1832.²² The newspapers were primarily used in two ways. First, they were invaluable in identifying actions that lacked any official record. This was particularly significant when seeking to understand the levels of poaching affrays and incendiarism in Gloucestershire, both of which rarely made it to the courts. The popular demand for stories regarding poaching and the widespread fear of incendiarism at the beginning of the nineteenth century means both crimes were likely to be covered by the papers.

Second, they were useful in providing qualitative data for the study, including the views of the reporters, descriptions of poaching affrays, trial reports, and fires. Despite questions regarding the validity of these accounts they grant historians a limited window into otherwise hidden experiences. Letters from subscribers, published threatening letters, and a very public disagreement between two members of the Gloucestershire landed elite, were also accessed through the newspapers. This allows, in a very restricted manner, the voices of the past to be expressed in this study.

Further Works

²² *Gloucester Journal* 1785, *Cheltenham Chronicle* 354, *Cheltenham Journal* and *Gloucestershire Fashionable Weekly Gazette* 255

Contemporary studies of the period have been invaluable in adding specific context to Gloucestershire, particularly Rudge's *General View of the Agriculture of the County of Gloucester* published in 1813. This comprehensive study provides detail on the process of enclosure, rates of pay for agricultural workers, prices of goods including fuel, and living conditions in areas such as Stroud. Rudge is in favour of changes introduced during the modernisation of agriculture, especially through enclosure. Despite his support for a small section of the rural community his specific focus on Gloucestershire has been vital in gaining context for the county. This is particularly relevant when comparing national trends in wages and prices to the county.

The *Victoria County History of Gloucestershire* proved invaluable in providing accounts of the social, economic, and political context of the county's parishes. This includes patterns of land ownership and the role of significant individuals at the local level. The *Gentleman's Magazine* and *Farmers Magazine*, both of which were published across the period of study, were cited to a lesser degree. Parliamentary Papers and *Hansard* records of debates are also cited, although to a much lesser degree than the sources discussed above. These records allow both a view 'from above' and give a contemporary national context to events in the county.

Chapter 4: The History and Historiography of Poaching

Defining Poaching

Poaching for this study is defined as the taking or killing of game without meeting the qualification stipulated under the Game Laws. Despite falling outside the remit of the Game Laws, the taking of rabbits, deer, and to a lesser extent fish have been included in this study of poaching in Gloucestershire. This is in response to Mingay's belief that any study of poaching that omits the taking of rabbits and deer 'severely narrows the value' of any conclusions made about the true scale of the illegal killing of animals and conflict associated with this.¹ Further, Roger Manning has argued that the campaign to preserve game during the eighteenth century 'went hand-in-hand' with the assertion of absolute private property rights over deer and rabbits, and in a similar manner to the taking of game became an central element of social conflict at the time.²

The analysis of poaching begins in January 1810 and ends in December 1831, mirroring the passing of the 1831 Game Act.³ The examination of poaching includes incidents of conflict between poachers and gamekeepers. These 'affrays' were often hidden from the official accounts and occurred on a far greater scale than the official records suggest. Violent affrays would come to epitomise the relationship between the authorities and poachers and are a significant element in understanding the scale of

¹ G. E. Mingay, 'Reviewed Work: Gentlemen Poachers: The English Game :Laws. 1671-1831', *The Economic History Review*, 35 (1982), 460-461 (p. 460).

² Roger Manning, *Hunters and Poachers: A Social and Cultural History of Unlawful Hunting in England 1485-1640* (Oxford: Clarendon Press, 1993), p. 57.

³ Game Act 1831. 1 & 2 Will. c 32. This will allow a two-month buffer period following the passing of the legislation in October 1831.

social conflict at the time. Finally, the possession, illegal selling and purchasing of game, is considered as falling within the category of poaching.⁴

Any study of rural social relations in eighteenth and nineteenth century England must contend with the impact of the Game Laws. This legislation, enacted on a national level by a Parliament dominated by the interests of the landed elite, was most keenly experienced at the local level in rural communities. While the historiography of poaching has gone through several phases of interpretation, the general consensus has remained that the Game Laws and their impact are an integral part of any study of the period.

Poaching

Limits on hunting in England were first introduced by William the Conqueror following the Norman Conquest in 1066. Through the creation of Royal Forests, the Crown took control of vast swathes of the kingdom for its own use with a monopoly on the right to hunt a range of animals, particularly deer.⁵ Through the introduction and enforcement of Royal Forests the Normans transformed the rights of access to what was described as the 'venison and vert' of the forest. This term described both the 'beasts of the chase' and the habitats within which they resided.⁶ Habitats were protected through the limitation of the traditional right to cut trees and underwood, resources that provided essential building materials and fuel for rural people at the time.⁷

Access to Royal Forests and hunting rights to large swathes of England were restricted to all but a small elite, centred on the monarch, and protected by royal

⁴ This is in line with the 1755 Game Act, that made the sale of game illegal, and the 1818 Bankes Act, that criminalised the buying of game.

⁵ George Hammersley, 'The revival of the Forest Laws under Charles I', *History*, 45 (1960), 85-102 (pp. 85-86).

⁶ H.R. Loyn, *Anglo-Saxon England and the Norman Conquest: 2nd Edition* (London: Routledge, 1962), pp. 378-382. Beasts of the chase were defined as red deer, fallow deer, roe deer, and wild boar.

⁷ These rights were not completely removed.

officials that enforced the Forest Laws. In Gloucestershire, Royal Forests were protected in Alveston, Cirencester, the Forest of Dean, and Kingswood. Manning argues the Forest Laws provoked the 'outrage of all who possessed or cultivated land, lords and peasants alike', creating social conflict throughout England and across the social hierarchy.⁸

The 1671 Game Act

The most significant piece of legislation for this study was the introduction of the 1671 Game Act.⁹ This stated that in order to hunt game an individual must own land valued annually of at least £100 freehold, or a leasehold worth £150.¹⁰ An individual's income, no matter how large, did not qualify them to hunt game unless this was derived solely from land ownership.¹¹ Game was defined as hare, pheasant, partridge, and moor fowl. Further restrictions on the hunting of deer, duck, and rabbit were enforced through separate legislation, with these animals considered private property under the law. Hunting seasons were introduced in an effort to protect game, mirroring the breeding cycle of animals.¹² Hunting was outlawed on Sundays and on Christmas Day, while the tacit acceptance of usufructuary rights in designated forest areas, based on customs thought to stem from 'time immemorial', were also increasingly removed.¹³

⁸ Roger Manning, 'Unlawful hunting in England, 1500-1640', *Forest & Conservation History*, 38 (1994), p. 17.

⁹ British History Online, *Statutes of the Realm: Volume 5, 1625-80* <<https://www.british-history.ac.uk/statutes-realm/vol5/pp745-746>> [accessed 22 December 2024].

¹⁰ William Thomas, 'Pursuing Wild Symbols of Privilege: Munsche's Gentlemen and Poachers: The English Game Laws 1671-1831', *American Bar Foundation Research Journal*, 8 (1983) 481-489 (p. 481). This was removed during the English Civil War and period of the Republic.

¹¹ P. B. Munsche, *Gentlemen and Poachers: The English Game Laws 1671- 1831* (Cambridge: Cambridge University Press, 1981), p. 12. Three forms of landowner existed. Freehold represents complete ownership, leasehold refers to land leased for a fixed period of time from a freeholder, while copyhold usually covered smaller areas of land occupied and worked by tenants. Copyhold land remained the property of the landowner. Other methods were available to qualify, most notably through hereditary privilege, or through the holding of a franchise.

¹² Osborne, 'The Seasonality of Nineteenth Century Poaching', p. 27.

¹³ Munsche, *Gentlemen and Poachers*, p. 305. The convictions at the Petty Sessions explicitly state when a poacher was caught on a Sunday. Usufructuary describes the legal right to use and benefit from property owned by another person.

Landowners were given the power to appoint gamekeepers, individuals who held the authority to police game reserves, search the properties of local inhabitants, and seize the paraphernalia of poaching.¹⁴ As agents of landowners, gamekeepers symbolised the inequality of the new Game Laws and became an integral element within the social conflict caused by this legislation.

Gamekeepers employed within Royal Crown forests such as the Forest of Dean operated under a distinct set of responsibilities and legal powers, and were appointed either directly by the Crown or by officials responsible for forest administration. While preventing illegal hunting remained a core function, gamekeepers were also charged with tackling activities that threatened the economic sustainability of the forests, including unauthorised woodcutting and unlawful grazing.

The 1671 Game Act has been interpreted by Manning as a reassertion of landownership as the primary mark of status in England, restricting hunting rights to an elite land-owning minority while actively excluding the newly wealthy merchant class.¹⁵ The property qualification meant that an estimated 1% of the population had the right to hunt game.¹⁶ Qualified landowners could hunt game across the countryside, including on land they did not own. Unqualified landowners, in contrast, were forbidden from killing game even in an effort to protect their own land. The damage done to the land and crops of the unqualified was considerable, whether by game or those in pursuit of their quarry.

William Thomas argues that the legislation was ‘blatantly elitist, unduly harsh [...] and unjustified’, creating a ‘truly oppressive’ system that would play a significant role in creating a society that was ‘vastly more conscious of class distinctions’ than

¹⁴ Manning ‘Unlawful hunting’ p. 17. Such as nets, dogs, and hares.

¹⁵ Manning ‘Unlawful hunting’ p. 17.

¹⁶ Rule, ‘Social Crime’, p. 141.

before.¹⁷ King adds that the obvious bias in both the founding principle of the Game Laws and their imposition in rural England should be interpreted through the lens of 'class antagonism.'¹⁸

To Hopkins, the explicit inequality introduced by the 1671 Game Act 'set the pattern which authority set to maintain' for the next 160 years.¹⁹ Poaching, in turn, developed into 'the archetypal rural crime' practiced on a large scale by members of every social class in England. Poaching has been considered a 'special sort of crime' by historians such as Griffin, an act that 'while illegal by statute was regarded by rural workers as not being criminal.'²⁰ The apparent popular support for poaching interpreted in the actions of local communities, combined with the fact that the purported victims of the crime were members of the landed elite, has led to the act being labelled as both a social crime and weapon of class-conflict.

This opinion is in stark contrast to the attitudes of the qualified landowning class, as they sought to use the full force of the law to help preserve their exclusive right to game. This division in opinion helped create an environment of sustained resistance and violence, characterised by Hopkins as the 'long affray.'²¹ Archer, in turn, points to evidence of 'murderous and bloody affrays' between gangs of poachers and gamekeepers that were akin to French resistance to German occupation during the Second World War.²²

Chester Kirby, writing in the 1930s, believes that few laws had more political, social, or economic ramifications in England during the eighteenth and nineteenth centuries than the Game Laws.²³ Kirby argues that the 'system of privilege' found

¹⁷ Thomas, 'Pursuing Wild Symbols of Privilege', p. 481.

¹⁸ King, 'Summary Courts', p. 154.

¹⁹ Hopkins, *Long Affray*, p. 305.

²⁰ Griffin, *Protest, Politics, and Work*, p. 53.

²¹ Hopkins, *Long Affray*, p. 305.

²² Archer, 'Poaching Gangs and Violence', p. 25.

²³ Chester Kirby, 'The English Game Law System', *The American Historical Review*, 38 (1933), 240-262 (pp. 261-262).

through the property qualification was the root cause of opposition during the period, the high property qualification meaning that ‘almost every excluded class’ was in opposition to the Game Laws.²⁴ This included ‘labourers, most farmers, tradesmen, and the unqualified game eaters of the towns.’²⁵ This is reflected in the evidence from Gloucestershire.

The 1723 Waltham Black Act

The passing of the Black Act in 1723 was both a reaction to a surge in poaching and illegal activity in the area of Waltham Forest and a reflection of the fears held by the authorities in the early eighteenth century.²⁶ The Waltham Blacks, a highly organised gang comprising members from across local society, are described as acting like ‘armed raiders’, violently challenging the figures and symbols of local authority.²⁷ Known for blackening their faces and operating at night, the gang poached deer, openly processed through local villages, and set fire to the lodge of the Bishop of Winchester, overtly challenging the authority of the local landowners through their actions.²⁸

These activities were designed to ‘do justice and see that the rich did not oppress the poor’, the group claiming that they intended to remove all deer from the land and return it to its common usage.²⁹ To Hopkins, their actions were ‘giving vent to a felt need to protest’ against the long-term loss of customary rights for tenants in favour of game preservation and the commercialisation of forest areas.³⁰ Pat Rogers

²⁴ Kirby, ‘The English Game Law System’, p. 261.

²⁵ Kirby, ‘The English Game Law System’, p. 261.

²⁶ Griffin, *Protest, Politics, and Work*, pp. 43-49. Hopkins, *Long Affray*, pp. 66-67. The Windsor Gang were also active at this time.

²⁷ Griffin, *Protest, Politics, and Work*, p. 47. Including Charles Rackett, whose wealth was valued at £20,000.

²⁸ Griffin, *Protest, Politics, and Work*, p. 47. Their campaign expanded to the shooting of cattle and the destruction of timber, prized private property that would have been a valuable resource to the local landowners.

²⁹ Hopkins, *Long Affray*, p. 66.

³⁰ Hopkins, *Long Affray*, p. 66. Griffin, *Protest, Politics, and Work*, p. 46.

describes their activities as ‘a calculated programme of action, and a conscious social resentment’ that differentiate them from other poachers due to the existence of ‘fairly direct class hatred’ expressed through the attacks on the private property of the elite.³¹

The tactics employed by the Waltham Blacks, such as large-scale poaching expeditions, the blackening of faces, and incendiarism have all been identified as occurring in Gloucestershire. While the events that led to the passing of the 1723 Black Act are particularly singular, the perpetrators appear to have acted within a widely recognised framework of resistance that was enacted into the nineteenth century.

Interpretations of Poachers

Poachers have been framed as crusaders against the Game Laws, acting as precursors to the more clearly defined class conflict that emerged in the nineteenth century.³² Taking game was presented as a form of resistance, used to express the discontent of the rural labouring poor and therefore reflected the agency of the emergent working-class in rural England. Breaking the Game Laws, in addition to mitigating poor economic circumstance became a weapon in the arsenal of class-conflict.

The elite presented their activities as a crisis requiring a radical solution.³³ In response to the actions of the Waltham Blacks the government ‘loaded the blunderbuss of repression’ through the introduction of the Black Act in 1723.³⁴ This legislation has been described by Griffin as ‘a defining moment in the history of agrarian capitalism, the point at which the British state announced its intention to

³¹ Pat Rogers, ‘The Waltham Blacks and the Black Act’, *The Historical Journal*, 3 (1974), 465-486 (p. 468). The debate regarding whether poaching should be considered an act of protest or social crime is considered later in this work.

³² Archer, ‘Poaching Gangs and Violence’, p. 25.

³³ Griffin, *Protest, Politics, and Work*, p. 47.

³⁴ Hopkins, *Long Affray*, p. 66. 9 Geo. I. c. 22.

defend property through attaching the ultimate sanction to those who denied the primacy of property rights.’³⁵ The Black Act is interpreted as ‘an act of exceptional severity’, introducing fifty new capital offences, including being armed and disguised with blackened face in the vicinity of deer in a forest, chase or Royal Park.³⁶ The enforcement of this legislation generated an environment of ‘hatred and resentment’ that remained well into the nineteenth century.³⁷ The Black Act, in combination with the Game Laws, helped define rural social relations across the period.

The Increase in Poaching

The Black Act became a permanent piece of legislation in 1758 and remained in place until the passing of the Criminal Statute Repeal Act in 1827.³⁸ Despite the intention to deter criminality through terror, poachers continued to operate in England. Improvements in firearm technology across the eighteenth century changed the nature of poaching, with poachers able to target animals that had previously been unobtainable, especially birds on the wing such as partridge and pheasant.³⁹ The proliferation of firearms combined with the wealth of new targets led to an increase in poaching across the country.

Game also became a central element of the sporting culture of the gentry as well as a symbol of their elevated status in society. Hopkins describes the ‘love affair’ between the gentry and the pheasant during the eighteenth century, the bird becoming ‘the very essence of that Property Principle’ upon which English identity was

³⁵ Griffin, *Protest, Politics, and Work*, p. 47.

³⁶ Eveline Cruickshanks and Howard Erskine-Hill, ‘The Waltham Black Act and Jacobitism’, *Journal of British Studies*, 24 (1985), 358-365 (p. 358). The Black Act also included capital punishment for cutting down trees, setting fire to haystacks, sending threatening letters, and maiming cattle. This would be expanded across the eighteenth century, becoming known as the Bloody Code, and included capital punishment for 225 offences.

³⁷ Griffin, *Protest, Politics, and Work*, p. 53.

³⁸ Criminal Statutes Repeal Act 1827. 7 & 8 Geo. 4. c. 27. It was intended to last just three years.

³⁹ Hopkins, *Long Affray*, pp. 68-70. Hopkins provides a detailed description of the changes in firearms technology and the impact on game preservation and hunting.

established.⁴⁰ Game was an essential resource to anyone who had ‘the slightest pretensions to elegance’ within eighteenth and nineteenth century British culture.⁴¹

Individuals were therefore willing to pay a high price for the opportunity to present game on their tables. The high demand combined with the profits available in the illegal sale of game became a clear motivating factor in the decision of many individuals to poach. Despite attempts to prevent poaching through limiting the sale of game the crime continued to thrive.⁴²

In response Parliament passed the 1755 Game Act, introducing a total ban on the trade in game.⁴³ Rather than attempting to suppress the crime directly, the new legislation sought to starve the poachers of their customers. Instead, the ban drove the trade underground, as the urban market for game became dependent on poachers to continue to feed it. The profits available in the illicit trade in game led to the emergence of highly organised poaching gangs that targeted the preserves of the gentry in growing confidence and numbers.⁴⁴

The taking of pheasants not only represented the breaking of the law but also an attack on the private property and status of the landowner. P. B. Munsche points out that the enforcement of the property qualification was therefore heightened in the second half of the eighteenth century, as game became ever more intertwined with status.⁴⁵ The need for game to be specifically reared led to the creation of specially

⁴⁰ Hopkins, *Long Affray*, pp. 70-71. Pheasants had been introduced from Asia by the Romans but had been reintroduced and popularised during the eighteenth century as the British Empire expanded.

⁴¹ Hopkins, *Long Affray*, pp. 71. Munsche, *Gentlemen and Poachers*, p. 22.

⁴² Munsche, *Gentlemen and Poachers*, p. 22. The possession, purchase, and sale of game was forbidden in 1707. Higlers, chapmans, carriers, innkeepers, victuallers and alehouse keepers could face a fine of £5 per head of game and three months in prison the punishment.

⁴³ 28 Geo. 2. c. 12

⁴⁴ Munsche, *Gentlemen and Poachers*, p. 23.

⁴⁵ Munsche, *Gentlemen and Poachers*, p. 22.

designed preserves.⁴⁶ Targeting these areas symbolised an attack on the status of their owners.

Landowners, in response, employed greater numbers of gamekeepers to protect this valuable private property and used their political power to increase the severity of the law.⁴⁷ The passing of the Night Poaching Act in 1773 increased the maximum punishment to twelve months imprisonment and a £50 fine for anyone caught an hour after sunset and an hour before sunrise.⁴⁸ There was a clear class-based justification for the emphasis on night poaching, the contemporary assumption being that unqualified gentlemen poaching for sport were more likely to operate in the day.⁴⁹ The real criminals, it was believed, operated at night.

Thompson believes the Game Laws were meant to 'directly or indirectly [...] tighten the screw upon the labourer' of England.⁵⁰ They were part of a wider system that imposed an exploitative relationship between the elite and working-class that induced both fatalism and grievance in the minds of the labouring classes of England during the eighteenth and early nineteenth century.⁵¹

Hay's study of poachers on the Cannock Chase in *Albion's Fatal Tree* argues that 'the poor [...] poached with passionate determination and courage' despite the severity of the Game Laws.⁵² The breaking of these laws, and the 'equal ardour' with which the rural elite sought to prosecute poachers, produced an environment that 'cast a flood of light on class conflict in many parts of rural England.'⁵³ It is important to note,

⁴⁶ Hopkins, *Long Affray*, pp. 71. P. B. Munsche, *Gentlemen and Poachers: The English Game Laws 1671-1831* (Cambridge: Cambridge University Press, 1981), p. 22.

⁴⁷ Hopkins, *Long Affray*, pp. 71.

⁴⁸ Thomas, 'Pursuing Wild Symbols of Privilege', p. 485. Hopkins, *Long Affray*, pp. 305. Poachers would be prosecuted regardless of whether they were armed, and could face public whipping at the magistrate's discretion.

⁴⁹ Thomas, 'Pursuing Wild Symbols of Privilege', p. 484.

⁵⁰ Thompson, *Making of the English Working Class*, p.245.

⁵¹ Thompson, *Making of the English Working Class*, pp.248-249.

⁵² Douglas Hay, 'Poaching and the Game Laws on Cannock Chase', in *Albion's Fatal Tree*, ed. by Douglas Hay, Peter Linebaugh, John Rule, Edward Thompson, and Cal Winslow (London: Verso, 2011), 189-254 (p. 191).

⁵³ Hay, 'Poaching and the Game Laws on Cannock Chase', p. 192.

however, that the motivations for poaching were varied. While many poached out of necessity or as a weapon of resistance, others would have been motivated by simple opportunism and the potential advantages that poaching presented.

The impact of the Game Laws, however, was not only felt by the lower classes, with Archer suggesting the legislation was 'responsible for social disharmony, unrest, and bloodshed' across all classes of rural English society.⁵⁴ Perpetrators and victims have been identified in Gloucestershire from across the social strata, challenging the binary interpretation of poaching.

Violent affrays became common place, as a figurative arms race developed between poachers and gamekeepers in their desire to either take or preserve game.⁵⁵ Added to this, the role of the gentry as legislators and game-preservers saw anti-poaching legislation increase in severity across the period.⁵⁶ This situation was exacerbated by the position of landowners as 'prosecutor, judge, and jury in Game Law cases' through their role as local magistrates.⁵⁷ Some poachers became increasingly well-armed, determined, and willing to use violence to avoid capture by the agents of authority.

The archetypal poacher, a male rural labourer victimised by the unequal hierarchical social relationships at the time, became 'a totemic figure for historians, a social criminal reflecting the disjunction between elite and popular conceptions of the law.'⁵⁸ Poor rural poachers have therefore been interpreted as 'heroes, champions, avengers, fighters for justice [...] men to be admired' in their struggle against the class-

⁵⁴ Archer, *By a Flash and a Scare*, p. 209.

⁵⁵ Griffin, *Protest, Politics, and Work*, p. 53.

⁵⁶ John Archer, 'Poachers Abroad', in *The Unquiet Countryside*, ed. by G. E. Mingay (London: Routledge, 1989), pp. 52-64 (p. 56). G. E. Mingay, 'Rural War: The Life and Times of Captain Swing', in *The Unquiet Countryside*, ed. by G. E. Mingay (London: Routledge, 1989), pp. 36-51 (p. 40).

⁵⁷ Archer, *By a Flash and a Scare*, p. 209.

⁵⁸ Harvey Osborne, 'Unwomanly practices: Poaching, crime, gender, and the female offender in nineteenth century Britain', *Agricultural History Review*, 48 (2000), 27-41 (p. 1).

based oppression of the Game Laws.⁵⁹ Poachers have been venerated by historians seeking to discover the pre-cursors of class struggle within the rural communities of Georgian England.⁶⁰

Archer labels the poacher as ‘the true countryman’ challenging ‘the class monopoly of the Game Laws’ through their actions.⁶¹ Trench, meanwhile, characterises poachers as ‘insurgents fighting a guerrilla war’ against oppression, pointing to the seemingly high levels of popular support amongst rural communities for this rather positive interpretation.⁶² To the pioneers of history from below, the property qualification was the embodiment of both the traditional hierarchical social stratification of England and the emerging class structure.

Trench suggests the classist application of the law can be traced back to the passing of the Black Act in 1723, where the severe punishments imposed by the new legislation reflected the fact that the crime of taking game was ‘committed by the poor against the rich.’⁶³ The series of Game Laws, labelled by contemporary Whig radical MP John Curwen in 1817 as a ‘manifest injustice’ created an environment of ‘general abhorrence’ across rural society.⁶⁴ The taking of game became the means to challenge the increasing inequality found in rural England. This was not limited to the working class.

The passing of a series of increasingly severe laws, designed to deal with the growing poaching issue, increased tensions across rural England. In 1800 poachers

⁵⁹ Eric Hobsbawm, *Bandits* (London: Penguin Books, 1972), p. 17.

⁶⁰ The idolisation of poachers can be traced through the continuing popularity of ballads and songs still performed by folk bands. This will be discussed later.

⁶¹ Archer, ‘Poaching Gangs and Violence’, p. 26.

⁶² Charles Trench, *The poacher and squire: a history of poaching and game preservation in England* (London: Longmans, 1967), p.146.

⁶³ Trench, *The poacher and squire*, p. 123.

⁶⁴ House of Commons, *Hansard’s Parliamentary Debates: The Game Bill* (9 June 1817, vol. 36, cols. 923-928) <<https://hansard.parliament.uk/commons/1817-06-09/debates/0ffd82c9-16b2-4d84-a0d2-2f4ff67643f0/GameBill>> [accessed 30 January 2023].

caught in groups of two or more were automatically imprisoned for six months, with forced conscription into the armed forces for subsequent offences. The passing of Ellenborough's Act in 1803 introduced capital punishment for resisting lawful arrest and the levelling of firearms at agents of authority including gamekeepers.⁶⁵ Operating in gangs or violently resisting arrest, given the potential severity of sanctions, would have been the pragmatic choice for poachers at the time.

Griffin points to the agricultural depression following the end of the Napoleonic Wars in 1815 as a turning point in poaching. In response to severe economic hardship levels of organisation and violence increased, in line with a marked intensification in poaching offences as game was taken to offset the impact of economic hardship.⁶⁶ Further pressure was built through demobilisation following the end of the conflict, leading to large numbers of highly disciplined ex-soldiers turning to poaching in lieu of regular employment. These men presented a far greater threat to gamekeepers and landowners.⁶⁷

To the Hammonds, writing in their influential work on the 'village labourer', the rural poor were victims of poverty 'driven to the wages of crime' that could be gained through poaching.⁶⁸ The temptation of poaching to the inhabitants of poor rural communities is undeniable. Poaching for the pot, whether literally or to supplement low wages, would have been the pragmatic choice of many. The classic interpretation explained poaching through the lens of material deprivation, arguing that the rural poor were forced into breaking the all-pervasive Game Laws in order to mitigate the impact

⁶⁵ 43 Geo. 3. c. 58. The Malicious Shooting or Stabbing Act 1803. Hopkins, *Long Affray*, p. 306.

⁶⁶ Griffin, *Protest, Politics, and Work*, p. 53. J. A. V. Chapple, *Elizabeth Gaskell: The Early Years* (Manchester: Manchester University Press, 1997), p. 133.

⁶⁷ Archer, 'Poachers Abroad', p. 56.

⁶⁸ Hammond and Hammond, *The Village Labourer*, p. 131.

of what Archer has described as a downward spiral of 'proletarianisation, pauperisation, and disinheritance.'⁶⁹

The close relationship between poverty and poaching was commented upon by contemporaries. The 1827 Select Committee on Criminal Commitments and Convictions, when debating the impact of the Game Laws, stated that in a single night 'half-starved labourers' could 'obtain a rich booty by snaring hares and taking or killing pheasants', supplementing their diets with meat or their meagre wages through the sale of game into the illicit market.⁷⁰ Either way, poverty was the prime motivating factor. Supporting this was the popular contemporary opinion that game was 'ordained from the beginning to be free for anyone' who could take it, an argument that stemmed from Biblical teachings.⁷¹ In rural communities across England game was not regarded as the private property of landowners, contributing to the broader justification of poaching among local inhabitants.

The coming of the Industrial Revolution transformed social relations, as the gap between rich and poor widened and the new wealth of the nation became more unequally distributed.⁷² The increasing mechanisation of the agricultural sector and expansion of capitalistic business practices led to 'growing impoverishment' in rural England that had a direct impact on the levels of poaching.⁷³ This meant those living in poverty were left with poaching as their one reliable source of income, and this was 'seized with enthusiasm.'⁷⁴ To the agricultural poor, often surrounded by a resource they felt was their right to hunt, the chance to mitigate hardship through illegal activity

⁶⁹ J Archer, *Social Unrest and Popular Protest*, p. 9.

⁷⁰ Hammond and Hammond, *The Village Labourer*, p. 192.

⁷¹ Munsche, *Gentlemen and Poachers*, p. 107.

⁷² Thomas, 'Pursuing Wild Symbols of Privilege', p. 486.

⁷³ Archer, 'Poaching Gangs and Violence', p. 25.

⁷⁴ Thomas, 'Pursuing Wild Symbols of Privilege', p. 486.

must have been an almost irresistible temptation, overriding the fear of Game Law legislation.

Antipathy towards the Game Laws, however, was not confined to the rural labouring poor. Farmers, for example, 'protested against the despotism' of qualified gentlemen being entitled to pursue game across their land and at the expense of their crops.⁷⁵ The inequality regarding land access within the law would have been further exacerbated by the inability of farmers to kill any game that was causing harm to their crops.

Large sections of the landowning elite were also barred from hunting, the Game Laws essentially categorising very wealthy unqualified individuals in the same manner as agricultural labourers.⁷⁶ While differences in the enforcement and impact of the Game Laws are evident in both Gloucestershire and the wider literature, the limitations of the property qualification were experienced across the social strata.

This creates a level of hesitation when defining the poacher as a defender of the rural poor against the elitist inequalities of the Game Laws. Since only a tiny minority of individuals passed the property qualification, many members of the rural elite were legally excluded from taking game in the same manner as labourers. It is important to note, however, that while they broke the same laws, their actions cannot be interpreted in the same way. The role of yeomen and farmers further complicates the picture. The wide variation in the economic status of farmers, combined with their inability to legally kill game even when protecting their crops, means their involvement in poaching adds to the complexities when interpreting the actions of poachers.

⁷⁵ Hay, 'Poaching and the Game Laws on Cannock Chase', p. 191. For Gloucestershire see Chapter 7.

⁷⁶ Hay, 'Poaching and the Game Laws on Cannock Chase', p. 191. Hay points out that an individual with wealth of £10,000 would not qualify if they were landless.

Despite this, these groups very active participants in both the conflict and resistance stemming from the imposition of the Game Laws.

It is important to note that, while the property qualification excluded all but a tiny minority of the landed gentry, the application of the law varied greatly. Qualified gentlemen held the authority to allow the unqualified to hunt game on their land, permitting landless members of the upper class to benefit from their social connections. Added to this is the fact that convictions for Game Law offences are dominated by the rural labouring poor. It is not difficult to imagine that the social capital of the local rural elite and their position as magistrates would not combine to offer greater opportunities for informal sanctions or leniency towards their peers for Game Law offences. They would therefore be absent from the official record.

The passing of the 1816 Night Poaching Act increased the severity of punishment to seven years transportation for armed night poachers.⁷⁷ While Shakesheff labels this legislation 'positively draconian' in its intention, severe sanctions for poaching after dark had been part of the statute book for almost a century.⁷⁸ Legislation passed during the eighteenth century, for example, had introduced transportation for stealing a rabbit at night and capital punishment for taking a deer.⁷⁹ The imposition of severe sanctions to act as a deterrent was not new. The law-making authorities, dominated as they were by the landowning classes, were always determined to utilise the full force of the law to suppress poachers.

The desire for game in urban centres, however, fuelled the lucrative illicit market in game, with the markets of London 'almost completely dependent on commercial

⁷⁷ Hopkins, *Long Affray*, p. 306. With the intent to take rabbits or game.

⁷⁸ Shakesheff, *Rural Conflict*, p. 163.

⁷⁹ Thomas, 'Pursuing Wild Symbols of Privilege', p. 487.

poachers' for the supply of game prior to the 1831 Game Reform Act.⁸⁰ The potential profits available to poachers far outstripping the possible fines imposed on those caught poaching.⁸¹ This demand, according to an open letter published in the *Cheltenham Chronicle*, created the 'greatest temptation' to poachers.⁸²

Archer found that these profits led to the formation of highly organised gangs operating in Lancashire, while Wells found that criminal gangs incorporated poaching as an element of their illegal activity alongside sheep stealing and house breaking.⁸³ Osborne argues that the motivations of poachers were predominantly economic, although he accepts that the root cause of this could vary from the abject poverty of the agricultural poor to highly organised criminality.⁸⁴ The extent to which the actions of these gangs can be interpreted within the framework of protest and resistance is uncertain.

Mingay, however, stresses, that the illicit market in game did not extend to all wild animals and therefore a more nuanced approach to the study of poaching should be considered. Poachers may have targeted rabbits to supplement their diets and profit from the trade in skins, while selling more valuable meat into the illicit market.⁸⁵ Lone poachers, meanwhile, may have engaged in the illegal trade for profit in game, but cannot be considered comparable with the large-scale poaching witnessed in the industrial north.⁸⁶

The introduction of transportation for night poaching increased the jeopardy for poaching gangs, and a 'vicious spiral of violence' developed across England as

⁸⁰ Osborne, 'The Seasonality of Nineteenth Century Poaching', p. 38.

⁸¹ Mingay, 'Reviewed Work', p. 460.

⁸² *Cheltenham Chronicle*, 3 May 1827, p. 4.

⁸³ Archer, 'Poaching Gangs and Violence', pp. 25-38. Roger Wells, 'Popular Protest and Social Crime: The Evidence of Criminal Gangs in Rural Southern England 1790-1860', *Southern History*, 13 (1991) 31-81 (p. 36).

⁸⁴ Osborne, 'The Seasonality of Nineteenth Century Poaching', p. 40.

⁸⁵ Mingay, 'Reviewed Work', p. 460. Especially pheasant.

⁸⁶ Archer, 'Poaching Gangs and Violence', p. 28.

poachers increasingly chose to resist when challenged by gamekeepers.⁸⁷ The desperation of poachers to avoid capture was matched by an increasing determination on the part of landowners and gamekeepers to apprehend and prosecute the criminals. Tensions increased as a result.

To add to the complexity of social relations at the time, the severity of the punishments presented in the Night Poaching Act meant many juries were unwilling to find those accused of poaching guilty.⁸⁸ Most poaching offences were, in fact, prosecuted under older Game Laws that allowed for relatively lighter punishments, most notably the £5 standard fine.⁸⁹ The intended outcome of this legislation to deter poaching was therefore diminished.

Scott believes poaching was ‘the most popular crime in England’ between 1650 and 1850, a ‘prosaic’ act that represented ‘the ordinary means of class struggle’ practiced on such a scale that it had ‘aggregate consequences [...] out of proportion to the banality’ of the act itself.⁹⁰ This was an action of first resort, and was interpreted as a form of class struggle due to the fact that it was ‘widely practiced by members of an entire class against’ the elite or state.⁹¹

Scott argued that poaching in England required levels of ‘tacit complicity and occasionally active cooperation’ amongst the rural population that, in an indirect way, produced a collective front against the elite.⁹² In a more recent interview Scott claims poachers were protected by the wider community because their neighbours would

⁸⁷ Archer, ‘Poachers Abroad’, p. 56. Archer, ‘Poaching Gangs and Violence’, p. 28.

⁸⁸ Shakesheff, *Rural Conflict*, p. 173.

⁸⁹ Thomas, ‘Pursuing Wild Symbols of Privilege’, p. 487.

⁹⁰ Scott, ‘Everyday Forms of Resistance’, pp. 34-35.

⁹¹ Scott, ‘Everyday Forms of Resistance’, pp. 34-35. While Scott’s research was based on his studies of peasants in Asia, his conclusions have been applied widely in the historiography of rural resistance in England.

⁹² Scott, ‘Everyday Forms of Resistance’, p. 39.

‘never go to court’ to testify against them.⁹³ There was, he argues, informal complicity and agreement that protected all that benefited from the illegal taking of game.⁹⁴ Scott, more coarsely, declares that communities understood ‘that if they took a rabbit from aristocratic land their neighbours are not going to screw them.’⁹⁵

The role of communities is also explored in Shakesheff’s study of rural protest in Herefordshire in the nineteenth century. Shakesheff references the often-unspoken support local people expressed in response to social crimes such as poaching, creating a veritable wall of silence that greeted the agents of authority in rural communities.⁹⁶ While this is an appealing interpretation of poaching, evidence from Gloucestershire suggests this is patently wrong. Labourers have been identified as acting as both informers and witnesses against poachers from across the period of study. While poaching was plainly a widely practiced crime, the idea of a completely united front against the landowning elite is more ambiguous.

The passing of the 1828 Night Poaching Act, a ‘slightly milder’ piece of legislation, removed impressment into the armed forces and introduced imprisonment for first and second Game Law offences.⁹⁷ The problems inherent in the Game Laws, however, remained, including the property qualification and prohibition of the sale of game. The potential profit gained from the illicit market in game meant poachers continued to operate despite the risk of being caught. As a consequence, violent resistance against gamekeepers continued.

⁹³ Stella Vinthagen, ‘Most everyday resistance in the world is not about protests, but about ‘everyday resistance’, (Resistance Studies, 2021) < <https://wagingnonviolence.org/rs/2021/12/most-resistance-in-world-not-protests-but-everyday-resistance/>> [accessed 1 December 2024].

⁹⁴ Vinthagen, ‘Most everyday resistance in the world is not about protests, but about ‘everyday resistance’, [accessed 01 December 2024].

⁹⁵ Vinthagen, ‘Most everyday resistance in the world is not about protests, but about ‘everyday resistance’, [accessed 01 December 2024].

⁹⁶ Shakesheff, *Rural Conflict*, p. 12.

⁹⁷ Hopkins, *Long Affray*, p. 306. Individual poachers could face seven years transportation for their third offence, while gangs of three or more armed poachers could be transported for fourteen years.

The ever-expanding corpus of legislation became a labyrinthine 'legal minefield' that attempted and ultimately failed to suppress poaching in England.⁹⁸ The introduction of the 1831 Game Act both rationalised the existing laws and marked an end to the property qualification, replacing it with a game certificate that could be purchased by anyone that could afford it.⁹⁹ Game would continue to remain the property of the landowner, not the occupier, and transportation was retained as punishment for night poaching.

By the turn of the nineteenth century poaching in one form or another had been illegal since 1066. Despite changes across the period the founding principle of poaching remained: that certain animals were the exclusive private property of the elite and that the hunting of these animals was restricted to a privileged minority. Archer, however, argues that 'the majority of country people, both farmers and labourers, never accepted the Game Laws and the exclusive nature' inherent within this legislation.¹⁰⁰ As such, individuals convicted of poaching offences were spared the moral stigma attached to other forms of theft such as housebreaking, while the 'taint of criminality failed to stigmatise the poacher.'¹⁰¹

This failure must be linked to the significance of hunting, or poaching, to contemporary rural communities. Harvey Osborne and Michael Winstanley suggest the 'thrill and excitement' of taking game was linked to notions of masculinity among all hunters.¹⁰² The centrality of game to the masculine culture of the elite fuelled the growth of game preserves and protection, while multiple generations of males in

⁹⁸ Shakesheff, *Rural Conflict*, p. 143. Older laws were not removed from the statute book after the passing of new legislation. Between 1796 and 1831 no less than twenty-four separate pieces of legislation were passed regarding game.

⁹⁹ Game Act 1831. 1&2 Will. 4. c. 32. Punishments for day poaching were reduced to a £5 fine for all offences, and a license to trade game was introduced. Close seasons were also established.

¹⁰⁰ Archer, *By a Flash and a Scare*, p. 209.

¹⁰¹ Archer, 'Poachers Abroad', p. 54.

¹⁰² Osborne and Winstanley, 'Rural and Urban Poaching', p. 203. Osborne, 'Unwomanly practices', p. 16.

labouring communities from where were known to hunt. Poaching was intertwined with rural culture.

Archer believes the breaking of the Game Laws should be considered 'the most accurate barometer of the state of rural England in the nineteenth century'.¹⁰³ The general consensus maintains that no other legislation was 'so consistently challenged and set at defiance' than the Game Laws, becoming the 'greatest source of conflict' in rural English society.¹⁰⁴ To Archer, the 'true extent of poaching was enormous'.¹⁰⁵

The historiographical debate surrounding poaching, however, is unresolved. Griffin has argued that the commercial motivations behind sheep stealing, even when targeting wealthy farmers, was 'always' theft.¹⁰⁶ The killing of deer is similarly disputed, with both crimes containing 'little in the way of explicit protest'.¹⁰⁷ If this is the case, considering both the highly profitable illicit market in game and the existence of organised commercial gangs, the same could be applied to poaching. To Archer, despite clarity at the extremes, the 'dividing line between the casual opportunist and professional was blurred'.¹⁰⁸

While this study focuses specifically on Gloucestershire the findings reflect the broader national historiography of poaching. With the exception of the extremes, examples of which are discussed in this study, it is not beyond reason to suggest that poachers were motivated by a variety of factors. The prominence of poaching in the historiography of conflict and resistance is reflected in the specific context of Gloucestershire. This was a crime committed at scale in the county, perpetrated by individuals from across the social strata. Motivations of poverty, profit, and resistance

¹⁰³ Archer, 'Poaching Gangs and Violence', p. 25.

¹⁰⁴ Archer, *By a Flash and a Scare*, p. 210.

¹⁰⁵ Archer, 'Poachers Abroad', p. 54.

¹⁰⁶ Griffin, *Protest, Politics, and Work*, p. 50.

¹⁰⁷ Griffin, *Protest, Politics, and Work*, p. 50.

¹⁰⁸ Archer, 'Poachers Abroad', p. 58.

are identified across the period of study, while violent affrays between poachers and the agents of authority punctuate the period.

Chapter 5: Poaching at the Petty Sessions

Gender and Occupation

This chapter explores evidence of poaching heard at the Petty Sessions in Gloucestershire between January 1810 and December 1831. The indictments held at these courts provide the most comprehensive formal record of poaching in the county during this period. In a similar manner to the wider literature, individuals prosecuted under the Game Laws were found to be almost exclusively male, with labourers representing 45.1% of prosecutions. Poaching was not limited to those nominally living in poverty. Game Law convictions included individuals from across the social strata, with farmers and yeomen representing 11.2% of convictions, and gentlemen and esquires accounting for 5.4%.¹ A further forty-six professions were identified at the Petty Sessions, representing occupations associated with both urban and rural settings.

Analysis of the Petty Sessions

Between the beginning of January 1810 and the end of December 1831 a total of 2987 cases were tried at the Petty Sessions, with poaching related offences representing 405 indictments. This represents 13.5% of the total cases brought before the court.² Direct comparisons with other localities are challenging, given the varying context of English counties and significant contemporary local differences in reporting and record keeping. The variations in the survival of sources and varied time periods examined in the literature add further barriers to comparisons across the country. Archer highlights the challenge in his study of poaching in East Anglia through the incomplete and

¹ Individuals recorded without an occupation represent 18.2%.

² The 1770 Night Poaching Act had placed the burden of hearing Game Law cases on the magistrates of the Petty Sessions. Magistrates heard proceedings for poachers' first and second offences before they were upgraded to the Quarter Sessions.

inconsistent official contemporary statistics.³ Historians are therefore 'left with the problem of matching one incomplete set of returns against another.'⁴

Gender

The gender of individuals convicted for poaching offences offers the starkest disparity in the Petty Sessions data. Archer has argued that evidence for women involved in breaches of the Game Laws was 'exceptional', poaching being an overwhelmingly masculine activity.⁵ The stereotypical poacher, meanwhile, was invariably a male labourer that was local to the area in which they poached.⁶

Gender norms from the time assumed that women would conform to stereotypical feminine nurturing roles and were therefore less likely to be involved in criminality.⁷ In contrast contemporary attitudes viewed criminality as a fundamentally 'male phenomenon', while women were generally regarded as 'non-criminal' by society.⁸ This was particularly true of poaching, an activity that regardless of social status was considered the domain of men.

Women were more likely to be prosecuted for possessing and selling game instead of actively poaching and were more likely to be involved in covert activities such as setting snares and stealing eggs from nests.⁹ Women were not considered poachers by the authorities, mirroring a trend that had witnessed the 'masculinisation of crime' from the late eighteenth century onwards.¹⁰

³ Archer, *By a Flash and a Scare*, p. 210.

⁴ Archer, *By a Flash and a Scare*, p. 210.

⁵ Archer, 'Poachers Abroad', p. 54.

⁶ Archer, *By a Flash and a Scare*, p. 217. Further studies by David Jones and Timothy Shakesheff share these findings.

⁷ Osborne, 'Unwomanly practices', p. 153.

⁸ Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London: UCL Press, 1998), p. 97.

⁹ Osborne, 'Unwomanly practices', p. 9.

¹⁰ Osborne, 'Unwomanly practices', p. 3.

In Gloucestershire, only one woman was convicted of poaching related offences during the period of study. This is unsurprising, given Osborne's finding that between 1860 and 1898 under 1% of annual summary convictions for poaching were female.¹¹ Sarah Bridges, a resident of Chedworth and wife of mason Richard, was convicted of illegally selling fifteen pheasants in the vicinity of Cheltenham's Sheldon Hotel in November 1829.¹² She was fined £25. Bridges' role as salesperson reflects Osborne's assertion that women operated as important intermediaries between poachers and potential customers.¹³ Women acted as butchers and transporters of game after the animal was taken by their male counterparts. The role of women has been found to increase in significance once the animal was taken.

Identifying accurate wage rates for women in this period is challenging. Rudge, writing in 1807, lists annual wages for a dairymaid between £5 and £10, while women could earn between 10d and 1s per day when employed as agricultural labourers.¹⁴ Lyle offers more contemporaneous figures for Sarah Bridges, finding that wages did not exceed 9.5s per week during the winter.¹⁵ While applying this figure to the case of Bridges is not without limitations, a weekly wage of 9.5s would equate to £24.70 annually.¹⁶ Despite the absence of an occupation for Bridges, the fine imposed upon her was far from trivial.

Only one other record at the Petty Sessions provides evidence of the role of women in poaching, despite the absence of a conviction. In October and November 1817 farmer George Bick was convicted of possessing pheasants without license in

¹¹ Osborne, 'Unwomanly practices', p. 3.

¹² Gloucestershire Heritage Hub, Gloucestershire Quarter Sessions, Summary Jurisdiction, Memoranda of Convictions, General 1782-1837. This record has been transcribed Irene Wyatt for the Bristol and Gloucestershire Archaeological Society, and the indictments were accessed for this study in this manner. From this point the archival code and the coding used by Wyatt will be referenced. Q/PC/2. See also 49/B/48.

¹³ Osborne, 'Unwomanly practices', p. 5.

¹⁴ Rudge, *General View*, pp. 387-388.

¹⁵ Lyle, 'Regional agricultural wage variations', p. 102.

¹⁶ Variations in payment during summer, gender differences, and an incomplete set of parish returns.

the parish of Berkeley.¹⁷ His record states that the pheasants were shot on the orders of Bick by his servant-in-husbandry John Far. The game was then delivered by Far to Susannah Bick, recorded as living at the same residence as George Bick. No indication is given as to the relationship between George and Susannah, though her role in handling the animal after it had been killed conforms to the historiography surrounding the role of women in poaching put forward by Archer and Osborne. This relatively minor reference to Susannah Bick could shine a light on the overwhelmingly invisible, but highly significant role of women within poaching.

An element of caution must be considered when drawing conclusions from the cases of the two women. The handling of the pheasant by Susannah Bick could simply reflect the gender norms of the period rather than her taking an active role in the breaking of the Game Laws. Moreover, the willingness of women to play a role in poaching must be considered. It is impossible to ascertain whether these women were willing participants in criminal activity, or whether they were simply doing whatever was needed to support the household economy.¹⁸

It should be noted that regardless of motivation both Susannah Bick and Sarah Bridges were involved in criminal activity through the handling of game. George Bick was subsequently found guilty and fined £20 by Berkeley's Justice of the Peace Edward Jenner. His conviction was obtained on the account of John Far, Bick's servant-in-husbandry serving as witness against his employer. Susannah Bick, however, faced no formal sanction for the possession of the pheasant, despite this being a criminal offence. No reason for this is given in the records, although Osborne comments that 'many otherwise respectable members of rural communities continued

¹⁷ GHH Q/PC/2. See also 37/A/10.

¹⁸ The role of women in social criminality will be discussed in further detail in Chapter 14.

to turn a blind eye to relatively minor poaching offences.’¹⁹ In addition to the lack of suspicion women faced in comparison to men, when caught they were more likely to face informal sanctions and be treated with leniency from the authorities.²⁰ This, unfortunately, means their role is overwhelmingly hidden from the historical record.

Contemporary gender norms must have been exploited to the advantage of poachers, with women less likely to be viewed with suspicion by gamekeepers and their agents.²¹ Women could have therefore fulfilled an essential role in the illicit trade in game. The case of Sarah Bridges seems to support this perspective, her conviction occurring ten days before that of her husband for killing game. While the records are unclear as to whether the convictions were linked, the fact that both occurred so close together, and for the same product, could point to the two working together to benefit from the illicit market.

While the Petty Sessions have been the most valuable source for understanding poaching in Gloucestershire it is clear that there are gaps in the evidence they provide. One example of this is the case of Fanny Taylor, a fifty-eight-year-old married woman recorded as serving twelve-weeks incarceration in Northleach house of correction in October 1813.²² Taylor had been convicted of possession of two hares and fined £10, a fine she was recorded as forfeiting. No detail is provided as to the status of her husband or the details of her conviction. Her inability to pay the fine, however, could point to weak economic status.

Doreen Elliot argues that contemporary attitudes towards men and women meant that female criminals were regarded as less of a threat to society than their

¹⁹ Osborne, ‘Unwomanly practices’, p. 154.

²⁰ Osborne, ‘Unwomanly practices’, p. 154.

²¹ Osborne, ‘Unwomanly practices’, p. 154.

²² GHH Q/GN. Gaol Register Number 1071. Digitised and accessed through the Ancestry website. No record of Fanny Taylor was identified in the Petty Sessions, Quarter Sessions, or Assize records.

male counterparts, leading to a more forgiving attitude and lenient treatment from the authorities.²³ Furthermore, the risk of children becoming the responsibility of the parish if mothers were incarcerated could have influenced the way female criminals were dealt with by the authorities. While this could explain the under-representation of women in the source material, women were notably absent from poaching convictions. The study of Gloucestershire at the beginning of the nineteenth century seems to support Beattie's conclusion that the surviving official records prove that poaching remained the almost exclusive domain of males at the time.²⁴

Osborne, however, is critical of the reliance on official records when assessing the extent of Game Law offences by women, arguing they 'considerably understate the true level of female involvement in poaching crime' resulting from the contemporary lack of suspicion and preference for informal sanctions.²⁵ The impact of these contemporary cultural assumptions has meant the potentially significant role of women in poaching remains obscured when compared to that of men.²⁶

²³ Doreen Elliott, *Gender, Delinquency and society: A Comparative Study of Male and Female Offenders and Juvenile Justice in Britain* (Aldershot: Avebury, 1988), p. 7.

²⁴ John Beattie, 'The Criminality of Women in Eighteenth Century England', *Journal of Social History*, 8 (1975), 80-116 (p. 80).

²⁵ Osborne, 'Unwomanly practices', p. 153.

²⁶ While diaries may uncover the role of women in poaching none were identified as surviving from this period in Gloucestershire.

Occupation

TABLE 3

Occupation of convictions at the Gloucestershire Petty Sessions 1810-December 1831²⁷

Occupation	Total	Percentage
Labourer	183	45.1%
No Status Given	74	18.2%
Farmer	23	5.6%
Yeoman	23	5.6%
Gentleman and Esquires	22	5.4%
Carpenter	6	1.4%
Butcher, Mason, Weaver	15 (5 each occupation)	3.7%
	12	
Cloth Worker, Clothier, Coal Miner, Cordwainer	(3 each occupation)	2.9%
Baker, Blacksmith, Broad Weaver, Cabinet Maker, Cooper, Hatter, Servant in Husbandry, Tailor, Gardener	18 (2 each occupation)	4.4%
Accountant, Attorney, Auctioneer, Cattle Dealer, Corn Dealer, Dealer, Felt Maker, Forgeman, Hotel Keeper, House Painter, Journeyman, Keeper of Livery Stables, Maltster, Mill Wright, Nailor, Pastry Cook, Pig Butcher, Plumber, Servant, Silver Smith, Solicitor, Surgeon, Tiler, Timber Merchant, Tinker, Unclear, Watch Maker, Wheelwright, Wife, Wireman	29 (1 each occupation)	7.1%
Total	405	

The social status of individuals is evidenced through the occupation listed in the indictments. This is far from a completely valid reflection of reality. Occupational status does not always equate to concepts such as wealth and income, while the cyclical

²⁷ Servants in husbandry are included separately to reflect the language used in the Petty Sessions indictments.

nature of the employment market means the occupations provided in the indictments merely represents a moment in time. This source, however, is the only large-scale indicator of status available.

The Petty Sessions reveal that poaching in the county was undertaken by individuals from across the social strata, with a majority from the lower echelons of society. The records, unfortunately, do not provide an occupational status for seventy-four individuals. Due to the nature of the indictments it was not possible to glean this from the information provided in the sources.

No reason is provided as to why the occupational status of these individuals is not recorded. While this could be interpreted as a sign of joblessness at the time of their trial, especially if their crime occurred during traditional periods of seasonal agricultural unemployment or economic downturn, it could also simply reflect careless bureaucratic procedures. Another avenue of inference is possible through the analysis of the poaching methods used by these individuals. Gentlemen and Esquires, for example, have been found to favour guns and dogs in their pursuit of game, and were utilised in all but one of the twenty-one convictions across the period.

The uncertainty in applying these methods to particular social groupings means any conclusions would be unsound. Thomas Baghott Esq, for example, was convicted of using snares in 1830, a method more associated with the lower orders.²⁸ The lack of clarity when investigating this grouping means it has not been included in the analysis of occupational status. This is a significant gap in understanding the occupational and social status of poachers in Gloucestershire.

²⁸ GHH Q/PC/2. See also 49/B/40.

Labourers

The traditional opinion is that poaching was 'the epitome of both rural and social crime [...] generally committed by impoverished farm labourers who sought to feed their families.'²⁹ This long-accepted view was fundamental to the understanding of poachers during the eighteenth and early nineteenth centuries as warriors at the forefront of the formation of working-class consciousness in England. The succession of Game Laws that were seen to erode common rights and customs long enjoyed by rural communities were viewed by the early historians of protest and resistance as symbolic of the increasing power of the rural elite.³⁰ The rural poor were driven into criminality in response to their worsening socio-economic position and were consequently justified in taking game to both support themselves and as a form of resistance against the agents of their hardship.

Labourers account for 45.1% of all those convicted of poaching related offences at the Petty Sessions. Unfortunately, further detail on the specific occupation of the labourers is unavailable. The term was used in early nineteenth century society as a catch-all label for unskilled workers representing a wide range of occupations in rural areas. When combined with servants-in-husbandry, a term used to describe unskilled and unmarried youths hired to work on farms, the labouring poor account for 45.6% of poaching convictions.³¹

²⁹ John Archer, 'A Reckless Spirit of Enterprise: Game Preserving and Poaching in Nineteenth Century Lancashire', in *Crime, Protest and Police in Modern Britain*, ed. by David W. Howell and Kenneth O. Morgan (Cardiff: University of Wales Press, 1999), pp. 149-175 (p. 149).

³⁰ Archer, 'Poachers Abroad', p. 56.

³¹ 28.7% of employed males 21 and over were employed in agricultural settings in Gloucestershire.

The prominence of labourers in the data is similar to the wider historiography, where the rural poor have been found to represent the majority of Game Law convictions. Archer, for example, found in his study of poaching in East Anglia that 80% of convicted poachers were farm labourers, while Douglas Hay has linked the cyclical rise in rural agricultural unemployment to rising poaching convictions.³²

This is not surprising, given Griffin's assertion that agricultural labourers in the early nineteenth century were 'degraded to a state of wretchedness', their status, diet and housing often inferior to the animals they worked with and lived alongside.³³ Criminality was therefore employed as a clear statement of 'poverty, alienation, and displacement.'³⁴ Osborne and Winstanley, in their comparative study of rural and urban poaching, found that most poaching convictions in southern England were agricultural labourers poaching for the pot, forced into criminality as a consequence of the poverty inherent in seasonal agricultural work.³⁵

Poaching provided a readily available supply of meat to supplement the diets of the labouring poor. This would have been particularly attractive during the winter months, a period associated with lower levels of employment, higher food prices, and an increased scarcity of food.³⁶ The Petty Sessions show a distinct increase in poaching between October and March, with 137 out of 183 labourers, equating to 74.8%, convicted during this time. If poaching was driven by the desire to stave off their poor economic position, then higher rates of conviction for labourers during periods of cyclical underemployment and unemployment could reflect this.

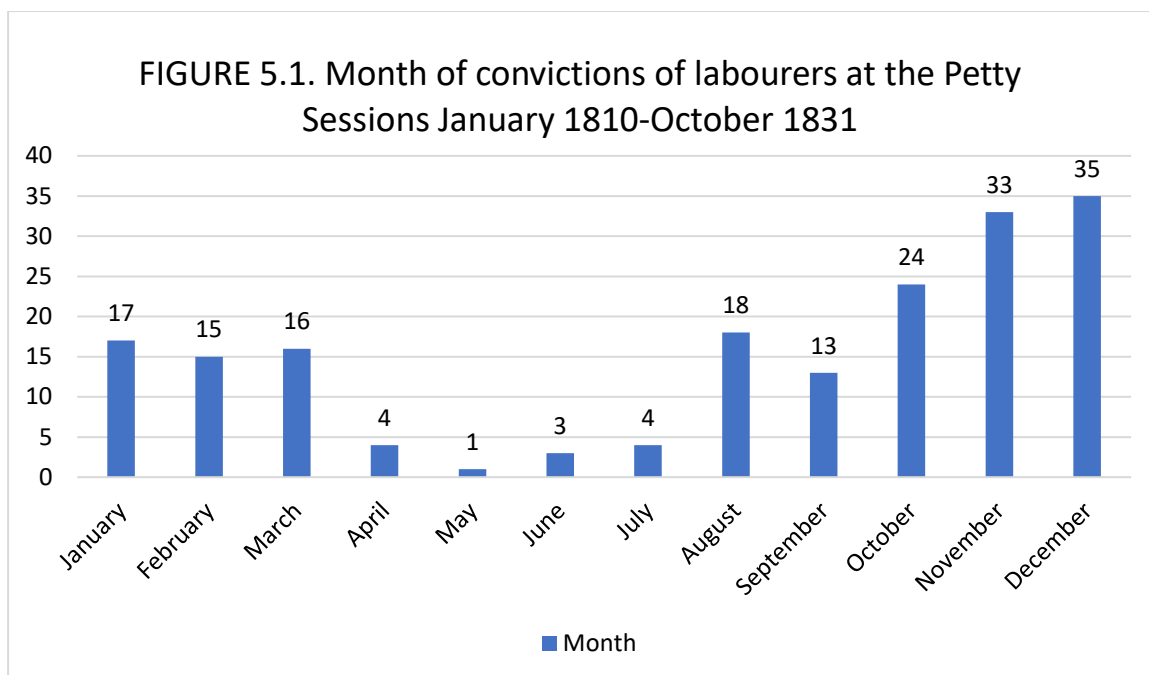
³² Archer, *By a Flash and a Scare*, p. 221. Douglas Hay, 'Poaching and the Game Laws on Cannock Chase', in *Albion's Fatal Tree*, ed. by Douglas Hay et al (London: Verso, 2011), pp189-254 (p. 202).

³³ Carl Griffin, 'Animal Maiming, Intimacy, and the Politics of Shared Life: The Bestial and Beastly in Eighteenth and Early-Nineteenth Century England', *Transactions of the Institute of British Geographers*, 37 (2012), 301-316 (p. 313).

³⁴ Griffin, 'Social Conflict and Control', p. 171.

³⁵ Osborne and Winstanley, 'Rural and Urban Poaching', p. 188.

³⁶ Osborne and Winstanley, 'Rural and Urban Poaching', pp. 204-205.



Despite the lack of qualitative detail regarding the context of the poaching convictions, an indication as to the causes can be inferred through the language employed within the prosecution records. The records often state whether a conviction was for the intent to poach, the possession of game, for the sale of game, or for taking or killing the animal. Just nine individuals, identified across ten court hearings, were convicted for the explicit sale of game.³⁷ The remaining poaching related convictions do not overtly state whether the perpetrators planned to sell the animals they had poached.

Labourer Joseph Verrinder, a poacher from Cranham, was convicted twice in September 1826 for the illegal sale of hares and partridges, and fined a total of £15.³⁸ Verrinder was able to pay both fines and therefore avoid gaol. The ability of labourers like Verrinder to pay the relatively heavy fines imposed upon them could reflect the high profits enjoyed by poachers engaged in the illicit market.³⁹ The urban market for

³⁷ GHH Q/PC/2. See also 29/D/13, 41/B/4, 49/A/69, 45/D/19, 45/D/18, 35/C/48, 36/D/15, 50/A/88, 50/B/48, 50/B/49.

³⁸ GHH Q/PC/2. See also 45/D/18, 45/D/19.

³⁹ Freeman, 'Plebs or Predators?', p.6.

game was insatiable, Michael Freeman suggesting poachers ‘lined their pockets’ as a result of the high demand in the urban centres of England.⁴⁰ In January 1816 the *Gloucester Journal* stated that the high potential profits obtained through the illegal sale of game presented an ‘almost irresistible temptation’ to poachers, reflecting the popular belief that poachers were likely to be found in ‘every rural village in the kingdom.’⁴¹

Eight convictions were identified for the sale of hares, one for partridges and one for pheasants. Two cases attract particular attention. First, Francis Pickard received a £35 fine for selling seven hares in Stroud in January 1817, a significant amount at the time.⁴² He was fined £5 per hare. The most serious financial sanction, occurred in December 1815, when labourer John Coates and tailor Bartley Davis were fined a total of £85 for the possession and sale of seventeen hares.⁴³ The men were also found to be in possession of paraphernalia associated with poaching, including twenty-one nets and one lurcher dog. The men do not appear to have been amateurs merely poaching for food.

The records do not state whether Pickard, Coates, or Davis were incarcerated following their convictions, and there is no record of them within the surviving gaol calendars for Gloucestershire, potential evidence of the men having the financial means to pay the large fines levied against them.⁴⁴ The payment of these heavy fines

⁴⁰ Freeman, ‘Plebs or Predators?’, p.6. The sale of game was legalised through the 1831 Game Act.

⁴¹ *Gloucester Journal*, 15 January 1816, p. 4.

⁴² GHH Q/PC/2. See also 36/D/15. The average annual wage of a labourer during this period was £31. The approximate purchasing power of £5 in 1810 would be £232.63 in 2017. This is equivalent to 33 days wages for a skilled tradesman. In 1820 this rose to £287.15, equivalent to 33 days wages for a skilled tradesman. Finally in 1830 it equates to £339.01, equivalent to 25 days wages for a skilled tradesman.

⁴³ GHH Q/PC/2. See also 35/C/48.

⁴⁴ A John Coates was held in the County Gaol in May 1813 for the theft of potatoes, although it is unclear whether this is the same individual.

combined with their relatively low social status points to possible involvement in the illicit market.

Osbourne's study on the seasonality of poaching found that the targeting of hares was most common between September and March, and was a 'particular delicacy' among the urban middle class.⁴⁵ Demand was consequently high, evidence of which can be identified in the indictment of labourer William Norris, a resident of Rodborough fined £5 for unlawfully selling a hare to surgeon William Thornton in December 1829.⁴⁶ No conviction is recorded for Thornton despite admitting to purchasing the hare, an act that remained illegal in 1829. Perhaps his role in the conviction of Norris played a part.

Labourer William Evans was convicted in December 1823 for possessing and attempting to sell a hare in Forthampton.⁴⁷ His indictment describes how yeoman George Knight heard a shot on his father's farm and witnessed the accused picking an object up from the ground. Evans attempted to flee but was captured by Knight, who saw the leg of a hare 'protruding below the offenders coat.' The indictment is unclear when Evans was supposed to have attempted to sell the hare, given that he was captured in the act of taking the animal. Despite pleading his innocence, he was found guilty and fined £5.⁴⁸

Evans' conviction in December, in combination with the convictions of Pickard, Coates and Davis, support Osbourne's view that poachers seasonally targeted hares.⁴⁹ The taking of a single hare could signify poaching for the pot, while the

⁴⁵Osborne, 'The Seasonality of Nineteenth Century Poaching', p. 39.

⁴⁶ GHH Q/PC/2. See also 49/A/69.

⁴⁷ GHH Q/PC/2. See also 43/A/30.

⁴⁸ GHH Q/PC/2. See also 43/A/30.

⁴⁹ Osborne, 'The Seasonality of Nineteenth Century Poaching', p. 39.

potential sale of the animal must be considered in relation to the crime occurring during the winter. A personal vendetta against the farmer must also be accounted for, or perhaps Evans was simply caught at the beginning of his endeavour.

Despite the number of labourers convicted of poaching, only six repeat offenders were identified.⁵⁰ All but one conviction was for taking game, with explicit mention of hares on four occasions. William Davis, was convicted three times between November 1819 and November 1829.⁵¹ Davis was first convicted for being caught at night using a snare in enclosed ground in Horsely and fined £20.⁵² In September 1828 he was convicted again for using a snare to kill game and fined £5.⁵³ The indictment against Davis stated that he had given his quarry to labourer John Herbert, who was subsequently fined £15 for the possession of three hares.⁵⁴

The final charge against Davis occurred in November 1829, when he was fined £5 for using wires to kill hares in Henbury.⁵⁵ Given the gap between Davis' first and second convictions it is hard to imagine he was not active in the intervening years. While Davis appears to have moved from the area surrounding Cirencester to Henbury, his methods and quarry did not.

The most notable repeat offender, Benjamin Webley, was also convicted on three separate occasions.⁵⁶ A labourer from Winterbourne in south Gloucestershire, he was first convicted in March 1823 of using a dog to kill game and fined £10.⁵⁷ Six months later he was convicted again, this time for using a gun and dog to kill game in

⁵⁰ GHH Q/PC/2. See also 47/A/2, 48/A/59, 47/A/2, 48/B/35, 43/A/19, 48/D/99, 45/D/18, 45/D/19, 39/A/11, 48/A/67, 49/A/58. Whether the enforcement of the law was ineffective, or the men were simply unlucky, is unclear in the records.

⁵¹ GHH Q/PC/2. See also 39/A/11, 48/A/67, 49/A/58.

⁵² GHH Q/PC/2. See also 39/A/11.

⁵³ GHH Q/PC/2. See also 48/A/67.

⁵⁴ GHH Q/PC/2. See also 48/A/66.

⁵⁵ GHH Q/PC/2. See also 49/A/58.

⁵⁶ GHH Q/PC/2. See also 42/C/4, 43/A/9, 48/C/59.

⁵⁷ GHH Q/PC/2. See also 42/C/4.

Frampton Cotterell. He was fined £10 in addition to £3 13s. 6d. costs. Webley was not convicted again until April 1829. It appears that he had moved from Winterbourne to Westbury on Trym in the intervening period, and there he was caught using two greyhounds to kill game. He was fined £10 plus 9s damages.⁵⁸

Webley's activities were not limited to poaching. In addition to his three convictions during the 1820s, he was recorded as a gamekeeper in the conviction of Charles Webb for using snares to kill game in Winterbourne in December 1825.⁵⁹ Webley appears to have been employed as a gamekeeper until at least November 1830, when he was recorded as filing for insolvency.⁶⁰

Webley seems to have been either a prolific or particularly unfortunate poacher. He was convicted again in March 1832 for trespassing in pursuit of game on the land of John Scandrett Harford Esq in Westbury on Trym.⁶¹ He was further convicted of assault in March 1832 and fined 40s plus costs.⁶² In July 1834 he was a victim of theft, one George Adams being convicted for stealing a dog owned by Webley valued at 40s.⁶³ Dogs seem to have been an integral part of Webley's activities and were present in all but one of his poaching convictions.

He was convicted again in September 1834 for trespassing with four others in pursuit of game in Almondsbury.⁶⁴ Webley had trespassed on the land of William Chester Master Esq with four dogs and had been seen coursing for hares. He was fined £5 plus costs. If he was unable or unwilling to pay he would serve three months

⁵⁸ GHH Q/PC/2. See also 48/C/59.

⁵⁹ GHH Q/PC/2. See also 45/A/6.

⁶⁰ Gloucestershire Heritage Hub, *Minutes and proceedings in cases of insolvent debtors under Acts of 5 George IV, c.61, and 7 George IV, c.57, 1824-1833* <<https://catalogue.gloucestershire.gov.uk/records/Q/9/1>> [accessed 5 January 2024].

⁶¹ GHH Q/PC/2. See also 51/B/13. This offence was committed outside of the period of study.

⁶² GHH Q/PC/2. See also 53/C/42.

⁶³ GHH Q/PC/2. See also 53/D/115.

⁶⁴ GHH Q/PC/2. See also 53/C/42, 54/A/144. Webley's convictions outside of the period of study have not been taken into account in the statistical analysis. They have been included here to provide wider context to his actions.

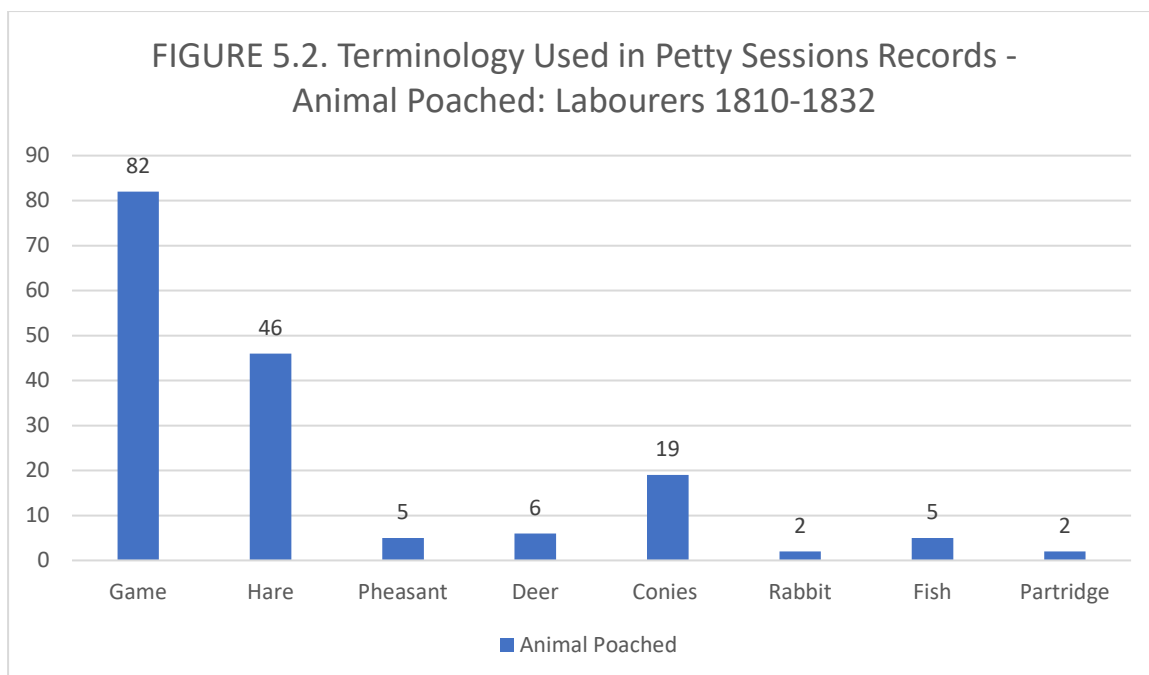
hard labour in Lawfords Gate house of correction. Webley gives the impression of the stereotypical poacher turned gamekeeper.

Labourers were recorded as poaching in enclosed ground on eight occasions, with convictions often carrying harsher punishments than ordinary poaching offences. Three were fined £20, two were sentenced to three months hard labour, two were kept until the Quarter Sessions, while one faced a £10 fine. Enclosure was often introduced by landowners to create game preserves, prohibiting access to the unqualified. Enclosure was an extremely controversial and traumatic experience for the rural labouring poor, often coming at the cost of customary rights of access and resources.⁶⁵ The decision to poach on this land has consequently been interpreted as an expression of protest and resistance against both the process of enclosure and the enclosing landowners.

Trespassing and poaching on enclosed land not only challenged the enclosure itself but also the elite view that game was private property to be enjoyed only by the qualified.⁶⁶ The link between enclosure and the loss of customary rights to an increase in poaching is compelling, especially in the context of the moral economy and the perceived injustice of a worsening socio-economic condition. The question, however, is whether increases in poaching can be attributed to protest and resistance, or simply the increased diligence of the landowning classes over their newly enclosed land.

⁶⁵ Limited evidence of the loss of customary rights, including access, have been identified for this study.

⁶⁶ Briony McDonagh and Stephen Daniels, 'Enclosure Stories: narrative from Northamptonshire', *Cultural Geographies*, 19 (2012) 107-121, (p. 113). Griffin, *Protest, Politics, and Work*, pp. 67-76.



The Petty Sessions document a range of animals poached by labourers across the period. A total of 139 indictments refer either to 'game' or to specific game animals in line with the 1671 Game Act.⁶⁷ While the records make it impossible to ascertain which animal references to 'game' apply, hares were the most popular target of labourers in the county. Hares were, according to Osbourne, the 'most accessible of game animals' to the rural poor, perhaps explaining the higher rates of conviction of labourers for poaching this animal.⁶⁸ The small size of hares and the use of snares and nets to catch the animal, both silent poaching methods, would have also added to their attraction to poachers. The popular demand for hare from the urban middle class, and the potential profits involved could also explain the high numbers of prosecutions for this animal.⁶⁹

⁶⁷ Hare, Pheasant, Partridge, Moor Fowl. Conies is an old English word that describes rabbits.

⁶⁸ Osbourne, 'The Seasonality of Nineteenth Century Poaching', p. 39.

⁶⁹ Hopkins, *Long Affray*, p. 7.

Indictments referring to deer equate to six of the 183 convictions of labourers, with only one explicitly mentioning killing the animal.⁷⁰ The remaining five relate to the possession of a deer.⁷¹ Three occurred in the parish of Widford, an exclave of the county of Gloucestershire within the boundaries of Oxfordshire, between 1814 and 1822.⁷² John Parfitt, was sentenced to six months confinement in the County Gaol for killing a male fallow deer in December 1819.⁷³ In May 1830 John Pittaway received a mitigated fine of £5 or hard labour for two months for pursuing a deer with intent to kill in Widford.⁷⁴ Pittaway's indictment did not include his occupational status.

