

John Styles, “Our traitorous money makers”: the Yorkshire coiners and the law, 1760-83’.

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In a kingdom like Great Britain, the most commercial, and for its extent the richest perhaps that ever existed in the world, every branch of circulating medium, of whatever it may consist, should be founded on solid, wise and honest principles.

*Charles Jenkinson, Lord Liverpool (1805)*¹

Why does Britannia mourn and cry,
That every man has got his die?
And are so bold as to purloin,
And cheat old England of her coin:
As there is nothing further in't,
Than to maintain the Yorkshire Mint.

*'The Yorkshire Mint, a New Song' (1773)*²

1. The State of the Coinage.

Eighteenth-century commentators, both native and foreign, agreed that England enjoyed a prosperity unparalleled among the nations of Europe. Most echoed Daniel Defoe and ascribed the country's burgeoning wealth to the expansion of English commerce.³ Yet, during much of the century, the primary medium of commercial exchange, the coinage, was defective, both as to quality and availability. The inadequacies of the coinage were rooted in government's failure to come to terms with the major discrepancies between England and other countries in the values of coins made from precious metals.

In the seventeenth century the English Mint coined in both silver and gold, but silver had traditionally been the English standard. Its status was confirmed by the silver recoinage of 1696-8. That recoinage was undertaken, after acrimonious debate, according to principles enunciated most notably by John Locke. These principles were to be a major influence on government coinage policy throughout the eighteenth century. Locke argued that silver was by its very nature the universal measure of value: gold was 'not the money of the world and measure of commerce, nor fit to be so'.⁴ Ironic then that in the twenty years after the recoinage, the newly minted silver coin all but fled the country. Gold

¹ C. Jenkinson, first Earl of Liverpool, *A Treatise on the Coin of the Realm* (London, 1805), p. 229.

² *Leeds Intelligencer*, 27 July 1773.

³ See D. Defoe, *The Complete English Tradesman* (2 vols., London, 1727), vol. 1, pp. 304-5, 307, 315.

⁴ Quoted in Jenkinson, *Treatise on the Coin*, p. 145.

became, by default, the national standard. Immediately after the recoinage the face value of silver in circulation was estimated at £6.75 million, compared with a gold circulation of £9.25 million. By 1776 a gold circulation of £26 million almost eclipsed a silver circulation of, at best, £2 million.⁵

The flight of silver was the result of international disparities in the relative values of gold and silver. The mints of most countries in Europe, outside the Iberian peninsula, offered more gold for a given quantity of silver than the English Mint. Though the Mint price of gold was lowered in England in 1699 and 1717, the Mint price of silver bore a ratio to it of over 15 to 1 for the rest of the eighteenth century. In some European countries the ratio approached 14 to 1, in India 12 to 1 and in Japan 9 or 10 to 1.⁶ As long as the face value of a quantity of English silver coin was less than the value it commanded on the international market as bullion, it was inevitable that new silver coin would rapidly be consigned to the melting pot and exported, despite the legal prohibition on both activities. The East India Company shipped out enough silver bullion for a silver coinage of £5.73 million between 1700 and 1717.⁷ After 1717 silver bullion continued to command a price well in excess of that offered by the Mint, often by the order of 10 per cent.⁸

Only a residue of old, worn and underweight silver coin remained in circulation. Through the eighteenth century, this was supplemented by foreign silver, which passed at an exaggerated value, and counterfeits. By the second half of the century, most silver shillings and sixpences were mere blanks.⁹ The Mint's output of silver coin in the eighteenth century was derisory (Fig. 1), but then the silver recoinage of 1696-8 had been exceptional. In the eighteenth century the Mint reverted to its traditionally passive role as receiver of whoever silver bullion happened to be supplied for recoinage at the Mint price. It was hardly surprising that little silver came to the Mint when silver bullion consistently enjoyed an advance over the Mint price.

Hence in the eighteenth century, despite Locke's strictures, gold became the primary circulating medium, effectively the British standard. The Mint price of gold was firmly fixed after 1717, and gold coin became legal tender for all transactions.¹⁰ However, the preponderance of gold coin in the eighteenth-century national circulation was no guarantee of its quality. There had been no recoinage of gold in the 1690s. When hammer-struck gold coin minted before 1663 was withdrawn from circulation in 1733, guineas and half guineas that were already seventy years old remained current. The gold coinage therefore became progressively worn and underweight.

⁵ Sir J. Craig, *The Mint* (London, 1953), pp. 193 and 214.

⁶ T. S. Ashton, *An Economic History of England: the Eighteenth Century* (London, 1955), pp. 169, 171.

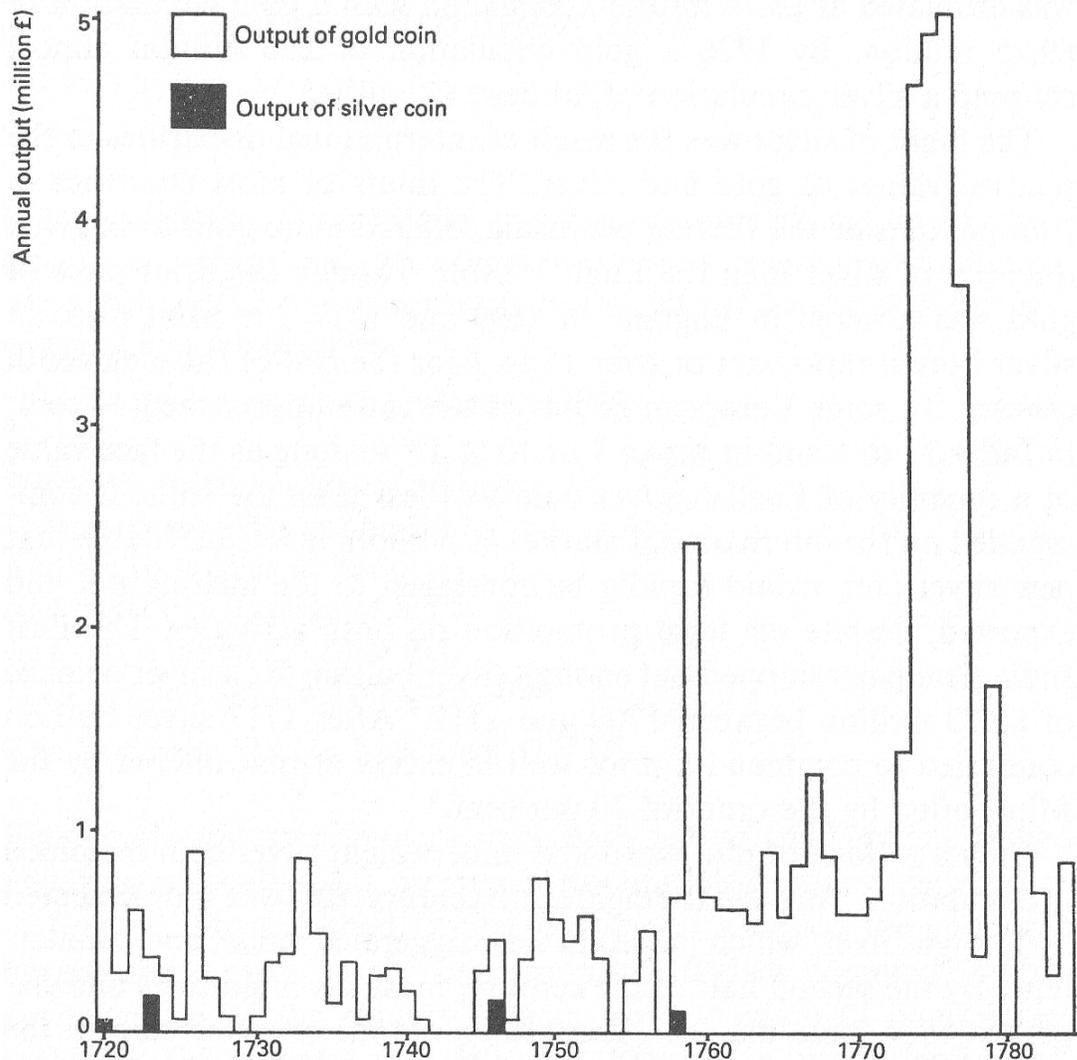
⁷ Craig, *The Mint*, p. 215.

⁸ Jenkinson, *Treatise on the Coin*, p. 144.

⁹ Rogers Ruding, *Annals of the Coinage of Great Britain* (3 vols., London, 1840), vol. 2, p. 81.

¹⁰ Ashton, *Economic History*, p. 177.

Fig. 1. Mint output of gold and silver coin, 1720-84.



NOTES: One pound weight of gold was worth approximately fifteen times the value of one pound of silver. Annual production totals of gold and silver coin amounting to under £20,000 are not shown.

SOURCE: 'An account of the weight and value of all the gold and silver coined, 1660-1850', PRO MINT 9/61.

Many late seventeenth-century guineas had entered circulation with a deficiency of 3 per cent or more in weight, as a result of the Mint's lack of precision in manufacture at that period.¹¹ Various estimates suggest that in the course of 100 years of normal wear, a guinea would lose 4 per cent of its gold content.¹² By the 1760s, therefore, the oldest

¹¹ Craig, *The Mint*, p. 212. Variations in the weight of coins produced at the Mint actually increased with the introduction of machine stamping in 1662 (Craig, *The Mint*, p. 167).

¹² British Library (hereafter Br. Lib.), Egerton MSS 257, fo. 166 (Cavendish's Parliamentary Debates, Mr Halcom's evidence to the Parliamentary Committee on the State of the Gold Coinage, 9 May 1774); Craig, *The Mint*, 243.

guineas might circulate with a deficiency in their gold content of one shilling and sixpence in value. Yet they remained legal tender at face value.

Under these circumstances, much of the new, full-weight gold coin issued from the Mint was melted for export. By the mid eighteenth century, the bullion price of gold had advanced considerably above the Mint price (although not to the same degree as the bullion price of silver). Over the sixteen years, 1757 to 1773, the average price of gold bullion was 1s. 4½d. (1.74 per cent) above the Mint price of £3 17s. 10½d. per ounce Troy. In some years it advanced to £4 1s. per ounce Troy.¹³ Matthew Boulton wrote in 1772 that the gold coin in circulation 'is much diminished and will be diminished as long as the refiner or manufacturer can buy more than a thousand pounds worth of gold coin with a £1,000 bank-note, which is the present case'.¹⁴

The condition of both the gold and the silver circulations aroused considerable public complaint in the eighteenth century. Many commentators laid the blame for the problems of the coinage on the undoubted greed and inefficiency of the sinecurists who held office at the Mint.¹⁵ There is no doubt that in the mid-eighteenth century the Mint's attitudes and costly work practices discouraged positive action to correct the fundamental problems which beset the currency.¹⁶ However, a much more powerful restraint on corrective action was eighteenth-century governments' fear of the economic disruption and attendant political embarrassment that threatened to accompany any major alteration in currency values.¹⁷ Government reluctance to initiate fundamental changes was reinforced by the continued attachment, against all the evidence, of commentators, the Mint and successive administrations to Locke's principles of the silver standard and the immutability of the established Mint price for silver.¹⁸

Government was no more anxious to sustain the quality of coin already in circulation at the existing Mint prices than to initiate major reform in monetary values. The official responsibilities of the Mint extended only to the production of new coin and the prosecution of illegal abuses, such as counterfeiting and clipping. It had no responsibility to maintain or correct the ravages of normal wear on coin already in circulation. There was no system of regular, general re-coinages to uphold the quality of

¹³ Jenkinson, *Treatise on the Coin*, p. 143.

¹⁴ Quoted in Craig, *The Mint*, p. 242.

¹⁵ See, for example, 'Animadversions' by 'T' in the *Leeds Intelligencer*, 8 February 1774.

¹⁶ Ashton, *Economic History*, pp. 167-8 and 176; Craig, *The Mint*, ch. 8.

¹⁷ The Mint price for gold was progressively reduced in 1696, 1699 and 1717, but for the rest of the eighteenth century the Mint prices for both gold and silver remained unchanged. The reduction of 6d. in the value of the guinea in 1717 caused bitter resentment in the country and in Parliament; Craig, *The Mint*, pp. 218-19.

¹⁸ Sir A. Feavearyear, *The Pound Sterling* (1931; 2nd ed. rev. by E. V. Morgan, Oxford, 1963), pp. 148-9; Ashton, *Economic History*, 176; Br. Lib., Egerton MSS 257, fo. 170 (Lord North's statement to the 1774 Parliamentary Committee on the Coinage). North commented, with regard to the relative Mint values of gold and silver, that the latter was still the standard and that any alteration should be made in the Mint price for gold. But he emphasized that no such alteration was contemplated. Nevertheless, his proposal for a gold recoinage, unaccompanied by a corresponding recoinage of silver, merely confirmed the status of gold as, for all practical purposes, the British standard.

the currency.¹⁹ Recoinages in England were extraordinary government decisions, reluctantly taken. Eighteenth-century administrations were discouraged from embarking on such exercises by the disastrous experience of 1696-8. That recoinage had been forced on government by catastrophic public abuse of the silver currency. It entailed commercial dislocation, huge expense, fraud, popular hostility and political acrimony, yet it entirely failed to provide a secure silver coinage.²⁰

In the middle years of the eighteenth century the Mint did continue to manufacture some gold coin (Fig. 1), but this output did not necessarily influence the volume or quality of guineas in circulation. The work was undertaken mainly for the Bank of England, which was willing to supply bullion for coining at the Mint price (and therefore often at a loss) in order to sustain the convertability of its note issue.²¹ Adam Smith pointed out that these 'operations of the Mint were . . . somewhat like the web of Penelope; the work that was done in the day was undone in the night. The Mint was employed, not so much in making daily additions to the coin, as in replacing the very best part of it which was daily melted down'.²² The result was an acute shortage of English gold coin, which was only partially mitigated by a massive influx of Portuguese gold in the years 1700-60. Imported as coin in settlement of England's massive surplus on trade with Portugal, a proportion of this Portuguese gold avoided the melting pot because it passed current as coin at a value greater than its intrinsic gold content.²³ In 1742 Portuguese moidores were described as 'in great measure the current coin of the Kingdom'.²⁴ Tiny Portuguese gold coins circulated widely, because, in the absence of silver coin, the cash shortage was particularly severe among small denominations. An unwilling Mint was pressed by the Bank of England to issue one quarter or one-third guinea pieces.²⁵

If the condition of the gold coin was thus defective, and that of the silver abysmal, the copper coinage had effectively ceased to merit the name. A 1787 Mint inspection of a random sample of coppers in circulation revealed that 8 per cent bore some resemblance to Mint coin, 43 per cent were blatantly inferior, 12 per cent were blanks and the rest (37 per cent) were 'trash which would disgrace common sense to suppose it accepted for coins'.²⁶ The Mint did undertake some copper coinage in the eighteenth century, but this was not strictly its responsibility under the Mint indenture. Nor was copper coin legal tender for many transactions. However, the huge demand for substitutes for small-

¹⁹ A correspondent in the *Leeds Intelligencer*, 12 December 1773, compared English practice unfavourably with that in France, where, he claimed, general recoinages were undertaken at the start of each reign.

²⁰ See Craig, *The Mint*, ch. 11.

²¹ *ibid.*, p. 239.

²² A. Smith, *The Wealth of Nations* (1776), ed. R. H. Campbell and A. S. Skinner (2 vols., Oxford, 1976), vol. 2, p. 551.

²³ *Leeds Intelligencer*, 3 August 1773 (letter from 'an old merchant').

²⁴ Quoted in Craig, *The Mint*, p. 240. 'Moidore' was an English corruption of the Portuguese *moeda*.

²⁵ *ibid.*, p. 241.

²⁶ *ibid.*, p. 253.

denomination silver provided a ready market for counterfeit copper, which flooded the country and was estimated at anything from two-thirds to one and a half times the legal issue.²⁷

Counterfeiting copper was widespread. In 1751 it was said 'of counterfeit halfpence [that] there are now almost infinite sorts. Every town and village has its mint where many of our master manufacturers get them coined as cheap as they can for their use to pay their workmen with'.²⁸ Profits were immense, estimated by the Mint at 50 per cent on the best quality counterfeits in 1755 and 300 per cent by a Lancashire magistrate in 1783.²⁹ An Act of 1771 made counterfeiting copper a felony.³⁰ Before that date the offence was a misdemeanor, subject to two years' imprisonment after 1742.³¹ This status restricted the ability of magistrates to have premises searched for evidence or to commit offenders. Many of the so-called counterfeits bore so little resemblance to genuine copper coin that their manufacture was not construed as an offence. The production and distribution of these counterfeit coppers enjoyed widespread public sanction. Manufacturers and tradesmen were often customers for counterfeits in bulk, to alleviate the acute shortage of small coin. These were the very men who in cases of theft were most anxious to use the criminal law to protect property. Workmen, although entitled by law to be paid in silver or gold for sums of 6d. or more, accepted counterfeit copper from employers when the alternative was delayed wages. The counterfeit coin they received, often in five or ten shilling parcels, was recirculated through small retailers, with whom it found a ready acceptance for similar reasons.³²

The gold and silver circulations were not subject to the extraordinary degree of penetration by counterfeits that characterized the copper currency. Yet their poor condition, limited availability and the diversity of their national origin did facilitate both counterfeiting and other forms of abuse. Indeed, foreigners found the plethora of false coin of all kinds worthy of special remark.³³

Illegal abuse of the gold and silver coin was in important respects a more serious undertaking than the production of false coppers. The manufacture of silver and gold counterfeits tended to require greater skill. Of course, there were many methods of producing all kinds of counterfeits, as there were many degrees of worn coin. Copper could be bought commercially in the form of rolled sheets or as cut button blanks. The

²⁷ *ibid.*, p. 253.

²⁸ Quoted in *ibid.*, p. 253.

²⁹ The National Archives (hereafter TNA), Mint 1/11, fo. 40 (Mint Record Book, 1747-64); TNA HO 42/5, fo. 18 (Home Office in-letters: printed notice concerning bad coppers at Manchester, dated 31 October 1783).

³⁰ 11 Geo. III c. 40.

³¹ By 15 Geo. II c. 28.

³² Craig, *The Mint*, p. 253; TNA HO 42/5, fo. 18; A. P. Wadsworth and J. de L. Mann, *The Cotton Trade and Industrial Lancashire* (Manchester, 1931), p. 400.

