

The Aylesbury Association for the Protection of Persons and Property

A Personal Perspective

Introduction

The definitive document to date detailing the history of the Aylesbury Association's activities has been Elliott Viney's booklet published in 1985.

Viney's source material on the Association mainly came from a study of the Minute Book which recorded the first meetings at the George Inn Aylesbury in September 1785 which proposed the Agreement and Resolutions of the Association. The pamphlet goes on to detail some of the prosecutions conducted, the rise in membership and the monies contributed by the members over the next 200 years. The Association still exists today with over 300 members and meets for an annual dinner.

It was formed in response to 'Mischief and Nightly Outrages, which have been lately done and committed in the said Town and parish by many illdisposed and disorderly persons'.^{1 p3} However there is no detail in the minutes as to who these 'persons' were, why such problems were occurring, and what were the underlying causes of said 'outrages'.

This paper attempts to explain the social and economic background to the formation of the Association and the factors behind the rise in crime.

at the time of the formation of the Association England was a country of acute social contrasts. On the one hand was the nobility and the land owning gentry who enjoyed increasing prosperity. The key to power, patronage and wealth was land ownership.

On the other hand were the labouring class and the poor who suffered immense hardship.

In addition there were the professional class such as bankers, lawyers, doctors, the clergy and then tradesmen such as brewers shoemakers, drapers, and tailors. It was from this 'middle class' sector that the Association was formed although some members were also landowners.

It could be argued that the rich and powerful had the means to protect themselves by the employment of servants and watchmen.

The poor had nothing of worth to steal or damage, so what was going to be the response of the middle class in the protection of their property? Their occupations, relative wealth and possessions made them a target for such crimes as theft, forgery, fraud and property damage.

As Lea explained 'crime rates were rising under the impact of the decay of traditional rural forms of economy and society ... The countryside was the place where these changes were taking place.'²

Purpose of the Association

When the Association was formed policing as we know it today in England was non-existent. There would be a local warden or Bellman to keep the peace but they were ineffectual in investigating a crime. There was no detection and certainly no CSI style investigation, and a county police force would not be in place until the 1850s.

However a comprehensive legal and judicial system was in place although the state did not provide public prosecutors. The onus was on the victim to take a private prosecution against someone identified as committing an offence against them. Such prosecutions could be expensive for one person to undertake, so the Association members contributed annually or as and when required sharing the cost of prosecution. In essence the Association became the prosecutor on behalf of the victim.

Monies were also available to publish and distribute a broadsheet detailing the reported crime and the offer of a substantial reward for information that would lead to a prosecution. For example a witness or informant could expect to receive up to £5, 5s for a murder, burglary or for the killing, stealing or maiming of livestock.^{1 p19} This amount was equivalent to 5 times the weekly wage of a skilled worker.

The Aylesbury Association was by no means unique. Thousand of similar bodies were formed across England. In London they were called Societies for the Prosecution of Felons.

The Economic Environment in England – 1785

The 18th century was marked by a radical change in the way commerce and trade was conducted in England. This was the time of the moral philosopher and political economist Adam Smith with his radical ideas to shift from national protectionism to deregulation with free trade and capitalist market forces.

Smith is sometimes misunderstood as the champion of free market self interest with no consequences for those less well off. His argument was everyone should be better off with a truly open market, high productivity and no coercion of the workers.

The forces of supply and demand, free movement of goods, maximising profit and the exploitation of labour now influenced the domestic economy in relation to land, labour and production.

This was further driven by two key developments: The Agricultural Revolution and The Inclosure Acts better known as Enclosure.

Agricultural Changes

The Agricultural Revolution had been going on for over 30 years before the Association was formed and would continue until 1900. Aylesbury was predominantly a rural community so it would have been very much affected by changes in farming methods.

Before the 18th century farming had not changed much since the Middle Ages and was based on subsistence farming (what you grew you ate). Crops were sown in high banked strips of land and therefore much of the land was unused. The same crops would

be grown in the same field which led to land being left fallow or unused for up to 4 years. The population was rising rapidly and mainly reliant on home production so farming methods had to change.

Crop rotation was introduced so that different foods could be grown in one field. Woodlands and upper grasslands were cleared for more acreage and fenced off to keep out livestock.

Low yielding crops were replaced with high yielding such as wheat and barley, and nitrates were introduced to further increase yields.

These developments and many more made farmlands efficient, productive and a valuable asset to whoever had ownership. This was to be aided by an Act of Parliament.

Enclosure

The Aylesbury Inclosure Act of 1771 changed the ownership of the surrounding farmed lands around Aylesbury. Commissioners were appointed by Act of Parliament and were responsible for hearing petitions from those who wanted ownership of what had been common land. In Aylesbury the commissioners allocated large tranches of land to approximately eight landowners with around a further thirty individuals receiving smaller plots.

Those who had used common land to grow their own crops or to graze livestock were dispossessed with little or no compensation. They were made redundant or worked as farm labourers for the new owner.

The effect on the countryside of Enclosure is contentious amongst historians as to the rights and wrongs of making common land private. On the positive side it accelerated the efficient growing of crops and in turn higher productivity. On the other hand the loss of common land by the working class and poor had a devastating effect on their livelihoods.