Parfitt was the only deer poacher explicitly sentenced to a gaol sentence at the Petty Sessions. This is particularly surprising given the high fines imposed upon the remaining deer poachers. Richard Cross, for example, was fined £30 for the illegal possession of part of a deer in Widford in May 1814, while John Hale was fined the same amount for possession of a deer in Littledean in July 1822.⁷⁵ Neither conviction included the choice between a fine or confinement.⁷⁶ The significant fines imposed on the deer poachers above represent some of the highest financial penalties across the period of study.⁷⁷ The ability to pay the fines could suggest their involvement in the illicit market.

George Flight and James Bailey were convicted for possessing a side of a deer believed to have been stolen in King Stanley in July 1829.⁷⁸ Both were ordered to pay a £20 fine or face six months hard labour in Horsely house of correction. Their entry

⁷⁰ GHH Q/PC/2. See also 39/A/1.

⁷¹ GHH Q/PC/2. See also 34/A/3, 41/D/1, 41/D/5, 48/D/72, 48/D/73.

⁷² Widford was incorporated into Oxfordshire as part of the 1844 Counties Act.

⁷³ GHH Q/PC/2. See also 39/A/1.

⁷⁴ GHH Q/PC/2. See also 49/C/1.

⁷⁵ GHH Q/PC/2. See also 34/A/3, 41/D/5.

⁷⁶ This could be a result of incomplete record keeping.

⁷⁷ Only twenty-four other labourers were fined £20. No other fines of £30 were given.

⁷⁸ GHH Q/PC/2. See also 48/D/72, 48/D/73.

into the gaol-register shows that Flight was sentenced to one-month hard labour, compared to Bailey's six months.⁷⁹ This was not the first time either Flight or Bailey were recorded as breaking the law. In May 1829 Flight had served four weeks in the house of correction for stealing turnips.⁸⁰ The gaol register records him being employed as a clothmaker in May but as a labourer in August, perhaps reflecting a seasonal change in employment linked to the harvest.

Bailey, meanwhile, appears to have been a habitual criminal, his conviction for possession of a deer in August 1829 being his third period of imprisonment. He was first convicted in May 1828, aged fifteen, for being a rogue and vagabond and sentenced to one-month hard labour.⁸¹ He was convicted again in February 1829 for using a lurcher to kill game and sentenced to three months hard labour.⁸² He was later found guilty of stealing apples from an orchard in King's Stanley in October 1830 and again sentenced to one-month hard labour in Horsely.⁸³

Interpreting the actions of an individual such as James Bailey is challenging. He was evidently willing to break the law, and despite serving eleven months in Horsely House of Correction over the span of two years his imprisonment did not seem to deter him. Neither the gaol register nor the Petty Sessions indictments are able to provide explicit motivations behind his criminality. His first entry into the gaol calendar, however, could provide context. In May 1828 Bailey was recorded as being employed as a clothmaker, yet every other interaction with the law describes him as a labourer. This could indicate a worsening financial situation for Bailey, with his decision to poach and steal food being a means to alleviate the hardship of poverty. On the contrary, he

⁷⁹ GHH Q/ GH. Gaol Register Number 1430, 1431.

⁸⁰ GHH Q/ GH. Gaol Register Number 1430.

⁸¹ GHH Q/ GH. Gaol Register Number 975.

⁸² GHH Q/ GH. Gaol Register Number 1246.

⁸³ GHH Q/PC/2. See also 50/A/67.

may have simply been an individual more inclined to break the law, regardless of social station.

Groups of Labourers

A notable distinction between labourers and other groups is the higher proportion of convictions of three or more poachers.⁸⁴ There are five recorded instances of groups of labourers being convicted during the period of study, the largest of which consisted of six individuals.⁸⁵ This group, containing five labourers and a sawyer, were indicted for poaching hares in January 1816 in the enclosed ground of Cowley Manor, near Cheltenham. The men were kept until the subsequent Quarter Sessions, although no evidence of their trial was identified.⁸⁶ The *Cheltenham Chronicle* reported in May 1816 that the six men had been declared rogues and vagabonds.⁸⁷

One member of the gang, John Champion, had previously been indicted for the intent to poach hares in enclosed ground in Cobberely with shoemaker William Drinkwater and another unknown individual in October 1812.⁸⁸ His County Gaol entry states that he was held for poaching at night 'with others on the lands of William Lawrence Esq of Cubberley [sic], armed with bludgeons, dogs and nets for the destruction of game and violently assaulted Henry Baker, and was found guilty of violence to the terror of the people.'⁸⁹ This detail is in marked contrast with his indictment at the Petty Sessions, where no mention of being armed, dogs, or violence

⁸⁴ This covers gentlemen, yeomen and farmers, skilled trades, and individuals with no status given in the record.

⁸⁵ GHH Q/PC/2. See also 32/A/164, 32/B/5, 34/B/10, 35/B/75, 50/A/49,50,51.

⁸⁶ GHH Q/PC/2. See also 35/B/79. A sawyer was employed in the sawing of wood / timber.

⁸⁷ Hopkins, *Long Affray*, p. 305.

⁸⁸ GHH Q/PC/2. See also 32/A/164.

⁸⁹ GHH Q/SG/2. Gaol Number 25.

is recorded. Champion's repeat offending suggests his first period of incarceration was not an adequate deterrent.

Labourers utilised a wide range of methods when poaching, the most common of which was the use of dogs. From the 111 records that explicitly mention the methods used by poachers, forty-five refer to the use of dogs, thirty-two to snares, ten for the use of engines and six for ferrets.⁹⁰ Eighteen convictions refer to the use of guns across the whole of the period, eleven of which were the combined use of guns and dogs. Munsche points out that the use of guns became increasingly associated with sporting marksmanship amongst the upper classes throughout the eighteenth century.⁹¹ Labourers, on the other hand, often enjoyed the cultural custom of poaching with ferrets and dogs.⁹² These methods were easier to employ covertly at night and on a larger scale, while also helping to avoid the attentions of gamekeepers.

Gamekeepers held the authority to search the houses and persons of the unqualified, and could seize any gun, sporting dog, snare or net they found.⁹³ This meant poachers were not required to be caught in the act in order to be prosecuted. Edward and Thomas Hitchings were both fined £5 for the possession of snares and nets with intent to poach in March 1810 in Cranham.⁹⁴ In March 1814 labourers Thomas Ockwell and John Thomas, alongside cooper John Hopkins were convicted of using a dog with the intent to kill game in Down Ampney and each fined £10.⁹⁵ In August 1826 James Packer was convicted of having in his possession 'eighteen

⁹⁰ Hay, 'Poaching and the Game Laws on Cannock Chase', p. 194. Engines, or 'engines of destruction', encompass nets, wires, and traps. This phrase was often used in lieu of more specific terms.

⁹¹ P. B. Munsche, 'The Gamekeeper and English Rural Society 1660-1830', *Journal of British Studies*, 20 (1981), 82-105 (p.89).

⁹² Joseph Harley, 'Poverty, Mad Dogs and Culling: Dogs and Entitlement to Poor Relief in England, c. 1750-1834', *Family and Community History*, 27 (2024) 207-221 (p. 208-212). Harley suggests dog ownership was widespread among the poor, despite the contemporary belief that keeping dogs was too expensive.

⁹³ Munsche, 'The Gamekeeper and English Rural Society', p. 83.

⁹⁴ GHH Q/PC/2. See also 29/C/8, 29/C/9.

⁹⁵ GHH Q/PC/2. See also 33/B/7, 33/B/8, 33/B/9.

snare for the destruction of game' in Great Barrington and fined £5.⁹⁶ This does not suggest an amateur approach to poaching.

The paucity of information regarding the perspective of the perpetrators, particularly from the lower orders, means historians have been forced to interpret meaning in the actions of poachers. Rule suggests that poachers, particularly the labouring poor, would have been unable to operate to such a large extent without a level of 'popular' cooperation amongst rural communities.⁹⁷ The scale of poaching, evident from the official statistics alone, and the support for poachers in their breaking of the Game Laws helps to define poaching as a social crime.⁹⁸ Rule is explicit in his belief that 'poaching is not a crime', regardless of the motivations behind the act.⁹⁹

It is certainly tempting to view the actions of the labouring poacher as a weapon of protest against the landowning elite. The study of Gloucestershire challenges this interpretation. Poachers, despite their motivations, were objectively criminals. While their actions have received justification from both contemporaries and modern historians, the fact remains that poachers intentionally broke laws that had been in effect since the 1671 Game Act. Further, the Game Laws were an unambiguous elitist attempt at protectionism through the property qualification. While the property qualification itself should be considered classist, the fact that only 1% of the population qualified to take game meant high status individuals became poachers. These poachers are certainly not warriors in class war.

Caution must be applied to the concept of support that poachers received from local communities. It is tempting to idealise the social context, with labouring poachers

⁹⁶ GHH Q/PC/2. See also 45/D/38.

⁹⁷ Rule, 'Social Crime', p. 152.

⁹⁸ Rule, 'Social Crime', p. 152. Scott, 'Everyday Forms of Resistance', p. 36.

⁹⁹ Rule, 'Social Crime', p. 152.

acting as the vanguard of united resistance against upper-class oppression. This does not reflect the reality of everyday interactions. The analysis of the Petty Sessions indictments hints at this lack of consensus. In December 1818, for example, labourer Benjamin Crowder was fined £20 plus £1 costs for using a snare to kill hares in Painswick.¹⁰⁰ His record suggests he had travelled from Stroud to Painswick in order to poach. His conviction was secured through ‘informer and complainant’ William Bennett, supported with witness statements from John Arnold and Thomas White. All three were recorded as labourers living in Painswick. Perhaps the Painswick labourers were averse to outsiders poaching in their locality.

This scenario was not uncommon. The convictions of George May and George Adams in November 1822, and John Boulton in December 1825 were secured through the accounts of labouring informers.¹⁰¹ The motivations behind the decisions to inform are unclear. Possible financial reward must have played a part, the benefits of which would have been difficult to ignore. A notice published in the *Gloucester Journal* in August 1812, for example, offered a three-guinea reward for information regarding individuals poaching during the day and five guineas for night poachers in Nass Manor.¹⁰² Rudge’s *General View of the Agriculture of the County of Gloucestershire* found that male agricultural labourers could earn up to 2s a day ‘with drink’ in the summer.¹⁰³ Informing on a night-poacher could therefore represent over fifty days-worth of wages during the better paying summer months. The decision to inform had the possibility to be incredibly lucrative to labourers, and it is unsurprising that some would put their financial security before personal loyalties or class identity.

¹⁰⁰ GHH Q/PC/2. See also 38/A/16.

¹⁰¹ GHH Q/PC/2. See also 42/A/41, 42/A/42, 45/A/5. The cases referred to here represent a small sample.

¹⁰² *Gloucester Journal*, 31 August 1812, p. 3. A guinea equates to £1 1s, or 21s.

¹⁰³ Rudge, *General View* p. 387. In winter men were found to earn 1s 6d per day, with drink. Headmen could earn between £8 and £12 annually, while a boy could earn between £2 and £5 per year. Women could earn 1s with drink in the summer, and 10d in the winter.

Further motivations must also be considered when attempting to interpret the decision of labourers to inform, such as the possibility of improving social standing with landowners or personal vendetta, both of which are unlikely to be visible in the official record. The most significant element about labouring informers is their very existence. This challenges the perception that this social group represented a unified block of resistance against their social superiors through poaching.

Gentlemen

The term gentleman, denoting someone who could afford 'to live without manual labour', was first used as a form of differentiation from noblemen in 1577.¹⁰⁴ The term was a sought-after indicator of social status and retained value as a measure of rank in British society in the eighteenth and early nineteenth centuries.¹⁰⁵ By the beginning of the nineteenth century the concept came to represent a man of high birth or rank, with good social standing and wealth. The social change precipitated by the Industrial Revolution led to the expansion of the term gentlemen to include occupations such as lawyers and doctors, and members of the mercantile professions.

Between 1810 and December 1831 fifteen gentlemen and one Esquire were convicted in twenty-two separate indictments for poaching at the Petty Sessions.¹⁰⁶ The presence of gentlemen in the record challenges the assumption that poaching was the domain of the labouring poor in England. All gentlemen poachers were able to pay the fines they faced, hinting at a more favourable financial situation than

¹⁰⁴ Britannica, *Gentlemen* <<https://www.britannica.com/topic/gentleman>> [accessed 25 January 2024].

¹⁰⁵ Britannica, *Gentlemen*.

¹⁰⁶ Britannica, *Esquire* <<https://www.britannica.com/topic/esquire-title>> [accessed 25 January 2024] Esquire was a title held by the eldest sons of baronets and knights. Officials such as justices of the peace, mayors and sheriffs could also hold the title. Esquire was held by the eldest sons of younger sons of peers. It was also used as a courtesy to all professional men.

poachers from other social groups. The fines imposed upon gentlemen ranged from £5 through to a maximum of £25 for a single offence.¹⁰⁷

Roynon Mason's hearing records him being caught poaching on five separate days in the first two weeks of September 1825, and as a result was fined £5 for each offence.¹⁰⁸ Mason, an attorney and resident of Gloucester, was found poaching in the parish of Norton on the outskirts of the city.¹⁰⁹ The conviction of Mason was obtained on information provided by George Henry Mason, a 'younger gentleman of South Hamlet' near Gloucester. There is a possibility that the conviction of Roynon Mason points to evidence of a family feud, given the small population of Norton at the time, although no evidence has been identified regarding a prior relationship between the two men.¹¹⁰

Mason's convictions do not appear to have had an adverse impact on his career progression or social standing. He was recorded as a steward of the Gloucester Benevolent Society in January 1837, a member of the Reform Association in October 1837, and a member of the Liberal Party in October 1839.¹¹¹ Mason later attained the rank of Esquire and served in a number of administrative roles such as Clerk to the Newnham Petty Sessions and Deputy Steward of the Forest of Dean Courts.¹¹² That Mason was able to fulfil such roles following his conviction indicates a lack of stigma regarding poaching amongst the upper strata of the county, perhaps offering a window into wider contemporary feelings regarding the Game Laws.

¹⁰⁷ To offer a sense of comparison, 15% of families admitted receiving an annual income exceeding £50 at the beginning of the nineteenth century, with just 25% of taxpayers in 1800 admitting to receiving an annual income of over £200. In 1814, less than 14% of English families chose or could afford to spend more than £5 on shelter.

¹⁰⁸ GHH Q/PC/2. See also 44/D/14. Mason's conviction.

¹⁰⁹ Thomas Day, *The Legal Observer and Solicitors Journal* (London: J. Palmer, 1856), p. 249. Roynon Mason is described as a solicitor and deputy coroner for the Forest of Dean.

¹¹⁰ Census returns for the population of Norton in 1821 was 349, rising to 423 in 1831. Five further convictions were obtained through information given to the courts by fellow gentlemen. GHH Q/PC/2. See also 40/A/4, 46/A/21, 49/A/57.

¹¹¹ *Gloucester Journal*, 7 January 1837, p. 3. *Gloucester Journal*, 7 October 1837, p. 4. *Gloucestershire Chronicle*, 5 October 1839, p. 3.

¹¹² Parishmouse, *Newnham Gloucestershire Family History Guide* <<https://parishmouse.co.uk/gloucestershire/newnham-gloucestershire-family-history-guide/>> [accessed 2 February 2024].

Newspapers from the period include large numbers of notices published by landowners regarding the taking of game on their land. These notices follow a similar structure across the period and are explicit in their distinction between the qualified and unqualified. In September 1810 the *Gloucester Journal* published a notice from W. H. Yate, a local Lord with lands that spanned the border of Gloucestershire and Worcestershire, expressing his frustrations at the loss of game caused by the 'illegal depredations of poachers.'¹¹³ Poachers were threatened with prosecution under the Game Laws and trespassing legislation if they were caught. Yate's frustration, however, was not confined to poachers. The same notice included criticisms of qualified individuals through their 'too eager and frequent' pursuit of game on his land. He could only request that these men not hunt his game.

A similar notice was published in the same edition of the *Gloucester Journal* by William Hayward Winstone.¹¹⁴ Once again, poachers were threatened with the full force of the law while qualified individuals were only requested to stop pursuing game. Landowners must have felt completely helpless when attempting to prevent the qualified from hunting on their land.

Suggestions of this helplessness can be gleaned in a notice published in August 1812 stating that 'qualified gentlemen are particularly requested not to sport' during the forthcoming season on lands belonging to the Right Honourable Sir William Scott in Chedworth.¹¹⁵ This would have been especially galling to landowners such as Scott, who served as Judge of the High Court of the Admiralty from 1798 to 1828 and was made Lord Stowell in 1821.¹¹⁶ Having to issue a request to individuals that may

¹¹³ *Gloucester Journal*, 3 September 1810 p. 2.

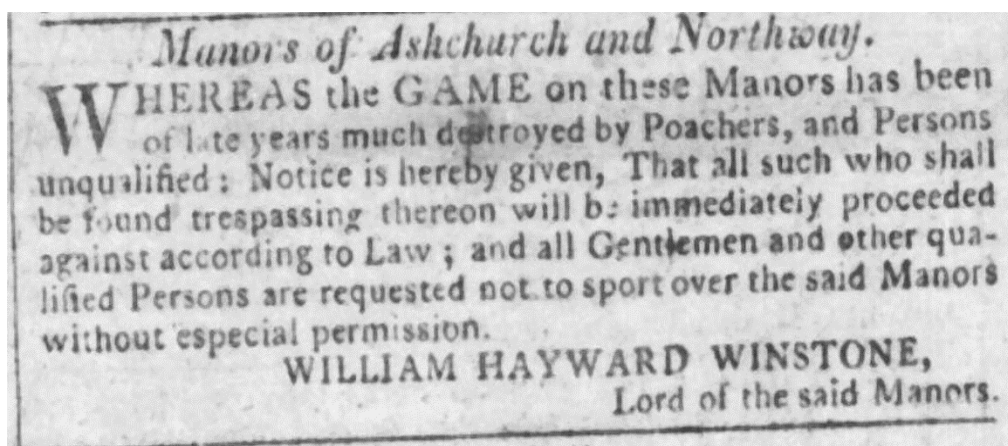
¹¹⁴ *Gloucester Journal*, 3 September 1810 p. 2.

¹¹⁵ *Gloucester Journal*, 31 August 1812, p. 2.

¹¹⁶ British History Online, *A History of the County of Gloucester: Volume 7, Chedworth* <<https://www.british-history.ac.uk/vch/glos/vol7/pp163-174>> [accessed 3 February 2024].

have been social inferiors must have been anathema to individuals like Scott. Further frustrations must have been felt by landowners who did not meet the property qualification, forbidden as they were from taking game on their own land while having to endure the qualified freely accessing their land. It is unsurprising that the Game Laws became a source of conflict in communities, even amongst the upper echelons of rural society.

FIGURE 5.3. An example of a poaching notice published in the newspapers of the period.¹¹⁷



This conflict was exacerbated when the pursuit of game damaged property and consequently had an adverse economic impact on the landowner. In August 1812 landowner Charles Pole bemoaned the damage done to his corn, mounds, and fences through the pursuit of game on his land.¹¹⁸ He requested that the qualified 'do as little damage in the pursuit of game as possible', while promising to prosecute the unqualified for both their breaking of the Game Laws and the 'special damages' incurred by their trespassing.¹¹⁹ Pole served as High Sheriff of Gloucestershire in

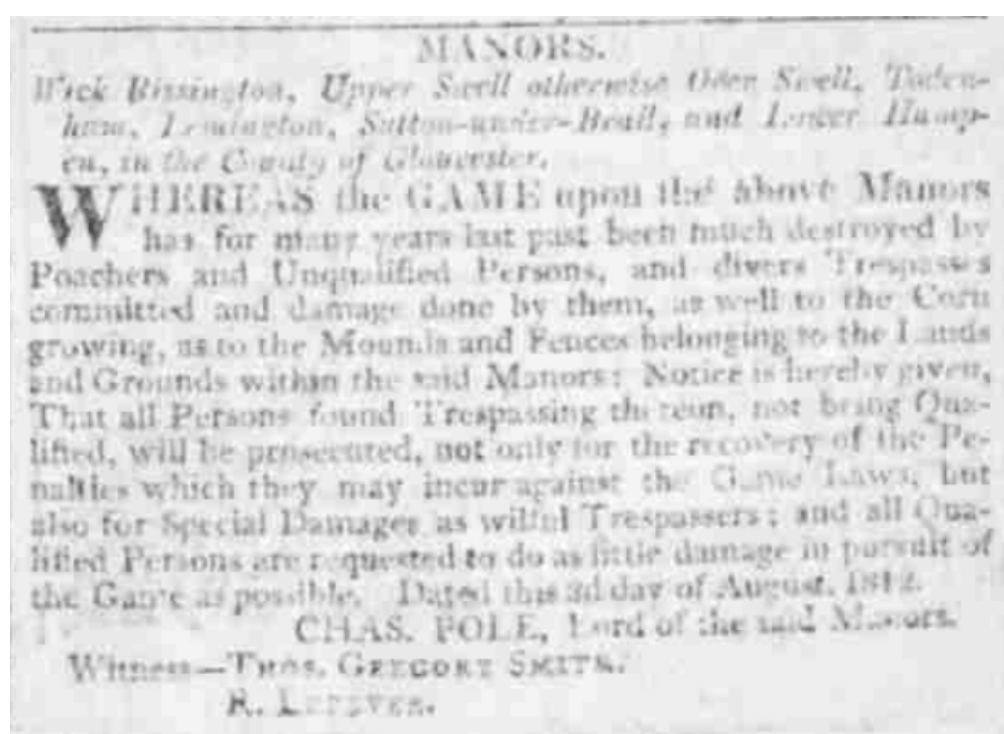
¹¹⁷ *Gloucester Journal*, 10 September 1810, p.4.

¹¹⁸ *Gloucester Journal*, 31 August 1812, p. 3.

¹¹⁹ *Gloucester Journal*, 31 August 1812, p. 3.

1813 and was listed in the register of deputations to gamekeepers eight times.¹²⁰ He employed four gamekeepers on his land a total of eight times between 1801 and 1819. Landowners were required to register gamekeepers if the value of their estates exceeded £500. Pole's requests must have been particularly demeaning to someone of his social standing.

FIGURE 5.4. Charles Pole's poaching notice.¹²¹



This theme remained throughout the period of study, with the *Cheltenham Chronicle* publishing a notice in August 1827 that referred to the land of Reverend Mungo Henry Waller having been trespassed upon by unqualified gentlemen.¹²² No information is provided as to how the Reverend Waller was able to identify either the social standing or qualification status of the poachers, although it is not inconceivable that their status as gentlemen would have increased the prospect of them being

¹²⁰ *The London Gazette*, 9 February 1813, p. 301. Also found at GHH Q/ So/ 12.

¹²¹ *Gloucester Journal*, 31 August 1812, p. 3.

¹²² *Cheltenham Chronicle*, 30 August 1827, p. 3.

recognised by witnesses to their illegal activity. The status of the gentlemen, however, did not discourage Reverend Waller from threatening 'all poachers and other unqualified persons' with prosecution if caught taking game on his land.¹²³

With the addition of Roynon Mason's conviction, just over one fifth of the Petty Sessions records pertaining to gentlemen poachers include fellow gentlemen as informers. While no evidence survives as to the motivations behind the decision to inform, the very existence of gentlemen informing on their own should be interpreted as a window into the complex, often hidden, social relations of contemporary local communities. The taking of game was clearly an arena of conflict both across and within the social strata.

Frustrations concerning poachers led to a collective response from landowners through the formation of anti-poaching associations. One example, identified in 1814, was established to pursue and prosecute 'at joint expense all persons who shall be found guilty of any felony, poaching [...] and trespassings' on their lands.¹²⁴ Formed in September 1814, the association covered twenty-one parishes on the border region of Gloucestershire and Worcestershire. The association had an initial membership of fifty-two, all but one of whom were male. The female member of the association, the Honourable Mrs Yorke, was the daughter of the Bishop of Worcester and had inherited the substantial Forthampton Estate on the outskirts of Tewkesbury.¹²⁵ The association included several significant individuals, including George William Coventry, the 8th Earl of Coventry and William Lygon, the Lord Beauchamp. Further members included

¹²³ *Cheltenham Chronicle*, 30 August 1827, p. 3.

¹²⁴ *Gloucester Journal*, Monday 19 September 1814, p. 2. Associations have also been identified in Coleford and Chepstow.

¹²⁵ Her father, Isaac Maddox, had purchased Forthampton Estate in 1750.

Lieutenant-General William Dowdeswell, MP for Tewkesbury John Dowdeswell, and five Esquires.¹²⁶

The association's focus on combatting poaching was clearly defined in its rules and regulations. The members stipulated that 'every Member of the Society carrying a gun, or using any greyhound or other dog for killing game, or for the other purposes of sporting, shall take out a game certificate, and carry the same constantly about him.'¹²⁷ Furthermore, the association demanded that members should 'challenge each other to produce their certificate' when meeting one another, failure to do so resulting in a five shilling fine.¹²⁸ Members of the association agreed that all poachers would be prosecuted 'without any mitigation of fine or punishment', an implicit acknowledgement that certain poachers may have previously avoided criminal proceedings.¹²⁹ The reasons for this can only be implied, but it would be unsurprising to find that high status unqualified individuals were able to avoid official sanction as a result of their social standing.¹³⁰

An interesting addition to the rules and regulations is found in the requirement that 'every Member shall discourage [...] any shooting or beating for game in standing corn', members facing a fine of ten shillings if this occurred.¹³¹ The destruction of crops in the pursuit of game was an ongoing source of friction between qualified and unqualified landowners due to the potential adverse financial impact it had on farmers. The effort to prevent this from occurring seems to have been an attempt to improve

¹²⁶ Hay, 'Poaching and the Game Laws on Cannock Chase', p. 191. Hay describes poaching associations being present across the nation.

¹²⁷ *Gloucester Journal*, 19 September 1814, p. 2.

¹²⁸ *Gloucester Journal*, 19 September 1814, p. 2.

¹²⁹ *Gloucester Journal*, 19 September 1814, p. 2.

¹³⁰ A form of cronyism within poaching, as it were. Perhaps landowners were also benign, refusing to prosecute poachers that were clearly poaching for as a result of poverty.

¹³¹ *Gloucester Journal*, 19 September 1814, p. 2.

social relations across the lands of the association's membership. The impact of this financial deterrent on high status individuals, however, is questionable.

The strength of this association stemmed from the combination of their economic capital, allowing its members to offer large rewards in return for any information on offenders that led to prosecution. This included a £2 10s reward for the prosecution of poachers and a £5 5s reward for the successful conviction of individuals stealing from fish pools and rivers. The association focused on the protection of private property and provided a wide range of criminal acts that would be rewarded upon a successful prosecution. A £3 3s reward for the destruction of agricultural equipment, £1 1s for the theft of materials such as stone and coal from transport carts, and £10 for the possession of stolen goods highlights their priorities.

Members were also determined to tackle acts that have been labelled social crimes. Once again, a significant financial incentive was offered. Informants responsible for successfully prosecuting individuals found stealing or maiming horses were rewarded £15 15s, while information on the maiming of cattle or sheep received £7 7s. Further information pertaining to crimes such as the damaging of gates and fences, or the theft and maiming of crops and wood would be entitled to a £2 2s reward.¹³² The determination to protect private property, demonstrated through the establishment of associations, explains the willingness of landowners to prosecute higher status poachers.

Repeat Offenders

Three gentlemen were convicted as repeat offenders. William Wadley and William White were convicted of poaching with a greyhound twice in January 1814.¹³³ They

¹³² *Gloucester Journal*, 19 September 1814, p. 2.

¹³³ GHH Q/PC/2. See also 33/B/1, 33/B/2, 33/B/3, 33/B/4.

were fined £5 for their first offence and £20 for the second.¹³⁴ The third repeat offender, Thomas Earle, was convicted four times, once in November 1823 and three times in October 1826.¹³⁵ The records show that Earle was convicted for poaching game on the fourth, seventh, and eleventh of October 1826 in Frampton-on-Severn, Wheatenhurst, and Eastington, rural villages found between Gloucester and Dursley. In contrast to Wadley and White, Earle was fined £5 on each occasion.

Fourteen gentlemen were convicted of using guns in their pursuit of game. The prevalence of the use of firearms in the pursuit of game contrasts starkly with strategies employed by labourers. Firearms were identified in 72.3% of the convictions of gentlemen compared with 9.8% of labourers.¹³⁶ Thomas has argued that gentlemen convicted of poaching distinguished themselves by both 'motive and method.'¹³⁷ He claims these men were interested primarily in the sporting element of poaching rather than the taking of animals for food or sale into the illicit market for game. Consequently, gentlemen focused on game most associated with sport such as pheasants and were far more likely to poach during the day. Their fondness for birds on the wing explains their preference for the use of guns.

The Petty Sessions state the specific animals poached by gentlemen in four convictions. The remaining eighteen simply refer to the taking of game. Evidence that gentlemen were engaged in poaching for sport can be identified through the use of firearms in sixteen of the twenty-two records and the use of dogs in thirteen. Only one occasion from the record suggests gentlemen operating together. James and William Goodrich, gentlemen living in the hamlet of Wotton on the outskirts of Gloucester, were

¹³⁴ A £20 fine was issued 53 times between 1810 and 1830 for breaches of the Game Laws.

¹³⁵ GHH Q/PC/2. See also 43/A/13, 46/A/23, 46/A/24, 46/A/25.

¹³⁶ Two for hares, one for hare and pheasant, and one for conies.

¹³⁷ Thomas, 'Pursuing Wild Symbols of Privilege', p. 483. Taking game for food was, according to Thomas, a secondary consideration.

both convicted for poaching game with a gun in Maisemore in October 1827.¹³⁸ They were indicted separately and each fined £10.

All gentlemen were convicted of day poaching. Contemporary attitudes, particularly amongst the law-making elite, regarded night poachers as true poachers, using the darkness to hide their identity in a similar manner akin to the Waltham Blacks of the 1720s.¹³⁹ This attitude was reflected in the series of Night Poaching Acts that introduced increasingly harsh penalties imposed upon poachers operating at night, a period of time defined as an hour after sunset to an hour before sunrise. Gentlemen, it was assumed, had no need to partake in criminal behaviour and would therefore only poach when they could take advantage of the daylight to pursue game in the sporting manner.¹⁴⁰

The disparity between the convictions of gentlemen and labourers, at first glance, is stark. Gentlemen and Esquires account for 5.4% of Game Law convictions across the period of study, compared with 45.1% for labourers. Despite the differences found in the official records shown here, any analysis of the data should be approached with caution when drawing conclusions about gentlemen poachers. Gentlemen, given their higher levels of economic and social capital, were far more likely to settle any disputes outside of court, indicating a significant gap in the understanding of the role of gentlemen in the illegal taking of game from the official records. Any conclusions on the role of gentlemen in poaching in Gloucestershire must therefore be tempered.

¹³⁸ GHH Q/PC/2. See also 47/A/26, 47/A/27

¹³⁹ Thomas, 'Pursuing Wild Symbols of Privilege', p. 483.

¹⁴⁰ A discussion of the evidence for night poaching comes in Chapter 7.

One case, however, challenges the idea that gentlemen and labouring poachers should be considered separately.¹⁴¹ In September 1831 gentleman and attorney Robert Harrington Bush was convicted of using a gun and dog to kill game in Yate alongside labourer William John Dutfield.¹⁴² The two men were informed upon by gentleman Henry Ray, with labourers William and Thomas White acting as witnesses. The indictments state that the men were seen flushing a pheasant before chasing it down and killing it. Both Bush and Dutfield were found guilty and each fined £5. Despite equality in the punishment imposed upon the poachers, each behaved in very different manners towards their trials. Dutfield appeared at court, pleaded not guilty, but offered no defence to the accusations against him. Bush, however, chose not to appear at court, despite having his summons personally delivered by the local constable.

Valuable, albeit limited, qualitative data can be gleaned from the comments used within the indictments against gentleman poachers. The case of George Bush, a gentleman from Henbury convicted of keeping and using a dog to kill game in November 1829, provides a potential insight into his views of the Game Laws. Bush did not settle outside of court, his conviction stating that he admitted the charge against him and was subsequently fined £5.¹⁴³ Perhaps the evidence against Bush was so damning that to challenge the indictment was simply pointless, his conviction having been secured on the evidence of fellow gentleman Henry Poole.

¹⁴¹ One other case, that of Thomas Baghott Esq using snares to poach conies in league with a labourer will be discussed later.

¹⁴² GHH Q/PC/2. See also 51/A/95, 51/A/96.

¹⁴³ GHH Q/PC/2. See also 49/A/57. Bush's conviction is the only record relating to gentlemen that uses the phrase 'freely admitted charge'.

Bush was convicted alongside two other men, hotel-keeper James Burt and Nathaniel Poole.¹⁴⁴ All three indictments were repeated almost verbatim, apart from Burt's referring to a lodging-housekeeper as the informant. Why the men were indicted separately is unclear. That all three men 'freely admitted' the charges against them could be interpreted as evidence for the absence of fear for either breaking the law or the potential penalties that would result.

The passing of the 1770 Night Poaching Act had introduced harsher sanctions for any found poaching between an hour after sunset and an hour before sunrise, while subsequent legislation in 1800 and the 1816 Night Poaching Act further strengthened the sanctions available, including transportation. Individuals caught day poaching however would face a fine, something gentlemen in a relatively stronger economic position would be more than able to afford.¹⁴⁵

While gentlemen poachers are not the stereotypical victims of the asymmetrical social relations found within the rural communities of England, they should be considered participants in the conflict and resistance surrounding the Game Laws. When gentlemen made the decision to poach they were deliberately choosing to challenge the same legislation as the landless agricultural labourer. Despite their elevated social status, under the Game Laws large numbers of gentlemen were simply unqualified. This must have been a galling experience for men accustomed to influential positions in local society and privilege in every other aspect of their lives. The breaking of the Game Laws by these men must be considered an act of resistance, regardless of the motivations behind their activities.¹⁴⁶

¹⁴⁴ GHH Q/PC/2. See also 49/A/55, 49/A/56. No occupation was provided for Poole.

¹⁴⁵ Hopkins, *Long Affray*, pp. 305-306. 10 Geo III c. 19, 57 Geo III c. 90.

¹⁴⁶ Hopkins, *Long Affray*, p. 305.

The extent to which gentlemen should be considered social criminals, however, requires careful consideration. It is almost beyond doubt that the gentlemen convicted of breaking the Game Laws in Gloucestershire did not perceive themselves as acting in unison with the wider community. They were certainly not participants in the proto-class conflict advanced by the early Marxist interpretations of poaching. In every other aspect of social relations gentlemen would be considered the beneficiaries of class inequality in the rural communities of England. The gentlemen identified in this study have been found to hold positions of authority within Gloucestershire and would have therefore been more likely to benefit from the inequality of social relations and burgeoning agrarian capitalist system in rural communities.

The Game Laws must therefore be considered a unique sphere of conflict at the time. This legislation, according to Rule, transcended concepts such as social class through the imposition of the elitist property qualification.¹⁴⁷ Contemporary popular antagonism towards the Game Laws meant prevailing conceptions of poachers were generally positive. Regardless of who or why they poached, poachers were not regarded as criminals by large swathes of the rural population.¹⁴⁸

If this concept is extended to all that broke the Game Laws, as Rule suggests, then gentlemen poachers could be considered social criminals. The problem with this interpretation, however, is how this group corresponds with wider notions of social criminality or conflict. Poaching, while undoubtably significant, was just a single arena of rural social crime and conflict at the time. Other forms of social crime, such as

¹⁴⁷ Rule, 'Social Crime', p. 139.

¹⁴⁸ Rule, 'Social Crime', p. 140.

resource theft, were also practiced on a large scale in the rural communities of Gloucestershire. Not a single gentlemen was identified in these crimes.¹⁴⁹

Whether gentlemen poachers enjoyed the same levels of popular support from local people, especially compared to poachers from the lower echelons of society, is both hard to prove and difficult to imagine. One interesting aspect of the evidence is the fact that labourers were recorded as informers in 20% of convictions, representing the largest single group of informers against gentlemen in the records. Rather than being allied in their resistance to the Game Laws, perhaps these labourers understood that they could use legislation as another weapon against their social superiors. Informing could therefore be interpreted as a form of agency, a weapon of the weak deployed against their social superiors.¹⁵⁰

Yeoman and Farmers

Yeomen and farmers account for forty-six poaching convictions within the Petty Sessions records, representing 11.2% of the total.¹⁵¹ Three indictments include more than one individual. Brothers Thomas and John Hall were each fined £5 for using dogs to kill game in Westerleigh in December 1818.¹⁵² Farmers George Workman and Matthew Robinson of North Nibley were convicted alongside weaver Elijah Hill and clothier Abraham Perrett for using dogs to kill conies in January 1816.¹⁵³

Farmer Joseph Bendal received a mitigated fine of £10 along with his son Edwin for the intent to kill game in Yate in November 1822.¹⁵⁴ James Cole was

¹⁴⁹ This figure covers acts of vandalism as well as theft and include both men and women. The period represented by the figures begins in 1781 and ends in December 1831.

¹⁵⁰ Amongst other motivations.

¹⁵¹ A yeoman was a farmer that works on land he owns.

¹⁵² GHH Q/PC/2. See also 38/A/10.

¹⁵³ GHH Q/PC/2. See also 35/C/40, 35/C/41, 35/C/42, 35/C/43. Conies is another term for rabbit.

¹⁵⁴ GHH Q/PC/2. See also 42/A/38.

convicted of the same offence, his hearing taking place six days later.¹⁵⁵ Edwin Bendall's conviction alongside his father in November 1822 was his second offence, his first occurring in October 1822 for shooting hares.¹⁵⁶ Edwin Bendall was tried again in January 1829 for shooting a pheasant.¹⁵⁷ Bendall claimed that the witness could not have seen him as the 'hedge was too high.' He was found guilty and fined £5.

The records show two farmers, and one yeoman convicted as repeat offenders. James Cole of Old Sodbury was convicted in November 1820 for shooting a hare that had been caught by his pointer dog and fined £5.¹⁵⁸ He was convicted of intent to kill game in November 1822 after being caught with dogs and a gun and given a mitigated fine of £10.¹⁵⁹ Farmer Samuel Thomas was convicted twice in October 1822 for shooting game on successive days and fined £10 for both offences.¹⁶⁰ Finally, yeoman Giles Edmonds of Lechlade was convicted of keeping a dog and gun to kill game in November and December 1825 and fined £5 on each occasion.¹⁶¹

Fines for farmers and yeomen were high. Five were fined £20 and ten were fined £10. Farmer William Hyde was fined £20 for using three dogs to kill a hare in Boddington in October 1819 while yeoman James Baylis was convicted and fined £20 for using a dog and gun to kill game in Twigworth.¹⁶² Yeoman John Wigmore was fined £20 for using dogs to kill game in Horsley in April 1829 and in October 1829 yeoman Robert Fry was fined the same amount for shooting game in Horsley.¹⁶³ The prevalence of dogs and firearms could be interpreted as a preference for the sporting

¹⁵⁵ GHH Q/PC/2. See also 42/A/37.

¹⁵⁶ GHH Q/PC/2. See also 42/A/36. Edwin Bendall received a mitigated fine of £10.

¹⁵⁷ GHH Q/PC/2. See also 48/B/57. Edwin Bendall was recorded as a cattle dealer in 1829.

¹⁵⁸ GHH Q/PC/2. See also 40/B/1.

¹⁵⁹ GHH Q/PC/2. See also 42/A/37.

¹⁶⁰ GHH Q/PC/2. See also 42/B/42, 42/B/43.

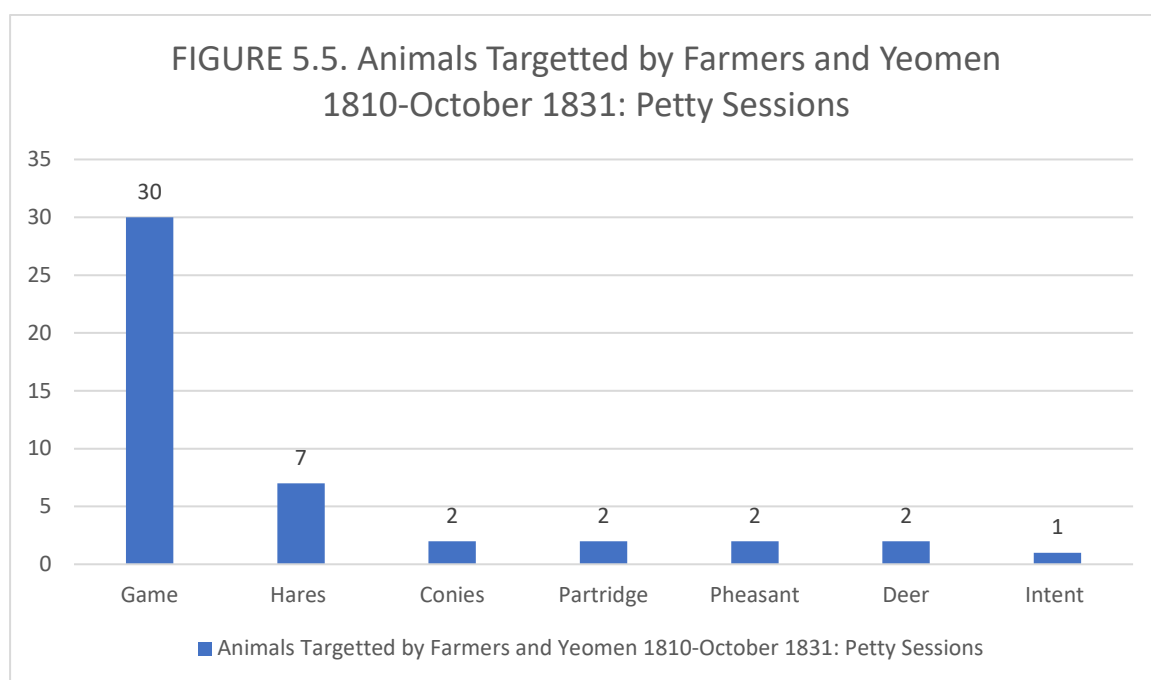
¹⁶¹ GHH Q/PC/2. See also 45/A/16, 45/A/18.

¹⁶² GHH Q/PC/2. See also 38/D/11, 43/A/29.

¹⁶³ 48/B/29, 49/A/16.

element of poaching, or could simply symbolise the better economic situation of these men.

The records do not state whether either the yeomen or farmers convicted of breaching the Game Laws were poaching on land that they owned or rented. This omission, while unfortunate, does not reduce the significance of these men choosing to break the Game Laws, laws that would have prevented the killing of game even on the land they relied upon for their livelihoods. The restrictions imposed through the property qualification were particularly detested by yeomen and farmers because they were prevented from killing game even when it was damaging their crops.¹⁶⁴ This was especially true of the legal protection enjoyed by deer and rabbits, animals that were renowned for causing considerable damage if allowed to roam farmland unchecked.



The records show that farmers and yeomen were not targeting deer and rabbits to a great extent. Only two convictions explicitly reference deer.¹⁶⁵ On 20 September

¹⁶⁴ Thomas, 'Pursuing Wild Symbols of Privilege', p. 485.

¹⁶⁵ GHH Q/PC/2. See also 29/D/14, 32/D/6.

1810 the *Cheltenham Chronicle* reported on the theft of a deer from William Hunt Prinn Esq's park in Charlton Kings, stating that warrants had been issued for two suspects.¹⁶⁶ On 28 September William Piff, a yeoman from Cheltenham, was indicted at the Petty Sessions for helping to steal the deer.¹⁶⁷ William Taylor, a butcher, was indicted for the killing.¹⁶⁸ The potential for commercial gain must therefore be considered. As deer stealing remained a capital offence under the 1723 Black Act there is a possibility Piff and Taylor would have been executed if found guilty.¹⁶⁹ No evidence of this was identified.

Yeoman William Abell was convicted of the possession of two fallow deer skins 'without satisfactory explanation' in September 1813 and fined £30, the largest fine faced by yeomen or farmers across the period.¹⁷⁰ The taking of deer and rabbits represent only 8.6% of convictions for yeomen and farmers. The overwhelming majority have been found to target game, with explicit reference being made to the taking of hares, partridges, and pheasants in 23.9% of cases. It is certainly true that these animals were capable of damaging crops, though not on the scale of deer and rabbits. Killing these animals had the potential to have multiple benefits for farmers. On the one hand the protection of their livelihood could have been combined with the sale of the animal and therefore improve the economic situation of the farmers. The ability to put the meat to use within the domestic sphere must also be considered, especially given the status of the animals.

The lack of a voice from the perspective of farmers and yeomen makes deriving motivation a challenge, yet the records offer an intriguing glimpse into the social

¹⁶⁶ *Cheltenham Chronicle*, 20 September 1810, p. 3.

¹⁶⁷ GHH Q/PC/2. See also 29/D/14.

¹⁶⁸ GHH Q/PC/2. See also 29/D/15.

¹⁶⁹ GHH Q/PC/2. See also 29/D/15. William Taylor, a butcher from Cheltenham, was found guilty of killing the deer.

¹⁷⁰ GHH Q/PC/2. See also 32/D/6.

relationships within rural Gloucestershire. This is best highlighted in the case of William Hopkins, a yeoman from Boddington prosecuted in February 1814 for assisting William Bridges Esq in the taking of a hare in Cheltenham.¹⁷¹ The *Cheltenham Chronicle* reported in March 1810 that Hopkins had been beating hedges for game for his employer, for which he was found guilty of and fined £10.¹⁷² No record survives for a prosecution of Bridges, the *Cheltenham Chronicle* reporting in April 1814 that he was a qualified individual.¹⁷³

Despite being found guilty at the Petty Sessions, Hopkins appealed his conviction at the following Quarter Sessions.¹⁷⁴ The *Cheltenham Chronicle* reported that the trial of Hopkins held significance to the 'sporting gentlemen' of the county, supposedly due to their reliance on unqualified employees when pursuing game.¹⁷⁵ The defence argued that Hopkins, as the servant of the qualified William Bridges, had acted under the direction of his master and was therefore not liable for conviction. Hopkins was successful in this appeal, and his conviction was quashed.

Two yeomen, James Stokes and William Tilly, were convicted of using a dog and gun to kill game in Stoke Gifford in October 1827.¹⁷⁶ Both men were recorded as residents of Bedminster in northern Somerset. It seems likely that Stokes and Tilly were operating on land they either did not own nor rent given the distance between their place of residence and the location of their criminal activity.¹⁷⁷ It is doubtful, therefore, that Stokes and Tilly were killing game in an effort to protect their crops from destruction. Both men pleaded their innocence but were found guilty and fined £5.

¹⁷¹GHH Q/PC/2. See also 33/B/11.

¹⁷² *Cheltenham Chronicle*, 10 March 1814, p. 3. GHH Q/PC/2. See also 33/B/11.

¹⁷³ *Cheltenham Chronicle*, 28 April 1814, p. 3.

¹⁷⁴ No detail of the case was found in the surviving Quarter Session records.

¹⁷⁵ *Cheltenham Chronicle*, 28 April 1814, p. 3.

¹⁷⁶ GHH Q/PC/2. See also 47/A/20, 47/A/21.

¹⁷⁷ A distance of almost nine miles.

A further four convictions identified individuals who had travelled into the county to poach, all of whom were based in Somerset. Charles Lydiat, recorded as living in Batheaston, was convicted of killing hares in Old Sodbury in November 1821 and fined £5.¹⁷⁸ Daniel Ford and William Carter were both fined £5 for shooting game in Dyrham and Hinton in October 1826 having travelled from Walcot in Somerset.¹⁷⁹ Thomas James, a keeper of livery stables, had also travelled into Gloucestershire from Walcot and was fined £5 for shooting a pheasant in Dyrham and Hinton in December 1828.¹⁸⁰

All four men appear to have travelled a relatively significant distance in order to poach, at a time of year when travel would have likely been difficult due to adverse weather conditions. Why these men travelled so far to poach is impossible to glean from the official record. Their actions could have been an attempt to avoid being recognised in their locality. The distance between their place of residence and location of criminal activity, however, suggests they would not have been as well acquainted with the specific local environment, increasing the chances of being captured. Perhaps the men relied upon pre-existing local social connections to know where to poach.

Farmers have also been identified as victims of the Game Laws in Gloucestershire, particularly through the ability of qualified gentlemen to range across the countryside in pursuit of game. The *Cheltenham Chronicle* published an anonymous letter in January 1810 from a 'farmer of wet land' criticising the 'extensive mischief done by hunters' on the land he farmed.¹⁸¹ The farmer claims the hunters trample his wheat, cut down hedges, break the locks of gates, and through their actions cause the ingress of cattle into fields they were previously excluded from. The

¹⁷⁸ GHH Q/PC/2. See also 41/A/8. No employment status was provided for Lydiat.

¹⁷⁹ GHH Q/PC/2. See also 46/B/24, 46/B/25. No employment status was provided for Ford. Carter was recorded as a butcher.

¹⁸⁰ GHH Q/PC/2. See also 48/B/56.

¹⁸¹ *Cheltenham Chronicle*, 4 January 1810, p. 3.

damage, he alleged, often amounted to £5 per acre. The impunity and 'career of destruction' with which the qualified acted, he argues, was neither morally just nor equitable.

The farmer's deliberate use of the term hunter, rather than poacher, places the emphasis of the criticism onto his social superiors. The letter goes on to suggest that the treatment of animals by poachers was more humane than the qualified because 'the poor animal suffers many deaths during a long pursuit.'¹⁸² The author claims that farmers known to remonstrate against the damage caused to their lands and property are 'generally abused and sometimes horse-whipped' by the qualified hunters.¹⁸³ The exasperation and powerlessness is evident. The potential negative social consequences in the close-knit communities of the county perhaps explains why he chose to remain anonymous.

While farmers and yeomen were less likely to suffer economic hardship when compared to agricultural labourers they were not immune from the impact of adverse economic conditions. Thirty-six convictions of farmers and yeomen occurred between October and March, equating to 78.2% of the total. There is a possibility, therefore, that poaching was used by farmers and yeomen to mitigate hardship during the more challenging winter months, although as discussed previously the increased opportunity to poach during the longer hours of darkness could also be a factor.

Osborne suggests that hunting, and as a consequence poaching, played a pivotal role in the rural culture of England, a past time that was considered both a leisure activity and a central element of masculine identity by men across rural communities.¹⁸⁴ This social activity, prevented as it was by the property qualification,

¹⁸² *Cheltenham Chronicle*, 4 January 1810, p. 3.

¹⁸³ *Cheltenham Chronicle*, 4 January 1810, p. 3.

¹⁸⁴ Osborne, 'Unwomanly practices', p. 149.

could have been a motivating factor. The chance to combine participation in a strongly held cultural practice with the opportunity to either supplement their diets through the taking of game or reap the benefits of the illicit trade in meat must also be considered. Resistance to the Game Laws, and through this the inequality inherent within the rural social hierarchy, should also not be overlooked.

Miscellaneous Occupations

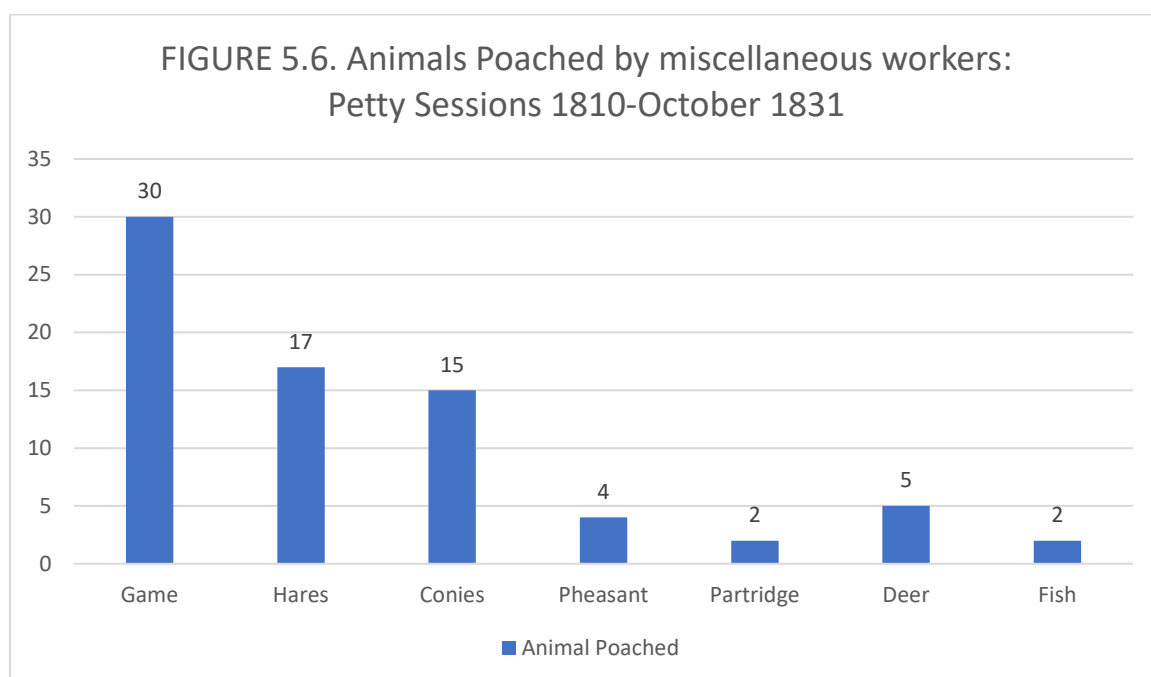
TABLE 4

Miscellaneous occupations convicted at the Gloucestershire Petty Sessions.¹⁸⁵

Occupation	Total	Percentage
Carpenter	6	1.4%
Butcher, Mason, Weaver	15 (5 each occupation)	3.7%
Cloth Worker, Clothier, Coal Miner, Cordwainer	12 (3 each occupation)	2.9%
Baker, Blacksmith, Broad Weaver, Cabinet Maker, Cooper, Hatter, Servant in Husbandry, Tailor, Gardener	18 (2 each occupation)	4.4%
Accountant, Auctioneer, , Cattle Dealer, Corn Dealer, Dealer, Felt Maker, Forgerman, Hotel Keeper, House Painter, Journeyman, Keeper of Livery Stables, Maltster, Mill Wright, Nailor, Pastry Cook, Pig Butcher, Plumber, Servant, Silver Smith, Solicitor, Surgeon, Tiler, Timber Merchant, Tinker, Unclear, Watch Maker, Wheelwright, Wife, Wireman	28 (1 each occupation)	6.9%
Total	80	19.3%

¹⁸⁵ The record for the one attorney has been removed from list and is considered in the section pertaining to gentlemen.

Miscellaneous workers represent the second largest group of poachers at the Petty Sessions, equating to eighty of the total 405 indictments. All but one were male, with the most common occupations being carpenters, butchers, masons, and weavers. The specific animal targeted is stated in seventy of the eighty indictments, with game being referred to in 37.5% of the records.¹⁸⁶ Animals associated with game, combined with the general term, represent 66.3% of convictions.



Again, multiple motivations must be considered when seeking to understand this group of poachers. Applying a single cause to such a wide array of occupations would be mistaken. The economic benefits of poaching should be considered, particularly the convictions of Sarah Bridges for selling fifteen pheasants in the Sheldon Hotel in Cheltenham in November 1829, and her husband mason Richard convicted for ‘possessing and using engines to kill game’ ten days later hint at their

¹⁸⁶ See Table 4.

involvement in the illegal trade in game.¹⁸⁷ This is likely to have been especially appealing given the difficult economic conditions of 1829 and the potential benefits poaching offered. Richard and Sarah Bridges were fined £5 and £25 respectively.

Skilled members of the building trade, including masons, earned an average of £66 annually, compared to the £31 earned by agricultural labourers.¹⁸⁸ While it is impossible to know the personal situation or employment status of Bridges and his wife, the relatively higher potential income of their family could suggest that poverty was not the determining factor in their decision to poach and sell game. It should be noted, however, that the convictions of Richard and Sarah Bridges occurred in November, when economic distress resulting from the seasonal nature of employment was most acute in rural communities. Women, in particular, could find themselves unemployed during this period. Furthermore, the mechanisation of spinning in the traditional textile districts of the county centred on Stroud meant that many women lost an additional income stream they had historically relied upon during the winter months. To Jane Humphries and Benjamin Schneider, the loss of earning opportunities for women, and children, 'was often disastrous.'¹⁸⁹

The Bridges were both recorded as inhabitants of Chedworth, eleven miles from Cheltenham, meaning Sarah would have had to travel a significant distance to sell the game it seems likely her husband had poached.¹⁹⁰ The danger to Sarah Bridges was therefore twofold, as she risked prosecution for both the possession and subsequent sale of game. The risk would have been justified given Cheltenham's position as a popular town and transport hub. The town would have therefore offered a more

¹⁸⁷ GHH Q/PC/2. See also 49/B/48, 49/B/55.

¹⁸⁸ Peter Lindert and Jeffrey Williamson, 'English Workers' Living Standards During the Industrial Revolution: A New Look', *The Economic History Review*, 36 (1983), 1-25 (p. 4).

¹⁸⁹ Jane Humphries and Benjamin Schneider, 'Stranded Spinners', *British Academy Review*, 34 (2018), 32-35 (p. 34).

¹⁹⁰ The illicit market in game was centred on towns, traditional meeting places and transport hubs.

profitable market for the sale of the pheasants. Whether this should discount the motivation of poaching for the pot is unclear. The money made from selling pheasants, highly prized as they were on tables across the country, could have been used to alleviate a challenging financial situation. In an indirect manner, the poaching and sale of the peasants could have been for the pot.

The convictions of Richard and Sarah Bridges were obtained on the account of Edward Burrows. A gamekeeper based in Rendcomb; he appears to have policed land across the Chedworth area.¹⁹¹ Burrows was also identified in the conviction of labourer James Joy in December 1829 for beating for game with a lurcher.¹⁹² The indictments of the Bridges describe how labourer Jacob Mustoe acted as a witness against the two in their separate convictions. This is despite their criminal activity occurring ten days and eleven miles apart. Mustoe, an inhabitant of Chedworth, may have been an accomplice of the Bridges, providing evidence against his compatriots in order to avoid further sanction. This seems plausible, given Mustoe was convicted twice in 1829 for poaching.¹⁹³ The presence of Mustoe in both convictions hints at some deeper, unfortunately invisible, social conflict between them.

Three skilled workers were identified as repeat offenders. The two most prominent are William and Abraham Perrott. Cloth maker William Perrott was convicted twice in October 1813 of using a ferret and a net to kill conies in Dursley and Stinchcombe.¹⁹⁴ He was fined £10 on both occasions. Clothier Abraham Perrott was convicted in January 1816 for using dogs to kill conies, and again in January 1820 for the same offence, albeit using nets.¹⁹⁵ He was fined £10 and £20 respectively. It is

¹⁹¹ Rendcomb is four miles from Chedworth.

¹⁹² GHH Q/PC/2. See also 49/A/10.

¹⁹³ GHH Q/PC/2. See also 48/B/34, 49/A/12. Mustoe was also referred to as Musty in the records.

¹⁹⁴ GHH Q/PC/2. See also 34/B/1, 34/B/3.

¹⁹⁵ GHH Q/PC/2. See also 35/C/42. 39/D/7.

unknown whether William and Abraham were related, yet the animals targeted, and methods used, the proximity of their crimes and occupation suggests that the men shared some form of relationship.

The Perrott's appear to have been habitual offenders. Abraham Perrott was first convicted in July 1798 for purchasing stolen yarn and fined £40.¹⁹⁶ Following his offences against the Game Laws he was convicted for the final time in March 1825 for possession of stolen yarn and fined £20.¹⁹⁷ William Perrott was first convicted in April 1782 for receiving stolen goods and finally in January 1825 for possession of stolen yarn.¹⁹⁸

The record of John Elliot, a carpenter from Clifton provides an illuminating window into the Game Law system at the time.¹⁹⁹ Elliot was accused of shooting a hare in Horfield in November 1827 by gentleman Richard Shadwell. Shadwell was supported by labourers William Smith and Reuben Rosling²⁰⁰. Despite the evidence provided against Elliot he contested the accusation, employing attorney Robert Saunders to defend him. Saunders maintained that his client had inherited land in the form of a freehold property valued over the £100 threshold and was therefore qualified to hunt game on any land. He consequently pleaded not guilty to the charge against him.

Elliot refused to produce the details of his inheritance. He was subsequently found guilty and fined £5. No record has been identified of Elliot being imprisoned for non-payment. Skilled workers such as carpenters earned an average of 42d per day during the 1820s, calling into question the ability to afford both the fine and attorney

¹⁹⁶ GHH Q/PC/2. See also 18/A/15. Perrott had the choice of paying the substantial fine or serving six-months hard labour.

¹⁹⁷ GHH Q/PC/2. See also 44/B/2.

¹⁹⁸ GHH Q/PC/2. See also 1/C/16, 44/B/2.

¹⁹⁹ GHH Q/PC/2. See also 47/A/23.

²⁰⁰ Both residents of Horfield.

through legal means.²⁰¹ Perhaps Elliot was able to benefit from the sale of the game or was a member of a poaching association that would band together to pay the fines of its individual members.²⁰²

Poachers were liable to be fined a significant amount of their annual income if convicted of breaking the Game Laws. In February 1811 wireman Richard Money and forgerman William Reynolds were fined £20 each plus 4s costs for using nets to catch hares in Newnham in the Forest of Dean.²⁰³ They had been caught by gamekeeper William Cooke and witnessed by servant Thomas Nichols. Rudge, in his *General View of the Agriculture of the County of Gloucester*, gives the population of Newnham in 1801 at 821.²⁰⁴ It is not beyond doubt that Money and Reynolds would have known their accusers given the small size of the community.

George Tingle, Robert Tingle, and Joseph Hale, all residents of Newnham, were prosecuted for using a snare to take deer in enclosed ground in August 1828.²⁰⁵ The men were each required to pay £20 or face six months detention in the Littledean house of correction. Millwright John Dauncey was found guilty of killing a pheasant at night in November 1818 on the land of gentleman George Hill and fined £20 plus expenses, while carpenter William Creed was prosecuted with three labourers for killing a hare in Westbury-on-Severn in January 1815.²⁰⁶ The men had been witnessed poaching on a Sunday morning between nine and eleven o'clock by gentleman Anselm Jones and yeomen William Evans and George Callaghan.

²⁰¹ Dale Porter, *The Thames Embankment: Environment, Technology, and Society in Victorian London* (Ohio: University of Akron Press, 1998), p. 176. Carpenters in the 1860s were paid on average 6s 6d for a six-day working week.

²⁰² Freeman, 'Plebs or Predators?', p.16. Attorney Robert Saunders is later involved in a very public dispute regarding poaching with Lord De Clifford in 1829. There is a possibility that Saunders defended Elliot because of wider relations. See Chapter 8.

²⁰³ GHH Q/PC/2. See also 30/B/11, 30/B/12.

²⁰⁴ Rudge, *General View*, p. 360.

²⁰⁵ GHH Q/PC/2. See also 47/D/4, 47/D/5, 47/D/6. George and Robert Tingle were coalminers, Joseph Hale was a labourer.

²⁰⁶ GHH Q/PC/2. See also 38/A/15, 34/B/10. A further eight individuals categorised as miscellaneous workers were fined £20.

Creed's indictment records him as a resident of the parish of St. Nicholas in Gloucester, nine miles from Westbury-on-Severn. His accomplices hailed from Westbury-on-Severn and Newnham, a short distance from the location of the crime. Why Creed was operating so far from the city is unclear, although this could point to the existence of otherwise hidden criminal networks in the county. The record states that this was the first offence of the defendants, with each fined £20.

The most remarkable record from the skilled workers category is that of cordwainer John Penny, prosecuted in January 1814 for shooting pheasants in an area of enclosed ground in Cromhall alongside cordwainer John Wilcox and John Pearce.²⁰⁷ Penny pleaded not guilty to the charges against him, was subsequently declared a 'rogue and vagabond' and held for trial at the Quarter Sessions in Horsely Gaol. He was liable to be whipped, imprisoned for two-years, or compelled into the armed forces.

No record of Penny was found in either the Gloucester City Gaol or County Gaol records for this conviction, nor does it appear that he joined the armed forces. He comes to prominence again in January 1816 when, as a member of a gang of poachers, he engaged in an affray in which gamekeeper William Ingram was shot and killed.²⁰⁸ Penny was found to have fired the shot that killed Ingram and subsequently executed.

Penny's conviction at the Petty Sessions, while minor when compared to his later criminal activity, provides a useful insight into more prosaic forms of poaching from the period. Penny's indictment stated that the poaching activity occurred at 3 a.m. on 4 January 1814. Poaching has been found to increase in Gloucestershire during the winter months, a time of year when the harder economic conditions could be eased

²⁰⁷ GHH Q/PC/2. See also 33/A/4. No occupation is recorded for John Pearce.

²⁰⁸ The Berkeley Poaching Affray will be discussed in detail in Chapter 7.

through the longer hours of darkness that provided poachers with greater opportunity to act. The decision to poach within enclosed ground is also indicative of the period, as this land was often associated with the preservation of game and therefore represented a concentration of targets for the poachers.

Enclosed ground has long been viewed as both the source and space of social conflict during the eighteenth and nineteenth centuries. The enclosure of common ground came to represent the loss of customary rights and increasing power of the rural elite while simultaneously representing the decline of the responsibilities of the elite within the context of the moral economy.²⁰⁹ The act of trespassing on this land to hunt game has therefore been interpreted as a multi-faceted act of resistance that includes the invasion of newly protected space and destruction of prized private property. If Penny's later actions were unknown, it would be easy to dismiss his conviction as conventional poaching. His actions in January 1814, poaching at night with two others and equipped with firearms, suggests he was more than a simple poacher. As discussed, night poaching was widely associated with organised criminality at the time.²¹⁰ When this conviction is taken into consideration with his later criminality it appears that Penny was an individual who poached not only for the potential benefits of the undertaking, but as an act of resistance against the local landed elite.

The extent to which the poaching activities of workers should be considered social crimes is open to interpretation. Five butchers were convicted at the Petty Sessions across the period of study, two for killing conies, two for taking game, and one for killing a fallow deer.²¹¹ The opportunity to sell the meat they had poached

²⁰⁹ Thompson, 'Patrician Society, Plebeian Culture'. Thompson, 'Moral Economy'.

²¹⁰ Thomas, 'Pursuing Wild Symbols of Privilege', p. 484.

²¹¹ GHH Q/PC/2. See also 29/D/15, 39/A/9, 46/B/25, 46/D/34.

would have provided a clear economic incentive to butchers, particularly in view of the high financial value game could demand across the period. Given that the sale of game was banned until the passing of the 1831 Game Act, it is conceivable that poaching butchers would have enjoyed the support of the local community in the same manner as smugglers. Their actions could be considered a form of social crime with the addition of hard economic reality.

The record for butcher William Taylor hints at other motives. His indictment states that he killed a fallow deer on the property of a Cheltenham Esq William Hunt Prinn in September 1810.²¹² Taylor was indicted at the Petty Sessions and held for trial at the following Quarter Sessions. The *Cheltenham Chronicle* reported in September 1810 that Taylor had been fined £30 for possession, with no mention being made of his original indictment for killing the deer.²¹³

While an economic motivation seems most plausible, the destruction of the private property of a social superior could be interpreted as a form of resistance against Prinn. Griffin has argued that the killing of animals deemed the private property of the rural elite was often utilised as an expression discontent.²¹⁴ The animal, in essence, became a proxy for its owner. Griffin points to the maiming and killing of high value animals such as horses, prize bulls, and even dogs by disaffected individuals. As deer were the private property of the landowner this could be considered a motivating factor in the crime.

The evidence from Gloucestershire suggests that ordinary workers were willing to break the Game Laws and through this criminal behaviour challenge both the

²¹² GHH Q/PC/2. See also 29/D/15.

²¹³ *Cheltenham Chronicle*, 20 September 1810, p. 3.

²¹⁴ Carl Griffin, 'Animal maiming, intimacy and the politics of shared life: the bestial and the beastly in eighteenth and early nineteenth century England', *Transactions of the Institute of British Geographers*, 37 (2012), 301-316 (pp. 305-308).

landowner and authorities through their actions.²¹⁵ While it is essential to avoid a reductionist interpretation of their motivations, it is almost certain that poverty was not the sole defining factor in their decision to poach.

Men like carpenter John Elliot, cordwainer John Penny, and butcher William Taylor were far less likely to be driven to poach as a consequence of economic hardship. Their criminal behaviour was not an act of desperation. In a similar vein to gentlemen their decision to poach should be considered more deliberate than the labouring poor, there was a far greater element of choice in their actions simply because they did not have to poach.

²¹⁵ In a similar way to labourers, gentlemen, yeomen, and farmers.

Chapter 6: Poaching at the Petty Sessions

Night Poaching, Temporal and Spatial Analysis

This chapter continues to examine the data identified in the Petty Sessions. Poaching in enclosed ground is first considered. The impact of enclosure, the consequent loss of customary rights and adverse economic effect this would have on labouring families is considered one of the main motivating factors in the decision to poach. The targeting of enclosed land, however, suggests poachers were influenced by more than simple economic considerations. The fact that poaching targeted the landed elite must have contributed to the decision to poach. The destruction of game can therefore represent agency.

Poaching was found to increase during periods of economic downturn, particularly during the early 1820s. A sharp rise was also identified in the late 1820s, reflecting wider rural discontent across England. While poaching occurred across the county, the divisions of Berkeley and the Severn Hundreds experienced the greatest concentration, representing 66.4% of all convictions at the Petty Sessions. The infamous Berkeley poaching affray, rather than being an isolated incident, is shown to correspond to wider expressions of rural discontent in the country.

Night Poaching and Enclosed Ground

Fifteen indictments for night poaching are recorded at the Petty Sessions across the period. These include the convictions of nineteen individuals, including eight labourers, two hatters, and five with no occupational status provided.¹ A single mason, millwright,

¹ GHH Q/PC/2. See also 33/A/32, 34/B/11, 34/D/34, 35/D/15, 38/A/15, 39/A/3, 41/A/8, 41/A/9, 42/B/8, 42/B/9, 42/C/6, 46/D/7, 48/A/60, 48/A/69, 48/B/34.

blacksmith, and tiler were also convicted. Only two of the fifteen indictments include two or more individuals, the remaining record lone night poachers. Pheasants were the target of poachers in four cases, hares in five, while the remaining convictions simply record the taking of game.

Hatters William Woodruffe and William Frankcombe were found to be acting together when they illegally entered a warren in Winterbourne with dogs in order to hunt conies in February 1823.² They were caught between eleven and midnight by William Slade, gamekeeper to landowner Thomas Wadham Esq. The men were both fined £1 15s and had to pay treble damages to Jason Howes, the owner of the warren. The social status of Howes is not listed in the indictment, although he appears to have been involved in the felt hatting cottage industries of south Gloucestershire.³ As such he was reliant on the supply of rabbits for materials.⁴ Perhaps the importance of men like Howes to the local economy meant Wadham extended the protection of the Game Laws to protect his property. Given the context of the local area, the conies could have been targeted by Woodruffe and Frankcombe for more than just food. It is not difficult to imagine hidden and illicit markets existing for more than meat.

The case of John Hignell offers a more definite example of the illicit market in game.⁵ Hignell, a carpenter, was found guilty and fined £10 for 'possessing and exposing two pheasants for sale' in Ampney Circus in November 1827 on information provided by yeoman David Huban. He had just been released from the County Gaol on a charge of stealing a gun barrel.⁶ The witness against the accused was

² GHH Q/PC/2. See also 42/B/8, 42/B/9.

³ Jason Howes 1784-1869, *Heart of Oak*, (n.d.) <<https://heartofoak.weebly.com/jason-howes-1784---1869.html>> [accessed 17 November 2024].

⁴ The Hat Making Industry of Southern Gloucestershire, (2009) <<http://copefamilyhistory.uwclub.net/HatIndustry.pdf>> [accessed 17.11.24]. 580 people were recorded as hatters in Winterbourne in 1841.

⁵ GHH Q/PC/2. See also 46/D/7.

⁶ *Cheltenham Chronicle*, 26 July 1827, p. 2. Hignell had been sentenced to two years imprisonment in May 1821 for a breach of the peace. He would serve his sentence if he could not secure sureties for his future conduct.

gamekeeper William Bisley, who had seen Hignell leaving a wooded area between 4 a.m. and 5 a.m. carrying a gun and two pheasants. Having given chase, Hignell was discovered hiding in a shed. The conviction for the illegal sale of pheasants seems at odds with the witness statement, as it appears that the poacher had been caught soon after killing the pheasants rather than while attempting to sell them. Regardless, Hignell's conviction is clear evidence of an attempt to profit from the illicit market in game.

Two indictments record groups of three or more men who were convicted of night poaching. In January 1814 John Wilcox, John Pearce and John Penny were caught at 3 a.m. armed trespassing enclosed ground in Cromhall and held for trial at the Quarter Sessions.⁷ Labourers Richard Hawkins, Edward Aston and James Howell, all residents of St. Briavels in the Forest of Dean, were convicted of using a net and dog to kill a hare in November 1819.⁸ Their first offence, all three of the accused refused to attend their trial. Each poacher received a mitigated fine of £10.

Two indictments of three or more poachers were identified at the Petty Sessions, four at the Quarter Sessions and seven incidents from the press. The small number of indictments at the Petty Sessions is understandable given the increased severity with which night poaching was both widely perceived and dealt.⁹ The smaller number of convictions at the Quarter Sessions, however, is more surprising.

While the practical challenges faced by gamekeepers in preventing night poaching were certainly great, the relationship between rural communities and poachers must have been a factor in the lower number of indictments. The fear

⁷ GHH Q/PC/2. See also 33/A/32. Wilcox, Penny, and Pearce were discussed earlier.

⁸ GHH Q/PC/2. See also 39/A/3, 39/A/4, 39/A/5.

⁹ GHH Q/Sia (a) 1817.

generated by large groups of poachers could explain their paucity in the official record. These men, often armed and renowned for utilising violence in their attempts to avoid capture, must have had an impact on local communities. Intimidation, physical assault, and the murder of informers and gamekeepers were an ever-present theme in the newspapers, all of which have been identified in the county. Informing on poachers was a dangerous decision, despite the potential financial benefits available.