³³ Sir L. Radzinowicz, *A History of English Criminal Law and its Administration from 1750* (4 vols., London, 1948-68), vol. 1 (1948), p. 707, n. 56.

latter might pass as coin, without reworking, but the most lucrative copper counterfeits were those which bore appropriate impressions on both faces. A coining die for that purpose was the work of a skilled engraver or die sinker. The impression was struck on to the blanks by means of a hammer or a press.

As usually practiced, counterfeiting gold and silver required the additional skill of mixing base metals to imitate coin, as well as the appropriate equipment, in particular melting pots or crucibles. The latter were difficult to conceal or explain away as an aspect of the button trade. A simpler technique for counterfeiting silver and gold coin, though one more easily detected by scratching or rubbing, was to plate lower denomination coin, or base metal imitations, with a chemical wash. Even here special skill was required if the counterfeiter was to manufacture, rather than purchase, his wash.

Counterfeiting the gold and silver coinage, diminishing it,³⁴ or possessing appropriate coining tools were all capital offences.³⁵ The potential consequences of detection and prosecution were therefore considerably more serious than those associated with offences against the copper currency. Unlike bad coppers, counterfeit gold and silver coins were rarely accepted knowingly by the general public. The holder of an intrinsically worthless counterfeit guinea or thirty-six-shilling Portuguese piece suffered a considerable loss if it would not pass. Worthless gold and silver counterfeits made from base metals never enjoyed ready public acceptability. Those who counterfeited the precious metal coinages could not, therefore, rely on the indulgence of the public as a means of reducing the considerable risks of detection and prosecution.

Although the manufacture and circulation of gold and silver counterfeits involved greater risk than the production of false coppers, many coining enterprises in this field were heavily capitalized, geographically extensive and sophisticated in organization. To ensure greater security in manufacture, such illegal enterprises depended on secrecy. A favourite device was to use a variety of premises for coining, all specially located and adapted to facilitate warning of discovery, concealment of equipment and escape.

Putting off the products of these secret workshops, although a non-capital offence, was the most exposed component of the typical counterfeiting operation. Prosecutions for uttering gold or silver counterfeits (a misdemeanour) were much more frequent than those for coining. Here risks could be reduced by attention to the quality of the product and by providing for its distribution through a small number of expert and trusted dealers. Peripatetic retailers and middlemen, such as badgers and hucksters, whose legitimate business involved transactions based on cash, enjoyed particularly good opportunities for putting off counterfeits, without excessive suspicion or risk.

Thomas Lightowler was the doyen of eighteenth-century English coiners, a counterfeiting entrepreneur who enjoyed a notoriety in his own trade that matched the

³⁴ Depriving the coin of part of its metal content by clipping, filing or sweating (physical or chemical abrasion).

³⁵ See below, pp. 11-12.

renown accorded to an Arkwright or a Wedgwood in theirs. His activities were well documented and will serve to illustrate some features of a large coining operation in the 1740s and 1750s.³⁶ Lightowler was an exceptionally skilled metalworker, 'a mechanical genius',³⁷ and was later in life to be employed as a mechanic in Austria by Empress Maria Theresa.³⁸ Born at Walton le Dale in Lancashire, he coined in South Wales, the West Midlands, Lancashire, Yorkshire and the Isle of Man during the middle decades of the eighteenth century.³⁹ In 1756 Lightowler was charged with high treason at Lancaster, where he was acquitted against the evidence, and at Coventry, where he was discharged without prosecution.⁴⁰ Evidence taken at the time revealed that Lightowler had introduced associates in Lancashire, Yorkshire, Coventry and the Black Country to the mysteries of coining and had managed their operations. Alderman Hewitt of Coventry recalled that 'between twenty and thirty . . . were concerned in the Mint at Coventry, as appears by letters, all of whom had learnt to do business in the absence of Thomas Lightowler; who besides this company . . . was at the head of others in different parts of the kingdom'.⁴¹

Lightowler's trade involved the production of counterfeits of gold and silver coin from mixed or base metals. A Londoner ordered Pinchbeck guineas and white metal crowns from him by post in 1755.⁴² Files and crucibles containing mixed metal were found concealed in the garret of a house at Coventry belonging to one of his associates.⁴³ Occupational information is available for five of his West Midlands customers for false coin (mainly counterfeit shillings). Two were peddlars and three bakers.⁴⁴ A London cheesemonger ordered 'goods' from him in 1752 at fifteen for a shilling.⁴⁵ Food dealing and peddling were both trades that depended heavily on cash transactions. Lightowler's

³⁶ The following account of Lightowler's activities is based on the Mint Solicitor's accounts for 1756 and 1757 (TNA Mint 1/11, fos. 77-116), and on John Hewitt, *The Proceedings of J. Hewitt, Alderman . . . in the year 1756 . . . Being a particular account of the gang of coiners, apprehended in the counties of Oxford, Warwick and Stafford, pursued by the author . . . the extraordinary adventures of . . . Thomas Lightowler . . .* (Birmingham, 1783).

³⁷ Hewitt, *Proceedings*, p. 9.

³⁸ *ibid.*, p. 55. Lightowler went to Austria to produce metal dies and rolling presses, but did not fulfil the hopes placed in him by the Austrian authorities; see Gustav Otruba, *Die Wirtschaftspolitik Maria Theresias* (Vienna, 1963), p. 35, and Mr Langlois to the Earl of Rochford, 23 May 1769, TNA SP 80/206 (State Papers Foreign, Germany [Empire], 1769). I am indebted to Dr Derek Beales of Sidney Sussex College, Cambridge for these references, which confirm and amplify Hewitt's account of Lightowler's activities in Austria.

³⁹ Hewitt, *Proceedings*, pp. 9,10,12; TNA Mint 1/11, fos. 77-116. In addition, the Mint Solicitor's account for 1746 refers to a Timothy Lightholder who was an active counterfeiter in the Kingswood area (TNA AO 3/703 [Audit Office, Mint Solicitors' papers, Mint Solicitor's account for 1746]).

⁴⁰ TNA Mint 1/11, fos. 95 and 105.

⁴¹ Hewitt, *Proceedings*, p. 50.

⁴² *ibid.*, p. 11. Pinchbeck was a copper-zinc alloy resembling gold, used in clock-making and cheap jewellery. It was named after its inventor, Christopher Pinchbeck, a London watch and toy maker (died 1732).

⁴³ Hewitt, *Proceedings*, p. 45.

⁴⁴ *ibid.*, pp. 23, 39-40 (note).

⁴⁵ *ibid.*, p. 21.

business was geographically extensive and his associates many, but he did not rely on popular endorsement for the reduction of risks. His activities were characteristically secretive. He moved frequently between his far-flung groups of associates, his coining shops were carefully concealed and the distributors of his product appear, on the available evidence, to have been drawn from a few, appropriate trades.

By mid-century the condition of the gold coin in circulation was so poor that another illegal abuse of the gold coinage was provoking complaint.⁴⁶ In 1752 Peter Vallavine, a Kent clergyman, submitted a paper to the Mint entitled ‘To prevent the diminishing of the current coins’.⁴⁷ He pointed out that ‘custom gives countenance and security to the breach of the law . . . and there is neither danger nor discredit in passing away guineas which are known to have been filed’.⁴⁸ The cutting or filing of a small quantity of gold off the edge of a guinea was not likely to excite attention if most guineas were already battered. The activities in London of Joseph Wood and his associates, exposed in 1757, provide a well-documented example of the kind of large-scale filing operation that came to flourish during the late 1740s and 1750s.⁴⁹ Wood obtained immense amounts of gold coin near full weight from the Bank of England, which had a reputation for holding good and often newly minted coin. From each of these guineas he filed gold worth, on average, 9d. or 12d.⁵⁰ The milling was restored to the guineas thus diminished and they were then used to procure provincial bills of exchange, for which they were readily accepted. The bills of exchange were discounted at London banks and payment received in Bank of England notes, which were then exchanged at the Bank for more full-weight guineas. Wood created some suspicion because he was ‘so very shabby a man’,⁵¹ but in two years he circulated over £40,000 for a profit of over £2,000 in gold filings.⁵² Filing was conducted with extreme secrecy by Wood and his associates in a number of premises kept for the purpose, including a summer house in the gardens at Islington, where Wood also kept a mistress. Risk arose from the incongruity of ‘so very shabby a man’ circulating such immense amounts of cash. This probably led to his capital

⁴⁶ By 1750, some gold coin in circulation was so deficient in weight that the Bank of England and the excise office were anxious to obtain the authority to refuse those guineas deficient by more than one shilling's worth of gold. Government, however, refused to provide such authority (Ruding, *Annals of the Coinage*, vol. 2, p. 79).

⁴⁷ Entered in TNA Mint 1/11, fos. 3-10.

⁴⁸ TNA Mint 1/11, fo. 4.

⁴⁹ Diminishing the gold coin had caused some complaint in the 1730s, but had only affected coins minted in particular years when the inscription was struck unnecessarily far from the edge (Craig, *The Mint*, p. 241). The Mint Solicitor reported that the practice of diminishing greatly increased during the late 1740s; Fountaine Cooke to the Treasury, 1 November 1751, TNA SP 36/117, fo. 283 (State Papers Domestic, George II). The following account of Joseph Wood's activities is based on William Chamberlayne's evidence before the 1774 Parliamentary Committee on the Coinage (Br. Lib., Egerton MSS 257, fos. 151-3) and his accounts as Mint Solicitor for 1757-8 (TNA Mint 1/11, fos. 101-16).

⁵⁰ Br. Lib., Egerton MSS 257, fo. 166 (Mr Halcom's evidence).

⁵¹ Br. Lib., Egerton MSS 257, fo. 152 (William Chamberlayne's evidence).

⁵² TNA Mint 1/11, fo. 112.

conviction at the Old Bailey in 1757. His reliance on the wider community was minimal. The extreme secrecy of his filing operations ensured the success of his enterprise as long as banks and dealers accepted his diminished coin without excessive suspicion. As Vallavine had remarked five years earlier, there was no necessary public discredit or danger in passing such coin.

The attitude of the public in the mid eighteenth century towards the various forms of illegal abuse of the coinage requires careful examination, because massive public support was to be a novel and distinctive feature of the clipping and coining operations in Yorkshire in the 1760s. Public toleration for the circulation of filed guineas, like that for counterfeit coppers, stemmed from the shortcomings of government coinage policy. Government condoned the circulation of guineas that were underweight as a consequence of almost a century of normal wear. Yet the circulation of guineas underweight, to the same degree, as a result of illegal filing was officially condemned. The public remained impervious to this legal distinction, which was of little practical consequence. There was general unconcern as to how coins came to be deficient, when most were already underweight and were passed despite their deficiency.

Government's almost complete failure to provide legal copper coins encouraged ready public acceptance of counterfeit coppers, often with a low copper content. However, as has been pointed out, this kind of endorsement did not extend to counterfeits of the precious metal coins. Although the gold and, especially, the silver circulations were allowed to decline in quality and availability in the eighteenth century, their condition never approached that of the copper coinage. The public remained generally hostile to receiving worthless counterfeits as substitutes for high denomination, Mint-struck coins, which, though worn, retained a substantial bullion value. Men like Thomas Lightowler, who dealt in base metal counterfeits of these coins, imposed on a public that was unwilling to be defrauded. Yet despite public reluctance to receive such counterfeits, there are some indications that those who manufactured them were occasionally extended the kind of public sympathy enjoyed by the dealers in false coppers.

In the middle years of the eighteenth century there were several spectacular instances of juries acquitting against the evidence in capital coining cases. Thomas Lightowler himself was acquitted at Lancaster summer assizes in 1756 against the evidence, while Richard Wrag secured an acquittal on a capital indictment at York Lent assizes in 1761, 'contrary to the opinion of the judge, who told the jury he hoped they would not hereafter complain if they received bad money'.⁵³

Juries were composed of freeholders, middling men of some property such as farmers, small manufacturers and tradesmen. Such men handled large amounts of gold and silver coin in the course of their commercial transactions and were familiar with both the inadequacies of legitimate coin and the prevalence of counterfeits. Acquittals against

⁵³ TNA Mint 1/11, fo. 95 (Lightowler), fo. 164 (Wrag); see also fo. 94 (John Pickering case at Warwick summer assizes, 1756).

the evidence may therefore have reflected a deep-seated hostility on the part of this section of the population towards the Mint monopoly, which, through its failure to provide an adequate ejaculation for commercial purposes, facilitated the manufacture and circulation of bad coin.

However, this evidence is ambiguous and must be treated with caution. Such individual acquittals may have resulted merely from the peculiar circumstances of each case. The chances of being capitally convicted on a capital coinage indictment were much higher than on an indictment for capital theft.⁵⁴ However, before a prosecution was allowed to proceed, the evidence against a capital coinage defendant, unlike that against a defendant accused of capital theft, was specially vetted by the Crown law officers for its reliability. Those capital coining prosecutions which were allowed to come to trial were selected because they were likely to succeed. The conviction rate, therefore, might be interpreted as disproportionately low.

Unfortunately, it is impossible to confirm such an interpretation of the conviction rate, because capital coinage cases were characterized by other peculiar obstacles to securing convictions. These derived principally from the nature of the offences and the evidential standards of the courts.

Superficially the laws against abuses of the gold and silver coinage were expressly constructed to encourage successful prosecution. In practice the conventions of the courts and the prevailing method of prosecution inhibited it. Coining or clipping the current English gold and silver coin, and possessing or making tools for that purpose were high treason.⁵⁵ A reward of £40 was available to those who apprehended and prosecuted clipping or coining offenders to conviction, and offenders who gave information leading to the conviction of two others were offered a free pardon.⁵⁶ Informing was also encouraged against those selling or possessing clippings (a noncapital offence) by the grant of half the £500 fine to the informer on conviction.⁵⁷

These incentives did not extend to equivalent offences against Portuguese coin,

⁵⁴ Of those tried on a capital coinage charge, between 1732 and 1769, for which evidence survives in Mint Solicitors' accounts, 59 per cent were convicted (see TNA T 54/32-4 [Treasury warrants not relating to money, 1732-48], AO 3/703, Mint 1/10-12 [Mint Record Books, 1739-76]). Of those tried for capital offences against property in Surrey between 1736 and 1753, only 33 per cent were convicted on the capital charge (J. M. Beattie, 'Crime and the courts in Surrey, 1736-1753', in J. S. Cockburn [ed.], *Crime in England, 1550-1800* [London, 1977], p. 176). In the cases of another 29 per cent of those accused of capital offences against property in Surrey, the jury exercised its right to find the offender guilty, not of the capital offence, but of non-capital theft. This was an option not available to juries in capital coinage cases. Yet it is striking that the proportion of guilty verdicts in capital coinage cases was only slightly below the proportion of all convictions (capital or otherwise) on capital property indictments in Surrey. It should be noted, however, that in the years 1755-69, when William Chamberlayne was Mint Solicitor, the conviction rate in capital coinage cases was only 41 per cent.

⁵⁵ Principally by 25 Edw. III c. 2 (counterfeiting), 8 & 9 Will. III c. 26, and 15 & 16 Geo. II c. 28 (gilding), 5 Eliz. c. 11 (clipping English coin), 18 Eliz. c. 11 (clipping current foreign coin), 8 & 9 Will. III c. 26 (edging), 8 & 9 Will. III c. 26 (coining tools).

⁵⁶ By 6 & 7 Will. III c. 17, and 15 & 16 Geo. II c. 28.

⁵⁷ 6 & 7 Will. III c. 17.

which was not current in the technical sense. To counterfeit or clip it was not high treason, but misprision of treason, punishable by life imprisonment, forfeiture of goods and loss of profits of land during life.⁵⁸ Treasonable offenders against the coin were exempt from certain safeguards available to defendants in other treasons. Defendants in coinage treasons did not enjoy the privilege of a copy of the indictment before trial, nor of lists of jurors and witnesses. Nor did a successful prosecution technically require more than one witness.

These encouragements to prosecution were compromised in the courts. Judges were solicitous to the accused. By the eighteenth century, judges in most criminal cases refused to accept the evidence of accomplices, without strong corroborating testimony.⁵⁹ This practice prevailed, despite Parliament's anxiety, expressed repeatedly in legislation, to promote convictions on the evidence of accomplices by offering them pardons and rewards. It bore heavily on capital coining prosecutions. Because the act of counterfeiting was itself private and could be easily concealed, such prosecutions relied disproportionately on the evidence of accomplices. Extraordinary lengths were taken to secure this evidence. The uncle of a suspected coiner who attempted to help his nephew escape from prison in 1756 was prosecuted only so 'that the nephew, tho' acquitted might be induced to make the best discovery he was able'.⁶⁰

Yet the nephew had been acquitted on a capital coining charge, 'the judge being of the opinion that circumstantial evidence was not strong enough to support the evidence of an accomplice'.⁶¹ In practice, the standards of evidence required by judges were much more stringent than the letter of the law demanded, and could be exacting. At the trial of Joseph Stell, executed at York in 1768, even the discovery at his home of mills suitable for coining was not enough to convict him, in spite of his having no occasion for them in his business. This evidence, it was pointed out to the mayor of Newcastle upon Tyne, 'would not do, nor, do I believe, would he have suffered, but coin was found upon him'.⁶² These rigorous evidential standards, which were a brake on the successful prosecution of suspected counterfeiters, rendered convictions for clipping and filing virtually impossible, because they could be undertaken without either special equipment or accomplices.

Ironically, another hindrance to the successful application of the criminal law against coinage offenders was the very availability of official finance for prosecutions. Offences against the gold and silver coin were distinctive, in that finance and direction

⁵⁸ By 14 Eliz. c. 3.

⁵⁹ J. H. Baker, 'Criminal courts and procedure at common law, 1550-1800', in J. S. Cockburn (ed.), *Crime in England, 1550-1800*, p. 40. Trials for coinage treasons were conducted according to common law procedure (see Sir Matthew Hale, *History of the Pleas of the Crown*, rev. G. Wilson [2 vols., London, 1800], vol. 1, p. 214).

⁶⁰ TNA Mint 1/11, fo. 81.

⁶¹ TNA Mint 1/11, fo. 80.

⁶² Robert Cockerill to J. E. Blackett, 24 February 1773, Northumberland Record Office ZBL 230 (Blackett of Matfen MSS).

were provided for prosecutions by the Mint. Most other eighteenth-century criminal prosecutions were privately conducted and financed, although a patchwork of statutory rewards, county reimbursement and parish or association funds was available to some prosecutors under certain circumstances.