It may also be argued that Enclosure accelerated the move of people from the countryside to the cities because better farming methods and increasing mechanisation would mean less workers required on the land. The Industrial Revolution was starting to take shape with large factories in urban locations attracting more and more workers.

The Plight of the Poor

The changes to farming, land ownership and prices heaped more distress on the poor already trying to deal with much deprivation. The population was rising along with food costs but wages remained low. Although starvation was rare, families were seldom able to 'gorge themselves' and farm workers lived on a subsistence diet. The majority of what was earned was spent on essential food-stuffs like bread and grain.

Overcrowding was rife with little or no sanitation. With no inoculation smallpox and typhus outbreaks were common. The death rate among the poor was significantly higher than the middle and upper classes.

Those who could not fend for themselves depended on handouts from the local Parish under the Poor Law, and the last resort for the homeless, the sick, the old and the young was the Workhouse. By 1776 England had more than 1800 workhouses with a capacity to house 90,000 men women and children.³ Mortality rates in these places were high especially for infants.

The workhouse in Aylesbury was originally in St Mary's Square.

Criminality and the Poor

The change to the private ownership of land and what it produced also had the effect of criminalising the poor. Activities practiced for centuries such as hunting game was now poaching, and the gathering of wood was an offence.

Farm workers were used to taking the remains of wheat after harvest as a perk of the job, but as bread prices soared the practice of taking any of the landowner's produce was classed as pilfering or theft.

Another factor that must have caused the founding members of the Association great concern was rioting.

Riots tended to be relatively small affairs, which would start off with a few people having a grumble or argument over some grievance. Poor people had very little formal representation to deal with their issues (the only people allowed to vote were landowners). These gatherings would sometimes escalate in size and ferocity to the point where the local militia may have to turn out to disperse the mob and crack a few heads in the process.

Local historian of the time Robert Gibb recorded an incident in April 1785 in Aylesbury where the Buckinghamshire Yeomanry was summoned to deal with 80 rioters at the county elections.

Bread riots were commonplace due to rising price inflation. The problem was also exacerbated by local farmers either hoarding grain at harvest time to wait for market prices to increase, or selling their stocks outside of their local area to the highest bidder causing local shortages.

The Outcomes of Association Prosecutions

The Association pursued prosecutions such as property damage, wood stealing, assaults, maiming of livestock and theft.

The Minute Book is very detailed in the types of crimes and prosecutions the Association dealt with but not the outcomes. As

Viney points out at the peak 1835 – 50 there were no more than 5 prosecutions a year.^{1 p6}

As the cost of prosecution remained very expensive it may be the prosecution was not pursued although the offender was known, or the case was settled out of court.

England was governed by a 'Bloody Code' (1688 – 1815) i.e. the sanction for those found guilty of a crime was in nearly all cases death by hanging, and was introduced mainly for the protection of property. The main gallows in Aylesbury were on the Bicester Road until a 'new drop' was built at County Hall Market Square.

By the end of 1700 the number of offences punishable by hanging in England reached 220,⁴ including theft of goods worth more

then 12 pence (5 new pence or equivalent to around £6.50 today).

However not all death sentences were carried out and could be commuted to flogging, branding or transportation. In the late 1700s transportation to Australia had not started so it was more likely convicts were shipped to the colonies like Jamaica.

Prison was also used but for minor crimes or civil cases like bankruptcy where you might languish until friends or family settled the debt. Aylesbury gaol had a reputation of being a grim place and Gibbs records a 'putrid fever' ⁵ in 1780 sweeping across Aylesbury which is reported to have started at the gaol.

An investigation of Aylesbury Assizes and Quarter sessions records has revealed the penalties imposed on some of the successful cases brought by the Association:

	Offence	Sentence	Date
Thomas Oddcroft	Breaking into a counting house in Aylesbury and stealing Mr Dell's hop bagging	1 year's imprisonment with hard labour and to be publicly whipped	1801
Sarah Paton	Receiving stolen goods at Marlow	Transportation for 14 years	1805
Needle Chamberlain	Forging an acceptance of £26 5s with intent to defraud	Death by hanging Note: first person to be hung at the 'new drop'	1810

Conclusion

The Association was formed to combat crimes against its members who collectively had the financial means to pursue private prosecutions. The occupations of the 'middle class' made them prone to a range of crimes.

While the members were no doubt seeking justice and reparation, there is no evidence the Association had any motivation for vengeance or indeed vigilantism. The relatively small number of prosecutions per year may also suggest the Association activities were more to do with it being a deterrent as opposed to a relentless litigator.

The prosecutions were mainly against the poor. This is not surprising, as (i) there was more of them and (ii) their personal circumstances would in many cases drive them to offend.

There was also a backlash to perceived injustices to do with loss of land and work, pay and living conditions. Traditional pastimes and practices were now criminalised causing further resentment and tension between the classes.

Beattie wrote of England after 1750

'Crimes against property in the 18th century arose primarily from problems of employment, wages and prices... They increased when men found themselves squeezed by rising prices, of lower wages or lack of work' ⁶

Beattie went on to demonstrate a direct correlation between the rise in crime and the rise in the cost of food.

It may be argued that the formation of so many associations and societies and the expense incurred was very much influenced by the price of the poor's staple diet – bread.

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Acknowledgements:

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