Furthermore, gamekeepers were known to accept bribes and work with poachers, leading to them turning a blind eye to the more professional night poaching gangs at the time. The very nature of bribery means explicit evidence of the act is difficult to identify in the historical record. Bribery, however, was identified in the case of mason William Whiting, a poacher from Rodmarton witnessed by gamekeeper John Martin shooting a partridge in an area called Home Field in December 1829.¹⁰ Whiting was accused of offering a bribe to the senior gamekeeper, Thomas Martin, when challenged regarding the partridge. He claimed that he was 'afraid of losing his job' with a Mr. Lysons. No information is given as to the nature of the bribe. Whiting's motivations, however, become evident in his indictment as one of the Justices of Peace tasked with hearing his case was Reverend D. Lysons, Whiting's employer. Despite pleading not guilty Whiting was fined £5, half of which was given to gamekeeper John Martin. Unfortunately, there is no record of Whiting's future employment with Reverend Lysons.

Whiting's indictment includes more detail than was generally found at the Petty Sessions. The defendant was recorded as challenging the accusation of poaching made against him and had called witness Thomas Ockell in his defence. Ockell stated

¹⁰ GHH Q/PC/2. See also 49/A/46.

that both he and the defendant had been in Home Field on the day of the alleged crime but were not armed. Further, it was claimed that the two men had heard a gunshot ten minutes prior to Whiting's apprehension by senior gamekeeper Thomas Martin. Ockell described how he had seen a man near to where the gun had been fired, the implication being it was Thomas Martin rather than Ockell that was guilty. Ockell, however, was unable to prove this.

While Whiting was found guilty, the detail of the case presents a number of questions that, unfortunately, will remain unanswered. If Whiting and Ockell's claim that the men were unarmed on the day of the crime is true then it would appear that the senior gamekeeper was responsible for the shooting of the partridge. If so, he was supported by keeper John Martin who appears to be both his junior and relative. While gamekeepers were often entitled to certain perks of the job, one of which was the opportunity to take game, the fact that they would need to accuse another of the act suggests this was not a perk enjoyed by either man. They would therefore be committing a crime. If the counter accusation is true, then this shows that gamekeepers were able to use their position of authority to both avoid sanction and ensure another took the blame. This should not come as a surprise, corruption and the abuse of power are not uncommon behaviours.

Two men were recorded poaching at night in enclosed ground. Labourer Henry Liles was found at 1 a.m. on a Sunday morning in October 1828 using a dog and net to take game in Marshfield, land occupied by Ann Beaford and George Holbrow.¹¹ Liles was sentenced to three months hard labour in Horsley House of Correction with an additional £10 in sureties against reoffending within one year. His entry into the

¹¹ GHH Q/PC/2. See also 48/A/69.

Gaol Calendar describes how he was able to pay the £10 sureties, and no further conviction has been identified against him.¹²

Taking of game from enclosed ground has long been considered an act of resistance toward social change. The enclosure of common ground was synonymous with the increasing privatisation of rural England and went hand in hand with the creation of game preserves for the benefit of the qualified. As the landed gentry established greater control over their lands, removing long held customary rights of access and resources, enclosure symbolised the increasing hardship endured by the rural labouring poor and developed into a target of community frustrations. Enclosed ground became both a motivating factor and sphere of rural conflict. Poaching, in turn, became a weapon in this conflict.

In January 1829 labourer Jacob Musty was found guilty of entering an enclosed wood in Rendcomb with the intent to take game.¹³ Musty was captured at 3 a.m. and subsequently sentenced to three months hard labour in Northleach House of Correction with sureties of £20.¹⁴ If he was found to reoffend he would face six-months hard-labour. He was convicted again in November 1829 for killing hares in Rendcomb.¹⁵ Unfortunately, the Northleach Gaol Calendar does not survive past 1816, so it is unclear what subsequently happened to Musty.¹⁶

The cases of Liles and Musty can be interpreted as offering a window into this conflict. The act of trespassing on land that was nominally out of bounds combined with the taking of highly valued private property are both considered weapons of the

¹² GHH Q/GN. Gaol Register Number 1143.

¹³ GHH Q/PC/2. See also 48/B/34.

¹⁴ The increased level of sanction occurred as a consequence of the 1828 Night Poaching Act 9.Geo.4.

¹⁵ GHH Q/PC/2. See also 49/A/12.

¹⁶ As discussed earlier, Musty acted as a witness against Richard and Sarah Bridges in their convictions in November 1829.

powerless in opposition against the powerful. The physical invasion of space, such as enclosed ground, through the deliberate act of trespass has been seen as a symbolic reassertion of lost customary rights of access and therefore a legitimate act of resistance.¹⁷ Whether Henry Liles or Jacob Musty considered their actions in this way is impossible to know, and historians must therefore take pause before associating every example of poaching with acts of protest and resistance.

Poaching in areas of enclosed ground was found in a further thirteen records, all of which occurred during the day.¹⁸ A total of twenty-four men were convicted, including thirteen labourers, one shoemaker, one cordwainer, a yeoman, and a sawyer. Seven individuals were recorded without an employment status, five of whom were not named. A number of these cases have been discussed previously, notably the indictment of John Champion, Benjamin Webley, and John Penny.

While the records are inconsistent in naming the landowner upon which the poaching activity occurred, the lands of Esquires were specifically mentioned on two occasions.¹⁹ In January 1813 labourers William Cox, Benjamin Cox, and William Biddle were caught by gamekeeper William Powell shooting hares on the enclosed land of William Fitzhardinge Berkeley Esq.²⁰ William Cox managed to escape but was later captured. The men were declared rogues and vagabonds and committed to Horsley house of correction until the Quarter Sessions.²¹

In January 1819 the plantations of George Talbot Esq in Temple Guiting were targeted by William Taylor and four unidentified others in pursuit of hares.²² Taylor,

¹⁷ Leonard Baker, 'Human and Animal Trespass as Protest: Space and Continuity in Rural Somerset and Dorset', *History Workshop Journal*, 87 (2019), p. 72.

¹⁸ Included in this is the record of a single plantation.

¹⁹ GHH Q/PC/2. See also 32/B/5, 38/C/1, 39/A/11, 39/A/12.

²⁰ GHH Q/PC/2. See also 32/B/5.

²¹ The records of the Horsely Gaol Calendar begin in 1825.

²² GHH Q/PC/2. See also 38/C/1.

listed as a resident of Peasbrook in Worcestershire, pleaded not guilty. He asserted during his hearing that he had been invited onto the land by Mr. Averill, who Taylor claimed was qualified. This, he argued, entitled him to kill hares within the plantation. Despite this Taylor was found guilty and fined £5. No detail was provided regarding Taylor's accomplices or Mr. Averill.²³

While the targeting of game in enclosed ground has been interpreted through the lens of social protest, conflict, and resistance it must be recognised that the lands of high-status individuals were likely to be the most resource rich environments. Operating on these lands would therefore have been a pragmatic decision for poachers. These lands were also more likely to be better protected by landowners, and as a consequence the risk of being caught was greater. The deliberate targeting of enclosed ground must therefore be considered an act of resistance.

Temporal Analysis: Years

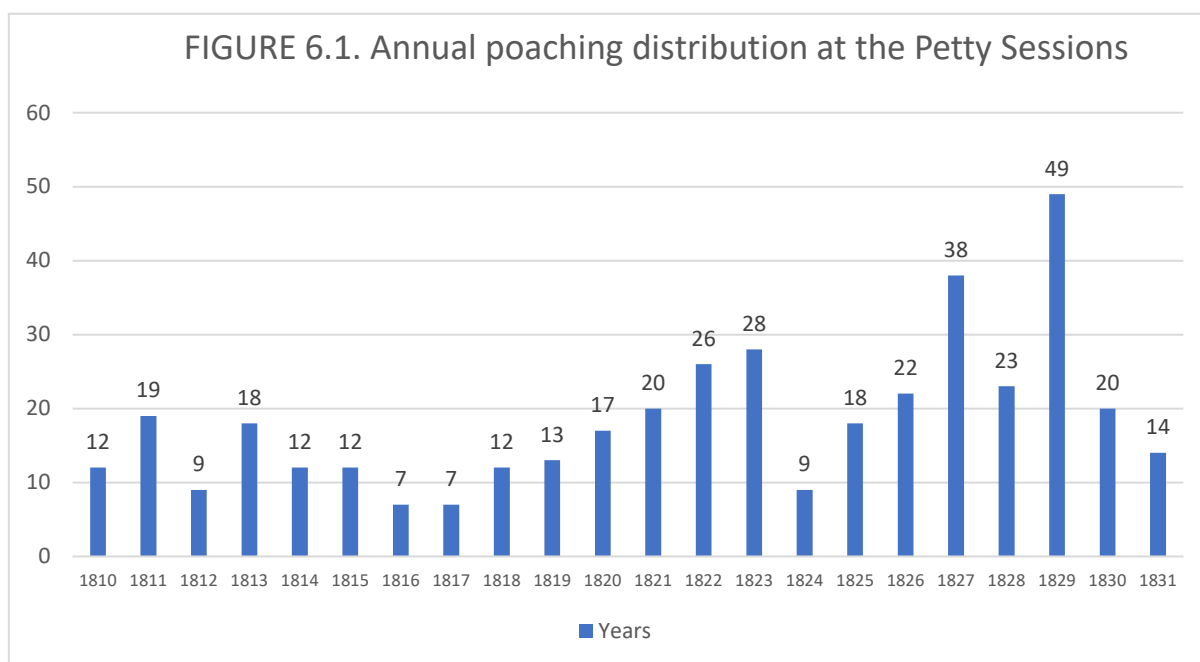
The extent to which an economic desire to poach links to poverty is open to interpretation. David Jones argues that poverty was a significant cause of poaching, while Wells linked rising levels of poaching to the fluctuations in food prices and subsequent impact on levels of hunger.²⁴ Griffin, however, argues that historians must 'dispel the myth that poaching was something only undertaken by those seeking to feed their families', whereas Archer stresses the distinction between the clear motivation of economic hardship created amongst rural labourers versus the profit

²³ It is unclear as to whether the William Taylor mentioned here is the same individual that targeted deer on William Hunt Prinn's land in 1810.

²⁴ David Jones, *Crime, Protest, Community, and Police in Nineteenth Century Britain* (London: Routledge, 1982), p. 69. Roger Wells, 'Development of the English rural proletariat and social protest 1700-1850' in *Class Conflict and Protest in the English Countryside 1700-1850*, ed. by Mick Reed and Roger Wells (Abingdon: Routledge, 1990), pp. 30-55 (p. 42).

driven motives of organised urban gangs poaching for commercial gain.²⁵ The division between professional poachers and casual opportunists, however, was 'at best blurred, at worst arbitrary.'²⁶ Despite this, Archer believes poaching would have offered 'an economic or at the very least an obvious material gain' for all poachers.²⁷

The early nineteenth century was a challenging period for rural communities in England. W.H.R. Curtler's analysis of the state of English agriculture in the early nineteenth century identified an unstable economic situation for rural communities across the nation.²⁸ Periods of high food prices, bad harvests, acute underemployment and unemployment, and agricultural depression were common. Hardship was a persistent companion for the rural poor during this period.



²⁵ Griffin, *Protest, Politics, and Work*, p. 50. Archer, *By a Flash and a Scare*, p. 209.

²⁶ Archer, *By a Flash and a Scare*, p. 219.

²⁷ Archer, *By a Flash and a Scare*, p. 209.

²⁸ W.H. Curtler, *A Short History of English Agriculture* (Oxford: Clarendon Press, 1909) in Internet Archive, <<https://archive.org/details/AShortHistoryOfEnglishAgriculture/page/n1/mode/2up>>, [accessed 18 January 2024].

The Petty Sessions show a correlation between periods of both agricultural and economic hardship in England and the number of poaching incidents despite the official record providing only a limited perspective on its true extent. In 1811, for example, the country suffered from a reduced wheat harvest that was exacerbated by similarly poor imports from north-west Europe, pushing the cost of staples such as wheat, corn, and oats to higher-than-normal levels. Two years later in 1813, agricultural prices fell to such an extent that it led to an increase in unemployment across rural areas. In the winter of 1813, an 'extraordinarily severe' winter struck England resulting in the deaths of large numbers of sheep and cattle, leading to the highest ever price for meat until that point.²⁹

The impact of these high price years could be evidenced in the poaching figures for Gloucestershire, with both 1811 and 1813 showing higher rates of Game Law convictions. In 1811 eight of the nineteen convictions occurred for poaching between September and December, four of which were recorded as labourers.³⁰ The combined shocks of increased agricultural unemployment in 1813 and the severe winter can be witnessed in the data for the year. Eleven of the eighteen convictions occurred from September onwards and four took place in December. Nine convictions occurred during the harsh winter of 1813/14, four of whom were labourers. During this same period, two gentlemen were also convicted of poaching, both on separate occasions.³¹

The second period of interest regarding the annual distribution of poaching has been identified between 1820 and 1823, a time when almost a quarter of Game Law convictions occurred at the Petty Sessions in Gloucestershire. The early 1820s experienced acute agricultural depression across England, with 475 petitions on

²⁹ W.H. Curtler, *A Short History of English Agriculture* (Oxford: Clarendon Press, 1909) in Internet Archive, <<https://archive.org/details/AShortHistoryOfEnglishAgriculture/page/n1/mode/2up>>, [accessed 18 January 2024].

³⁰ There were no convictions prior to August 1812.

³¹ William White and William Wadley.

agricultural distress being presented to Parliament between 1820 and 1822.³² The large-scale demobilisation of soldiers following the end of the Napoleonic Wars in 1815 had flooded the rural labour market and consequently depressed agricultural wages across the country. John Lockhart MP, speaking during the 1822 Agricultural Distress Report in the House of Commons, commented that the rural poor could 'not successfully look for employment' during this period, with the numbers looking for work 'very considerable' in southern counties including Gloucestershire.³³

To make matters worse, the passing of the Corn Laws in 1815 limited the import of corn whenever prices fell to less than eighty shillings a quarter in an attempt to protect the British agricultural sector from cheaper European imports. This, in turn, led to artificially high food prices across the nation as the landowning class protected their interests at the expense of the labouring poor. A poverty-stricken poacher may therefore have justified their actions against landowners as the root cause of their hardship.

This context led Hopkins to label this period as the 'hungry twenties.'³⁴ The levels of distress were so severe that labourers were forced into choosing between life as a 'pauper or poacher.'³⁵ If this was truly the case, then it was no choice at all. The data from the Petty Sessions once again highlights a correlation between the worsening economic situation in England and a rise in poaching cases. Between 1820 and 1823 period ninety-one breaches of the Game Laws were recorded at the Petty Sessions, representing 22.46% of the total. Forty-two were identified as labourers.³⁶

³² W.H. Curtler, *A Short History of English Agriculture* (Oxford: Clarendon Press, 1909) in Internet Archive, <<https://archive.org/details/AShortHistoryOfEnglishAgriculture/page/n1/mode/2up>>, [accessed 18 January 2024].

³³ *House of Commons, Hansard's Parliamentary Debates: Agricultural Distress Report* (8 May 1822, vol. 7, cols. 423-54) [Online] <<https://api.parliament.uk/historic-hansard/commons/1822/may/08/agricultural-distress-report>> [accessed 15 February 2024].

³⁴ Hopkins, *Long Affray*, p. 25.

³⁵ Hopkins, *Long Affray*, p. 25.

³⁶ This represents 22.9% of all labourers across the period.

The impact of the agricultural depression, however, was not confined to the labouring poor. Speaking in the House of Commons in February 1821, John Curwen MP described how ‘distress was of a general nature’, and that no class was exempt from the ‘miserable’ state of the people at the time.³⁷ The evidence from Gloucestershire alludes to the impact of economic hardship in the records, with yeomen and farmers accounting for sixteen of the ninety-one convictions between 1820 and 1823. This accounts for 34.7% of the forty-six total convictions for this category across the period of study.³⁸

The distress was certainly acute. The *Cheltenham Chronicle* reported in January 1821 that all hearings of the Quarter Sessions were to report on the ‘distress experienced in districts with which they may be connected [...] whether agricultural, cultural, commercial, or manufacturing.’³⁹ A further report from the same newspaper in February 1821 described levels of distress that was ‘beyond precedent’ amongst farmers across the nation.⁴⁰

A letter published in the *Cheltenham Chronicle* in January 1821 argued that the general feelings of distress at the time were felt most acutely by farmers in Gloucestershire.⁴¹ This is hard to believe, and hints more at the biases held by the anonymous author rather than a valid reflection of the economic state of the county. Despite this, it is important to note that if farmers truly believed they were suffering then resorting to poaching to alleviate this would be justified from their perspective.

Even labourers, considering they were more susceptible to economic shocks and hardship, defy absolute clarity in understanding their motivations, despite

³⁷ *House of Commons, Hansard's Parliamentary Debates: Agricultural Distress* (22 February 1821, vol. 4, cols. 895-896) [Online] < <https://api.parliament.uk/historic-hansard/commons/1821/feb/22/agricultural-distress> > [accessed 15 February 2024].

³⁸ From a total of 46.

³⁹ *Cheltenham Chronicle* 11 January 1821, p. 4.

⁴⁰ *Cheltenham Chronicle*, 15 February 1821, p. 2.

⁴¹ *Cheltenham Chronicle*, 25 January 1821, p. 3.

traditional assumptions within the historiography. The economic benefits of organised criminality, however difficult it is to ascertain from the source material, must be considered when attempting to understand the motivations of poachers in Gloucestershire during this period.

Contemporaries certainly believed that hardship and necessity led rural labourers to poach. In an open letter to Robert Jenkinson (Earl Liverpool), Prime Minister between 1812 and 1827, a contemporary commentator known only as 'an old Tory' claimed that the 'beef eating' class of rural labourers were suffering so severely that even 'beef and mutton are things the taste of which is unknown.'⁴² He challenges the assumptions of the ruling elite that a 'superabundance' food existed in England, arguing that millions were 'unable [...] to keep themselves from starving without having recourse to the poor rates.'⁴³ He places the blame on the 'desperate attempts' of landlords and farmers to reduce the poor rate to levels barely sufficient for a 'wretched existence.'⁴⁴ If living standards were as bad as the 'Old Tory' claims, then the decision to take game was pragmatic and justified.

The question remains, however, whether labourers consumed the meat they poached or sold it into the illicit market. The potential profits available to a labourer selling game, and the high levels of demand from the urban middle-class, would more than match the wages he could expect to receive, even if he was employed.⁴⁵ A labourer could therefore purchase staples such as bread and potentially offset the impact of economic hardship through poaching.

⁴² An Old Tory, *A Letter to the Earl of Liverpool on Agricultural Distress; Its Extent, Cause and Remedy* (London: John Hatchard and Son, 1822), p. 16.

⁴³ An Old Tory, *A Letter to the Earl of Liverpool*, pp. 16-17.

⁴⁴ An Old Tory, *A Letter to the Earl of Liverpool*, p. 17.

⁴⁵ Hopkins, *Long Affray*, p. 89.

The most obvious peak in poaching occurred in 1829, accounting for 12.1% of total poaching indictments at the Petty Sessions.⁴⁶ This period is associated with worsening agricultural pressure that would culminate in the widespread Swing Riots. Archer has identified a similar peak between November 1829 and February 1830 in his study of poaching in Norfolk and Suffolk.⁴⁷ Increasing levels of poaching in rural communities have been interpreted as a symptom of dissatisfaction prior to the outbreak of more overt expressions of discontent.⁴⁸ If poaching can be considered a barometer for rural social relations then the large number of poaching incidents prior to Swing is compelling.

While Swing has been associated with the rural south and east of the country, Gloucestershire experienced a number of disturbances explicitly linked to the riots. The *Cheltenham Chronicle* reported in December 1830 on the 'disturbed state of the hill districts', with cases of riot, machine breaking and arson occurring in the area surrounding Bibury and Tetbury.⁴⁹ Arson was also reported in the north of the county, with cases recorded in Deerhurst, Winchcombe, and Dumbleton.⁵⁰ Of the forty-nine cases of poaching found to have occurred at the Petty Sessions in 1829, fourteen occurred in the Hundreds of Longtree and Brightwell's Barrow, both of which were part of the Severn Hundreds Division.⁵¹ Of the remaining 138 cases of social crimes recorded for this study, thirty-four have been found to have occurred in the same localities.⁵²

⁴⁶ Three out of the twenty violent affrays identified for this study occurred in 1829.

⁴⁷ Archer, *By a Flash and a Scare*, pp. 211.

⁴⁸ The disturbances of 1830 will be discussed in Chapter 12.

⁴⁹ *Cheltenham Chronicle*, 2 December 1830, p. 3.

⁵⁰ *Cheltenham Chronicle*, 16 December 1830, p. 3. *Cheltenham Chronicle*, 9 December 1830, p. 3.

⁵¹ Tetbury is located in the Hundred of Longtree, Bibury is located in the Brightwell's Barrow Hundred.

⁵² In total 152 crimes have been identified at the Petty Sessions occurring in 1829. The following social crimes have been found to have occurred in Longtree and Brightwell's Barrow: twenty cases of crop theft, five cases of tree maiming, three cases of wood theft, and one case of hedge breaking.

Areas identified as experiencing high levels of disorder linked to Swing were also susceptible to significant levels of poaching. The relationship between the spike in poaching and subsequent Swing disturbances in Gloucestershire, however, cannot be definitively proven.

Temporal Analysis: Months

The Petty Sessions indictments record both the date when offences were committed and the date when the case was heard by magistrates. For the temporal analysis of the records the date the offence was committed has been considered.

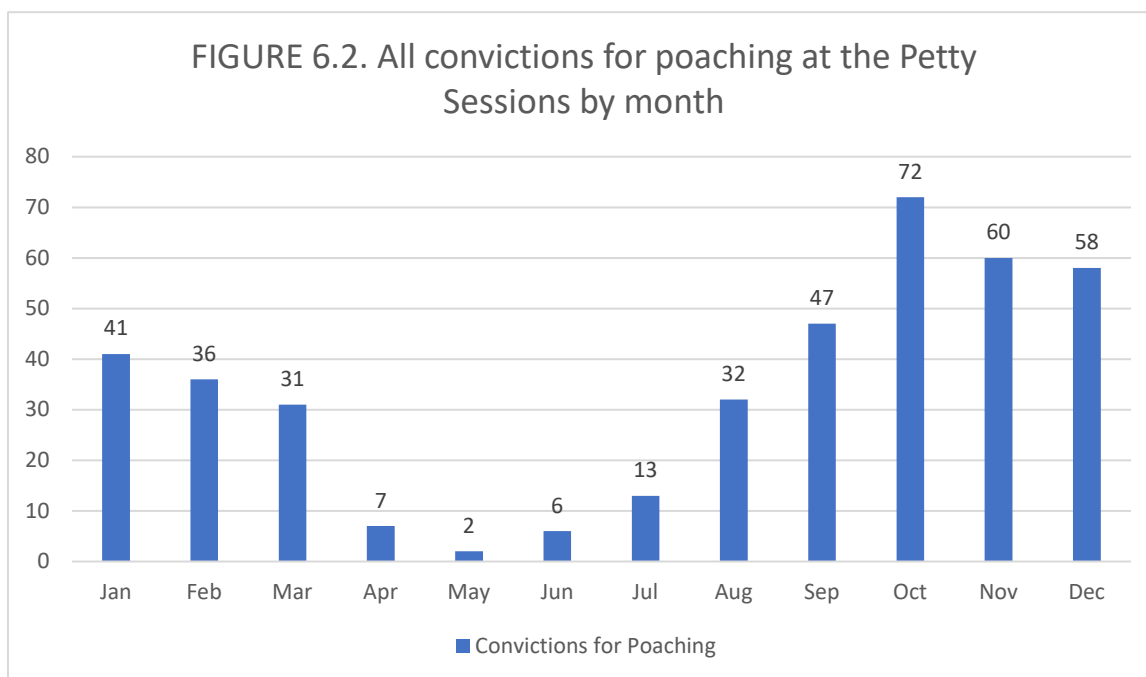
Historians of poaching have identified a peak in convictions across the eighteenth and early nineteenth centuries between October and March. This period is associated with episodes of both underemployment and unemployment within rural communities that mirrored the agricultural cycle. The seasonal variability of agricultural employment had the greatest impact on the labouring poor, a period when outdoor labour was intermittent and the demand for labour was at its lowest.⁵³

Osborne has commented that peaks in poaching convictions identified in the wider historiography mirror K.D.M. Snell's study of rural poor relief applications.⁵⁴ Put simply, poaching has been found to rise in line with increases in poor relief, and this therefore lends credence to the causal link between poverty and poaching. A conscious effort must be made, however, to avoid the highly tempting but reductionist trap of poverty motivating poaching. The study of Gloucestershire and the wider

⁵³ Osborne, 'The Seasonality of Nineteenth Century Poaching', p. 28.

⁵⁴ Osborne, 'The Seasonality of Nineteenth Century Poaching', p. 25.

literature on poaching convincingly supports Osborne's assertion that the motivations behind poaching were both 'highly stratified and multi-faceted'.⁵⁵



The data gathered for Gloucestershire reflect patterns identified by Archer *et al*, with 73.6% of convictions occurring between October and March. During this same period 76.5% of Game Law convictions against labourers at the Petty Sessions occurred, with ninety-two labourers prosecuted between October and December.

While the economic motivations of poaching during these months are self-evident, they should not be seen as the sole cause for the distinct increase in poaching convictions. Firstly, the peak in the convictions of labourers is reflected in both farmers and yeomen, with 78.2% of convictions occurring between October and March. Furthermore, 77.2% of gentlemen were convicted for offences during the same months.

⁵⁵ Osborne, 'Unwomanly practices', p. 1.

This must give pause to the idea that poaching between October and March was solely motivated by economic hardship. More prosaic motivating factors must therefore be considered. The longer nights between October and March would have extended the opportunities to poach, the relative safety of darkness masking both the activities and identity of poachers. Poachers, often living in the vicinity within which they poached, would have been able to rely on their intimate knowledge of the local area to make the most of the advantage of darkness.

Osborne has further argued that the seasonality of poaching was also linked to the life cycle of particular animals, especially partridges and pheasants.⁵⁶ Taking game during adolescence would not return enough meat to justify the risks involved, while the targeting of game during mating periods risked the long-term sustainability of their quarry. These considerations, it can be assumed, would not have been at the forefront of a half-starved labourer driven into criminality through abject poverty.

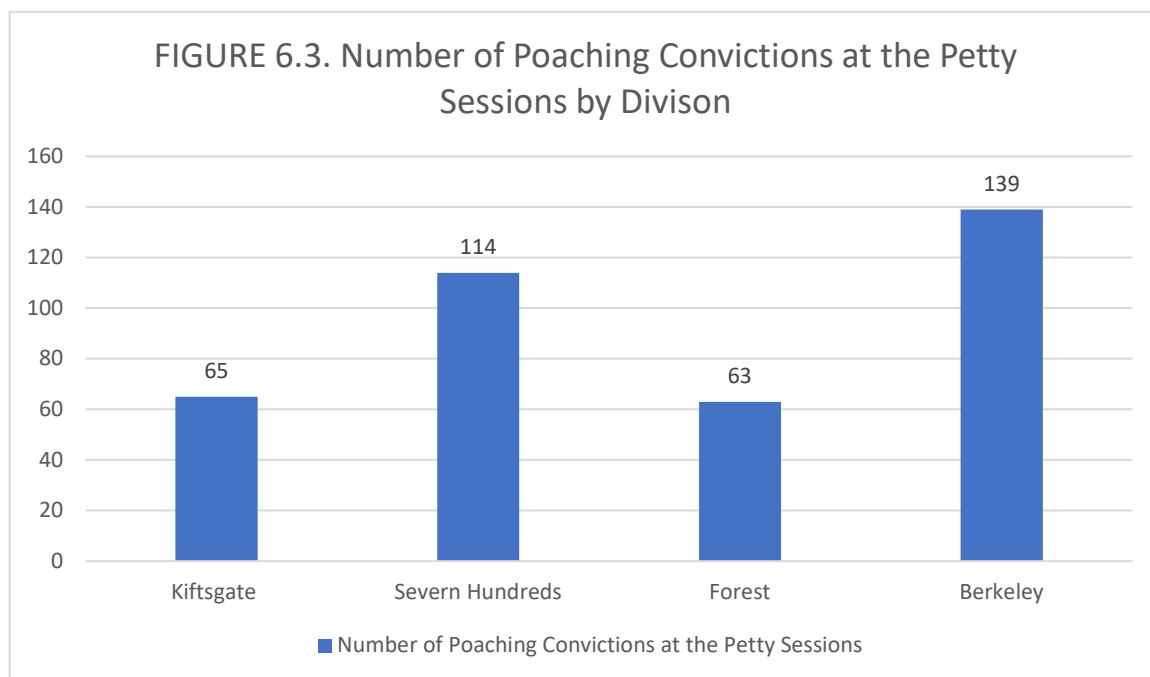
Osborne has also pointed to an increase in convictions for poaching rabbits and hares during the winter months that was partly driven by the increased value of their warmer winter pelt.⁵⁷ Killing these animals during this time of the year therefore made economic sense, as poachers could both benefit from the profits found in the illicit market in game and through the sale of pelts. If the stereotypical poverty driven agricultural labourer is considered, it is not difficult to imagine a poacher killing game for the benefit of his household, as the animal could be used both for the pot and clothing.

Spatial Analysis: Concentrations of Poaching

⁵⁶ Osborne, 'The Seasonality of Nineteenth Century Poaching', pp. 35-37.

⁵⁷ Osborne, 'The Seasonality of Nineteenth Century Poaching', p. 38.

Gloucestershire was divided into four administrative Divisions: Kiftsgate, Severn Hundreds, Forest, and Berkeley. These areas were further subdivided into forty Hundreds, made up of 320 separate parishes.⁵⁸ The indictments at the Petty Sessions would typically record the parish from where an individual lived and, if different, the parish where the crime occurred.



For this analysis the location of the criminal act has been considered. The Petty Sessions record the location in 381 indictments. Seven indictments did not correspond to specific Divisions and have therefore been omitted while sixteen indictments did not record a location for the crime.⁵⁹ The spatial analysis for this study has mainly focused on the divisional distribution of poaching.

The Berkeley Division witnessed the highest concentration of poaching incidents, equating to 36.4% of all convictions.⁶⁰ This Division was also the location of two of the highest concentrations within specific hundreds in Gloucestershire. The

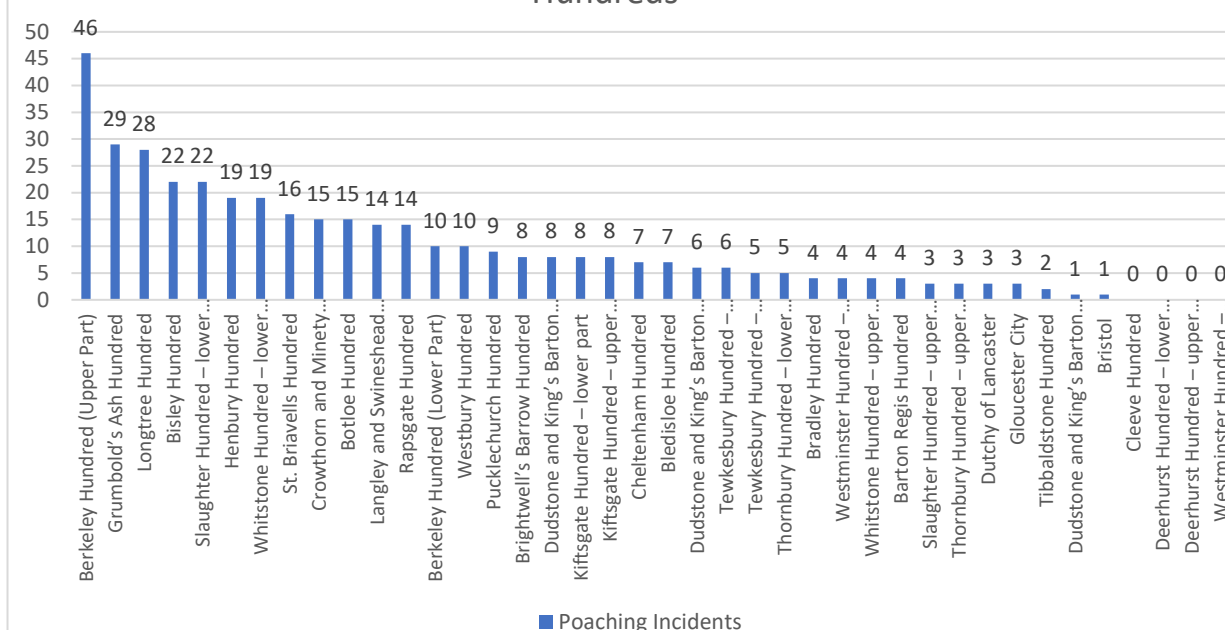
⁵⁸ See Appendix 3 and 4 for a list of Parishes, Hundreds, and Divisions.

⁵⁹ The Duchy of Lancaster and Gloucester City recorded three indictments respectively, while Bristol City recorded one.

⁶⁰ 139 from 405.

Hundreds of Upper and Lower Berkeley accounted for fifty-six convictions, and the Hundreds of Upper and Lower Grumbald's Ash twenty-nine. Combined the Hundreds of Berkeley and Grumbald's Ash account for 61.1% of convictions in the Berkeley Division, and 20.9% of total poaching convictions across the county.⁶¹

FIGURE 6.4. Poaching Incidents at the Petty Sessions by Hundreds



The higher proportion of Game Law convictions recorded from the Berkeley Division is not surprising given the context of the period. The lands of south and central Gloucestershire were dominated by two significant landowners. The first, Thomas Reynolds-Moreton, 1st Lord of Ducie, held extensive lands based on Tortworth Court near Thornbury. The second, Colonel William Berkeley, 1st Earl FitzHardinge, owned lands centred on Berkeley Castle to the south of Gloucester. Both Lord Ducie and Colonel Berkeley were determined preservers of game in the early nineteenth century and became renowned for their prosecution of poachers on their respective lands.

⁶¹ The two parishes of Grumbald's Ash witnessed twenty-nine poaching incidents, while the parishes of Berkeley experienced fifty-six.

The determination to preserve game led Lord Ducie to introduce spring-guns onto his lands. Utilised by landowners across the nation, spring-guns were pre-loaded firearms set by ‘desperate’ gamekeepers as booby-traps to protect the lands upon which they were employed from anyone either trespassing or poaching.⁶² The deployment of spring-guns was complimented with the setting of mantraps, mechanical snares that worked in a similar manner to a mousetrap by trapping the leg of a poacher or trespasser in large metal jaws.

FIGURE 6.5. A mantrap (left) and a spring gun (right).⁶³



FIGURE 6.6. An example of a warning deployed by gamekeepers.⁶⁴



⁶² Archer, 'Poachers Abroad', p. 56.

⁶³ North Hertfordshire Museum, (9 September 2013), <<https://northhertsmuseum.org/man-traps-and-spring-guns-at-burymead/>> [accessed 3 January 2024].

⁶⁴ North Hertfordshire Museum, (9 September 2013), <<https://northhertsmuseum.org/man-traps-and-spring-guns-at-burymead/>> [accessed 3 January 2024].

Warning signs were prominently displayed by gamekeepers on preserved land with the intention of providing a level of deterrence without the cost of maintaining a large force of keepers. The deployment of spring-guns and mantraps became widespread by the turn of the nineteenth century and were a central element in the conflict between poachers and gamekeepers.⁶⁵ The indiscriminate nature of these boobytraps combined with the potential for causing serious injury and death, however, would only lead to a heightening of tensions within rural communities.

The 1816 Berkeley Poaching Affray

Despite the potential potency of spring-guns and mantraps they have been labelled by Archer as 'singularly unsuccessful' in their attempt to deter poachers.⁶⁶ Archer and Hopkins have both found that poachers, rather ironically, were far less likely to become victims of spring-guns compared to other members of the local community.⁶⁷ Knowledge of the local area meant poachers were more likely to avoid the devices.

Despite this, poachers were victims of spring-guns. On 28 November 1815, near seven o'clock in the morning Thomas Till was killed by a spring-gun at Priestwood, near to Lord Ducie's Tortworth Court. Till, it transpired, had been armed with a shotgun and was trespassing in the game reserve with the intention to poach. He was discovered by Lord Ducie's keepers with five gunshots in his side and was believed to have been killed instantly. The *Gloucester Journal* reported that gamekeepers had been patrolling the woods on the night of Till's death and had heard

⁶⁵ Archer, 'Poachers Abroad', p. 56.

⁶⁶ Archer, 'Poachers Abroad', p. 56.

⁶⁷ Archer, 'Poachers Abroad', p. 56. Hopkins, *Long Affray*, p. 167.

a total of five spring guns being discharged.⁶⁸ It was also claimed that warning notices had been put up on the outskirts of the forest for 'years.'⁶⁹

The coroner's inquest into the event returned a verdict of accidental death, and therefore no-one was held accountable.⁷⁰ This verdict was viewed by the local community as a severe miscarriage of justice. In 1885 the reliability of the coroner's jury was challenged on the chance that it consisted of 'tenants of rigid game preservers', but no contemporary accounts suggesting this have been identified.⁷¹ The fact that the legal profession of the time believed that a person responsible for setting a spring-gun was guilty of wilful murder added further tension.⁷² This view was held by some in Parliament. Charles Tennyson D'Encourt, MP for Bletchingley, led a campaign in Parliament to ban the 'barbarous and tyrannical' spring-guns, arguing that the indiscriminate nature of the 'murderous instruments' could not be justified through the protection of game.⁷³

Spring guns were designed and employed to deter poachers. These individuals were considered legitimate targets in the efforts of landowners to defend their lands from criminals. Regardless of the motivations behind this criminal behaviour, landowners argued they were entitled to protect their private property. The law was certainly on their side, and it would be remiss to paint poachers as completely innocent in the injury and death that occurred. The debate surrounding the use of spring-guns continued until their prohibition in 1827.

Thomas Till was the son of a respected local farmer and father of two small children, and his death caused widespread anger amongst the local community. In

⁶⁸ *Gloucester Journal*, 4 December 1815, p. 4.

⁶⁹ *Gloucester Journal*, 4 December 1815, p. 4.

⁷⁰ GHH D260. The journal of coroner William Joyner can be accessed at the Gloucestershire Heritage Hub.

⁷¹ Sidney Madge, William Phillimore, and Watts Phillimore, *Gloucestershire Notes and Queries: Volume 3* (London: Simpkin, Marshall, Hamilton, Kent & Company Ltd, 1885), p. 616.

⁷² Madge, Phillimore, and Phillimore, *Gloucestershire Notes and Queries*, p. 616.

⁷³ *Cheltenham Chronicle*, 29 March 1827, p. 4.

response John Allen, a popular local farmer, recruited a group of twenty-two men from across the local social strata to avenge Till's death.⁷⁴ Allen, renowned in the local area as a man 'fond of game', made no secret of his illegal activities and was alleged to have claimed he would 'sooner shoot a man than be taken' by a gamekeeper.⁷⁵

In an 'act of frantic-foolhardiness' Allen proposed a 'destructive raid' across the chief game-preserves of the area and was met with 'cordial approval' by members of the group.⁷⁶ No secret was made of the intention of Allen and his compatriots. Letters were sent to some local landowners, including one Miss Fust, warning them not to send their keepers out on the night of the expedition. The sending of this warning could be interpreted as highlighting both the desire to revenge Thomas Till and lack of fear held by the group towards local authority and the potential consequences of their actions.

The letters, however, hint at a more nuanced approach from the group. Through warning particular landowners, it would appear that they were attempting to avoid confrontation with their gamekeepers. Why this would be the case is uncertain, although it is not beyond reason to assume that members of the group held certain landowners in higher esteem than others. In contrast, perhaps the decision not to warn other landowners betrays the groups determination to not only engage in poaching but to encounter their gamekeepers and take more direct revenge for Till.

The group included labourers, two gentlemen, two farmers, and one attorney. Swearing an oath not to betray one another, the group armed themselves with a mixture of firearms and hand-weapons. They blackened their faces and marked their hats with chalk letters in an attempt to identify themselves in case of an encounter with

⁷⁴ Madge, Phillimore, and Phillimore, *Gloucestershire Notes and Queries*, p. 616.

⁷⁵ Edwin J. Ford, *The Great Berkeley Poaching Affray of 1816* (Berkeley: Edwin J. Ford - privately published, 2005), p. 3.

⁷⁶ Madge, Phillimore, and Phillimore, *Gloucestershire Notes and Queries*, p. 616.

gamekeepers during the hours of darkness.⁷⁷ John Allen, as ringleader of the group, marked his hat with a king's crown.⁷⁸

The decision of the men to blacken their faces was pragmatic, as it would help camouflage the group when operating at night and help to prevent their identification and capture. The symbolism behind this act through the connection to wider outbreaks of resistance in England must also be appreciated. The Waltham Blacks, for example, had gained their moniker by blackening their faces before they partook in their large scale and long-lasting protest in Waltham Forest in the early eighteenth century. The Waltham Blacks, in a similar manner to the Berkeley group, had also resorted to overt and large-scale poaching as a method of protest against the local authorities.⁷⁹

More recently, the Luddites had been known to blacken their faces before attacking mills and machines. In April 1812, for example, a force of over three-hundred Luddites had attacked the mill of William Cartwright in Cleckheaton, Yorkshire. The Luddites, armed and with faces blackened, had chosen to operate at night. Furthermore, in May 1814 the *Gloucester Journal* reported on a series of disturbances between an unpopular landowner and the local community in Monmouthshire that witnessed mass poaching expeditions employed as a very deliberate and overt weapon of protest against the local elite.⁸⁰ The parallels are clear.

This event was not the first interaction of some members of the group with either the Game Laws or agents of authority. In the aftermath of Till's death John Allen, ringleader of the group, had threatened one of Colonel Berkeley's gamekeepers in a local public house and was consequently physically assaulted.⁸¹ John Penny, as has

⁷⁷ Madge, Phillimore, and Phillimore, *Gloucestershire Notes and Queries*, p. 616. The group swore an oath on the 'Young Man's Companion'. The Tolpuddle Martyrs were transported for the same crime in 1834.

⁷⁸ Ford, *The Great Berkeley Poaching Affray*, p. 4.

⁷⁹ Griffin, *Protest, Politics, and Work*, pp. 43-49.

⁸⁰ *Gloucester Journal*, 23 May 1814, p. 4.

⁸¹ Ford, *The Great Berkeley Poaching Affray*, p. 19.

been discussed previously, had been prosecuted twice at the Petty Sessions for shooting pheasants in Cromhall in January 1814.⁸²

After several hours the gang were confronted by a combined force of keepers employed by Lord Ducie, Colonel Berkeley, and Miss Langley. The group had already shot a number of pheasants, although no detail is given on who's land this occurred. The two groups traded declarations and insults, during which both sides proclaimed their intentions not to use their firearms in the coming affray.

Confrontations between poachers and gamekeepers were found to be almost ritualistic, consisting of verbal challenges that preceded violence based upon traditional notions of bravery and daring. Both poachers and gamekeepers have been found to have had their own 'elaborate code of conduct and honour' linked to notions of contemporary masculinity.⁸³ Hopkins claims these 'ritual heroics' were a common feature of affrays in the early nineteenth century.⁸⁴

As discussed earlier, the gang appear to have been intent on confronting gamekeepers. A further six of Colonel Berkeley's keepers were injured. As the poachers were leaving the scene of the affray John Penny was claimed to have declared 'now Tom Till's debt is paid.'⁸⁵ Whether Penny knew Ingram had been slain is both unclear and unlikely, given the affray took place in darkness. The group were subsequently hunted down, led by the 'ferocious energy' of Colonel Berkeley who had employed Bow Street Runner John Vickery to aid him.⁸⁶ Eleven of the twenty-two poachers were ultimately captured and placed on trial for Ingram's murder.⁸⁷

⁸² GHH Q/PC/2. See also 33/A/4, 33/A/32.

⁸³ Hopkins, *Long Affray*, p. 6. For Gloucestershire see Chapter 8.

⁸⁴ Hopkins, *Long Affray*, p. 9.

⁸⁵ Madge, Phillimore, and Phillimore, *Gloucestershire Notes and Queries*, p. 616.

⁸⁶ Hopkins, *Long Affray*, p. 9.

⁸⁷ A number fled the country.

Newspaper reports from the time extensively covered the trial of the poachers, reflecting an event the *Gloucester Journal* claimed had ‘never [...] excited more interest in the county.’⁸⁸ The eleven men were tried for the murder of gamekeeper William Ingram at the 1816 Lent Assizes. The court galleries were described as being filled to excess to observe the trial, the *Gloucester Journal* reporting that nine of the eleven men were farmer’s sons and respectably connected, challenging the idea that poaching was the domain of the poor.⁸⁹ The group, with members from across Gloucestershire’s rural social strata, offers an intriguing window into the general antipathy towards the Game Laws at the time.

If poaching was a weapon used by the working-class in the escalating class-conflict of the eighteenth and nineteenth centuries then the membership of the group should reflect this. The fact that it does not should be considered significant. Poaching, as evidenced in this study, was practiced by members of almost every social grouping in Gloucestershire. The breaking of the Game Laws, as the historiography has shown, was one of the most widely practiced criminal acts in rural England and seemingly enjoyed widespread levels of popular support. The evidence, however, displays a marked difference in the behaviour of the diverse social groups. It seems that the death of Till, a respected local young farmer with strong social ties, was enough for the members of the Berkeley gang to put aside their social differences to overtly demonstrate their anger through the breaking of the Game Laws.

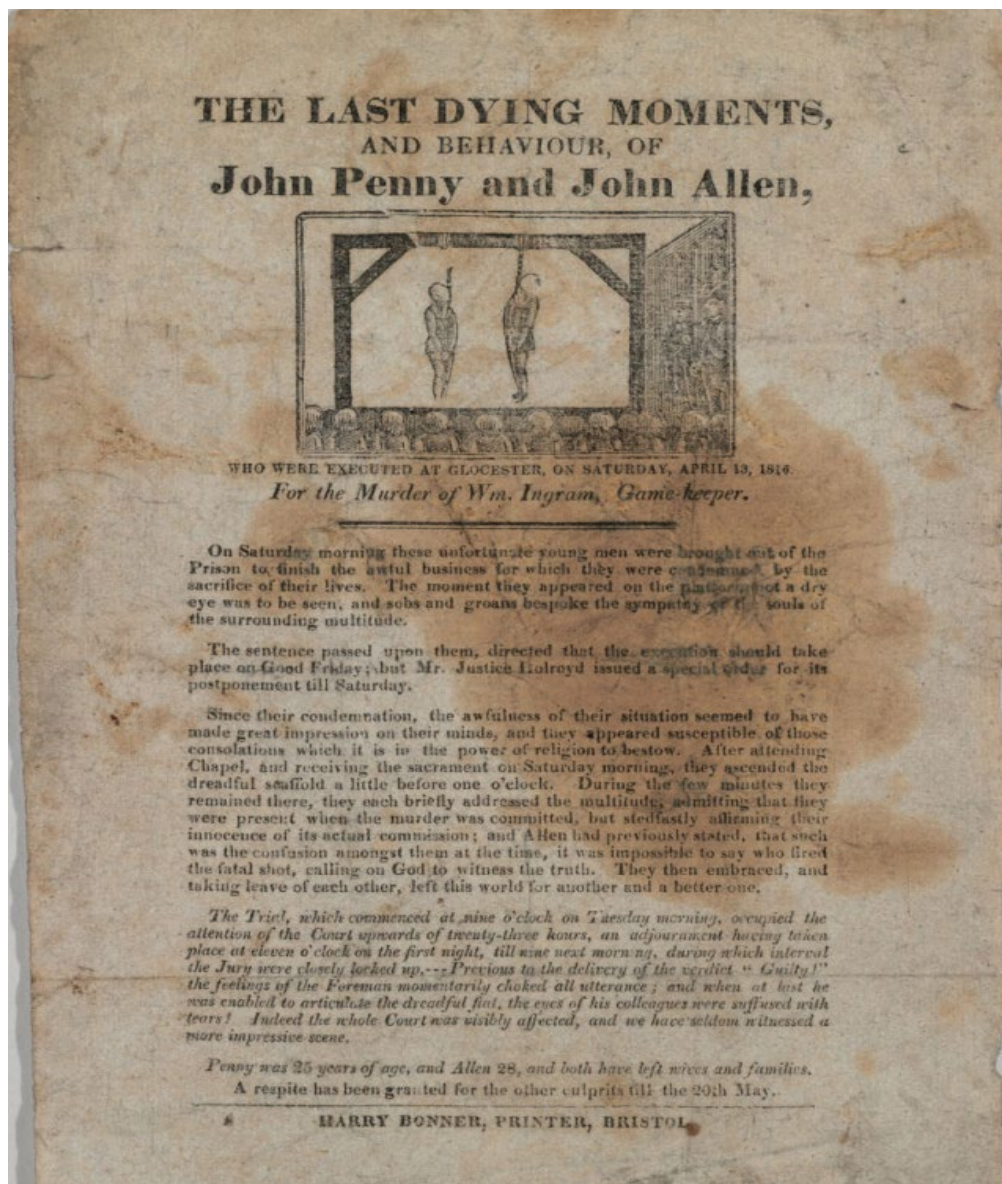
The trial, lasting twenty-three hours, returned a verdict of guilty for all defendants for the murder of William Ingram. It was reported that the foreman of the jury ‘momentarily choked all utterances’ before the verdict, while ‘the eyes of his

⁸⁸ *Gloucester Journal*, 15 April 1816, p. 3.

⁸⁹ *Gloucester Journal*, 15 April 1816, p. 3.

colleagues [in the jury] were suffused with tears.'⁹⁰ The whole court, it was further noted by the *Gloucester Journal*, was visibly affected by the verdict.⁹¹

FIGURE 6.7. A pamphlet describing the death of John Penny and John Allen.⁹²



⁹⁰ *Gloucester Journal*, 15 April 1816, p. 3.

⁹¹ See also Figure 6.7.

⁹² Harvard Library: Curiosity Collections, The last dying moments, and behaviour, of John Penny and John Allen <<https://curiosity.lib.harvard.edu/crime-broadsides/catalog/46-990043845110203941>> [accessed 20 February 2024].

All eleven participants were sentenced to death, though only two were executed for the crime. Ringleader John Allen and John Penny, believed to have fired the fateful shot, were both hanged on Saturday 13th April 1816. Their fate received comprehensive coverage in the national and provincial press, as well as broadsides that included a summary of their final moments.⁹³ Both men reaffirmed their original defence on the gallows, arguing that the confusion of the affray meant it was impossible for anyone to be sure who had actually shot and killed Ingram. When Allen and Penny climbed the gallows it was claimed ‘not a dry eye was to be seen, and sobs and groans bespoke the sympathy’ of the crowd for the condemned men.⁹⁴

The remaining nine men, ‘on the humane recommendation of the jury and the prosecutor’, had their sentence commuted to transportation for life.⁹⁵ A glimpse into the feeling of the local community can be gleaned from the *Cheltenham Chronicle*, in which it was reported that during their final journey through Gloucester ‘public commiseration was evinced by offering the unfortunate men pecuniary assistance.’⁹⁶ This very public reaction to the fate of the poachers should be considered alongside the response to the guilty verdict at court, the outpouring of grief at the execution, and the recommendation of humane treatment by the jury and prosecution. Popular opinion favoured the Berkeley gang.

The mass poaching expedition and subsequent conflict was an unambiguous act of protest against both the specific circumstances surrounding the death of Thomas Till and the Game Laws more generally. The decision to poach across the property of three landowners, killing pheasants in the process, must be considered

⁹³ *Gloucester Journal*, 24 June 1816, p. 3. Figure 6.7.

⁹⁴ Harvard Library: Curiosity Collections, The last dying moments, and behaviour, of John Penny and John Allen <<https://curiosity.lib.harvard.edu/crime-broadsides/catalog/46-990043845110203941>> [accessed 20 February 2024].

⁹⁵ *Gloucester Journal*, 24 June 1816, p. 3.

⁹⁶ *Cheltenham Chronicle* 27 June 1816, p. 3.

against the fact that Till had been killed by a spring-gun on the lands of Lord Ducie alone. The actions of the poachers suggests a wider sense of antipathy towards the Game Laws rather than a specific personal vendetta against Lord Ducie. The blackening of their faces and inclusion of a quasi-uniform, combined with the swearing of an oath and scale of the poaching expedition would have been recognised hallmarks of protest action at the beginning of the nineteenth century. All members of the group risked execution simply through blackening their faces, this act remaining a capital crime in 1816. The death of Till seems to have released pent-up social pressure within the local community. The scale and seriousness of the Berkeley Affray represents deeper levels of hostility than the death of one poacher would indicate. The death of poacher Robert Simmons in 1816, in contrast, did not have the same severe consequences.

The actions of landowners, particularly their use of spring-guns and vigorous preservation of game, must be considered a contributing factor in these tensions. This is discussed in the *Gloucestershire Notes and Queries* published in 1885, in which the 'great irritation' caused by the 'high handed actions [...] and cruel manner in which the game laws were enforced' was provided as context and justification to the affray.⁹⁷ Noting the wider economic struggles stemming from the post-war depression, the author believes the actions of landowners such as Lord Ducie and Colonel Berkeley 'stimulated rather than suppressed' poaching on their estates.⁹⁸ Despite the potential for bias on the part of the authors in 1885, the historiography of poaching suggests this specific context could be generalised.

This tension, however, must not be reduced solely to the actions of landowners, individuals who would have certainly feared that their land and private property was

⁹⁷ Madge, Phillimore, and Phillimore, *Gloucestershire Notes and Queries*, p. 616.

⁹⁸ Madge, Phillimore, and Phillimore, *Gloucestershire Notes and Queries*, p. 616.

under constant threat from poachers at this time. The feelings of the local landowning elite must be taken into consideration, as regardless of popular sentiment towards the Game Laws the law remained the law. Poaching, while widely accepted as a social crime, was still a crime that targeted the highly valued property of the landowner. The combination of extensive criminality and serious violence in any other form would not have been tolerated. As such, the actions of landowners such as Lord Ducie and Colonel Berkeley are reasonable and justified.

Poachers must therefore bear some responsibility for the consequences of increasing tensions in this period, for they were neither simple victims nor heroic defenders of a way of life that any of them would have experienced. The Game Laws had been in effect in some form since 1671. While the death of Till was a tragedy, he was killed while trespassing with the criminal intent to steal private property. He was not a poverty driven agricultural labourer poaching for the pot. Furthermore, his death at the hands of a spring-gun was both legal and deemed accidental by the coroner. Till, it is safe to assume, would have been well aware of the dangers of trespassing on the lands of Lord Ducie. He was armed not only to kill game but to prevent his capture, as the violent affrays both nationally and in Gloucestershire attest. Yet he still chose to break the law. It could be assumed that some landowners believed Till got what he deserved.

The landowners involved in the Berkeley Affray appear to have been determined to enforce the Game Laws. The County Gaol Calendar records five individuals held for poaching offences on Lord Ducie's land and six on the land of Colonel Berkeley, in addition to the Petty Sessions indictments discussed previously. The two landowners have also been identified in more records than any other in Gloucestershire when it comes to the protection of their property, particularly the

prosecution of individuals for wood theft and tree damage.⁹⁹ Evidence of trespassing in enclosed ground owned by Colonel Berkeley was identified at the Quarter Sessions in 1812, while an anti-enclosure riot was recorded as occurring in 1813.¹⁰⁰ The riot, led by yeomen Robert Gough and Joseph Rees alongside ‘divers others’, attacked fences and hedges armed with shovels, spades, iron bars and clubs in addition to violently assaulting Thomas Berkeley Bond and Thomas Rogers Bond.¹⁰¹ Community relations in the area appear to have been far from harmonious, and provide longer term context to the tensions expressed during the Berkeley Affray.¹⁰²

The local newspapers at the time offered a balanced perspective on events of the Berkeley Affray. The *Gloucester Journal* expressed hope that the ‘lamentable’ deaths of Allen and Penny would provide a cautionary example to poachers ‘on the danger to which he exposes himself in the pursuit of his unlawful purpose.’¹⁰³ The reporter, however, was also critical of those in ‘the higher stations of life’ who fuelled the demand for game and the ‘calamitous consequences’ that inevitably transpired.¹⁰⁴ The condemnation from local reporters was reflected in the House of Commons in July 1816, William Wilberforce MP commenting that ‘poaching would never cease while gentlemen in town continued to buy game for their tables.’¹⁰⁵

Hopkins has referred to Colonel Berkeley as ‘zealous’ in his attempts to prevent breaches of the Game Laws on his lands, and he was well-known both locally and nationally for making game preservation a priority at the expense of his tenants. Berkeley was known to employ upwards of two-hundred full and part-time

⁹⁹ Lord Ducie was identified in eleven cases of prosecutions for wood theft and tree maiming in the Petty Sessions, while Colonel Berkeley was identified in two.

¹⁰⁰ GHH Q/Sia (c) 1812, GHH Q/Sia (a) 1813.

¹⁰¹ GHH Q/Sia (a) 1813.

¹⁰² This is particularly true of Colonel Berkeley, who commissioned a painting of the affray that still hangs in Berkeley Castle to this day.

¹⁰³ *Gloucester Journal*, 24 June 1816, p. 3.

¹⁰⁴ *Gloucester Journal*, 24 June 1816, p. 3.

¹⁰⁵ *Gloucester Journal*, 1 July 1816, p. 2.

gamekeepers on his lands at great personal expense.¹⁰⁶ To provide a level of perspective Sir Robert Peel, who referred to himself as a 'very mild preserver' was known to employ six full time and forty part-time gamekeepers.¹⁰⁷ The eagerness of both Lord Ducie and Colonel Berkeley to preserve game on their lands, combined with their apparent determination to pursue and prosecute poachers, could explain the greater number of convictions found in the Berkeley Division at the Petty Sessions. One small piece of evidence should be examined when considering the impact of qualified landowners on the state of community relations at the time. The *Cheltenham Journal and Gloucestershire Fashionable Weekly* reported that Colonel Berkely had provided a 'liberal distribution of money, beef, bacon, and blankets to the poor in the large and populous parish of Berkeley' in January 1831.¹⁰⁸ It is not stated when exactly this gift was provided but given the proximity of Christmas and the delayed nature of reporting at the time it could have been a festive act of charity. While this was a typical seasonal and customary act performed by members of the gentry and nobility, especially during periods of hardship, it suggests that Colonel Berkeley may not have been as callous as the official record implies.

While gift giving was often employed during election years in an attempt to secure votes, the 1830 general election had ended by September. It seems unlikely that Berkeley would have produced this gift after the conclusion of the election. The timing of the gift suggests an ulterior motive to that of pure charity. Late 1830 witnessed a number of disturbances associated with the Swing Riots in the area surrounding Cirencester and Tetbury, including outbreaks of riot and machine

¹⁰⁶ Hopkins, *Long Affray*, p. 7.

¹⁰⁷ Hopkins, *Long Affray*, p. 7.

¹⁰⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly*, 10 January 1831, p. 2.

breaking.¹⁰⁹ A number of armed associations were formed by landowners in response across the county, and the county militia was mobilised to suppress the riots.¹¹⁰ With outbreaks of disorder so close to the lands of Colonel Berkeley, and given his previous enthusiastic pursuit of poachers, perhaps his generous gift was an attempt to pacify the local community and prevent the spread of disturbance.

There is no doubt that the imposition and increasing severity of the Game Laws before 1831 led to social conflict within rural communities. This conflict would have been exacerbated by landowners who were willing to meet the challenge of poaching head on. The harsh punishments imposed by the Game Laws would have provided greater motivation for poachers to avoid being apprehended by gamekeepers.¹¹¹ The death of Till, and the subsequent murder of Ingram, were very public examples of an undercurrent of violence that Hopkins has likened to a 'guerrilla war.'¹¹² This conflict would become 'the most relentless, the most persistently brutal and embittered – and the most continuous – current of violence' in nineteenth century England.¹¹³ Evidence of this conflict has been identified in Gloucestershire.

¹⁰⁹ *Cheltenham Chronicle*, 2 December 1830, p. 3.

¹¹⁰ *Cheltenham Journal and Gloucestershire Fashionable Weekly*, 6 December 1830, p. 2.

¹¹¹ The 1816 Night Poaching Act stated that individuals and groups could face seven years transportation if prosecuted.

¹¹² Hopkins, *Long Affray*, p. 6.

¹¹³ Hopkins, *Long Affray*, p. 6.

Chapter 7: Poaching at the Quarter Sessions, Newspapers, and Violent Affrays

This chapter explores evidence regarding poaching identified in the records of the Quarter Sessions and the provincial press. The Quarter Sessions provide evidence for more serious breaches of the Game Laws, particularly poaching at night and in large groups, offering a point of comparison when compared to the more prosaic acts heard at the Petty Sessions. Twenty violent affrays were identified in the analysis of the Quarter Sessions and newspapers, including the deaths of seven individuals, with a distinct increase from 1827 mirroring trends in the Petty Sessions. Violence associated with poaching provides a window into the complex nature of the Game Laws, especially the trials of poachers accused of murdering gamekeepers. Violence was also employed symbolically by poachers in Gloucestershire. The intimidation of landowners in their homes and references to violence in threatening letters was identified. The extent to which violence is justified is challenged in this chapter, alongside the often-critical interpretation of the actions of gamekeepers.

The Quarter Sessions

The Quarter Sessions show twenty-two indictments for breaches of the Game Laws across the period, including a total of fifty-five individuals.¹ This includes three individual poachers, and six poachers prosecuted for operating in pairs. In a similar manner to the convictions obtained in the Petty Sessions, the Quarter Sessions records should not be considered as a completely valid source regarding the scale of poaching in Gloucestershire due to the incomplete survival of the documents.

¹ Gloucestershire Heritage Hub, Gloucestershire Quarter Sessions, Court in Session, Indictments, 1728-1836. From Q/Sia (a) 1810 – Q/Sia (d) 1832.

An example of this is found in the record of James Cole, a labourer convicted of poaching in December 1828.² His indictment states that he was caught armed with bludgeons with 'many others' in enclosed ground owned by the Berkeley family in the parish of Kingscote. Cole was the only member of the group apprehended and brought to trial. He initially pled not guilty but later changed to a guilty plea and was sentenced to two years hard labour in Northleach house of correction. Similarly, William Withers was indicted in December 1818 for poaching with guns with 'unknown others' on the lands of Colonel Berkeley.³ Cole and Withers declined to inform on the unnamed members of the groups, suggesting a certain level of loyalty between them.⁴ The true scale of poaching is therefore unknown.

Thirteen of the Quarter Session records show groups of three or more poachers. The largest, comprising six individuals, were found guilty of trespassing in Sherbourne and using nets to kill three hares in January 1817.⁵ The Quarter Sessions show three indictments that include multiple counts of poaching within a single record.⁶ The most serious of these occurred in January 1817 when labourers Cornelius Gregory, Edward Gregory and John Aldridge were caught trespassing in a wood in Kingscote with the intent to kill pheasants.⁷ Their record states that in addition to the primary indictment they were also held on four other separate counts of poaching.

Labourers John Rodman and William Clifford were indicted in January 1817 for poaching pheasants on the lands of Lord Ducie and charged on multiple counts of Game Laws breaches.⁸ In November 1817 Joseph Bowyer and Edward Rawbones

² GHH Q/Sia (a) 1829.

³ GHH Q/Sia (a) 1819.

⁴ This also highlights the inaccurate nature of any quantitative analysis of the scale of poaching.

⁵ GHH Q/Sia (a) 1817. Joseph Wright, Samuel Parker, Richard Beckley, James Humphries, John Wright, Thomas Charm

⁶ GHH Q/Sia (b) 1817, GHH Q/Sia (a) 1818, GHH Q/Sia (a) 1829.

⁷ GHH Q/Sia (b) 1817.

⁸ GHH Q/Sia (b) 1817.

were indicted for multiple counts of night poaching in Old Sodbury.⁹ It would appear that the men described above were not simply opportunistic poachers.

All poachers held for trial at the Quarter Sessions were male, all but three of whom recorded as labourers.¹⁰ The number of poachers from the lower strata of society reflects the findings from the Petty Sessions, where 44.7% were recorded as labourers. Four indictments specifically mention poaching in either enclosed ground or plantations.¹¹ Four records are for poaching at night, with seven making specific reference to poachers being armed; five refer to firearms, one to cudgels and bludgeons, and one to offensive weapons. In September 1820, for example, labourer George Nash was indicted for poaching at night with 'offensive weapons' in Lower Guiting alongside sawyers Edmund Harker and Thomas Humphries, and mason William Downing.¹²

Nineteen of the twenty-two poaching incidents occurred between October and January, totalling forty-eight individuals. This pattern is mirrored in the Petty Sessions, where 58.2% of poaching activities occurred in the same period. The Quarter Sessions show seven cases occurring during the agricultural depression of the early 1820s, accounting for just under a third of total cases. This period also accounts for the twenty of the 55 individuals dealt with by the Quarter Sessions, and in a similar manner to the Petty Sessions may reflect the increased economic difficulties faced by rural communities at the time.¹³

⁹ GHH Q/Sia (a) 1818.

¹⁰ Tellingly, no gentlemen were recorded at the Quarter Sessions. This suggests a classist application of the law that viewed gentlemen using guns to poach as a minor breach of the Game Laws, whereas poachers from the poorest levels of society were considered more serious.

¹¹ GHH Q/Sia (a) 1829, GHH Q/Sia (b) 1829, GHH Q/Sia (a) 1822, GHH Q/Sia (a) 1823. In contrast, the Petty Sessions refer to enclosed ground in fifteen cases and plantations in one.

¹² GHH Q/Sia (d) 1820.

¹³ For reference, 91 of the 371 cases heard at the Petty Sessions occurred between 1820 and 1823, accounting for 24.5% of all Game Law offences between 1810 and 1829.

The most cases in a single year occurred following the passing of the 1828 Night Poaching Act, accounting for nine individuals across five indictments.¹⁴ The Night Poaching Act imposed a punishment of fourteen years transportation for gangs of three or more poachers if one member was armed.¹⁵ Interestingly, in the six cases heard after 1828 none refer to night poaching in the indictments. No reason is provided for this, and a cursory assessment of the source material would suggest gangs of poachers were simply not apprehended while night poaching after 1828. Historians have found, however, that juries were often unwilling to convict poachers of more serious offences due to the severity of the sanctions they faced.¹⁶

This reluctance was well understood by contemporary commentators. The *Cheltenham Journal and Gloucestershire Fashionable Weekly* published an opinion piece in April 1820 arguing that ‘public opinion does not go along with the law’ when dealing with poachers, and instead popular sentiment ‘sympathises’ with those who broke the Game Laws.¹⁷ If this was the case then it is reasonable to assume that the public would retain these views if called upon to serve as members of a jury. The same writer believed that the prohibition of the sale of game and subsequent increased profit available through the illicit market proved an irresistible temptation to the ‘ill-paid and ill-fed labourers’ of the country.¹⁸ Severe punishment, if this was the case, would be unjust.

A similar criticism was published in the *Cheltenham Chronicle* in May 1827, in which the writer compared the Game Laws with the injustices of Medieval feudal England.¹⁹ The author, using the pseudonym Aristedes, suggested that the law both

¹⁴ 1828 Night Poaching Act. 9 Geo. 4. c. 69.

¹⁵ Individual poachers could face seven years transportation.

¹⁶ Shakesheff, *Rural Conflict*, p. 173. Hopkins, *Long Affray*, p. 206. The cases involving Creed and Rounce certainly point to this being possible.

¹⁷ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 20 April 1829, p. 1.

¹⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 20 April 1829, p. 1.

¹⁹ *Cheltenham Chronicle* 3 May 1827 p. 4.

symbolised and reinforced the inequality characteristic of society at the time through the 'feeling of *pride* in being enabled to kill what all may not kill.'²⁰ Killing game, restricted as it was to the qualified, was just another symbol of status

One case stands out as potential evidence for the seeming reluctance of juries to prosecute poachers apprehended in Gloucestershire. In January 1829 Thomas Geater, James Tilling, and William Wheeler were prosecuted for poaching pheasants in enclosed ground in Cirencester.²¹ The Quarter Sessions indictment makes no mention of them being armed. Their entry into the County Gaol calendar however states that they were 'armed with guns to destroy game' on the lands of Joseph Cupps Esq.²² In their attempt to avoid being apprehended Geater, Tilling, and Wheeler physically assaulted two gamekeepers with their guns and other weapons.

The three poachers were ultimately convicted and sentenced to twelve weeks incarceration in Northleach house of correction. The omission of any mention of violence towards the gamekeepers or the poachers being armed in their indictment could therefore signify a deliberate decision by the prosecution to reduce the charge in order to secure their conviction.

The date of the assault could be significant, occurring just over a year and in the same vicinity of the death of gamekeeper Robert Rounce at the hands of a gang of poachers.²³ The killers of Rounce were able to avoid punishment for his death, much to the surprise of all involved in the case. Perhaps understanding the strong sense of antipathy towards the Game Laws in the local area, a less serious charge was sought in order to secure a conviction.

²⁰ *Cheltenham Chronicle* 3 May 1827 p. 4.

²¹ GHH Q/Sia (b) 1829. Tilling was one of seventeen poachers aged under eighteen identified for this study.

²² GHH Q/ Gc. Gaol Register Number 18-21.

²³ See Chapter 8. Rounce was killed in the Hundred of Crowthorn and Minety.

It is possible that the nature of the crime suggested a propensity for violence that could intimidate local juries. Jurors were randomly selected from qualified individuals ordinarily living in the same parish or hundred where the crime occurred.²⁴ The prosecution and defence held the right to challenge the selection of the jury if there was a suspicion of bias or conflict of interest, while criticisms existed regarding the potential corruption of the selection process.²⁵ Given the local nature of juries at the time, the possibility for sympathy towards the accused was high.

One interpretation of the unwillingness of juries to prosecute is that local people were as much victims of the Game Laws as poachers. Juries therefore expressed support for poachers through a refusal to prosecute more serious poaching actions that would result in severe sanction. The violent nature of some poachers combined with juries comprised of local people could have created an environment of fear, instead of support, for poachers at this time. The outcome at trial, however, would remain the same.

A final note on the case of Geater, Tilling, and Wheler comes from the fourth member of the gang. Edward Ash was apprehended with the gang but decided to 'admit the king's evidence', thereby informing on his accomplices in order to avoid sanction. Given the secretive nature of poaching and the potential for severe sanction if caught, close bonds must have existed between members of poaching gangs in addition to being members of the same rural communities. Informing was therefore a very serious decision for Ash. The fear of reprisal must have been acute. Potential evidence of this is found in the conviction of Frederick Protheroe for shooting a pheasant in October 1827.²⁶ Protheroe's conviction was secured on evidence

²⁴ Jurors were required to own land worth at least £10 in annual rent, be a freeholder, leaseholder, or householder, male, between the ages of twenty-one and sixty.

²⁵ The 1825 Juries Act widened the selection of jurors for criminal cases. The property qualification, however, endured.

²⁶ GHH Q/PC/2. See also 47/A/24.

provided by labourer James Lavis. The indictment states that Lavis was only willing to give evidence once Protheroe had left the room. There is a possibility that Lavis feared Protheroe being aware of his actions.

Two cases of the attempted murder of informers in Gloucestershire have been identified in the local newspapers. In January 1821 the *Cheltenham Chronicle* reported that three men, R. Clark, J. Kilminster, and T. Bruton were held for trial at the Assizes for poaching in the parish of Wotton-under-Edge.²⁷ No details are provided on their poaching activities, but it is made clear that the gang had assaulted and almost killed a witness against them. The report claimed that the witness lay in a 'dangerous state' as a consequence of the gang's violence in their attempt to 'prevent the possibility of his attendance to give evidence' against them.²⁸

While linking the use of violence and fear to Shakesheff's more positive belief in the wall of silence is highly subjective, one case has been identified that points towards its existence. In May 1827 carpenter William Nicholls was held in Horsely house of correction for 'refusing to be examined as a witness' against Cornelius Nicholls for stealing wood in Bisley.²⁹ His entry into the gaol register shows that he had been held once before as a poacher.³⁰ After three days incarceration, however, William Nicholls chose to act as a witness against Cornelius.

A more serious case occurred in April 1827 when brothers Mark and John Dyer were indicted for shooting through the window of a house in an effort to murder Thomas Mills.³¹ The men missed Mills but injured his wife Sarah. This was a consequence of the execution of two members of the violent Wickwar gang, including

²⁷ *Cheltenham Chronicle*, 18 January 1821, p. 2.

²⁸ *Cheltenham Chronicle*, 18 January 1821, p. 2.

²⁹ GHH Q/ GH. Gaol Register Number 630. It is unclear whether the men were related.

³⁰ No gaol number for this offence is provided.

³¹ *Cheltenham Chronicle*, 26 April 1827, p. 2.

William Mills, the brother of Thomas.³² The conviction of the gang members had been secured through Thomas Mills. Mark and John Dyer were convicted of attempted murder, the presiding judge commenting that their actions were driven by a desire for revenge.³³ The brothers, aged 26 and 24 respectively, were subsequently hanged.

The deaths of Mark and John Dyer did not put an end to the activities of the gang. The *Cheltenham Chronicle* reported in July 1827 that 'a spirit of revenge prevailed in the neighbourhood [...] manifested by many desperate acts', actions associated with typical acts of protest and resistance.³⁴ The newspaper described how a house had been burned to the ground, a valuable horse had been thrown into a coal pit, animals had their stomachs cut open and entrails pulled out, as well as other 'wanton acts of cruelty.'³⁵

The Provincial Press and Violent Poaching Affrays

While the official record has been important in attempting to uncover both the extent and nature of poaching in Gloucestershire, the provincial press has been the most valuable source when studying violent affrays. They have, in an albeit limited manner, provided a solution to the dark figure of poaching violence while producing much-needed qualitative material that is missing from the more objective official record.