In charge of coinage prosecutions, after 1715, was the Mint Solicitor.⁶³ His duties were described, in 1798, as general attention to all circumstances leading to the discovery of offenders against the Mint laws, attending magistrates in London on such subjects and 'corresponding with magistrates in the country . . . and giving them directions for their conduct'. In addition, he was expected to assist in taking copies of evidence, to arrange that evidence so that the propriety of prosecution could be determined by the Crown law officers, to manage cases through the courts, and to pay those who undertook prosecutions.⁶⁴ The Solicitor had a salary of £60 per annum, and received other fees proportional to the work and expenditure undertaken. The holder of the office was usually a practising London solicitor, who combined the Mint post, which generated work intermittently, with his own regular business.

Like other eighteenth-century officials, and especially Mint officials, the Mint Solicitor was often accused of abusing his office. Those abuses and derelictions of duty which took place were not merely the consequence of a predisposition on the part of successive Solicitors to exploit the financial rewards of their position while ignoring its responsibilities. In the middle decades of the eighteenth century, the Mint Solicitor's activities were hampered by financial constraints imposed by Parliament and the Exchequer and by the supervision to which his activities were subjected by senior government law officers.

From 1709 to 1742 the money available for Mint prosecutions was limited to £400 per annum, irrespective of the amount of business brought to the Solicitor's attention.⁶⁵ An Act of 1742 raised this figure to £600.⁶⁶ The Solicitor's accounts for his expenditure were settled only after the end of the accounting year. If the expenses exceeded the limit there was no statutory provision for any payment at all. Fountaine Cooke, Mint Solicitor between 1748 and 1755, was forced into bankruptcy and emigration because the Treasury refused to pay any of the money owing to him for prosecutions in years when his expenditure had exceeded the £600. In 1764 he claimed he was still owed £1,220. His accounts were not finally settled until 1771.⁶⁷ His successor, William Chamberlayne, exceeded the £600 ceiling in his first full year of office, 1756, but thereafter kept his expenditure well within bounds. Between 1757 and 1769 it never exceeded the £600

⁶³ Craig, *The Mint*, pp. 205-6.

⁶⁴ TNA AO 3/703 (Statement by the Mint Solicitor of the duties and emoluments of his office, 1798).

⁶⁵ By 7 Anne c. 28.

⁶⁶ 15 Geo. II, c. 24.

⁶⁷ Memorial to the Lords Commissioners of the Treasury from Fountain Cooke, late Mint Solicitor, 12 January 1764, Br. Lib., Add. MSS 38421, fos. 28-9 (Liverpool MSS); TNA Mint 1/12, fo. 191.

limit, averaging £298 per annum.⁶⁸ Yet Chamberlayne suffered financial embarrassment too. Although a proportion of his expenditure was imprested to him before the passing of his annual accounts, the settlement of the balance was very slow. Thus in 1765 Chamberlayne was still owed £195 on his accounts for the previous three years, and, in 1770, £550 on the previous five years' accounts.⁶⁹

Under these circumstances Chamberlayne positively discouraged business. The Marquis of Rockingham complained in the late 1760s that 'the Solicitor of the Mint, on some informations being communicated to him, declared that his salary did not allow him to carry on prosecutions'.⁷⁰ The Solicitor gained a widespread reputation for parsimony and negligence. Alderman Hewitt of Coventry, when investigating Thomas Lightowler and his associates in 1756, was warned by Mr Wyrley, a Warwickshire justice, not to 'be too forward in expenses lest he should meet with the disappointment he had done, with respect to the due attendance upon my proceeding, as well as the repayment of my expenses'. Hewitt later remarked, 'the business ended as Mr. Wyrley prognosticated'. Never paid by Chamberlayne for his expenses, he considered the Mint Solicitor had bungled the trials by failing to retain counsel and by unjustifiably allowing some of the accused to be discharged without trial.⁷¹ The affair emphasizes the conflicting pressures that could make the Mint Solicitor's position an invidious one. According to the Solicitor's accounts, these prosecutions were dropped on the instructions of the attorney general, to whom the Solicitor had to submit all cases for approval before Mint finance and assistance could be provided.⁷² Nevertheless, the opprobrium generated in the localities by such occurrences fell upon the Solicitor and was a considerable discouragement to the activity of local magistrates.

The Mint Solicitor himself had cause to suspect the competence and enthusiasm of local magistrates. Models of magisterial incompetence in coinage cases are not difficult to come by. In a Durham case in 1776 'the Justice who committed [the offenders], having omitted to bind the evidence to appear against them, they kept out of the way and the prisoners were necessarily discharged ... for want of prosecution'.⁷³ A North Riding justice was berated on the occasion of an escape in 1773 'for not finding securer place of confinement for a traitor than an alehouse'.⁷⁴

Most justices were more reliable than these, but their experience and characteristic methods of handling the bulk of their criminal business were not well suited to the distinctive demands of investigation and prosecution in a coinage case. They were accustomed, in most criminal cases, merely to process complaints and evidence brought

⁶⁸ TNA Mint 1/11 and 1/12 *passim* (Mint Solicitor's accounts, 1756-69).

⁶⁹ TNA Mint 1/12, fos. 39, 135-6.

⁷⁰ Marquis of Rockingham to Lord Weymouth, 1 December 1769, TNA SP 37/7 (State Papers Domestic, George III).

⁷¹ Hewitt, Proceedings, pp. 49 and 54.

⁷² TNA Mint 1/11, fo. 105.

⁷³ TNA Mint 1/12, fo. 351.

⁷⁴ Dr Pye to J. E. Blackett, 12 March 1773, Northumberland Record Office ZBL 230.

before them by aggrieved parties. It was only occasionally that a magistrate directed the detailed investigation of an offence. Yet coinage cases often required the management of extensive detective work and sustained liaison with prosecutor and Mint Solicitor alike.

The standards of evidence that justices were accustomed to meet in their regular criminal business were determined by their personal experience, by discussion with colleagues or lawyers and by reference to law books, in particular the justices' manuals, such as Burn or Dalton.⁷⁵ Such standards could prove counterproductive in coinage cases. The evidential requirements of the courts were far more stringent than the letter of the law indicated. Moreover, the physical evidence of coining, that was so often crucial in court, was notoriously difficult for the layman to understand. Only a handful of provincial justices had any direct experience of capital coinage cases because in most localities prosecutions were never common. The unfamiliarity of magistrates with such cases was often the immediate reason for calling in the Mint Solicitor.

The variety of legal and institutional constraints on the prosecution of capital coinage suspects, combined with the ability of offenders to conceal their activities, made it difficult to prosecute successfully in the mid eighteenth century. This is not to suggest that coiners were left to ply their trade unhindered. Between 1732 and 1769, there are only four years for which the Solicitors' accounts survive when no capital prosecution is recorded. Moreover, the convicted offender had good reason to fear a capital sentence, for the proportion of capital coinage convicts who actually suffered at the gallows was much higher than the equivalent proportion of those convicted of other capital offences against property.⁷⁶ However, after 1757, when William Chamberlayne instituted his restrictive policy on prosecution expenses, the number of cases that came to court was strictly limited. The combination of Chamberlayne's efforts to discourage business with the many other disincentives to prosecution ensured that those who abused the gold and silver coinage in the 1760s enjoyed considerable immunity from the rigors of the law.

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⁷⁵ R. Burn, *The Justice of the Peace and Parish Officer* (1755; regularly reprinted); M. Dalton, *The Country Justice* (1618; regularly reprinted).

⁷⁶ It is difficult to produce a definitive execution rate from the Mint Solicitors' accounts. Although it was the custom of successive Solicitors to record the outcome of the cases they financed, they often indicated only that a convicted offender had been 'left for execution', with no record of any subsequent pardon, reprieve or execution. However, in other instances, the Solicitor would record that the offender actually was executed. Where it has proved possible to check these latter cases in the local press, the Solicitor's statement has always proved accurate. On this basis it is possible to compute that at least 65 per cent of those known from the Solicitors' accounts to have been convicted of a capital coinage offence were executed in the period 1732-69 (TNA T 54/32-4, AO 3/703, Mint 1/10-12). The proportion executed of those capitally convicted of crimes against property (overwhelmingly theft) in Surrey between 1736 and 1753 was 49 per cent (Beattie, 'Crime and the courts in Surrey', p. 180).

2. The Yorkshire ‘Yellow Trade’.

At no point in the eighteenth century was the condition of the gold coin in circulation as poor as in the 1760s and early 1770s. Throughout these years gold bullion prices were constantly well in excess of the Mint price for gold. Cash continued in short supply. Joseph Wood's extraordinary profits between 1755 and 1757 had been facilitated by the willingness of London bankers to accept guineas deficient by 10d. or 14d. in order to dispose of country bills of doubtful origin.⁷⁷ The far more extensive clipping and coining operations carried on in the West Riding of Yorkshire and adjacent areas of Lancashire in the 1760s were also dependent on an exceptional demand for cash, but in other respects they were very different from the undertakings of Thomas Lightowler or Joseph Wood.⁷⁸ In Yorkshire clipping and coining were combined, the clippings being remanufactured, often with no adulteration, into counterfeit moidores and other gold coins. Mint-struck gold coins were diminished by clipping ‘to an amazing degree’,⁷⁹ and guineas generally recirculated that were 5s. 3d. or 5s. 4d. deficient, over five times the deficiency that had ensured such huge profits for Joseph Wood. In the coining heartland, broadly the area between Halifax and Rochdale, the illegal trade was sustained by massive and active popular support. Such support allowed the trade to proceed in a remarkably overt manner. Accessibility and popular support combined to underpin the lavish prosperity of the business. Indeed, so much did it prosper that by 1773 a Norwich MP could complain to his Yorkshire nephew of a plague of diminished guineas in Norfolk, the worst of which, ‘the bad guineas wanting 2/6d and 3/-, are called Yorkshire guineas’.⁸⁰ Good money followed bad and Yorkshire set the pace for the debasement of the national circulation.

Various commentators noted that clipping and coining were new to the Halifax area in the 1760s, and strictly limited to it. The Mint Solicitor recorded that it was only ‘in the summer of 1765 that I then began to hear vast complaints out of Yorkshire’.⁸¹ The first comment in the local press did not appear until 1768 and in 1769 coining was still described as a ‘manufacture lately established in this country’.⁸² In 1755 and 1756 Thomas Lightowler's associates had been active in the Craven area of Yorkshire, thirty

⁷⁷ Br. Lib., Egerton MSS 257, fo. 153 (William Chamberlayne's evidence).

⁷⁸ Since the mid-nineteenth century, these operations have been the subject of several historical accounts and fictional reconstructions by local authors. The best concise account is T. W. Hanson, ‘Cragg coiners’, *Transactions of the Halifax Antiquarian Society* (1909), pp. 85-106. H. L. Roth, *The Yorkshire Coiners, 1767-1783* (Halifax, 1906), provides extensive transcriptions of relevant documents from the Calderdale Archives (HAS: 1400/1 [Coiners' papers], and TNA SP 37). I have followed Roth in describing the practitioners of clipping and coining in the Halifax-Rochdale area as the ‘Yorkshire coiners’, although their activities were not restricted to coining and extended across the county boundary into Lancashire.

⁷⁹ Enclosure by Samuel Lister, attorney, in Richard Wilson to Lord Rochford, 30 June 1774, TNA SP 37/10.

⁸⁰ Edward Bacon to Bacon Frank, 19 July 1773, Sheffield City Archives, BFM 1327/25 (Frank of Campsall MSS). For another instance of this usage, see Thomas Grimston to John Grimston, n.d. (71770), East Riding Archives DDGR 42/33 (Grimston MSS).

⁸¹ Br. Lib., Egerton MSS 257, fo. 154 (William Chamberlayne's evidence).

⁸² *Leeds Intelligencer*, 23 February 1768 (letter signed ‘Philo Patriae’); 29 August 1769 (letter signed ‘E.C.’).

miles north-west of Halifax, and in Leeds, but their operations did not involve clipping.⁸³ There were no prosecutions for capital coinage offences in the Halifax area in the thirty years before 1765.⁸⁴ However, by

the years 1767, '68, and '69 the gold coin circulated in and about Halifax was greatly diminished, and numbers of counterfeit moidores and other pieces were constantly passed in payment, . . . [which] were circulated throughout the neighbourhood, but were not payable elsewhere.⁸⁵

An irate correspondent to the Leeds newspapers reported in 1769 that 'this re-manufactured gold coin will pass in payment nowhere but in this manufacturing country'.⁸⁶

The success of this highly localized and distinctive coining enterprise was based on the peculiar opportunities for clipping and coining which the regional economy generated during the 1760s. The purely local predisposition to accept exceptionally diminished and counterfeit coin was itself the result of an acute local shortage of specie in that decade. The Mint Solicitor later pointed out that in the area about Halifax 'the want of cash for circulation gave a currency to everything that bore the face of a guinea'.⁸⁷ 'I found the great demand for cash to be such that the [difficulty] of getting induced everybody to overlook the smallness. I found everybody afraid to make an objection to the cash for fear of not being supplied with it.'⁸⁸

Shortage of cash of all kinds was, of course, a national complaint throughout the eighteenth century. But the particular degree of shortage in the West Riding in the 1760s can be explained, at least in part, by the vicissitudes suffered by the region's staple industry in those years.

The town of Halifax was one of the chief market centres for the West Riding woollen and worsted industry. This manufacture dominated a belt of country running west from Leeds and Wakefield, up the valleys of the rivers Aire and Calder and their tributaries, and across the intervening hills. The trade continued uninterrupted through the Pennine moorlands into the Colne, Rossendale and Rochdale districts of Lancashire.

⁸³ William Chamberlayne, appointed Mint Solicitor late in 1755, conducted the prosecutions of Lightowler and his associates in 1756 and 1757. He later stated that he did not encounter the practice of diminishing the gold coin until the Wood case in 1757 (Br. Lib., Egerton MSS 257, fo. 151). This, and the evidence that Lightowler's associates elsewhere coined in mixed or base metals, suggests that coining in the West Riding during the 1750s was not associated with clipping.

⁸⁴ The silver coin was clipped in the Halifax area during the 1680s and 1690s, before and during the silver recoinage of 1696-8; see, for example, TNA ASSI 45/15/2/50, ASSI 45/15/3/62 and 115, ASSI 45/16/3/20 and ASSI 45/17/2/135. However, at that period clipping was widespread throughout the country. Within the West Riding, it was confined neither to Halifax parish, nor to the textile district.

⁸⁵ Yorkshire Archaeological Society MSS, MS 385 (Prosecution Brief in the case against Robert Thomas, Matthew Normanton and William Folds for murder, Yorkshire assizes, 4 August 1770).

⁸⁶ *Leeds Intelligencer*, 18 July 1769 (letter signed 'A.R.').

⁸⁷ TNA SP 37/27 (William Chamberlayne's comments on Messrs. Garbutts' report on the state of the Mint).

⁸⁸ Br. Lib., Egerton, MSS 257, fo. 155 (William Chamberlayne's evidence).

Defoe, writing in the 1720s, described this textile country as 'one of the most populous parts of Britain, London and the adjacent parts excepted'.⁸⁹ This description held true forty years later. Between the principal market-towns, settlement was scattered thickly across all except the highest hills (Fig. 2). Many families were able to combine handloom weaving or other domestic textile employment with agricultural pursuits, but by the second half of the eighteenth century agricultural by-employment was declining, especially in the worsted branch. The prosperity of the population of the area depended overwhelmingly on its staple industry.

Fig. 2. The area between the Turvin valley and the town of Halifax, from Thomas Jeffrey's map of Yorkshire, sheet 12, published in 1775. The district was surveyed by Jeffrey's assistant between 1767 and 1769. The area on the extreme left is shown in greater detail in Fig. 5.

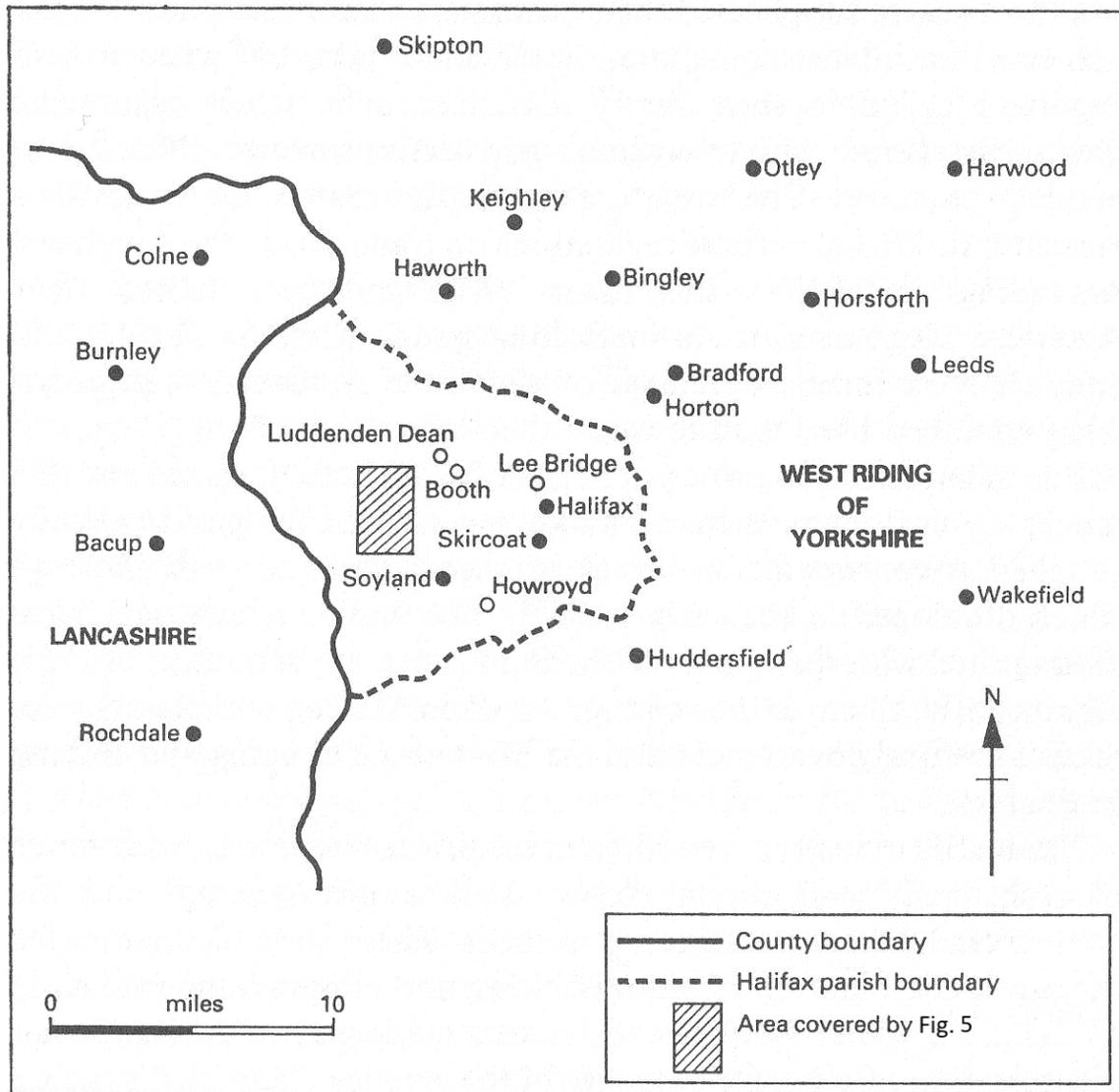


Within the broad swathe of this textile region, the industry was geographically specialized. The area between Halifax, Huddersfield and Rochdale had traditionally been the stronghold of the narrow cloth manufacture. Kersey, a coarse cloth used for army uniforms and clothing the poor, was the principal variety of narrow cloth produced. But from the early eighteenth century the district between and to the north of Halifax and

⁸⁹ D. Defoe, *A Tour thro' the whole Island of Great Britain* (1727; 2 vols., London, 1928), vol. 2, p. 603.

Rochdale became dominated increasingly by the manufacture of worsteds (Fig. 3).⁹⁰ By 1770, the West Riding worsted industry, concentrated in this district, vied with that of Norwich, the traditional seat of the industry.⁹¹

Fig. 3. The Lancashire-West Riding border area.



Woollen and worsted production in the West Riding relied disproportionately on

⁹⁰ See H. Heaton, *The Yorkshire Woollen and Worsted Industries from the earliest times up to the Industrial Revolution* (Oxford, 1965), pp. 267-71, 286-7, and R. Wilson, *Gentlemen Merchants: The Merchant Community in Leeds, 1700-1830* (Manchester, 1971), 54-5.

⁹¹ J. James, *History of the Worsted Manufacture in England* (1858), p. 285. I follow James in treating the woollen and worsted manufactures of east and north-east Lancashire as part of the West Riding industry.

export markets.⁹² This was to bring considerable difficulties during the 1760s. North America was the principal market for Yorkshire worsted exports and, during the Seven Years War, trade had flourished.⁹³ A cloth manufacturer wrote to the York Courant in December 1765 to point out that 'while the war lasted we had a brisk trade, goods sold well, and were generally wanted (for very obvious reasons)'. However, by 1765, Yorkshire manufactories were 'in a languishing condition, more especially that part of them in the worsted way'.⁹⁴ This recession he explained as the product of readjustment to peacetime conditions. Peace brought to an end the artificially inflated prices that had obtained under conditions of wartime demand.

Yorkshire's worsted industry was not the only section of the British economy to suffer recession in the mid 1760s. The national economy entered a depressed phase with the major slump of 1761-3, which was relieved only by the short-lived post-war boom in 1764.⁹⁵ However, the West Riding worsted trade suffered especially badly, as a result of its dependence on the North American market. American purchasing power underwent a severe cut with the reduction of military expenditures in the colonies at the end of the war. American consumption of British goods was also hard hit by the British slump and the stagnation that followed. Even those colonies which were not major direct exporters to the mother country were profoundly affected, as a consequence of their trade with the colonies which did rely on British markets.

The slump was particularly severe for British exporters to North America because, during the rapid expansion of their trade to the colonies in the preceding decade, they had extended unprecedented credit on goods supplied to their customers there. The years 1761-3 witnessed an intense squeeze on credit in Britain, but when British exporters called in their heavy American debts, their customers, themselves faced with recession, had extraordinary difficulty in making payment. The situation was exacerbated by Grenville's measures in 1763 to enforce regulations on trade within the Americas. According to Halifax merchants, these measures halted their American customers' trade in Halifax goods with the French and Spanish West Indies, by means of which the

⁹² Thomas Woolrich, a Leeds merchant, collected production figures for the West Riding woollen and worsted industry in 1772. He estimated that between Easter 1771 and Easter 1772 72 per cent of total production of woollens and worsteds in the West Riding was exported. Deane's figures for national production suggest that the proportion of all English woollen and worsted output exported rose from 40 per cent in 1695 to only 67 per cent in 1800. Woolrich specified that 90 per cent of West Riding-produced kersies were exported in 1771-2, and 75 per cent of its worsteds. However, the area's worsted output, at £1.4 million in value, was over twelve times that of kersies (see Wilson, *Gentlemen Merchants*, pp. 42-3, and P. Deane, 'The output of the British woollen industry in the eighteenth century', *Journal of Economic History*, vol. 17 [1957], p. 221).

⁹³ Wilson, *Gentlemen Merchants*, pp. 47-8.

⁹⁴ *York Courant*, 31 December 1765 (letter from 'A Manufacturer').

⁹⁵ T. S. Ashton, *Economic Fluctuations in England, 1700-1800* (Oxford, 1959), pp. 150-4. The following discussion of Anglo-American trade in the early 1760s is also based on M. Egnal, 'The economic development of the thirteen continental colonies, 1720-1775', *William and Mary Quarterly*, 3rd series, vol. 32 (1975), pp. 191-222, and J. A. Ernst, *Money and Politics in America, 1755-1775* (Chapel Hill, North Carolina, 1973), *passim*.

Americans had previously obtained hard cash to make their remittances.⁹⁶

The collapse of the principal market for Halifax products and the failure by customers there to make remittances for goods already supplied were two major causes of the acute local cash shortage which developed in the early 1760s.⁹⁷ The situation can only have deteriorated with the impact of the Stamp Act boycotts late in 1765. Significantly, this was the very period when the first complaints were made to central government and the Mint about clipping and coining in the area.

The textile industry, even when in recession, sustained a wide range of cash, credit and capital flows. ‘Yellow piecemaking’ and the ‘yellow trade’ were parasitic upon them. These were nicknames for the novel combination of counterfeiting and clipping undertaken in Yorkshire in the 1760s.⁹⁸ The nicknames made play of the customary identification of different branches of the woollen trade by the colour of the cloth produced, as in ‘white kerseymaking’. They emphasize the extent to which coining was regarded by the local population as a legitimate business equivalent to the local wool textile trade. In fact the yellow trade was a sophisticated illegal business, which in some aspects of its organization mirrored the local staple industry.

To describe the yellow trade as an illegal business is not to apply a gratuitous label. There are important distinctions to be made between different types of eighteenth-century criminal organization. Criminal activities from horse-stealing to poaching were frequently undertaken (though by no means invariably) by groups of offenders who used a set of well-established procedures to exploit opportunities inherent in the legitimate order. The yellow trade differed from most of those in the sophistication of its organization, and, more importantly, in the emphatically commercial character of its relationship with the population at large.

That relationship is best illustrated if the yellow trade is contrasted with Thomas Lightowler's activities in the 1750s. At that period Lightowler manufactured counterfeits of silver and gold coins from base metals. They were intrinsically almost worthless and were not knowingly accepted by the public. The poor condition of legitimate coin facilitated the deceitful circulation of such counterfeits. Lightowler used this opportunity to perpetrate a barefaced cheat upon the public.

By contrast, the entrepreneurs of the yellow trade offered the public in the Halifax locality a product and a novel source of income which, together, were widely marketable. The yellow piece-makers manufactured counterfeits not from worthless base metals, but

⁹⁶ Memorial of the Magistrates, Merchants and Principal Manufacturers of Halifax, 21 October 1765, TNA T 1/443 (Treasury in-letters).

⁹⁷ The shortage of cash in the Halifax locality did not pass without complaint at this stage. A June 1765 memorial to the Treasury from the tradesmen of Halifax stressed the inconvenience arising 'from all the Land Tax money of the county being in the hands of the receivers at Leeds' (TNA T 29/37, fo. 25 [Treasury Board Minutes, 12 June 1765]).

⁹⁸ See, for examples of the use of such nicknames, *A brief Account of the leading Transactions of the Lives of Thomas Spencer and Mark Sattonstall* (1783), single sheet in Calderdale Library, Horsfall Turner Collection, P 343, and TNA ASSI 45/29 (information of Matthew Normanton, 20 November 1769).

from gold. These counterfeits had an intrinsic bullion value not far short of that which characterized legitimate gold coins in circulation in the 1760s. Acute local cash shortage ensured that they were generally, if sometimes reluctantly, accepted in circulation. Indeed, in the locality, they enjoyed a similar currency to the underweight legitimate coinage, which they closely matched in gold content. Like the latter, they were paid and received at face value, or, in bulk, at a slight discount.

The ready circulation of these counterfeits was further encouraged by their association with the clipping branch of the yellow trade. Heavily clipped gold coins circulated remarkably freely in the locality as a consequence of the peculiar severity of cash shortage there. This presented local people with a widely accessible method of supplementing their incomes at a time of economic hardship. To realize a cash profit from this source they were dependent on the yellow piece-makers, who used clippings as raw material for their counterfeits. The yellow piece-makers purchased clippings direct from the public and offered a premium to anyone who could lend them legitimate gold coin of sufficient quality to clip. Recompense was naturally made in clipped or counterfeit coin, thereby enhancing the acceptability of that coin in local circulation.

The yellow trade, therefore, resembled smuggling, the greatest eighteenth-century illegal business, in that it took commercial advantage of opportunities generated by the workings of government monopoly. It differed from the trade in contraband because it was strongly localized and flourished only briefly. Yet these limitations permit a detailed and comprehensive account of its organization as an illegal business. Such an account is essential in order to understand the popular support enjoyed by the yellow trade and the obstacles which the trade presented to the application of the criminal law against its practitioners.

The organization of the yellow trade as an illegal business is here assessed from three distinct perspectives. First, as a structure of activities, in which individuals participated in different ways: for example, in the supply of raw materials, in their manufacture and in the distribution of the product. Second, as an association of individuals, with reference, for instance, to their social background, internal differentiation and cohesiveness. Third, as a specifically illegal enterprise which faced peculiar problems of risk reduction. Although distinct, these three perspectives should not be regarded as independent of each other, for no one aspect of the organization of the enterprise can be understood except in relation to the others.⁹⁹

The outstanding feature of the organization of the yellow trade as a structure of activities was the symbiosis between coining and clipping. Coining, or yellow piece-making, required specialized skills and facilities if output was to be maximized. It was therefore dominated by a few leading entrepreneurs. The manufacturing activity of this

⁹⁹ In formulating this approach to the analysis of criminal organization, I have drawn on Mary McIntosh, *The Organisation of Crime* (1975), particularly pp. 9-17, and A. K. Cohen, 'The concept of criminal organisation', *The British Journal of Criminology*, vol. 17 (1977), no. 2, pp. 97-111.

few depended on a multitude of individuals throughout the locality who never coined but supplied clippings or coin to clip. It was an advantage unique to the Yorkshire coiner that this multitude was simultaneously both customer for his manufactures and supplier of his raw material. It has already been pointed out that those who supplied clippings, or coin to clip, were themselves dependent upon the coiner to realize a cash profit. This relationship between coining and clipping was the key to the massive penetration of local circuits of cash and paper currency which the yellow trade had achieved by the late 1760s.

Clipping involved cutting a thin sliver of gold from the edge of a guinea, restoring the milling with a file and then returning the diminished coin into circulation. Jonas Tillotson, a shalloonmaker, described the procedure. The landlord of the Wheatsheaf in Halifax, John Bates, had clipped a guinea to convince Tillotson 'how beneficial a branch [of trade] it was'. The coin was

clipp'd with a common pair of large scissors and was afterwards filed even at the edges, and then milled by being turned upon the edge upon a cross cut file and by striking upon the upper part of the guinea, or otherwise weighing upon it with a nicked piece of wood as it was turned round upon the file.

Bates cut gold worth two shillings or half a crown from the guinea.¹⁰⁰ Guineas were clipped to a deficiency of 5s. 3d. or 5s. 4d., but it was difficult to get guineas that were not already underweight by two shillings.¹⁰¹ Between 15s. 6d. and 16s. was the lowest acceptable weight for recirculation. John Sutcliffe clipped some guineas to such an extent that they were worth, in gold content, under 15s. 6d., 'so little that [they] would not be paid'; he had to beat them out with an axe head 'and afterwards crooken them so that they looked large enough and was easily paid'.¹⁰²

Clipping was an easily accessible activity, though a skill of a sort. A virtuoso like James Green had a 'very strong' pair of scissors specially obtained from Sheffield.¹⁰³ On the other hand the diffident Joseph Murgatroyd was anxious that a more expert man should 'take notice whether or no I do them as well as other persons'.¹⁰⁴ Yet it was easily learnt, and as the Mint Solicitor pointed out, 'every wool-comber in the country was possessed of everything necessary ... his implements of trade did all the business'.¹⁰⁵ Under other circumstances disposing of the gold so obtained would have involved a considerable risk, but the clipping woolcomber 'easily avoided that risk by carrying the produce of four guineas to a Mint hard by, of which there were two or three, where for a

¹⁰⁰ TNA ASSI 45/29 (Assizes, Northern Circuit Depositions, 1768-70: deposition of Jonas Tillotson, 19 December 1769).

¹⁰¹ Br. Lib., Egerton MSS 257, fo. 157.

¹⁰² TNA ASSI 45/29 (deposition of Joseph Broadbent, 1 May 1769).

¹⁰³ TNA ASSI 45/29 (deposition of John Kitson, 1 January 1770).

¹⁰⁴ TNA ASSI 45/29 (deposition of Joseph Shaw, 3 February 1770).

¹⁰⁵ Br. Lib., Egerton MSS 257, fo. 155.

shilling he could have it coined into half a guinea'.¹⁰⁶

Because clipping was so easily learnt and relatively free of risk, 'the middling sort, finding that a light guinea was as good to them as a heavy one, could not resist the temptation, but diminished every one they got before they parted with it'.¹⁰⁷ However, the opportunity to come by gold coin that could be clipped was available to men of widely differing degrees of wealth. Poor weavers and woolcombers were often paid intermittently, or in groups, with large denomination gold coins, which they had every opportunity to clip. Moreover, a weaver or woolcomber could partake of the benefits of the yellow trade on a considerable scale by soliciting heavy gold coin for clipping. It was 'a constant, regular trade to give twenty shillings for the use of twenty guineas for a couple of hours. Two shillings for two guineas for half an hour'.¹⁰⁸ Over two shillings' worth of gold were usually clipped from each guinea, ensuring a considerable profit to the clipper, at a time when a weaver might earn only seven shillings a week, if regularly employed.¹⁰⁹

Enormous income from clipping was available to those who handled large quantities of cash in the course of legitimate business. In the Halifax area such men were mainly wool textile manufacturers and merchants. Some clipped their own coin. Samuel Magson, a Skircoat merchant, was taught to clip by a leading coiner, and thenceforth sold him the clippings.¹¹⁰ However, for many it was both convenient and reduced risk to contract this work out, like various processes in the textile industry. John Thomas, a manufacturer of Burnt Stubb in Erringden township, regularly employed a man to take gold for clipping to John Wilcock, a nearby farmer and weaver.¹¹¹

Merchants and manufacturers could use commercial credit facilities to procure coin for clipping. In 1768 Samuel Magson supplied a fellow merchant with approximately £150 in gold coin for clipping, obtained at York on bills of exchange. Magson also borrowed £50 to £60 to clip himself from Brian Dempsey, a Halifax merchant, which Magson repaid via his drawing rights on London. In 1765 Dempsey had made available £300 in cash to a Halifax watchmaker for the same purpose, which was to be repaid in bills or cash. Magson paid Dempsey a premium of 6d. per guinea (2.38 per cent), a small sum by prevailing standards. When later questioned, Dempsey was at pains to stress that, although he well suspected the gold would be clipped, the affair had the character of a normal business transaction, 'cash bearing a premium for bills at the time'.¹¹² A

¹⁰⁶ Br. Lib., Egerton MSS 257, fo. 155 (William Chamberlayne's evidence). For an account of such a transaction, see TNA ASSI 45/29 (deposition of Joseph Shaw, 9 October 1769).

¹⁰⁷ TNA SP 37/27 (Chamberlayne's comments on Garbutt's report).

¹⁰⁸ Br. Lib., Egerton MSS 257, fo. 157 (William Chamberlayne's evidence).

¹⁰⁹ Arthur Young reported that seven shillings was an average week's earnings for a weaver at Leeds in the late 1760s (A. Young, *A Six Months Tour through the North of England* [4 vols., London, 1770], vol. 1, p. 152).

¹¹⁰ TNA ASSI 45/29 (deposition of Samuel Magson, 25 December 1769).

¹¹¹ TNA ASSI 45/29 (deposition of Adam Liley, 5 February 1770).

¹¹² TNA ASSI 45/29 (depositions of Samuel Magson, 25 December 1769, and Brian Dempsey, 27 December 1769).

Lancashire magistrate pointed out that many of those involved were 'considerable people, . . . both in property and iniquity'.¹¹³

The coiner provided the specialized services on which ultimately depended the conversion of clippings into a cash profit. He was the lynchpin of the illegal business system. Counterfeiting from base metals was conspicuous by its rarity in the Halifax-Rochdale area in the 1760s.¹¹⁴ Counterfeits were usually produced from clippings without adulteration, although small amounts of silver and copper, cut from coins, were sometimes mixed with the gold. The counterfeits were deficient as to weight by comparison with the face value of the coins they imitated. Counterfeit moidores, with a face value of 27s., usually contained gold worth only 22s.¹¹⁵ However, this deficiency was not much greater than that of some of the underweight Mint coin which circulated freely in the locality at face value. Moidores were the coin most frequently counterfeited, but other Portuguese denominations and guineas, half guineas and quarter guineas were imitated too. The only other counterfeiting process widely resorted to was to heat up guineas, half and quarter guineas and overstamp them with the die of a moidore, half or quarter moidore, thereby increasing their face value by 30 per cent.¹¹⁶

Overstamping guinea denominations could, with appropriate equipment, be undertaken in any house with a fire. One peripatetic coiner carried moidore dies, a pocket anvil and a pocket hammer for this purpose.¹¹⁷ Small-scale production of crude counterfeits from clippings was hardly more demanding. It involved a three-stage process. First, the clippings were melted down into small gold buttons, of a size appropriate to the coin to be imitated. Second, these buttons were hammered into flat plates, while still warm. Third, the warm plates were inserted between a pair of coining dies and the impression struck by a hammer blow on the upper die (Fig. 4). However, the manufacture of good quality counterfeits on a large scale could be accomplished most efficiently at a permanent establishment, which could provide a fixed block for striking the dies and rollers to prepare blanks for stamping, along with other specialized equipment, such as crucibles, files and emery dust. An establishment of this character called for a permanent site and considerable capital investment, both to provide equipment and to minimize the increased risk which permanency entailed.