The combined analysis of the official record and provincial press has identified twenty violent affrays centred on poaching. Sixteen affrays were found to have occurred between 1827 and the end of 1831, and include the deaths of three

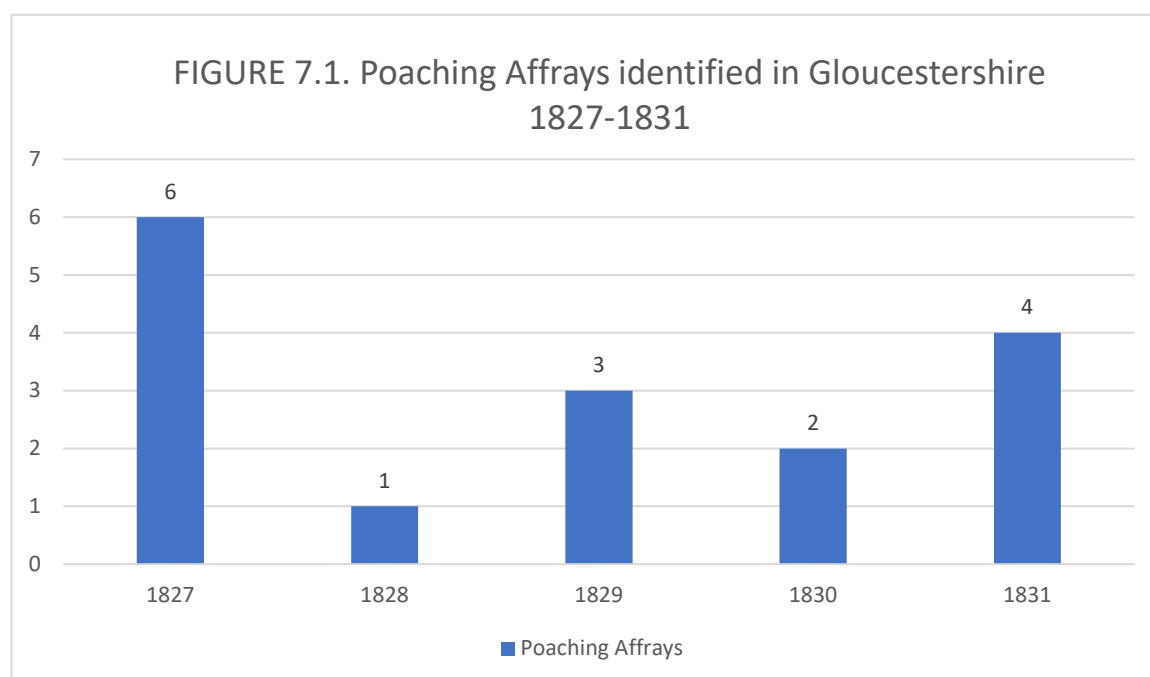
³² For detailed research on this gang see the work of Rose Wallis.

³³ Mark Dyer, *Wiktree: Where Genealogists Collaborate* (n.d.), <<https://www.wikitree.com/wiki/Dyer-12999>> accessed 19.11.24. *Cheltenham Chronicle*, 19 July 1827, p. 2.

³⁴ *Cheltenham Chronicle*, 19 July 1827, p. 2. Archer, *Flash and a Scare*. Griffin, Carl, 'Some inhuman wretch: Animal Maiming and the Ambivalent Relationship between Rural Workers and Animals', *Rural History*, 25 (2014), 133-160.

³⁵ *Cheltenham Chronicle*, 19 July 1827, p. 2.

gamekeepers, two poachers, a labourer, and a farmer.³⁶ A further ten gamekeepers and one poacher were reported as being injured. This significant disparity between poachers and gamekeepers was probably due to the nature of poaching, where those injured during affrays would likely prefer to conceal any injuries they received in order to avoid identification. Included in the analysis of the affrays are two cases of poachers assaulting the houses of gamekeepers and the attempted murder of two informers.



It is important to emphasise that the poaching affrays shown in Figure 7.1 and discussed throughout this chapter represent only those incidents reported in press. Although contemporary newspapers frequently reference gangs of poachers operating in the Gloucestershire countryside, the uneven nature of press coverage means it is likely that such affrays occurred more widely across the county than the surviving sources suggest.

³⁶ Two deaths occur in 1815, and two in 1816.

Poaching gangs, in contrast to the lone poacher, relied on the strength of their numbers rather than subterfuge to avoid capture. Sometimes up to forty strong, the sheer size of poaching gangs was a challenge to landowners and their keepers.³⁷ Some gangs simply did not fear confrontations with gamekeepers, despite their adversaries receiving the full support of the law and have been found to operate overtly and almost with impunity in the county.

In December 1829, for example, the *Cheltenham Chronicle* reported on a gang of sixteen poachers that assaulted the lands of Henry Hicks Esq in Eastington.³⁸ After surrounding the mansion the gang proceeded to ‘audaciously and loudly’ challenge those inside to ‘offer any molestation to them’ before moving on to ‘very coolly [...] shoot a considerable number of tame pheasants.’³⁹ These pheasants, the *Cheltenham Chronicle* commented, had been trained to frequent the immediate vicinity of the mansion. It can be assumed, therefore, that the shooting of the pheasants also occurred within close proximity to the mansion, with apparent disregard for either the authority of Henry Hicks or the legality the act.⁴⁰

Whether the actions of this group of poachers should be considered an act of social criminality is subjective. Open defiance towards a member of the landed elite could be interpreted as a microcosm of the social and quasi-class based rural conflict of the early nineteenth century. Their decision to kill pheasants, the bird most associated with the Game Laws and most prized by preservers, could be seen as a symbolic assault on Hicks.

The significance of Hicks to the local community must also be considered. A successful clothier in Eastington, Hicks owned four mills in the local area by 1830,

³⁷ Munsche, *Gentlemen and Poachers*, p. 140.

³⁸ *Cheltenham Chronicle*, 3 December 1829, p. 4.

³⁹ *Cheltenham Chronicle*, 3 December 1829, p. 4.

⁴⁰ Henry Hicks was a close friend of Edward Jenner, a magistrate in the parish of Berkeley.

employing over one-thousand people at the peak of his business, and was responsible for building Eastington Manor and Park.⁴¹ He has been described as a 'remote and aloof' employer, choosing to live in the 'splendid isolation' of a manor that was deliberately screened by trees.⁴² In addition, Hicks and his family have been identified in the prosecution of inhabitants of Eastington at the Petty Sessions in five cases, all for the theft of wool or yarn.⁴³

Hicks served as a Justice of the Peace between June 1818 and October 1826, acting as a magistrate at the Petty Sessions in three prosecutions.⁴⁴ This included two convictions of gentleman Thomas Earle for poaching in Frampton-on-Severn. At the time of the assault on his Eastington Manor, Hicks was acting as Sheriff of Gloucestershire.⁴⁵ Intertwined as he was in the local community through his role as landowner, businessman, and magistrate, Hicks seems to embody the stereotype of the rural landowning elite. As such, the actions of the poaching gang could be interpreted as a form of rural social conflict.

The violent affrays synonymous with the Game Laws have been likened by Archer to the French resistance to the Nazi occupation of France.⁴⁶ In a similar vein, Hopkins described the concept of the 'protest poacher' as an individual who poached to reassert lost rights, while Hay suggests the Game Laws 'cast a flood of light on class conflict' across the country.⁴⁷ If, as Archer suggests, the violence in rural England during the eighteenth and nineteenth centuries was akin to French resistance,

⁴¹ Stephen Mills, 'The Rise and Fall of Henry Hicks, Clothier of Eastington', *Gloucestershire Society for Industrial Archaeology Journal*, (2002), pp. 19-28 (p. 22). Hicks was in partnership with Edward Sheppard Esq.

⁴² Mills, 'The Rise and Fall of Henry Hicks', pp. 20-21.

⁴³ GHH Q/PC/2. See also 18/C/4, 33/A/3, 40/A/7, 40/A/10, 40/A/16, 41/A/3, 41/A/5.

⁴⁴ GHH Q/PC/2. See also 37/C/4, 43/A/13, 46/A/25. His son, John Phillimore Hicks served as a JP between at least April 1831 and February 1833 and was responsible for three prosecutions – 50/C/34, 50/D/14, 52/B/43.

⁴⁵ *Cheltenham Chronicle*, 20 November 1828, p. 4.

⁴⁶ Archer, 'Poaching Gangs and Violence', p. 25.

⁴⁷ Hopkins, *Long Affray*, p. 25., Hay, 'Poaching and the Game Laws on Cannock Chase', p. 19.

then surely the ends would justify the means. This seems simultaneously reductionist and idealistic.

The actions of the poachers in the attack on Hicks must be considered straightforward intimidation. The explicit threat of violence from a gang of armed poachers towards Hicks and his family was employed not as a tool of social protest but of terror in the pursuit of unambiguous criminality. It is difficult to find a positive interpretation of large groups of armed men threatening violence against a man and his family, regardless of the social rank of their victim.

In November 1829 a 'desperate conflict' was reported as occurring near Cirencester between a party of seventeen poachers and seven keepers employed by Robert Gordon Esq.⁴⁸ The report states that after an 'obstinate resistance' the poachers were defeated, although one of the keepers was 'so very much injured as to render his recovery doubtful.'⁴⁹ No further information is provided regarding recovery, yet the lack of reporting on the subsequent death of the gamekeeper suggests the man may have recovered.

The author of the report believed the poachers had taken advantage of the 'rent feast' and had assumed the gamekeepers would be off their guard.⁵⁰ There is an assumption, therefore, that the poachers would have been local men in order for them to have this very specific prior knowledge. The decision of the poachers to resort to violence would have been pragmatic, given the increased severity of sanction

⁴⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 16 November 1829, p 2. The History of Parliament: British Political, Social, & Local History, *Robert Gordon*, <<https://historyofparliamentonline.org/volume/1820-1832/member/gordon-robert-1786-1864>> [accessed February 19 2024]. Gordon was Sheriff of Gloucestershire 1811-1812, MP for Cricklade between 1818 and 1837.

⁴⁹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 16 November 1829, p 2.

⁵⁰ It is unclear what this event represented. The *Gloucestershire Chronicle* describes how a gamekeeper employed by Sir Bethell Codrington died while delivering invites to tenants for an upcoming rent feast, without further detail. *Gloucestershire Chronicle*, 2 January 1836, p. 3.

introduced through the 1828 Night Poaching Act.⁵¹ The affray could therefore point to a simple desire to avoid capture by the keepers.

This was not the first time the lands of Robert Gordon Esq had been targeted. In March 1828 the *Cheltenham Chronicle* reported that a group of between fifteen and twenty armed poachers had trespassed on land held by Gordon between Cirencester and Tetbury.⁵² The poachers had at first been able to operate without challenge, the gamekeeper and assistant deciding to withdraw for aid when observing the size of the group. The poachers proceeded to shoot a 'considerable quantity of game.'⁵³ When the keepers returned with support, the poachers withdrew with their quarry.

This case offers a window into the complex environment in which poachers and gamekeepers operated. The keeper and his assistant clearly felt unable to confront the poachers despite enjoying the legal authority to do so. The size of the poaching group and the fact that they were armed giving the keepers pause. The keepers clearly anticipated a violent encounter. The decision of the poachers to withdraw when the keepers arrived with assistance suggests they were unwilling to use violence to challenge the gamekeepers. This seems to contradict the motivations of the gang of poachers on Gordon's land in November 1829 when they seriously injured a gamekeeper in their efforts to avoid capture. It is unclear whether the poachers were the same men.

A considerable landowner in the county, Gordon had served as County Sheriff between 1811 and 1812 and was MP for Cricklade between 1818 and 1837.⁵⁴ That he was targeted on multiple occasions could be significant. The Hundreds upon which

⁵¹ Armed gangs of three or more, operating at night, could be sentenced to three years hard labour or seven years transportation.

⁵² *Cheltenham Chronicle*, 6 March 1828, p. 3.

⁵³ *Cheltenham Chronicle*, 6 March 1828, p. 3.

⁵⁴ The History of Parliament, *Robert Gordon*, [accessed February 19 2024].

Gordon's lands were situated were particularly popular with poachers, with thirty-nine indictments being heard regarding these areas across the period.⁵⁵ His land could simply have been too large for poachers to avoid, or too well stocked with game to avoid temptation.

Violent confrontations between poachers and gamekeepers within the county were common. In March 1815 the *Gloucester Journal* advertised a 50 Guinea reward for information leading to the conviction of a group of poachers responsible for an attack on William Barnett, employed as gamekeeper to Lord Viscount Gage.⁵⁶ The assault by 'several persons' occurred in Hadnock Wood on the border of Gloucestershire and Monmouthshire between two and three o'clock in the morning. The poachers had been confronted during their pursuit of deer, upon which they 'did assault and maim' the gamekeeper. The serious nature of the attack is reflected in the size of the reward, equating to seven days wages for a skilled tradesman.⁵⁷ The reward appears to have been offered by an anti-poaching association, as the information was requested to be passed on to James Davies Esq or James Haffenden Esq, not Lord Viscount Gage.⁵⁸ No record of conviction has been identified, despite the offer of a substantial reward.

In December 1827 a 'most daring and determined' gang of seven poachers were involved in a nighttime affray with gamekeepers working for the Earl of Coventry in Clifton.⁵⁹ After hearing shots fired in the vicinity of preserved ground, where the game was found in the 'greatest abundance', the keepers advanced towards the area where they were challenged by four armed poachers. The gamekeepers, despite

⁵⁵ The Petty Sessions heard fifteen cases from the Crowthorn and Minety Hundred, while twenty-four were heard from the Longtree Hundred. Cirencester was located in Crowthorn and Minety, Tetbury was located in Longtree.

⁵⁶ *Gloucester Journal*, 6 March 1815, p. 2. Lord Gage was an absentee landlord, residing in Firlie Place, Sussex. It is likely that the gamekeeper was employed by Gage's Gloucestershire land agent.

⁵⁷ Between 1810 and 1820.

⁵⁸ The association is not explicitly mentioned.

⁵⁹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 24 December 1827, p. 3.

being threatened with being shot by the poachers, judged themselves a match for the 'marauders' and advanced upon them. At this moment three further poachers revealed themselves and 'fell upon' the gamekeepers, proceeding to 'beat them in the most cruel manner.'⁶⁰ The *Cheltenham Journal* reported that three of the keepers were beaten so severely they were left senseless on the ground. Following the affray, a £20 reward was offered for the apprehension of the poachers and published in the local press. An outcome for this case was not identified.

A similar affray occurred in Dowdeswell Wood in February 1827.⁶¹ After hearing a series of shots at two o'clock in the morning on the land of Miss Rogers, four poachers were discovered and chased by the same number of gamekeepers. The keepers followed the poachers until the gang turned and threatened to shoot their pursuers. The keepers, despite being unarmed, attacked the poachers and a 'desperate affray' followed, during which one of the gang escaped with a bag full of game. The remaining poachers were overpowered, but two managed to escape, leaving one John Mills to his fate. The *Cheltenham Chronicle* reported that the 'battle' was fought with such desperate force that the barrel of one of the guns was broken. It was subsequently found that the guns of the poachers were unloaded.

The following month James Hobbs and Joseph Wilcocks were both apprehended on suspicion of being involved in the Dowdeswell Wood affray.⁶² The property of Hobbs was subsequently searched, and several pieces of stolen property were discovered. He then proceeded to implicate two further men in his activities, Thomas Davison and George Green. While Green faced no charge, Hobbs and

⁶⁰ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 24 December 1827, p. 3.

⁶¹ *Cheltenham Chronicle*, 15 February 1827, p. 3.

⁶² *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 5 March 1827, p. 2.

Davison were held for trial and found not guilty. Wilcocks was sentenced to a year in the County Gaol.⁶³

This was not the first time that Hobbs and Davison, aged sixteen and nineteen respectively, had been held at the County Gaol. In February 1827 the two were imprisoned for sheep stealing and subsequently found not guilty at the Lent Assizes.⁶⁴ They faced further trouble again in June 1827, when they were both charged with stealing twenty-four guns, several powder flasks, and three thousand firing caps.⁶⁵ Davison was transported for seven years, his conviction secured on evidence provided by his associate Hobbs.

Tensions were undoubtedly high in the county across the period. In December 1831 the *Cheltenham Chronicle* reported on a fatal affray with poachers in Thornbury Park.⁶⁶ The report stated that a 'desperate gang of misguided men' had been heard shooting game on preserves owned by H. W. Newman Esq around midnight and were confronted by labourer George Webb, an employee of the estate. Webb challenged the gang and was 'brutally attacked and killed [...] having his brains literally beaten out' by the gang.⁶⁷ As the assault was occurring, a gamekeeper arrived and was severely beaten, while a second gamekeeper narrowly escaped being shot at by the gang.

The *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* reported in January 1832 that Thomas Jenkins, Alfred Jenkins, William Clutterbuck, and Joseph Thomas were charged with the murder of George Webb and assault with intent to murder of a gamekeeper.⁶⁸ Joseph Thomas was found guilty of both counts

⁶³ GHH Q/ Gc. Gaol Register Number 231.

⁶⁴ GHH Q/ Gc. Gaol Register Number 1430.

⁶⁵ GHH Q/ Gc. Gaol Register Number 50, 51.

⁶⁶ *Cheltenham Chronicle*, 22 December 1831, p. 4.

⁶⁷ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 16 November 1829, p 2.

⁶⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 2 January 1832, p. 2.

and transported for life.⁶⁹ Brothers Thomas and Alfred Jenkins both died, on separate occasions, in the County Gaol of 'nervous fear produced by mental excitement.'⁷⁰ The newspaper reported that 'such was the dreadful agitation of the minds of these men, that it brought on a fever of the brain' that subsequently caused their deaths.⁷¹

It is unsurprising that the tensions arising from the Game Laws, in combination with groups of armed men, resulted in injury and death. In April 1815 farmer Stephen Toghill of Hawkesbury was killed in a confrontation with a gamekeeper referred to as Salter.⁷² Toghill had been returning home from a day of reaping crops when he came across a rabbit and attempted to shoot it. He had, it was claimed, used the gun in the morning in order to scare the birds off his crops. Having witnessed the attempt, Salter confronted Toghill and demanded the farmer's gun. Toghill refused and a struggle ensued, during which the keeper drew his own gun and began to beat his adversary with it. During the struggle Toghill's gun 'went off and [...] he received the entire contents' through his groin and out of his back. To make matters worse, the gun ignited Toghill's powder-horn severely burning him. The *Cheltenham Chronicle* concluded there was no hope for the farmer's recovery.

Poachers in Gloucestershire were undoubtedly willing to use violence in their conflict with gamekeepers. The *Cheltenham Chronicle* reported in December 1829 that gamekeeper Joseph Watts was shot and severely wounded in the face, arm, and body in Haresfield.⁷³ Watts had been completing his rounds just after midnight when he discovered several snares on the land of his employer D. J. Niblett Esq. Deciding to wait and ambush the culprit, he concealed himself near to the snares. Watts,

⁶⁹ *Cheltenham Chronicle*, April 12 1832, p. 2.

⁷⁰ *Cheltenham Chronicle*, March 22 1832, p. 2.

⁷¹ No record of William Clutterbuck has been found.

⁷² *Cheltenham Chronicle*, 31 August 1815, p. 4.

⁷³ *Cheltenham Chronicle*, 3 December 1829, p. 4. In the same edition as the attack on Henry Hicks was described.

however, was discovered by the poacher's dog. Upon hearing the commotion the poacher moved forward to within sight of Watts, who claimed to recognise 'the features of a man he knew personally', upon which the poacher fled. The gamekeeper gave chase, but was set upon by the poacher's dog, forcing Watts to fight off the animal. As Watts finally caught up the poacher turned and fired on the gamekeeper. Despite his injuries Watts was able to return to his employer and identify the poacher as William Randall, who was subsequently arrested and held for trial at the Assizes. He was acquitted in April 1830.⁷⁴

A range of physical confrontations were identified, although reporting was often brief and given the nature of the press at the time reports tended to cover only serious events. In January 1812 the *Cheltenham Chronicle* described how three poachers were unable to face trial due to a material witness against them being too severely injured.⁷⁵ The report describes how the keeper was injured due to the 'ill treatment' he suffered at the hands of the poachers.⁷⁶ In July 1830 the *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* published details on an attack by three poachers on the gamekeeper of Colonel Master in Knowle Park, Almondsbury.⁷⁷ The keeper had been knocked off his horse by the gang and had his gun stolen. A reward of £5 was offered by Colonel Master in January 1831. In the same month the *Cheltenham Chronicle* reported that Robert Arter had been imprisoned for eighteen months for assaulting a gamekeeper in Toddington.⁷⁸ Arter had been caught in the act of poaching and was found to be in possession of seven pheasants. Finally, in August 1831 the *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*

⁷⁴ *Cheltenham Chronicle*, 22 April 1830, p. 3.

⁷⁵ *Cheltenham Chronicle*, 18 January 1821, p. 2.

⁷⁶ *Cheltenham Chronicle*, 18 January 1821, p. 2.

⁷⁷ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 26 July 1830, p. 2.

⁷⁸ *Cheltenham Chronicle*, 20 January 1831, p. 4.

reported on the conviction of Isaac Fisher for 'cutting and maiming' a gamekeeper in Stroud.⁷⁹

Confrontations were neither random nor instigated solely by poachers. Gamekeepers in Gloucestershire have been found to proactively pursue poachers on the lands they were employed to protect. While not surprising, this point is important to note especially considering the one-sided nature of the sources. The *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* reported one such case in February 1830.⁸⁰ Gamekeeper Samuel Meadows and his assistant John Clutterbuck had been 'on the lookout' for poachers near to Lassington Grove when they discovered five individuals trespassing in search of game. The keepers challenged the poachers, a later report of the trial stating that Meadows declared 'you be poachers and I'll see what you have got.'⁸¹ The gamekeeper attempted to search one of the poachers and a scuffle between the two groups broke out. Meadows and a poacher were reported to have wrestled on the ground until one poacher cried out 'God damn you, why don't you strike him.' The poachers were able to gain the upper hand and proceeded to beat Meadows and Clutterbuck so severely with sticks that they were 'reduced to a state of insensibility' and make their escape.⁸²

The poachers, however, had left part of their gun at the scene. This evidence was passed on to the high constable of Gloucester who subsequently apprehended all five individuals.⁸³ A search of their homes produced a wide array of poaching apparatus, an illegally taken pheasant, and the missing part of the firearm. Four of the men were positively identified by the gamekeepers and apprehended, the County Gaol

⁷⁹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 22 August 1831, p. 2.

⁸⁰ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, February 22 1830, p. 2.

⁸¹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 26 April 1830, p. 2.

⁸² *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 22 February 1830, p. 2.

⁸³ William Smith, William Hale, Charles Hawkins, Joseph Dowdeswell, John John (this name is not a mistake).

Calendar recording all men as labourers.⁸⁴ Three members of the group, Smith, Hale, and Dowdeswell, were found guilty and sentenced to one year in the penitentiary.⁸⁵

The Death of Robert Simmons

Poachers were liable to be victims of the violent affrays that occurred in the county, although the response to their deaths in the newspapers was unsurprisingly very different. In November 1816 the *Gloucester Journal* reported on the death of Robert Simmons, a poacher killed during a confrontation with gamekeepers employed to protect the land of the Honourable John Dutton.⁸⁶ Simmons, along with six others, had been poaching hares on land in Sherborne when they were discovered by the gamekeeper and seven assistants. The poachers had been successful in their endeavour, having secured nine hares. The newspaper reported that upon discovery the poachers were summoned in a 'civil and peaceable manner' to surrender their names, dogs, nets, and hares to the keepers.⁸⁷ The keepers declared they were armed and proceeded to display their guns to the poachers in order to demonstrate 'the folly of resistance.'⁸⁸

Tensions between Dutton's keepers and poachers must have been high prior to the affray, the *Gloucester Journal* reporting that patrols had increased in response to the 'nightly depredators' that operated in the area.⁸⁹ Despite the keepers display of strength, the poachers unanimously refused to surrender and declared their intention to resist through force. In an affray reportedly lasting ten minutes, during which the

⁸⁴ GHH Q/ Gc. Gaol Register Number 232-235. All men were aged twenty and twenty-one.

⁸⁵ Their entries into the Gaol Calendar make no mention of violence.

⁸⁶ *Gloucester Journal*, 11 November 1816, p. 3.

⁸⁷ *Gloucester Journal*, 11 November 1816, p. 3.

⁸⁸ *Gloucester Journal*, 11 November 1816, p. 3.

⁸⁹ *Gloucester Journal*, 11 November 1816, p. 3.

keepers refused to use their firearms, ringleader Robert Simmons was struck with a violent blow to the head that knocked him to the ground.⁹⁰ It is unclear what Simmons was struck with, although both poachers and gamekeepers have been identified as being armed with bludgeons or iron shod staffs.

Simmons, 'crying out murder and asking for mercy', was spared further punishment.⁹¹ Three poachers fled, leaving the hares along with Simmons and three of their companions. Several keepers were reported as being injured so severely during the affray that they were confined to their beds, although no further detail is given as to the manner or long-term impact of their injuries. Simmons was able to walk back to the house of the lead gamekeeper but soon died from his injuries. A bleed on the brain was given as the cause of death.⁹²

The three apprehended poachers were held at Northleach house of correction.⁹³ The investigation into the incident conducted by the Coroner concluded that the actions of Simmons himself led to his demise, the *Cheltenham Chronicle* reporting that 'it is remarkable that the unfortunate man who is the greatest sufferer was the most guilty' of the gang of poachers.⁹⁴ The three gaoled poachers stated during the investigation that 'the keepers were in no way blameable', attributing the death of Simmons 'solely to their own indiscretion and impudence.'⁹⁵ Perhaps the death of Simmons gave the men a ready-made scapegoat. This was a remarkable conclusion given that the participants in the affray were 'total strangers.'⁹⁶ No explicit

⁹⁰ *Gloucester Journal*, 11 November 1816, p. 3.

⁹¹ *Gloucester Journal*, 11 November 1816, p. 3.

⁹² *Gloucester Journal*, 11 November 1816, p. 3.

⁹³ The records for Northleach House of Correction only survive before August 1816, so no evidence is available for the incarcerated poachers.

⁹⁴ *Cheltenham Chronicle*, 7 November 1816, p. 3.

⁹⁵ *Gloucester Journal*, 11 November 1816, p. 3.

⁹⁶ *Gloucester Journal*, 11 November 1816, p. 3.

informal social ties are evident that would explain the decision of the poachers to side with the gamekeepers.

The death of Simmons in November 1816 occurred a year after that of poacher Thomas Till, and ten months after the revenge fuelled Berkeley Affray that had led to the murder of William Ingram and execution of two of the culprits. In the space of a year the county had experienced the deaths of four individuals, all stemming from the conflict surrounding the Game Laws. The *Gloucester Journal* reported that it had 'vainly hoped' that the 'awful example' provided by the execution of John Allen and John Penny would have prevented further 'outrages' in the pursuit of game.⁹⁷ These hopes were dashed on a regular basis in Gloucestershire. The *Cheltenham Chronicle* later lamented that the 'extremes on both sides' of the conflict were 'dreadful [...] resembling more the fury of banditti' than any other form of popular disturbance at the time.⁹⁸

The Death of Robert Rounce

The determination of poachers to use violence in order to evade capture led to the death of gamekeeper Robert Rounce on 26 November 1827. Rounce, along with four assistants, had been informed that a large gang of poachers were due to be 'prowling' the lands of Harry Waller Esq in Turksdean.⁹⁹ The keepers proceeded to search the preserves and discovered the 'desperadoes' around midnight. The poachers, numbering between eight and ten men, ignored the warnings to remain and 'furiously attacked' the gamekeepers with bludgeons.¹⁰⁰ Despite 'brave but ineffectual

⁹⁷ *Gloucester Journal*, 11 November 1816, p. 3.

⁹⁸ *Cheltenham Chronicle*, 5 April 1827, p. 2.

⁹⁹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 14 April, 1827, p. 3. It is unclear how the keepers were informed about the poachers, the reports describe how they had 'received intelligence' regarding the gang without further comment.

¹⁰⁰ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 14 April, 1827, p. 3.

resistance' the keepers were overpowered, the poachers having fought with 'the utmost murderous desperation.'¹⁰¹ Rounce was among several injured keepers but was able to return home. He was visited by a local surgeon the following day, where it was found that he had fractured his skull.¹⁰² Rounce's condition worsened, and he died on 16th December 1827.

The death of Rounce and the subsequent trial was covered extensively by the local press. A 50-guinea reward was offered for the conviction of the poachers, with four finally arrested. Labourers Job Perry, Richard Whithorne, Jacob Perry, and William Smith were held in the County Gaol for the murder.¹⁰³ Job Perry was recorded in the County Gaol calendar as admitting the king's evidence, informing on his fellow poachers including his brother Jacob. Whithorne, Jacob Perry, and Smith were subsequently tried for the murder of Rounce at the Assizes. The prosecution alleged that having caught Perry and Smith taking hares blows were exchanged between the two groups, upon which the poachers called out to the concealed Whithorne for aid. Surprising the keepers, Whithorne 'came up and with a stick shod with iron beat the gamekeepers on the head' rescuing Perry and Smith and fatally injuring Rounce in the process.¹⁰⁴

The accused freely admitted their intention to poach during the trial but claimed that they had not set out to harm anyone on the night of Rounce's death. Job Perry recounted meeting on the evening of the 26 November and setting 'out together to go poaching' with three nets and a dark coloured terrier and had caught four hares before encountering the keepers.¹⁰⁵ Despite the admission of poaching, the defence argued

¹⁰¹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 14 April, 1827, p. 3.

¹⁰² *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 14 April, 1827, p. 3. Rounce had three separate head injuries.

¹⁰³ Thomas Sergeant and John C. Lowber, *Reports of Cases Argued and Determined in the English Courts of Common Law* (Philadelphia: H. C. Carey & Lea, 1830), p. 366.

¹⁰⁴ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 14 April, 1827, p. 3.

¹⁰⁵ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 14 April 1827, p. 3.

that the gamekeepers had failed to announce their identity to the poachers and therefore their initial arrest was illegal.

The judge, perhaps showing consideration of popular opinion at the time, had commented at the beginning of the trial that despite the unpopularity of the Game Laws ‘those laws existed’ and therefore must be adhered to regardless of popular opinion. The judge further argued that if it could be proven there was an element of premeditation in the actions of the poachers, that they knowingly and purposefully attacked the gamekeepers, then ‘that was sufficient to constitute the crime of murder.’¹⁰⁶

The fate of the poachers lay on a legal technicality. There was no doubt that Whithorne, Perry, and Smith were responsible for the death of Rounce. If, however, the poachers were unaware they were being opposed by gamekeepers, men legally authorised to protect the property of their employers, then the issue of murder was in doubt. The jury, after two hours of discussion, returned a verdict of not guilty for all three of the accused. It was reported that the verdict was ‘heard with great surprise by almost every individual present [...] apparently by none more so than by the prisoners themselves.’¹⁰⁷ The judge claimed Whithorne, Perry, and Smith had received ‘a most extraordinary escape’ despite the local reporter claiming the evidence against them was ‘pretty damning.’¹⁰⁸

This was not uncommon. Juries at the time were known to acquit defendants ‘contrary to the evidence, law, and judicial directions [...] on grounds of conscience’ regarding laws ‘deemed morally suspect.’¹⁰⁹ To Richard Marshall this procedure is

¹⁰⁶ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 14 April 1827, p. 3.

¹⁰⁷ Malcom Hall, *Murders and Misdemeanours in Gloucestershire 1820-29* (Stroud: Amberley Books, 2008), p. 169.

¹⁰⁸ Hall, *Murders and Misdemeanours*, p. 169.

¹⁰⁹ Richard Marshall, ‘Jury Nullification: The Short History of a Little Understood Power’, *Midlands Historical Review*, Spotlight Series, 1 (2021) 1-8 (p. 1). This is known as jury nullification.

‘perhaps the greatest safeguard against unjust laws or excessive punishment to exist in Britain’, and was a normal part of the legal process.¹¹⁰ This would have been particularly pertinent given jurors were almost always selected from the parish or hundred in which the crime was committed. Marshall points out jurors were ‘encouraged’ to actively consider the interests of their community in their role as ‘the ultimate arbiters of justice.’¹¹¹ Given the population of the parish of Turksdean at the time of murder was under 250, and the population of the Bradley Hundred was recorded as 5316 in the 1831 census, there is a possibility the defendants were known to the jurors.

The acquittal of Whithorne, Perry, and Smith can therefore be interpreted through this lens, in particular the general pessimism towards the Game Laws and the likelihood that jurors would have also been unqualified individuals. Furthermore, if found guilty the men would have likely been hanged for murdering Rounce, as was the case with the killers of William Ingram in 1816. In contrast to the Berkeley Affray, however, the account of the poachers was deemed more reliable than that of the gamekeepers. Rounce’s death was a consequence of an overextension of the authority placed upon the gamekeepers. Furthermore, the affray was not an act of revenge in a similar manner to that of the Berkely Affray. There was no explicit premeditation in the actions of the poachers. If, as has been suggested, poaching received widespread popular support and occurred at scale in Gloucestershire, then the actions of Perry, Whithorne, and Smith was not exceptional. The actions of the jury should be considered through this lens and could be interpreted as an act of resistance on the part of the jury.

¹¹⁰ Marshall, ‘Jury Nullification’, p. 1.

¹¹¹ Marshall, ‘Jury Nullification’, pp. 1-2.

The death of Rounce and subsequent verdict against his killers was commented upon in the House of Lords. Lord Suffield, reflecting on popular sentiment towards the Game Laws highlighted the 'odium that so long prevailed against the Game Laws, which in a free country like this should not exist.'¹¹² Lord Suffield referred to 'inquiry after inquiry' that had proven the existence of a 'manifest disposition in juries to acquit persons put on trial for poaching', arguing that even 'judges were disposed to acquit all poachers' who were brought before them.¹¹³ In referencing the death of Rounce, Lord Suffield refused to refer to the killers as murderers, despite accepting that the gamekeeper had 'his brains knocked out' by the poachers.¹¹⁴

The Death of William Creed

In February 1831 the determination of poachers to avoid capture again led to the death of a gamekeeper. William Creed, an assistant keeper employed by Colonel Kingscote, was fatally injured by Benjamin Robbins during an affray in Newington Bagpath.¹¹⁵ Creed, alongside his brother Thomas, had been patrolling a game preserve within enclosed ground when they heard shots just after midnight. The keepers proceeded towards the area and observed two poachers, one of whom was armed with a gun. Having realised they had been seen, the poachers attempted to escape but were chased down and caught by the keepers.¹¹⁶ During the ensuing struggle Robbins knocked William Creed down using the butt of his gun where he remained motionless. Thomas Creed and Robbins continued to fight until the poacher gained the advantage,

¹¹² *Cheltenham Journal*, 5 May 1828, p. 3.

¹¹³ *Cheltenham Journal*, 5 May 1828, p. 3.

¹¹⁴ *Cheltenham Journal*, 5 May 1828, p. 3.

¹¹⁵ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 11 April 1831, p. 1.

¹¹⁶ GHH Q/ Gc. Gaol Register Number 327. Robbins was 34 years old.

severely injuring the gamekeeper. The two poachers were then able to make their escape.

William Creed was so severely injured that he was unable to walk, and his brother Thomas was required to gain assistance in getting him home. A surgeon was called on the night of the assault, who discovered that he had suffered a 'violent fracture of the skull' and bleed on the brain.¹¹⁷ Despite the best efforts of the surgeon, Creed died two weeks later. The surgeon declared during the trial of Robbins that he 'had no doubt that the deceased died in consequence of the injury he received on the head.'¹¹⁸

Robbins was clearly responsible for Creed's death, and undoubtedly understood the gravity of the situation he had found himself in. It is claimed he declared to the arresting constable that 'he should either be hanged or freed' and hoped that Creed would survive his injuries.¹¹⁹ Robbins only defence lay in the claim that the gamekeepers had not openly declared themselves before attempting to apprehend the poachers. The judge pointed to this 'most material point in favour' of Robbins before the jury retired. If the gamekeepers did not explicitly state their authority, then in a similar manner to the death of Rounce, Robbins must be found innocent.

After a period of deliberation, the jury returned a guilty verdict of manslaughter on Robbins. The trial report stated, however, that the verdict was reached without unanimity, and therefore the jury retired again to deliberate. On returning, the jury found Robbins not guilty, a decision the reporter claimed 'seemed to excite some surprise' amongst those witnessing the trial.¹²⁰ Robbins, however, did not completely escape punishment. He was subsequently tried for trespassing at night with intent to

¹¹⁷ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 11 April 1831, p. 1.

¹¹⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 11 April 1831, p. 1.

¹¹⁹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 11 April 1831, p. 1.

¹²⁰ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 11 April 1831, p. 1.

kill game and for the violent assault of Thomas Creed. He was found guilty and transported for seven years.

Gamekeepers

The target of much of the resentment held by local communities against the Game Laws were gamekeepers. These men, employed by the landowner to police the game preserves, could earn up to three times more than the average labourer. Gamekeepers often benefitted from the right to take game and collect wood on the land they protected, perks that would have likely further aggravated resentment against the inequality of the Game Laws and their agents within rural communities, particularly given the loss of customary rights synonymous with the period.¹²¹

Gamekeepers were not neutral agents of authority. In their enforcement of the law gamekeepers limited the supposed rights of rural communities to both hunt game and benefit from the resources of protected lands. They also had the power to apprehend poachers, leading to financial penalties, prison, or transportation. The actions of both poachers and gamekeepers were responsible for polarising rural social relations and, consequently, large levels of social conflict in rural communities.

Kirby believes that the almost unlimited authority enjoyed by gamekeepers, sometimes pugnacious ex-poaching labourers, led many to become 'brutal and arrogant [...] despised and hated' by local people and poachers alike.¹²² To Munsche the rural gamekeeper was 'a policeman [...] the closest thing to a professional law enforcement official to be found in rural England before the middle of the nineteenth

¹²¹ Edward Thompson, *Whigs and Hunters: The Origins of the Black Act* (New York: Pantheon Books, 1975), pp. 34-36. Hopkins, *Long Affray*, p. 42. Gamekeepers were also given access to the wood and timber in forests, a customary right that was increasingly eroded in the eighteenth and nineteenth centuries.

¹²² Kirby, 'The English Game Law System', pp. 241-246.

century.’¹²³ These men would come to epitomise the inequality of the Game Laws and symbolise popular frustrations.

Criticisms of gamekeepers were not uncommon. In September 1821 the *Cheltenham Chronicle* published a letter addressed to the editor criticising the ‘insolence of office’ exercised by some keepers.¹²⁴ The author claims keepers were known to ‘pounce upon you’ and demand personal details ‘in a most abusive way’, taking advantage of their legally recognised position to impose themselves upon their social superiors. Munsche argues that ‘few were more unloved than the gamekeeper’ in rural English society, where they would experience verbal attacks, violent assault and even murder.¹²⁵ While the letter was published anonymously, the content suggests someone unused to being challenged by individuals deemed their social inferior.

It must be appreciated that for some gamekeepers their employment provided far better prospects than the agricultural sector. Gamekeeping offered the advantage of regular employment in comparison to the seasonality of agricultural work, often with accommodation on the lands they preserved. The role also offered perks such as the ability to take wood and game from the lands they protected. It is not hard to imagine that for some employment as a gamekeeper would have been a sought-after role. Some poachers even turned to gamekeeping for a living. Evidence of this has been identified in the case of Benjamin Webley, the habitual poacher recorded as employed as a gamekeeper in the late 1820s and early 1830s.¹²⁶

Fulfilling the duties of the gamekeeper well, the most important element being the prevention of poaching, would therefore ensure future employment in a role that

¹²³ Munsche, ‘The Gamekeeper and English Rural Society’, p. 83.

¹²⁴ *Cheltenham Chronicle*, 13 September 1821, p. 4.

¹²⁵ Munsche, ‘The Gamekeeper and English Rural Society’, p. 82.

¹²⁶ See Chapter 7.

provided both a regular wage and exclusive bonuses. Their determination to prevent and apprehend poachers can therefore be understood and justified. This would have been particularly pertinent during times of agricultural depression, when gamekeepers were able to rely on regular employment. Their efforts, however, made confrontations with poachers more likely, and with this the likelihood of violence increased.

The pressure felt by gamekeepers must have been acute. The provincial press of the time regularly printed accounts of violent affrays from across the country in combination with events in Gloucestershire. These men, employed as a deterrent against armed and dangerous gangs of poachers, would have felt the need to defend themselves in the same manner. The fear induced by the actions of poachers must have led gamekeepers to patrol their preserves with belligerence. When combined with the desperation of poachers to avoid capture and the temptation of large profit from the illegal sale of game, a spiral of violence occurred.

To make matters worse, gamekeepers were often tasked with policing lands frequented by poachers who lived in the same local communities as them. Gamekeepers were often social outcasts, Archer describing how they were 'generally disowned and forced to live alone', excluded from the wider community as a consequence of their role in apprehending poachers and restricting access to both meat and profit.¹²⁷ They must have existed in a state of constant tension, fearing the violence of poachers in their role at the 'front lines' of the 'no holds barred' conflict surrounding the Game Laws, while experiencing the impact of social isolation and exclusion.¹²⁸ It is not inconceivable, therefore, that the actions of gamekeepers were driven by this tension as well as helping to create and intensify it.

¹²⁷ Archer, 'Poachers Abroad', p. 62.

¹²⁸ Hopkins, *Long Affray*, p. 44.

Proving this, given the paucity of evidence, is challenging, although Archer comments that gamekeepers 'bore the greatest injury and hatred from the community at large.'¹²⁹ One case, however, could be interpreted as evidence for the social tensions between gamekeepers and the local community. In January 1830 the *Cheltenham Chronicle* reported on the conviction of gamekeeper Edmund Burrows for a violent assault on James Hodges in the Crown Inn in Cirencester.¹³⁰ He was fined £5, which was ordered to be given out to the poor in bread. Burrows was employed by Sir B. W. Guise and had been responsible for two convictions of poachers at the Petty Sessions prior to his conviction for assault, in November 1829 and January 1830 respectively.¹³¹ Burrows was evidently well regarded by his employer and was employed until his death in 1838, his obituary referring to him as a 'good servant' of the Guise family.¹³²

No further details are provided regarding the assault for which Burrows was convicted. Hopkins describes how the entrance of a gamekeeper into a village inn would cause conversation to 'change abruptly', indicating the extent to which gamekeepers were recognised and monitored figures within rural communities.¹³³ Given that Burrows' conviction occurred so close to the two successful prosecutions of presumably local men, and his apparent effectiveness as a keeper through his long-term employment, a potential link is compelling.¹³⁴

Gamekeepers were far from innocent participants. In November 1831 the *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* reported that

¹²⁹ Archer, 'Poachers Abroad', p. 62.

¹³⁰ *Cheltenham Chronicle*, 28 January 1830, p. 3.

¹³¹ GHH Q/PC/2. See also 49/A/12, 49/B/55.

¹³² *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 12 February 1838, p. 4.

¹³³ Hopkins, *Long Affray*, p. 45.

¹³⁴ Burrows died after being thrown from his horse in February 1838. He had been 'drinking freely' and had been advised not to ride his horse home. Perhaps his assault on Hodges was simply fuelled by alcohol.

gamekeeper William Dix was fined £5 for shooting pheasants on land not owned by his employer.¹³⁵ Why he chose to do this is unclear. As with any position of power and authority gamekeepers abused their role. The deaths of gamekeepers Robert Rounce and William Creed, and the fact that their killers avoided sanction, attest to this.

A final interpretation of the actions of gamekeepers stems from the concept of social conflict. As mentioned, gamekeepers were often recruited from the lower echelons of rural society, a group described by Snell as 'one of the most [...] subdued, silent, maligned, and shadowy classes of the nineteenth century.'¹³⁶ These were men raised in a society framed by paternalistic hierarchy and deference to social superiors that, Thompson suggests, allowed 'the rulers to obtain, directly or indirectly, a control over the whole life of the labourer.'¹³⁷ While this declined across the eighteenth century, Thompson notes the continued existence of 'grossly unequal' social relations across the period.¹³⁸ The rural poor were ever dependent on their social superiors.

Snell points to the 'deep rooted sense of grievance, of social bitterness' held by the rural poor that 'had to be censored because of the very precarious circumstances of livelihood' upon which they relied.¹³⁹ The status of gamekeeper gave these men the opportunity to reverse this power relationship, albeit in a very limited space. It is not surprising that men of low social standing would exploit their newfound power and authority given the strict hierarchical structure of early nineteenth century rural society. As the 1821 letter states, the gamekeepers criticised by the author were known to demand the 'name and place of abode' of those entering the lands of their employers.

¹³⁵ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* 14 November 1831 p. 4. Dix was convicted in Devizes. While this occurred outside of Gloucestershire, it has been used to show highlight that gamekeepers could resort to criminal behaviour.

¹³⁶ K. D. M. Snell, 'Deferential bitterness: the social outlook of the rural proletariat in eighteenth and nineteenth century England and Wales', in *Social Orders and Social Classes in Europe since 1500: Studies in Social Stratification*, ed. By M. L. Bush (Harlow: Longman Group UK Limited, 1992), pp. 158-184 (p. 162).

¹³⁷ Thompson, *Patrician Society, Plebeian Culture*, p. 382.

¹³⁸ Thompson, *Patrician Society, Plebeian Culture*, p. 384.

¹³⁹ Snell, 'Deferential bitterness', p. 165.

Even if the visitors were qualified, the very act of demanding proof of identity from their social superiors could be interpreted as a form of resistance. The reversal in power in this one instance, even if proof of identity and qualification was offered, could have been a motivating factor behind the actions of the gamekeepers.

Chapter 8: Voices of Conflict

Attempts to understand the perspective of contemporaries will always be restricted by the paucity of source material from the period. This is a particular issue when researching limited geographical areas over a relatively short period of time. In an attempt to mitigate this, letters published in the Gloucestershire press regarding events outside of the county are examined. A very public disagreement between Sir Paul Baghott and Sir Christopher Bethell-Codrington highlights disagreement regarding the Game Laws at the highest levels of Gloucestershire society, while a rather bizarre incident involving Edward Southwell (Lord de Clifford) and attorney Mr. Saunders emphasizes the nuanced nature of conflict at the time. Finally, a purported verbatim account of a poacher in Leckhampton points to a satirizing attitude to the authorities.

Letters and Poaching

As Griffin points out, the challenges faced by the provincial press in the early nineteenth century means only an incomplete picture can be formed. In essence, the violent affrays discussed in this study could represent the tip of the iceberg.¹ Poachers in the county were both well-armed and belligerent, and evidently ready to resort to violence against those opposed to their activities.

Violence, however, did not always take the form of physical acts against individuals. The threat of violence and the attack of property were also employed by poachers to intimidate members of rural communities. In May 1814 the *Gloucester Journal* published a letter written by landowner Walter Savage Landor that described

¹ Griffin, *Protest, Politics, and Work*, p. 11.

a long running dispute between himself and a collection of 'disorderly people' that included 'all the most notorious poachers' in the area.²

The letter describes how Landor became the victim of a series of deliberate attacks against his property by a group led by Frederick Betham. In one instance the poachers took 'dogs of all descriptions, and as many guns as they could procure' and proceeded to poach 'over several farms not belonging to them.'³ This very public and large-scale poaching expedition resulted in a great number of hares being killed. To make matters worse for Landor, Betham openly 'dined with his respectable company' on the hares in the local public-house.⁴

This overt challenge was the climax of rising tensions that stemmed from Landor's attempts to improve his lands through the creation of new wooded areas, the planting of hedges, and introduction of game preserves. He claimed that he employed thirty labourers and had spent £70,000, planting 500,000 trees and planning on planting over a million more. Local people, however, were clearly unhappy with the change and resisted his efforts. This resistance led to the wife of one of Landor's gamekeepers being threatened with a bayonet, newly planted trees uprooted, fences broken, and a gang of poachers attempting to break into the house of Landor himself.

Despite the issue being taken to court Landor was unsuccessful in his attempts to prosecute Betham, the perpetrator being able to rely on 'some solitary witness to swear that he was seen in the homes of gentlemen in the neighbourhood.'⁵ Despite the letter only giving the author's perspective on the events, it appears the actions of Betham symbolised the wider feelings of the community in their conflict against Landor. This is the essence of social criminality. Landor's exasperation with the

² *Gloucester Journal*, 23 May 1814, p. 4. Landor owned land in Llanthony, Wales.

³ *Gloucester Journal*, 23 May 1814, p. 4.

⁴ *Gloucester Journal*, 23 May 1814, p. 4.

⁵ *Gloucester Journal*, 23 May 1814, p. 4.

incessant conflict was plain, and he claimed that ‘neither I nor my family could reside any longer’ in the area.⁶

It is safe to assume that the publishing of these events in the newspapers of Gloucestershire would have increased levels of apprehension in the county. Landor’s inability to deal with the challenges he faced, despite the apparent support of the law, and the threats towards the gamekeeper and his wife could have both restricted the activities of the gamekeepers in Gloucestershire. Conversely, the threat of violence could have fed the escalating tensions between poachers and gamekeepers, especially when wider family members were pulled into the conflict. Either way, tensions would increase as a consequence.

Counties were not isolated from events nationwide. As has been shown, individuals were willing to travel across county boundaries in order to poach. In November 1816 the *Gloucester Journal* reported on a letter sent to ‘Magistrates and other eminent characters’ in Denkerton near Bath that threatened action against anyone found to be enforcing the Game Laws.⁷ The letter, printed verbatim in October 1816, combines a range of issues that justify its presentation in full.

‘TAKE NOTICE:- We have lately heard and seen that there is an Act passed, that whatever Poacher is caught destroying the Game is to be transported for seven years – This is English Liberty! Now we do swear to each other that the first of our company that this law is inflicted on, that there shall not one Gentleman’s seat in our country escape the rage of fire; we

⁶ *Gloucester Journal*, 23 May 1814, p. 4. Betham’s response was published in the *Gloucester Journal*, 4 July 1814 p2/4. Unsurprisingly, he challenged the accusations made against him.

⁷ Denkerton is eight miles from the southern boundary of Gloucestershire.

are nine in number, and we will burn every gentleman's house of note. The first that impeaches shall be shot. We have sworn not to impeach; you may think it a threat, but they will find it a reality. The Game Laws were too severe before; the Lord of all men sent these animals for the peasants as well for the prince. God will not let his people be oppressed – he will assist us in our undertaking, and we will execute it with caution; let every one of us that breathe praise the Lord!’⁸

The *Gloucester Journal* reported that the letter was written in response to the prosecution of Richard Barnett for ‘keeping and using engines or wires for the destruction of game’ for which he was fined £5.⁹ The newspaper goes on to report that the passing of the 1816 Night Poaching Act had ‘irritated the offenders and made them more daring and desperate’, highlighted through the content of the anonymous threatening letter.¹⁰ While the veracity and degree of representativeness of the letter must be considered, its content provides a fascinating window into poachers in the period.

The letter refers to the popular belief that the animals defined as private property and protected by the Game Laws were, in fact, available to all. Poachers often justified their right to poach with scripture, referencing Genesis where it was stated that animals were made for all men and not, therefore, limited solely to the elite.¹¹ The letter argues against the Game Laws, particularly the property

⁸ *Gloucester Journal*, 28th October 1816, p. 4.

⁹ *Gloucester Journal*, 28th October 1816, p. 4. The term ‘engines’ refers to devices used to capture and kill game.

¹⁰ *Gloucester Journal*, 28th October 1816, p. 4.

¹¹ Hay, ‘Poaching and the Game Laws on Cannock Chase’, p. 189.

qualification, stating that 'the Lord of all men sent these animals for the peasants as well as for the prince.'¹²

Explicit antagonism towards the property qualification in this statement can also be found in the specific reference to 'gentlemen' as the target of the letter's wrath. While the term can be used to denote a specific social rank in the early nineteenth century it could also be used as a broader meaning term that would encompass men of high social standing. In regard to this letter the use of the term gentlemen could refer to individuals who passed the property qualification. The letter also targeted agents of authority such as magistrates and Justices of the Peace, men that were responsible for the legal processes in rural communities. These men would have been the principal point of contact and conflict between the majority of poachers and the law.¹³

The letter is therefore an explicit threat to both the beneficiaries of the Game Laws and those responsible for enforcing them. It also contains an implicit warning to both juries and informers. The fact that the author was willing to risk execution for the contents of this letter must have instilled fear in all who could oppose the poaching activities of the group it purports to represent. Simply composing the letter put the author at serious risk and was a capital offence under the Black Act until its repeal in 1827.¹⁴ Anyone caught delivering or circulating threatening letters could also face execution. The threat of violence in the letter, most notably the warning that any found to have acted against poachers would be shot, was both a clear indication of the strength of feeling of the author and an extremely risky strategy. To Thompson the anonymous letter was a 'characteristic form of social protest' that was designed to

¹² *Gloucester Journal*, 28th October 1816, p. 4.

¹³ King, 'Summary Courts', p. 125-126.

¹⁴ Edward Thompson, 'The crime of anonymity', in *Albion's Fatal Tree*, ed. by Douglas Hay et al (London: Verso, 2011), pp. 255-308 (p. 283). Capital punishment was reduced to transportation for life in 1823.

cause anxiety and paranoia in its targets.¹⁵ This was certainly a motivating factor in the 1816 letter. There is no doubt that violence was to be used to deter the punishment and suppression of poaching in the area, with the author threatening both the person and property of anyone involved in the impeachment of poachers.

Despite the anonymity of the author certain assumptions can be made regarding the identity. First, given the highly gendered nature of poaching it should be assumed that the author was male. This is further reinforced through the threat of physical violence in the form of arson and murder that was most associated with contemporary notions of masculinity. Furthermore, the language used in the letter suggests an educated author at odds with the stereotypical labouring poacher.¹⁶

The threat of violence in anonymous letters was common at the time. Thompson's analysis of this 'crime of anonymity' found that, from a total of 285 letters, specific reference to murder was found eighty times and arson seventy-seven.¹⁷ The 1816 letter references both capital crimes, an element that Thompson found in thirty-nine of his sample letters.¹⁸ The combination of arson and murder was, to Thompson, indicative of social rather than private conflict. This is evidently the motivation behind the 1816 letter. The threat that 'not one Gentleman's seat in our country shall escape the rage of fire [...] we will burn every gentleman's house of note' references both a highly feared and customary method of rural protest.¹⁹

The threat of arson was both constant and acute at the beginning of the nineteenth century and reached its zenith during the Swing Riots in the early 1830s.²⁰

¹⁵ Thompson, 'The crime of anonymity', p. 255.

¹⁶ There is a possibility that the letter would have been edited before publication, to either improve the language of the original or to make it more threatening. There is no direct evidence of this.

¹⁷ Thompson, 'The crime of anonymity', p. 259.

¹⁸ Thompson, 'The crime of anonymity', p. 259.

¹⁹ Discussed in Chapter 11.

²⁰ There was one official record for the burning of a hayrick and twenty-one reports of arson in the newspapers in the period. This is discussed in Chapter 9.

The use of fire in response to the enforcement of the Game Laws rather than a reaction to more traditional causes of discontent such as high food prices or unemployment is notable. Poaching was, generally, a covert act that aimed to avoid interactions with the authorities. The use of a threatening letter, while covert in action, was overt in consequence due to publication in the local press and would have therefore had a great impact on the communities within which it was published.

Intra-Class Conflict: Baghott versus Bethell-Codrington

Published letters were also used as a weapon of intra-class conflict stemming from the Game Laws in Gloucestershire. In February 1821 a series of letters were published in the *Cheltenham Chronicle* regarding an accusation of poaching between Sir Paul Baghott, of Lypiatt Park near Bisley, and Sir Christopher Bethell-Codrington, of Dodington Park near Little Sodbury.²¹

A letter dated 4 February 1821, written by Baghott, describes the ‘disgraceful and ungentlemanly conduct’ meted out by the employees of Bethell-Codrington in what he claimed was ‘one of the greatest outrages that is possible for one gentleman to receive from another.’²² Baghott, a Gloucestershire magistrate, described how while travelling on the coach between Bath and Cheltenham he ‘observed a hare suspended in a wire’ and instructed the driver to stop, and upon exiting the coach and examining the animal was ‘suddenly seized’ by Bethell-Codrington’s gamekeepers.

Despite ‘repeated assurances’ as to the identity and social status of Baghott the gamekeepers ‘persisted in dragging’ him to Bethell-Codrington’s mansion.²³ Here,

²¹ *Cheltenham Chronicle*, 15 February 1821, p. 2.

²² *Cheltenham Chronicle*, 15 February 1821, p. 2.

²³ *Cheltenham Chronicle*, 15 February 1821, p. 2.

‘contrary to every principle that should regulate the conduct of a gentleman’, he was kept outside the house ‘exposed to the gaze’ and ‘tittering insults’ of Bethell-Codrington’s family and servants.²⁴ Feeling humiliated, Baghott was subsequently dismissed without ‘any apology whatsoever.’²⁵ To Baghott, Bethell-Codrington had sunk to the level of his servants, with neither the ‘candour nor magnanimity’ to confess his error.²⁶

FIGURE 8.1 Baghott (left) and Bethell-Codrington (right)



Baghott’s letter was a public response to an earlier letter published by Bethell-Codrington on 15 January 1821, in which he describes his version of this very public disagreement. Bethell-Codrington claims that his employees had been keeping watch in the vicinity of where Baghott was captured for three days and nights having discovered the wire upon which the hare would be caught. The keepers, when observing someone taking the hare from the wire apprehended a male claiming to be Sir Paul Baghott, a person with whom Bethell-Codrington claimed he was ‘totally unacquainted.’

He goes on, rather sarcastically, to suggest that he was ‘unwilling to believe that any person apprehended under the circumstances [...] could be Sir Paul Baghott,

²⁴ *Cheltenham Chronicle*, 15 February 1821, p. 2.

²⁵ *Cheltenham Chronicle*, 15 February 1821, p. 2.

²⁶ *Cheltenham Chronicle*, 15 February 1821, p. 2.

a Magistrate of the County of Gloucestershire', perhaps referencing the tendency of qualified individuals to shoot game in a sporting manner rather than use nets. Bethell-Codrington admits that Baghott was apprehended as a 'common poacher' as a consequence of being caught in the act of taking the hare from the net.²⁷ Bethell-Codrington was suggesting Baghott's actions were beneath a man of his social standing, and he was adamant that he was willing to defend his actions in the eyes of the law if Baghott so wished.

While it could be the case that Baghott's anger stems from a case of mistaken identity, it is evident that Bethell-Codrington regarded the actions of his adversary as wrong. Furthermore, Bethell-Codrington labelled his adversary a liar, claiming Baghott had threatened to beat the gamekeepers apprehending him.²⁸ This case study demonstrates the tensions found across rural communities in Gloucestershire. There appears to have been an almost obsessive compulsion to protect game, highlighted by the keepers standing watch for three days and nights. This seems an excessive use of resources in order to apprehend the poacher of a single hare.

An alternative interpretation of the events should be considered given the context of Sir Paul Baghott. Born Paul Wathen to a wealthy, albeit unqualified, family in Woodchester, the future Sir Baghott was a successful clothier and banker who had purchased Lypiatt Park in 1802. Through this purchase Baghott passed the land qualification and was therefore entitled to take game. He has also been identified as a game preserving landowner, having pursued the conviction of John Coates and Bartley Davis for selling seventeen hares on his land in 1815.²⁹ This relatively newfound status, however, could be interpreted through Bethell-Codrington's claim to

²⁷ *Cheltenham Chronicle*, 1 February 1821, p. 2.

²⁸ *Cheltenham Chronicle*, 1 February 1821, p. 2.

²⁹ GHH Q/PC/2. See also 35/C/48, 35/C/49.

be 'totally unacquainted' with Baghott. The *Victoria County History* entry for Stroud describes Baghott, knighted in 1812, as 'notorious for dubious business practices and financial incompetence' who was recorded as going bankrupt on three occasions, the first of which occurred around the same time as his conflict with Bethell-Codrington.³⁰ Bethell-Codrington, in contrast, hailed from a successful landowning family and, in addition to his lands in Dodington Park purchased land in Wapley for £45,000 in 1817.³¹ The conflict between Baghott and Bethell-Codrington could therefore be interpreted as an example of intra-class conflict, a clash between the traditional and new elite.

Despite the high social standing and the qualified status of the Baghott family this was not their only interaction with the Game Laws. Thomas Baghott, son of Paul, was convicted twice for poaching during the 1830s.³² In February 1830 Thomas Baghott Esq was found guilty of setting snares to catch conies with labourer Thomas Horwood on the lands of Lord Ducie in Woodchester.³³ The men were fined £5 or would serve one-month hard labour in Horsley house of correction. Why an individual with such high social status would resort to setting snares, an activity more associated with the lower social orders is unknown, although his father's bankruptcy in 1819 and subsequent sale of Lypiatt Park in 1824 could have been a factor. Thomas Baghott was convicted again for trespassing in pursuit of game in Moreton Valence in November 1835 and fined £2 plus expenses.³⁴ His Petty Sessions indictment refers

³⁰ British History Online, *Stroud: Manors and other estates* <<https://www.british-history.ac.uk/vch/glos/vol11/pp111-119>> [accessed 20 June 2024].

³¹ The History of Parliament: British Political, Social, & Local History, *Christopher Bethell-Codrington* <<https://www.historyofparliamentonline.org/volume/1790-1820/member/bethell-codrington-christopher-1764-1843>> [accessed 20 June 2024].

³² GHH Q/PC/2. See also 49/B/40, 55/A/48.

³³ GHH Q/PC/2. See also 49/B/38, 49/B/40.

³⁴ GHH Q/PC/2. See also 55/A/48.

to him as a gentleman, hinting at a decline in social status in the period between his convictions, perhaps reflecting a continuing decline in fortune for the Baghott family.

Lord De Clifford versus Mr. Saunders

The limitations imposed by the property qualification were challenged by members of all social classes. In July 1829 the *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* reported on an 'extraordinary' court action brought by Lord De Clifford against attorney Robert Saunders.³⁵ It was stated that Saunders occupied a cottage on the lands of Lord Clifford wherein he kept a 'regular poaching establishment.'³⁶ He had used the property to 'turn out his dogs by night, when they did cause much mischief' on the surrounding preserves.³⁷ In response, Lord Clifford ordered his servants to capture any dogs found on his land and keep them in his personal kennels until they were claimed by their owners. It is uncertain why Saunders was not personally targeted. Soon after, a greyhound owned by Saunders was captured and taken to the kennels of Lord Clifford.

In response Saunders chose to break into the kennels with two associates and free the dog, returning the following day to dig up the body of a deceased dog.³⁸ No detail is given as to why Lord Clifford would have buried one of Saunders' dogs, although landowners had the legal right to shoot dogs caught poaching on their land. Saunders was confronted by the servants of Lord Clifford, upon which he produced a pistol, insulted the men, and challenged one to a fight.³⁹ No violence ensued, and the

³⁵ *Cheltenham Chronicle and Gloucestershire Fashionable Weekly Gazette*, 20 July 1829, p. 4.

³⁶ *Cheltenham Chronicle and Gloucestershire Fashionable Weekly Gazette*, 20 July 1829, p. 4.

³⁷ *Cheltenham Chronicle and Gloucestershire Fashionable Weekly Gazette*, 20 July 1829, p. 4.

³⁸ This could be evidence of a personal bond between Saunders and his dog.

³⁹ *Cheltenham Chronicle and Gloucestershire Fashionable Weekly Gazette*, 20 July 1829, p. 4.

damage to the kennels was deemed negligible. Lord Clifford, however, was determined to seek damages against Saunders in order to ‘teach the defendant to behave more correctly’ in the future.⁴⁰

The jury at the subsequent trial ruled in favour of Lord Clifford, awarding him £50 in damages, the value of which was ‘would not be very injurious to the defendant’s pocket, but [...] might have the effect of making him mend his ways.’⁴¹ The public nature of the case clearly worried Saunders, his defence arguing that the potential loss of reputation as an attorney far outstripped the financial penalty imposed upon him. The defence offered to produce a public apology in the *Observer*, a national newspaper, in an effort to alleviate the loss of reputation. Lord Clifford refused.

This should not have come as a surprise to Saunders. The case papers from the Court of the Common Pleas states that he demanded Lord Clifford dismiss his gamekeepers before paying his fine in a letter that that was written in ‘language which conveyed a sneer.’⁴² It is unclear what Saunders was seeking from this interaction. He was undoubtedly at fault throughout this event yet appears to antagonise Lord Clifford even after his conviction.

It is difficult to produce a neat label for the actions of Saunders within the context of conflict and the Game Laws. The wilful breaking of the law, the brazen use of force against the agents of the landowner, and the threat of armed violence would not be misplaced in any description of poaching gangs of the period. If, as has been discussed, breaking the law is an act of resistance in itself, then the actions of Saunders should be considered an element in the conflict against the Game Laws.

⁴⁰ *Cheltenham Chronicle and Gloucestershire Fashionable Weekly Gazette*, 20 July 1829, p. 4.

⁴¹ English Reports Citation: 130 E.R. 1262, Saunders and Mills, November 1829
<<https://app.vlex.com/search/jurisdiction:GB/Saunders+v+Mills/vid/802678625>> [accessed 29.03.25].

⁴² English Reports Citation: 130 E.R. 1262, Saunders and Mills, November 1829
<<https://app.vlex.com/search/jurisdiction:GB/Saunders+v+Mills/vid/802678625>> [accessed 29.03.25].

Limited evidence of context regarding Saunders has previously been identified in this study. In November 1827 he had unsuccessfully defended John Elliot's claim to have inherited land through which he was qualified to take game. He appears to have had closer, albeit invisible, links to the poaching community of the Bristol area. His attitude towards Lord Clifford could be interpreted within this wider conflict.

The dispute between Lord Clifford and Saunders, however, should not be considered equal to the violent affrays that occurred in Gloucestershire during the period of study. The desperation of poachers and gamekeepers, best highlighted through the extremes of violence perpetrated and experienced by both sides, is distinctly missing in this case. While Saunders was resisting the limits imposed by the Game Laws, the disagreement with Lord Clifford more resembles a personal conflict.

A poacher's perspective?

The most significant limitation in any study of social crime from the early nineteenth century is the lack of any real voice from the perspective of the perpetrators. This is simply a consequence of the covert nature of actions associated with social criminality and the severe consequences faced by offenders if caught. This is particularly true of poaching, a crime that has been shown to be strongly linked with organised criminality and violence in Gloucestershire. Keeping silent was a fundamental aspect of poaching.

The paucity of surviving accounts from the poachers' perspective is further exacerbated, by both the limited time frame of the study and the context of the period. Detailed personal accounts of ordinary people that have survived until the modern period are rare. This is exacerbated when studying poachers from the lower echelons

of society, a group that 'have not left a literature about the joys of poaching to match the gentry's endless eulogies of the hunt.'⁴³ The official record, Hay continues, is often the 'only direct evidence' historians are able to evidence regarding the 'rich sporting tradition of thousands of working men.'⁴⁴ Historians are therefore forced to rely predominantly on two sources for understanding poaching during the early nineteenth century. First, poaching actions are most likely to have been recorded officially during trial. The Petty Sessions, Quarter Sessions, and the Assizes recorded in varying degree the legal details of poaching cases. While useful for gaining quantitative data on poaching, these records can often lack rich qualitative details desired by historians.

The second main source when studying poaching is the provincial press. Accessing this record has been indispensable in identifying otherwise hidden poaching incidents. Published letters and poaching notices have presented a number of opportunities to understand elements of the conflict experienced as a consequence of poaching, although these are by their very nature limited. Newspapers have also provided detailed accounts that go some way to mitigating the lack of qualitative data in the official record. This is especially true of the accounts of violent affrays, although these accounts are often filled with hyperbole, and described more like battles from the period.

The problem with both sources, however, is that they deliver a very limited perspective on the events of the time, often reflecting the biases of both the creator and audience. As such, any conclusions drawn from either the official record or newspapers on the perspective of poachers should be approached with caution. A further shortcoming in the source material is the almost total lack of voice from the

⁴³ Hay, 'Poaching and the Game Laws on Cannock Chase', p. 201.

⁴⁴ Hay, 'Poaching and the Game Laws on Cannock Chase', p. 201.

perspective of the labouring poacher. While this is not surprising, it should be considered when attempting to understand the motivations of poachers at the time.

The newspapers for the period provide just one record that purports to show the views of a labouring poacher. Published in the *Cheltenham Chronicle* in November 1828, the article deserves to be presented in full.

‘NOVEL MODEL OF CATHCING HARES AND RABBITS

– A few days since, a police officer near Cheltenham had occasion to visit a cottage near Leckhampton Hill, when he found several rabbits and hares. On taxing the occupier of the cottage with poaching he received the following reply – “Lord love you, sir, we catches a good many of they there things o’ these dark nights; the poor animals can’t see their way, so they tumbles down the rocks in the dark, and breaks their necks. We picks ‘em up as we goes to work, because, sir, we be up earlier in the morning than other folks!”⁴⁵

While it is impossible to know whether this is truly a verbatim account of the conversation between the police officer and potential poacher, the manner in which the poacher’s speech is presented is revealing. Given the rather colloquial language exhibited, combined with the reference to living in a cottage, it is assumed the poacher is lower class. While this could reflect the biases characteristic of the reporting of the period, the evidence from the Petty and Quarter Sessions points to the likelihood of poachers hailing from the lower orders.

⁴⁵ *Cheltenham Chronicle*, 13 November 1828, p. 4.

Furthermore, the interaction between the two provides a fascinating insight into poaching at this time. The actions of the police officer must first be considered. The article states the officer 'had occasion to visit' the home of the poacher near to Leckhampton Hill, a distance of almost three miles. No detail is given as to how the police officer discovered the animals, yet it seems unlikely that the poacher would have kept them on public display given the criminality inherent within their possession. This suggests that the visit was a targeted occurrence. If this is the case, then the officer had either been informed about the poacher's quarry, or he was already known to the authorities.

Analysis of the Petty Sessions shows that prosecutions for taking hares were most common in November, and that this month was second only to October regarding the level of poaching incidents.⁴⁶ That the poacher was caught with hares at this time of the year is therefore unsurprising. The poacher's acknowledgment that he 'catches a good many of they there things' during the 'dark nights' of November suggests that he was poaching for reasons other than supplementing his diet, while the implicit reference to night poaching is surprising given the severity with which it was treated by the law.⁴⁷

The poacher appears to demonstrate no fear of the police officer despite being found with several hares and rabbits, the possession of which remained a crime in 1828. He seems to mock the police officer claiming that 'we be up earlier in the morning than other folks.'⁴⁸ The poacher refers to the broken necks arising as a consequence of falling down the cliffs of Leckhampton Hill at night, which would be highly unlikely given hares are nocturnal in nature. Given the likelihood of labourers to

⁴⁶ Covered in Chapter 5.

⁴⁷ *Cheltenham Chronicle*, 13 November 1828, p. 4.

⁴⁸ *Cheltenham Chronicle*, 13 November 1828, p. 4.

use nets and snares when poaching, it is more likely their necks were broken by the poacher. If this account can be relied upon as a valid representation of the conversation, it shows that this poacher was both known to the local authorities and confident in his interactions with the police despite the clear evidence of criminality.

Conclusion

While the imposition of the Game Laws occurred at a national level the effects of this legislation was keenly felt in the rural communities of Gloucestershire. Poaching was for some a crime of poverty, turned to in order to mitigate an increasingly challenging economic environment. This was not confined to simply poaching for the pot but must have influenced the decision to take game for the illicit market. While evidence of highly organised criminal gangs is absent from this study, evidence of the illegal trade in game has been identified, the potential profits of which would have pulled individuals into criminality.

Poaching must also be considered a weapon of resistance against the discrimination inherent in the property qualification. The targeting of individuals such as Colonel Berkeley, Lord Ducie, and Henry Hicks Esq point to prominent landowners being singled out by poachers as a consequence of their status, supporting the idea that poaching was employed as a weapon of resistance against the elite. The scale of poaching in Gloucestershire, however, suggests a broader sense of antipathy towards the Game Laws. Poachers were identified from across the social strata, challenging the traditional binary class-based interpretation of poaching.

While the violent poaching affrays identified in Gloucestershire symbolise the most visible representation of the Game Laws, evidence from the county indicates conflict occurred at a far greater scale. The public disagreement between Baghott and Bethell-Codrington points to intra-class conflict at the very highest level of society in the county, while the 'farmer of wetland' voices frustrations towards the unequal social relationship imposed on rural communities through the Game Laws. These themes, while specific to Gloucestershire, mirror broader trends in the wider historiography.

Chapter 9: Incendiarism in Gloucestershire

Introduction

This chapter begins with a brief discussion of the literature surrounding incendiarism. Given the distinctive nature of arson it is important to outline the historiographical context separately before locating the act in the wider context of resistance. Incendiarism was identified as occurring in Gloucestershire across the period of study, with a definitive increase towards the end of the 1820s that mirrors trends in the literature associated with growing rural social tensions nationwide.

Incendiarism attacked a wide range of targets in the county, including valuable agricultural machinery, mills, and farmhouses. The targeting of high-status individuals, including a Justice of the Peace, and the threat of arson employed in threatening letters supports the use of fire as a weapon of social conflict, while attacks on machinery suggests an element of resistance to mechanisation. This certainly appears to be the case in the Kiftsgate Hundred, found to have the highest concentration of incendiarism in the county.

The actions of incendiaries, however, must not be glamorised. Fire was employed as a weapon of terror and outright criminality in the county. While only one death was identified as occurring across the period of study, incendiaries were certainly willing to endanger life through their actions. The extent to which incendiarism was a justified course of action is considered.

Historiography

Both Griffin and Poole have highlighted the tendency of studies of rural incendiarism to focus on southeast England.¹ Although the scale and significance of arson was both regionally diverse and locally specific, the paucity of studies into this act from across the country create a regional bias within the historiography. This is further exacerbated by Poole's assertion that the study of incendiarism has either been 'largely unexplored or subsumed' with wider discussions regarding conditions during the nineteenth century.² This, he claims, 'is odd, given the eminent suitability of incendiarism for detailed local study.'³ This has been mirrored by Archer, who has suggested that the south-west is a 'promising' region when researching incendiarism.⁴ This study, it is hoped, will go some way to resolving these issues.

There is a general consensus in the literature regarding the significance of incendiarism. Griffin, for example, argues that incendiarism should be considered 'the most important of all forms of covert protest', while Scott believes the deliberate use of fire is an integral element in the 'small arsenal of relatively powerless groups' and a covert action of 'first resort' within societies where overt defiance is impossible.⁵ To Robert Kuhken fire was considered a 'nearly flawless' and widely understood covert tool of protest.⁶

Archer refers to incendiarism as the 'weathercock' of rural protest and the most significant weapon of 'intimidation, vengeance, bargaining, or terror' used by contemporaries in response to oppression, whereas Poole suggests that agricultural

¹ Griffin, *Protest, Politics, and Work*, p. 116. Carl Griffin, 'The Mystery of the Fires: Captain Swing as Incendiarist', *Southern History*, 32 (2010), 21-40.

Steve Poole, 'A last and salutary warning: Incendiarism, Rural Order and England's Last Scene of Crime Execution', *Rural History*, 19 (2008) 163-177 (p. 163).

² Poole, 'A last and salutary warning' p. 163. In a similar manner to this study.

³ Poole, 'A last and salutary warning' p. 163.

⁴ Archer, *By a Flash and a Scare*, p. 238.

⁵ Griffin, 'Knowable geographies?', p. 38. Scott, 'Everyday Forms of Resistance', p. 34.