It was reported in 1769 that 'there were not above four shops where they coined'.¹¹⁸ One such establishment was the house belonging to William Varley, isolated in an area of dense but scattered settlement on South Oworm Bank, overlooking the town of Halifax. It was colloquially known as the 'Halifax Mint'. It contained 'a stone near the fire under

¹¹³ Richard Townley to Rockingham, 12 January 1770, Sheffield City Archives, Wentworth Woodhouse Muniments (henceforth WWM) R 11/28; Rockingham MSS).

¹¹⁴ See below p. 44.

¹¹⁵ Rockingham to Weymouth, 1 December 1769, TNA SP 37/7.

¹¹⁶ Yorkshire Archaeological Society MSS, MS 385 (prosecution brief).

¹¹⁷ TNA ASSI 45/29 (deposition of Robert Iredale, 1 January 1770).

¹¹⁸ Rockingham to Weymouth, 1 December 1769, TNA SP 37/7.

which there were several crucibles'. There was also a hammer fixed into the side of the house, which was designed to strike a die positioned in a wood and iron block. The block itself fitted into a special socket in an upturned flagstone. The equipment was so designed that when everything had been replaced 'nobody could see that any such business had been carried on there'. Indeed security was so important that 'if they were at work, there would be an old woman standing at the door watching'.¹¹⁹ The Mint Solicitor visited an establishment of this kind and found 'the situation such that it was impossible for anybody to come near the house, but they must be seen at a distance of half a mile. They must be seen time enough to get everything out of the house'.¹²⁰

Fig. 4. A die for striking counterfeit Portuguese moidores, in its iron collar. It was discovered during the 1830s, concealed in the wall of a house near Hebden Bridge. © Calderdale Museums.



Though they dominated production, these mint masters never had a monopoly on coining. There were always many more men in possession of coining tools than operated

¹¹⁹ TNA ASSI 45/29 (deposition of John Kitson, 1 January 1770).

¹²⁰ Br. Lib., Egerton MSS 257, fos. 157-8 (William Chamberlayne's evidence).

permanent and well-established mints. Coining dies were both manufactured and marketed in the Halifax-Rochdale district. The area was an established centre for the manufacture of clocks and watches, a trade which generated skills appropriate to die-making.¹²¹ Thomas Sunderland, who 'made for many of the coiners', was a clock engraver and painter of considerable ability.¹²² He manufactured dies for sale, offering a commission of one-third of the selling price to those who would market his products.¹²³ He charged £2 for a pair of moidore dies.¹²⁴ Others with less appropriate skills learnt to make dies too, including Robert Iredale, a friend of Sunderland's and a woolcomber, and Joseph Shaw, a weaver.¹²⁵ Sunderland cut durable dies from iron or steel, but many were crudely made from spelter (zinc) and had a very short working life.¹²⁶ Dies were much sought after and were rented out, sometimes in conjunction with other facilities at an illegal coining shop.¹²⁷

The risks that most eighteenth-century counterfeiters were obliged to undergo in order to pass off their product were considerably reduced in the yellow trade with its dependence upon clipping. The man who used the services of a coiner to make up his clippings into counterfeits had to pay them off himself. He also had to recirculate the coin he had clipped. Those who obtained a novel form of interest by hiring out their cash for clipping were repaid in clipped or counterfeit coin.¹²⁸ For a busy manufacturer who had large quantities of coin clipped, it was both convenient and it reduced risk to employ someone to dispose of the diminished coin. John Thomas, the manufacturer from Burnt Stubb who used a man to deliver his coin for clipping, employed the same man to put it off.¹²⁹ Of course, by acquiring appropriate change, passing off could itself become a source of more coin to clip.¹³⁰

The mutual dependence of clipping and coining in the yellow trade dictated that the relationship of the Yorkshire coiner with his public was very different from Thomas Lightowler's. Lightowler shared his profits only with his immediate accomplices and a select group of putters-off. In the Yorkshire operation the financial benefits of coining were extensively diffused. Yet the opportunities which the yellow trade offered for profit

¹²¹ B. Loomes, *Yorkshire Clockmakers* (Clapham, North Yorkshire, 1972), p. 21.

¹²² Calderdale Archives, HAS:1400/1, fo. 27 (information of John Bates, n.d. [winter 1769/70]). At Christmas 1768 Sunderland left Halifax to work as a painter and decorator for Edwin Lascelles, Esq., Member of Parliament for Yorkshire, at Harwood House, north of Leeds (see Loomes, *Yorkshire Clockmakers*, p. 161, and TNA ASSI 45/29 [depositions of Thomas Varley, 4 January 1770, and Thomas Sunderland, 3 January 1770]).

¹²³ TNA ASSI 45/29 (deposition of James Shaw, 10 January 1770).

¹²⁴ TNA ASSI 45/29 (deposition of Samuel Magson, 25 December 1769).

¹²⁵ TNA ASSI 45/29 (deposition of Thomas Varley, 4 January 1770); Calderdale Archives, HAS:1400/1, fo. 27 (information of John Bates, n.d.).

¹²⁶ Calderdale Archives, HAS: 1400/1, fo. 27 (information of John Bates, n.d.).

¹²⁷ TNA ASSI 45/29 (deposition of William Varley, 4 January 1770).

¹²⁸ See for example, TNA ASSI 45/29 (deposition of James Crabtree, 7 September 1769).

¹²⁹ TNA ASSI 45/29 (deposition of Adam Liley, 5 February 1770).

¹³⁰ See, for example, TNA ASSI 45/29 (deposition of Joseph Broadbent, 1 May 1769).

to a vast multitude in the locality should not obscure the special status held by the few great entrepreneurs of the trade. The novel source of income enjoyed by that multitude was especially dependent on the skills and facilities that the leading mint masters commanded. With the assistance of small coteries of trusted associates, they used this command to exploit every avenue for profit which the business offered.

The mint masters provided a commission coining service for those who clipped independently, and instruction in how to clip for the uninitiated. At the same time, they themselves aggressively solicited coin to clip. This dual approach secured maximum penetration of the gold circulation in the immediate locality and beyond. Maximum penetration was essential, because, on average, clippings from twelve guineas were required to produce a single counterfeit moidore. Therefore the mint masters' profits, as indeed the prosperity of the yellow trade as a whole, depended on a continuous supply of heavy coin to clip. This was assured by encouraging the individual enterprise of a large proportion of the local population and combining it with the leading coiners' own endeavours, in particular their appropriation of the commercial paper circulation in the area. Large Yorkshire and Lancashire manufacturers already made a practice of scouring the country for cash to pay their work-force.¹³¹ It has been noted that the yellow trade offered them an opportunity to use coin they could procure to obtain what amounted to a novel form of interest. Nineteenth-century local historians asserted that the leading coiners effectively operated as a banking company for manufacturers.¹³² Certainly they systematically appropriated the manufacturers' bills of exchange in order to obtain heavy gold from outside the coining heartland. A letter from Halifax published in the Leeds newspapers in July 1769 describes the practice with a bitter humour:

These very ingenious gentlemen ingross the bills drawn upon London, through the persuasive influence of a large discount upon their newly-reformed coin, with its auxiliary numbers begot upon it and, by an extensive correspondence, are in a fair way of drawing half the gold in the two Kingdoms into this happy country, with giving still larger premiums with the bills for gold coin (brought out of distant parts) that has not partook of their improvements.¹³³

The rewards available to those at the apex of the hierarchy of production in the yellow trade must have been considerable. The local author of a reply to the letter quoted above asserted that he 'could produce several instances of persons who, a few years since, had scarce the necessaries of life, and can now, by their skill and industry in the gold

¹³¹ See Richard Townley, John Chadwick and Robert Entwisle to the Treasury, 16 February 1770, TNA T 1/476.

¹³² Roth, *The Yorkshire Coiners*, p. 13n. In the light of the evidence referred to on pp. 193-4, demonstrating the close association of some Halifax merchants with leading coiners, I consider Roth's scepticism concerning the assertions by nineteenth-century local historians to be misplaced.

¹³³ *Leeds Intelligencer*, 18 July 1769 (letter signed 'A.R.').

trade, live at the rate of above a hundred a year'.¹³⁴

The structures of association which sustained these large profits are not easily penetrated by the historian. Information about the yellow trade derives principally from sources associated with the concerted effort to suppress it in 1769 and 1770. This material is a reliable guide to the various activities which comprised the illegal business at that period. It is a less trustworthy source for the background and relationships of those individuals who participated in the trade.

The most detailed accounts of individual involvement are found in nearly a hundred depositions taken before local magistrates between 1765 and 1773.¹³⁵ The shortcomings of these accounts are not simply the product of deponents' characteristic tendency to confirm a magistrate's expectations in their testimony. The authorities' search for evidence was biased towards the leading coining shop proprietors and their close associates. While these groups appear repeatedly in depositions, those who supplied clippings or coin to clip are probably under-represented. Hence these sources almost certainly mask the numbers of merchants and other men of great wealth involved in the trade. Their characteristic role was said to be the supply of coin for clipping which was an infrequent ground for accusation, criminal intent being so hard to prove. Those depositions taken in the autumn and winter of 1769-70 (the majority) form such a tangled web of accusation and counter-accusation that the credibility of evidence against any particular individual is often in doubt. As the surviving depositions are only a proportion of the original series, the difficulty is compounded.¹³⁶ In assessing the occupational profile of those incriminated between 1765 and 1773, these shortcomings must be taken into account.

Occupational information survives for eighty individuals from the Halifax-Rochdale area, who were accused in depositions, in the courts or in the press of capital offences against the coin, between 1764 and 1773 (see Table 1). Although individual accusations may have been false, it is probable that the vast majority of those accused had been involved in the yellow trade in some capacity. However, the utility of the available descriptions of occupation is compromised by the wide variations of status and income within particular trades. The most important victim of such ambiguity is the key distinction between employer and employee in the textile industry.

The staple worsted and kersey industries of the Halifax-Rochdale area were characterized by marked, though not extreme, differentiation between master and men. A few manufacturers commanded enormous enterprises and great wealth. Sam Hill of Soyland enjoyed an average turnover of £30,000 per annum between 1744 and 1750.¹³⁷

¹³⁴ *Leeds Intelligencer*, 29 August 1769 (letter signed 'E.C.').

¹³⁵ TNA ASSI 45/28-31 (Assizes, Northern Circuit Depositions, 1765-74); PL 27/4-5 (Palatinate of Lancaster, Assize Depositions, 1761-80); Calderdale Archives, HAS:1400/1.

¹³⁶ TNA ASSI 45/29 includes a bundle of fifty-two depositions relating to clipping and coining in Yorkshire, 1769-70. Thirty-three of these carry numbers 18 to 50 in an eighteenth-century hand. Numbers 1 to 17 appear to be missing, as the remaining nineteen are not numbered.

¹³⁷ Wilson, *Gentlemen Merchants*, p. 58.

More typical of the scale of industrial organization was the business of Robert Heaton, of Ponden Hall near Haworth. In the later 1760s Heaton's annual output of worsted cloths amounted to between 500 and 600 pieces, worth from £800 to £1,000.¹³⁸

A minimum estimate of the work-force required to sustain this output would include three woolcombers and nine weavers, all men, and thirty-five spinners, mainly women and children.¹³⁹ Yet Heaton styled himself merely a 'woolcomber', a description, which, if it appeared in a deposition, would offer no possibility of distinguishing him from his employees. Heaton's case would suggest that woolcomber was a self-description as acceptable to the small manufacturer as the unambiguous 'stuffmaker' or 'piecemaker'. If an estimate of the proportion of small manufacturers among the accused is based on these unambiguous descriptions of occupation alone, it must be recognized as potentially deficient.

¹³⁸ E. M. Sigsworth, 'William Greenwood and Robert Heaton; two eighteenth-century worsted manufacturers', *Bradford Textile Society Journal* (1951-2), p. 72.

¹³⁹ Calculated, as below, on the basis of the figures provided in 1774 by Thomas Woolrich, the Leeds merchant, and John Sutcliffe, a stuffmaker at Holdsworth, in Halifax parish (James, *Worsted Manufacture*, pp. 281,284,285). One pound of combed wool had an average value, when manufactured into cloth, of 4s. Heaton's average annual production of £900's worth of cloth therefore required approximately 4500 lbs of combed wool. One comber produced, on average, 36 lbs of combed wool per week. Hence Heaton required 2-5 combers, working constantly, to sustain his average annual output. One comber kept 14 spinners and 3-5 weavers employed. Heaton required, therefore, at least 35 spinners and 9 weavers to sustain his level of production. In fact, these figures are almost certainly an underestimate of the actual number of Heaton's employees, as they fail to include other processes, such as wool sorting, and assume continuous working, which was unusual. Hence the number of combers and weavers has been rounded upwards. I have preferred, as a basis for calculation, Yorkshire figures, dating from approximately the same period as Heaton's business activities and the yellow trade, to the strikingly different figures, from a pamphlet published in the 1720s, quoted in James, *Worsted Manufacture*, p. 217, n. 2. A calculation based on the latter would produce roughly double the number of employees.

Table 1. Occupations of those accused of clipping, coining or possession of coining tools in the Halifax-Rochdale area, 1764 to July 1773, for whom occupational information is available¹⁴⁰

Textile occupations.

Clothier	4
Master cloth dresser	1
Piecemaker (stuffmaker/shalloonmaker/kerseymaker/manufacturer)	14
Dealer in yarn or wool	2
Woolcomber	7
Weaver	24
<i>Total</i>	<i>52</i>

Other occupations, including cases of dual occupation in textile and non-textile activities.

Farmer	1
Farmer/weaver	3
Husbandman/weaver	1
Miller	1
Innkeeper	10
Butcher	3
Clockmaker	2
Painter/engraver	2
Tanner	1
Carpenter	1
Healdstriker/staymaker	1
Badger/weaver	1
Labourer/charcoal burner	1
<i>Total</i>	<i>28</i>

¹⁴⁰ I have taken into account all those accused of the capital offences of clipping, coining, or possession of coining tools, for whom occupational information is available. I have disregarded those seventeen individuals, for whom occupational information is available, who stood accused of uttering counterfeits, uttering clipped coin, supplying coin for clipping, or soliciting coin at a premium. These offences appear to have concerned the examining magistrates less than the principal capital offences, and the small numbers accused of each cannot, therefore, be assumed to be representative of the occupational profile of all those involved in these activities. However, the overall occupational profile does not change significantly if these seventeen are added to the eighty accused of the capital offences. Sources are principally TNA ASSI 45/28-31; ASSI 44/80-88 (Assizes, Northern Circuit Indictments [includes recognizances], 1765-73); PL 27/4-5; PL 28/3 (Palatinate of Lancaster, Assize Minute Books [Series one], 1766-96); PL 28/11 (Palatinate of Lancaster, Assize Minute Books [Series two], 1766-7); Calderdale Archives, HAS:1400/1; York Minster Library (henceforth YML), Hailstone MSS LL 1 (Yorkshire Assize Crown Calendars, 1765-73); *Leeds Mercury*, 1767-73; *Leeds Intelligencer*, 1765-73. I have ignored the descriptions of occupation provided by indictments because they employed only a limited range of stereotyped occupational designations.

The most striking feature of the occupational profile of the accused when set against the local occupational structure (see Appendix), is the extremely high proportion of those explicitly described as small manufacturers among those accused men who resided outside the town of Halifax itself. On the other hand, the proportion of those described as weaver is relatively low. Also striking is the high proportion, among those accused men resident in the town of Halifax, of retailers, craftsmen and middlemen. They comprised 26 per cent of all the accused and nearly half of their number were innkeepers. Bearing in mind that the proportion of small manufacturers may well be an underestimate (for the reasons set out above), the prominence of men of small capital is very marked.¹⁴¹ The yellow trade was never the preserve of the very poor, although opportunities for their participation were legion. It revolved around money and, in particular, transfers of cash. Comment in the Leeds newspapers confirms that innkeepers were prominently involved.¹⁴² With their traditional control of local systems of credit, innkeepers were well placed to manipulate small cash transactions for the purposes of the yellow trade.

Detailed information about the lives and characters of the accused is sparse. The few individuals whose lives are particularly well documented were not necessarily representative of the accused as a whole. However, several significant features do emerge.

A number of the accused were men with respectable reputations. Those who supplied coin to clip and clippings included established local merchants and tradesmen, and even an overseer of the poor. William Roberts, a Bacup innkeeper committed for clipping, was described as having previously been 'a man of good instance'.¹⁴³ James Oldfield, hanged for coining in 1770, was a manufacturer and founder member of the Independent church at Booth in Midgeley township.¹⁴⁴ All this appears to confirm a report in the *Manchester Mercury* in May 1770 that the characters of many of those involved in coining in the Halifax locality had previously been 'fair and unquestionable'.¹⁴⁵

The yellow trade also enjoyed the participation of minor local office holders under the law. A deputy constable of Halifax town was among offenders who absconded in 1769, and two Halifax bailiffs were accused of clipping.¹⁴⁶ Bum-bailiffs and hired constables were hardly figures of respect in eighteenth-century England, but their

¹⁴¹ The occupational profile does not change significantly if those accused of clipping are separated from those accused of coining and of possession of coining tools. However, an even higher proportion of men of small capital emerges if one isolates those fifty among the accused against whom evidence for the three principal capital offences was considered strong enough to merit commencing criminal proceedings (by committal or recognizance) or, in the case of those who fled justice, to prompt the advertising of rewards.

¹⁴² *Leeds Mercury*, 19 September 1769.

¹⁴³ Richard Townley to Lord [Weymouth], 10 January 1770, TNA T 1/476.

¹⁴⁴ T. W. Hanson, 'Cragg coiners', p. 100; J. Fawcett, *An Account of the Life, Ministry and Writings of the late Rev. John Fawcett, D.D.* (London, 1818), p. 124.

¹⁴⁵ *Manchester Mercury*, 15 May 1770.

¹⁴⁶ Joseph Hanson, deputy constable of Halifax town (see *Leeds Mercury*, 26 December 1769). James and Joseph Shaw, bailiffs (see TNA ASSI 45/29, deposition of Thomas Sunderland, 3 January 1770).

incorporation among the fraternity of the yellow trade posed important obstacles to the use of the law against its practitioners.

The careers of some of the accused directly reflect the vicissitudes suffered by the local textile industry during the later 1760s.¹⁴⁷ One accused merchant and one accused master woolcomber were bankrupts, while two of the accused worsted piecemakers had been imprisoned for debt.¹⁴⁸ If their involvement in the yellow trade was a response to their commercial difficulties, as one of the bankrupts claimed, this may be a significant indication of the predicament and motivation of other businessmen involved in the trade.¹⁴⁹ However, it is equally possible that they overextended their credit in order to secure coin for clipping.

Eighteenth-century commentators were apt to use the term 'gang', the customary designation for any collectivity of criminals, to describe the character of the association between the yellow traders. The local newspapers chose to group all the practitioners of such a strongly localized form of illegal activity in a single gang.¹⁵⁰ No doubt, under duress, the yellow traders could act in concert. In 1769, when it was considered necessary to murder an interfering supervisor of excise at Halifax, the killers were paid by subscription among coiners throughout the area, including Halifax, Leeds, Bradford, Otley, Bingley, Keighley, Colne and Burnley.¹⁵¹ However, for the purposes of their regular business, the leading practitioners of the yellow trade were grouped into a number of loose coteries, each of which was associated with a particular shop and its proprietor.

These groups of associates around each coining shop were geographically differentiated and hierarchical in internal structure. Their characteristics are well illustrated by the group associated with David Hartley. Hartley lived and coined at Bell House, high on the moor edge overlooking the Turvin valley, some six miles west of the town of Halifax. The son of a local family, he was the district's outstanding coining entrepreneur. The Mint Solicitor was told by an informant that Hartley 'was one of the first persons that brought this unhappy thing into this country, which it is said he learnt at Birmingham, where I believe it is carried on to perfection'.¹⁵²

¹⁴⁷ The worsted industry continued in a depressed state during the late 1760s; see *Leeds Intelligencer*, 12 January 1768, and 18 July 1769 (letter signed 'A.R.').

¹⁴⁸ Samuel Magson, former merchant (see TNA ASSI 45/29, deposition of Joshua Stancliffe, 24 December 1769). Robert Iredale, master woolcomber (see TNA ASSI 45/29, deposition of Robert Iredale, 31 December 1769). Jonas Tillotson, shalloonmaker (see Calderdale Archives, HAS:1400/1, fo. 27, information of John Bates, n.d.). James Oldfield, stuffmaker (see TNA ASSI 45/29, deposition of Samuel Magson, 25 December 1769). The two prisoners for debt continued to clip and to teach others to clip while in the debtors' prisons at Halifax and York.

¹⁴⁹ TNA ASSI 45/29 (deposition of Robert Iredale, 31 December 1769).

¹⁵⁰ See for example, *Leeds Mercury*, 17 October 1769.

¹⁵¹ TNA SP 37/8 (information of Joseph Broadbent, 19 September 1771).

¹⁵² Calderdale Archives, HAS:1400/1, fo. 27 (information of John Bates, n.d.). Bates also claimed that 'Lightoulers made David Hartley's coining irons'. There is no doubt that Thomas Lightowler was resident in the West Riding during the late 1760s, although by spring 1768 he had departed for Austria (see Hewitt, *Proceedings*, pp. 54-5; and Mr Langlois, Vienna, to Rochford, 23 May 1769, TNA SP 80/206). Though he appears to have been involved in counterfeiting in Yorkshire, the precise nature of his contribution to the

The coterie surrounding David Hartley had an identity distinct from other groups. To those yellow traders living near Halifax town, he and his associates were sometimes described as the 'Turviners', after their native valley, but they were better known as the 'upper hand people' and their locality as the 'upper hand country'.¹⁵³ Of 156 individuals in the Halifax-Rochdale area who were accused between 1765 and 1773 of illegal involvement in the yellow trade and were identified by township of residence, sixty-six lived in one of the three townships adjoining the Turvin valley. Precise residence is known for thirty-four of that sixty-six (see Fig. 5). The distribution of the thirty-four suggests that many of the 'upper hand people' were close neighbours, particularly those who occupied farmsteads on the moor edge to the west of the valley. Links between neighbours, friends and acquaintances were reinforced by the bonds of kinship and employment which permeated such a community. Thomas Spencer was brother-in-law to Thomas Clayton, a leading coiner. Matthew Normanton worked for Clayton as a weaver. Execution literature and depositions provide outline life-histories for Thomas, Normanton and Spencer.¹⁵⁴ They emerge as men rooted in the Turvin locality. Apart from Spencer, who left to serve in the infantry during the Seven Years War, they passed their whole lives in the area.

David Hartley was renowned throughout the coining districts as 'King David'. This dignity was considered 'an honorary reward for saving his country from the formidable enemy - Poverty'.¹⁵⁵ In depositions, the justices' clerks were repeatedly obliged to append 'David Hartley' to the royal title used by their informants, in a hopeless battle to contain popular respect for this monarch. 'King David's' brothers were the 'Duke of York' and the 'Duke of Edinburgh', and Thomas Clayton, a close associate, was popularly 'Royal Clayton'.¹⁵⁶ The proliferation of royal nicknames suggests a hierarchy of authority among the 'upper hand people'.

yellow trade remains obscure. The trade was very different in character and organization from Lightowler's counterfeiting activities during the previous decade, but it would have made similar demands on his particular skills as a die sinker. If David Hartley did learn his counterfeiting while absent from his native county in Birmingham, it is not unlikely that he became acquainted there with Lightowler, who enjoyed a considerable reputation in the town as a counterfeiter (Hewitt, Proceedings, p. 26).

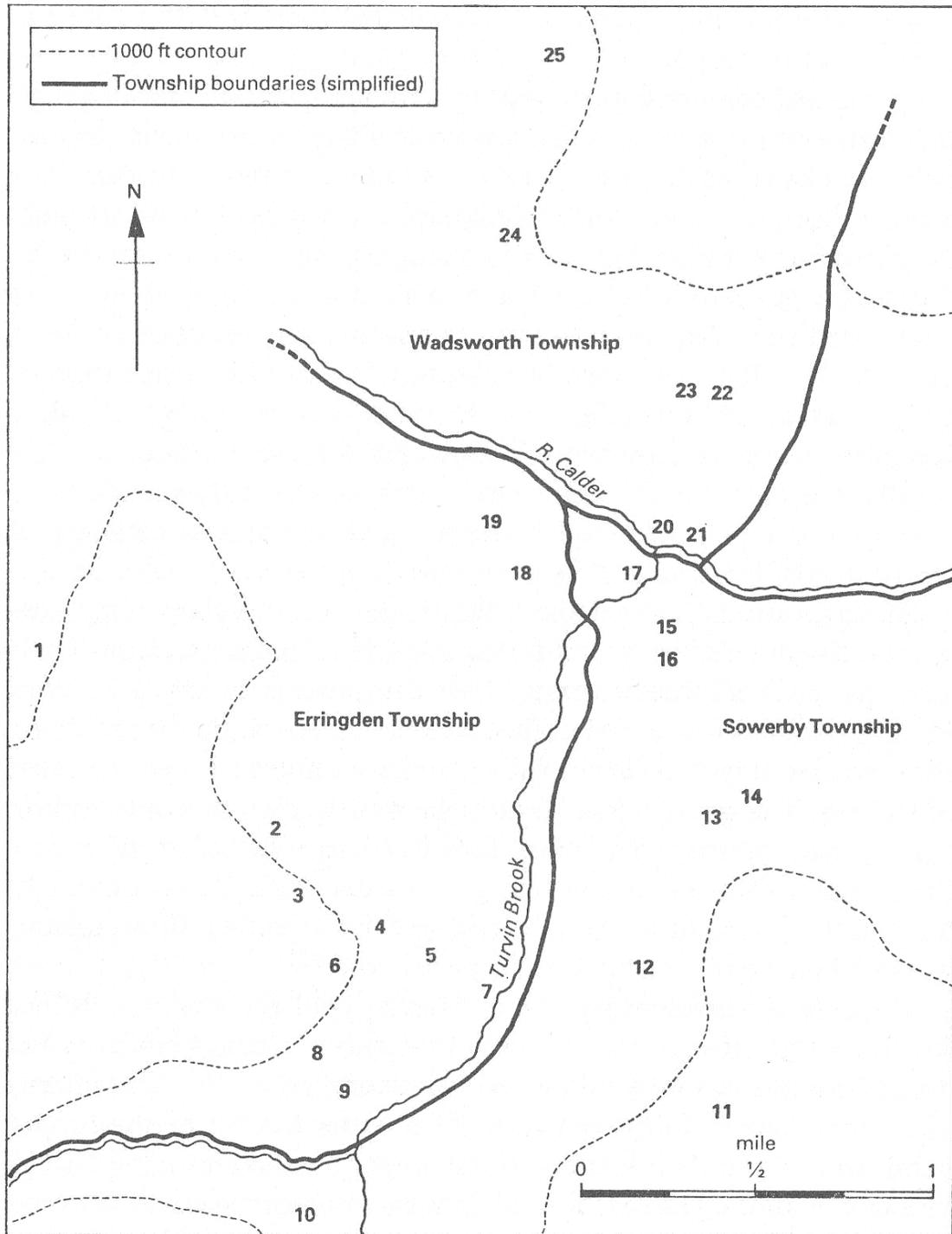
¹⁵³ See, for example, Calderdale Archives, HAS:1400/1, fo. 27 (information of John Bates, n.d.); TNA ASSI 45/29 (deposition of Joshua Stancliffe, 24 December 1769, and deposition of James Shaw, 10 January 1770).

¹⁵⁴ TNA ASSI 45/29 (deposition of Matthew Normanton, 20 November 1769, and deposition of Robert Thomas, 20 November 1769); *Brief Account ... of the Lives of Thomas Spencer and Mark Sattonstall*, Calderdale Library, Horsfall Turner Collection, P 343.

¹⁵⁵ *Leeds Intelligencer*, 29 August 1769 (letter signed 'E.C.').

¹⁵⁶ For King David see, for example, *Leeds Mercury*, 17 October 1769; for Duke of York, *Leeds Mercury*, 25 March 1770; for Duke of Edinburgh, *Leeds Mercury*, 2 January 1770; for Royal Clayton, Calderdale Archives, HAS:1400/1, fo. 33 (information of Joshua Sharp, 9 December 1772).

Fig. 5. The 'upper hand country'. Known places of residence for those accused and their associates.¹⁵⁷



¹⁵⁷ For the principal sources, see note 142 above.

NOTE: The area covered by this map is indicated in Fig. 3. It also appears on the extreme right of the portion of Thomas Jeffrey’s map of Yorkshire shown in Fig. 2, which illustrates the pattern of late eighteenth-century settlement in the locality, including some of the residences mapped above and listed below.

KEY.

1: Rough Head	JAMES JAGGER, weaver; committed to York for clipping with David Hartley, October 1769.
2: Bell House	DAVID HARTLEY. 'King David', weaver; hanged for coining; April 1769.
3: Keelham	JOHN WLCOCK, farmer and weaver; accused of clipping; absconded winter 1769/70.
4: Crumber Hill	DANIEL GREENWOOD, weaver; committed to York for clipping, January 1770.
5: Sandy Pickle	BETTY CROSSLEY, spinner; wife of William Crossley; accused of paying to have clipped coins put off.
6: High Green	THOMAS DEWHIRST, listed as a suspected coining offender.
7: Paper Mill	JAMES WHITELEY, accused of putting off bad guineas and listed as a suspected coining offender.
8: Hill Top	DAVTD GREENWOOD, white kerseymaker; accused of coining; 'hedge solicitor' to King David.
9: Old Cragg	JOHN DEWHIRST, stuffweaver; accused of clipping. JOHN HEAP, listed as a suspected coining offender. WILLIAM HELLIWELL, accused of going to Preston to obtain heavy guineas for clipping.
11: Collinbob	JAMES BROOK, listed as a suspected coining offender.
12: Wood	ABRAHAM KERSHAW, worsted dealer; acquitted of uttering counterfeit guineas at Leeds borough quarter sessions, April 1769. JAMES KEHSHAW, listed as a suspected coining offender.
13: Bent	JOHN LISTER, listed as a suspected coining offender.
14: Stannery End	THOMAS CLAYTON, Royal Clayton; worsted stuffmaker; accused of clipping; absconded September 1769. MATTHEW NORMANTON, worsted stuffweaver; accused of clipping; one of the murderers of William Deighton, Halifax Supervisor of Excise.

- 15: New House THOMAS SPENCER, brother-in-law of King David, weaver; organizer of Deighton's murder.
- 16: Hall Gate JAMES BROADBENT, charcoal burner and weaver; informer against 'upper hand country' coining offenders.
- 17: Elphaborough Hall ISAAC HARTLEY, 'Duke of York' and brother of King David, yeoman; absconded in winter 1769/70; organizer of Deighton's murder.
- 18: Buckley Gate JOSEPH BROADBENT; 'Belch', weaver; informer against coining offenders.
- 19: Burnt Stubb JOHN THOMAS, piecemaker; accused of sending coin to John Wilcock (see 4 above) for clipping.
- 20: The 'Dusty Miller' THOMAS BROADBENT, uncle by marriage of Matthew Normanton (see 15 above), innkeeper; committed to York in January 1770 for the rescue from custody of a coining suspect.
- 21: Mytholmroyd Bridge JOHN SUTCLIFFE; accused of clipping.
- 22: Wadsworth Banks THOMAS GREENWOOD; 'Great Tom o' the Bank', piece maker; committed to York for clipping, December 1769.
- ROBERT THOMAS, labourer; brother-in-law of Thomas Clayton (see 14 above), one of Deighton's murderers.
- 23: Wadsworthrow JOHN PICKLES, farmer and double-piece weaver; accused of clipping; committed to York, September 1769.
- 24: Amory Well JOHN SLADDIN, weaver; travelled through the coining districts to collect money to pay for Deighton's murder, autumn 1769.
- 25: Popples DANIEL GREENWOOD, weaver; committed to York, December 1769; died in York Castle while awaiting trial.

This list consists of all those accused of any involvement in the yellow trade, between 1765 and 1773, who lived within the area covered by the map and whose place of residence can be identified precisely. The place of residence of two informers is also indicated. Eighty-four of all those accused of clipping, coining, or possession of coining tools in the Halifax-Rochdale area, 1765-73, can be identified by township of residence. Of these, twenty-two lived in the three townships of Erringden, Sowerby and Wadsworth and precise residence is known for fourteen of that twenty-two. Twenty-eight others, identified by township of residence, were accused of a variety of other kinds of participation in the yellow trade, from soliciting coin for clipping to murdering William Deighton, the Halifax exciseman. Eighteen of these lived in the three townships and precise residence is known for ten of that eighteen. Forty-four others, identified by township of residence, were listed for the authorities by one Ely Hoyle as 'coiners, etc' (Calderdale Archives, HAS.1400/1/ 13). Twenty-six of these lived in the three townships and precise residence is known for ten of that twenty-six.

King David was not the only coining monarch. He was only one of 'two Gentlemen, of moderate fortunes . . . dignified with the title of Kings'.¹⁵⁸ The identity of the other crowned head is unknown. However, other coining shop masters reigned over local coteries similar to Hartley's. The evidence available for these groups illustrates some aspects of their internal working relationships, which are not available for the Turviners. Only a few intimates were permitted, or competent, to use all the facilities of a coining shop. Only six men appear accused in the depositions of actually having coined at William Varley's 'Halifax Mint', and eight at Isaac Dewhirst's.¹⁵⁹ A larger number of associates, who probably never coined, came to the mints in order to have coin clipped, or clippings made up into counterfeits. Ten men were accused of having visited Isaac Dewhirst's to have commission work of this kind undertaken. How firm their allegiance was to a particular coining shop is unclear, although the necessity of mutual confidence between proprietor and client probably called for an established and consistent relationship.

The coteries around each mint, though distinct, were never exclusive, at any level. John Bates, a Halifax innkeeper, used facilities at William Varley's, Isaac Dewhirst's, John Cockroft's and his own home both to clip and coin.¹⁶⁰ Joshua Brigg, a woolcomber from Halifax town, sent clippings to the 'upper hand country', to be made into counterfeits by King David, but he also did business with intimates of coining shops nearer Halifax.¹⁶¹ As early as 1765, King David had deliberately established contacts in the vicinity of Halifax town with wealthy men, such as Joshua Stancliffe, a watchmaker, and Samuel Magson, the Skircoat merchant, who could supply coin and bills.¹⁶² His early command of such relationships was probably the key to his pre-eminence. This interlocking set of associations spread through Halifax parish and beyond. The Mint Solicitor was informed of 'a set of people that came from Howorth [sic] to the Spread Eagle in Halifax . . . [who] will lead you into the parishes of Howorth, Bradford, Leeds, and Wakefield, and [Thomas] Sunderland, if he will inform, will bring you into

¹⁵⁸ *Leeds Intelligencer*, 29 August 1769 (Getter signed 'EC.').

¹⁵⁹ For evidence of coinage offences at William Varley's, see Calderdale Archives, HAS:1400/1, f. 27 (information of John Bates, n.d.), and TNA ASSI 45/29 (depositions of John Kitson, 1 January 1770, Robert Iredale, 1 January 1770; George Ramsden, 3 January 1770; Daniel Greene, 3 January 1770; Thomas Varley, 4 January 1770; William Varley, 4 January 1770). For evidence of coinage offences at Isaac Dewhirst's, see Calderdale Archives, HAS:1400/1, fo. 27 (information of John Bates, n.d.), and P R O A S S145/29 (depositions of Daniel Greenwood, 21 December 1769; Jonathan Barrowclough, 3 February 1770; Joseph Shaw, 10 September 1769, 14 September 1769, 27 November 1769 and 3 February 1770).

¹⁶⁰ TNA ASSI 45/29 (depositions of Jonas Tillotson, 19 December 1769; John Cockroft, 20 December 1769; Thomas Wilson, 22 December 1769; Jonathan Barrowclough, 3 February 1770; Thomas Varley, 4 January 1770).

¹⁶¹ TNA ASSI 45/29 (depositions of James Shaw, 10 January 1770; Jonathan Barrowclough, 3 February 1770; Joseph Shaw, 3 February 1770).

¹⁶² See TNA ASSI 45/29 (depositions of Samuel Magson, 25 December 1769, and Joshua Stancliffe, 24 December 1769).