⁶ Robert Kuhken, 'Setting the Woods on Fire: Rural Incendiarism as Protest', *Geographical Review*, 89 (1999), 343-363 (p. 360).

incendiarism was 'a perennial factor in social relations' and an important barometer of rural social tensions.⁷ This is echoed by Navickas, who argues that incendiarism was a 'common feature' of social conflict in eighteenth and nineteenth century England.⁸

While social conflict is considered symptomatic of change within society, Graham Seal believes that until the end of the eighteenth century most problems 'could be settled more or less satisfactorily within the customary structures' of paternalistic relationships in rural England.⁹ The late eighteenth and early nineteenth centuries, however, witnessed the dissolution of the customary bonds of society, forcing rural communities to 'find other channels' to express their grievances.¹⁰ Some chose 'active resistance', targeting those blamed for their 'extreme wretchedness.'¹¹

Archer points to a centuries old tradition in rural communities of arson as a form of protest.¹² Incendiarism became a 'frequent tool' of agricultural protest during the nineteenth century.¹³ Arson is considered an 'act of desperation' perpetrated by members of rural communities in response to significant social and economic upheaval.¹⁴ In situations when political and social consensus breaks down 'the lighted match [...] cannot be far behind', representing 'negotiation [...] by fire and fear.'¹⁵

Archer suggests that arson was a justified response to the worsening condition and lack of agency amongst the agricultural poor, while Adrian Randall and Edwina Newman suggest covert forms of protest such as arson were the only true agency left

⁷ Poole, 'A last and salutary warning', p. 69.

⁸ Katrina Navickas, 'Luddism, Incendiarism and the Defence of Rural Taskscapes in 1812', *Northern History*, 48 (2011) 59-73 (p. 53).

⁹ Graham Seal, 'Tradition and Agrarian Protest in Nineteenth Century England and Wales', *Folklore*, 99 (1988) 156-169 (p. 154).

¹⁰ Seal, 'Tradition and Agrarian Protest', pp. 150-154.

¹¹ Archer, *By a Flash and a Scare*, p. 240. Seal, 'Tradition and Agrarian Protest', pp. 150-154.

¹² Archer, *By a Flash and a Scare*, p. 68 and p. 238.

¹³ Kuhken, 'Setting the Woods on Fire', p. 346. Archer, *By a Flash and a Scare*, p. 238. Kuhken point to the 1790s, 1816, 1822-23, 1830, and 1834-35 as particularly high.

¹⁴ Kuhken, 'Setting the Woods on Fire', p. 345.

¹⁵ Archer, *By a Flash and a Scare*, p. 240.

to rural labourers.¹⁶ Kuhken argues that the destructive nature of fire lends itself well to conflict, while Archer describes the all-consuming and destructive simplicity of fire as a 'primeval' weapon.¹⁷

Rudé claims arson belongs 'to that shadowy realm between crime and protest where it is often no easy matter to tell the two apart', whereas Archer highlights ambiguity in the study of arson, stressing that historians must be aware that acts of incendiarism were not always acts of protest.¹⁸ There is a sense, however, that arsonists were 'mostly rational people and rarely indiscriminate' in who or what they targeted.¹⁹ Archer found that many incendiaries were acquainted with the owners or occupiers of the properties they targeted, their actions almost always premeditated acts stemming from 'the emotions of hatred, despair, and revenge.'²⁰ While Scott's claim that incendiarism should be considered a 'weapon of the weak' has merit, his belief that arson is an 'everyday' form of protest is unsubstantiated.²¹ Arson was an extreme action, not mundane. Deliberate fires were certainly not everyday occurrences comparable with actions such as poaching or resource theft.

Poole argues that incendiarism and protest have become conflated by historians in their attempt to explain the formation of working-class consciousness in England.²² It is important to note, therefore, that incendiaries and their actions should not be given an 'uncritical place in the working-class hall of fame', they were often 'desperate men committing particularly unpleasant deeds in desperate circumstances

¹⁶ Archer, *By a Flash and a Scare*, p. 240. Adrian Randall and Edwina Newman, 'Protest, Proletarians, and Paternalists: Social Conflict in Rural Wiltshire, 1830-1850', 6 (1995) 205-227 (p. 219).

¹⁷ Kuhken, 'Setting the Woods on Fire', p. 344. Kuhken points to the 250,000-year history of humans using fire in his work. Archer, *By a Flash and a Scare*, p. 240.

¹⁸ Kuhken, 'Setting the Woods on Fire', p. 345. Archer, 'Poachers Abroad', p. 73.

¹⁹ Archer, *By a Flash and a Scare*, p. 119.

²⁰ Archer, *By a Flash and a Scare*, p. 140.

²¹ Scott, 'Everyday Forms of Resistance', p. 34.

²² Poole, 'A last and salutary warning' p. 164.

[...] with little honour or dignity.’²³ The lack of perspective from the perpetrators, as ever, remains the greatest obstacle in uncovering specific motivations. Nuance is critical. Fire, Poole contends, could be employed as a form of protest as well as personal vendetta.²⁴ Each incident must therefore be understood within its specific context, rather than subsumed into oversimplified narratives of collective protest and resistance.

The Challenge of Interpretation

Griffin, in his work on the reporting of arson in the eighteenth and nineteenth century provincial press, highlights the challenges inherent in the study of incendiarism. The precise identification of deliberate fires, he argues, has ‘long troubled victims and insurance companies alike’ and continue to challenge historians to this day.²⁵ Accidents occurring from the widespread use of fire in the routine of daily life combined with the lack of effective scientific tools that could be employed to determine the causes of fires, further magnifying the challenge facing historians.²⁶ These issues, according to Jones, are considerable and should therefore make any conclusions drawn on the true scale of incendiarism tentative at best.²⁷

This is further exacerbated through the reliance on the provincial press as a source for information on fires. Crime stories, including cases of incendiarism, were considered a ‘major draw’ for contemporaries, meaning the reporting of fires tended

²³ Archer, *By a Flash and a Scare*, p. 240.

²⁴ Poole, ‘A last and salutary warning’ p. 164.

²⁵ Griffin, ‘Knowable geographies?’, p. 47.

²⁶ Griffin, ‘Knowable geographies?’, p. 48.

²⁷ David Jones ‘Thomas Campbell Foster and the Rural Labourer: Incendiarism in East Anglia in the 1840s’, *Social History*, 1 (1976), 5-43 (p. 13).

to be written in a manner that would excite readers.²⁸ Major fires subsequently became prominent in the reporting, whereas minor fires risked exclusion due to their mundane nature. This was particularly true during periods of social unrest, where small or unsuccessful fires were not considered newsworthy.²⁹ Understanding the scale of incendiarism is therefore hampered through uneven reporting.

Reliance on newspaper reports risks the discussion of incendiarism falling into the 'dramatic fallacy', the tendency of the media to focus on the most 'dramatic crime problems and groups to draw the greatest attention' from the public, press, and authorities.³⁰ The exciting nature of reporting risks becoming an 'intellectual distraction' if the dramatic fallacy is not taken into consideration, as small fires risk being overlooked by historians.³¹ Deliberate fires, regardless of scale, must be considered.

Archer states that it is necessary to accept the observations of the contemporary sources regarding fires.³² They are often the only sources that historians have to draw on. While newspapers should not be considered completely reliable sources, farmers for example had nothing to gain by blaming incendiaries for attacks on their property because they risked voiding their insurance if an accidental fire was determined to have been caused deliberately.³³

Newspapers also faced pressure by the authorities not to report on fires, particularly during periods of unrest.³⁴ The fear of deviancy amplification means the

²⁸ Griffin, 'Knowable geographies?', p. 48.

²⁹ Archer, *By a Flash and a Scare*, p. 66.

³⁰ Marcus Felson, *Crime and Everyday Life: Third Edition* (London: Sage Publications, 2002), p. 1.

³¹ Felson, *Crime and Everyday Life*, p. 1.

³² Archer, *By a Flash and a Scare*, p. 65. Archer points out that insurance companies were experienced in determining the cause of fires.

³³ Archer, *By a Flash and a Scare*, p. 65.

³⁴ Griffin, 'Knowable geographies?', pp. 48-49.

true extent of incendiarism remains hidden to historians.³⁵ The under-reporting of incendiarism was further exacerbated by the 'understandable silence' practiced by farmers fearful of the potential repercussions that would result from drawing attention to themselves.³⁶ The true scale can therefore never be known.

The study of incendiarism in counties such as Gloucestershire is further impaired through the under-development of the provincial press in the county. Newspapers, as Griffin attests, simply would not have known about all cases of incendiarism.³⁷ Jones, continues, claiming that journalists working in south east England during the 1840s believed that for every case of arson that was heard at court between fifteen and twenty remained either anonymous or unsolved.³⁸ These limitations must be considered in the study of Gloucestershire.

Accidental Fire

The main challenge for historians, even before the difficulty of applying meaning to acts of arson, is identifying which fires were started deliberately. When compared to actions such as poaching or threatening letters uncertainty in regard to the motivations of arson always remain. Poaching and the writing of threatening letters, in comparison, cannot be considered accidental acts. The same cannot be said of fire.

This study has therefore applied schema developed by Jones and Archer for identifying incendiarism.³⁹ First, Jones divided the source material pertaining to fires at the time into either definite or doubtful acts of incendiarism. While contemporary commentators should not be relied upon completely, the papers were often clear as

³⁵ Deviancy Amplification is the idea that the reporting of crime and deviance in the media can encourage copycat crimes.

³⁶ Jones 'Thomas Campbell Foster and the Rural Labourer', p. 13.

³⁷ Griffin, 'Knowable geographies?', p. 38.

³⁸ Jones 'Thomas Campbell Foster and the Rural Labourer', p. 13.

³⁹ Griffin, 'Knowable geographies?', p. 47. Jones 'Thomas Campbell Foster and the Rural Labourer', pp. 5-43. Archer, *By a Flash and a Scare*, pp. 68-69.

to whether fires were considered deliberate. Archer, meanwhile, believes fires being started in multiple areas in a farm or property should be considered deliberate.⁴⁰ Griffin further adds that the owner of the property, the location of the fire, and what was damaged should all be considered when attempting to decide whether the act was deliberate.⁴¹ The fires considered below have been included in the discussion of incendiarism in order to highlight the challenges both contemporaries and modern historians have in identifying deliberate acts of arson.

Definite accidental fires have been identified in five cases across the period. In November 1811 the *Gloucester Journal* reported on a 'most alarming fire' that had broken out in a barn in Andover.⁴² Despite the 'extreme exertions of the inhabitants' the fire spread rapidly through the evening, causing the destruction of several buildings with 'eight to ten' more damaged by the blaze. The fire was blamed on the 'fall of a squib or rocket' onto the barn that appears to have been fired in celebration of Bonfire Night. If the cause of the fire had not been so easily identified, this blaze would have carried all the hall marks of a traditional act of rural incendiarism.

A barn belonging to a Mrs. Lyppiat was destroyed by fire in September 1815 in Dunkerton, close to Cheltenham.⁴³ The building and contents, including implements of husbandry, wheat and hay mow, were all completely lost. The fire was reported as beginning after a female employee dropped a hot coal from a shovel she was carrying across the barn into some straw. It therefore appears that the fire was accidental. The damage was valued at £200, with the property reportedly uninsured.

⁴⁰ Archer, *By a Flash and a Scare*, pp. 65-66.

⁴¹ Griffin, 'Knowable geographies?', p. 47.

⁴² *Gloucester Journal*, 11 November 1811, p. 2.

⁴³ *Gloucester Journal*, 2 October 1815, p. 3.

This case highlights the challenges in attempting to understand the motivations behind fires. It would be tempting to interpret the actions of the unknown worker as an act of protest against her employer, an archetypal case of rural class conflict expressed through arson. The symbolism inherent within the destroyed property certainly meets the criteria for agricultural incendiarism, while fire would provide the unnamed employee agency far beyond her station. The lack of evidence for this, however, means it cannot be included in the analysis.

A further serious fire broke out in Bushley, near Tewkesbury, in December 1816.⁴⁴ The fire resulted in the destruction of an outhouse, cowsheds, pigsties, and a number of other farm buildings. A number of geese were also lost. Further damage was done to the farmhouse itself, which was only saved following the 'intrepid promptitude of a neighbouring farmer' and the arrival of fire engines from Tewkesbury.⁴⁵ This fire again appears to be a textbook act of incendiarism. Occurring in December and targeting not only the physical property of a farmer but also valued livestock, without additional detail from the newspaper report this event would have been included in the analysis of incendiarism.⁴⁶ The *Cheltenham Chronicle*, however, describes how the blaze was started by the child of the farmer who had set fire to straw in the barn 'with the innocent idea of making a bonfire.'⁴⁷

The weather was also found to have caused fires in agricultural settings. In August 1815 the *Cheltenham Chronicle* reported on a fire in Compton Verney whereupon a barn and corn were destroyed.⁴⁸ The fire, it was assumed, had originated from the heat of a newly stacked hayrick being blown into the barn and was not

⁴⁴ *Cheltenham Chronicle* 26 December 1816, p. 3.

⁴⁵ *Cheltenham Chronicle* 26 December 1816, p. 3.

⁴⁶ The report states that a prize bull was saved from the fire.

⁴⁷ *Cheltenham Chronicle* 26 December 1816, p. 3.

⁴⁸ *Cheltenham Chronicle*, 17 August 1815, p. 4.

considered deliberate.⁴⁹ In July 1828 the *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* described the destruction of a 'valuable' wheat rick in Bredon's Hardwick, near Tewkesbury.⁵⁰ The report stated that the fire had been caused by lightening during an 'awfully severe' storm.⁵¹ A further fire in Upton-upon-Severn that destroyed a hay rick in August 1812 was believed to be caused by either heat or lightning.⁵² There was no indication in the report that this fire was considered the act of an incendiary.

At times the cause of the fire was simply unknown. A fire in a farmhouse in Frocester in May 1811 'raged with great fury' destroying the house, an adjoining barn, livestock and grain.⁵³ Again this fire conformed to the stereotypical nature of agricultural arson. The fire, however, was discovered by a servant in an upper apartment, making it unlikely that the fire was started deliberately due to the challenge of an incendiary gaining access to this part of the building.⁵⁴

The provincial press at times made mistakes in their reporting. In December 1830 the *Cheltenham Chronicle* was forced to publish an apology following a report of an incendiary attack on a farm in Overton.⁵⁵ The paper claimed they were 'most happy' to find that they were misinformed that the fire was deliberate, and that all papers were liable to 'such accidents.'⁵⁶ The original report was described as having been based on an account from a gentleman in Cirencester 'whose character for truth is above

⁴⁹ Archer, *By a Flash and a Scare*, p. 66. Archer points out that farmers were well aware of the risk of overheating stacks and ricks during the summer months.

⁵⁰ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 21 July 1828, p. 2.

⁵¹ The same report describes the storm killing a cow, three sheep, two horses, and a dog in the surrounding area.

⁵² *Gloucester Journal*, 24 August 1812, p. 3.

⁵³ *Gloucester Journal*, 6 May 1811, p. 3.

⁵⁴ Farmhouse incendiarism was incredibly rare, even in counties with high levels of arson such as Norfolk and Suffolk. This was often perpetrated by domestic servants. It is possible, therefore, that a servant was responsible.

⁵⁵ *Cheltenham Chronicle*, 2 December 1830, p. 3.

⁵⁶ *Cheltenham Chronicle*, 2 December 1830, p. 3.

suspicion', an implicit admission of the general problems with newspaper reporting from the time.⁵⁷

While this case was accepted as incorrect, the existence of such false reporting should be considered when reflecting on the scale of incendiarism in counties such as Gloucestershire. The reliance on correspondents from across the county and the lack of well-developed lines of communication and reporting found in the southeast of England challenges the reliability of the provincial press as a source.⁵⁸

Fire as fraud

An alarming fire was reported as being deliberately started in Beckford in April 1815.⁵⁹ Beginning at eleven o'clock at night in a barn belonging to Thomas Ridler, the fire caused considerable damage across the farm. In addition to totally destroying the barn the fire damaged two further barns, a dwelling house, a farmhouse, a cottage, two tenements, sheds, and part of a hayrick.⁶⁰ Tenant farmer Thomas Brotheridge, who appears to have been the occupier of the destroyed dwelling house, was reported as losing most of his furniture and £30 he had saved for the payment of rent. The *Gloucester Journal* further describes how 'three poor families lost a great part of the goods their houses contained', adding that they barely escaped with their lives.⁶¹ Luckily for Ridler, his property was insured.

The targeting of a wealthy farmer, the fact that the attack occurred in the middle of the night, and the destruction of agricultural property appears to be quintessential

⁵⁷ *Cheltenham Chronicle*, 2 December 1830, p. 3.

⁵⁸ Griffin, 'Knowable geographies?', pp. 36-56.

⁵⁹ *Gloucester Journal*, 1 May 1815, p. 3. *Gloucester Journal*, 8 May 1815, p. 3.

⁶⁰ *Gloucester Journal*, 1 May 1815, p. 3. *Gloucester Journal*, 8 May 1815, p. 3.

⁶¹ *Gloucester Journal*, 1 May 1815, p. 3. *Gloucester Journal*, 8 May 1815, p. 3.

evidence for an act of agrarian protest through incendiarism. The *Gloucester Journal*, however, reported that there were ‘circumstances of strong suspicion’ towards Thomas Ridler, adding that he had been taken into custody and held at the County Gaol. Ridler, it appeared, had set fire to his own property in order to claim the insurance.⁶²

Ridler disputed the charge against him, claiming that he had been sleeping in the New Inn in Gloucester on the night and therefore could not have started the fire. The landlord of the New Inn, however, contradicted Ridler’s claim. His County Gaol entry states that he had been charged on the oath of Ann Brotheridge, the daughter of tenant Thomas Brotheridge referenced in the *Gloucester Journal* report.⁶³ He was held until the Summer Assizes and subsequently found not guilty. He was released on 2 August 1815. No further detail has been found as to the repercussions of the fire or accusation against Ridler.

The examples above have been included to highlight the challenges faced by contemporaries and historians when trying to determine both the cause of fires and the motivations behind them. The accidental fires discussed above, striking a wide range of agricultural property, were targets favoured by contemporary rural incendiaries. Without the evidence provided in the newspaper reports these could very well be included in the discussion of incendiarism in the county.

The Official Record

⁶² *Gloucester Journal*, 1 May 1815, p. 3. *Gloucester Journal*, 8 May 1815, p. 3.

⁶³ GHH Q/ Gc. Gaol Register Number 12.

The official record is of limited value when attempting to uncover incendiarism, with Archer pointing to the fact that 'so few arsonists were caught' during this period.⁶⁴ This was caused by a number of interconnected factors. Arson was a highly secretive covert crime, often perpetrated by individuals or small groups, usually under cover of darkness and in isolated parts of their target's property.⁶⁵

Despite this, Archer suggests the identities of the perpetrators were well known, benefiting from 'enormous solidarity' in communities to avoid capture.⁶⁶ Arson, Archer continues, represents an expression of 'defiance and desperation' of the 'poor, dispossessed, unemployed and underpaid', and as such the solidarity enjoyed by incendiaries would be considered justified to those suffering at the time.⁶⁷ The under-representation in the official record is therefore reasonable.

Four individuals were identified in the County Gaol on charges of arson. In April 1817 hatter Robert Maggs was accused of setting fire to the house of Nev Maggs, a felt monger in Winterbourne.⁶⁸ He was found not guilty at the summer assizes. In February 1822 eighteen-year-old labourer Samuel Hughes was held on suspicion of setting fire to a barley rick in the parish of English Bicknor.⁶⁹ Despite evidence provided against him by William Hall 'and others', he was found not guilty at the following Lent Assizes. Lastly Jonathan Smith was discharged by proclamation for setting fire to an outhouse in Uley in August 1817.⁷⁰ These cases highlight the challenges contemporaries faced when proving guilt in cases of suspected arson.

⁶⁴ Archer, *By a Flash and a Scare*, p. 135.

⁶⁵ Archer, *By a Flash and a Scare*, p. 147. Archer, *Social Unrest and Popular Protest*, p. 17.

⁶⁶ Archer, *By a Flash and a Scare*, p. 147.

⁶⁷ Archer, *By a Flash and a Scare*, p. 240.

⁶⁸ GHH Q/ Gc. Gaol Register Number 5.

⁶⁹ Q/ Gc. Gaol Register Number 139. Hughes was held in Littledean Gaol prior to his transfer to the County Gaol.

⁷⁰ GHH Q/ Gc. Gaol Register Number 1430.

In May 1814, ten-year-old Henry Price was recorded as an inmate at the County Gaol.⁷¹ He had been arrested on the oath of one Josias Verelst for ‘maliciously and feloniously’ setting fire to coppice wood in Tidenham, described as the property of the Duke of Beaufort.⁷² The *Gloucester Journal* reported in August 1814 that no bill was found against Price regarding the fire, although he was convicted of stealing underwood.⁷³ This was not his last interaction with the law. Price was found guilty of stealing bark valued at 20s in July 1830 and transported for seven years.⁷⁴

While the individuals described above were acquitted, it is important to note that the fires did occur. The targeting of ricks and farm buildings was a common tactic among incendiaries across England, while the limited means to prove guilt often meant suspects were not convicted. There is a possibility that the fires described above were started deliberately.

Despite the challenges in proving whether fires were deliberate individuals were found guilty. In August 1814 George Rew was convicted of intentionally setting fire to a wheat stack in Bitton, a criminal act synonymous with agricultural protest and resistance.⁷⁵ He was sentenced to death at the Assizes, but had his sentence reprieved and was instead transported for life. His record from his time in Australia states that he arrived in January 1816 and finally obtained his freedom in 1837.⁷⁶

A further two individuals were identified as being held for arson in the local gaol registers from across Gloucestershire. Carpenter Charles Laughton was sentenced to

⁷¹ *Cheltenham Chronicle*, 9 June 1814, p. 3. The surviving County Gaol Calendars begin in 1815.

⁷² *Cheltenham Chronicle*, 9 June 1814, p. 3.

⁷³ *Gloucester Journal*, 22 August 1814, p. 3. Henry Price, *Forest of Dean Social History* (24 February 2021), <<https://forestofdeansocialhistory.co.uk/henry-price/>> [accessed 24 November 2024].

⁷⁴ Henry Price, *Convict Records* (n. d.), <<https://convictrecords.com.au/convicts/price/henry/115142>> [accessed 24 November 2024].

⁷⁵ *Gloucester Journal*, 22 August 1814, p. 3.

⁷⁶ *Convict Records*, *George Rew* <<https://convictrecords.com.au/convicts/rew/george/91337>> [accessed 15 May 2024].

eight weeks in Littledean Gaol for setting fire to a hedge in Longhope in November 1820.⁷⁷ Finally in December 1825, weaver John Brown was held at Horsley House of Correction for breaking into the house of a weaver and setting fire to his yarn 'with many others.'⁷⁸

The Provincial Press

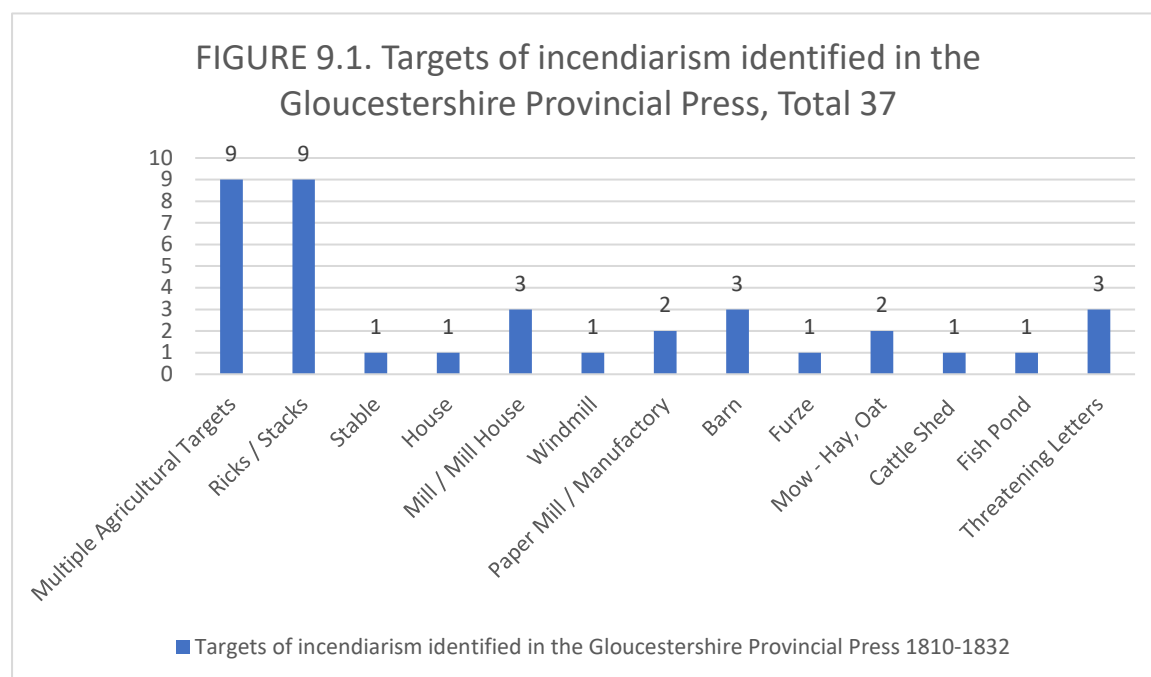
The most fruitful source of information for incendiarism was the provincial press, where a total of thirty-seven incidents were recorded across the period of study. Seven were found to be reported in more than one newspaper and have been included as single events for the analysis. Three incidences of threatening letters have also been included, as each was directly linked to specific acts of incendiarism.

Seven cases occurring outside of the county are also discussed but have not been included in the quantitative analysis. Five incidents were reported to have occurred close to the border of Gloucestershire, including in Ross on Wye and Evesham. These are considered due to the reporting they received in the Gloucestershire press and potential impact they could have had on the population of the county. Two more reports of incendiarism, occurring in Essex and Ireland respectively, will also be discussed. The press in Gloucestershire believed these two events had a direct impact on the actions of incendiaries in the county.

⁷⁷ GHH Q/ GLi. Gaol Register Number 795.

⁷⁸ GHH Q/ GH. Gaol Register Number 62. John Brown was held for trial at the Quarter Sessions, but no record has been identified of his trial in the official sessions papers nor provincial press.

Incidents have been identified across the period of study. In August 1810 the *Gloucester Journal* reported on a series of attacks on Summerwell Farm in Tetbury, the property of John Rogers.⁷⁹ The first incident, occurring at night, ‘entirely consumed’ an outhouse.⁸⁰ The following morning, after inspecting the ruins of his property and ‘seeing nothing to create further alarm’ Rogers proceeded to his fields, and upon looking back at his property ‘perceived several other parts of his premises’ on fire.⁸¹ This second attack destroyed parts of a dwelling house and barn, two straw ricks and a hay rick, and was only stopped through the deployment of fire engines from Tetbury and the ‘exertions’ of local people.⁸²



Five days later the property of Rogers was struck again. This time the attack occurred around midday on a Sunday, targeting a barn and causing ‘very heavy loss’ to unthrashed mow wheat despite the assistance of fire engines.⁸³ The report was

⁷⁹ *Gloucester Journal*, 6 August 1810, p. 3. The attacks occurred in late July.

⁸⁰ *Gloucester Journal*, 6 August 1810, p. 3.

⁸¹ *Gloucester Journal*, 6 August 1810, p. 3.

⁸² *Gloucester Journal*, 6 August 1810, p. 3.

⁸³ *Gloucester Journal*, 6 August 1810, p. 3.

unequivocal in its view that the series of fires had been set intentionally, pointing to the varied locations where fires had been started. The *Gloucester Journal* believed social conflict was the motivating factor behind the fires. The report explains that prior to the fires Rogers had impounded a number of horses described as ‘the property of a gang of gypsies in the neighbourhood’ and that it was ‘strongly suspected that these lawless banditti had adopted this method of revenge’ against the farmer.⁸⁴ Rogers offered a 100-guinea reward for information leading to the conviction of the perpetrators.

The labelling of the group of gypsies must be approached with caution.⁸⁵ They represent the perfect scapegoat for Rogers. Through blaming gypsies Rogers absolves himself of any true responsibility, as disgruntled workers on his farm could represent failure in his role as employer. Whether this group were truly guilty of the fires is impossible to prove. If the context is true however it is not implausible to imagine that fire was used in revenge for the actions of Rogers. As has been discussed, fire is the ultimate weapon of the powerless.

Incendiaries have been identified as attacking multiple agricultural targets on the same property on nine separate occasions. In March 1813 the *Gloucester Journal* reported on an ‘alarming fire’ that had broken out in a cowhouse on Lowesmore Farm in the parish of Avening.⁸⁶ Discovered around six o’clock in the evening, the fire partly destroyed the cowhouse and completely consumed a very large hay rick. A number of other ricks in the vicinity were partially damaged. The report states that ‘it is strongly

⁸⁴ *Gloucester Journal*, 6 August 1810, p. 3.

⁸⁵ The term gypsy is used in official government data on ethnicity and, when used in a derogatory way, is considered racist. There is a possibility that the use of the term in 1810 was racist.

⁸⁶ *Gloucester Journal*, 15 March 1813, p. 3. Also reported in the same paper 22 March 1813.

suspected that the said fire was maliciously occasioned by some evil-disposed person or persons at present unknown.’⁸⁷

Lowesmore Farm and the property of John Rogers were located just four miles apart. Despite this there is no apparent link between the two incidents.⁸⁸ Lowesmore Farm was described as being occupied by James Tayler, a tenant of lands owned by Robert and William Maskelyne Esq. It is uncertain whether the attack on Lowesmore Farm was aimed at the tenant or the landowners. Unlike the attack on the farm of John Rogers, no motivation is provided as to why the fire was suspected to have been set deliberately. A £100 reward was offered in response, including £20 that would be paid for the offenders simply being committed to trial. The offer of a reward was extended to any accomplices willing to come forward, with the promise that every means would be ‘used to obtain a free pardon’ for their role in the fire.⁸⁹ No one was tried for the crime.

William Curre

A ‘most destructive fire’ was reported in the *Gloucester Journal* in October 1815 on Howick Farm on the outskirts of the Forest of Dean.⁹⁰ Two buildings on the property were discovered to be ablaze around midnight, one of which had recently been constructed at ‘great expense’ by landowner William Curre Esq to hold a ‘powerful’ threshing machine.⁹¹ The report describes how the scale of the fire had awoken the servants who, upon realising they could not put out the fire, rushed to Curre’s

⁸⁷ *Gloucester Journal*, 15 March 1813, p. 3. Also reported in the same paper 22 March 1813. The length of time between the two incidents should also be considered a factor.

⁸⁸ Lowesmore Farm and Summerwell Farm are four miles apart.

⁸⁹ *Gloucester Journal*, 15 March 1813, p. 3. Also reported in the same paper 22 March 1813.

⁹⁰ *Gloucester Journal*, 16 October 1815, p. 3. Itton is in Monmouthshire, four miles from the border with Gloucestershire.

⁹¹ *Gloucester Journal*, 16 October 1815, p. 3.

residence a half mile away. Upon reaching their destination they discovered 'to their great astonishment' a building containing a second threshing machine also on fire, and only after a concerted effort from the servants and Curre's family was the fire prevented from spreading.⁹² A reward of £150 was offered for information regarding the perpetrators.⁹³

The attack was found to have claimed the life of labourer John Jones. He was described as being asleep in a straw-house adjacent to the first threshing machine targeted. There is no evidence to suggest that the death of John Jones was deliberate. The attack on Curre's property is the only event where a death has been found to have occurred during the period of study. Jones argues that incendiaries did not start fires with the intent of causing injury or death, while Randall and Newman suggest that incendiaries were highly selective in their choice of target.⁹⁴ The target of fire was almost always the private property of the victim, intended as a 'potent and potentially devastating symbol' of both the discontent felt by the perpetrators and the potential agency they held over their social superiors.⁹⁵ Death and injury was therefore rare.

This argument certainly has merit but must be measured against the fact that the perpetrators willingly employed a deadly weapon against the private property of their targets. Arsonists would have known that the targeting of buildings, particularly those near to dwelling houses, risked injury and death to anyone in the vicinity. Incendiaries may not have intended harm, but they were certainly willing to risk hurting

⁹² *Gloucester Journal*, 16 October 1815, p. 3.

⁹³ The National Archives, *Currency Converter: 1270-2017* <<https://www.nationalarchives.gov.uk/currency-converter/#currency-result>> [accessed 9 February 2024]. This is equivalent to 1000 days labour for a skilled tradesman at the time.

⁹⁴ Jones 'Thomas Campbell Foster and the Rural Labourer', p. 14. Randall and Newman, 'Protest, Proletarians, and Paternalists', p. 219.

⁹⁵ Kuhken, 'Setting the Woods on Fire', p. 360.

others in pursuit of their goals. This symbolic threat to both life and property represents the fundamental power of incendiarism.

Fire, according to Kuhken, was a 'final act of defiance [and] a gesture of political protest, and was long recognised as weapon of protest in the eighteenth and early nineteenth centuries and had recently been employed by the Luddites in their ongoing protests against mechanisation.'⁹⁶ Navickas, for example, describes the targeting of threshing machines located inside barns occurring in Soothill and Carlton in 1812.⁹⁷ There is a possibility, therefore, that the attack on Curre's property was inspired both by the tradition of incendiarism as protest and more recent Luddite actions. This assumption is purely circumstantial.

The *Gloucester Journal* certainly believed mechanisation was a motivating factor behind the attack on Curre's farm, arguing that the 'introduction of a variety of machinery for the improvement of agriculture is supposed to have instigated the villainous act.'⁹⁸ This is not surprising given that the mechanisation of agricultural processes would have disadvantaged the rural labouring poor most severely. This was particularly true of threshing, a seasonal process that provided the opportunity for agricultural labourers to earn higher than normal wages.⁹⁹ Rudge's *General View of the Agriculture of the County of Gloucester* found that a labourer could earn 2s 6d per quarter of wheat threshed and 2s per quarter of barley.¹⁰⁰ The threshing of beans would earn 1s 4d per quarter and the threshing of oats would earn 1s 3d for the same.¹⁰¹

⁹⁶ Kuhken, 'Setting the Woods on Fire', p. 360.

⁹⁷ Navickas, 'Luddism, Incendiarism and the Defence of Rural Task-Scapes', pp. 71-73.

⁹⁸ *Gloucester Journal*, 16 October 1815, p. 3.

⁹⁹ Seal, 'Tradition and Agrarian Protest', p. 158.

¹⁰⁰ Rudge, *General View*, p. 387.

¹⁰¹ Rudge, *General View*, p. 387.

This was rewarding work in several ways. Rudge stated that male day labourers in Gloucestershire could earn 2s a day with drink during the summer, while women would earn 1s with drink.¹⁰² In contrast, the average wage of an agricultural worker in Herefordshire was 7s 6d a week.¹⁰³ Threshing, however, was classified as piece work and wages were therefore dependent on how hard the threshing teams were willing to work. This had the potential to be highly profitable for agricultural labourers and their families, helping to mitigate the hardship of the winter months.

Griffin, in his work on the links between the Swing Riots and incendiarism, highlights the unanimity amongst historians that ‘what united all the movement’s manifestations was an attempt to improve the rural worker’s standard of living.’¹⁰⁴ It appears that this opinion was held on Curre’s farm fifteen years prior to the outbreak of Swing, and mirrors fires identified by Griffin being used to target threshing machines in Elham, Kent, in 1817.¹⁰⁵ The loss of employment in threshing, Seal argues, ‘further undermined the already precarious state of the rural labourer.’¹⁰⁶ This, Hobsbawm and Rudé suggest, was defined by the proletarianisation of the rural poor through the loss of land, reliance on wage labour and loss of customary rights.¹⁰⁷ It is no wonder that the mechanisation of labour would generate a feeling of anger and resentment towards both the machines and their owners. The rural labourer had become ‘pauperised’ and was forced to ‘improvise his resistance [...] he could *hardly* not resist.’¹⁰⁸

In contrast to the majority of cases identified in this study the suspected perpetrator of the attacks on the property of William Curre was identified. The

¹⁰² Rudge, *General View*, p. 388.

¹⁰³ Shakesheff, *Rural Conflict*, p. 13.

¹⁰⁴ Griffin, ‘Mystery of the Fires’, p. 23.

¹⁰⁵ Griffin, ‘Mystery of the Fires’, p. 26.

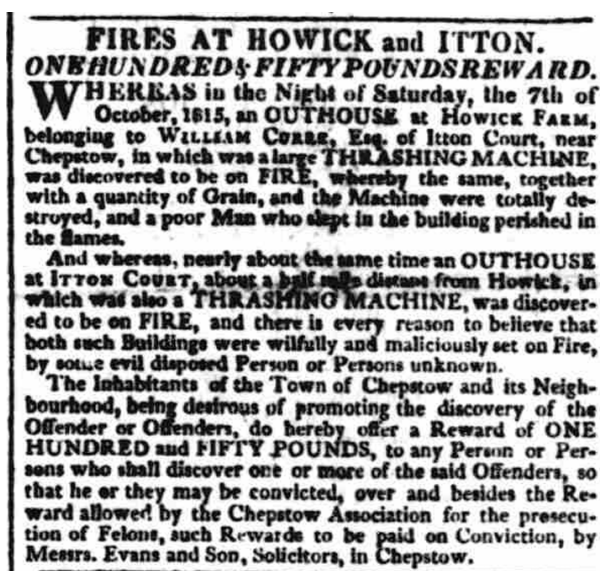
¹⁰⁶ Seal, ‘Tradition and Agrarian Protest’, p. 158.

¹⁰⁷ Eric Hobsbawm and George Rudé, *Captain Swing* (Harmondsworth: Penguin Books Ltd, 1969), pp.xxi-xxii.

¹⁰⁸ Hobsbawm and Rudé, *Captain Swing*, p. xxii.

Cheltenham Chronicle reported in January 1816 that the farm bailiff was committed to prison on suspicion of setting the fires, although no definitive reason was provided as to why he had started the fire.¹⁰⁹ Despite the arrest of the bailiff the £150 reward remained, and the offer of a pardon from the Prince Regent was still made available to any that would help 'discover the offender', suggesting that the evidence against the bailiff was insufficient to prosecute him. No record has been identified regarding the prosecution of the bailiff.

FIGURE 9.2. The reward offered for the fire on the property of William Curre Esq.¹¹⁰



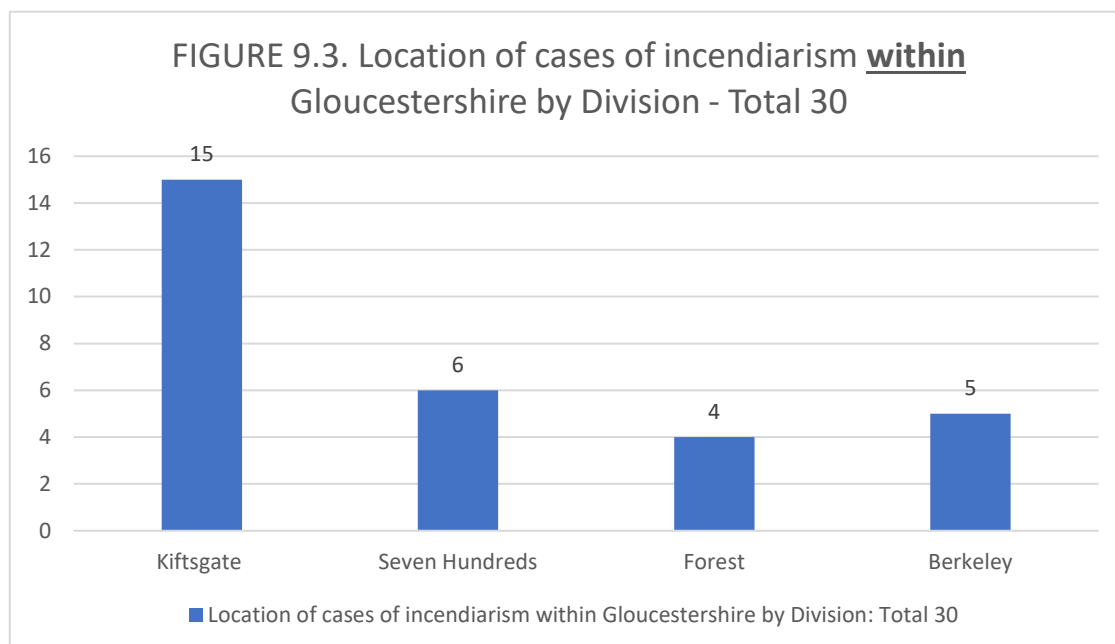
The Winchcombe Area

The Lower Part of the Kiftsgate Hundred, located in the north-east of Gloucestershire, has proven to be the area with the highest concentration of incendiarism in the

¹⁰⁹ *Cheltenham Chronicle*, 11 January 1816, p. 3. No record has been found as to the outcome.

¹¹⁰ *Gloucester Journal*, 6 November 1815, p. 1.

county.¹¹¹ Between 1810 and 1832 the area experienced six deliberate fires, one attempted case of arson, and a threatening letter linked to an act of incendiarism.



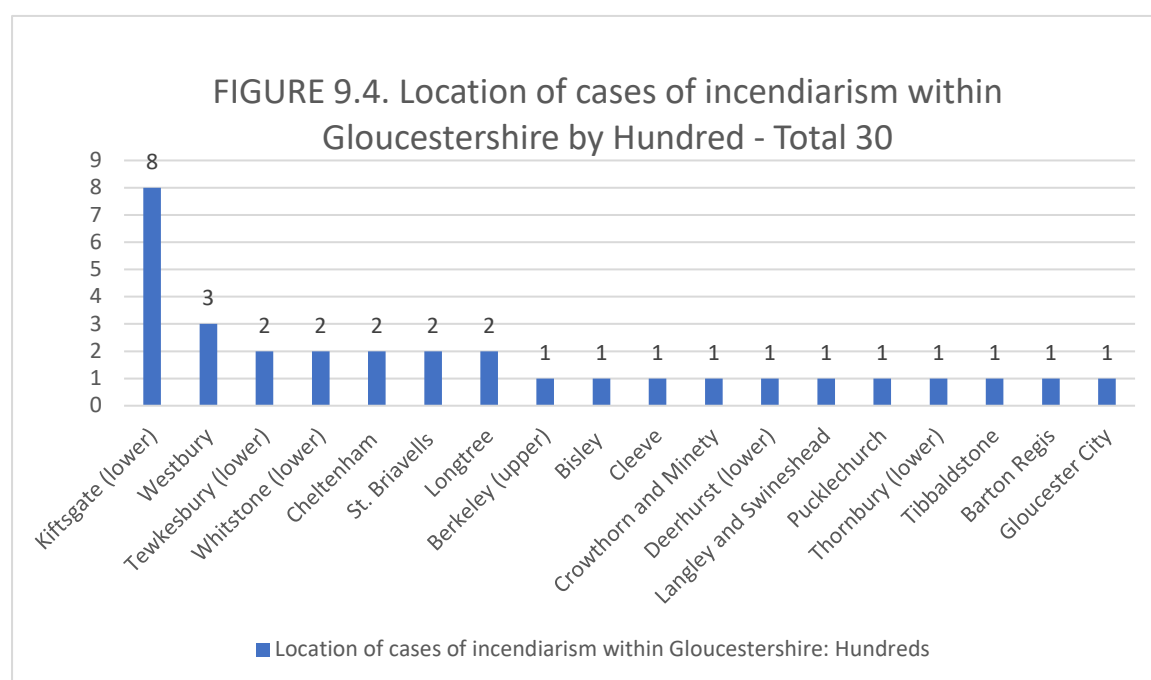
There is explicit evidence of the press linking fires outside of the county with acts of incendiarism in Gloucestershire. In March 1829 the *Cheltenham Journal* reported on a series of ‘destructive fires occasioned by incendiaries’ occurring in Essex, described as ‘atrocities [...] of revenge’ against farmers in the region.¹¹² The report goes on to describe how all farmers were potential targets of fires at the time. The author described a feeling of ‘indignant horror’ that fires in the Winchcombe area were ‘appalling evidence of the progress of so diabolical a crime’ into Gloucestershire, perpetrated by individuals with a shared ‘demoniacal spirit.’¹¹³

¹¹¹ This section will discuss fires in parishes in the Kiftsgate Hundred – lower part. This includes Winchcombe, Hailes, Dumbleton, Sudeley, and Toddington.

¹¹² *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 16 March 1829, p. 2.

¹¹³ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 16 March 1829, p. 2

Earlier in March the *Cheltenham Journal* reported that a number of ricks and outbuildings were discovered ablaze at three o'clock in the morning belonging to farmer William Ireland. Despite the aid of fire engines from Winchcombe and 'the utmost exertions of all who witnessed the awful conflagration', an outbuilding and a large quantity of agricultural produce were destroyed.¹¹⁴ The fires were believed to have been set deliberately, given they had been identified as beginning in separate locations on the property. The *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* described that 'several rumours are afloat respecting the cause, but the most prevailing is that it was the work of an incendiary.'¹¹⁵ A £100 reward was offered by Ireland in order to ensure that the 'wretches may not escape the retributive justice they deserve.'¹¹⁶



¹¹⁴ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 9 March 1829, p. 2.

¹¹⁵ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 9 March 1829, p. 2.

¹¹⁶ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 16 March 1829, p. 2.

The attack on Ireland's property was not an isolated incident in the Winchcombe area. The *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette* reported that an attack was thwarted in Stanway, close to Winchcombe, within days of the fire at Sudeley Lodge.¹¹⁷ A quantity of gunpowder and a box containing fire-lighting equipment was discovered in a hayrick. No further detail is given as to how this attack was prevented or any evidence as to the suspected perpetrator.¹¹⁸ The *Cheltenham Chronicle* believed that this 'was probably intended to facilitate the commission of a similar crime' to the attack on Ireland's farm, this assumption clearly based on the timing, method, and target involved.¹¹⁹

Two weeks after the attack on Ireland's farm the *Cheltenham Chronicle* reported that it had been informed by a 'respectable correspondent' about a letter discovered in Winchcombe stating that 'one fire had already taken place at Sudeley Lodge, and that others should shortly follow.'¹²⁰ If this is taken at face value then the letter clearly represents a continuation of the conflict that had started with the fires on the property of Ireland. The letter goes on to demand that the price of corn be lowered, the threat of further fires being an incentive to act. This could, in turn, be interpreted as a possible motivation for the fire on Ireland's farm.

Archer has found that arson was often used concurrently with other forms of covert protest, while Thompson found that threatening letters after 1790 had an almost universal reference to arson.¹²¹ If this letter was produced by the perpetrators of the attack then it can be seen to follow the pattern identified in the wider historiography. Even if this letter was not written by the perpetrators, the fact that it was produced

¹¹⁷ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 16 March 1829, p. 2.

¹¹⁸ The *Cheltenham Chronicle* reported on March 12 1829 that that 'phosphorous and some matches' had been found.

¹¹⁹ *Cheltenham Chronicle*, 12 March 1829, p. 3.

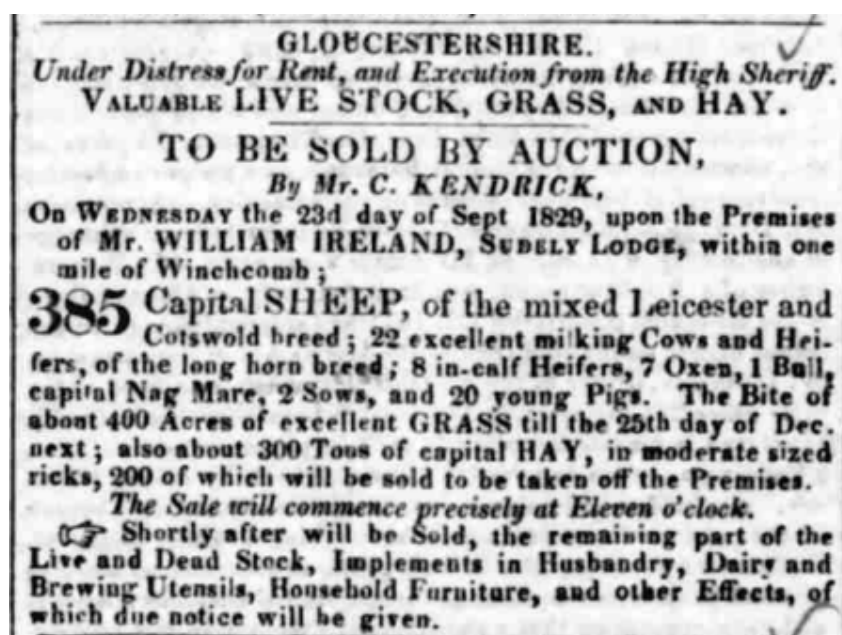
¹²⁰ *Cheltenham Chronicle*, 19 March 1829, p. 3.

¹²¹ Archer, *By a Flash and a Scare*, p. 238. Thompson, 'The crime of anonymity', p. 259.

should be considered significant. It can be assumed that the author would have understood the power it could have on the local community so soon after the attack on Ireland's farm and the attempted fire in Stanway. The fear of incendiarism felt by local farmers must have been acute.

William Ireland was a tenant farmer on the lands of the Sudeley Estate.¹²² These lands were advertised as being up for sale in March 1829, the same time as the attacks on his farm. The fire appears to have had a significant impact on Ireland, an advert published in September 1829 describing an auction of his property 'under distress for rent and execution from the High Sheriff.'¹²³

FIGURE 9.5. The details of the auction of William Ireland's property in September 1829.¹²⁴



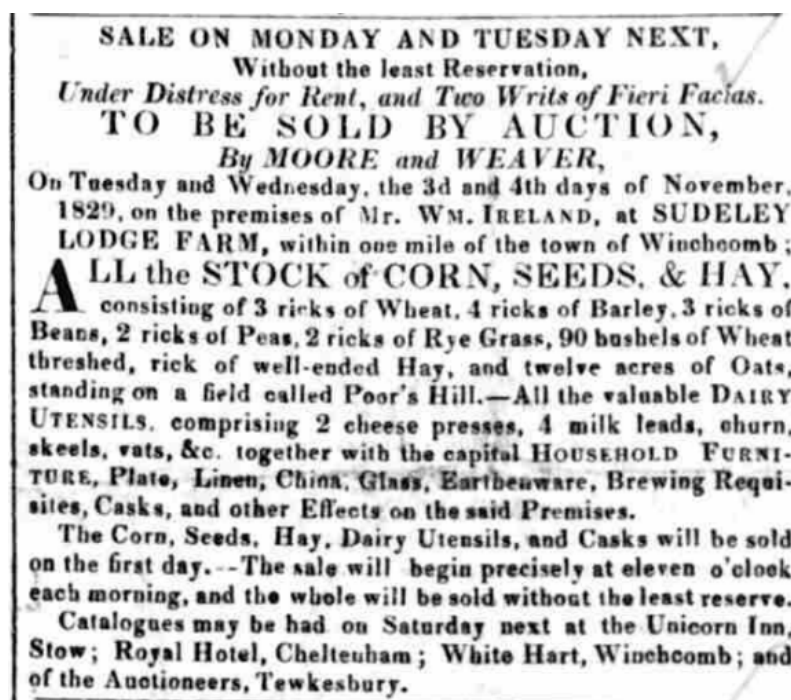
¹²² *Cheltenham Chronicle*, 5 March 1829, p. 1.

¹²³ *Cheltenham Chronicle*, 10 September 1829, p. 1.

¹²⁴ *Cheltenham Chronicle*, 10 September 1829, p. 1.

It appears that Ireland had forfeited his rent and was therefore forced into selling his property, including a significant amount of livestock, agricultural produce, farm equipment and household goods. The scale of the sale is considerable and represents both a significant loss in capital and potential for future profit, notwithstanding the potential loss of social status. A second auction was set to take place in November 1829, with the intention of selling all of Ireland's remaining property 'without the least reservation.'¹²⁵

FIGURE 9.6. The details of the second auction of William Ireland's property in November 1829.¹²⁶



Ireland was eventually declared insolvent in July 1830.¹²⁷ While it is impossible to know for certain why Ireland was in such financial difficulty, the proximity of the attack in March 1829 and the sale of his property in September and November the

¹²⁵ *Cheltenham Chronicle*, 29 October 1829, p. 3.

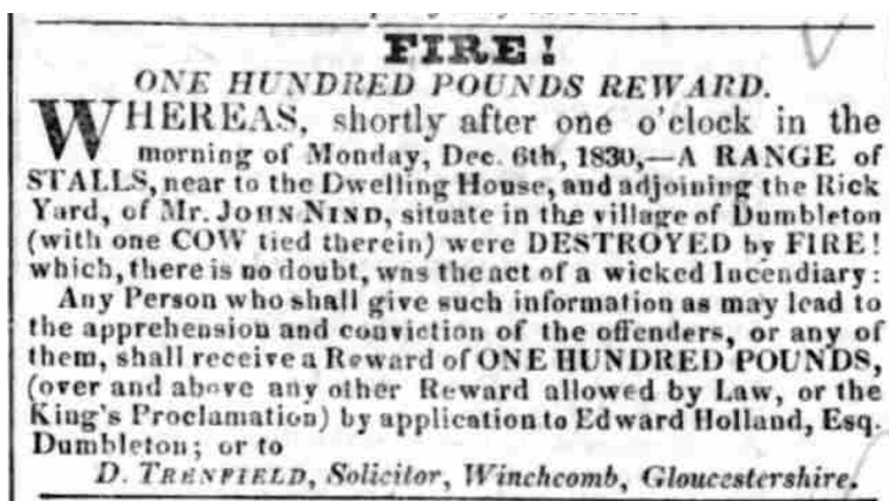
¹²⁶ *Cheltenham Chronicle*, 29 October 1829, p. 3.

¹²⁷ Gloucester, Gloucester Heritage Hub, Quarter Sessions, Insolvent Debtors, Q/RID 6 July 1830. Insolvency is a state of financial distress that occurs when an individual cannot meet their financial obligations to debtor or creditors.

same year suggests that he continued to be a victim of the fires long after they were extinguished. No detail has been identified on the impact on either Ireland's family or employees.

December 1830 saw more fires occur in the vicinity of Winchcombe. On the night of 5 December a farm was targeted in Dumbleton that destroyed a number of agricultural buildings and killed a 'fine cow.'¹²⁸ The report stated that 'there can be no doubt' that the fires were started deliberately by 'some diabolical incendiary', with a £100 reward being offered for information leading to the conviction of the culprits.¹²⁹

FIGURE 9.7. The reward offered following the Dumbleton fire.¹³⁰



Mrs Peacey's Farm

¹²⁸ *Cheltenham Chronicle*, 9 December 1830, p. 3.

¹²⁹ *Cheltenham Chronicle*, 9 December 1830, p. 3. See also Figure 9.7.

¹³⁰ *Cheltenham Chronicle*, 16 December 1830, p. 2.

Incendiaries struck the Winchcombe area again on 15 December 1830, ten days after the fire in Dumbleton, when a large barley rick was set on fire in Pardon Hill belonging to a Mrs. Peacey.¹³¹ The *Cheltenham Chronicle* stated that ‘several suspicious individuals’ had been seen in the vicinity before the fire broke out and that the presence of a blue flame in the rick was evidence that the fire was ‘no doubt [...] the work of incendiaries.’¹³²

The level of detail in this article is much greater than in most others and purports to provide the views of both the victim and members of the local community. It was reported that the fire was prevented from spreading through the work of the local fire engines and the exertions of local labourers, a large number of whom worked with ‘great alacrity’ in forming a line three quarters of a mile long to a nearby pond. The willingness of the labourers, both male and female, to aid in suppressing the fire led the reporter to suggest that the incendiary must have been a stranger to the neighbourhood. The *Cheltenham Chronicle* claimed that workers on the farm were ‘contented and receive good wages’ from Mrs. Peacey, justifying the belief that the fire was perpetrated by outsiders.¹³³

The efforts of the local populace were clearly appreciated. Mrs. Peacey rewarded the labourers for their efforts with bread, cheese, cider, and beer, while one Mr. Edward Holland Esq was described as giving money to all those that aided in suppressing the fire.¹³⁴ Whether this was a genuine act of gratitude on the part of Peacey and Holland, however, is uncertain. The generosity in response to the fire

¹³¹ *Cheltenham Chronicle*, 16 December 1830, p. 3. Pardon Hill is situated four miles away from Winchcombe on the road towards Bishops Cleeve.

¹³² *Cheltenham Chronicle*, 16 December 1830, p. 3.

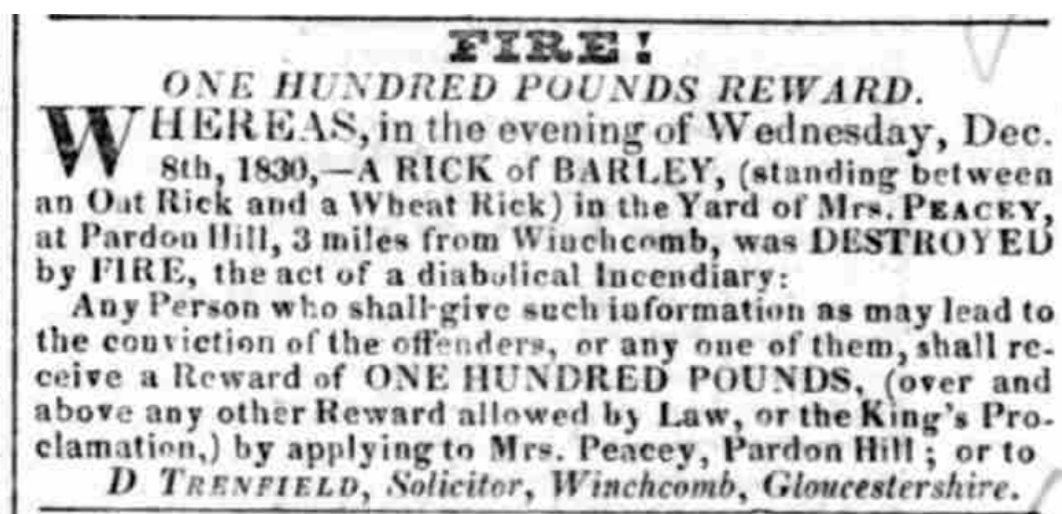
¹³³ *Cheltenham Chronicle*, 16 December 1830, p. 3. While this interpretation is plausible, it is important to consider the potential bias of the newspaper, particularly considering the broader context of unrest at the time.

¹³⁴ *Cheltenham Chronicle*, 16 December 1830, p. 3. The amount is not specified.

could simply have been an attempt to placate the local community, particularly given the wider context of the Swing Riots at the time.

Mrs. Peacey was claimed to have been a popular employer, the article describing the 'indignation' felt by the labourers towards the incendiary being 'so strong that if the villain had been discovered they would certainly have inflicted summary justice upon him.'¹³⁵ The assumption evidently being that the perpetrator was male. A £100 reward was offered in response to the fire on 16 December.¹³⁶ A later statement, published on 23 December, offered a further £30 for 'the apprehension of this diabolical individual'.¹³⁷ Despite this it appears the culprit avoided capture.

FIGURE 9.8. The reward offered following the fire at Mrs Peacey's farm.¹³⁸



The apparent support for Mrs. Peacey, however, must be considered with caution. The close-knit nature of rural communities at the time must have contributed to a pressure to help, even if local labourers were reluctant to do so. The large

¹³⁵ *Cheltenham Chronicle*, 16 December 1830, p. 3.

¹³⁶ *Cheltenham Chronicle*, 16 December 1830, p. 2.

¹³⁷ *Cheltenham Chronicle*, 16 December 1830, p. 3. See also Figure 9.8.

¹³⁸ *Cheltenham Chronicle*, 16 December 1830, p. 2.

numbers described as battling the fire could simply have felt compelled to aid, fearful of the potential consequences rather than as an act of sympathy or solidarity with Peacey.

The events of the fire also hint at a more complex web of social relations within the local community. The *Cheltenham Chronicle* reported that 'a few of the labourers present looked on with the utmost indifference' as the fire burned.¹³⁹ The report went on to claim that Mrs. Peacey believed that this small group of labourers 'were so few that they were scarce worthy of notice.'¹⁴⁰ Yet noticed they were.

The reaction of the local population, Archer contends, was the 'best barometer by which to measure the general opinion' towards acts of incendiarism.¹⁴¹ Emsley found that it was not unknown for locals to give support to arsonists, either through impeding attempts to put out the fire or 'at best offering no assistance' to efforts to suppress it.¹⁴² This is mirrored by Jones who described how contemporary journalists would find labourers 'stubbornly refusing' to help put out fires, despite threats and financial incentives.¹⁴³

The fact that a large number of labourers aided in preventing the fire from spreading suggests that those not involved would have been considered out of the ordinary. The decision to not help stop the fire must have surely been deliberate, one made in in opposition to pressure from both their social superiors and fellow labourers. This inaction would have taken courage, regardless of the reasons behind it.

¹³⁹ *Cheltenham Chronicle*, 16 December 1830, p. 3.

¹⁴⁰ *Cheltenham Chronicle*, 16 December 1830, p. 3.

¹⁴¹ Archer, *By a Flash and a Scare*, p. 147.

¹⁴² Clive Emsley, *Crime and Society in England: Third Edition* (Harlow: Pearson, 2005), p. 117.

¹⁴³ Jones 'Thomas Campbell Foster and the Rural Labourer', p. 16.

While not directly describing the reactions of ordinary individuals to acts of arson, Scott claims that foot-dragging should be considered a weapon in the arsenal of the powerless.¹⁴⁴ Standing by and watching as a fire destroys valuable property, opposition to social pressure and indifference in the face of extreme circumstance, implies a form of resistance in itself. The public reaction of the bystanders represents another way in which the covert act of incendiarism could become an overt expression of discontent.¹⁴⁵

At first glance it would appear that the burning of a rick links to events surrounding the Swing Riots. The *Cheltenham Chronicle* certainly believed there was a connection between the two, stating that 'it was somewhat singular that no threshing machine had ever been used on the premises', going on to stress that two men had been employed as threshers on the day of the fire.¹⁴⁶ Griffin, however, found that 'Swing fires were not simply coincident with machine breaking' but a 'vital component' in the struggle for improvements in wages and poor relief.¹⁴⁷

The Victoria County History also states that Mrs. Peacey was the granddaughter of William Peacey, described as 'owning almost all the land' in Prescott and as the 'lord of the manor' in 1807.¹⁴⁸ Moreover, census returns from 1801, 1811, and 1821 show that agriculture was the only occupation of the inhabitants, while the 1831 return describes a single retail tradesman.¹⁴⁹ Without further evidence it is challenging to ascribe meaning to the attack at Mrs. Peacey's farm. The context of Swing, Griffin found, 'emboldened some individuals to give a more public life to specific

¹⁴⁴ Scott, 'Everyday Forms of Resistance', p. 34.

¹⁴⁵ Archer, *By a Flash and a Scare*, p. 24.

¹⁴⁶ *Cheltenham Chronicle*, 16 December 1830, p. 3.

¹⁴⁷ Griffin, 'Mystery of the Fires', p. 28.

¹⁴⁸ Parishes: Prescott, *Victoria County History* (1965), <<https://archive.british-history.ac.uk/vch/glos/vol6/pp220-223>> [accessed 16 December 2024]. William Peacey's four grandchildren inherited his estate following his death in 1815.

¹⁴⁹ Parishes: Prescott, *Victoria County History* (1965), <<https://archive.british-history.ac.uk/vch/glos/vol6/pp220-223>> [accessed 16 December 2024].

grudges', in combination with 'making more public statements' of discontent.¹⁵⁰ Despite claims to the contrary, Peacey's prominence and status in the local community may have influenced the decision to target her property.

The combination of machine-breaking and incendiarism were synonymous with Swing, with Gloucestershire experiencing both at the same time as the attack on the fire Peacey's property. The authorities were certainly anxious of the spreading disorder in the north of the county. In response the Cheltenham Mounted Association was established, an armed militia used to suppress 'in the instant all attempts to disturb public tranquillity' in December 1830.¹⁵¹ This anxiety was reasonable. In addition to the fire in Dumbleton on 5 December and on Mrs. Peacey's farm on 15 December, the *Cheltenham Chronicle* reported on a further attack against a hayrick in Deerhurst near to Tewkesbury.¹⁵² The owner was in 'no doubt that it was occasioned by an incendiary', most likely due to the wider context, symbolism inherent in the targeting of ricks, and the time of year that the fire occurred.¹⁵³ While the fire was subdued before serious damaged was incurred this should not diminish the serious nature of the attack. The outcome does not reflect the intent. Despite being minor in comparison to events locally and nationwide, this fire would have intensified feelings of anxiety within the county.

It is important that caution is applied here, as it would be easy to fall into the same contemporary assumptions as the authorities and press. The report on the attack at Mrs. Peacey's farm states that, at the time of the fire, there was an attempted break-in at the dwelling house. Despite being unsuccessful it appears that the fire was

¹⁵⁰ Griffin, 'Mystery of the Fires', p. 33.

¹⁵¹ *Cheltenham Chronicle*, 9 December 1830, p. 2.

¹⁵² *Cheltenham Chronicle*, 16 December 1830, p. 4.

¹⁵³ *Cheltenham Chronicle*, 16 December 1830, p. 4.

used as a cover for the crime. Whether this was premeditated or opportunistic is impossible to know for certain.

The use of fire as a diversion for crimes was not uncommon. Jones, for example, has found that labourers in Suffolk used the cover of fires to steal dead animals and property.¹⁵⁴ Whether this should call into doubt assumptions about the fire is simply dependent on interpretation. The fire could be evidence of the spread of Swing into northern Gloucestershire, a personal vendetta against Mrs. Peacey, or a ruse to divert attention away from the dwelling house. It is impossible to know for certain.

Winchcombe and the surrounding area, however, appears to have a history of incendiarism in the early nineteenth century. In February 1812 a fire was reported to have broken out in a paper manufactory in Postlip.¹⁵⁵ It was believed that the fire was a 'most villainous attempt' to destroy the building and the nearby mills and was only prevented from spreading through early discovery.¹⁵⁶ A £50 reward was offered, but the culprits remained undetected.

The outbreak of a fire in Hailes in August 1828 must also be considered as suspicious.¹⁵⁷ The fire, beginning in a haystack in the farm yard of a Mr. Greening was estimated to have destroyed twenty-four tons of hack as well as damaging a nearby stack and two waggons. The report does not state whether the fire was believed to have been deliberate or accidental.

Reports of other accidental fires tend to offer a suggestion as to the potential cause. Only one other incident has been identified that does not attempt to give a

¹⁵⁴ Jones 'Thomas Campbell Foster and the Rural Labourer', p. 16.

¹⁵⁵ *Gloucester Journal*, 17 February 1812, p. 3.

¹⁵⁶ *Gloucester Journal*, 17 February 1812, p. 3.

¹⁵⁷ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 25 August 1829, p. 2.

reason for the fire. The fire on Mr. Greening's farm has the hallmarks of a deliberate incendiary attack, through the agricultural setting and the targeting of stacks or ricks. When set within the context of the wider Winchcombe area this fire has been considered a deliberate act of incendiarism. A further fire was identified in March 1831 in Toddington, once again occurring in the vicinity of Winchcombe.¹⁵⁸ The fire was reported as totally destroying a clover rick valued at £130 and was described as being started deliberately. In total, the Winchcombe area experienced 26.6% of incidents linked to incendiarism identified for this study.

The contemporary challenges effecting the reporting of any crime, the under-reporting of acts of incendiarism due to fear of deviancy amplification, and the lack of solid boundaries around localities means it is difficult to apply any definite conclusions to specific locations. The analysis of the Petty Sessions found that the lower part of the Kiftsgate Hundred was not particularly distinct regarding other forms of social crime. Eight poaching incidents were identified as occurring in the Hundred, compared to the average of 8.9. The Petty Sessions also recorded one case of wood theft and three cases of crop theft. In comparison, forty-six cases of poaching were identified in the upper part of the Berkeley Hundred, twenty-one cases of wood theft in the Bledisloe Hundred, and thirty-nine incidents of crop theft in the Longtree Hundred. Furthermore, no incidents of tree maiming or boundary breaking were identified in the lower part of the Kiftsgate Hundred. Incendiarism appears to have been particularly favoured in this area.

¹⁵⁸ *Cheltenham Chronicle*, 3 March 1831, p. 3. Winchcombe and Toddington are both part of the Kiftsgate Hundred – lower part.

Henry Cooke Esq

On 24 June 1811 a serious fire was reported as occurring between the hours of three and four o'clock in the morning at Lodgmore Mill in Stroud.¹⁵⁹ The fire completely destroyed the mill and partially damaged an adjacent mill. Lodgmore Mill had only recently been built, at a cost of £8000.¹⁶⁰ It was believed to have been an act of 'malicious' incendiarism, as no fires or candles had been used in the property for two months prior to the outbreak.¹⁶¹ Furthermore, owner Henry Cooke Esq and his brother were reported as passing the property at midnight on the night of the fire and had seen nothing amiss. The total damage of this 'melancholy catastrophe' was estimated between £12,000 and £15,000.¹⁶²

The apparently deliberate attack on property owned by Henry Cooke Esq appears significant given his role as a Justice of the Peace. Cooke has been identified as a presiding magistrate in 143 cases at the Petty Sessions between 1806 and 1823. This includes hearing sixteen cases of buying stolen goods, twelve cases of stealing, and four for breaches of the Game Laws.¹⁶³ Fifty-four hearings were for possession of stolen goods, the majority of which were for stealing wool and yarn. This is not surprising, given the significance of the textiles industry in the Stroud Valley.

Archer suggests that magistrates were 'particularly vulnerable' to acts of revenge 'if and when they discharged their duties with something approaching enthusiasm.'¹⁶⁴ Incendiarism in particular was employed as a way to 'restrain

¹⁵⁹ *Cheltenham Chronicle*, 27 June 1811, p. 3.

¹⁶⁰ *Cheltenham Chronicle*, 27 June 1811, p. 3. This figure excludes the cost of machinery installed in the mill.

¹⁶¹ *Cheltenham Chronicle*, 27 June 1811, p. 3.

¹⁶² Paul Hawkins Fisher, *Notes and Recollections of Stroud, Gloucestershire* (London: J. Elliott, 1871). Lodgmore Mill was previously destroyed by fire in 1802.

¹⁶³ Totals: Possession of stolen goods = 54, buying stolen goods = 16, stealing = 12, leaving family chargeable to the parish = 3, poaching = 4, breaking and entering = 1, selling underweight bread = 1, selling stolen goods = 1, hawking = 2, using defective weights = 49.

¹⁶⁴ Archer, *By a Flash and a Scare*, p. 136.

prosecutors and magistrates from carrying out their duties.’¹⁶⁵ Emsley supports Archer, quoting a Chief Constable in 1841 who believed a victim of arson had been targeted for ‘having punished some persons of bad character’ in the local neighbourhood.¹⁶⁶

Given Henry Cooke’s significant contribution to the prosecution of individuals in the local area, particularly of those in the textiles industry, his new mill must have been too tempting a target to ignore. The fire at Lodgmore Mill could therefore have symbolised both an act of revenge and a warning to Cooke. If this was the case, it failed. Cooke continued to fulfil his role as a magistrate and has been identified in 120 cases at the Petty Sessions following the fire in June 1811.

Further Incidents of Incendiarism: Mills

Following the attack at Lodgmore Mill a windmill was ‘wholly destroyed by fire’ alongside a great quantity of corn in Forthampton in August 1811.¹⁶⁷ The report was adamant that the fire had been set deliberately, as no fire was used within the windmill and the door to the property was found to have been forced open.

A third mill fell victim to incendiarism in Wick on the morning of 26 October 1811.¹⁶⁸ The fire totally destroyed the building and partially damaged a water wheel and adjacent mill building. It was believed to have been set deliberately and caused £2000 worth of damage. The timing of the fires could be significant, given the beginning of the Luddite movement in 1811. Arson, in addition to machine breaking

¹⁶⁵ Archer, *By a Flash and a Scare*, p. 136.

¹⁶⁶ Emsley, *Crime and Society in England*, p. 117.

¹⁶⁷ *Gloucester Journal*, 19 August 1811, p. 3.

¹⁶⁸ *Gloucester Journal*, 28 October 1811, p. 3.

and riot, was employed by protestors in their struggle against mechanisation and desire to protect both their employment and status.¹⁶⁹ Furthermore, the Luddites were known to favour covert incendiary attacks at night with 'little attempt to parley with those whose property they were targeting.'¹⁷⁰ Given the lack of evidence regarding communication between the victim and perpetrators, in addition to the timing and context of the fire, the potential link between Gloucestershire and broader national events is intriguing.

A 'diabolical' fire again targeting a mill was reported as occurring on the night of 19 April 1830 in Cam.¹⁷¹ The fire was described as burning with 'such rapidity' that the whole building and a dwelling house were completely destroyed, alongside 2000 bushels of wheat and 1000 bushels of meal.¹⁷² The mill had been closed for a number of hours, leading to the belief that the fire had been set deliberately.

Randall, in his study of the English woollen industry between 1776 and 1809, suggests that industrial communities in the west of England 'showed no hesitation in resorting to direct action' in response to the threat posed by machinery.¹⁷³ These actions, Randall continues, were 'selective, controlled, and aimed at specific targets', employed in conjunction with more peaceful approaches such as combination.¹⁷⁴ Resistance in this context was therefore considered justified within the 'moral culture' of workers, as mechanisation disrupted not only the livelihoods but also the customs of the community.¹⁷⁵ Attacks on property and capital investment were therefore

¹⁶⁹ Adrian Randall, 'The Luddism of the Poor: Captain Swing, Machine Breaking and Popular Protest', *Southern History*, 32 (2010), 41-61 (p. 45).

¹⁷⁰ Randall, 'The Luddism of the Poor', p. 48.

¹⁷¹ *Cheltenham Chronicle*, 22 April 1830, p. 4.

¹⁷² *Cheltenham Chronicle*, 22 April 1830, p. 4.

¹⁷³ Randall, *Before the Luddites*, p. 150. Arson was identified in attacks on dwelling houses as well as mills and factories. Machine breaking and threatening letters were also employed.

¹⁷⁴ Randall, *Before the Luddites*, p. 150.

¹⁷⁵ Randall, *Before the Luddites*, p. 175.

intended to either 'frighten innovators into compliance or, when necessary, [...] destroy the threatening machinery.'¹⁷⁶ The attacks in Gloucestershire, despite the wide chronological range, could correspond to this broader pattern of resistance.

Further Incidents of Incendiarism: Agricultural Settings

The *Cheltenham Chronicle* reported on a fire in Tidenham in February 1817 during which a barn and a large quantity of grain were destroyed.¹⁷⁷ The barn, believed to have been attacked between three and five o'clock in the morning, was said to have been 'maliciously set on fire' by an 'execrable wretch' witnessed running away from the scene.¹⁷⁸ Despite providing a description of the individual and the offering of a 'handsome' reward the 'vile incendiary' avoided capture.