Hodersfield [sic] and other parts of the country'.¹⁶³ The attention which the legal records, in particular, focus on Halifax parish, and certain groups of coiners within it, may therefore be unrepresentative, although Halifax and Rochdale were without doubt 'the great marts of this new commerce'.¹⁶⁴

As an illegal business the yellow trade faced risks not associated with legitimate commercial activity. Yet certain branches of the trade were carried on remarkably overtly, in particular clipping and dealing in heavy coin and bills. Indeed, easy public access at this level was vital for the trade's continuing prosperity. It was reported in 1768 of the many tradesmen, manufacturers and merchants who took diminished gold for bills, that 'they do this in the face of the sun, with their eyes open; and what is worse, they suffer both the deceit and the deceiver to pass with impunity'.¹⁶⁵ A man uninitiated in the mysteries of clipping 'might light of chaps in many places by all reports',¹⁶⁶ all that was required was a visit to an inn frequented by reputed clippers. The only precaution adopted was to wait for the particular room in the inn to be vacated by strangers before exchanging coins. The clipping was often done outside the inn as the customer waited.¹⁶⁷

An attempt to prosecute a Turvin man for clipping in 1765 was dropped by the Mint Solicitor on the advice of the attorney general.¹⁶⁸ The reasons for discontinuing it are not recorded, but thereafter those involved in the yellow trade remained immune from prosecution on their own territory until 1769. This immunity reflects, in part, the fact that it proved very difficult to secure evidence of sufficient quality to convict those who clipped, because clipping was easily undertaken without special equipment.¹⁶⁹ Those who coined on a peripatetic, fireside basis were also relatively invulnerable, because they could work alone and their only specialized equipment was an easily concealed pair of dies. The greater risk run by the proprietor of a permanent (and therefore vulnerable) coining shop was reduced by means of the traditional criminal devices of concealment and vigilance.¹⁷⁰ However, the yellow traders' immunity from prosecution and the extraordinarily overt manner in which the trade was conducted can only be fully understood if account is also taken of the shortcomings which characterized the enforcement of the coin laws in the locality and the massive popular support which the trade enjoyed there.

The rise of the yellow trade in the Halifax locality was facilitated by the isolation of the locality from those sources of formal and informal authority which sustained

¹⁶³ Calderdale Archives, HAS .1400/1, fo. 27 (information of John Bates, n.d.).

¹⁶⁴ *Leeds Intelligencer*, 29 August 1769 (letter signed 'E.C.').

¹⁶⁵ *Leeds Intelligencer*, 23 February 1768 (letter signed 'Philo Patriae').

¹⁶⁶ Calderdale Archives, HAS:1400/1, fo. 27 (information of John Bates, n.d.).

¹⁶⁷ TNA ASSI 45/29 (depositions of James Crabtree, 10 August 1769, and William Haley, 8 September 1769).

¹⁶⁸ TNA Mint 1/12, fo. 144; Br. Lib., Egerton MSS 257, fo. 154 (William Chamberlayne's evidence).

¹⁶⁹ See above p. 12.

¹⁷⁰ See above pp. 25-6.

eighteenth-century law enforcement. Like neighbouring rural-industrial parishes in both Yorkshire and Lancashire, the parish of Halifax was extensive and populous. Institutionally it was divided into a patchwork of twenty-three townships covering 118 square miles. In 1764 the total population of the parish was computed at 8,244 families, which were estimated to represent at least 40,000 people. 1,272 of those families lived in the town of Halifax.¹⁷¹ The parish was an early centre for Methodism and a stronghold of the small freeholder.¹⁷² Apart from the Hortons of Howroyd, it had few resident gentry. Large landowners like Sir George Savile and Lord Viscount Irwin were non-resident. The wealthiest inhabitants were the great manufacturers and merchants. However, their relationship with the small masters and outworkers did not involve that close control and subordination which characterized the dependence of tenants and labourers on the landowner in some rural parishes.

The absence, since the 1740s, of an acting justice of the peace in such a populous parish was a source of local complaint in the mid 1760s, for reasons unconnected with coining.¹⁷³ At this period there were two justices resident between the towns of Halifax and Bradford, but they were the only justices in the whole Wapentake of Morley, the most heavily populated in the West Riding (Fig. 6). The majority of the Riding’s acting justices resided in the agricultural areas to the east and north-east of that Wapentake. The few Halifax men in the Commission of the Peace were discouraged from taking out their *dedimuses* by the heavy potential work-load.¹⁷⁴

The acting justices of the peace did not ignore the yellow trade in the mid 1760s, but their efforts to contain it were weak. The Mint Solicitor reported that in the summer of 1765 he received complaints and letters from the Halifax area on the subject, but

my only answer was I was sorry for it, but if there could be no evidence provided, it was impossible to prosecute. I recommended it to the justices, whenever informations were laid before them, necessary to grant a search warrant, to collect their tools, or something of that sort, for with such circumstantial evidence it could answer no purpose.¹⁷⁵

The justices' seeming inability to secure firm evidence may have resulted from their

¹⁷¹ John Crabtree, *Concise History of the Parish and Vicarage of Halifax* (London, 1836), pp. 311, 313.

¹⁷² See Archbishop of York to Sir Robert Walpole, 2 January 1731, quoted in C. Collyer, 'The Yorkshire election of 1734', *Proceedings of the Leeds Philosophical and Literary Society* (Literary and Historical Section), vol. 7, pt. 2 (1953), p. 59.

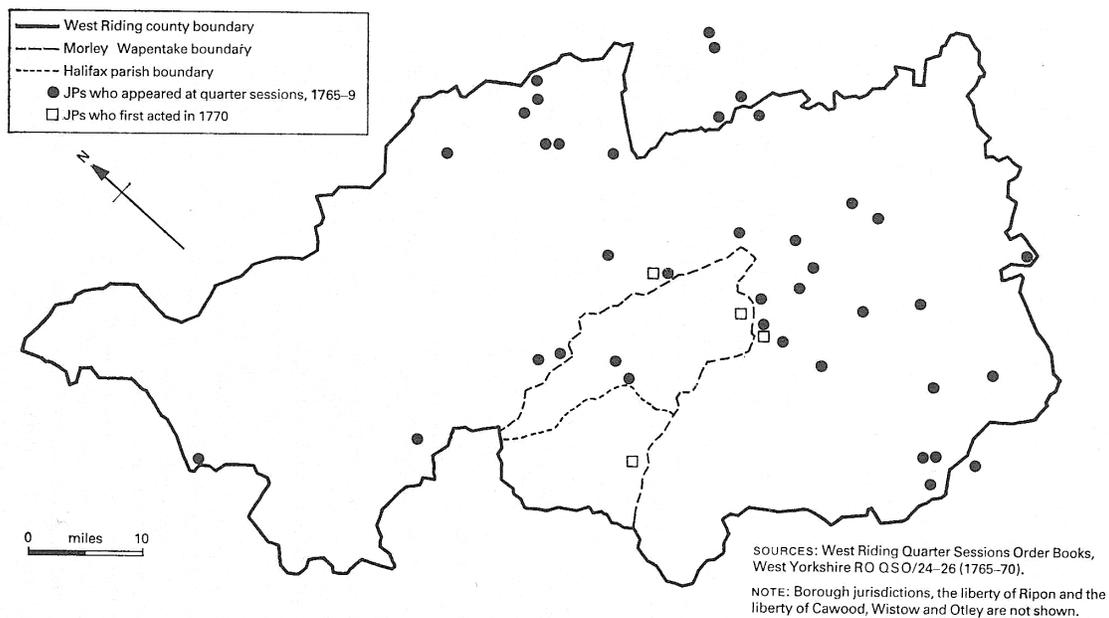
¹⁷³ *Leeds Intelligencer*, 9 December 1766.

¹⁷⁴ It is not my intention here to argue that Halifax parish was a 'dark corner' in the mould of Kingswood near Bristol, or certain extra-parochial areas. Despite the absence of resident gentry, the population was by no means socially homogeneous. Nor was this a lawless area, where warrants could not be served and taxes could not be collected. It sent a regular complement of theft and assault cases to quarter sessions and assizes, and was well supplied with attorneys. Indeed, it was precisely because an area of this sort, comprising a large urban centre and a densely settled rural-industrial hinterland, generated so much law business that local men in the Commission of the Peace were so reluctant to take out their *dedimus* and act.

¹⁷⁵ Br. Lib., Egerton MSS 257, fo. 154 (William Chamberlayne's evidence).

ignorance of the evidential requirements of the courts. However, it probably also reflected their reluctance, remarked on in theft as well as coinage cases, to issue any search warrants, even those giving only the most restricted of powers.¹⁷⁶ A possible explanation for this reluctance was offered in a letter to the *Leeds Intelligencer* in 1769. Its author remarked that no 'justice durst issue out warrants to search for coining tools, or clippings of gold', as a result of the ruling against general warrants secured by John Wilkes in the Common Pleas in 1763.¹⁷⁷

Fig. 6. Justices of the peace acting in the West Riding of Yorkshire, 1765-70.



Although the Mint Solicitor's criticism of the local bench finds confirmation elsewhere, it was in part an attempt to conceal his own negligence. The mid 1760s was the very period when he was most actively discouraging business, in order to avoid the

¹⁷⁶ For the magistrates' reluctance to issue search warrants in theft cases see *Leeds Intelligencer*, 6 December 1774.

¹⁷⁷ *Leeds Intelligencer*, 29 August 1769 (letter signed 'E.C.'). The letter added, probably facetiously, that 'with the assistance of their Privy Council', the coining monarchs had 'lately come to a resolution of presenting Mr WILKES with 45 moidores, and a large gold medal, with this motto, *Wilkes nobis haec otia fecit* [From Wilkes it is that comes this rest from toil], as a testimony of their gratitude to that worthy patriot' (the Latin motto was a play on a quotation from Vergil, *Eclogues*, I, 6). There is no doubt that it was considered to have been a common practice among magistrates to issue general search warrants in criminal cases, although one that was condemned by the best authorities; see Burn, *Justice of the Peace*, 2nd edition (2 vols., London, 1756), vol. 2, p. 383. The scale of the celebrations at Halifax on the occasion of Wilkes's release from the King's Bench prison, in April 1770, suggests the town was a particularly enthusiastic local centre of Wilkite support (*Leeds Intelligencer*, 3 April 1770 and 24 April 1770).

financial embarrassment suffered by his predecessors. In 1769 the Marquis of Rockingham complained to the secretary of state that complaints and informations sent to the Mint Solicitor had been ignored, and this is confirmed by other evidence.¹⁷⁸ The Solicitor had made finance available for the abortive 1765 prosecution, but the initiative behind the prosecution was not his and he did not appear in person to supervise it. The discouraging image presented by the Solicitor to local magistrates was relieved only by the success of a Mint-financed prosecution for coining against a Keighley man taken up at Sheffield in 1768.

The yellow traders' active subversion of legal authority reinforced the deleterious effects on law enforcement of the local magistrates' inadequacies and the Mint Solicitor's neglect. A correspondent in the Leeds newspapers claimed that the trade had 'nothing to fear from the bugbear of those obsolete laws which inflict pains and penalties upon ingenuity of this interesting kind, as those whose particular business it is have good reason, no doubt, for neglecting and discountenancing informations'.¹⁷⁹ It has already been pointed out that minor local law officers participated in the trade. There is no evidence (other than the innuendo in the quotation above) of involvement by local magistrates in the trade, or of their having been bribed to provide immunity to coinage offenders. However, officers of the law, at all levels, were certainly intimidated. 'They set constables at defiance and threatened magistrates with destruction if they offered any disturbance to them.' Informers could be discouraged by 'bribing some and intimidating others'.¹⁸⁰

Yet it is unlikely that intimidation and bribery to prevent informing were required very frequently prior to the start of the organized campaign against the trade in 1769. The yellow trade's strongest defence against the terrors of the criminal law was the participation and support of the local populace. A correspondent in the Leeds newspapers commented that 'the old proverb, everybody's business is nobody's, is a sufficient protection from prosecution'.¹⁸¹ Clipping and coining were redefined in the locality as legitimate business activities and enthusiastically defended.

The strength of popular support was well illustrated in 1774, when the body of a coiner, executed for killing and robbing the Halifax Supervisor of Excise, was hung in chains on Beacon Hill, overlooking Halifax town.

It was rumoured in Halifax that he would be brought there late on Sunday evening, on which account an innumerable multitude assembled, in order, as supposed, to have prevented his being put up, but about midnight, their patience being exhausted, they

¹⁷⁸ Rockingham to Weymouth, 1 December 1769, TNA SP 37/7 (and see above, p. 13); also see TNA T 29/37, fo. 373 (Treasury Board Minutes, 6 March 1766), TNA SP 82/85 (State Papers Foreign, Hamburg, 1767), fos. 165-293 *passim*, and SP 82/86 (1768), fo. 23.

¹⁷⁹ *Leeds Intelligencer*, 18 July 1769 (letter signed 'A.R.').

¹⁸⁰ Richard Townley to Lord [Weymouth], 10 January 1770, TNA T 1/476.

¹⁸¹ *Leeds Intelligencer*, 18 July 1769 (letter signed 'A.R.').

almost all went home.¹⁸²

The body had to be placed on a special iron-clad gibbet at four the next morning. The same procedure was required in 1775 to hang up the body of an accomplice alongside.

Those who supported the trade did not just act in its defence; they also argued its merits. James Oldfield, the manufacturer executed for coining in 1770, had been a founder member of the Independent church at Booth in Halifax parish. On the occasion of his execution, the minister at Booth preached a sermon entitled *God's indignation against sin*.¹⁸³ He emphasized the particular seriousness of sin by those who professed to be good Christians, and singled out for condemnation 'those enemies of the Lord' who, with reference to the execution, 'have taken occasion at these things to blaspheme'.¹⁸⁴ He continued:

It is amazing to think, that so many are endeavouring to extenuate this crime, and speak as if it was of a trifling nature, and commit it in so daring a manner, when it is so far contrary to laws of the realm, an act of so high treason and rebellion against our most gracious Sovereign, so prejudicial to trade, and injurious to our fellow subjects.¹⁸⁵

The eighteenth-century criminal law purported to classify man's actions as good or evil. Yet the didactic morality of the legislators was not necessarily shared by those subject to their laws. Many practices which were defined in law as criminal were considered legitimate by various, broad sectors of the public. Smuggling, poaching and wrecking were all forms of illegal appropriation which were redefined as legitimate, both by men of middling rank and by the poor. That redefinition has not been analysed by historians merely in terms of the economic benefits bestowed by such activities. It has been pointed out that these practices were all unequivocally defined as traditional rights or customs, and that a clear distinction was made between the goods involved and other property. Communal solidarity and support were not easily mobilized against the definitions of the criminal law. The legitimating notions which informed such solidarity had to draw on deep communal allegiances. They also had to differentiate between the type of illegal appropriation at issue and casual theft, for loss by theft was a common complaint at every social level.¹⁸⁶

The yellow trade enjoyed the general support of work-people, piecemakers, tradesmen and many merchants in the Halifax-Rochdale area. Yet there is no evidence here of any notion that the trade was a traditional right or custom. This is hardly surprising, given it was so new to the locality. Nevertheless, it is possible to detect in the

¹⁸² *Leeds Mercury*, 9 August 1774.

¹⁸³ Rev. J. Crosley, *God's Indignation against Sin* (Halifax, 1770).

¹⁸⁴ *ibid.*, p. 36.

¹⁸⁵ *ibid.*, p. 39.

¹⁸⁶ See D. Hay, 'Poaching and the game laws on Cannock Chase', in D. Hay et al, *Albion's Fatal Tree* (London, 1975), pp. 207-8.

support for the trade a set of legitimating ideas. The trade was clearly distinguished from other forms of coining and illegal appropriation and was defended as a harmless source of advantage to the public, in an area suffering from industrial recession.

The legitimacy accorded by so many in the locality to the yellow trade may, for some, have merely reflected their ignorance of the law. A handbill issued by the Mint Solicitor in 1769 generously suggested that 'there is great reason to believe that numbers of persons have been drawn into the commission of the said offence [clipping], not knowing at the time that by the laws of this realm the same is declared to be high treason'.¹⁸⁷ Certainly the laws against some of the offences which comprised the yellow trade had received very little publicity through the medium of the courts. During the 1750s and 1760s there were only a handful of Mint prosecutions anywhere in the country for clipping gold coin and relatively few for manufacturing counterfeit moidores.¹⁸⁸ Moreover, in law, there was ambivalence enough in the status of the gold coin to sustain genuine confusion, or at least provide a peg on which to hang a local redefinition of the yellow trade as less treasonable than other coinage offences. Clipping and coining English gold coin were, of course, treason, but in some respects the gold circulation enjoyed lesser protection from the law than the silver. The authority which the law vested in government agencies and any member of the public to cut and withdraw from circulation clipped silver coin tendered in payment did not extend to gold.¹⁸⁹ There was therefore no official facility to prevent the circulation of clipped gold. Most counterfeits in the Halifax area were false moidores. To counterfeit or clip moidores was not high treason but the non-capital offence, misprision of treason. Also noncapital was the possession, buying or sale of clippings from English gold coin.

However, among the yellow traders an explicit denial of the legitimacy of the law was more characteristic than thoroughgoing ignorance. According to a Lancashire magistrate, many practitioners of the yellow trade were impudent enough to call it 'their lawful business'.¹⁹⁰ Yet practitioners and supporters alike clearly condemned and eschewed other forms of coining. John Bates, a Halifax innkeeper, had been easily persuaded that 'there was no harm' in the trade. Yet he insisted that

I never had any concern with plated or gilded money, neither did I ever know of any person excepting John Utley of Luddenden Dean that came and told me he could wash and plate money and he told me if I could put off for him every twenty-seven that I paid

¹⁸⁷ Calderdale Archives, HAS:1400/1, fo. 13 (handbill, dated Halifax, 14 December 1769). John Bates, a Halifax innkeeper, claimed that Isaac Dewhirst 'told me he could make or diminish or coin gold, and said it was no sin and he would let me see how to do it, and I, not thinking it treason, agreed he should' (Calderdale Archives, HAS:1400/1, fo. 27 [evidence of John Bates, n.d.]).

¹⁸⁸ TNA Mint 1/11 and 1/12 (Mint Solicitor's accounts), *passim*.

¹⁸⁹ The provisions of 9 & 10 Will. III, c. 21 were interpreted as extending merely to the silver coin; see TNA T 29/40, fo. 160 (Treasury Board Minutes, 2 January 1770); T 29/42, fos. 96-7 (Treasury Board Minutes, 2 June 1772); T 29/43, fo. 75 (Treasury Board Minutes, 3 June 1773). Also see above, note 46.