In September 1818 the *Cheltenham Chronicle* described an attack on a farm in Barton Regis that damaged a barn and a number of outbuildings.¹⁷⁹ Once again 'some unknown incendiaries' were blamed for the fire. The attack occurred on land owned by the Duke of Beaufort and targeted the property of his tenant, Mr. Abbott. Both the Duke and Abbott brought separate legal actions against the whole of the Hundred of Barton Regis to recover the damages to the property, valued at £200 each.

The plaintiffs in this case were able to draw upon provisions from the 1723 Black Act that allowed for claims against the rate payers of the specific Hundred for damage caused by arson.¹⁸⁰ This clause was repealed in 1827, Archer assumed, due

¹⁷⁶ Randall, *Before the Luddites*, p. 185.

¹⁷⁷ *Cheltenham Chronicle*, 13 February 1817, p. 3.

¹⁷⁸ *Cheltenham Chronicle*, 13 February 1817, p. 3. A man dressed in a short smock frock.

¹⁷⁹ *Cheltenham Chronicle*, 3 September 1818, p. 3.

¹⁸⁰ Archer, *By a Flash and a Scare*, p. 69. Archer, 'Poachers Abroad', p. 66. This was removed with the repeal of the Black Act in 1827.

to the impact on local rate payers of increasing rates of arson.¹⁸¹ The report states that the Duke of Beaufort had already been paid £188 in damages by the Hundred, while the claim of his tenant was also upheld. The *Cheltenham Chronicle* described how the losses suffered by Abbot 'far exceeded' the £200 damages he was awarded.¹⁸²

Another fire occurred in January 1827 in Banfurland whereupon a stable was completely destroyed alongside a quantity of wood and fowls.¹⁸³ The *Cheltenham Journal* reported that a 'gang of robbers' had 'infested' the area in the time preceding the fire and that four of the men had been seen 'lurking' near to the stable after the discovery of the blaze. Upon raising the alarm, a maid was shot in the hand by one of the perpetrators. It was claimed the gang had been responsible for breaking into a dwelling house on the property a week before the fire and stealing clothes, although no detail is provided as to how this was known. A £10 reward was offered for information on the perpetrators.

A further fire was reported in the *Cheltenham Journal* in October 1827 describing a 'destructive' blaze that had broken out in the property of the Reverend Doctor Townsend in Bishops Cleeve.¹⁸⁴ A barn filled with corn, a number of stables, and a cider mill were all destroyed. No potential motivation was provided in the report. Griffin, however, suggests that the symbolic nature of both the target and owner must be considered when attempting to ascribe meaning to acts of arson.¹⁸⁵ The destruction of large amounts of private property typically associated with acts of incendiarism, and

¹⁸¹ Archer, *By a Flash and a Scare*, pp. 142-143.

¹⁸² *Cheltenham Chronicle*, 3 September 1818, p. 3.

¹⁸³ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 22 January 1827, p. 2.

¹⁸⁴ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 22 October 1827, p. 2.

¹⁸⁵ Griffin, 'Knowable geographies?', p. 51.

the potential symbolism inherent within it, suggests that this fire should be considered a deliberate attack.

Ricks and Stacks

Ricks and stacks were the sole targets of incendiaries on nine separate occasions across the period. Archer argues that stacks were ‘undoubtedly [...] the easiest of targets’ for incendiaries.¹⁸⁶ They were isolated, extremely flammable even in winter, and produced ‘the most spectacular effect’ for very little input from the incendiary.¹⁸⁷ Ricks and stacks also held symbolic value as a target, given that they were an important and valuable asset for the farmer, representing significant investments of time and labour. They were also an essential element in the preparation for the winter months, and as such were entwined with the economic security of the farm.¹⁸⁸ The size of hayricks varied greatly, with some especially substantial. The sight of these structures ablaze, particularly at night, would have had a significant impact on both the owner and local community. Their value as a target was certain.

Setting fire to stacks could be interpreted as a warning to both the farmer and landowner. Griffin points out that ‘blood is not necessary’ in order to incite feelings of terror, arguing that symbolic violence can be an expression of discontent as effective as physical attacks.¹⁸⁹ This is particularly true of the targeting of stacks situated close to the dwelling houses of farmers. The symbolic threat inherent in the act, and the fear

¹⁸⁶ Archer, *By a Flash and a Scare*, p. 139.

¹⁸⁷ Archer, *By a Flash and a Scare*, p. 139. Kuhken, ‘Setting the Woods on Fire’, p. 346.

¹⁸⁸ Fresh grass for livestock was scarce during this time.

¹⁸⁹ Griffin, ‘Affecting Violence’, p. 141.

that this must have induced in farmers and their families, is both impossible to measure and hard to deny.

In July 1812 a wheat stack situated on the Gloucester Road near to Cirencester was totally consumed by fire.¹⁹⁰ The *Cheltenham Chronicle* reported that the fire was believed to have been the work of an incendiary, the fact that the stack had stood for three years prior to its destruction acting as evidence. A further attack on a hayrick, described as being the property of weaver John Webster, was reported in Kingstanley in May 1815.¹⁹¹ No reason is evident as to why Webster was targeted, although his occupation offers a valuable alternative to the traditional interpretation of arson as a weapon of class conflict solely used against the elite. Attacking the property of a weaver challenges this interpretation. It was reported that John Phillips was charged with deliberately starting the fire and committed to the County Gaol. The gaol register describes Phillips as a fifteen-year-old staymaker.¹⁹² He was charged on the oath of Webster and others for setting the fire but was found not guilty at the Summer Assizes and released in July 1815.

Late 1831

At the end of 1831 the *Cheltenham Journal* described the national papers bringing 'statements of incendiary fires in nearly all directions.'¹⁹³ The sense of threat that the reports of fires nationwide would have had on local people would have been

¹⁹⁰ *Cheltenham Chronicle*, 9 July 1812, p. 3.

¹⁹¹ *Gloucester Journal*, 15 May 1815, p. 3.

¹⁹² GHH Q/ Gc Gaol Register Number 13.

¹⁹³ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 5 December 1831, p. 3.

exacerbated by fires closer to home. During this time five fires were identified in the press.

The *Cheltenham Chronicle* reported more fires in November 1831.¹⁹⁴ The first saw 'some villains' set fire to haymow in Thornbury, the property of Edward Lloyd Esq.¹⁹⁵ The attack on Lloyd's property was described as 'surprising to everyone' as he was regarded as a 'truly charitable man and a most excellent friend to his poor neighbours.'¹⁹⁶ A second fire was reported in the same month as being started by a 'diabolical incendiary' in Forthampton on the lands of the Honourable Phillip Cocks that destroyed a cattle shed and calves house.¹⁹⁷ A fire later in November on the outskirts of Gloucester destroyed a large quantity of oat mow.¹⁹⁸ This, once more, was blamed on an incendiary.

The *Cheltenham Chronicle* again described a deliberate fire in a paper mill in Alvington that occurred at the end of November 1831.¹⁹⁹ It was found that a window had been smashed and a fire started with the intent to destroy the mill. Despite being unsuccessful the fire caused £10 worth of damage. Another fire was reported as breaking out on the night of 27 December 1831 in Brockweir on the edge of the Forest of Dean, five miles from the attack on Alvington paper mill.²⁰⁰ The fire totally destroyed a barn and wheat rick. The blaze was determined to be a deliberate act due to the fire starting simultaneously in the barn and rick, despite the two being located a distance apart. The barn was filled with oats, barley, and a waggon, while the wheat rick was

¹⁹⁴ *Cheltenham Chronicle*, 17 November 1831, p. 4.

¹⁹⁵ *Cheltenham Chronicle*, 17 November 1831, p. 4.

¹⁹⁶ *Cheltenham Chronicle*, 17 November 1831, p. 4.

¹⁹⁷ *Cheltenham Chronicle*, 17 November 1831, p. 4.

¹⁹⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 21 November 1831, p. 2.

¹⁹⁹ *Cheltenham Chronicle*, 1 December 1831, p. 4.

²⁰⁰ *Cheltenham Chronicle*, 29 December 1831, p. 4.

described as being 'of considerable size.'²⁰¹ The financial loss was considered 'very great' to the farmer.²⁰²

Fire as Fear

The threat of incendiarism was used in the sphere of social conflict during the period. In July 1811 the *Gloucester Journal* published details on the formation of an *Association for preventing Encroachments upon Bisley Commons*.²⁰³ It was agreed that this Association, representing 'landowners, mill owners, and others entitled to rights of pasturage', would endeavour to restore all land that had been illegally occupied and prevent further encroachments.²⁰⁴ The association provided all who had encroached and enclosed land on the commons one-month written notice to vacate before legal measures were taken.

The regulation of squatting and encroachments was, according to Griffin, a major source of conflict.²⁰⁵ A month later the *Gloucester Journal* reported on 'some evil disposed person or persons' who had anonymously put up an 'incendiary paper' in the town of Bisley threatening members of the newly formed Bisley Commons Association.²⁰⁶ The document directly threatened the private property of the Association, including the 'ricks, cattle, factories, and mills', further adding that the members 'stood in danger of their lives' if they did not renege on their decision regarding Bisley Common.²⁰⁷ A twenty-guinea reward was offered for information

²⁰¹ *Cheltenham Chronicle*, 29 December 1831, p. 4.

²⁰² *Cheltenham Chronicle*, 29 December 1831, p. 4.

²⁰³ *Gloucester Journal*, 29 July 1811, p. 1. See Appendix Seven for a map of Bisley Common.

²⁰⁴ *Gloucester Journal*, 29 July 1811, p. 1.

²⁰⁵ Carl Griffin, 'Enclosures from below? The politics of squatting and encroachment in the post-Restoration New Forest', *Historical Research*, 91 (2018), 274-295 (p. 276). Griffin is referencing Brian Short's study of the Ashdown Forest dispute.

²⁰⁶ *Gloucester Journal*, 26 August 1811, p. 3.

²⁰⁷ *Gloucester Journal*, 26 August 1811, p. 3.

leading to the conviction of the author, but no further information has been found regarding the outcome.

Bisley common appears to have been an area of conflict across the period of study. In August 1817 four men were found guilty of ‘depasturing [...] scabby or mangy sheep’ on the common ‘contrary to statute.’²⁰⁸ It is uncertain whether the men were acting in unison.²⁰⁹ Yeoman Samuel Turner, victualler Samuel Rogers, and labourer Thomas Dickenson were each fined £1, while yeoman William Restall was fined £3.²¹⁰ In September 1817 yeoman Thomas Baldwin was fined £4 for the same offence.²¹¹ All five men were described as residents of Bisley and were found guilty on the account of labourer Joseph Fawkes. It is doubtful they were unaware of the illegality of their actions.

The *Victoria County History* describes a ‘piecemeal process’ of informal enclosure of the fields surrounding Bisley beginning in the early eighteenth century.²¹² The commons, covering around 800 acres and mainly used as sheep pasture, were not fully enclosed until 1869 despite attempts first being made in the 1730s.²¹³ This final act was described as encountering ‘considerable opposition’ from cottagers, including the pulling down of enclosing walls.²¹⁴ The decision of the five men to trespass, an act of protest and resistance in its own right, could therefore be

²⁰⁸ GHH Q/PC/2. See also 36/D/5, 36/D/7, 36/D/8, 36/D/9. Depasturing refers to putting animals out to graze.

²⁰⁹ The men were indicted separately, despite their crimes occurring on the same day.

²¹⁰ A victualler is a person licensed to sell alcohol or sells food and other provisions. The men were fined £1 per sheep.

²¹¹ GHH Q/PC/2. See also 36/D/6.

²¹² Bisley: Economic History, *Victoria County History* (1976), <<https://archive.british-history.ac.uk/vch/glos/vol11/pp20-30>> [accessed 28 September 2024].

²¹³ Bisley, *Victoria County History* [accessed 28 September 2024].

²¹⁴ Bisley, *Victoria County History* [accessed 28 September 2024]. 350 cottagers were recorded as living on the edges of the commons in 1869.

interpreted as part of a wider environment of conflict centred on the commons that includes the threatening letter in 1811.²¹⁵

The references in the letter to property, particularly ricks, factories, and mills, carries the implicit threat of fire, and reflects threatening letters employed during the Ashdown Forest dispute in 1810 that had 'promised murder, fire, and revenge.'²¹⁶ This was the only weapon available to contemporaries that could cause devastation on a large scale with very little effort from the perpetrators. Arson was therefore a favoured tactic during the period. Fires could be started by individuals acting alone or in small groups with devastating consequences. The letter's reference to mills at this time would have been exceptionally significant given the destruction of Henry Cooke's Lodgmore Mill in June 1811, a month before the letter was found and just over four miles from Bisley.

Seal highlights the link between enclosure and the loss of common rights, including the associated loss of the perquisites associated with common ground, to the breakdown of the traditional social consensus at the time.²¹⁷ This is mirrored by Neeson, who found that the process of enclosure 'brought about a catastrophic loss of customary right' that, as a consequence, forced the rural poor to engage in acts of resistance in an effort to defend these rights.²¹⁸

Arson, as has been discussed, was well understood by rural communities in this context. Whether the threats against the Bisley Association and their property carried any real weight is unknown. So too is the extent to which the paper represented

²¹⁵ Evidence has been found of vandalism occurring in Bisley that could also be interpreted as part of this conflict. See Chapter 14.

²¹⁶ Griffin, 'Enclosures from below?', p. 276.

²¹⁷ Seal, 'Tradition and Agrarian Protest', p. 155.

²¹⁸ Jeanette Neeson, *Commoners: Common Right, Enclosure and Social Change in England* (Cambridge: Cambridge University Press, 1993), p. 3.

the views of an individual or collective. This, in truth, is incidental. The impact of this paper on the members of the association must have been acute. This was the real power of incendiarism.

The threat of fire was also identified in social conflict in March 1815.²¹⁹ The *Gloucester Journal* reported that Ann Barratt, a resident of the parish of St. George, had been charged with ‘feloniously threatening to burn and set fire to haymow’, the property of Samuel Leonard.²²⁰ While threatening to employ fire within social conflict was not uncommon either in Gloucestershire or nationwide, its use by a female is striking. Contemporary assumptions regarding feminine norms and criminality meant that serious crimes such as incendiarism were presumed to be the work of men.

This appears counterintuitive, as the act of incendiarism lends itself best to the most powerless in society. Starting a fire was a covert act using implements that would have been everyday items to the people of the period, particularly those employed in either domestic settings or in peripatetic agricultural roles. Furthermore, women would not have been viewed with the same levels of suspicion as men. The impact of fires could equally be exceptionally overt and cause significant damage. This advantage had the potential to be exploited, giving women agency where usually they had little. Female incendiaries could, in essence, have an impact far greater than their inferior social standing would suggest. A single incendiary was capable of causing considerable damage in spectacular fashion.

Potential evidence of this was described in the *Cheltenham Chronicle* in 1829.²²¹ On the night of 12 March a fire near Burford was reported as being ‘visible

²¹⁹ *Gloucester Journal*, 6 March 1815, p. 3.

²²⁰ *Gloucester Journal*, 6 March 1815, p. 3.

²²¹ *Cheltenham Chronicle*, 19 March 1829, p. 3.

for some miles around' and that the 'immense body of fire presented a spectacle which was grand beyond description.'²²² The fire, which destroyed a large quantity of furze, was believed to have been started deliberately.

The papers believed incendiaries were influenced by events from across the country. In February 1829 the *Cheltenham Chronicle* reported on a serious fire near Worcester that it believed was linked to a series of fires that occurred the previous month in Stratford-on-Avon.²²³ The fires in Stratford were described as causing a 'state of alarm' in the surrounding neighbourhoods leading to families living in such a state of tension that 'they were alarmed by the barking of dogs' on their property.²²⁴ The panic that this series of fires created led to the fire bell in Stratford being 'rung six times within the last twelve months.'²²⁵ The fact that this was explicitly mentioned shows that the frequency of alarm was out of the ordinary.

The *Cheltenham Chronicle* also reported on a fire near Gillingham, Dorset, in May 1813 where two boys 'wantonly and maliciously' set fire to a hay stack.²²⁶ The boys, it was claimed, had previously been caught stealing clover on the property and had their quarry confiscated. The eldest of the boys had threatened to 'be revenged' if the clover was not returned. It appears he acted on this threat.²²⁷ In June 1830 a fire was reported near to Evesham that destroyed a silk mill valued at £600, and a further fire in Alcester that destroyed a bean rick.²²⁸ Both fires, though separate events, were believed to have been the work of incendiaries. In December 1830 a fire was discovered in the sheds of brickworks near to Worcester, believed to have been

²²² *Cheltenham Chronicle*, 19 March 1829, p. 3.

²²³ *Cheltenham Chronicle*, 26 February 1829, p. 4.

²²⁴ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 19 January 1829, p. 1.

²²⁵ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 19 January 1829, p. 1.

²²⁶ *Cheltenham Chronicle*, 27 May 1813, p. 3.

²²⁷ *Cheltenham Chronicle*, 27 May 1813, p. 3.

²²⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 21 June 1830, p. 1.

started deliberately as part of a personal vendetta.²²⁹ A 'fellow dressed in the garb of a sailor', accused of selling matches, had requested permission to sleep in the sheds, but had been refused.²³⁰ A short time later the sheds were found on fire.

While not occurring in the county, the reporting of incendiary attacks so close to home must have fuelled an environment of tension and fear amongst the rural communities of Gloucestershire. This fear was so acute that Lord Melbourne was able to obtain an Act of Parliament in 1831 to allow farmers to install spring-guns in their yards to protect their property.²³¹ They had only been banned in 1827.

The use of fire as an explicit weapon of personal conflict was reported in the *Cheltenham Chronicle* in April 1817.²³² William Archer, described as an 'opulent farmer' was executed in Oxford for 'wilfully setting fire to two great ricks' on the property of his neighbour Mrs Ann Buckett,. On the night before his execution Archer had acknowledged that he had started the fires, being 'prompted to act [...] by a spirit of resentment' long held against the Buckett family.²³³

The challenge for the papers was that acts of incendiarism were newsworthy events. While the reporting of fires could encourage copycat acts local people would have had an active interest in occurrences elsewhere, particularly individuals themselves at risk of being targeted. Papers, in turn, would have had a moral obligation to warn their readers of the state of the nation, particularly considering agricultural incendiarism.

²²⁹ *Cheltenham Chronicle* 30 December 1830, p. 4.

²³⁰ *Cheltenham Chronicle* 30 December 1830, p. 4.

²³¹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 10 October 1831, p. 2.

²³² *Cheltenham Chronicle*, 3 April 1817, p. 3.

²³³ *Cheltenham Chronicle*, 3 April 1817, p. 3.

This would have been particularly true of fires occurring close to the borders of Gloucestershire, and can be identified in the *Cheltenham Chronicle* in late October 1828.²³⁴ The paper duplicated a report from the *Hereford Journal* that described a ‘demoniac act’ of incendiarism occurring on the night of 24 October 1828 that totally destroyed a barn filled with large amounts of wheat and barley.²³⁵ The property, situated close to Ross-on-Wye in Herefordshire, lay just over five miles from the border with Gloucestershire. It is certain these events would have had an impact on the residents of Gloucestershire.

Temporal Analysis of Incendiarism

The data below shows all of the cases of incendiarism discussed within this study, including those situated on the borders of Gloucestershire. Twenty-three cases were found to have occurred between October and March. This pattern matches that of poaching within the county and is unsurprising given the combination of hardship during the winter months and the increased ease the longer hours of darkness offered to incendiaries.

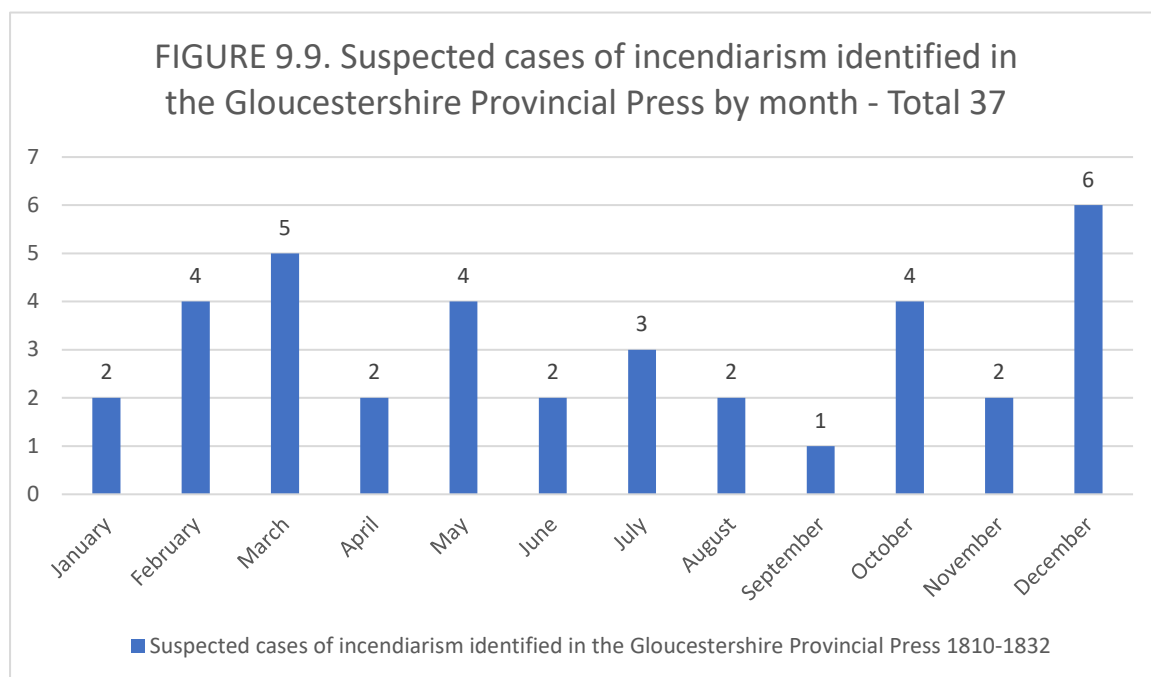
Unlike poaching, incendiarism in Gloucestershire continued through the summer months. While the longer days would have increased the likelihood of discovery, the dry conditions and wealth of agricultural targets would have created circumstances ripe for arsonists. Archer suggests that ‘after 1830 fire became the hallmark of social protest’ across the nineteenth century.²³⁶ His detailed study into

²³⁴ *Cheltenham Chronicle*, 30 October 1828, p. 4.

²³⁵ *Cheltenham Chronicle*, 30 October 1828, p. 4.

²³⁶ Archer, *By a Flash and a Scare*, p. 66.

incendiarism in East Anglia identified a substantial increase in fires between 1829 and 1832, rising from sixteen cases to sixty-four.²³⁷



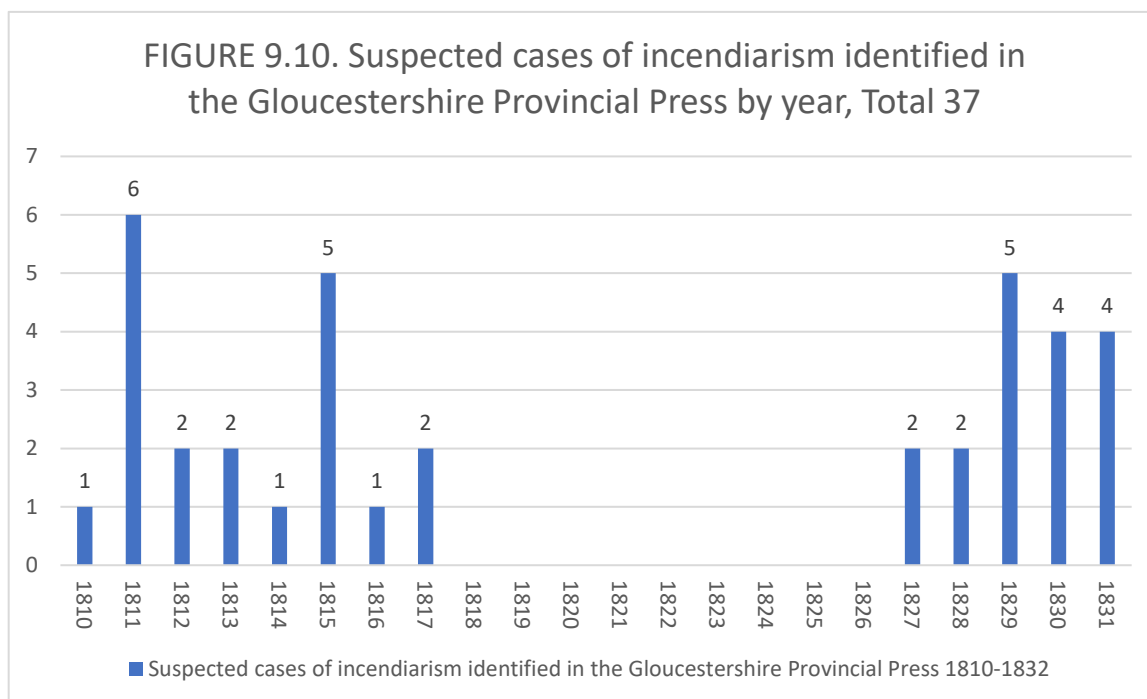
While the study of Gloucestershire is smaller in scope and scale than that of Archer's, the data suggests a similar pattern emerging at the end of the 1820s. This is in contrast to Griffin, who identified a distinct increase in cases of arson in the south east of England between 1815 and 1819, with incidents continuing to grow until 1828.²³⁸ The sharp increase in Archer's data, he argues, is ascribed to the significant impact of Swing, disturbances that did not affect Gloucestershire to the same extent.²³⁹ Archer's study also identified a spike in incendiarism in 1822, attributed to the Bread and Blood Riots of the same year. During this period in Gloucestershire no fires were identified.

²³⁷ Archer, *By a Flash and a Scare*, p. 66.

²³⁸ Carl Griffin, 'As lasted tongues bespoke: popular protest in south-east England 1790-1840' (unpublished doctoral thesis, Bristol University, 2001), p. 301.

²³⁹ Archer, *By a Flash and a Scare*, p. 69.

Archer's study begins in 1815, a time he ascribes to the beginnings of the widespread use of fire as a weapon of protest in England.²⁴⁰ Sixteen fires have been identified in the period between 1811 and 1815. Whether these fires should be considered within the wider national context is uncertain, particularly due to the paucity of evidence from the perpetrators. The fact that there is a sharp increase in 1811 and 1815, however, does offer the possibility that fires during these years could correspond to both the Luddite movement and the demobilisation of soldiers following the end of the Napoleonic Wars. This cannot be proven for certain.



Contemporary Opinions

²⁴⁰ Archer, *By a Flash and a Scare*, p. 69.

Contemporary commentary towards acts of incendiarism is overwhelmingly negative. This is unsurprising given the devastating nature and potentially fatal consequences of fire during this period. It must also be considered that the newspapers were writing for a specific audience. The discussion above on acts of incendiarism within the county attest to the one-sided interpretation of the use of fire within the newspapers of the time.

The newspapers often described the willingness of neighbours, employees, and members of the local community in helping to put out fires. This can be interpreted in a number of ways. Firstly, it would not be a surprise to find employees aiding in putting out fires, the spread of which could result in the loss of employment. The employees of farms, in turn, may not have wanted to be seen as unwilling to help. The threat of unemployment would have been a powerful motivating factor, as would threat of stigma in the close-knit rural communities of the period.

The papers, and in turn the authorities, may have wanted to present a united front against incendiaries, particularly during periods of social unrest such as Swing. In this way the incendiaries would appear marginalised by the local populace, their actions appearing unpopular rather than representing the metaphorical tip of the iceberg. The reporting of the fire at Mrs. Peacey's farm in December 1830, for example, describes how some local labourers refused to help put out the blaze. This must have taken a huge amount of courage, especially given the prevailing fear of Swing and the large-scale support of the local community in putting out the fire.

There are hints that some members of rural communities in Gloucestershire did not share the outrage expressed in the press. An opinion piece in the *Cheltenham Journal* published in January 1831 appears to provide nuance to the otherwise one-

sided nature of the reporting on fires.²⁴¹ The author seems to place some of the blame for the spread of fires at the time on the authorities. He claims that the 'vigorous wielding of the sword of justice which our ignorant leaders have so loudly called for has aggravated the evil and implanted seeds of future calamities' within the rural communities of the nation.²⁴²

The author goes on to suggest a link between pay and incendiarism, pointing out that localities experienced an increase in fires only when the wages of agricultural workers were lowered. When combined with high food prices, as referenced in the letter found following the fire at Sudeley Lodge in March 1830, there is an implied element of responsibility on the part of the authorities. While the author does not overtly express support for those that set the fires, describing acts of incendiarism as an 'evil [...] terror' there is a surprising element of balance in the opinions expressed.

In December 1830 the *Cheltenham Journal* published what was claimed to be a statement from a 'pseudo-punster' within which he claimed: 'here they are burning pea-stacks; why don't they get rid of all taxes!'²⁴³ Despite being an attempt at humour, the link between financial hardship and incendiarism is evident. The paper claims that the reference to taxes was in specific hostility towards the tithes collected by the Church. In response, a 'professor' claimed that he marvelled that 'instead of burning *hay-ricks* they don't burn *bishop-ricks*.'²⁴⁴

Conclusion

²⁴¹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 24 January 1831, p. 2.

²⁴² *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 24 January 1831, p. 2.

²⁴³ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 3. A punster is described as a person who makes puns.

²⁴⁴ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 3.

While occurring to a lesser extent than poaching, incendiarism was evidently a weapon of resistance employed in Gloucestershire. The perpetrators clearly understood the literal and symbolic power of fire as an expression of discontent against those deemed to be responsible. The targeting of machinery, high status individuals, and agricultural settings, in addition to the sending of threatening letters and warnings in the county, links to broader experiences of incendiarism nationwide.

Fire was also employed as a weapon of personal conflict and straightforward criminality. While this is unsurprising, and holds similarities to acts such as poaching, it is a significant factor when interpreting the actions of incendiaries and should call into question the romantic interpretation of arsonists. In truth, given the paucity of source material from the perspective any conclusions regarding the motivations of incendiaries in this study are speculative.

Chapter 10: Attacks on machines and the impact of Swing

Griffin has suggested that machine-breaking and incendiarism were deployed interchangeably by rural protestors, with advances in technology presenting ‘new and novel targets’ for incendiaries.¹ The mechanisation of processes that had once been labour intensive, synonymous with the introduction of the threshing machine, meant that rural communities had a focus for their wrath. These machines represented a significant investment from the holder and symbolised both the power and status of the owner and threat to the livelihoods of agricultural workers. Fire was the most effective means of ending this threat, as evidenced in the attacks on Lodgmore Mill and Curre’s farm.

Findings

Machine-breaking has therefore been considered in conjunction with incendiarism in this study.² In total nine cases of machine-breaking in Gloucestershire were identified, all but two in the press. This includes a serious outbreak of riot and machine-breaking associated with Swing in December 1830, during which multiple threshing machines were destroyed.

Of the incidents targeting machines listed below, the events during 1811 in Stroud, Forthampton, and Bisley have been discussed in the section on arson. The same applies to the attack in 1815 in Howick and Itton.

¹ Griffin, *Protest, Politics, and Work*, pp. 115-116.

² Fire has been identified as the means to attack machinery on four separate occasions.

TABLE 5

The targets of attacks on machinery identified in the press

Date	Location	Target	Discussed previously
June 1811	Stroud	Fire at Lodgmore Mill	Yes
August 1811	Forthampton	Windmill destroyed	Yes
August 1811	Bisley	A threatening letter	Yes
May 1812	Leckhampton	An engine is damaged	No
October 1815	Howick and Itton	Fires at Howick Farm and Itton Court	Yes
November 1824	Horsely (held in the County Gaol)	Stealing from a machine	No
May 1826	Horsely (held in the house of correction)	Damage to a machine in a mill	No
July 1827	Horsely (held in the house of correction)	Damage to a spinning hoop	No
December 1830	Withington Bibury Tetbury	Widescale rioting and machine-breaking Violence against individuals and animals	No

Three further examples of machine-breaking were identified as occurring before the outbreak of the *Swing Riots* in 1830. First, a reward of 5 Guineas was offered in the *Cheltenham Chronicle* in May 1812 for information on ‘some evil disposed person or persons’ accused of cutting a rope on an engine in Cheltenham.³ The machine, appears to have been employed to transport heavy goods up Leckhampton Hill, as part of the extensive quarrying operations of the early nineteenth century. The report claimed the damage to the machine had exposed the ‘workmen to eminent danger.’⁴ The rope had been cut in three separate areas, both proving it was

³ *Cheltenham Chronicle*, 7 May 1812, p. 3.

⁴ *Cheltenham Chronicle*, 7 May 1812, p. 3.

a deliberate act and causing 'great injury to the proprietors.'⁵ No one was charged with the act.

In November 1824 seventeen-year-old John Wood was imprisoned in the County Gaol for six days for stealing a lead weight from a shearing machine belonging to Thomas Shurmer.⁶ In May 1826 twelve-year-old Abel Ayland served one-month hard labour in Horsely house of correction for 'wilfully damaging machinery' in a mill owned by J. P. Hicks, son of successful mill owner Henry Hicks.⁷ Finally, in July 1827 weaver nineteen-year-old Hannah Ludlow served two-weeks in Horsely for 'maliciously damaging, breaking and destroying a spinning hoop' belonging to a Mr. Hill in Cam.⁸

The challenge, in the same manner as acts of incendiarism, is the extent to which these examples can, or should, be considered acts of protest. Without clear evidence regarding the motivations of the perpetrators this will always be open to interpretation. The damage to the machinery of J. P. Hicks appears to be a typical act of protest and resistance through vandalism, yet the age of Ayland gives pause to this assumption.

Considering the damage to the engine on Leckhampton Hill, for example, can become an exercise in conjecture. On the one hand the cutting of the rope could be interpreted as the act of a desperately poor working man at risk of losing his livelihood through the installation of the engine. Further, Leckhampton Hill and the surrounding area were known to have experienced poaching. In 1811 farmer John Herbert was found guilty of using dogs to kill game in the area while in February 1817 yeoman

⁵ *Cheltenham Chronicle*, 7 May 1812, p. 3.

⁶ GHH Q/ Gc. Gaol Register Number 65.

⁷ GHH Q/ GH. Gaol Register Number 219.

⁸ GHH Q/ GH. Gaol Register Number 698.

George Sly was fined £5 for using snares for the same purpose.⁹ The area was also described as the home to the poacher published in the local papers discussing his methods of catching hares.¹⁰ Perhaps the expansion of industry on Leckhampton Hill threatened the livelihood of the poachers.

The attack could also be interpreted as the actions of disgruntled workers acting in union against their capitalist employers, the antecedents of class struggle resisting their exploitation by any means possible. This interpretation is appealing. Yet it risks romanticising what are fundamentally acts of criminality. While it is impossible to fully rule out a class element cases such as this, the damage to the engine could simply be an act of base vandalism lacking any of the ideological motivations that some historians have sought to apply to the actions of individuals and groups of the past.

Evidence of this was identified in the *Gloucester Journal* in February 1813, when a building housing a weighing machine was damaged in Maisemore.¹¹ The building, it was reported, was broken into in order to steal a set of scales and weights. It appears that the break in at Maisemore was a simple act of criminality, rather than an expression of protest and resistance. This case underscores the hesitation when attempting to understand acts associated with social criminality. If the assumption that the targeting of social superiors and their valued private property is a legitimate act of protest then the break-in at Maisemore could qualify.

Swing

⁹ GHH Q/PC/2. See also 30/B/23.

¹⁰ See Chapter 9.

¹¹ *Gloucester Journal*, 1 February 1813, p. 3.

The most serious overt outbreak of rural disturbances in Gloucestershire occurred in late 1830 is linked to the wider disturbances associated with the Swing Riots. Hobsbawm and Rudé, in their seminal study *Captain Swing*, found that the disorder in Gloucestershire was ‘more concentrated than in any other major area of disturbance’, particularly in the east of the county.¹² While this thesis primarily explores more prosaic and smaller-scale acts of rural resistance, the impact of the Swing Riots is considered here specifically in the context of machine breaking.¹³ While this section does not aim to provide a comprehensive account of the Swing disturbances in Gloucestershire, any examination of conflict and resistance in the county would be incomplete without acknowledging the significance of Swing.

On 1 December the *Cheltenham Chronicle* reported on the ‘disturbed state of the hill-districts’ of the county.¹⁴ It was claimed that the ‘excited feelings of the peasantry’ had led to ‘several acts of popular outrage’ occurring.¹⁵ The disturbances centred on three separate location: Withington, Bibury, and Tetbury. An analysis of the committals for trial at the Quarter Sessions provides a sense of scale to the disorder experienced in Gloucestershire. Ten specific locations were identified in the source material as experiencing cases of machine breaking.

¹² Hobsbawm and Rudé, *Captain Swing*, p. 100. See Table 6 and Figure 10.1.

¹³ Hobsbawm and Rudé identify a range of actions associated with Swing in Gloucestershire, including arson, robbery and assaults.

¹⁴ *Cheltenham Chronicle*, 2 December 1830, p. 3.

¹⁵ *Cheltenham Chronicle*, 2 December 1830, p. 3.

TABLE 6

The location of disturbances associated with Swing in Gloucestershire.¹⁶

Centre of Disturbance	Specific Locations	Number of Disturbances
Withington	Withington, Northleach, Coln Rogers	3
Bibury	Bibury, Eastleach (including Turville and Morton), Quenington, Fairford, Southrop,	10
Tetbury	Beverstone, Newnton, Chavenage	5

A threshing machine was destroyed in Withington, close to Cheltenham, the report stating that there was a feeling of ‘great apprehension’ that the rioters would next target Colesborne.¹⁷ The same article describes how ‘mobs’ were also found to have assembled in Northleach.¹⁸ This alone was a significant outbreak of disorder, despite the *Cheltenham Chronicle* claiming the attacks centred on Withington only destroyed a ‘few machines.’¹⁹ The authorities in Cheltenham were clearly apprehensive, given the wider national context associated with Swing. In response an ‘armed and mounted association’ of seventy gentlemen and principal inhabitants was formed, in addition to the employment of 322 special constables.²⁰ This association was used to break up the disturbances near to Cheltenham, apprehending a ‘great number’ of rioters in the process.²¹

¹⁶ This study does not explore all disturbances identified by Hobsbawm and Rudé. Their study, ranging from 1 January 1830 to 3 September 1832 goes beyond the chronological scope of this thesis. Hobsbawm and Rudé identified nineteen attacks on threshing machines, and a further six other agricultural machines across this period.

¹⁷ *Cheltenham Chronicle*, 2 December 1830, p. 3.

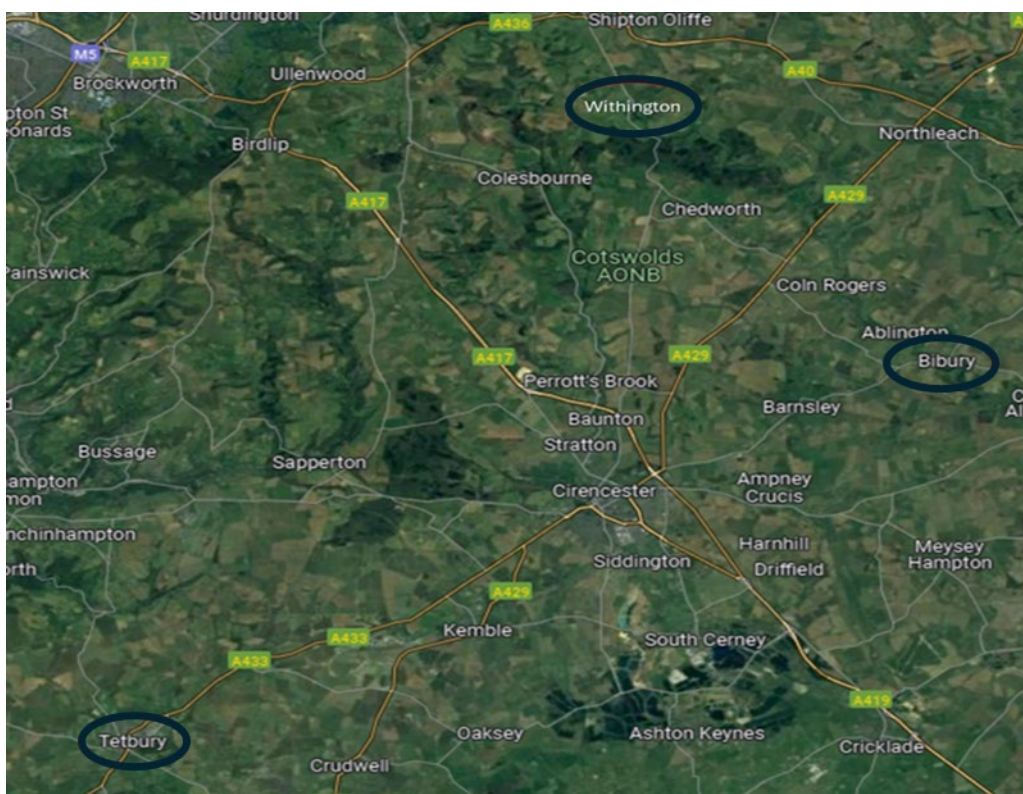
¹⁸ *Cheltenham Chronicle*, 2 December 1830, p. 3.

¹⁹ *Cheltenham Chronicle*, 2 December 1830, p. 3.

²⁰ *Cheltenham Chronicle*, 2 December 1830, p. 3.

²¹ *Cheltenham Chronicle*, 2 December 1830, p. 3.

FIGURE 10.1. The centres of disturbance in later 1830 (circled).



It was also reported that a threatening letter signed by 'Swing' had been received by Reverend Close in Cheltenham.²² No detail is provided regarding the contents of the letter, perhaps in an effort to quell further disturbances. The Reverend claimed that he had 'paid no attention to its contents as he was convinced that times of public alarm were frequently taken advantage of by vindictive individuals to gratify private revenge.'²³

Despite the confidence expressed by Reverend Close a further outbreak of disturbance occurred near Cirencester. Centred on the parishes of Bibury and Coln Rogers a 'band of rioters' were described as destroying 'a number of threshing

²² *Cheltenham Chronicle*, 2 December 1830, p. 3. Reverend Close claimed to know the author. No further detail is provided. Reverend Close was rector of the Parish of St. Mary's in Cheltenham from 1826 until 1856.

²³ *Cheltenham Chronicle*, 2 December 1830, p. 3.

machines and the property of various individuals.’²⁴ There was a sense that the disorder was spreading. The *Cheltenham Journal* reported on 6 December on an anonymous threatening letter sent to Captain Stevenson of Bafford House, promising ‘destruction to himself and property.’²⁵ The local correspondent for the same paper reported that ‘every day during the past week a disposition on the part of the peasantry for riot and disorder manifested itself in the villages.’²⁶

After the destruction of machines in Coln Rogers and Bibury the rioters turned their attention toward the town of Cirencester. The papers describe how the local militia had been informed that a ‘mob [...] in considerable force’ had gathered in Poulton and had started to advance on the town.²⁷ The rioters were prevented from reaching Cirencester by a mounted association led by Lord Apsley. Further mounted associations were also formed by Lord Sherborne and the Honourable Mr. Moreton, who had based his association on his personal hunting party.²⁸ While this would have been a pragmatic decision given the skills and make-up of hunting parties, the symbolism cannot have been lost on all involved.

The *Cheltenham Journal* triumphantly announced that a large number of prisoners had been captured and were being transported to Gloucester Gaol in five post chaises heavily guarded by ‘a strong body of horsemen.’²⁹ The prisoners, it was claimed, ‘appeared to feel the serious nature of their situation’ due to the response of the local inhabitants of Cirencester.³⁰ It is unclear whether this is artistic license on the part of the author.

²⁴ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

²⁵ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

²⁶ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

²⁷ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

²⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

²⁹ A post chaise is a fast carriage designed to carry mail.

³⁰ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

The victims of the disturbances were varied. The Reverend Sackville Creswell, for example, had a threshing machine destroyed by the rioters in Bibury.³¹ He described how, after having his machine destroyed, the group arrived at his house and 'dragged him out by his collar' whereupon they 'threatened him with bludgeons' if he refused to join the group.³² The jury returned a guilty verdict against all but one of the rioters, but subsequently recommended mercy 'on account of their civility to Lord Sherborne and the determination they expressed in not injuring any property but machinery.'³³ The recommendation of the jury perhaps betrays a level of sympathy with the plight of the rioters.

The largest outbreak of disorder occurred in Tetbury, where agricultural labourers in the villages surrounding the town had met to decide on the most effective methods to increase their wages, causing 'excitement and alarm.'³⁴ This in itself was not illegal, the Combinations of Workmen Act 1825 allowing for the meetings of workers with the express intention of pressing for increases to wages or changes to working hours.³⁵ Given the context, however, a justifiable sense of alarm must have been felt by the local authorities. In what appears to be an attempt to discredit the agricultural workers and their seemingly justified grievances, the *Cheltenham Chronicle* describes how the labourers had been joined by 'several of the lowest and most abandoned characters' of the town.³⁶

It was argued that these subversive elements endeavoured to 'excite' the workers into 'violence and outrageous destruction of property' in the surrounding

³¹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 10 January 1831, p. 2.

³² *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 10 January 1831, p. 2.

³³ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 10 January 1831, p. 2.

³⁴ *Cheltenham Chronicle*, 2 December 1830, p. 3.

³⁵ 1825 Combinations of Workmen Act. 6 Geo. 4. c. 129. This act made it illegal for workers to collectively bargain for better wages or changes to working hours.

³⁶ *Cheltenham Chronicle*, 2 December 1830, p. 3.

area.³⁷ Apparently finding no support amongst the agricultural labourers this 'nefarious' minority decided to act alone. They first targeted the house of a clergyman in Tetbury, forcing him to give them a sovereign.³⁸ They followed this with an attack on a clothier, threatening to destroy his machines unless they received payment.³⁹ After receiving 5s they proceeded to 'levy contributions' from other inhabitants of Tetbury, including the poor. The group then proceeded to a number of outlying villages including Beverstone, Newnton, and Chavenage and destroyed several threshing machines. They were also accused of stopping carriages and demanding money from the occupants.

Seal has found that the 'levying' of resources, including food and beer as well as money, was a common occurrence during Swing.⁴⁰ Levying was also identified during the 'Bread and Blood Riots' in East Anglia in 1816.⁴¹ The actions in Tetbury, particularly the targeting of travellers in their carriages, undermines the idea that the rioters were driven by a sense of being treated unfairly by their employers.

Despite the *Cheltenham Chronicle's* earlier claim that the small group of agitators in Tetbury received little support, it estimated that the 'mob' had grown to 250 people.⁴² Evidently their actions were not as unpopular as the press claimed. The group then decided to march on Avening, with the intention of breaking down a mill dam and destroying the sawing machines of William Playne, a significant local landowner and employer.⁴³ It was believed that once this occurred the local population

³⁷ *Cheltenham Chronicle*, 2 December 1830, p. 3.

³⁸ A gold coin with the nominal value of £1.

³⁹ An interesting decision given the apparent motivations of the protestors.

⁴⁰ Seal, 'Tradition and Agrarian Protest', p. 158.

⁴¹ Seal, 'Tradition and Agrarian Protest', p. 158.

⁴² *Cheltenham Chronicle*, 2 December 1830, p. 3.

⁴³ British History Online, *Avening: Manors and other estates* <<https://www.british-history.ac.uk/vch/glos/vol11/pp157-160>> [accessed 15 March 2024]. Playne owned over 1000 acres in 1838.

would join with the rioters, their larger numbers allowing them to 'go on with impunity to commit fresh excesses' in the area.⁴⁴

This did not occur. The *Cheltenham Chronicle* believed that the recent upturn in trade and subsequent wage rises in the local area led to a lack of support for the rioters. The leaders then decided to retire, apparently 'dividing up their booty and drinking to their success' in the Trouble House Inn, where they were surrounded by the authorities. Twenty-three rioters were subsequently arrested, with many more escaping.⁴⁵ The *Cheltenham Journal* reported that the total damage to the machines exceeded £150.⁴⁶ The extent to which the actions of the individuals above can be interpreted through the lens of class antagonism is subjective. The newspaper report certainly presented their actions from a pejorative perspective, although this is to be expected given the biases of contemporary newspapers. There is a possibility that the ringleaders, mimicking the actions of Robin Hood, were simply preparing to divide their spoils amongst the local community. The truth, unfortunately, will never be known.

On 13 January 1831 the *Cheltenham Chronicle* described the trial of twenty-four rioters indicted for machine breaking in Beverstone.⁴⁷ Elizabeth Parker was one of two females identified as participating in the riots in Gloucestershire. Her entry in the County Gaol calendar describes her as a twenty-three-year-old labourer.⁴⁸ Parker was accused of destroying Jacob Hayward's threshing machine, valued at £50 alongside her compatriots.⁴⁹ After five minutes consideration a guilty verdict was returned against all the defendants.⁵⁰ The jury 'strongly recommended' mercy for one

⁴⁴ *Cheltenham Chronicle*, 2 December 1830, p. 3.

⁴⁵ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

⁴⁶ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

⁴⁷ *Cheltenham Chronicle*, 13 January 1831, p. 4.

⁴⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2. *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 10 January 1831, p. 2. GHH Q/ Gc. Gaol Register Number 177.

⁴⁹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 10 January 1831, p. 2.

⁵⁰ *Cheltenham Chronicle*, 13 January 1831, p. 4.

defendant, while the prosecutor requested 'favourable consideration' for four more. Elizabeth Parker was not amongst them. She was sentenced to seven years transportation but later pardoned.⁵¹

The second female identified was sixteen-year-old Hannah Looker, held at the County Gaol with six others for the destruction of the Reverend Sackville Creswell's threshing machine in Bibury.⁵² Looker, recorded as a labourer, was found guilty at the Quarter Sessions and sentenced into 'recognisance to keep the peace.'⁵³ Hannah Looker was held in the County Gaol with her brother, twenty-year-old Henry, who suffered the same fate as his sister.⁵⁴

One further act of serious violence, in addition to the treatment of Reverend Creswell in Bibury, has been identified. The Quarter Sessions committals published in the *Cheltenham Journal* listed Richard Cole as 'being tumultuously assembled with other persons' in Northleach, following which he travelled to Coln Rogers where he was accused of 'using an axe for a weapon of offence against divers officers.'⁵⁵ His committal describes how he specifically targeted William Hower, a resident of Northleach, and used an axe to 'deeply cut a horse' belonging to him.⁵⁶ He was acquitted of wounding the horse at the 1831 Epiphany Quarter Sessions but found guilty of destroying threshing machines with three others.⁵⁷

⁵¹ GHH Q/ Gc. Gaol Register Number 177.

⁵² GHH Q/ Gc. Gaol Register Number 173.

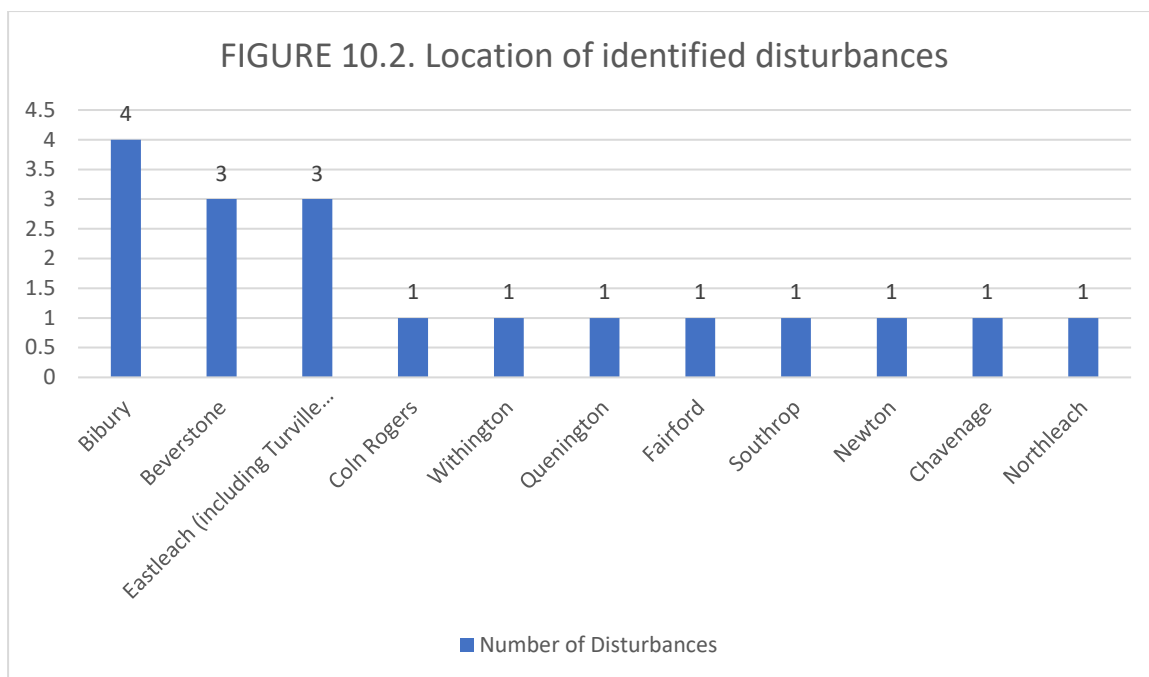
⁵³ GHH Q/ Gc. Gaol Register Number 173.

⁵⁴ GHH Q/ Gc. Gaol Register Number 174.

⁵⁵ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

⁵⁶ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 6 December 1830, p. 2.

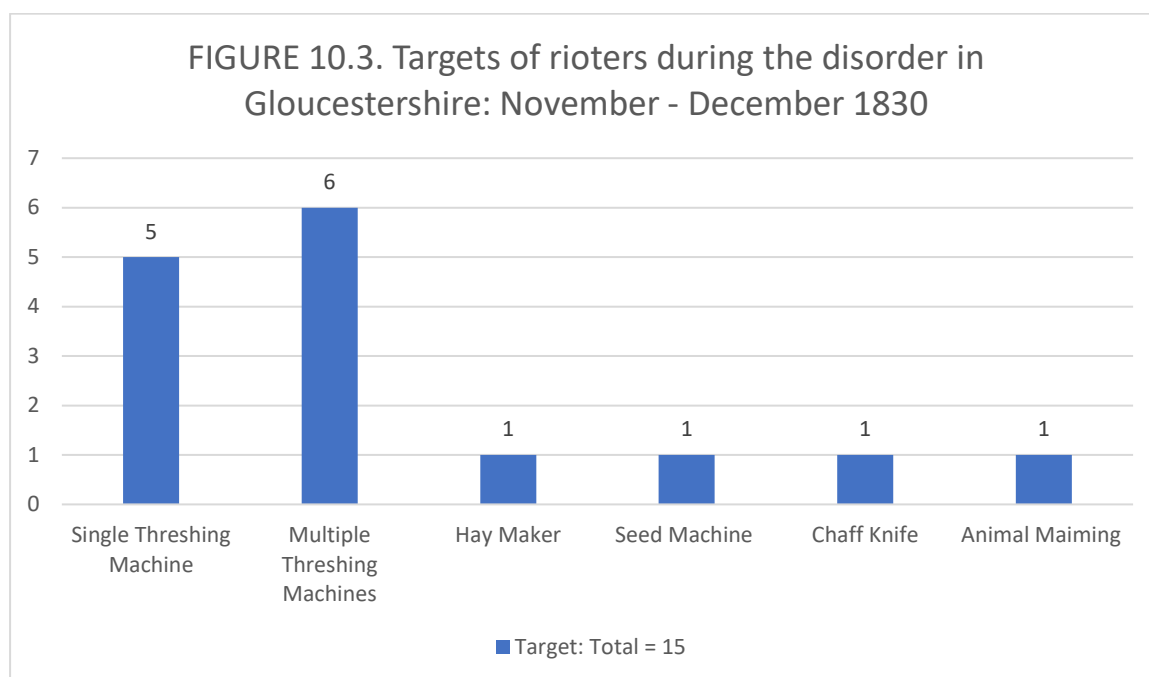
⁵⁷ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 10 January 1831, p. 2.



While Tetbury and its surrounding area experienced the most serious outbreak of disorder, the committals to the Quarter Sessions show the most widespread dispersal of disorder in the Bibury area. The rioters in this area also appear to have been the most confident in their actions, highlighted in their apparent plan to march on Cirencester.

Machines were the targets of rioters in all but one of the incidents identified, with threshing machines accounting for 73% of cases. Rioters also destroyed a chaff knife, a hand operated mechanical tool employed to cut hay and straw into smaller pieces. By the 1830s this process, in a similar manner to threshing machines, had become mechanised. Five men were found guilty at the 1831 Epiphany Quarter

Sessions for destroying the chaff-cutting machine, valued at £15.⁵⁸ To offer a point of contrast threshing machines have been found to be valued between £40 and £50.⁵⁹



In January 1831 it was reported that the ‘greater part’ of the 160 prisoners awaiting trial at the Quarter Sessions were being held on charges of riot or machine-breaking.⁶⁰ Of the eighty-eight listed in the County Gaol Calendar, seventy-eight were described as labourers.⁶¹ The youngest was sixteen-year-old Hannah Looker, while the eldest was fifty-eight-year-old labourer Thomas Edgeworth.⁶² The age range of rioters suggests a general feeling of discontent held by the participants, including the growing impact of mechanisation across rural communities.

This can be seen in the fact that the riots were evidently not the actions of a small minority, although the concentration of disturbances in the east of the county

⁵⁸ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 10 January 1831, p. 2.

⁵⁹ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 10 January 1831, p. 2. The value is not always recorded.

⁶⁰ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 3 January 1831, p. 2.

⁶¹ Two bakers, two masons, two tailors, two razor grinders, one plasterer, and one carpenter were also listed.

⁶² GHH Q/ Gc. Gaol Register Number 144.

means any conclusions drawn cannot be generalised across Gloucestershire. The *Cheltenham Journal* published the verdicts against those held for both the rioting and machine-breaking, with all but eight found guilty.⁶³ The scale of offending led the Chairman to declare that he did not know how 'to separate any one of the prisoners from the rest.'⁶⁴ Those found guilty of breaking agricultural machines were, in a sense, fortunate; the penalty for breaking agricultural machinery was transportation, while the destruction of industrial machinery was death.⁶⁵

⁶³ One was found not guilty, seven were acquitted.

⁶⁴ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 3 January 1831, p. 2.

⁶⁵ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 20 December 1830, p. 2. *Cheltenham Chronicle*, 7 April 1831, p. 4. 1827 Malicious Injuries to Property Act. 7 & 8 Geo. IV c. 30. Industrial machines were considered central to economic growth, whereas the destruction of agricultural machinery was not deemed as significant.

Chapter 11: Women and Children in Gloucestershire

Women are conspicuous through their relative absence in the study of poaching, arson, and machine breaking in Gloucestershire. While the reasons for this have been covered in earlier chapters of this study, it creates the perception that social protest and resistance within the county was overwhelmingly the domain of men.¹ This is demonstrably false.

The aim of this chapter is to uncover the role of women and children in social crime, conflict, and resistance in Gloucestershire. The role of women in workplace crime is first briefly considered. This area was highlighted during research into women tried at the Petty Sessions and appears to have been an arena in which women played a significant active role. Although examined to a lesser extent than rural resource crime comparisons between the two spheres offer a noteworthy point of contrast.

Women were especially active in crimes associated with resources, particularly wood and crops. While unsurprising, given the central importance of these products to the domestic security of contemporaries, their prominence in comparison with other rural crimes is telling. Women were also identified in the vandalism of resources and boundaries, suggesting their actions were motivated by more than simple economic necessity.

The role of children is also explored, although to a lesser extent than women. The challenges in determining age, particularly the absence of this information in the Petty Sessions data, means the gaol registers became the primary source material, further restricting research into the role of children.

¹ Osborne, 'Unwomanly practices', p. 149. Osborne's analysis of poaching and gender found that their role is 'understated' in the historiography.

Children are found to have participated in activities associated with resistance and social criminality. They appear to have played a role in supporting the domestic economies of families, in particular the theft of wood and crops, and are found to have operated both alone and in familial groups in the county. While it is unclear whether the children fully understood the broader implications of the crimes they committed, their actions can be interpreted within the realm of resistance.

Historiography

The traditional historiography of protest has depicted women as playing prominent roles in food riots during the eighteenth century, as instigators and leaders 'par excellence.'² This challenged the conventional stereotype of women lacking agency in comparison to men at the time. When the domestic security of the family was threatened, it was argued, women were willing to become active participants in overt expressions of discontent.

While food riots, and rioting in general, were more common they were certainly not ordinary features of English society during the eighteenth and early nineteenth centuries. These flashpoints of discontent were both atypical and overt and are therefore highly visible in the contemporary source material. It is thus easier for historians to identify women in the sources and understand their actions through the prism of these events. The very nature of riot, however, means it is unrepresentative of the reality of everyday life. Attempting to understand the role of women through this

² Thompson, 'Moral Economy', pp. 115-116. Beattie, 'The Criminality of Women in Eighteenth Century England', *Journal of Social History*, 8 (1975), 80-116 (p. 88). John Bohstedt, 'Gender, Household, and Community Politics: Women in English Riots 1790-1810', *Past and Present*, 120 (1988) 88-122 (p. 88).

lens is therefore misleading, while simultaneously reducing their significance in the sphere of everyday resistance.

The work of Malcom Thomis and Jennifer Grimmett on women during the first half of the nineteenth century explored, in a limited manner, a range of protest activities women were found to partake in. In addition to food riot women were identified as active participants in industrial protest, undertaking quasi trade union activities during the period of the Combination Laws, with some societies found to have exclusively female membership.³ Despite having little impact during the first half of the nineteenth century the contribution of women in this sphere of resistance proves they were participants in the broader social struggles of the period.⁴

It is also far easier for historians to appreciate the motivations behind the actions of poachers and incendiaries, both of which are relatively rich in source material.⁵ This is especially relevant when compared to crimes such as resource theft and low-level vandalism. The 'glamorous' crimes of poaching and arson have therefore tended to be the focus of historical research.⁶ Both acts are male dominated criminal activities, further distorting research into the use of crime as a method of conflict and resistance.

Emsley's study of criminality between 1750 and 1900 found that crime at this time was 'broadly an activity of young men.'⁷ Men represent the majority of offenders in almost every crime from the period, and despite the issues surrounding the validity of contemporary crime statistics this is generally accepted within the historiography.

³ Malcom Thomis and Jennifer Grimmett, *Women in Protest 1800-1850* (London: Routledge, 1982), pp. 65-88.

⁴ Thomis and Grimmett, *Women in Protest*, pp. 65-88.

⁵ Shakesheff, *Rural Conflict*, p. 113.

⁶ Shakesheff, *Rural Conflict*, p. 113.

⁷ Emsley, *Crime and Society in England*, p. 92. Anne-Marie Kilday, 'Criminally Poor? Investigating the Link Between Crime and Poverty in Eighteenth Century England', *The Journal of the Social History of Society*, 11 (2015), 507-526 (p. 510).

While female criminality is acknowledged to exist, Emsley believes it is unlikely to be on par with that of men, even when considering the differing approaches to sanctioning that meant women were more likely to receive informal punishment and therefore avoid the official record.

The theft and vandalism of resources such as wood and crops has traditionally been considered 'trivial' in the historiography.⁸ The study of this sphere is further impaired by the 'fragmentary' survival of source material and the assumption of social historians that these actions 'merely contributed to the domestic economy' of poor rural families.⁹ This has meant 'little serious' historical research has been conducted into these areas, further impacting the imbalance in the historiography.¹⁰

Shakesheff's study of social crime in nineteenth century Herefordshire led the way in challenging this perspective. Resource theft, Shakesheff found, represents 'acts of the lowest social stratum' and crimes in which women were especially active.¹¹ While this was linked to their importance in the domestic sphere, women's 'assertive' participation in these crimes must also be considered within the scope of social resistance.¹² Resource theft was an arena where women could express agency, and epitomised the concept of everyday resistance through the weapons of the weak.

Shakesheff's contention is particularly pertinent given Emsley's belief that the study of crime gives historians an opportunity to 'find the voice' of groups that have 'largely been ignored by historians.'¹³ The increased likelihood of women and children

⁸ Shakesheff, *Rural Conflict*, p. 113.

⁹ Shakesheff, *Rural Conflict*, p. 113.

¹⁰ Shakesheff, *Rural Conflict*, p. 113.

¹¹ Shakesheff, *Rural Conflict*, p. 123.

¹² Shakesheff, *Rural Conflict*, p. 113. The same can be applied to children.

¹³ Emsley, *Crime and Society in England*, p. 107.

to participate in resource theft can therefore provide a window into the potential power of these under-represented groups.

Enclosure

The process of enclosure completely transformed the fabric of rural England. Between 1760 and 1820 30% of agricultural land in England was enclosed, with the process being 'particularly pronounced' in counties such as Gloucestershire.¹⁴ The enclosure of common lands and the loss of customary access to this vital resource was achieved through the introduction of physical boundaries such as hedges, fences, walls, and gates. These structures represented not only the physical loss of access but symbolised the deterioration of circumstance for the rural poor. Enclosure reduced access to informal means of supporting families such as wood and crop collection, while the increased reliance on wage-labour further threatened the economic security of the rural poor.¹⁵

To Neeson 'enclosure meant the extinction of common right' in England.¹⁶ While the impact would have been felt across rural communities it would have had a particular effect on women. Acts such as crop gleaning and wood collection meant women could 'be employed when not employed' and would have been especially significant during seasonal periods of under-employment within the agricultural sector.¹⁷

¹⁴ Griffin, *Protest, Politics, and Work*, p. 66. Griffin also lists the Midland counties, East Anglia, and East and West Yorkshire as areas with high levels of enclosure.

¹⁵ Jane Humphries, 'Enclosures, Common Rights, and Women: The Proletarianisation of Families in the Late Eighteenth and Early Nineteenth Centuries', *The Journal of Economic History*, 50 (1990), 17-42 (p. 19). Griffin, *Protest, Politics, and Work*, p. 23.

¹⁶ Jeanette Neeson, *Commoners: Common Right, Enclosure, and Social Change in England, 1700-1820* (Cambridge: Cambridge University Press, 1993), p. 15.

¹⁷ Humphries, 'Lurking in the Wings', p. 32. This is also applied to children at the time.

Crop gleaning and wood collecting therefore meant women provided a valuable contribution to the domestic economy of their households, despite earning between one-half and two-thirds of the wages of men at the time.¹⁸ The significance of the informal collection of resources was neither 'peripheral nor supplementary', and often played a more important role than formal employment for women.¹⁹ Humphries further argues that access to common land gave women 'some modicum of independence' within rural communities.²⁰

The recognition of the vital role played by women in the domestic sphere, through the exploitation of customary rights and access to the commons, means historians can move away from the 'blinkered' categories inherent within traditional stereotypes of conjugal roles at the time.²¹ The loss of these rights had a severe impact on women, particularly in the context of a decline in employment opportunities resulting from changes to agricultural practices.²² To Humphries 'more doors were closing than were opening for women' during this period.²³

While resource collection and access to common land is generally accepted as significant to the economic security of poor families, accurate quantification is almost impossible.²⁴ Enclosure and the consequent loss of customary rights 'undoubtedly denied rural families [...] potential sources of income', and while it is difficult to prove, the impact on women was most acute.²⁵ Humphries, however, suggests that the fundamental importance of these rights can be inferred from the high levels of

¹⁸ Penelope Lane, 'Work on the Margins: Poor Women and the Informal Economy of Eighteenth and Nineteenth Century Leicestershire', *Midland History*, 22 (1997), 85-99 (p.86). Humphries, 'Enclosures, Common Rights, and Women', p. 38.

¹⁹ Lane, 'Work on the Margins', p.95.

²⁰ Humphries, 'Lurking in the Wings', p. 33.

²¹ Humphries, 'Lurking in the Wings', p. 33.

²² Humphries, 'Enclosures, Common Rights, and Women', p. 24. Humphries, 'Lurking in the Wings', pp. 41-42.

²³ Humphries, 'Lurking in the Wings', p. 41.

²⁴ Humphries, 'Enclosures, Common Rights, and Women', p. 20.

²⁵ Humphries, 'Enclosures, Common Rights, and Women', p. 20.

resistance to their loss.²⁶ The evidence from Gloucestershire appears to support this contention.

Enclosure, therefore, represents the loss of the informal methods families were able to exploit in order to mitigate their hardship. By 1807 over seventy acts of enclosure had been passed in the county.²⁷ Rudge describes how the rural poor were known to use common ground to support their geese and sheep, while in the Cotswolds the 'scarcity of fire-fuel' found locally was mitigated through access to the commons that enabled the rural poor to supply themselves with a 'tolerable' amount of furze.²⁸

Access to the commons therefore conferred benefits to locals outside of the collection of resources. This was far from a consensus opinion, with Rudge describing the 'supposed [...] trifling advantages' derived from access to the commons in the county.²⁹ The trivial losses incurred by a small section of the community, he contends, were far outweighed by the rewards of enclosure, especially through increased agricultural efficiency and productivity. Rudge admits, however, that the enclosure of the commons and subsequent loss of rights faced objections at the time, although he does not provide specific locations in which this occurred.³⁰

Brian Short, in his study of Ashdown Forest describes how the commons were far more important than simple economic dependence.³¹ Access to these spaces represented the 'lifespace' of locals, offering 'a shared setting for economic activity,

²⁶ Griffin, *Protest, Politics, and Work*, p. 23.

²⁷ Rudge, *General View*, p. 89.

²⁸ Rudge, *General View*, p. 250. Rudge, *General View*, p. 332. A. T. Lucas, 'Furze: A survey and history of its uses in Ireland', *Béaloidias*, 26 (1958), 1-204 (p. 42). Furze, also described as gorse, is highly flammable and was used throughout the British Isles as fuel once it was cut and dried.

²⁹ Rudge, *General View*, pp. 250-251.

³⁰ Rudge, *General View*, p. 250.

³¹ Brian Short, 'Environmental politics, custom and personal testimony: memory and lifespace on the late Victorian Ashdown Forest, Sussex', *Journal of Historical*, 30 (2024), 470-495 (pp. 473-474).

social lives, and cultural interaction.’³² To Short, the significance of the commons to the local community of Ashdown became a ‘key issue concerning social justice’, a concept that can be detected in Rudge’s reference to objections to enclosure and more broadly in community relations of the period.³³ Objection to enclosure demonstrates that the commons held value to the rural poor of Gloucestershire.

Communities in Gloucestershire, as discussed earlier in this thesis, appear to have ascribed to a culture of opposition, with groups such as the Kingswood colliers, Stroud weavers, and inhabitants of the Forest of Dean known to actively resist change within the county.³⁴ In the Forest of Dean for example, resistance to enclosure included boundary breaking, incendiarism, riot, and vandalism.³⁵ This resistance, while periodic, remained an element of rural social relations in the Forest across the eighteenth and into the nineteenth centuries.³⁶

Rudge describes the process of enclosure in tremendous detail, the majority of which is not relevant for this study.³⁷ In summary landowners in Gloucestershire first enclosed space with fencing then planted hedges along the new boundary. Gates were installed to allow access to the enclosed spaces and at times trees would also be planted within the hedges, although by 1813 this was considered out of date. In the Cotswolds Rudge found that the favoured method was enclosure through dry-stone walling.³⁸ These boundaries physically barred access to the newly enclosed spaces, and symbolised both the increasing efforts of the powerful to protect their lands and

³² Short, ‘Environmental politics, custom and personal testimony’, pp. 489-490.

³³ Short, ‘Environmental politics, custom and personal testimony’, p. 490.

³⁴ See Chapter 1.

³⁵ Griffin and Robertson, ‘Moral Ecologies’, pp. 32-33.

³⁶ Griffin and Robertson, ‘Moral Ecologies’, p. 33.

³⁷ Rudge, *General View*, pp. 89-100.

³⁸ Rudge, *General View*, p. 99.

the subsequent loss of customary rights and access.³⁹ As such they 'were not surprisingly' targeted by those adversely impacted through their installation.⁴⁰ All have been identified as being targeted in Gloucestershire at the time.

Vandalism

Griffin believes 'to vandalise is to enact agency' regardless of that which is destroyed.⁴¹ The targeting of prized private property, including new forms of agricultural machinery and highly valued animals has been covered extensively within the historiography of protest, and have also been found to have occurred in Gloucestershire for this study. The damage and destruction of these forms of private property, often through incendiarism or physical violence, represent the 'most dramatic' forms of protest, and as a result the historiography surrounding social conflict has tended to gravitate towards these acts.⁴²

Griffin has been at the forefront of a growing recognition that the targets of vandalism were more varied than previously accepted. The destruction of flora, for example, held symbolic value for the perpetrator in a number of ways.⁴³ First, it incurred financial cost to the owner, hurting the 'pocket of the oppressor' through lost revenue, the cost of replacement, and the losses incurred during the time it took to regrow.⁴⁴ The destruction of flora, particularly hedges and fences used as boundaries, further represented a reaction to enclosure and the loss of employment that this

³⁹Nicholas, 'Making Private Property', pp. 1-2. Blomley references hedges, but given the use of dry stone walling in the Cotswolds the concept can be applied more broadly.

⁴⁰ Nicholas, 'Making Private Property', pp. 1-2.

⁴¹ Griffin, 'Cut down by some cowardly miscreants', pp. 29-30.

⁴² Carl Griffin, 'Protest Practice and (tree) cultures of conflict: understanding the spaces of 'tree maiming' in eighteenth and early nineteenth century England', *Transactions of the Institute of British Geographers*, 33 (2008), 91-108 (p. 93).

⁴³ Griffin, 'Cut down by some cowardly miscreants', p. 31.

⁴⁴ Griffin, 'Protest Practice', p. 99.

caused.⁴⁵ Second, the deliberate damage and destruction of valuable property, instead of theft, represented the disaffection of the perpetrator. Griffin describes how the destruction of flora became a proxy for the landowner, employed as a form of symbolic violence against the owner in a similar manner to incendiarism or animal maiming.

While the consequences could be both overt and significant, vandalism is fundamentally a covert act, often committed after dark by individuals or small groups, and as a result the source material is exceptionally sparse. This is especially true of the small-scale actions that are likely to have been invisible to all but the offender. Even when these were discovered, the likelihood of crimes ever being heard at court let alone receiving column space in the provincial press was extremely low. While it is not difficult to imagine a vast dark figure of vandalism occurring in rural Gloucestershire, finding evidence of this remains difficult. The paucity in source material, particularly pertaining to women and children, further exacerbates the difficulty in uncovering these acts of resistance.

While the destruction of property should be regarded as 'a tool of individual and social protest', the difference between damage and theft could be 'impossibly slight.'⁴⁶ Stealing wood or crops almost always required the damage or destruction of the target. Whether these activities should be considered acts of protest and resistance are open to interpretation.⁴⁷

Women and Workplace Crime

⁴⁵ Griffin, 'Protest Practice', p. 99.

⁴⁶ Griffin, 'Protest Practice', p. 93. Griffin, 'Cut down by some cowardly miscreants', p. 43.

⁴⁷ Griffin points to clues in the source material, such as the mass destruction of flora.

The Petty Sessions show women to be particularly active in the theft, possession, and selling of textile products from workplaces in the Stroud area. An example occurred in November 1816, when Hannah Antill was found guilty of buying 5lbs of woollen yarn and 5lbs of end yarn from Hannah Rudder in Stroud.⁴⁸ The indictment claimed Antill had purchased the yarn 'knowing it to be the property of Samuel Clutterbuck and Henry Eycott.'⁴⁹ She was sentenced to a £40 fine or three months hard labour in Horsley house of correction. All parties were involved in the cloth industry; Antill was listed as the wife of a weaver, Rudder the wife of a clothworker, and the plaintiffs were described as clothiers.⁵⁰

The role of both women in this case shines a tentative light on the existence of an illicit economy that existed in the industrial communities of the county and the role of women within it. Adrian Randall, in his study of embezzlement in the woollen industry of western England, found that the illicit trade in wool was both 'rife [...] and well organised.'⁵¹ This trade, Richard Soderlund suggests, hints at the 'little known landscape' of the 'secret economies of the poor.'⁵² In a comparable manner to the widespread and lucrative illicit market in game, an 'extensive subterranean commerce' in embezzled products existed.⁵³ Official criminal statistics remain the foremost evidence of this.

Randall contends that workers did not consider the appropriation of wool as a crime but a 'perquisite [...] a legitimate benefit sanctified by custom' that existed to

⁴⁸ GHH Q/PC/2. See also 36/C/55.

⁴⁹ GHH Q/PC/2. See also 36/C/55.

⁵⁰ GHH Q/PC/2. See also 36/C/55.

⁵¹ Adrian Randall, 'Peculiar Perquisites and Pernicious Practices: Embezzlement in the West of England Woollen Industry, c. 1750-1840', *International Review of Social History*, 25 (1990), 193-219 (p. 193).

⁵² Richard J. Soderlund, 'Resistance from the Margins: The Yorkshire Worsteds Spinners, Policing, and the Transformation of Work in the Early Industrial Revolution', *Internationaal Instituut voor Sociale Geschiedenis*, 51 (2006), 217-242 (pp. 227-228).

⁵³ Soderlund, 'Resistance from the Margins', p. 228.

augment 'more formal remuneration.'⁵⁴ In Gloucestershire, for example, Randall found that workers were often allowed to retain by-products of the wool industry so long as it was 'customarily acceptable' by the employers.⁵⁵ The taking of finished product, similar to both growing or harvested crops, always remained illegal. Again, there appear to be limitations on the amounts that were considered acceptable to take, similar to the those linked to wood collection and crop gleaning. The difference between perquisite and embezzlement, however, was minor.⁵⁶

The theft of resources from the workplace was not solely for personal use. The highly specialised nature of cloth making made it very difficult for families to turn the stolen goods into a product actually worth selling. They therefore relied on a 'clandestine and illicit' network of traders to turn a profit.⁵⁷ Randall suggests this could equate to just under 1s a week, representing around 8.5% of the income of an average family.⁵⁸ The benefits of illegal activity to poorer families is self-evident.

Again theft could symbolise more than straightforward financial gain. Soderlund believes the criminal actions of female workers represent a form of agency that further challenges the stereotypical image of passive female identity.⁵⁹ Women were 'neither submissive nor compliant' in either their work or domestic lives, and Randall likens embezzlement to an act of resistance in response to the loss of customary rights and subsequent increase in hardship.⁶⁰ The parallels between agricultural and industrial theft are clear.

⁵⁴ Randall, 'Peculiar Perquisites and Pernicious Practices', p. 193.

⁵⁵ Randall, 'Peculiar Perquisites and Pernicious Practices', p. 219.

⁵⁶ Randall, 'Peculiar Perquisites and Pernicious Practices', p. 196.

⁵⁷ Randall, 'Peculiar Perquisites and Pernicious Practices', p. 205.

⁵⁸ Randall, 'Peculiar Perquisites and Pernicious Practices', p. 205.

⁵⁹ Soderlund, 'Resistance from the Margins', p. 217.

⁶⁰ Soderlund, 'Resistance from the Margins', p. 217.

It is not implausible that the money made through the sale of stolen goods would be used to support the domestic economy of textile workers in Gloucestershire. Moreover, the loss of customary rights regarding perquisites would have had a uniform negative impact on workers and their families. It would be assumed, therefore, that workers would present a united front against their employers. Social relationships, however, appear complex and again challenge any sweeping assumptions regarding homogeneity of behaviour in groups. Labourer James Bidsmead, for example, was convicted of buying 6lbs of woollen ends and 6lbs of wool 'knowing it to be stolen' in February 1817.⁶¹ He was fined £40, his conviction secured through Hannah Rudder acting as witness against him. Rudder was previously mentioned as supplying Hannah Antill with stolen goods.⁶²

There is evidence, albeit speculative, to suggest that the crimes of Antill and Bidsmead occurred at the same time. First, the wool on both occasions was stolen from clothier Samuel Clutterbuck, a significant local businessman.⁶³ In both indictments he was listed as the complainant, and both crimes were listed as occurring in November 1817.⁶⁴ The involvement of Hannah Rudder on both occasions, first as the supplier of the wool and subsequently as witness against Bidsmead, also suggests they were connected in some way. Why Rudder acted as a witness against Bidsmead is uncertain. She may have turned on Bidsmead to protect herself from prosecution, or some level of personal conflict could have existed between the two.

⁶¹ GHH Q/PC/2. See also 36/C/56.

⁶² If he could not pay he would face three months hard labour in Horsley house of correction. The gaol calendar for Horsley does not survive for this period.

⁶³ Minchinhampton: Economic History, *Victoria County History* (1976) <<https://www.british-history.ac.uk/vch/glos/vol11/pp193-200>> [accessed 26 November 2024].

⁶⁴ No specific date is provided in either indictment.

There is tentative evidence of an informal economy existing in both rural and industrial settings at the time, and women appear to have been active participants. In September 1800, for example, single-woman Elizabeth Hodges was convicted of buying and receiving 21lbs of Spanish wool from Mary King, the wife of a labourer.⁶⁵ In August 1808 weaver Isaac Smith was found guilty of buying and receiving stolen woollen yarn in King's Stanley from Mary Smith, listed as the wife of a weaver.⁶⁶ No record has been found referring to either Mary Smith or her husband Thomas. Her role could be interpreted as a proactive attempt to improve the finances of her family through illicit means. Whether Mary was a willing participant in this crime, however, is uncertain. She may have simply been an intermediary between her husband and Isaac Smith, in a similar manner to the role of women in poaching.

A further case in August 1800 recorded Sarah Pope, the wife of a weaver, buying 12lbs of Spanish wool from single-woman Ann Allaway in Minchinhampton.⁶⁷ Both Hodges and Pope were sentenced to six-months hard labour at Horsley house of correction or face a £40 fine. Emma Griffin has found that the average wage for families in manufacturing was 33s a week, while agricultural wages were 11s weekly.⁶⁸ More specifically, Rudge describes the general price of agricultural labour in Gloucestershire in 1807 as 1s. 6d per day.⁶⁹ Wages were found to increase during the harvest, when men could earn up to 2s a day and women between 10d to 1s.⁷⁰ It is hard to imagine Mary King being able to pay such a significant fine, and unfortunately no record survives regarding the punishment she ultimately faced.

⁶⁵ GHH Q/PC/2. See also 19/D/3.

⁶⁶ GHH Q/PC/2. See also 27/D/9.

⁶⁷ GHH Q/PC/2. See also 20/A/8.

⁶⁸ Griffin, 'Diets, Hunger, and Living Standards', p. 85. Wages remained relatively stable until the 1830s.

⁶⁹ Rudge, *General View*, p. 328. He suggests this is slightly lower in the Cotswolds and Forest of Dean, and slightly higher in the south of the county and in the area surrounding Stroud. It is unclear from Rudge whether this average is based on both men and women combined.

⁷⁰ Rudge, *General View*, p. 328. Men and women would also receive three dinners a week, and six quarts of drink.

The indictment of Sarah Pope similarly lacks evidence regarding her punishment. In May 1809 she was again convicted of purchasing 'several pounds' of wool stolen from clothier Daniel Chance in Rodborough.⁷¹ She was again fined £40 or would face six months hard labour. It appears that Sarah Pope was not deterred by her first interaction with the law in 1800.

A similar case was identified in November 1820, when Elizabeth Willis was fined £20 for buying 6lbs of stolen yarn in Eastington.⁷² Elizabeth was recorded as the wife of Joseph Willis, a shopkeeper in Rodborough. He was convicted on a separate occasion for buying 12oz of stolen yarn and fined £20, albeit from a different supplier.⁷³ Women also operated alone. In September 1815 single-woman Sarah Vevers was prosecuted for 'being an incorrigible rogue and possessing ends of yarn without satisfactory explanation' in Horsley.⁷⁴ She was held in the house of correction until the subsequent Quarter Sessions.⁷⁵

Between 1791 and 1810 a total of twenty-nine women were prosecuted for crimes involving fabrics such as wool and yarn, twelve of whom were married.⁷⁶ The occupations of their husbands were not recorded in six of the cases. Of the remaining, three were married to labourers, two to weavers, and one to a clothier. While the sample size cannot be considered representative, the women involved appear to have had the most to gain, and least to lose, from criminality. Single women, in particular, would have benefited from crime considering they were likely to lack the contribution

⁷¹ GHH Q/PC/2. See also 28/C/5.

⁷² GHH Q/PC/2. See also 40/A/7.

⁷³ GHH Q/PC/2. See also 40/A/8.

⁷⁴ GHH Q/PC/2. See also 34/D/1.

⁷⁵ Records from Horsley house of correction do not survive prior to 1815. No record of Vevers' quarter sessions trial survives.

⁷⁶ Eight were recorded as single-women, seven had no status recorded, one spinster, one widow.

of a male breadwinner.⁷⁷ This should be applied to all women, however, as crime provided an opportunity to supplement the wages of poor families regardless of circumstance. The potential financial incentive behind stealing and selling valuable products is self-evident.

Eight of the married women were prosecuted for 'buying and receiving' stolen fabric.⁷⁸ It is not incomprehensible to imagine women using stolen fabric to participate in the 'secret economies' of the poor proposed by Soderlund.⁷⁹ This particularly applies to the wives of weavers and clothiers, where the women could have acted as intermediaries between their husbands and the wider illicit market. This concept can be applied to all twenty-one women convicted of these crimes between 1781 and 1810.

Cases of vandalism involving women were also identified. In December 1789 Mary Stephens, a single woman from Dursley, was indicted for 'wilfully damaging' 1lb of Spanish wool.⁸⁰ While the wool, given to Stephens to spin by clothiers Mr. Campbell and Mr. Powell, could have been damaged through poor working practices the fact she was prosecuted suggests more than simple negligence. A similar case occurred in August 1791, when single woman Hester Short was prosecuted for the intentional damage of woollen yarn in Stroud.⁸¹ It is possible that the women described above chose to deliberately damage the product as an act of conflict and resistance in a similar manner to broader cases of vandalism.

⁷⁷ This assumes the single women had left the home of their parents. Unfortunately the Petty Sessions do not record the age of those indicted.

⁷⁸ Two others were convicted of embezzlement and possession.

⁷⁹ Soderlund, 'Resistance from the Margins', pp. 227-228.

⁸⁰ GHH Q/PC/2. See also 9/A/8.

⁸¹ GHH Q/PC/2. See also 10/D/17.

Women were not passive members of rural communities in Gloucestershire. In August 1808 widow Hannah Young was fined 40s for refusing to pay tolls in Corse and Staunton to local farmer and toll collector William Dobbins.⁸² Between January and July, Hannah Young accrued a debt of £3 14s 6d, a substantial amount given the average daily agricultural wage. While she may have been financially unable to pay the fines levied against her, Young's continued refusal to pay could represent resistance towards authority.

Resistance to tolls had a long history in the county. In 1749 riots broke out in the Kingswood area in what appears to have been the culmination of long term opposition to tolls beginning in 1727.⁸³ This included blowing up gates with gunpowder, destroying toll houses, the targeted intimidation of local officials, and threatening letters.⁸⁴ This discontent saw groups of up to two-hundred individuals, some disguised as women and others blackening their faces, armed with guns, axes, and scythes, overtly challenging authority in the area.⁸⁵

Again, the serious nature of this discontent must be measured against the more prosaic acts of conflict and resistance. The records for the Petty Sessions, for example, includes twenty cases of individuals attempting to evade paying tolls between 1781 and 1837. While this remains relatively minor in comparison to poaching and incendiarism, the opposition to the financial burden imposed by authority can be interpreted within the broader sphere of resistance.

⁸² GHH Q/PC/2. See also 27/D/11.

⁸³ Andrew Charlesworth and others, 'The Jack-a-Lent Riots and Opposition to Turnpikes in the Bristol Region in 1749', in *Markets, Market Culture and Popular Protest in Eighteenth Century Britain and Ireland*, ed. By Adrian Randall and Andrew Charlesworth (Liverpool: Liverpool University Press, 1996), pp. 46-68.

⁸⁴ John Latimer, *The Annals of Bristol in the Eighteenth Century* (Bristol: W. George's Sons, 1893), pp. 156-157.

⁸⁵ Latimer, *The Annals of Bristol*, pp. 156-157.

There are hints at women using their occupation within the realm of conflict and resistance. In August 1829 toll-collector Hannah Stratford was fined 40s for charging farmer John Attwood to pass through Sudeley toll gate despite being exempt.⁸⁶ While there is no suggestion towards the motivation behind Stratford's actions in the record, events occurring in the local area could provide context. As has been discussed in the chapter on incendiarism, Sudeley Lodge near Winchcombe was subjected to an incendiary attack in March 1829.⁸⁷ Just days following the fire an attack on a rick was thwarted, and two weeks later a letter was discovered demanding the lowering of the price of corn, threatening further attacks if this did not occur.⁸⁸ Further fires occurred in the Winchcombe area throughout 1829 and 1830. There is a possibility that Hannah Stratford was continuing this conflict against local farmers. This, however, is conjecture.

While the women identified above were from the lower strata of society, partial evidence has been identified regarding higher status female criminals. In May 1823 the Honourable Katherine Monson was twice convicted for allowing bricks to be burnt on her property in Cheltenham, causing the 'smoke and smell to foul the air [...] to the annoyance of James Arkell.'⁸⁹ She was fined a total of £5, 10s. Monson, described as a spinster in her indictments, was the daughter of Baron Monson of Burton, and was a renowned housing developer in Cheltenham in the early nineteenth century, building at least twenty houses in the town.⁹⁰ While less visible in the historical record, wealthier women were evidently breaking the law.

⁸⁶ GHH Q/PC/2. See also 48/D/48.

⁸⁷ See Chapter 11.

⁸⁸ Cheltenham Chronicle, 19 March 1829, p. 3. See Chapter 9 for a discussion of the events in the Winchcombe area.

⁸⁹ GHH Q/PC/2. See also 42/C/18, 42/C/19.

⁹⁰ Steven Blake, 'The Perils of Speculation in 'Regency' Cheltenham: The Rise and Fall of the Honourable Miss Monsoon', *Transactions of the Bristol and Gloucestershire Archaeological Society*, 137 (2019), 11-48 (p. 7).

Newspapers Accounts, Resource Theft, and Vandalism

Contemporary newspaper accounts of women are predictably rare when compared to men. This is in stark contrast to poaching, affrays, and incendiarism where the press was a highly valuable source. While the focus of this chapter is on the role of women, a number of reports describing the activities of men and boys have been included to highlight the obstacles faced when attempting to ascribe meaning to the actions of individuals in early nineteenth century Gloucestershire.

The subjectivity inherent in attempting to unpick the motivations of individuals from the historical record is highlighted through the case of twelve-year old Richard Forrest.⁹¹ In March 1827 the *Cheltenham Chronicle* reported that Forrest had been fined 1s for trespass and damage to hedges. While Forrest is considered young from a modern perspective, the age of criminal responsibility at the time was seven years old.⁹² The reporter described how he hoped the fine would act as a warning ‘indelibly engraved on his memory’, deterring him from a repetition of his criminality.⁹³

No comment is made regarding the potential motivations of Forrest in the brief report. Trespass and hedge breaking are both acknowledged as crimes of protest and resistance, often employed in response to the process of enclosure. It would be tempting to romanticise Forrest’s activities within this paradigm. Accurate understanding, however, is impossible. Forrest could have simply acted his age or was working to support the domestic economy of his family. Notions of protest may have been totally absent.

⁹¹ *Cheltenham Chronicle*, 15 March 1827, p. 3.

⁹² This was increased to eight years old in the 1933 Children’s Act.

⁹³ *Cheltenham Chronicle*, 15 March 1827, p. 3.

A further case presents similar issues. In October 1810 the *Cheltenham Chronicle* reported on damage caused to a garden wall in Cheltenham.⁹⁴ The wall was described as adjoining the property of Number 1 in the Crescent. The report does not provide any detail on the suspects or potential motivation. The piers of the garden wall had been ‘maliciously damaged’, and a ten-guinea reward was offered. The 1826 map, however, shows the gardens of the Crescent close to agricultural land.⁹⁵ This may have been a factor.

FIGURE 11.1. Map of Cheltenham 1826. The Crescent is circled.



A final report in the *Cheltenham Journal* describes how ‘various acts of wilful trespass’ occurred in November 1828 by a group of between twenty and thirty young

⁹⁴ *Cheltenham Chronicle*, 11 October 1810, p. 3.

⁹⁵ Figure 11.1.

men and boys who broke down and set fire to 'several' gates, hurdles, and fences.⁹⁶ The group were all fined 'small penalties and costs' by the local magistrate. At first glance this appears to be textbook agricultural protest and resistance, especially considering the size and gender of the group in combination with the type of property damaged. Bushaway, for example, found that 'malicious offenders' would break down gates to gain access to enclosed woodlands in order to take wood.⁹⁷ The fact that the group of males had been acting on the 5 November and used fire, however, could simply be linked to mischief associated with bonfire night celebrations.⁹⁸ While bonfire night is not completely apolitical, and could have provided an opportunity to steal while members of the local community were otherwise engaged, the relatively minor punishments imposed on both this group and twelve-year-old Richard Forrest suggest the authorities did not ascribe any ulterior meaning to their actions.

Even when the sources provide more than cursory information attributing motivations is challenging. The case papers of Timothy Stevens, a solicitor based in Cirencester, recounts an encounter with a hay thief between 1818 and 1830.⁹⁹ The statement describes how between one and two o'clock in the morning a male, recognised as Thomas Abell, was seen to run away from a haystack belonging to one Betty Lyne Widdow. When confronted by the witness Abell claimed to be a shepherd employed by Mrs Widdow and was taking hay to 'carry it to the ewes.'¹⁰⁰

Abell, refusing to admit either his identity or guilt, attempted to run upon which the witness cried 'dam you Abell, if you don't come back I will follow you.'¹⁰¹ Abell

⁹⁶ *Cheltenham Journal and Gloucestershire Fashionable Weekly Gazette*, 17 November 1828, p. 2.

⁹⁷ Bob Bushaway, *By Rite: Custom, Ceremony, and Community in England 1700-1880* (London: Breviary Stuff Publications, 2011), p. 142.

⁹⁸ Griffin, 'Protest Practice', p. 103.

⁹⁹ GHH D1070/I/143. The specific date and witness are unfortunately not recorded.

¹⁰⁰ GHH D1070/I/143.

¹⁰¹ GHH D1070/I/143.

returned and admitted that he was stealing the hay for his pony, having previously been unable to purchase it from on Mr. Hartland, and begged not to be reported. Interestingly, the witness claimed that he 'would rather have gave him a burden than to have caught him there', suggesting a certain level of compassion towards the offender.¹⁰²

No record of a conviction has been found regarding Abell in connection with the crime described in the papers of solicitor Timothy Stevens. However, one Thomas Abell, recorded as a resident of the parish of Winstone near to Cirencester, appears in the indictments of the Petty Sessions. In December 1808, he was indicted alongside William Abell for poaching hares.¹⁰³ Both men, described at the time as yeomen, pleaded not guilty but were subsequently declared rogues and vagabonds.

In June 1830 Thomas Abell was again indicted and convicted of assault alongside William Abell and John Abell, with each fined 5 shillings plus costs.¹⁰⁴ A further indictment followed in August 1834, when Thomas Abell was found guilty of attempting to take a fish from private property in Winstone.¹⁰⁵ In this latter case, Abell is described as a labourer, suggesting a decline in social status from his earlier description as a yeoman in 1808. If the theft of hay described in the solicitor's papers was committed by the same Thomas Abell, this too might support the interpretation of a decline in social standing.

A single case, identified in the *Cheltenham Chronicle* in September 1819, appears to have been an act more in line with the concept of rural resistance.¹⁰⁶

¹⁰² GHH D1070/I/143.

¹⁰³ GHH Q/PC/2. See also 39/A/1.

¹⁰⁴ GHH Q/PC/2. See also 49/C/80 – 49/C/82.

¹⁰⁵ GHH Q/PC/2. See also 54/A/174.

¹⁰⁶ *Cheltenham Chronicle*, 2 September 1819, p. 2.

Following an eviction notice to tenants in Cobberely, a ‘beautiful grove’ of young oak and ash trees was destroyed belonging to William Lawrence Esq.¹⁰⁷ The trees were then removed from the estate and taken to Boddington, although no reason for this is provided in the report. The perpetrators were fined £100.

An article published in February 1815, titled a ‘new mode of preserving fruit’, highlights the variety of methods landowners appear to have employed to protect their property.¹⁰⁸ A gentleman of Gloucestershire was claimed to have ‘resorted in vain to all cautionary means’, including elevating his boundary wall with a ‘chevaux de frize of glass’, installing warning placards referring to steel traps, and the installation of a spring gun.¹⁰⁹

FIGURE 11.2. A cheval de frize using glass.



These methods were deemed ‘equally ineffectual’ in preventing the targeting of the gentleman’s property.¹¹⁰ In his desperation the gentleman procured a ‘large

¹⁰⁷ *Cheltenham Chronicle*, 2 September 1819, p. 2.

¹⁰⁸ *Cheltenham Chronicle*, 2 February 1815, p. 3.

¹⁰⁹ *Cheltenham Chronicle*, 2 February 1815, p. 3. A ‘chevaux de frize’ is a military defensive obstacle made from metal or wooden spikes employed against cavalry or to block breaches in walls.

¹¹⁰ *Cheltenham Chronicle*, 2 February 1815, p. 3.

human leg' from an anatomist in London and attached it to a pole.¹¹¹ The leg was 'decorated with a shoe and stocking, well besmeared with gore' and hung with a notice claiming it had been 'found in this garden; the owner may have it again on personal application to the dwelling house.'¹¹² While it is unclear whether the report is satire, the fact that it is openly discussed offers a window into the opinions of contemporaries.

Only one newspaper report across the whole period has been identified as explicitly describing the actions of women. In December 1817 the *Cheltenham Chronicle* published a 'caution to wood stealers' in which it described Elizabeth Carpenter, Mary Wintle, and Harriet Westmancote each being fined for 'pulling the stakes and breaking the hedges' surrounding a field belonging to a Mr. Crump.¹¹³ The damage could have occurred as a consequence of theft, as alluded to in the paper. While this is a common feature found in the indictments at both the Quarter and Petty Sessions, the crime occurring in December could suggest the actions of the women were influenced by domestic requirements of wood for fuel. This would correlate with the findings from the Petty Sessions, where 46.6% of indictments referring to the theft or damage of wood occurred in the colder months between November and February.

The Quarter Sessions

A total of eleven women across ten indictments were identified at the Quarter Sessions regarding the theft of resources.¹¹⁴ Six women were prosecuted for the theft of crops,

¹¹¹ *Cheltenham Chronicle*, 2 February 1815, p. 3.

¹¹² *Cheltenham Chronicle*, 2 February 1815, p. 3.

¹¹³ *Cheltenham Chronicle*, 16 August 1821, p. 3.

¹¹⁴ GHH Q/Sia (b) 1810, Q/Sia (a) 1811, Q/Sia (d) 1811, Q/sia (a) 1815, Q/Sia (c) 1817, Q/sia (a) 1819, Q/Sia (a) 1820, Q/Sia (d) 1821, Q/Sia (a) 1827.

four prosecuted for stealing wood, and one for stealing coal.¹¹⁵ Six of the women were listed as single-women, two as the wives of labourers, and two as widows.

Six of the cases occurred between October and March, a period of time synonymous with the increased likelihood of hardship amongst rural communities. In November 1818 for example Mary Smith and Ann Dix, both single women, were found guilty of stealing wood valued at 20d in Dursley.¹¹⁶ Wood was essential to the domestic economy of households and a constant requirement for poor families. This is highlighted through a case of wood theft in July 1811 when two women, both of whom were the wives of labourers, stole three faggots of wood in Boddington valued at 10d.¹¹⁷ Despite occurring outside of the colder winter months this should not discount the possibility that the women were stealing wood due to their economic situation.

Only two cases of crop theft were identified that listed food normally associated with human consumption. In January 1820 a single woman was indicted for stealing 'wheat in the chaff' valued at 30s in Rudford, while in December 1826 Mary Allen was found guilty of stealing carrots in Cheltenham.¹¹⁸ All other cases describe crops most associated with animal consumption.¹¹⁹ In August 1821 Esther White was convicted for the theft of barley straw alongside her husband, labourer John White.¹²⁰ The value of the products stolen was minor. In January 1811 a labourer's wife was convicted of stealing 1s worth of hay in Chipping Sodbury, while single woman Sarah Woodman was found guilty of stealing hay valued at 2s in Marshfield in October 1814.¹²¹ Finally,

¹¹⁵ Mary Smith and Ann Dix were tried in for the same crime at the Epiphany Quarter Sessions in January 1819. The crimes were committed in November 1818.

¹¹⁶ GHH Q/Sia (d) 1819.

¹¹⁷ GHH Q/Sia (d) 1811.

¹¹⁸ GHH Q/Sia (a) 1820, GHH Q/Sia (a) 1827.

¹¹⁹ Beans, straw and hay were usually used as fodder.

¹²⁰ GHH Q/Sia (d) 1821.

¹²¹ GHH Q/Sia (a) 1811, GHH Q/Sia (a) 1815.

single woman Sarah Barnes was convicted of stealing 4d worth of beans in Deerhurst in June 1817.¹²²

It can be assumed that the women described above would have been suffering some form of poverty. The issue, however, is that the records do not provide any further detail on their circumstances. There is a possibility that women classified as single were unmarried daughters living in a family household. The most effective way to discover this is to cross reference indictments with gaol records, specifically the age of the women. The incomplete nature of this source means this is not always possible.

This is particularly true of Sarah Woodman and Sarah Barnes, both of whom were listed as single women. The assumption is that these women would have suffered from lower wages, limited employment opportunities, and the lack of a male income. They were, as a consequence, likely to have relied on more informal means of survival, such as crop gleaning. While there is no surviving evidence as to the customary rights of the localities in which these women lived, the small amounts of crops stolen could point to evidence for both crimes of necessity and the criminalisation of customary rights.

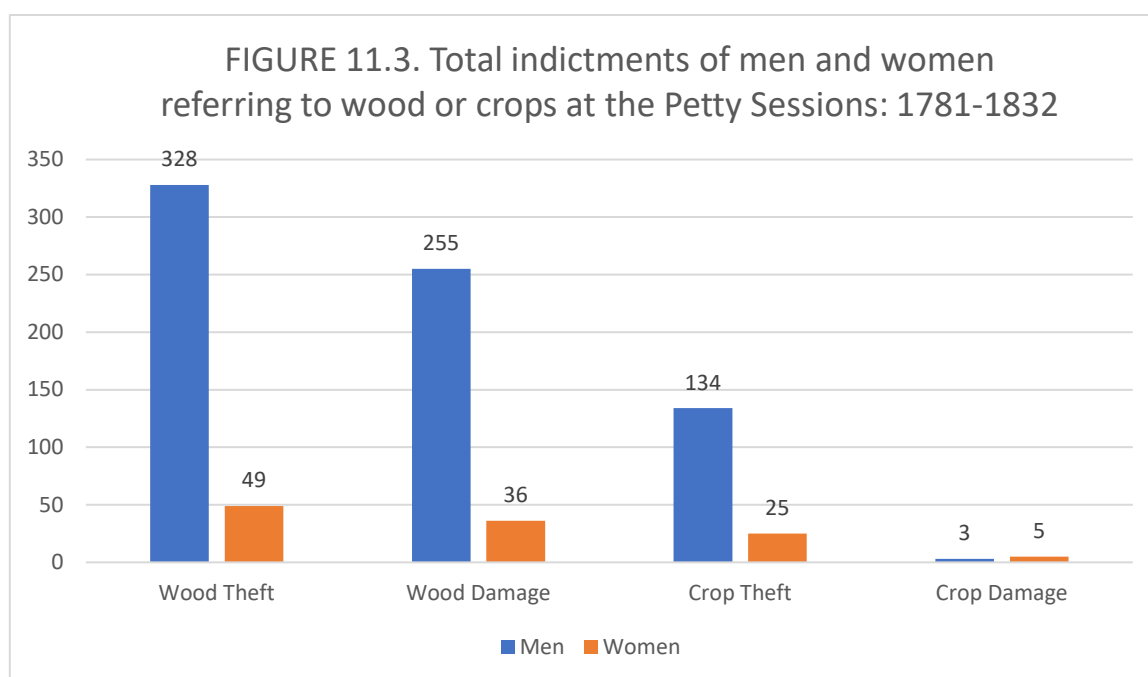
The Petty Sessions

Given the relative paucity of evidence regarding women between 1810 and 1832 the decision was taken to extend the period of study, beginning in October 1781. This is the earliest date represented in the Petty Sessions.¹²³ The role of children is also considered. This provides a greater opportunity to give under-represented groups

¹²² GHH Q/Sia (c) 1817.

¹²³ Stand out examples of male criminality are also included to offer a point of contrast.

such as women and children a place in this study. These crimes, however, were overwhelmingly committed by men.



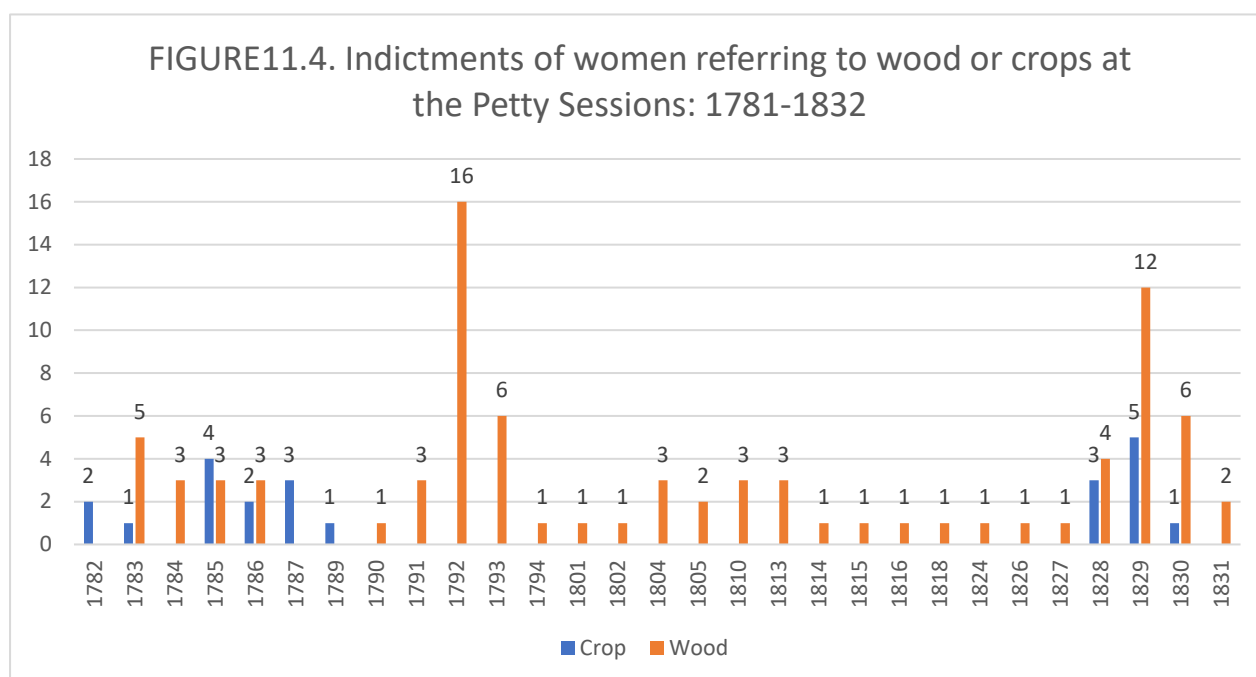
Griffin found that there was a clear difference in the activities of men and women regarding damage to trees.¹²⁴ Women were likely to be involved in minor acts of damage resulting from attempts to steal wood while men were involved in more serious acts including mass tree maiming. This pattern was replicated in Gloucestershire. In May 1820, for example, Thomas Pinfold was convicted of cutting down one-hundred young timber trees in Minchinhampton.¹²⁵ Large numbers of trees were targeted on further occasions. In February 1822 labourer Samuel Luff was fined £2 for stealing twenty young ash trees owned by the Duke of Beaufort in Tidenham, while in May 1828 labourers William Tyler and Charles Stephens were found guilty of

¹²⁴ Griffin, 'Protest Practice', p. 103.

¹²⁵ GHH Q/PC/2. See also 39/C/4.

cutting and stealing one-hundred beech saplings in Stroud owned by William Lewis Esq.¹²⁶ No comparable crimes were identified as being perpetrated by women.

In total, eighty-five women were indicted for crimes relating to wood and thirty for crops. Again the limitations of the official record must be considered before drawing conclusions regarding the extent of female criminality at the time. Figure 11.4, for example, has omitted years when no record of women being prosecuted at the Petty Sessions was identified. Given the widespread theft of wood and crops at the time this data cannot reflect the reality of everyday life for women in Gloucestershire. Despite this, the Petty Sessions have proven to be valuable in attempting to understand the role of women in these crimes.



Gleaning refers to the right for the rural poor to gather crops that remained in fields following the harvest.¹²⁷ Crops still growing were always considered the private

¹²⁶ GHH Q/PC/2. See also 41/C/1, 47/C/7, 47/C/11.

¹²⁷ Barry Reay, *Popular Cultures in England 1550-1750* (Routledge Taylor and Francis, London, 2014), p. 191.

property of farmers. These rights, varying by locality, were often enshrined in manorial law and set down in custumal books to be interpreted by manorial courts.¹²⁸ To Bushaway these practices were 'usual and [...] regularly performed' in local communities, and were considered to have existed for 'time immemorial.'¹²⁹ In combination with the customary right to gather wood, these activities were a 'vital contribution' in ensuring households survived through the winter.¹³⁰

King found that crop gleaning was one of the few customary activities 'controlled exclusively by women', an activity which grew in significance as formal female employment in the agricultural sector declined.¹³¹ In parts of eastern England gleaning was one of the main sources of income for women by 1830, while Penelope Lane's study of women in eighteenth and early nineteenth century Leicestershire found that crop gleaning could account for up to 1/8 of the income of a poor household.¹³²

While gleaning offered obvious material benefits for the agricultural poor the historical reality is difficult to accurately calculate and generalise.¹³³ Contemporary records are simply not complete enough to provide a clear picture. Despite this the 1834 Poor Law Commission into family earnings found that between 14% and 26% of rural parishes in Gloucestershire mentioned gleaning contributing to earnings.¹³⁴ In 1789 gleaning was found to be worth between 8% and 10.4% of a family's annual earnings in Newent, Gloucestershire.¹³⁵ Gleaning was particularly significant to

¹²⁸ Bushaway, *By Rite*, p. 6.

¹²⁹ Bushaway, *By Rite*, p. 6. Barry Reay, *Popular Cultures in England*, p. 191. Time immemorial refers to the time before legal memory and was often cited regarding customary rights in England.

¹³⁰ Amanda Flather, *Gender and Space in early modern England* (Woodbridge: Boydell Press, 2007), p. 88.

¹³¹ King, 'Customary Rights and Women's Earnings' p. 462.

¹³² King, 'Customary Rights and Women's Earnings' p. 462. Lane, 'Work on the Margins', p.90.

¹³³ King, 'Customary Rights and Women's Earnings' p. 461.

¹³⁴ King, 'Customary Rights and Women's Earnings' pp. 467-468. Based on a response rate of 13%.

¹³⁵ King, 'Customary Rights and Women's Earnings' p. 463.

widows and single women, ostensibly living without a male income, and could represent up to 25% of the value of poor relief.¹³⁶ This contribution was not trivial.

Across the eighteenth and nineteenth centuries previously accepted practices, such as crop gleaning and wood collecting, were increasingly prohibited in favour of the protection of private property. Custom was therefore criminalised.¹³⁷ Local communities, believing their customary rights were founded on 'historical legitimacy', challenged the increasing privatisation of agriculture.¹³⁸ This transformation subsequently led to the emergence of new arenas for social conflict.¹³⁹

Beattie observed that women were more likely to be involved in conflict surrounding customary rights, particularly pertaining to crop gleaning and wood collection.¹⁴⁰ The loss of these rights, he argues, mattered to women because it 'immediately touched the interests of their families', forcing women into criminality in order to fulfil their domestic responsibility.¹⁴¹ The decision to turn to crime when customary rights and the 'traditional [...] social norms and obligations' encapsulated by the moral economy were lost was considered legitimate because women had 'no other option' when seeking to ensure the security of the family.¹⁴² This transformation led to the emergence of new arenas for social conflict.

Similar disagreements regarding the collection of wood were present at the time. Customary rights to collect wood varied across localities but generally included gathering windfall and snap wood.¹⁴³ Bushaway's study of custom found that the

¹³⁶ King, 'Customary Rights and Women's Earnings' p. 466. Figures relate to Essex.

¹³⁷ Bushaway, *By Rite*, p. 6. Barry Reay, *Popular Cultures in England*, pp. 138-143.

¹³⁸ Griffin, *Protest, Politics, and Work*, p. 51.

¹³⁹ Peter King, 'Gleaners, farmers, and the failure of legal sanctions in England 1750-1850', *Past and Present*, 125 (1989) 116-150 (p. 116). Griffin, 'Protest Practice', p. 102.

¹⁴⁰ Beattie, 'The Criminality of Women', pp. 88.

¹⁴¹ Beattie, 'The Criminality of Women', pp. 88.

¹⁴² Lane, 'Work on the Margins', pp. 86-87. Thompson, 'Moral Economy', p. 79.

¹⁴³ Bushaway, *By Rite*, p. 141.

taking of wood was a popular and long held customary right across England and held similar significance to crop gleaning in rural communities.¹⁴⁴

Landowners were known to complain about the 'generous interpretations' of custom that led to the abuse of these rights by the rural poor.¹⁴⁵ The abuses described by Bushaway regarding the taking of wood stemmed from taking more than was acceptable within the parameters of customary rights, such as the 'over-zealous' gleaning of branches on growing trees.¹⁴⁶ This is especially significant given Griffin's assertion that the cost of resource theft far outstripped that of crimes such as incendiarism and animal-maiming.¹⁴⁷ While the varied nature of custom across England means defining what was considered acceptable in local communities is difficult these activities became a source of 'constant irritation' to farmers and landowners.¹⁴⁸

Again this has been explained through the fundamental importance of wood as a source of fuel for the agricultural poor. The expense of buying fuel, either wood or coal, simply became 'another drain on a labouring family's already stretched resources' and as a consequence many resorted to crime.¹⁴⁹ Wood theft was therefore interpreted as a crime of necessity, with Bushaway suggesting that the most common way in which the law and property rights were challenged was through the taking of wood, while Porter describes a culture imbued with the continuous pilfering of wood.¹⁵⁰

¹⁴⁴ Bushaway, *By Rite*, p. 138.

¹⁴⁵ Bushaway, *By Rite*, p. 141.

¹⁴⁶ Bushaway, *By Rite*, p. 141.

¹⁴⁷ Griffin, 'Social Conflict and Control', p.173.

¹⁴⁸ Porter, 'Crime in the countryside 1600-1800', in *The Unquiet Countryside*, ed. by G. E. Mingay (London: Routledge, 1989), 9-22 (p. 10). Porter, 'Crime in the countryside 1600-1800', p. 10.

¹⁴⁹ Shakesheff, *Rural Conflict*, p. 121.

¹⁵⁰ Bushaway, *By Rite*, p. 138. Porter, 'Crime in the countryside 1600-1800', p. 10.

Archer points to the underlying challenge in identifying protest and resistance in response to the loss of customary rights.¹⁵¹ These central features of rural society were ‘rarely documented’ by contemporaries, the concept of custom existing from ‘time immemorial’ meaning traditions existed within the cultural memory of local communities rather than through any formal legal documentation.¹⁵² Despite this, evidence of customary rights have been identified in the county. Bushaway, for example, describes one case of customary wood collection in his seminal study, while four further examples were identified in the course of this research.¹⁵³ Griffin and Robertson’s examination of moral ecologies in Gloucestershire meanwhile focuses on conflict centred on customary rights in the county.¹⁵⁴ Rudge references Condicote and Bledington as parishes that retained portions of land after enclosure for locals to collect furze for fuel, while part of Bisley Common was referred to as ‘custom wood’ in manorial records as early as 1708.¹⁵⁵ Finally, Rudge describes cottagers using common ground for food for sheep and geese in the county.¹⁵⁶

¹⁵¹ Archer, *Social Unrest and Popular Protest*, p. 12.

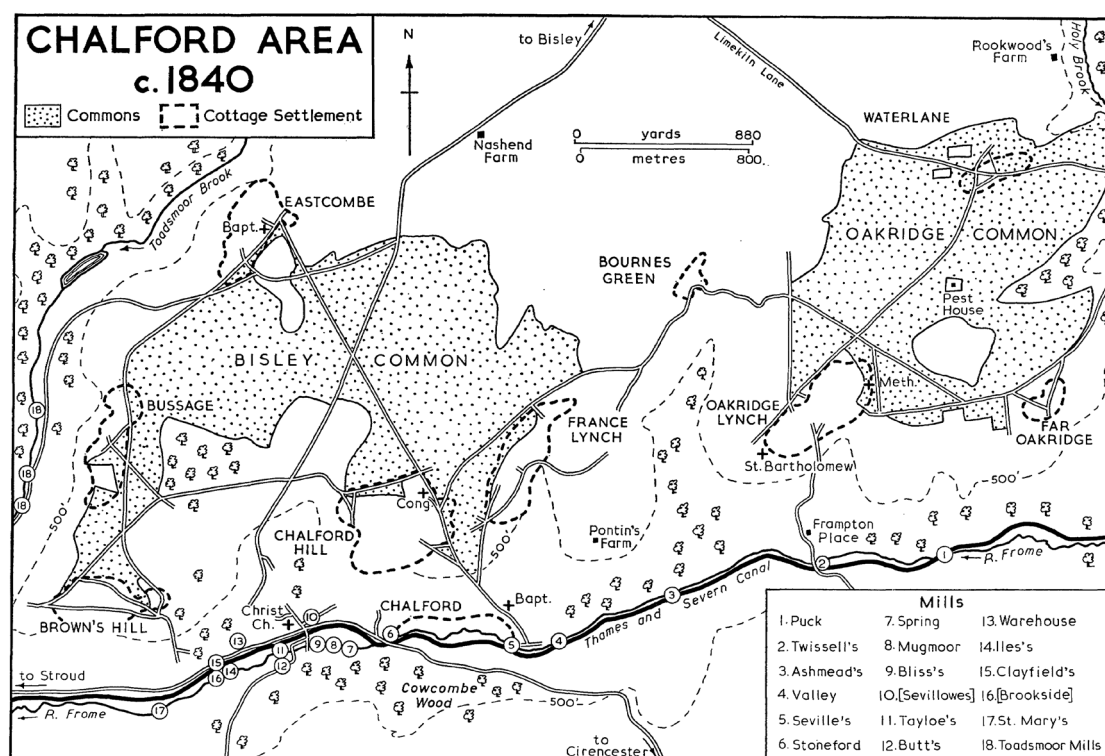
¹⁵² Archer, *Social Unrest and Popular Protest*, p. 12.

¹⁵³ Bushaway, *By Rite*, p. 140. In St. Briavels.

¹⁵⁴ Griffin and Robertson, ‘Moral Ecologies’. Their study focuses on timber conservation in the Forest of Dean, fish stocks in the River Severn, and grass burning on common land in Gloucestershire.

¹⁵⁵ Rudge, *General View*, p. 332. British History Online, *Bisley: Introduction* <<https://www.british-history.ac.uk/vch/glos/vol11/pp4-11>> [accessed 16 June 2024]. Further reference is made in 1730.

¹⁵⁶ Rudge, *General View*, pp. 250-251. See also Figure 11.5.

FIGURE 11.5. A map of Bisley Common.¹⁵⁷

Despite the paucity of explicit evidence, it is certain that customary rights existed in the county to a much greater extent.¹⁵⁸ If, as Emsley argues, the study of crime gives historians an opportunity to identify under-represented groups then the existence and scale of criminal acts such as wood and crop theft could provide a tentative window into lost customary rights in Gloucestershire.¹⁵⁹

The scale resource crime suggests the act was not viewed as criminal by rural communities. The central importance of crops and wood to the domestic security of poor families meant theft was legitimised, particularly considering the 'paltry amounts'

¹⁵⁷ British History Online, *Bisley: Introduction* <<https://www.british-history.ac.uk/vch/glos/vol11/pp4-11>> [accessed 16 June 2024].

¹⁵⁸ Examples of customary rights have been identified in Gloucestershire.

¹⁵⁹ Emsley, *Crime and Society in England*, p. 107.

that were taken.¹⁶⁰ Whether this truly legitimises the actions of the rural poor in the taking of resources, however, is subjective.

Identifying crop and wood theft in the record was a straightforward task as the Petty Sessions explicitly state when a woman was indicted for stealing. Eliza Crow, for example, was convicted of 'stealing twelve turnips in enclosed land at Avening' in December 1829, while Sarah Bryant and Mary Jeffries were indicted for 'stealing a quantity of wood' in Wick and Abson in March 1813.¹⁶¹ Included in the analysis of theft are women convicted of possessing stolen goods. In September 1816 Hester Niblett was found guilty of 'possessing firewood believed to have been stolen' while in October 1824 Maria Thomas along with Thomas Nichols were convicted of possessing stolen apples and damaging trees in Wapley and Codrington.¹⁶²

The identification of acts of vandalism, in contrast, is more challenging. While the destruction of property should be regarded as 'a tool of individual and social protest', the difference between damage and theft could be 'impossibly slight.'¹⁶³ Stealing wood or crops almost always required the damage or destruction of the target, and if caught in the act the actions of thieves could be misconstrued as deliberate damage. This must give pause to any conclusions made regarding the extent of vandalism in Gloucestershire.

The Petty Sessions 1781-December 1809

¹⁶⁰ Shakesheff, *Rural Conflict*, p. 123.

¹⁶¹ GHH Q/PC/2. See also 49/A/17, 32/C/7.

¹⁶² GHH Q/PC/2. See also 36/A/1, 43/D/5.

¹⁶³ Griffin, 'Protest Practice', p. 93. Griffin, 'Cut down by some cowardly miscreants', p. 43. Griffin points to clues in the source material, such as the mass destruction of flora.

Between October 1781 and December 1809 sixty-one separate indictments of women were identified at the Petty Sessions, totalling sixty-six women. This includes thirteen regarding crops and forty-eight relating to wood.¹⁶⁴ Seventeen women were described as single, four as spinsters, and four as widows. Twenty-nine women were recorded as wives, twelve of whom were married to labourers.¹⁶⁵ Seven had no status provided.

A substantial majority of indictments categorised as damage referenced the 'cutting' of wood, although whether this means the perpetrator was caught in the act of cutting the wood in order to steal it or as an act of vandalism is unclear. In reality the physical difference between the two are trivial. The record, however, appears to be fairly reliable in this regard. In April 1787 labourer Anthony Roberts was prosecuted for 'cutting timber with intent to steal' in the Forest of Dean.¹⁶⁶ In contrast Robert Tingle was indicted for 'cutting, spoiling, and destroying an oak timber tree', again in the Forest of Dean.¹⁶⁷ Only indictments that specifically refer to theft have therefore been categorised as such.

Five indictments for crimes concerning crops refer to two or more women.¹⁶⁸ In January 1786 Elizabeth Annis, Mary Annis, and Elizabeth Slater were fined 5s for stealing turnips from a field in Upton St. Leonards.¹⁶⁹ In August 1786 Mary Berry, Mary Clift, and Mary Hopson were indicted for stealing peas from a field in Stroud.¹⁷⁰ No sanction is recorded.

¹⁶⁴ Possession of stolen goods was included within the data for theft.

¹⁶⁵ Three were married to cordwainers. Two wives were recorded for each of the following occupations - broad weaver, mason, sawyer, collier. One woman was described as the wife of a nailor.

¹⁶⁶ GHH Q/PC/2. See also 6/C/12.

¹⁶⁷ GHH Q/PC/2. See also 8/C/12.

¹⁶⁸ GHH Q/PC/2. See also 4/C/10, 5/A/3, 5/A/5, 5/D/2, 8/B/3.

¹⁶⁹ GHH Q/PC/2. See also 5/A/5.

¹⁷⁰ GHH Q/PC/2. See also 5/D/2.

It is highly likely that the theft of food by women links to the gendered family roles of the period. In November 1785 Sarah, Mary, Martha, and Elizabeth Steel, were fined 10s for 'pulling up with intent to steal' half a peck of turnips from a field in Brookethorp.¹⁷¹ They appear to be from the same family. The women were not involved in criminal activity stemming from lost gleaning rights as they were prosecuted for taking turnips that were still growing. Their activity could, however, point to their role in supporting the domestic economy of their family through illicit means.

The Steels had targeted the land of Thomas Gardener, recorded as a husbandman in their indictment. Husbandmen were farmers considered below the rank of yeoman, usually farming their land under copyhold or leasehold tenures. They were, in essence, the average farmer in a locality. Husbandmen were found to be targeted on three other occasions. In August 1782 the wife of labourer Robert Probert was indicted for stealing peas from a field belonging to husbandman Edward Hartland in Newent.¹⁷² In September 1782 single-woman Elizabeth Dowell was convicted for stealing a quarter-peck of potatoes from a field in Hucclecote, while in July 1783 Mary Haines, again the wife of a labourer, was indicted for stealing a 'small quantity of peas' from husbandman William Green in Westbury on Severn.¹⁷³

It is telling that women were engaged in stealing small quantities of crops. Elizabeth Dowell's theft of a quarter-peck of potatoes, equivalent to two and quarter litres, and Mary Haines' theft of a 'small quantity' of peas do not suggest anything greater than crimes of necessity. These were quantities of food that could easily be carried by one person, and unlikely to have been of sufficient quantity to turn a profit if resold. The indictments do not always describe the quantity of crops stolen, so it is

¹⁷¹ GHH Q/PC/2. See also 5/A/3. A 'peck' is a British Imperial measurement, equivalent to 1/4 of a bushel.

¹⁷² GHH Q/PC/2. See also 1/D/12. First name is not recorded.

¹⁷³ GHH Q/PC/2. See also 1/D/13, 2/D/5.

impossible to generalise. When the quantities were recorded, however, only one exceeded a quarter-peck. While the women were convicted around the time the crops are traditionally harvested, the small quantities involved in addition to when the crimes occurred could point to evidence of gleaning rights in Gloucestershire.¹⁷⁴ The women may have been over-zealous in what they gleaned or were using the crime to challenge the loss of customary rights.

The sphere of resource crime points to a complex set of relationships among contemporary communities. In July 1787 Elizabeth Matthews was indicted for picking and stealing a peck of peas in Forthampton.¹⁷⁵ Matthews, described as the wife of a labourer, had stolen the peas from a field owned by a local bricklayer, while the complainant in the case was labourer John Clifton. In December 1787 single woman Elizabeth Matthews was recorded as stealing turnips from a field in the parish of St. Michael owned by Edward Elton Esq.¹⁷⁶ Again the complainant was a labourer.

Why low status individuals were targeted is open to interpretation. These could have been crimes of opportunity, committed by women who lived in close proximity to the victims. Furthermore, the perpetrators may have considered the targeting of lower status individuals as more favourable than those with higher status due to the decreased likelihood of a successful prosecution occurring.

The role of labourers in the prosecution of women, ostensibly from the same social class, challenges the idea that crop theft enjoyed widespread support from the lower orders. This is particularly significant given the small population size of each parish. In 1800 the population of Forthampton was 450, while St. Michael was

¹⁷⁴ GHH Q/PC/2. See also 6/D/8. Peas are usually planted in Spring to early Summer. They take around two months to grow. Main crop varieties of potatoes are harvested between August and October. Or it simply matches the agricultural calendar.

¹⁷⁵ GHH Q/PC/2. See also 6/D/8.

¹⁷⁶ GHH Q/PC/2. See also 7/A/12. It is unlikely that the two cases refer to the same woman.

recorded at approximately 1100.¹⁷⁷ There is a chance therefore that all parties involved were known to one another. If this is the case then the idea of an ostensibly united front against the higher echelons of rural society is brought into doubt.¹⁷⁸ While the reasons for this may be varied, the notion of unity in response to top-down oppression fails to reflect the complexity of everyday social relations.

The indictments referring to crops between 1781 and 1810 explicitly reference 'pulling up' or 'cutting' crops on three separate occasions.¹⁷⁹ In January 1787 single-woman Ruth Beard was indicted for 'pulling up and destroying a quantity of turnips' in a field in Painswick belonging to Mr. Edward Palling.¹⁸⁰ The Palling family were successful local clothiers, owning land and several tenements in the Painswick area.¹⁸¹ In January 1789 Phoebe Cooke and Hannah Veriby, wives of a clothworker and sawyer respectively, were recorded as pulling up and destroying turnips in Stroud.¹⁸²

In an effort to ascribe meaning to the cases above it is important to note that the record is explicit when theft was thought to have occurred. In May 1785 single-woman Elizabeth Lander and labourers wife Mary Southern were recorded as 'cutting and stealing cabbages' from a garden in Kingsholm.¹⁸³ The records are usually unambiguous in the link between actions that damage crops and theft. That the same

¹⁷⁷ A Vision of Britain Through Time, *Forthampton Total Population* <https://www.visionofbritain.org.uk/unit/10374273/cube/TOT_POP> [accessed 16 June 2024]. A Vision of Britain Through Time, *Gloucester St Michael Total Population* <https://www.visionofbritain.org.uk/unit/10377778/cube/TOT_POP> [accessed 15 June 2024].

¹⁷⁸ While the reasons for this can vary the fact remains that the idea of unity in the face of top-down oppression does not reflect the reality of everyday life.

¹⁷⁹ GHH Q/PC/2. See also 4/C/10, 6/A/3, 8/B/3.

¹⁸⁰ GHH Q/PC/2. See also 6/A/3.

¹⁸¹ British History Online, *Painswick: Manors and other estates* <https://www.british-history.ac.uk/vch/glos/vol11/pp65-70> [accessed 14 June 2024].

¹⁸² GHH Q/PC/2. See also 8/B/3.

¹⁸³ GHH Q/PC/2. See also 4/C/10.

cannot be applied to Ruth Beard or Phoebe Cooke and Hannah Veriby, suggests the damage was perceived to be an act of vandalism.

Nineteen cases of wood theft and twenty-five cases of wood damage were identified between 1781 and the end of 1809. Two women were recorded as spinsters, five as widows, fifteen as wives, and twelve as single women. Eight wives were listed as being married to skilled workers and seven to labourers.¹⁸⁴ Thirty-four cases were found to have occurred between October and March, with October and November experiencing the most cases. Only two cases of unambiguous wood theft occurred between April and September. In June 1783 Mary Jones was accused of stealing underwood from a grove belonging to Robert Kingscote Esq in Horsley, while in April 1801 widow Sarah Werrett was indicted for pulling up and stealing hedge wood on land occupied by yeoman Richard Loveridge in Pauntley.¹⁸⁵

Women were found to be in possession of stolen wood on three occasions. In December 1783 Lucy Haglett, a spinster from North Nibley was fined £1 plus expenses for possession of stolen timber.¹⁸⁶ In November 1785 widow Tabitha Evans was indicted for possession of oak timber 'without satisfactory explanation' while in November 1805 mason's wife Sarah Blood was found in possession of beech wood.¹⁸⁷ Sarah Blood was fined £5 plus expenses. The time of year could point to a possible motivation behind the theft.

Women engaged in the theft of wood on multiple occasions. In July and August 1783 labourer's wife Ann Hooper was indicted for stealing wood in the Forest of Dean on three separate occasions, while in October 1792 collier's wife Elizabeth Cook was

¹⁸⁴ Two colliers, two masons, one broad weaver, one nailor, one sawyer, one cordwainer.

¹⁸⁵ GHH Q/PC/2. See also 2/C/1, 20/B/1.

¹⁸⁶ GHH Q/PC/2. See also 3/A/3.

¹⁸⁷ GHH Q/PC/2. See also 5/A/8, 25/A/1.

prosecuted for cutting and stealing three beech trees again in the Forest of Dean.¹⁸⁸ Cook was recorded once more in October 1793 for cutting underwood.¹⁸⁹ On both occasions the complainant was listed as George Court.

While the extent to which individual wood thieves were aware of the legality of wood taking will always remain unclear, it is hard to envisage complete naivety regarding the act. Bushaway describes a process of increasing criminalisation across the seventeenth and eighteenth centuries, culminating in legislation during the reign of George III that ‘aimed to remove all possible equivocation and establish firmly the criminality of wood-gathering’ in England.¹⁹⁰ Change was not sudden. By the late eighteenth century, it is not beyond reason to suggest that the perpetrators held a certain level of understanding regarding the illegality of their actions.

If this is the case then the deliberate breaking of the law must be considered a conscious act of resistance, regardless of the potential economic benefits inherent within the theft of wood. Bushaway’s study of wood theft in late eighteenth and early nineteenth century Hampshire and Wiltshire led him to suggest that ‘powerful and determined resistance’ existed in response to changes in the law.¹⁹¹ This resistance, he contends, was motivated by the popularly held and ‘deeply fixed’ belief in the right to gather wood.¹⁹² The increasing desire of landowners to protect private property clashed with the customary rights and traditional beliefs of rural communities.

This inevitably led to conflict, as has been shown through the actions of poachers, incendiaries, and machine breakers both in this study and the wider

¹⁸⁸ GHH Q/PC/2. See also 2/D/15, 12/A/16.

¹⁸⁹ GHH Q/PC/2. See also 13/A/18.

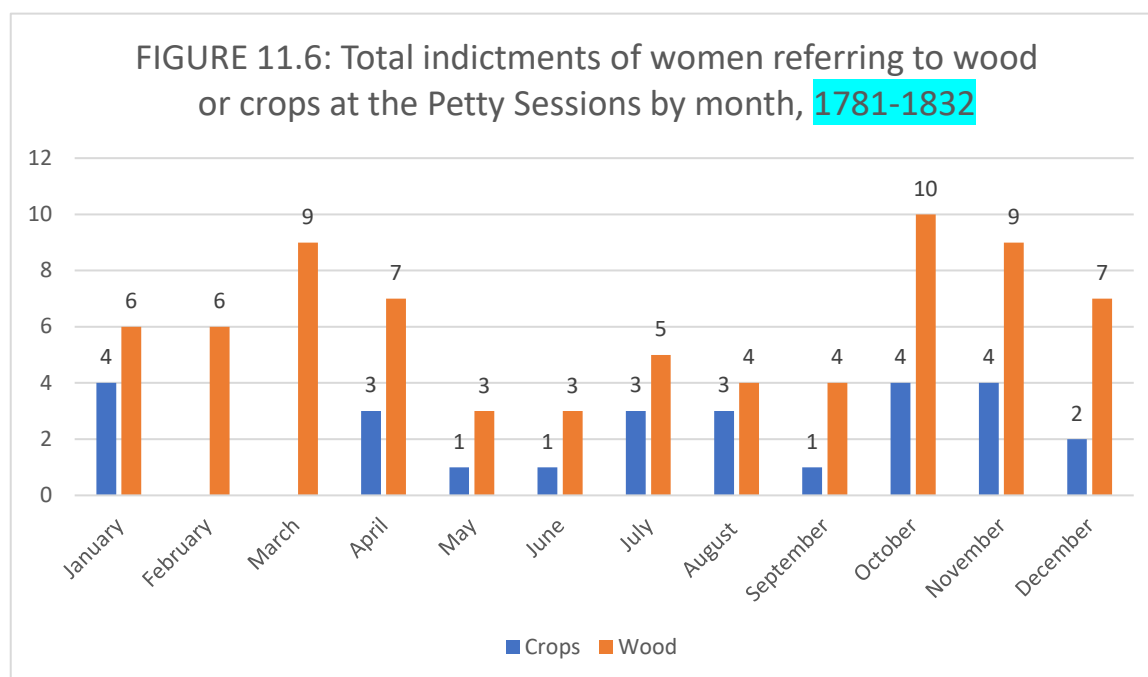
¹⁹⁰ Bushaway, *By Rite*, p. 144. 6.Geo. III.C 48,f.1., 13.Geo.III.C.33., 9.Geo.III.C.41., 6.Geo.III.C.36.

¹⁹¹ Bushaway, *By Rite*, p. 144.

¹⁹² Bushaway, *By Rite*, p. 144.

historiography. This conflict should be considered within the framework of resistance. The prominent role of women in resource theft and vandalism, however, is a marked difference to more traditional acts of rural resistance. This was a definitive sphere where women were able to assert their agency.

The rise in cases from October corresponds to the increased ease of theft during the longer hours of darkness. The greater role of women in these crimes could also point to the domestic economy through preparing household resources for heating during the harsh winter months, while the demand associated with cooking would remain relatively constant.¹⁹³ In November 1783 Elizabeth Jackson was indicted for cutting and stealing underwood, while in October 1792 Ann Sinderberry and Sarah Harris were convicted of the same crime.¹⁹⁴ All three women were described as the wives of labourers, and therefore more likely to have had to rely on illicit means to improve their situation. Further cases during this period found a single-woman and widow stealing wood during October and November.¹⁹⁵



¹⁹³ The need to collect wood for cooking would have continued throughout the year.

¹⁹⁴ GHH Q/PC/2. See also 3/A/5, 12/A/8, 12/A/9. All occurred in the Forest of Dean.

¹⁹⁵ GHH Q/PC/2. See also 12/A/21, 12/A/22.

Women were also prominent in the deliberate damage and destruction of wood, and were identified in twenty-five cases of vandalism between 1781 and 1810. Given the nature of wood theft at the time it is almost certain that some of the women prosecuted for damage were simply caught in the process of stealing. The records certainly hint at this scenario. In January 1783 single-woman Mary Merrick was indicted for 'cutting down and stealing timber in the Forest of Dean', while Jane Webb was recorded as 'cutting and stealing young beech trees from a wood' belonging to gentlewoman Sophia Small in Avening.¹⁹⁶ Deliberate vandalism must therefore be considered distinct from damage caused in the process of stealing.

The Forest of Dean dominates the record of wood theft and damage between 1781 and 1810. This, in part, is due to the unequal survival of the records.¹⁹⁷ The physical features of the Forest of Dean must also be considered, as it must have been too tempting for poor families to pilfer resources that were on their doorstep. This would have been particularly attractive given the high cost of living at the time, especially the cost of food and coal. Emma Griffin, for example, has found that the families of agricultural workers in the late eighteenth century spent 75% of their income on food.¹⁹⁸ Shakesheff, meanwhile, found that despite widespread availability coal was 'often too expensive for many of the rural poor.'¹⁹⁹

Some chose to steal coal. In October 1813 Mary Ambury was sentenced to one-month in the Littledean house of correction for stealing coal from a dealer.²⁰⁰ She served two-weeks. In August 1820 labourers Nancy and Eliza Frewen each served

¹⁹⁶ GHH Q/PC/2. See also 2/A/18, 4/A/9.

¹⁹⁷ Wyatt, *Petty Sessions*, p. xii. There are no returns from the north-east of the county.

¹⁹⁸ Griffin, 'Diets, Hunger, and Living Standards', p. 83. This figure remained relatively unchanged over the next 50 years. Both wages and the cost of living were highly regionally variable.

¹⁹⁹ Shakesheff, *Rural Conflict*, p. 121.

²⁰⁰ GHH Q/ GLi. Gaol Register Number 340.

fourteen days in Horsely house of correction for stealing coal, while eleven-year-old labourer James Watkins was held for one-month in Littledean for taking coal from a railway.²⁰¹ The overwhelming majority of fuel theft convictions, however, related to wood. The relative ease in taking wood and its centrality to domestic life meant this would have been both a pragmatic and economically sound choice to poor families.

Communities in the Forest of Dean also suffered the impact of enclosure.²⁰² By 1700 half of all arable land was enclosed. Access to 11,000 acres of forest land was totally restricted through enclosure completely removing the rights of residents to pasture cattle or graze pigs, while the right to gather wood for fuel was ‘forever eliminated’ across the whole of the 24,000 acres of the Forest of Dean.²⁰³

The changes imposed on the residents of the Forest were not universally accepted, with tensions evident in the sources. In May 1788 Miles Hartland, the assistant-deputy-surveyor for the Dean Forest Commissioners, reported that encroachments by ‘poor labouring people’ onto enclosed land had doubled in the forty years prior.²⁰⁴ These individuals, he describes, were ‘induced to seek habitations in the Forest for the advantages of living rent free’, while seeking pasturage for their sheep, pigs, and cows.²⁰⁵ He further explains that their actions were ‘detrimental to the Forest by cutting wood for fuel [...] and stealing timber’ to build huts and fences.²⁰⁶ Hartland’s account, given his role, is a predictably prejudiced perspective of what the official records suggests was relatively low levels of criminality. Griffin certainly

²⁰¹ GHH Q/ Gc. Gaol Register Numbers 98, 99. GHH Q/ GLi. Gaol Register Number 1520. The women were aged twenty and eighteen.

²⁰² 1668 Dean Forest (Reafforestation) Act. 19 & 20 Cha. 2. c. 8. A further act was passed in 1808 in response to timber shortages for the Royal Navy. Dean and New Forests Act 1808. 48 Geo. 3. c. 72.

²⁰³ Griffin and Robertson, ‘Moral Ecologies’, p. 30. Pasture, Pannage, Estover.

²⁰⁴ Henry George Nicholls, *The Forest of Dean; an Historical and Descriptive Account, Derived from Personal Observation, and Other Sources, Public, Private, Legendary, and Local* (London: John Murray Publishing House, 1858), p. 77.

²⁰⁵ Nicholls, *The Forest of Dean; an Historical and Descriptive Account*, p. 77.

²⁰⁶ Nicholls, *The Forest of Dean; an Historical and Descriptive Account*, p. 77.

disagrees, arguing that 'if the occasional squatter took the occasional oak tree to construct their cottage or sell, the impact was nothing compared to the usage of the navy' or perks enjoyed by forest officials.²⁰⁷

Evidence from the Petty Sessions shows that enclosure was an area of conflict in the Forest of Dean between 1781 and 1810. During this period twenty-three indictments referred to enclosure. These have been divided into two categories: enclosure of land for personal use and the targeting of already enclosed land. Eighteen cases were recorded regarding individuals enclosing land for their own personal use. Ten were listed as labourers and three as colliers.²⁰⁸

Griffin and Robertson found that residents of the Forest of Dean could be 'vigorous' in their resistance to enclosure, either through the damage to boundaries or through encroachment into enclosed land.²⁰⁹ Evidence of this was identified as occurring though no women were prosecuted for crimes of this manner, implying division along gender lines in this regard. In March 1783 labourers Thomas Pitt and William Williams were prosecuted on the account of deputy forest keeper George Jones for 'clearing and enclosing a piece of ground' for their personal use.²¹⁰

A similar case occurred in December 1785 when labourers Robert Wintle and Phillip Palmer, both residents of Lea hamlet, were indicted for clearing and enclosing ground for their own use although no information is provided regarding the extent of their efforts.²¹¹ It is unclear whether the men were seeking to enclose common land or challenge land previously enclosed through legislation. This applies to all other

²⁰⁷ Carl Griffin, 'Enclosures from below? The politics of squatting and encroachment in the post-Restoration New Forest', *Historical Research*, 91 (2018), 274-295 (p. 293).

²⁰⁸ Also included were a forge man, a carpenter, a tailor, a butcher, and a gardener.

²⁰⁹ Griffin and Robertson, 'Moral Ecologies', p. 32.

²¹⁰ GHH Q/PC/2. See also 4/B/14, 4/B/15. The men appear to have been working together despite their separate indictments.

²¹¹ GHH Q/PC/2. See also 5/B/19, 5/B/21.

cases from this period. Regardless, it must have been galling for individuals to endure the high levels of enclosure that occurred in the Forest of Dean and be prevented from doing the same.

Five individuals were described as committing crimes within or against enclosed ground, four of whom refer to cutting and rooting up underwood.²¹² The most interesting case occurred in June 1783 when cordwainer John Wintle was prosecuted for 'rooting up a large quantity of young trees from an enclosure' in Mitcheldean.²¹³ No mention is made as to whether Wintle was attempting to steal the trees, yet given the resistance to enclosure that permeated the culture of the Forest of Dean at the time it is possible that the targeting of a large quantity of trees was an action within this resistance.

Residents of the Forest have been described as 'proud of their independence [...] and fierce in defence of their customs', with a tendency for lawlessness across the eighteenth and early nineteenth centuries.²¹⁴ Riots occurred in 1795 and 1801, while anti-enclosure riots broke out in 1831. While riots were often linked to the shortage and price of food, Griffin points out that from the 1790s 'there was an increasing tendency to juxtapose food prices with wages and poor relief.'²¹⁵ Riots, in essence, were a response to the decline in the moral economy of rural communities. If it is accepted that overt expressions of discontent such as riot represent the symbolic tip of the protest iceberg, then the high levels of wood theft and vandalism in the Forest must be considered acts of resistance.

²¹² A labourer, a cordwainer, a plumber and glazier, a gardener, and a collier.

²¹³ GHH Q/PC/2. See also 2/C/12.

²¹⁴ British History Online, *Forest of Dean: Social Life* <<https://www.british-history.ac.uk/vch/glos/vol5/pp381-389>> [accessed 15 June 2024].

²¹⁵ Griffin, 'Rural Workers', p. 1238.

There is potential evidence of this occurring in August 1792, when labourer's wife Elizabeth Gardner was accused of cutting 'a quantity of oak trees likely to become timber' in the Forest of Dean.²¹⁶ While timber, as deputy commissioner Miles Hartland attests in his report, had many uses to poor families the theft of a product that was the root cause of hardship should not be discounted as simply supporting the domestic economy.²¹⁷ There must have been overlap between crimes of necessity and crimes of resistance.

Women were found to be active in other localities. In March 1784 broad weaver's wife Ann Workman was described as 'cutting and damaging' a tree in Bisley.²¹⁸ Bisley, as has been described was the site of conflict in the late eighteenth and early nineteenth centuries over the enclosure of the commons in the area. This conflict occurred throughout the period. In May 1830 gardener Thomas Burrows and carpenter Robert Davis were both convicted of 'damaging one square yard of turf on Bisley common', described as the property of William Lewis Esq, the lord of the manor.²¹⁹

Interestingly, the south-west corner of Bisley common centred on Bussage, had been referred to as 'custom wood' in the local manor court since 1708, with explicit evidence of tenants having the right to take wood from the commons in Bisley from as early as 1608.²²⁰ There is a possibility, therefore, that Ann Workman was damaging a tree planted as part of this process. Trees, as Griffin describes, could represent both the source of hardship and the physical symbol through which this was imposed.²²¹

²¹⁶ GHH Q/PC/2. See also 11/D/8.

²¹⁷ Timber from the Forest of Dean was an essential resource for the Royal Navy.

²¹⁸ GHH Q/PC/2. See also 3/B/5.

²¹⁹ GHH Q/PC/2. See also 49/C/61, 49/C/62.

²²⁰ British History Online, *Bisley: Introduction* <<https://www.british-history.ac.uk/vch/glos/vol11/pp4-11>> [accessed 16 June 2024]. Further reference is made in 1730. See Appendix 8 for a map of the area.

²²¹ Griffin, 'Cut down by some cowardly miscreants', p. 30.

The destruction of trees, considered the private property of high-status landowners, could point toward a possible motivation. While this is supposition, Shakesheff has argued that women were active in their resistance to the loss of customary rights.²²² The deliberate damage of trees suggests evidence of this activity.

In October 1790 widow Hannah Morgan was prosecuted for ‘cutting part of an oak timber tree’ in the Forest of Dean owned by gentleman Thomas Blunt.²²³ Further high-status individuals were targeted again in March 1792, when single woman Hester Hockley was prosecuted for ‘cutting a quantity of underwood’ in a wood owned by Thomas Richardson Esq.²²⁴ In May 1792 spinster Sarah Cottle was described as ‘cutting and damaging two young ash trees’ in Minchinhampton owned by Edward Sheppard Esq, while in December 1802 Elizabeth Denly was indicted for damaging underwood owned by Lord Chedworth.²²⁵

As always, caution must be applied to the acts described above. It is highly tempting to ascribe meaning that may not have existed in the minds of contemporaries. Not every act should be considered protest. This is highlighted in the case of Samuel Jones, a brush maker from Gloucester who sought to prosecute two women accused of damaging underwood on his property.²²⁶ Labourer’s wife Elizabeth Phillips and Esther Evans, wife of a cordwainer, were both found guilty of the crime in September 1809 and fined 5s plus expenses.

The targeting of a brush maker does not correspond with concepts of protest through crime, particularly the paradigm of class-conflict. This should not, however,

²²² Shakesheff, *Rural Conflict*, p. 113.

²²³ GHH Q/PC/2. See also 10/A/6.

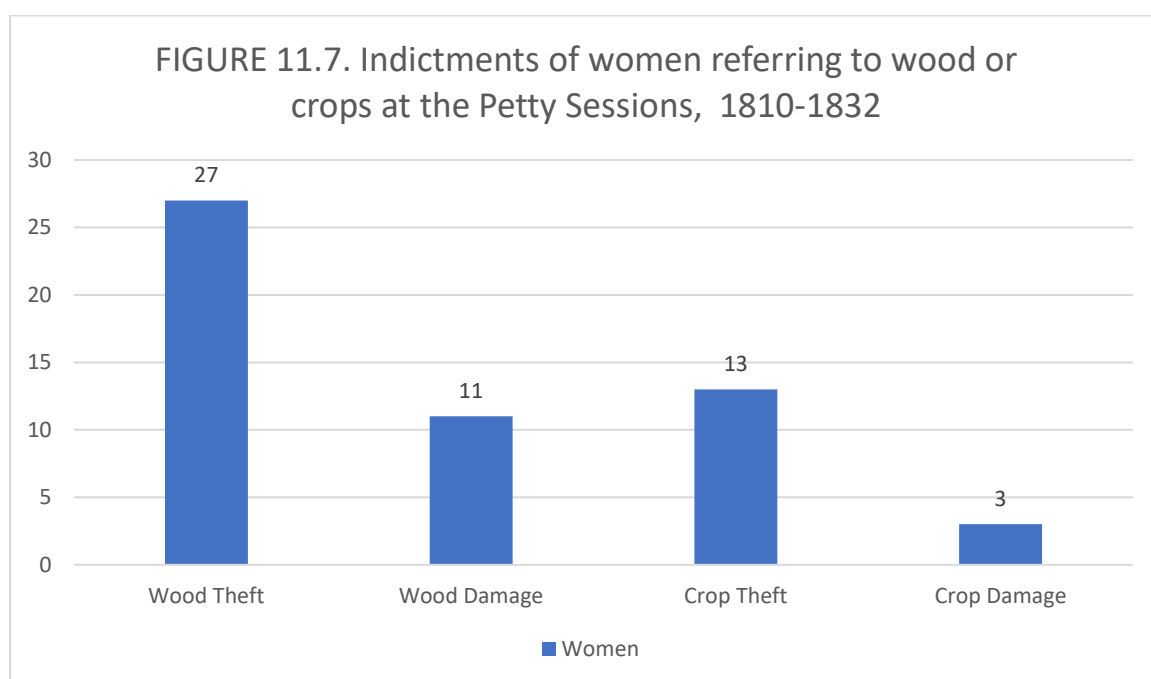
²²⁴ GHH Q/PC/2. See also 11/B/7.

²²⁵ GHH Q/PC/2. See also 11/C/5, 22/A/1.

²²⁶ GHH Q/PC/2. See also 28/D/2, 28/D/3.

discount the possibility of personal conflict between the women and Samuel Jones. The real value of private property is relative to the financial status of the owner. While underwood would have held negligible value to high status landowners the comparably low status of a brush maker may have increased its worth. It is therefore possible that smaller acts of vandalism could have a far greater impact on lower status individuals.

The Petty Sessions 1810 – 1832



Women were identified in a total of fifty-four incidents of vandalism and resource theft between 1810 and 1832, thirty-eight relating to wood and sixteen to crops. In August 1830 Elizabeth Court was sentenced to one month in Littledean house of correction for 'wilfully and maliciously damaging a quantity of potatoes and grass' alongside

William Court in St. Briavels.²²⁷ Their gaol calendar entries describe Elizabeth as a forty-year-old labourer and William as a nineteen-year-old quarryman.²²⁸

In October 1828 Betty Judge was found guilty of ‘maliciously destroying turnips’ in a field in Tetbury, the property of labourer John Charles.²²⁹ She was fined 10s plus costs, which she appears to have paid as she is absent from the Horsley gaol calendar. This was not Judge’s first offence. She was previously found guilty of stealing a quantity of dead fence in December 1827 and fined 50s plus costs.²³⁰ On this occasion she was unable to pay the fine and was committed to one month in the house of correction, where she was recorded as a twenty-eight-year-old labourer and wife.²³¹ She was described as serving her sentence with her infant child.

The conviction for the ‘malicious destruction’ of turnips appears at odds with the idea that the theft of food was driven by poverty and necessity. While the destruction of property should be regarded as ‘a tool of individual and social protest’, the difference between damage and theft could be ‘impossibly slight.’²³² Stealing wood or crops almost always required the damage or destruction of the target.²³³ Caution must therefore be employed before ascribing meaning to the actions of the women above.

The fact that Judge targeted a fellow labourer could point to more individual motivations such as personal grievance or conflict between the two. Consideration must also be given to the possibility that vandalism was carried out without any underlying motivations. At times the damage and destruction of property is described

²²⁷ GHH Q/PC/2. See also 49/D/16.

²²⁸ GHH Q/ GLi. Gaol Register Number 1650, 1651.

²²⁹ GHH Q/PC/2. See also 48/A/36.

²³⁰ GHH Q/PC/2. See also 47/A/13.

²³¹ GHH Q/ GH. Gaol Register Number 852.

²³² Griffin, ‘Protest Practice’, p. 93. Griffin, ‘Cut down by some cowardly miscreants’, p. 43.

²³³ Griffin points to clues in the source material, such as the mass destruction of flora.

as 'wanton', committed without an ulterior motive.²³⁴ Griffin, however, suggests that 'maiming would be an important way' in which their resentments [...] could be partially assuaged', and when combined represented a 'phalanx of [...] subtle resistance.'²³⁵ This must be considered when interpreting the actions of women.

Betty Judge was convicted again in November 1828 for 'maliciously damaging a withy tree' in Tetbury.²³⁶ She did not pay the £5 fine imposed upon her and was again committed to Horsley house of correction.²³⁷ Judge's entry into the gaol register describes how a day after her incarceration she 'unexpectedly' gave birth to a baby girl. Despite this, she served her full sentence and was released in February 1829.

Boundaries associated with enclosure were attacked on two separate occasions, both of which targeted land owned by women. In October 1830 labourer's wife Elizabeth Pearce was prosecuted for stealing part of a fence enclosing ground in Tresham near to Hawkesbury.²³⁸ The land was described as being the property of widow Elizabeth Worlock. In October 1831 Margaret Russel was found guilty of stealing a gate from a field in Forthampton owned by Mrs. Ann Bolton.²³⁹ Gates were often targeted in disputes focused on rights of access rather than the material value of the gate itself and therefore correspond with the broader conflict centred on enclosure. Russel was fined a total of 26s plus 21s costs.

Boundaries were damaged on two further occasions. In April 1828 Mary Sandalls was fined 4s plus costs for breaking down and taking away part of a fence owned by John Pegler in Mangersbury.²⁴⁰ The record for Northleach gaol has not

²³⁴ Harold Goldmeier, 'Vandalism: The Effects of Unmanageable Confrontations', *Adolescence*, 9 (33), 49-56 (p. 51).

²³⁵ Griffin, 'Cut down by some cowardly miscreants', p. 43.

²³⁶ GHH Q/PC/2. See also 48/A/38.

²³⁷ GHH Q/ GH. Gaol Register Number 1171.

²³⁸ GHH Q/PC/2. See also 50/A/33.

²³⁹ GHH Q/PC/2. See also 51/A/69.

²⁴⁰ GHH Q/PC/2. See also 47/B23.

survived past 1816, so it is uncertain whether Sandalls was able to pay the fine. Finally, in March 1831 single-woman Hannah Wager was found guilty of damaging yeoman Thomas Loveday's hedge.²⁴¹ She was fined 5s plus damages and costs or face two months hard labour in Horsley house of correction. Again, the prison record for this period has not survived.

Harriet Parker

In June 1829 Harriet Parker, Mary Parker, and George Parker were found guilty of stealing a quantity of dead fence in Shipton Moyne alongside Sarah Martin and Mary Lamb.²⁴² They were each fined £5, failure to pay leading to two months in Horsley house of correction. Harriet Parker's entry into the Horsley gaol calendar describes her as a twelve-year-old labourer.²⁴³ It appears that she was related to two of her accomplices, forty-year-old Mary Parker and nine-year-old George Parker.²⁴⁴ Given the age gap there is a possibility that Mary was the mother of the two. Mary Parker had previously been held at Horsley house of correction in February 1829 for leaving her family chargeable to the parish, while fellow accomplice Mary Lamb had served one month for taking bedding and children's clothes from a poor house in Tetbury in May 1827.²⁴⁵ Both Mary Parker and Mary Lamb were recorded as being imprisoned with their infant children.

²⁴¹ GHH Q/PC/2. See also 50/B/40.

²⁴² GHH Q/PC/2. See also 48/C/11.

²⁴³ GHH Q/ GH. Gaol Register Number 1362.

²⁴⁴ GHH Q/ GH. Gaol Register Number 1359, 1360.

²⁴⁵ GHH Q/ GH. Gaol Register Number 1226.

Harriet Parker was released from Horsley house of correction on 17 August 1829. Within two weeks she was tried again.²⁴⁶ Eight females, including Harriet Parker, were each fined 6d plus costs for 'causing damage to a cornfield' in Sapperton occupied by yeoman William Lawrence. This case represents the largest group of women to be prosecuted across the period of study and appears to have been an act of criminalised gleaning on the part of the women.²⁴⁷ If payment was not received the women would face one week's hard labour in Horsley house of correction. Unfortunately, the Horsley gaol calendar from the beginning of August 1829 to 1833 has not survived.

The case of Harriet Parker points to the role of the family within social criminality at the time, and hints at a level of desperation on the part of the perpetrators. This is particularly pertinent given her conviction for stealing wood from a fence. Shakesheff, in his study of wood and crop theft in Herefordshire, found that children were often employed by their families to collect wood in support of the domestic economy.²⁴⁸ Children, he argues, were less likely to draw attention to themselves and if they were stopped were more likely to receive informal sanctions when compared to adults. There is a possibility that Harriet and George Parker were caught engaging in these activities.

The incident involving Harriet Parker and her accomplices also points to a more complex set of social relations. Sarah Martin, an accomplice of Parker's in the Shipton Moyne incident, was also referenced in the indictment of Mary King.²⁴⁹ King was convicted of receiving 'a quantity of dead fence' from Sarah Martin stolen in June 1829.

²⁴⁶ GHH Q/PC/2. See also 48/D/67. Elizabeth Parker (wife), Mary Hill (wife), Martha Arundell (wife), Elizabeth Thompson (wife), Harriet Parker, Sarah Fisher, Mary Fisher.

²⁴⁷ The next largest is 5.

²⁴⁸ Shakesheff, *Rural Conflict*, pp. 133-134.

²⁴⁹ GHH Q/PC/2. See also 48/C/9.

King was fined 1s plus costs or would face two-weeks incarceration in Horsley house of correction. Again, this is tentative evidence of an informal and illicit economy between women at the time.

The perpetrators of resource theft appear to have been from the poorest socio-economic levels: ten were described as single-women, three as spinsters, and one as a widow. Ten women were recorded as wives, six of whom were listed as wives of labourers.²⁵⁰ The majority of cases occurring during this period were for small quantities of crops and wood. The theft of resources meant to support the domestic economy, combined with the limited amounts women could physically carry, means the theft of small quantities would have been the norm.

Women were found to be operating in groups of three or more on five separate occasions.²⁵¹ In December 1828 Elizabeth Elliotts, Mary Shipton, and Catherine Wood were found guilty of stealing turnips growing on open land near Tetbury.²⁵² Elliotts and Shipton were each fined 10s plus costs, while Wood was fined 20s. The Horsley gaol calendar records Mary Shipton, aged forty-eight, as serving one month whereas no record exists for Elizabeth Elliotts or Catherine Wood. No reason is provided.

Crops were stolen by groups of women on two other occasions.²⁵³ Mary Shipton was again involved alongside labourers wives Ann Baker and Maria Godwin.²⁵⁴ The women were all found guilty of stealing turnips from an enclosed field in November 1829 in Beverstone.²⁵⁵ They were fined 5s plus costs and given fourteen days to pay. Turnips were the most common target of crop theft by women during this

²⁵⁰ Four simply described as wives, one a wife of a mason.

²⁵¹ Three for crop theft, two for wood theft. Men were also found to operate in groups in this regard.

²⁵² GHH Q/PC/2. See also 48/A/30, 48/A/31, 48/A/32.

²⁵³ GHH Q/PC/2. See also 48/D/76. This will be discussed in the section on children.

²⁵⁴ GHH Q/PC/2. See also 49/A/49, 49/A/50, 49/A/51.

²⁵⁵ The Horsley gaol calendar does not survive during this period.

period, equating to 79% of indictments.²⁵⁶ All occurred between October and December, traditional times of under-employment for the rural labouring poor.²⁵⁷ In October 1828 Ann Cox and Mary Lamb were caught stealing turnips from enclosed ground in Tetbury.²⁵⁸ The women were each fined 2s 6d plus costs, which they appear to have paid. A final indictment for Eliza Crow describes how she was found guilty of stealing twenty turnips growing on enclosed land in Avening in December 1829.²⁵⁹ She was fined 6s plus costs.²⁶⁰

The Littledean gaol calendar records the incarceration of labourers Hannah Storey and Sophia Stephens, aged forty-five and eighteen respectively, for stealing turnips in March 1830.²⁶¹ The two women served one month. In April 1830 labourers Susannah Lodge, Henry Lodge, and John Lodge were held for two weeks in Littledean again for stealing turnips.²⁶² They were recorded as aged fifteen, seventeen, and thirteen respectively. It appears the children were related and again could have been acting in support of their family. The theft of turnips during the winter months, combined with their likely low economic status, points to crimes of necessity.

While it will never be possible to uncover the true extent of poverty individual women suffered from, regardless of their occupational status, there are references in the source material that hint towards a level of desperation that would justify criminal activity. In August 1827, for example, Ann Ball served one-month in Horsely house of correction for 'having four bastards, some of whom are chargeable to the parish.'²⁶³ Ball was imprisoned alongside her twelve-year-old daughter Ann, who was held for

²⁵⁶ Eleven indictments- 48/A/30-32, 48/A/33 and 34, 49/A/13 and 14, 49/A/17, 49/A/49-51.

²⁵⁷ October = 2, November = 2, December = 7.

²⁵⁸ GHH Q/PC/2. See also 48/A/33, 48/A/34.

²⁵⁹ GHH Q/PC/2. See also 49/A/17.

²⁶⁰ GHH Q/PC/2. See also 49/A/13 and 49/A/14. This will be discussed in the section on children.

²⁶¹ GHH Q/ GLi. Gaol Register Number 1599, 1600.

²⁶² GHH Q/ GLi. Gaol Register Number 1613-1615.

²⁶³ GHH Q/ GH. Gaol Register Number 710.

having 'prostituted herself and for other acts of gross indecency.'²⁶⁴ It is hard to imagine anything other than hopelessness at their situation in their decision to resort to prostitution.

This was also a factor behind the theft of wood by groups of women. In December 1829 Jane James, Jemima Betteridge, and Sarah Hardiman were prosecuted for 'breaking down a hedge with intent to steal' in Mangersbury.²⁶⁵ They were each fined 2s 6d plus costs. The concept of crimes of necessity should also be applied when they occurred outside of the winter months. The need for wood was constant for the rural poor. In April 1830 single-women Ann Lee and Mary Lusty, alongside labourers wife Mary Cook, were found guilty of stealing wood from a park owned by Lord Ducie.²⁶⁶ The women were sentenced to two-weeks hard labour in Horsley house of correction if they were unable to pay a fine of 4d plus costs.²⁶⁷

The motive of necessity can be inferred through the items stolen by women. In September 1813 labourer's wife Eleanor Morgan was convicted of stealing hazel twigs from a hedge in Woolaston, while in December of the same year Hester Jenkins was found guilty of possessing stolen twigs in St. Briavels.²⁶⁸ They both received a mitigated fine. Eleanor Morgan's indictment describes how she confessed to her crime, while for both women this was recorded as their first offence.

While these factors could have influenced the decision to mitigate, Bushaway has found that a 'certain amount of ambivalence' existed from the authorities regarding the taking of wood from fences and hedges.²⁶⁹ He suggests that the law 'generally

²⁶⁴ GHH Q/ GH. Gaol Register Number 711.

²⁶⁵ GHH Q/PC/2. See also 49/A/35.

²⁶⁶ GHH Q/PC/2. See also 49/C/52, 49/C/53, 49/C/54.

²⁶⁷ No record survives as to the outcome.

²⁶⁸ GHH Q/PC/2. See also 33/A/6, 33/A/27.

²⁶⁹ Bushaway, *By Rite*, p. 143.

acknowledged' these crimes were 'theft rather than anything more serious' and perpetrators were therefore more likely to face minor sanctions. It is not beyond reason to suggest that some landowners would have felt a level of empathy for individuals suffering hardship in their local communities, despite the binary stereotype of rural social relations often presented. While the official record clearly points to landowners employing the law to protect what they considered their private property, evidence of mitigation points to overwhelmingly hidden interactions in the communities of the past.

Twigs were only explicitly referenced in the two cases above across the whole period of study. It seems unlikely that twigs would have only been taken twice, especially considering the rates of wood theft at the time. While it would have been far easier to hide twigs, there is a possibility that women caught stealing this meagre resource were more likely to avoid formal sanction. While traditional historiography has tended to paint the rural elite as motivated solely by the protection of their private property at the expense of the poor this cannot have been the reality of everyday community relations. Sweeping generalisations and stereotypes, regarding both the elite and the poor, must be questioned. The theft of twigs, suggesting a particular level of desperation on the part of the offenders, could have had an impact on the sanctions imposed upon the women.

While hardship, and crimes motivated by this, were likely to increase during the winter months necessity did not disappear outside of these periods. In April 1830 single women Ann Lee and Mary Lusty, alongside labourer's wife Mary Cook, were found guilty of stealing wood from a park owned by Lord Ducie.²⁷⁰ The women were sentenced to a fine of 4d or two-weeks hard labour in Horsley house of correction. No

²⁷⁰ GHH Q/PC/2. See also 49/C/52, 49/C/53, 49/C/54.

record survives of the outcome. The lands of Lord Ducie were targeted again one month later by Mary Lusty and Elizabeth Lusty.²⁷¹ The women were convicted of stealing wood from a park, and fined 4d or would face three weeks hard labour.

Women were also found to have stolen underwood on four separate occasions.²⁷² Again the theft of this resource and the status of the women points to this being a crime of necessity. In May 1816 spinster Elizabeth Martin was found guilty of possessing underwood without satisfactory explanation in Hewelsfield and fined 20s.²⁷³ In December 1829 labourer's wife Maria Jones was fined 40s for stealing underwood in Lydney, while in July 1829 Sarah Cook and Sarah Gwinnell were convicted of possessing underwood on lands owned by Lord Ducie.²⁷⁴ Cook and Gwinnell were each fined 2s 6d plus the value of wood and costs. The Horsley gaol register records Sarah Cook as a twenty-six-year-old cloth worker. She was evidently unable to pay the fine and served two weeks hard labour alongside her infant child.

Children

The Petty Sessions do not provide the age of individuals. This is a major weakness in the analysis of this otherwise highly valuable source. Cross referencing the Petty Sessions with surviving gaol calendars can mitigate this, despite the uneven survival of these sources. This analysis has led to the identification of twenty-seven entries for girls and 116 for boys under the age of eighteen held at the County Gaol, Northleach,

²⁷¹ GHH Q/PC/2. See also 49/C/47, 49/C/48.

²⁷² Underwood describes the small trees, bushes, ferns etc growing beneath taller trees.

²⁷³ GHH Q/PC/2. See also 35/C/39. She was prosecuted alongside trowman John Vincent.

²⁷⁴ GHH Q/PC/2. See also 48/A/3, 48/D/68.

Horsley, and Littledean houses of correction for crimes associated with resource theft or vandalism.²⁷⁵

There is a level of presentism in the analysis of children under the age of eighteen that must be considered. The age of criminal responsibility until 1933 was seven years old.²⁷⁶ Children were also more likely to be formally employed in both the agricultural and industrial sectors in the late eighteenth and early nineteenth centuries, while also contributing to the informal domestic economy of rural families at the time. They fulfilled roles and were treated in a vastly different manner to today. This group is particularly under-represented in the historiography of protest, conflict, and resistance, and is therefore considered separately.²⁷⁷

The youngest girl identified was eleven-year-old Sarah Booker, convicted of stealing apples in Painswick.²⁷⁸ In contrast one eight-year-old and five nine-year-old boys were identified in the gaol calendars of Horsley, Littledean, and Northleach.²⁷⁹ Boys were found guilty of both theft and damage. In July 1822 eight-year-old apprentice Samuel Young was incarcerated for six weeks for committing 'wilful and malicious trespass' in a garden and 'beating down the fruit trees growing' there.²⁸⁰ He was recorded as committing his crime alongside his twelve-year-old brother Henry.²⁸¹ In July 1829 ten-year-old chimney sweep John Stephens was imprisoned for one week in Littledean for stealing apples.²⁸² In the process he caused 'considerable damage' to mowing grass to the value of 5s.

²⁷⁵ Northleach = 3, Horsley = 14, Littledean = 6

²⁷⁶ 1933 Children and Young Persons Act.

²⁷⁷ Understandable given the lack of detail regarding age at the Petty Sessions.

²⁷⁸ GHH Q/PC/2. See also 48/D/76. This is discussed later.

²⁷⁹ One of whom was George Parker, discussed earlier in this chapter. Nine-year-old James Harris was held for sheep stealing and is therefore will not be included.

²⁸⁰ GHH Q/ GLi. Gaol Register Number 944. Young's conviction was not identified in surviving court records.

²⁸¹ GHH Q/ GLi. Gaol Register Number 943.

²⁸² GHH Q/ GLi. Gaol Register Number 1544.

While the imprisonment of children for these seemingly petty crimes appears particularly harsh from a modern perspective, especially given the commonplace nature of the activities, the prosecutions correspond to the increasing assertion of private property rights. If the landowners of England were determined to enforce the primacy of their right to protect property then prosecuting those that challenged this was essential. Furthermore, the desire to deter children from future criminality must have been a factor, as in the case of twelve-year-old Richard Forrest in 1827 discussed earlier. The fear of minor crimes becoming gateways to serious future criminality is not confined to the modern day.

A total of seventeen boys under the age of 18, all but three of whom were recorded as labourers, have been identified in the gaol registers of Gloucestershire for breaches of the Game Laws.²⁸³ This is assumed to be low given the large number of poachers dealt with through the summary courts of the Petty Sessions. Young boys were most likely to be involved in theft. In December 1811 Joseph Howick, a nine-year-old labourer served one week in Littledean for stealing wheat alongside twenty-one-year-old labourer John Criswick.²⁸⁴ Two nine-year-old boys, labourers Richard Face and Thomas Roberts served three weeks in Horsley for stealing currents in Painswick in July 1829.²⁸⁵

In July 1831 thirteen-year-old George Mayo and his ten-year-old brother Joseph were found guilty of stealing half a peck of peas in the Forest of Dean.²⁸⁶ Joseph was sentenced to two weeks in Littledean house of correction, while his older brother served one month. This was not the first time George had been incarcerated.

²⁸³ The County Gaol, and the houses of correction at Horsely, Littledean, and Northleach. One butcher, one weaver, and one servant in husbandry were also recorded.

²⁸⁴ GHH Q/ GLi. Gaol Register Number 269, 270.

²⁸⁵ GHH Q/ GH. Gaol Register Number 1391, 1392.

²⁸⁶ GHH Q/ GLi. Gaol Register Number 1778, 1779.

In May 1830 he was imprisoned for one month when he 'did wilfully and maliciously [...] damage and destroy a hedge or fence.'²⁸⁷

It is difficult to apply concepts such as protest to children. While they would have experienced the impact of socio-economic inequality in a similar manner to adults it is unclear whether they would have been aware of wider causes. The boys described above could have simply been acting like the children they were.

This is best encapsulated in two cases. First, eleven-year-old apprentice William Jones was sentenced to one month in Littledean house of correction in March 1823 for crimes against his master.²⁸⁸ Jones was held for 'divers misdemeanours [...] particularly by taking his master's horse out of the stable' and riding it without permission.²⁸⁹ Second, in July 1830 three boys aged ten, eleven, and thirteen were held for 'riotous and disorderly' behaviour during a service in the Littledean parish church.²⁹⁰ The three boys, listed as nailors, served two days in the house of correction before sureties were paid for their behaviour.²⁹¹

The hesitation to ascribe meaning to the actions of children restricts any conclusions made.²⁹² Shakesheff, in his study of Herefordshire, comments on how some contemporaries believed 'children were put up' to crimes involving the theft of resource by adults.²⁹³ This would have been a pragmatic decision for poor families, especially considering the intermittent employment of children at the time.²⁹⁴ Children

²⁸⁷ GHH Q/ GLi. Gaol Register Number 1620.

²⁸⁸ GHH Q/ GLi. Gaol Register Number 990.

²⁸⁹ GHH Q/ GLi. Gaol Register Number 990.

²⁹⁰ GHH Q/ GLi. Gaol Register Number 1652-1654. John Martin (11), Samuel Trigg (13), Samuel Brinkworth (10)

²⁹¹ Sureties are financial bonds to ensure future lawfulness. If an individual broke the law following a surety the money would be forfeited to the king.

²⁹² The same should also be applied to adults.

²⁹³ Shakesheff, *Rural Conflict*, p. 134.

²⁹⁴ Shakesheff, *Rural Conflict*, p. 124.

were therefore able to contribute to the domestic economy of their families without the need for formal employment.²⁹⁵

If this is the case, then the motivations behind criminal activity must consider the opinions of adults when attempting to understand the actions of children. This becomes especially pertinent when children were involved in actions more associated with protest, conflict and resistance. In August 1826 twelve-year-old labourers Amos Alder and fourteen-year-old John Clark were recorded in the Horsely gaol register for trespassing.²⁹⁶ The boys served one-week and were whipped. The same month John Evans was imprisoned for four weeks in Horsely for damaging fruit trees and ‘tearing off the unripe fruit’ in an orchard belonging to one John Budd.²⁹⁷ Six days after his release Evans was imprisoned again, alongside fourteen-year-old George Anthill, for stealing apples.²⁹⁸ While the actions of the boys above represent typical crimes of protest and resistance it is uncertain whether they would have considered their actions as such.

In July 1826 sixteen-year-old labourer Robert Humphries was imprisoned for two-weeks for damaging a stone wall and ‘divers timber trees’ belonging to Colonel Kingscote and the Reverend Israel Lewis.²⁹⁹ He was imprisoned alongside eighteen-year-old labourer George Pegler.³⁰⁰ This was not the first attack on the property of Kingscote and Lewis. Three weeks prior labourers William Risby, George Bath, and James Lovett were sentenced to three months in Horsely house of correction for the

²⁹⁵ Shakesheff, *Rural Conflict*, p. 124.

²⁹⁶ GHH Q/ GH. Gaol Register Number 329, 330.

²⁹⁷ GHH Q/ GH. Gaol Register Number 339.

²⁹⁸ GHH Q/ GH. Gaol Register Number 386, 387. Evans served one-month.

²⁹⁹ GHH Q/ GH. Gaol Register Number 317. Kingscote was a Justice of the Peace, High Sheriff of Gloucestershire in 1841, and a Colonel in the Gloucestershire Militia.

³⁰⁰ GHH Q/ GH. Gaol Register Number 219. Pegler was sentenced to three-months.

same crime as Humphries and Pegler.³⁰¹ Kingscote and Lewis' property was damaged again in August 1826 by Thomas Tainton, while in March 1827 sixteen-year-old Jacob Woodward was imprisoned for cutting down three ash trees on their land.³⁰² These actions suggest a particular dislike of Kingscote and Lewis at the local level.

In August 1828 fourteen-year-old Emmanuel Davis served one-month hard labour alongside eleven-year-old Thomas Buckingham for 'throwing down a wall being a fence to a plantation' belonging to Robert Snow Esq.³⁰³ Davis had previously been found guilty of stealing apples from an orchard in September 1827.³⁰⁴ He was sentenced to 'work on the treadmill' for one month.³⁰⁵ Children targeted boundaries again in December 1826 when sixteen-year-old Samuel Bisley and fourteen-year-old George Antill, both labourers, were imprisoned in Horsely for 'maliciously breaking down a gate' in Minchinhampton.³⁰⁶ Bisley was sentenced to three-months hard labour and Anthill six-weeks.

Twenty-three cases relating to girls concern resource theft, while three were held for damaging walls. In October 1827 seventeen-year-old Mary Hudson was imprisoned in Horsley house of correction along with fourteen-year-old Martha Hudson and Elizabeth Webb for damaging a wall and trees owned by Lord Ducie.³⁰⁷ The girls were sentenced to one month but were 'liberated by order of Reverend Hawkins at the

³⁰¹ GHH Q/ GH. Gaol Register Number 283-285. They were imprisoned on 3 July 1826. Humphries and Pegler began their sentence on 24 July.

³⁰² GHH Q/ GH. Gaol Register Number 352, 583. Both men served three-months.

³⁰³ GHH Q/ GH. Gaol Register Number 1068, 1069.

³⁰⁴ GHH Q/ GH. Gaol Register Number 763. He was twelve years old.

³⁰⁵ I have not been able to identify what this was.

³⁰⁶ GHH Q/ GH. Gaol Register Number 489, 490. The boys were convicted alongside eighteen-year-old Thomas Baker. Anthill had previously been imprisoned alongside John Evans.

³⁰⁷ GHH Q/ GH. Gaol Register Number 789-791.

request of Lord Ducie' on 10 November.³⁰⁸ While no reason is provided, it appears that the girls benefited from a level of sympathy from Lord Ducie.

The three girls above were not deterred by their short stay in the house of correction. In March 1829 Martha Hudson and Elizabeth Webb were found guilty of stealing part of a dead fence in Woodchester Park near Avening.³⁰⁹ Again the property of Lord Ducie was targeted. The girls were fined £5 each plus the value of the stolen wood. They were recorded as serving two months in Horsely house of correction.³¹⁰ It appears that Lord Ducie's earlier pardon of the girls was not effective.³¹¹

Mary Hudson again engaged in criminal activity in July 1829, when she was found to be in possession of stolen tree limbs.³¹² She served two months in the house of correction, with her record stating she 'was not very well behaved' during her stay.³¹³ Martha Hudson was again found guilty in August 1829 of damaging a wall owned by Lord Ducie and fined 2d or face one-month hard labour in Horsley house of correction.³¹⁴ Martha is recorded in the gaol calendar but unfortunately this page is damaged, so it is unclear whether she paid her fine or was incarcerated.³¹⁵

Mary Hudson and Elizabeth Webb were again tried at the Petty Sessions in November 1829.³¹⁶ The two women were found guilty of stealing a half peck of turnips growing in enclosed land in Avening, and both sentenced to one month's hard labour in Horsley house of correction. Mary Hudson was convicted a final time in April 1830

³⁰⁸ GHH Q/ GH. Gaol Register Number 789-791.

³⁰⁹ GHH Q/PC/2. See also 48/B/27, 48/B/28.

³¹⁰ GHH Q/ GH. Gaol Register Number 1275, 1276.

³¹¹ Crimes on or against Lord Ducie's land occur on eight separate occasions between 1810 and 1812, totalling twelve women.

³¹² GHH Q/PC/2. See also 38/D/78.

³¹³ GHH Q/ GH. Gaol Register Number 1409.

³¹⁴ GHH Q/PC/2. See also 48/D/77. The crime occurred in July.

³¹⁵ GHH Q/ GH. Gaol Register Number 1449.

³¹⁶ GHH Q/PC/2. See also 49/A/13, 49/A/14.

for damaging young beech trees in Avening.³¹⁷ She was prosecuted alongside single-woman Susan Webb and labourer Thomas Boulton.³¹⁸ Hudson had again targeted the property of Lord Ducie. Why the girls continued in their criminality is unclear. They were, at different points, described as single-women and labourers. It is almost certain, therefore, that they lived in poverty. The theft of small quantities of wood and crops would lend credence to this supposition.

The deliberate damaging of boundaries such as walls, however, suggests that the motivations behind their criminal behaviour deviate from simple crimes of necessity. Walls were often utilised in the process of enclosure and therefore represent more than mere physical barriers. Walls, in the same manner as hedges and fences, symbolised the loss of customary rights for the rural poor including the collection of wood and crops. All three women were convicted of crimes associated with these resources. While it is far from certain, one interpretation of the decision of Martha Hudson, Mary Hudson, and Elizabeth Webb to deliberately damage the walls of Lord Ducie could be in protest against the enclosure of space the rural poor had previously relied upon.³¹⁹

Girls were identified as being involved in five further incidents of vandalism, all of which involved wood. In March 1813 thirteen-year-old Phoebe Wilkins and twelve-year-old Ann Phipps were found guilty of ‘unlawfully damaging ash trees by cutting and breaking them’ and sentenced to incarceration in Northleach house of correction for six-months.³²⁰ The girls, both described as labourers, were unable to pay a fine of £20. Phoebe Wilkins was released after two-months imprisonment, the gaol calendar

³¹⁷ GHH Q/PC/2. See also 49/C/40.

³¹⁸ GHH Q/PC/2. See also 49/C/39, 49/C/41.

³¹⁹ Accidental damage could also be a factor.

³²⁰ GHH Q/GN. Gaol Register Number 1010, 1011.

stating that 'satisfaction' had been met regarding her conviction. Ann Phipps served her whole sentence.

In February 1823 sixteen-year-old Susannah Simmonds was sentenced to two weeks in Littledean house of correction for damaging trees in the Forest of Dean, while in March 1827 fourteen-year-old Maria Window served a seven-day sentence in Horsley house of correction for breaking a hedge.³²¹ In June 1827 Priscilla Wood and Lydia Martin, were found guilty of 'pulling up and damaging a fence' and fined 11s.³²² The girls, aged seventeen and thirteen respectively, were able to pay their fines. The Horsley gaol calendar also records sixteen-year-old Mary Hyde as serving two weeks for damaging trees owned by Colonel Kingscote.³²³ She was discharged two weeks early after promising 'never to be guilty of the like offence again.'³²⁴ Perhaps she benefitted from a level of sympathy towards her situation.

Girls were involved in the theft of resources. In July 1829 four girls aged between eleven and thirteen were recorded as serving one-month in Horsley house of correction for stealing apples from the garden of a maltster in Painswick.³²⁵ The girls, all recorded as labourers, had been fined 4s plus costs but had evidently not been able to pay. Their record describes all girls as 'full up with the itch', a common ailment of gaols from the period.³²⁶ Apples were recorded as being stolen again in July 1826, when thirteen-year-old labourer Mary Monks was sentenced to fourteen days hard labour in Horsley.³²⁷

³²¹ GHH Q/ GLi Gaol Register Number 988, GHH Q/ GH. Gaol Register Number 579.

³²² GHH Q/ GH. Gaol Register Number 667, 668. They were prosecuted alongside Elizabeth Taylor, aged nineteen.

³²³ GHH Q/ GH. Gaol Register Number 670.

³²⁴ GHH Q/ GH. Gaol Register Number 670.

³²⁵ GHH Q/PC/2. See also 48/D/76. GHH Q/ GH. Gaol Register Number 1424-1427. Elizabeth Drew, Sarah Booker, Elizabeth Simmons, Harriet Pearce.

³²⁶ Audrey Eccles, 'The Louse, The Itch, or the Pox: Diseases of the Prisoners in 18th Century Middlesex', *London and Middlesex Archaeological Society Transactions*, 67 (2016) 297-308 (p. 304).

³²⁷ GHH Q/ GH. Gaol Register Number 324.

The Northleach gaol calendar records fourteen-year-old Ann Reams as serving two weeks for stealing hedge wood in March 1815, while in September 1826 fourteen-year-old Elizabeth Roberts served one month in Horsley, again for stealing hedge wood.³²⁸ A further case, in February 1829, described fourteen-year-old labourer Elizabeth Wiltshire serving one-month in Horsley for stealing turnips in Wotton.³²⁹ She was convicted alongside Catherine Robinson and Sarah Manning, aged eighteen and nineteen respectively.

The girls examined for this study were convicted of stealing paltry amounts of crops and wood. It is almost certain, given their age, gender, and economic status, that their actions were driven by necessity. The convictions of Martha and Mary Hudson for resource theft is also tentative evidence that the girls were committing crime for the benefit of their families. The role of children in challenging cultural change and economic hardship through theft and vandalism is significant. Children appear to have been active in the realm of social crime and resistance, even if questions remain regarding how deliberate this was.

³²⁸ GHH Q/GN. Gaol Register Number 382, 1189.

³²⁹ GHH Q/ GH. Gaol Register Number 1238.

Chapter 12: Overall Conclusions

The aim of this study was to broaden the geographical scope of understanding regarding rural conflict and resistance, through an examination of core themes identified in the wider literature. The exploration of poaching and incendiarism sought to build on key concepts identified in the foundational historiography while the exploration of crimes centred on resources and boundaries developed from more recent studies. The study of poaching and incendiarism builds on widely accepted forms of rural resistance, while research on the role of women and children attempts to shine a light onto more under-represented groups.

The study relied primarily on official records and county newspapers, mirroring the wider literature. Crime was found to have been committed at scale in the county, including criminal acts associated with protest, conflict, and resistance. Poaching and resource crimes were identified in relatively large numbers, while incendiarism was found to have occurred at a smaller scale. These findings correspond to the wider national context.

While the surviving source material rarely includes reference to the motivations behind the actions of the perpetrators, it soon became apparent that protest was absent in the actions of the individuals examined in this thesis. No evidence of large scale, overt, and organised political dissent was identified. While predictable, given the nature of the crimes considered, it is important to make this explicit in view of the politicisation of acts such as poaching and incendiarism in the wider literature.

Understanding the extent to which concepts such as resistance, conflict, and social criminality were present remained fundamental to the study. While these concepts are found to intersect, they also deserve to be considered separately. They

were undoubtedly significant motivating factors in the actions of contemporaries, although the absence of a voice from the perspective of perpetrators challenges any claim to validity in this regard.

Poaching

The Game Laws played a significant role in rural social relations in Gloucestershire, mirroring trends in the wider historiography. For some, poaching was a crime motivated by poor economic circumstances, offering the opportunity to supplement diet through illegal activity. The large proportion of labourers identified in the official record, the relatively paltry amounts of game taken, combined with the rise in poaching incidents during the harder winter months, attest to the link between poaching and poverty.

It is important to note, however, that breaking the Game Laws was not the sole domain of the poor agricultural labourer. Poaching was a crime committed by individuals from across the social strata. The illicit market in game must also be considered an important motivating factor. The ability to sell game, even relatively trivial amounts, would have provided a tangible economic benefit to individuals and families of the period.

The profits available through the illicit market, often referenced by contemporaries as the driving force behind poaching, attracted large groups of poachers. The willingness to resort to violence combined with the ability of nominally poor poachers to pay the fines imposed upon them, suggests a level of organised criminality in the county, despite the absence of explicit evidence at the time.

The conflict centred on the Game Laws was multi-faceted, ranging from the public disagreement between landowners Sir Paul Baghott and Sir Christopher Bethell-Codrington to the deaths of both poachers and gamekeepers. While self-evident, given the extent of lawbreaking in the county, the evidence suggests an undercurrent of tension in local communities created by and centred on the Game Laws. While traditionally interpreted through the lens of class struggle, the reality of poaching was more nuanced.

Gentlemen were found to poach across the period of study and were identified poaching alongside their social inferiors. The 1810 account from the perspective of the 'farmer of wet land' points to conflict occurring between farmers and the qualified. The desire for game as a mark of social status on the tables of the urban classes fuelled the increase in poaching across the period. While violent affrays offer the clearest and often most extreme evidence of poaching, they must be considered the nominal tip of the iceberg regarding the conflict connected to the Game Laws in Gloucestershire.

The deliberate decision to break the Game Laws must also be considered an act of resistance against a system that was, by the very nature of the property qualification, elitist. These laws, while unpopular, had been on the statute books in one form or another since the passing of the 1671 Game Act. While increases in poaching are linked to worsening living conditions in rural communities, individuals were not forced to adapt their behaviour in response to rapid criminalisation. The decision to poach must be understood through this lens.

Scott suggests that protest can be interpreted through the scale of criminality enacted against the elite, while Shakesheff has pointed to the 'wall of silence' amongst communities towards the authorities as evidence of popular support for acts such as

poaching.¹ While both notions have merit, it is important not to over-romanticise the actions of poachers. The willingness to resort to violence, evidenced both inside Gloucestershire and in the wider literature, suggests an alternative interpretation of rural collusion with poachers.

While this thesis puts into question the role of poaching in class conflict, an element of conflict and resistance against elite individuals in Gloucestershire must have been a motivating factor in the decision of some to poach. This is best encapsulated through the decision to target the lands of renowned preservers such as Lord Ducie and Colonel Berkeley. While poachers would have made the pragmatic decision to poach on target rich lands closest to them, given the challenges in travelling long distance at the time, they also put themselves at greater risk of capture. Poachers would have been well informed of the risks involved in poaching on these well protected lands, as the death of Thomas Till attests. The symbolism inherent in the targeting of the likes of Lord Ducie and Colonel Berkeley must therefore be appreciated.

As discussed in this thesis, the loss of customary rights of access through enclosure and the reduction in gleaning and wood collecting placed a significant strain on the domestic economies of households. This has been interpreted primarily through the lens of the impact on the actions of women in relation to their central role in the domestic sphere. While understandable, given the gendered roles of the period, this must also have had an adverse effect on men. The opportunity to strike back at landowners held responsible through their decision making in adversely affecting rural families must have been a motivating factor in the decision of men to poach on the lands of strict preservers despite the potential risks involved.

¹ Scott, 'Everyday Forms of Resistance', pp. 34-35. Shakesheff, *Rural Conflict*, p. 12.

The extent to which this resistance links to overarching notions of class conflict and the formation of working-class consciousness in England, however, remains unresolved. The Game Laws and property qualification encapsulated class division in rural communities, while the negative impact of social change impacted the agricultural poor more than any other group. While introduced nationally, the conflict encapsulated by the Game Laws occurred at the local level. Poaching was both defined by and determined local social relationships.

Incendiarism

The results of research into incendiarism in Gloucestershire proved to be one of the most unexpected elements of this study. It was anticipated that this section would be relatively minor given the paucity of material identified in the official record. Incendiarism was therefore more reliant on the Gloucestershire provincial press than poaching and resource crime and proved to be more widespread than initially predicted.

Despite the varied context of fires, the evidence suggests incendiarism was employed as a highly effective weapon of conflict and resistance in the county, a weapon in which relatively powerless individuals could have a great effect on their targets. Valuable private property was targeted across the period of study, including Lodgmore Mill in 1811, William Curre's threshing machines in 1815, and Sudeley Lodge in 1829. Further attacks on ricks and stacks, and the targeting of high-status individuals, corresponds to the wider literature regarding incendiarism in nineteenth century England.

The very threat of fire in itself can be understood as a powerful weapon of the weak. The targeting of Henry Cooke Esq must be considered in his role as a Justice

of the Peace in the county, while William Curre's introduction of threshing machines was a tangible threat to the economic security of his workers. Incendiaries in Gloucestershire appear to have understood the symbolic power of fire, particularly the potential economic impact of incendiarism as well as the danger to the personal security of its victims. The letters employed during the Bisley Common dispute in 1811 and in Winchcombe in 1829 point to an appreciation of the threat fire would have at this time. This was a theme of agricultural relations in England across the first half of the nineteenth century, as rural communities adapted to rapid social, economic, and cultural change. Incendiarism was employed as a powerful message of discontent and resistance in Gloucestershire.

Fire was also used as a weapon of conflict in the county. The attacks on the property of John Rogers in 1810 suggest fire was used within the context of personal vendetta, even if the newspaper's blaming of gypsies evokes an element of scapegoating. Ann Barrat's threat to use fire against Samuel Leonard seems to have been a case of personal conflict while the fire at a brickworks in 1830 was attributed to an act of revenge. The fire at Mrs. Peacey's farm further complicates matters. Despite ostensibly corresponding to a typical rural incendiary attack, the newspaper report claimed that it had been started as cover for a break in. While this downplays the potential for social conflict and resistance, the indifferent response of some labourers suggests a more nuanced context to the fire.

What is certain, however, is that the study of the county has added to the historiography of incendiarism in England.² The significance of arson as both a weapon and symbol of discontent identified by historians such as Archer, Poole, and

² Griffin, *Protest, Politics, and Work*, p. 116. Poole, 'A last and salutary warning' p. 163. Archer, *By a Flash and a Scare*, p. 238.

Kuhken can be applied to this study. Gloucestershire, while considered separately, links to the broader context of incendiarism in England. While caution must always be applied when ascribing meaning to the actions of incendiaries, fire was evidently a weapon of resistance and social conflict that individuals in Gloucestershire were prepared to employ. While the extent to which this conflict should be considered within wider notions of protest and resistance is uncertain, this should not diminish the significance of incendiarism in the county.

Machine Breaking

The examination of machine-breaking in Gloucestershire has shown that this crime was not confined to the events of Swing, but rather an element in the broader expressions of discontent and resistance within the county. When considered alongside incendiary attacks on machinery and the buildings in which they were housed, as evidenced in the fires at Lodgmore Mill and William Curre's farm, a longer history of hostility toward mechanisation and the capital investments of landowners can be identified.

The events surrounding the Swing Riots in late 1830 represent the most widespread and overt outbreak of rural unrest in Gloucestershire during the period of study. The tactics employed by rioters, ranging from stereotypical attacks on machinery through to the levying of financial contributions in Tetbury, corresponds to outbreaks of discontent nationwide as well as reflecting the findings of Hobsbawm and Rudé in their seminal study.³

³ Hobsbawm and Rudé, *Captain Swing*, p. 100.

The scale and apparent coordination of the riots, demonstrated through the number of individuals committed for trial, suggest a shared sense of grievance among rural labourers in the east of the county. While the Swing Riots were a distinct and intense episode of unrest, they should not be viewed as either a sudden or isolated expression of discontent. Rising tensions in the late 1820s, evidenced through an increase in crimes such as poaching and incendiarism in the county, point to both a longer term and broader climate of discontent in the county, of which both machine-breaking and the Swing Riots were significant elements.

Women and Children

While relatively hidden when compared to men, women have been identified as playing a significant role in rural conflict and resistance in Gloucestershire, particularly in cases of crimes associated with resources. This mirrors Shakesheff's contention that women actively resisted the loss of customary rights and the consequent impact on their domestic security, in line with Thompson's overarching concept of the moral economy.⁴ This sphere of conflict and resistance provided an opportunity for women to express their agency, either through direct action or in the hidden economies of rural communities.⁵

Evidence of a gender gap regarding resource crime was identified in the county. Men were more likely to be prosecuted for large-scale theft and vandalism, whereas women were convicted of more minor offences. Women were also found to operate in

⁴ Shakesheff, *Rural Conflict*, p. 113. Thompson, 'Moral Economy'.

⁵ Shakesheff, *Rural Conflict*, p. 113.

family groups, notably the Parker and Steel families, while men were notably absent from these groups.

Women were convicted to a far lesser extent than men, representing 10.6% of total convictions for the theft and damaging of wood and crops. Women were also found to be more likely to benefit from the mitigation and reduction of sentencing than men, suggesting a sympathetic attitude from some magistrates. The extent to which this reflects contemporary gendered behaviour on the part of the perpetrators or the opinions of the courts, however, remains unresolved.

The loss of informal and customary rights has become synonymous with worsening living standards of the period. The theft of wood and crops, resources that had previously provided an economic buffer to rural families, therefore offered obvious material benefits. The women convicted of these crimes were overwhelmingly identified in the lower social strata of Gloucestershire, suggesting these were crimes motivated by necessity.

The symbolic nature of these crimes must also be considered a significant motivating factor. The theft of resources from landowners held responsible for the loss of customary rights and the transformation of rural England to a capitalist agricultural model, synonymous with the actions of some poachers, should be considered as an act of resistance. Women, in turn, resisted their declining position through theft.

The role of women in vandalism is also noteworthy. While it must be accepted that not every act of vandalism was an act of protest, historians must also be careful not to discount this as motivation.⁶ Although occurring to a far lesser extent than theft, the decision by women to purposefully damage and destroy products considered

⁶ Griffin, 'Protest Practice', p. 101. Personal conflict must also be considered.

valuable to the domestic economies of the period should be considered in the sphere of conflict and resistance. While vandalism can often be meaningless, it seems counter intuitive that ostensibly poor women would choose to behave in this manner unless the vandalism held some, unfortunately hidden, meaning to the perpetrator.

Despite the increased challenge in distinguishing children in the historical record, they were identified in criminal activities including poaching, resource theft, and the damaging of boundaries. In the study of Gloucestershire, children were found to commit crimes linked to the domestic sphere, in particular the theft of small amounts of food and wood. This corresponds with Shakesheff's study of Herefordshire, in which he found families were inclined to employ children in the collection of resources because they were less likely to face formal punishment if caught. While the nature of informal punishment means any record of its use is unlikely to have existed, tentative evidence of a more lenient approach to children was identified in the case of Mary Hyde after she was released half-way through her sentence.⁷

Putting children to use in this way would have also conferred practical benefits for rural families as, in a similar manner to women, they could 'be employed when not employed.'⁸ This would have been particularly applicable to girls who, similarly to their mothers, could have suffered from the mechanisation of processes such as spinning. The case of twelve-year-old Harriet Parker and thirteen-year-old Mary Monks point to the role of girls in this manner.⁹

The challenge in determining meaning in these criminal acts is heightened when interpreting the role of children. It is impossible to know, for example, whether

⁷ Her gender may have also been a factor in this.

⁸ Humphries, 'Lurking in the Wings', p. 32. Also quoted in the section on women.

⁹ Parker was convicted of stealing part of a dead fence and damaging a corn field, while Monks was sentenced to fourteen days hard labour for stealing apples.

children were acting independently or under the direction of older individuals. Moreover, the age of children must also be considered given the 'variable' behavioural differences in adolescent brain development and the impact this would have on ascribing meaning to their actions.¹⁰

The possibility also exists that children were socialised into these behaviours and were simply conforming to the cultural norms and values of their families and communities. Children were identified acting alongside adults, while the scale of criminality identified for this study, particularly regarding resources, suggests a culture where low-level pilfering was deemed acceptable. This can also be applied to children indicted for vandalism, especially of boundaries. These crimes do not occur in a vacuum. While children may not have been fully conscious of the significance of their actions in the context of social resistance, through their criminal behaviour they did resist.

Community Solidarity

This study challenges the assumption that the inhabitants of Gloucestershire responded uniformly to the social, economic, and political pressures of the late eighteenth and early nineteenth century. While shared grievances, particularly the erosion of customary rights, increasing mechanisation, and deteriorating living standards, are essential to understanding the motivations behind rural unrest, the manner in which individuals expressed their discontent were far from uniform. The personal circumstances and motivations of those involved in episodes of conflict,

¹⁰ Natalia Jaworska and Glenda MacQueen, 'Adolescence as a unique developmental period', *Journal of Psychiatry and Neuroscience*, 40 (2015) 291-293 (p. 291).

whether as perpetrators, victims, or agents of authority, were diverse and often shaped by local conditions and individual interests. This complicates interpretations of rural resistance in the county.

These differences are best evidenced through the lens of social status, particularly the actions of labourers. Labourers in the county are found to have acted as witnesses or informers in prosecutions of poachers, actively collaborating with both local landowners and the agents of authority. The actions of labourers at Mrs. Peacey's farm, reported as helping to fight the fire, and the role of female informants in workplace crimes challenge the interpretation of collective resistance and community solidarity in Gloucestershire.

This is not to suggest that the actions examined in this study are completely devoid of concepts such as social criminality, resistance, or even politics. Acts such as poaching on the lands of game preservers, the deliberate destruction of property through incendiary attacks and vandalism, and evidence of secret economies of the poor and the illicit market in game correspond with broader patterns of rural resistance and social crime found in the historiography. While the scale of these acts in Gloucestershire suggests an atmosphere of discontent against perceived injustices, particularly when directed at exploitative employers or unscrupulous landowners, the extent to which they evidence a unified front is questioned.

The violence inherent in many of these acts further challenges the notion of community solidarity. Fear of reprisal, particularly in the smaller rural communities of Gloucestershire, must have played a significant role in deterring cooperation with the authorities, challenging the more positive interpretation of community support for criminals. The violence meted out by poachers both locally and nationwide, the explicit

threat of fire employed by incendiaries, combined with the risk of social exclusion and communal stigma in the communities of Gloucestershire would have led to a climate of intimidation, silencing individuals who may well have challenged the actions of criminals. The notion of community solidarity in the sphere of rural resistance warrants a more critical evaluation in the future.

Limitations

The first significant limitation of this study stems from the focus on a narrow selection of criminal acts. These actions cannot hope to fully represent the entire breadth of contemporary experiences. While the decision to focus on poaching, incendiarism, and crimes linked to resources is grounded in the historiography, focusing on these specific areas naturally leaves gaps in understanding. Conflict and resistance in rural Gloucestershire were not confined to the actions explored in this study.

Furthermore, despite attempts made to address the imbalance concerning gender and age, there is no escaping the fact that the primary source material predominantly focuses on men. When combined with the often covert and small-scale nature of the criminal acts, our understanding of the roles and experiences of women and children remain incomplete. These limitations are further exacerbated by the focus on one county. As Burnette and Griffin suggest, this risks sacrificing the broader national context.¹¹ While this offers a more granular approach to the research, this limits any conclusions made.

¹¹ Cross reference page in thesis here.

Finally, the challenge in assigning meaning to the behaviour of individuals from the past complicates any claims regarding the validity of the conclusions. The voices of the individuals covered in this study unfortunately remain hidden. Even the theft of wood and crops, crimes ostensibly linked to the support of the domestic economy, defy attempts at generalisation. This nature of this thesis means it suffers from the same limitations that underpin the wider study of rural conflict and resistance, notably the fact that any study of ordinary people in history is constrained by the restricted nature of the primary source material. Doubts will always exist regarding any assertions made.

Finally, a common theme throughout this thesis is the challenge to the politicisation of acts of resistance. While it is felt that this better reflects the reality of everyday life at the time, there is an awareness that is merely another bias employed to ascribe meaning onto the actions of those in the past. This, in itself, limits the findings of this research.

Future Areas of Research

The significance of the cloth industry to the economy of Gloucestershire lends itself well to future research. Given the general trend of decline in the textile industries of the county, and the adverse impact this would have had on workers and their families, the importance of informal means of supplementing income would have increased. The role of men and women in workplace crime and the potential links to resistance and the hidden economies of communities in these areas also deserve further investigation.

This can also be applied to the role of men in crimes involving resources. Evidence of the existence of hidden rural economies has been discussed in this thesis, with both men and women appearing to be active within them. While this could be explained through the increased likelihood of men to be visible in the official statistics of the period there was also a significant gender gap regarding both the target and scale of crimes against wood and crops. This sphere, as well as the hidden and informal economies of rural communities, are potentially fruitful avenues of future research.

The role of children in criminality and the extent to which these crimes apply to the concepts of protest, conflict, and resistance would also benefit from further study. While modern conceptions of childhood differ greatly from the early nineteenth century, the study of children remains an under-developed area in the historiography. An in-depth analysis of the prison records of the county, despite their inherent limitations, would yield the best results in this regard.

The relatively short time span for this thesis means general trends across time are absent from the analysis. A longitudinal study of the crimes considered, particularly poaching and incendiarism, would offer the opportunity to both consider trends across the nineteenth century and better replicate similar studies from Archer and Shakesheff.¹² Taking advantage of improvements in record keeping, the increased survival of sources, and the wider coverage of the press would pay dividends here.

If the study of conflict and resistance continues to expand then serious consideration should be given to individuals who were convicted of crimes such as leaving the service of their masters, absconding from work, or neglecting their duties

¹² Shakesheff, *Rural Conflict*. Archer, *Flash and a Scare*.

within the workplace. This was evidently a sphere of conflict in the period, and links closely to the idea of everyday resistance proposed by Scott. Between 1810 and 1820, for example the Littledean house of correction held 106 individuals for the crimes listed above, while Northleach held eighty-four between 1810 and 1816.¹³ Further research into these areas would also widen the opportunity to study both women and children. Northleach, for example, held twenty-three individuals under the age of seventeen for the crimes noted above, while Littledean held nineteen females for the same.

If the scale of criminal acts can be associated with protest, conflict, and resistance then the theft of winged animals deserves consideration.¹⁴ Between 1810 and 1820, for example, sixty-three individuals were held at the County Gaol for the crime. The theft of these animals would have conferred both economic and dietary benefits to the perpetrators, albeit to a lesser extent than game, while the targeting of private property is accepted as a weapon of conflict and resistance in this study and the wider literature. Research into this area could be rewarding.

Further examination into the theft of valuable animals is an additional avenue of research available in Gloucestershire.¹⁵ Between 1815 and 1820, for example, the County Gaol held twenty-three individuals for horse stealing. Added to this would be the role of animal maiming in the county. The theft and maiming of high-status animals such as horses have both been interpreted as symbolic crime against the owner and therefore merits further research.

The role of sheep stealing could also be a valuable area of research. This crime has parallels with poaching: the existence of organised criminality, the targeting of

¹³ As the study developed, and I realised these crimes would not be included in the thesis, I stopped keeping a record of them.

¹⁴ Geese, duck, fowl, turkey.

¹⁵ Again, as the research developed I stopped keeping a record of these crimes.

valuable private property, and a crime that appears to have been committed at a relatively large scale. Between 1815 and 1820, for example, the County Gaol held twenty-eight individuals for sheep stealing, including labourer Joseph Pearce, who confessed to stealing one ram and four sheep from gentleman Joseph Brooks in February 1818. The potential links to conflict and resistance deserve consideration.

Finally, the examination of localities within Gloucestershire would also lend itself to future research. A specific focus on the Kiftsgate Hundred – identified as the region most prone to arson – could reveal the specific local conditions that led to the concentration of incendiarism in the area. The study of the Severn Vale, home to both Colonel Berkeley and Lord Ducie, and the distinct circumstances of the Forest of Dean would also be fruitful areas of future research.

In summary, this study has widened the understanding of rural conflict and resistance. The inclusion of poaching and incendiarism builds on established trends in the literature, while the examination of resource crime, vandalism, and the role of women and children reflects more recent historiography. Through expanding the research through a focus on Gloucestershire this study has both broadened the geographical scope of the historiography and linked the county to wider trends in rural resistance nationwide.

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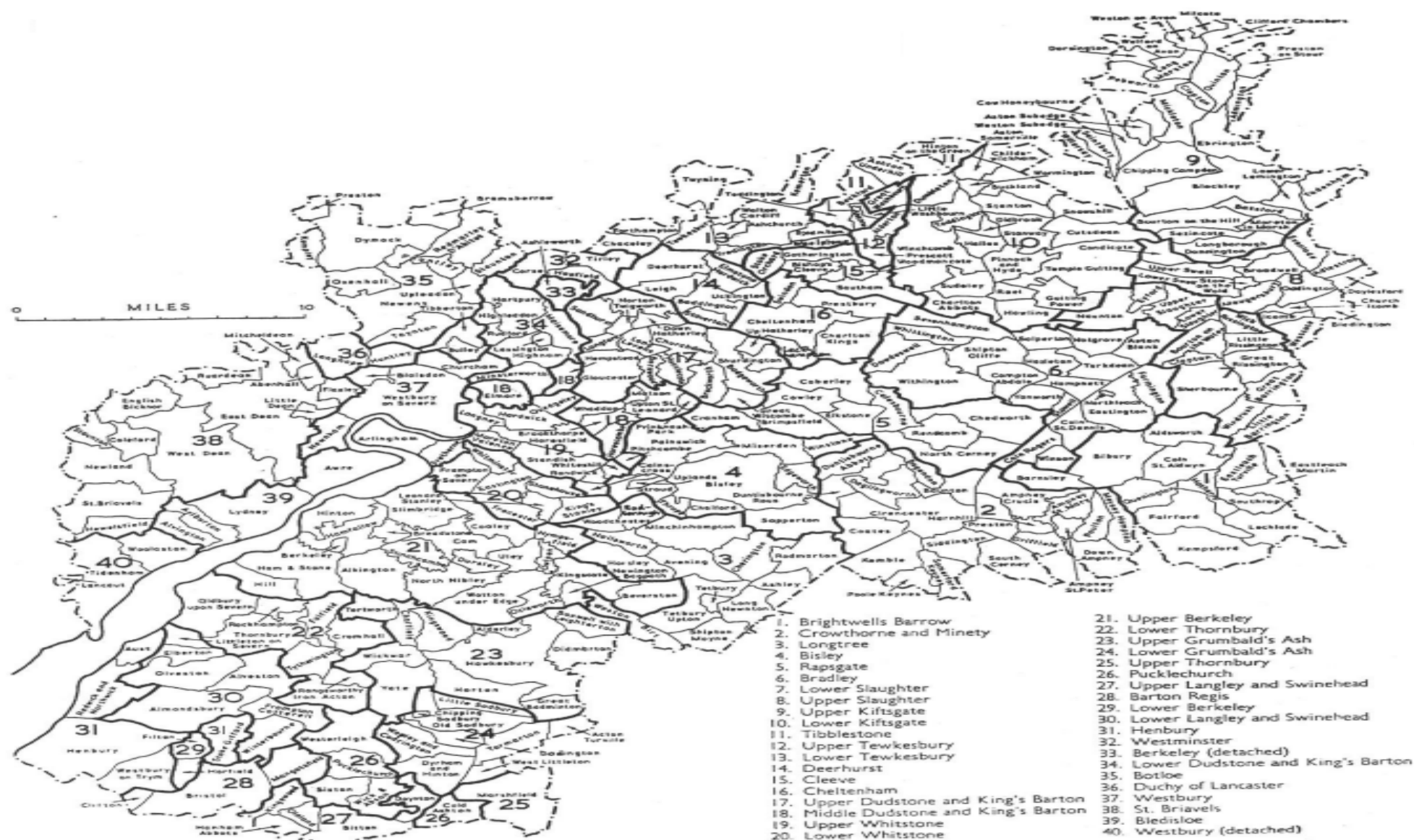
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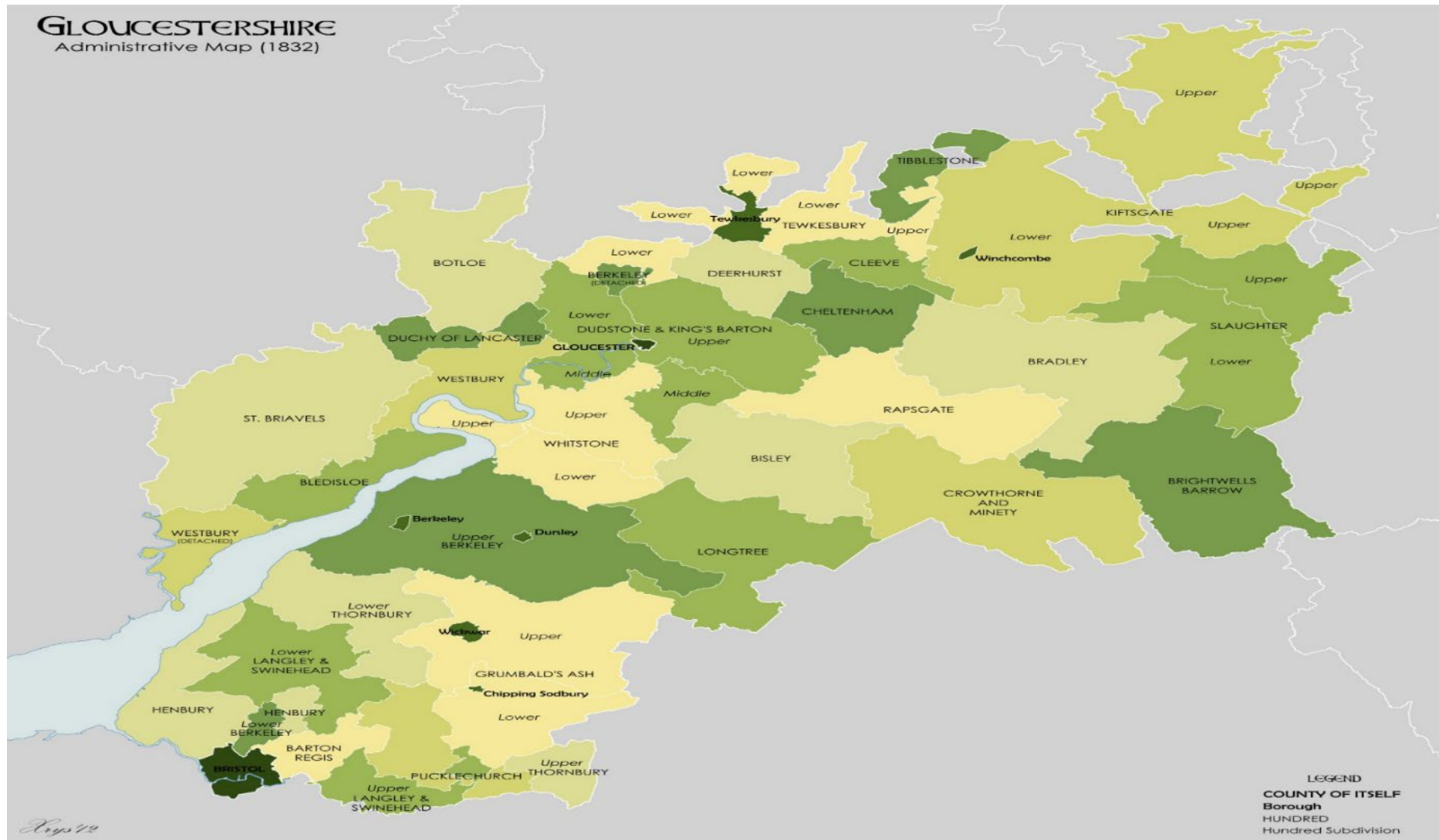
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Appendix 1: The Parishes and Hundreds of Gloucestershire



Appendix 2: The Hundreds of Gloucestershire following the 1832 Parliamentary Boundaries Act.



Appendix 3: The Divisions of Gloucestershire¹

Division	Hundred
A – Kiftsgate Division	Kiftsgate – Upper - 17 Kiftsgate – Lower - 16 Slaughter – Upper - 23 Slaughter – Lower - 22 Tibbaldstone - 28 Cleeve - 7 Cheltenham - 6 Deerhurst – Upper - 10 Deerhurst – Lower - 9 Tewkesbury – Upper - 25 Tewkesbury – Lower - 24 Westminster – Upper -30 Westminster – Lower 29
B – Seven Hundreds Division	Crowthorne and Minety inc Cirencester - 8 Brightwell's Barrow - 5 Bradley - 4 Bisley - 3 Longtree – 19 Rapsgate - 21 Whitstone – Upper - 32 Whitstone – Lower 31
C – Forest Division	Botloe - 33 Dutchy of Lancaster - 36 Westbury - 37 Bledisloe - 34 St. Briavells - 35 Dudstone and King's Barton – Upper - 13 Dudstone and King's Barton – Middle - 12 Dudstone and King's Barton – Lower - 11
D – Berkeley Division	Berkeley – Upper - 2 Berkeley – Lower - 1 Grumbald's Ash – Upper - 14 Grumbald's Ash – Lower - 14 Pucklechurch - 20 Barton Regis - 38 Langley and Swineshead – Upper - 18 Langley and Swineshead – Lower - 18 Thornbury – Upper - 27 Thornbury – Lower - 26 Henbury – Upper - 15 Henbury – Lower - 15

¹ Rudge, *General View*, pp. 2-12.

Appendix 4: The Parishes and Hundreds of Gloucestershire.²

Location Code	Hundred	Parish	Population (Hundred) 1801
1	Berkeley Hundred (Lower Part)	- Almondsbury - Elberton - Filton - Hill - Horfield	19,962 – upper and lower hundreds
2	Berkeley Hundred (Upper Part)	- Arlingham - Athelworth - Berkeley - Beverton - Cam - Coaley - Cromhall - Dursley - Kingscote - Newington Bagpath - Nibley North - Nimpsfield - Olepen - Ozleworth - Slimbridge - Stinchcombe - Stone - Uley - Wotton-under-Edge	
3	Bisley Hundred	- Bisley - Edgeworth - Miserden - Painswick - Saperton - Stroud - Winston	13,876
4	Bradley Hundred	- Aston Blank - Coln Rogers - Compton Abdale - Dowdeswell - Farmington - Hampnet - Hazleton and Yanworth - Northleach - Notgrove - Salperton	3,904

² Rudge, *General View*, pp. 352-361.

		- Sevenhampton - Shipton Oliffe and Solers - Turkdean - Whittington - Withington	
5	Brightwell's Barrow Hundred	- Aldsworth - Barnesley - Bibury - Coln St. Aldwyns - Eastleach Martin - Eastleach Turville - Fairford - Hatherop - Kempsford - Leachlade - Quenington - Southrop	5,999
6	Cheltenham Hundred	- Charlton King's - Cheltenham - Leckhampton - Swindon	4,147
7	Cleeve Hundred	- Cleeve	1,355
8	Crowthorn and Minety Hundred including Cirencester	- Amney Crucis - Amney St. Peter - Amney St. Mary - Amney Down - Bagendon - Baunton - Cirencester - Cerney, South - Cotes - Daglingworth - Driffield - Duntsborne Abbots - Duntsborne Rouse - Harnhill - Meysey Hampton - Minety - Preston - Siddington St. Mary - Siddington St. Peter - Stratton	8,695
9	Deerhurst Hundred – lower part	- Deerhurst - Lye - Prestbury - Staverton	2,918 - upper and lower hundreds

		- Woollastone	
10	Deerhurst Hundred – upper part	- Coln Dennis - Compton Parva - Preston-upon-Stour - Welford	
11	Dudstone and King's Barton Hundred – lower part	- Hartpur - Lassington - Maisemore - Preston	7,254 – upper, middle, and lower hundreds
12	Dudstone and King's Barton Hundred – middle part	- Barton Hamlets - Brockthrop - Elmore - Harescomb - Hempstead - Matson - Pitchcomb - South Hamlets - Upton St. Leonards - Whaddon	
13	Dudstone and King's Barton Hundred – upper part	- Badgworth - Barnwood - Brockworth - Church Down - Down Hatherley - North Hamlets - Norton - Sandhurst - Shurdington Great - Whitcomb Great	
14	Grumbold's Ash Hundred	- Acton Turville - Alderley - Badminton Great - Boxwell with Leighterton - Chartfield - Didmarton - Doddington - Dirham and Hinton - Hawkesbury - Horton - Littleton West - Oldbury-on-the-Hill - Sodbury, Chipping - Sodbury, Old - Tormarton - Wapley, Codrington - Tortworth	7,344

		- Wickwar	
15	Henbury Hundred	- Compton Greenfield - Henbury - Stoke Gifford - Westbury-upon-Trim - Yate	4,821
16	Kiftsgate Hundred – lower part	- Aston Somerfield - Buckland - Charlton Abbots - Child's Wickham - Didbrooke - Dumbleton - Guiting Lower - Guiting Temple - Halling - Hayles - Pinnock - Rowel - Snowhill - Staunton - Sudeley - Toddington - Twining - Winchcomb - Wormington	12,388 upper and lower hundreds
17	Kiftsgate Hundred – upper part	- Ashton Subedge - Battsford - Chipping Campden - Condicote - Cow-Honeybourne - Dorsington - Ebrington - Larkstoke - Longborough - Marston Sices - Mickleton - Pebworth - Quinton - Saintbury - Seasoncote - Swell, Upper - Weston Subedge - Weston-upon-Avon - Withersley	-
18	Langley and Swineshead Hundred	- Alvestone - Bitton - Doynton	9,920

		- Frampton-Cotterell - Littleton-upon-Severn - Olvestone - Rockhampton - Winterbourne	
19	Longtree Hundred	- Avening - Cherington - Horsley - Minchinhampton - Lasborough - Rodborough - Rodmarton - Tetbury - Weston Birt - Woodchester	13,848
20	Pucklechurch Hundred	- Cold Ashton - Pucklechurch - Siston - Westerleigh - Wick and Abson	3,775
21	Rapsgate Hundred	- Brimpsfield - Cerney, North - Chedworth - Colesbourne - Cowley - Cranham - Cubberley - Elkstone - Rendcombe - Syde	3,092
22	Slaughter Hundred – lower part	- Barrington, Great - Barrington, Little - Bourton-on-the-Water - Clapton - Naunton - Rissington, Great - Rissington, Little - Rissington, Wick - Sherbourne - Slaughter, Upper - Widford - Slaughter, Lower - Windrush	6,924 - upper and lower hundreds
23	Slaughter Hundred – upper part	- Addlestrop - Bledington - Broadwell	

		- Icomb - Eyford - Stow - Swell, Lower - Westcote	
24	Tewkesbury Hundred – lower part	- Ashchurch / Aston-upon-Carant - Boddington - Forthampton - Kemmerton - Oxenton - Tewkesbury - Treddington - Walton Cardiff	7,878 - upper and lower hundreds
25	Tewkesbury Hundred – upper part	- Alderton - Bourton-on-Hill - Clifford Chambers - Lemmington - Prestcote - Shennington - Stanway - Washbourn, Great	
26	Thornbury Hundred – lower part	- Acton, Iron - Rangeworthy - Thornbury - Titherington	5,166 - upper and lower hundreds
27	Thornbury Hundred – upper part	- Marshfield	
28	Tibbaldstone Hundred	- Ashton-under-Hill - Beckford - Hinton-on-the-Green	960
29	Westminster Hundred – lower part	- Corse - Elmstone-Hardwick - Hasfield - Tirley	2,593 - upper and lower hundreds
30	Westminster Hundred – upper part	- Moreton-in-Marsh - Sutton (under Brayles) - Toddingham	
31	Whitstone Hundred – lower part	- Eastington - Frampton-upon-Severn - Frocester - King Stanley	9,432 - upper and lower hundreds

		- Leonard Stanley - Stonehouse - Wheatenhurst or Whitminster	
32	Whitstone Hundred – upper part	- Fretherne - Hardwick - Haresfield - Longney - Moreton Valence - Quedgeley - Randwick - Saul - Standish	
33	Botloe Hundred	- Bromsberrow - Dymock - Kempley - Newent - Oxenhall - Pauntley - Rudford - Taynton - Upleadon	5,261
34	Bledisloe Hundred	- Alvington - Awre with Blakeney - Lidney	2,195
35	St. Briavells Hundred	- Abbinghall - Bicknor English - Dean, Little - Dean, Michel - Flaxley - Hewelsfield - Lea - Newland with Coleford - Ruardeane - St. Briavells - Stanton - Forest Lands	9,953
36	Dutchy of Lancaster	- Bulley - Huntley - Longhope - Minsterworth - Tibberton	1,738
37	Westbury Hundred	- Blaisdon - Churcham - Newnham - Tiddenham	4,462

		- Westbury-on-Severn - Woolaston	
38	Barton Regis Hundred	- Clifton - Mangotsfield - St. Georges - St. James, out Parish - St. Phillip & Jacob - Stapleton	22,831
39	Gloucester City	- Whole city area	7,579
			Total 210,267 Increase from 1770 of 84,145

The population of the City of Bristol, while being shown in the official Parliamentary Returns, is omitted from the table above as it is not in the County of Gloucestershire. Population of the City of Bristol in 1801 was 40,814.