¹⁹⁰ Richard Townley to Lord [Weymouth], 10 January 1770, TNA T 1/476.

he wd. give me 7 shillings. I told him I would not have anything to do with any such thing for I made it a matter of conscience more than the other, because I was sure it would hurt but King and Country, so I never had anything to do with him.¹⁹¹

Bates's prejudice against base-metal counterfeiters was shared by many others in the locality. A correspondent in the *Leeds Intelligencer* caricatured their attitudes towards base-metal counterfeiting in such a way as to emphasize the prevailing image of the yellow traders as honest dealers.

As for the little, rascally pettyfoggers, who vend for gold what is only base metal, washed or plated, they deserve hanging, and no tradesman of honour will have any concern with them; and if they are not stopped, they will actually bring an evil report upon the country, and ruin the honest dealer.¹⁹²

Because they considered the yellow trade as an honourable one, unlike the fraud of counterfeiting in base metals, its supporters were able to argue that it deserved immunity from the Mint laws. Their case is caricatured by the *Leeds Intelligencer's* correspondent.

I understand there are some obsolete laws against coining; so there are against profaning the Sabbath, and against masters paying their workmen with anything but cash: And yet the Sabbath is profaned and the poor workman is obliged to take meal, and other eatables, at an exorbitant price, in lieu of his wages. Is it ignorance, or what shall I call it, that made [a Halifax correspondent] to open his mouth and draw his pen against a trade that is so beneficial to individuals and to the community, and to his own town and parish in particular?¹⁹³

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¹⁹¹ Calderdale Archives, HAS: 1400/1, fo. 27 (evidence of John Bates, n.d.).

¹⁹² *Leeds Intelligencer*, 29 August 1769 (letter signed 'E.C.').

¹⁹³ *Leeds Intelligencer*, 29 August 1769 (letter signed 'E.C.').

3. Enforcing the coin laws.

Caricatures offered in sarcastic letters to the press and excuses proffered to examining magistrates by arrested offenders have to be treated with due caution. Yet it is possible to discern here the outline of the legitimating notions which informed popular support. The justifications offered for redefining the yellow trade as legitimate may have involved no appeal to custom, but they did present its case in terms of the public interest. The trade was not harmful to the public interest – to 'King and Country' – because its counterfeits were made of gold, like legitimate coins. Prosecution under laws designed to prevent public injury by the fraud of base-metal counterfeits was therefore unjustified. Did not those in authority turn a blind eye to the transgression of other obsolete or inappropriate legislation? Far from being harmful, the trade generated widely diffused economic benefits in a locality suffering massive impoverishment.

It was spurious for apologists for the trade to imply that the Mint laws were designed merely to discourage counterfeiting in base metals. They were intended to defend the ancient royal monopoly over the production and standard of the gold and silver coinage as a whole. Yet eighteenth-century Englishmen were no respecters of government monopolies for their own sake. In the mid eighteenth century the Mint's monopoly was not exercised to provide a gold currency adequate for the requirements of the public. Government was more concerned to avoid the expense and political embarrassment of recoinage. It therefore allowed the circulation of gold coin that was grossly underweight, irrespective of whether it had been diminished by normal wear or illegal abuse. The yellow traders could plausibly argue that their local manipulation of the coin could not be very harmful to the public interest, when government already condoned general deficiency in the gold circulation. Like the export of new gold coin as bullion or coin, which was so widely sanctioned by the wealthy,¹⁹⁴ the yellow trade permitted those who owned coin to benefit from the otherwise unhappy consequences of government coinage policy. From this point of view the crime, if any, of the practitioners of the trade was to flout an unsatisfactory Mint monopoly, not to harm the public. They merely turned the advantage which government obtained, by avoiding a recoinage, to the private profit of the public who suffered by governmental negligence.

However, the benefits which government acquired by neglect of the gold circulation, and the yellow traders by their depredations on it, were obtained at a high price. By the early 1770s an accelerating decline in the standard of the gold coinage as a whole threatened national commercial dislocation. The effects of the yellow trade were particularly serious. Increasingly it attracted coin from far beyond the Halifax-Rochdale area, in order to diminish it to a degree unknown elsewhere. Yet the widespread local belief in the trade's public benefits persisted because, in the main, the local population experienced only its benevolent aspects. It was the local cash shortage, not the activities of the yellow traders, which initially obliged local people to take exceptionally

¹⁹⁴ See, for example, G. Cressner to C. Jenkinson, 30 August 1772, Br. Lib., Add. MSS 38207, fo. 156.

diminished gold coin. Though the burgeoning illegal business must have perpetuated the shortage of heavy coin in the area, it provided ample additional supplies of light gold, in the form of counterfeits and clipped coin. Purchases by the poor and the legitimate business transactions of men of small capital, so prominent in the yellow trade, were overwhelmingly local. As long as exceptionally underweight gold was readily accepted in the locality, the illegal business did not appear to compromise their livelihood directly. Of course, the purely local circulation of highly diminished coin gradually undermined national confidence in the commercial credit of the region as a whole. However, the only individuals to suffer directly were those few great manufacturers and merchants who were obliged to sustain credit and make considerable payments outside the area. Many such men remained well disposed towards the yellow trade because, despite its unhappy effects on their legitimate businesses, it offered them an alternative source of profit through the manipulation of their commercial paper to secure heavy coin.

The popular image of the yellow trade as harmless was reinforced by its commercial character. Within the locality it presented itself as a web of innumerable business transactions between individuals, rather than a monstrous conspiracy against the integrity of the coinage. For local people the trade amounted to dealing to mutual advantage in property which they considered theirs, to dispose of as they pleased. These transactions were indistinguishable, in many cases, from the legitimate and profitable trade in cash, which had arisen as a direct result of the shortage of specie.

Although the evidence is sparse, it is probable that these transactions were untainted with criminal associations. Prior to the collapse of the yellow trade in 1773 there is no indication that any of its practitioners was involved in theft or other criminal activities. The many unflattering descriptions available of those concerned with the trade include, at this stage, no references to careers in any other type of illegal appropriation. This did not mean that the yellow trade was necessarily closed to other types of offenders. Indeed, its many, disparate transactions could themselves be used as a cover for fraud. Two brothers from Colne, both tinkers, who were hanged at York for a highway robbery near Halifax in 1767, plausibly claimed that the prosecution against them was a malicious one, spitefully undertaken as a result of a fraud they had perpetrated under cover of a coining transaction.¹⁹⁵ However, the prominence among the yellow traders of respectable men of small and middling wealth indicates that normally the trade was conducted according to the usual standards of business probity. Such men, and especially textile manufacturers, were the members of the local community most vulnerable to theft and the most active in undertaking prosecutions against it. Their enthusiastic participation in the illegal business suggests that it was considered distinct from most other offences against property.

¹⁹⁵ *Two Letters, one sent by Richard and Thomas Boys to their Parents at Coin, the other from a Gentleman at York to a Gentleman in Halifax* (n.d. [1767]), single sheet in Calderdale Library, Horsfall Turner Collection, P 343.

The innocuous aspect which the yellow trade presented in the locality sustained the popular notion that it caused no public injury. The conviction that, on the contrary, it was advantageous to the public stemmed directly from the economic benefits it diffused so widely, at every social level, during a period of acute recession in the area's staple industry. It was as financial beneficiaries that the local population extended legitimacy to the illegal business itself and to the reign of the yellow trade's royal entrepreneurs. In the Halifax-Rochdale locality the trade was 'everybody's business'. The relationship between mass popular participation and the prosperity of the trade was a reciprocal one. The trade offered to all a novel opportunity for profit, but was itself dependent on widespread participation for both a continuous supply of raw material and a ready market. This reciprocal relationship was to pose insuperable obstacles to the concerted attempt mounted in 1769 to crush the trade by means of the systematic application of the criminal law.

By 1769 the practitioners of the yellow trade were 'so firmly established in the neighbourhood of Halifax as (almost) to bid defiance to the civil power'.¹⁹⁶ It was commented, in that year, that 'the merchants of Halifax, and the worsted piece makers in the country, understand too well the utility of a trade that brings in ten per cent, either to give it up or to discourage it'.¹⁹⁷ Yet 1769 was the first year to see sustained public complaint in the local press about the ever-increasing number of clipped and counterfeit gold pieces in circulation, both within the coining heartland and beyond.

The ravages of the yellow trade on the legitimate activities of some of those who had to sustain credit outside the West Riding were sufficiently severe, by 1769, to prompt a concerted attack upon the trade. This systematic attempt to use the criminal law to crush the yellow trade was mounted by two interests with no jurisdiction over the coinage: the excise service and large-scale worsted manufacturers. William Deighton, supervisor of the Halifax excise district from 1759 to 1769, undertook a personal crusade against the trade, which eventually cost him his life. As supervisor, he had no direct responsibility for the state of the coinage. His duties involved overseeing the work of subordinate excise officers in his district, as well as assisting the collector of excise at Leeds, his immediate superior, in taking payment of the tax at Halifax.¹⁹⁸ However, there is no doubt that Deighton and the collector were greatly inconvenienced in their returns to London by the exceptionally diminished coin they were obliged to accept, for want of any other, in the Halifax area. This was the principal reason for Deighton's exertions against the yellow trade.¹⁹⁹

¹⁹⁶ Richard Townley to Rockingham, 12 January 1770, Sheffield City Archives, WWM R 11/28.

¹⁹⁷ *Leeds Intelligencer*, 18 August 1769 (letter signed 'E.C.').

¹⁹⁸ Officially only the collector himself should have been involved in taking payment of the tax; see E. Hughes, *Studies in Administration and Finance, 1558-1825* (Manchester, 1934), p. 161. However, in the Halifax locality it appears to have been the practice for the Supervisor to assist; Yorkshire Archaeological Society MSS, MS 385 (prosecution brief).

¹⁹⁹ Yorkshire Archaeological Society MSS, MS 385 (prosecution brief). Perhaps Deighton's singular zeal in a cause that was not his official responsibility was also prompted by an anxiety to re-establish his standing

The earliest evidence of Deighton's taking the initiative against the trade dates from 1765, when he was prominent in the unsuccessful prosecution of a Turvin man.²⁰⁰ The failure of that prosecution may have been a temporary discouragement from further activity. There is no evidence that he renewed his efforts to secure convictions until 1769. However, in that year, according to Isaac Hartley, brother of King David and himself 'Duke of York', 'Deighton did his best to run at the lives of us upper hand people.'²⁰¹

The large-scale worsted manufacturers did not act against the trade until 1769. By the middle of that year, it had become 'a difficult matter to get any gold coin in the [West] Riding but which is greatly short of weight'. The manufacturers complained that the proportion of diminished coin in the local gold circulation was so large and the difficulty of making payments with it 'in distant parts' so great, 'that not only the trade and credit of the said Riding in general, but also the interest of individual persons who may happen to have large sums of such diminished coin in their custody are in danger of suffering thereby'.²⁰² In response they joined with some local gentlemen to undertake prosecutions of offenders. Of course, many of the great manufacturers and merchants in the immediate vicinity of Halifax were either active participants in the yellow trade, or unwilling to defy local opinion by opposing it, thereby risking public abuse and private vengeance. Significantly the manufacturers' campaign was organized from Bradford rather than Halifax.

Co-operation among large manufacturers and West Riding gentlemen to further their interests in the wool textile industry, which sustained their rents or profits, was not new. The worsted manufacturers were already organized in a voluntary association to secure convictions for false reeling and other frauds by outworkers. Since 1764 a permanent committee had managed a subscription for this purpose.²⁰³ Manufacturers and gentry had long been accustomed to associate in a variety of campaigns on behalf of the local staple industry, like that against the false winding of fleeces in 1752, as well as general projects to encourage regional economic prosperity, such as the Leeds and Liverpool canal in the late 1760s.²⁰⁴ John Stanhope of Horsforth, the senior barrister on the northern circuit, and Samuel Lister of Horton, a particularly active magistrate, were two local gentlemen involved in the manufacturers' campaign against the yellow trade who were also leading figures, along with some of the manufacturers themselves, in the

in the excise service, through a display of especial merit. In 1758, when stationed elsewhere, he had committed a professional misdemeanour, for which he suffered temporary demotion. The Halifax post was his first advancement after that setback. For Deighton's career in the excise service see TNA Customs 47/175-269 (Excise Establishment and Minutes, 1741-69).

²⁰⁰ TNA Mint 1/12, fos. 139-40, 143-4.

²⁰¹ TNA ASSI 45/29 (deposition of Joshua Stancliffe, 24 December 1769).

²⁰² TNA ASSI 45/29 (deposition of William Haley, 10 August 1769).

²⁰³ See *Leeds Intelligencer*, 12 June 1764.

²⁰⁴ See YML, Hailstone MSS, Box 5.29 (parcel of correspondence and papers on the fraudulent winding of wool, 1752), and H. F. Killick, 'Notes on the early history of the Leeds and Liverpool canal', *Bradford Antiquary*, N.S., vol. 1 (1900), p. 178.

canal project.²⁰⁵

Major obstacles to the successful application of the criminal law against the yellow traders were the strength of popular support for the illegal business and its practitioners' ability to intimidate and suborn. To overcome them, Deighton and the manufacturers conducted their investigations by means of secrecy, deception and bribes.

The manufacturers, after a false start, secured evidence against offenders by using their private industrial police as agents provocateurs. Since 1764, the committee of worsted manufacturers had employed several inspectors to detect and prosecute outworkers who embezzled work materials.²⁰⁶ Two of these inspectors were directed 'to get acquainted with some of the persons reputed to be principal [coinage] offenders, and, if possible, make a discovery'. However, mere surveillance proved unrewarding and, in July 1769, John Stanhope and Samuel Lister were authorized by the manufacturers to employ the two inspectors in any way they 'thought necessary and expedient to detect the persons guilty'. Stanhope and Lister had decided to have the inspectors secure irrefutable evidence by trading with known offenders. This obliged the inspectors to break the law themselves, by offering for clipping coins that had previously been marked and weighed. They were promised immunity from criminal proceedings and 'reasonable satisfaction for their trouble'.²⁰⁷

The need for secrecy was such, in an area steeped in sympathy for the yellow trade, that the employment of the inspectors as agents provocateurs was concealed from most of the manufacturers and gentlemen involved in the campaign. The secret was divulged only to one leading member of the manufacturers' committee, and to a trusted Bradford attorney. Further to ensure concealment, the latter took down the inspectors' depositions, in preference to Justice Lister's regular clerk.²⁰⁸

Deighton's efforts too were conducted with considerable secrecy.²⁰⁹ Between April and October 1769, he covertly purchased information from two men resident in the upper hand country who were intimate with leading offenders there.²¹⁰ 'For the better concealing what intelligence he got, [he] carried the witnesses to be examined before a Justice of the Peace in the County of Lancaster'.²¹¹

In the autumn of 1769, the employment of secrecy, deception and bribes reaped a rich harvest of offenders committed to prison and absconding. Between 30 August and 9 September four men were committed to York Castle on the evidence secured by

²⁰⁵ Killick, 'Leeds and Liverpool canal', pp. 181, 184. John Hustler, a Bradford woolstapler, was the leader of the manufacturers' campaign against the yellow trade and also one of the leading projectors of the canal.

²⁰⁶ *Leeds Intelligencer*, 12 June 1764; TNA ASSI 45/29 (deposition of William Haley, 10 August 1769).

²⁰⁷ Narrative signed by Samuel Lister (of Manningham, attorney) and John Hustler, 2 December 1769, in John Hustler to the Marquis of Rockingham, 2 December 1769, TNA SP 37/7.

²⁰⁸ Enclosure by Samuel Lister (attorney) in Richard Wilson to Lord Rochford, 30 June 1774, TNA SP 37/10.

²⁰⁹ It is unclear whether Deighton and the manufacturers knew of each other's activities at this stage.

²¹⁰ Joseph Broadbent and James Broadbent (see Calderdale Archives, HAS:1400/1, fo. 9: information of James Broadbent, 13 November 1769).

²¹¹ Enclosure by Samuel Lister (attorney) in Wilson to Rochford, 30 June 1774, TNA SP 37/10.

Deighton's hired informers and the worsted inspectors, to face trial at the subsequent assizes.²¹² Many others against whom informations had been laid, were obliged to evade capture by fleeing the district, or by going to ground in the locality.²¹³ Once informations had been sworn, warrants issued and committals undertaken, the deterrent potential of the ferocious coin laws began to be realized. The threat of prosecution, combined with the reward and statutory pardon available to accomplices who informed, became an effective weapon for breaching the coiners' accustomed silence. Joseph Shaw, one of those apprehended in early September 1769 on the evidence of the two inspectors, was not committed to York but taken into temporary custody at Bradford. There, on 10 and 14 September, he informed against twelve other offenders.²¹⁴ Over the next two months his evidence probably secured at least two more committals.²¹⁵

The success of the simultaneous initiatives by Deighton and the manufacturers against the yellow trade was celebrated by the local printing presses. The *Leeds Mercury* reported that in the second week of September 1769 'a great many persons, chiefly landlords, absconded from Halifax. . . . Upwards of 100 persons, we hear, in Halifax, etc., are informed against'.²¹⁶ A flysheet published at Halifax expressed the pleasure of those local notables who now felt secure enough to discountenance the illegal business publicly: 'we now have the pleasing satisfaction of seeing the bands of these formidable set of villains broken: terror and dismay have taken holden of them, and they no longer care to face the injured public'.²¹⁷

The achievement of Deighton and the manufacturers in securing the committal and discomfiture of leading practitioners of the yellow trade was reinforced by a public meeting held at Bradford on 12 October 1769, at which they and local justices were present. Newspaper advertisements requested the attendance of

all gentlemen merchants, traders and others in the [West] Riding, who choose to discourage such practices ... in order to consider the most effectual means to bring to justice all such offenders, and to endeavour to prevent the like practices for the future.²¹⁸

²¹² YML, Hailstone MSS LL1 (Yorkshire Assize Crown Calendar, Lent 1770).

²¹³ See advertisement of absconders, *Leeds Intelligencer*, 20 November 1769. Royal Clayton certainly remained in hiding in the locality, as he was present there in November 1769 (TNA SP 37/10: information of Thomas Clayton, 2 May 1774). Other absconders went further afield – John Cockcroft, master wool-comber, to Darlington (a minor centre of the worsted industry) and others as far as Ireland (*Leeds Mercury*, 19 December 1769; Richard Townley to Lord [Weymouth], 10 January 1770, TNA T 1/476).

²¹⁴ TNA ASSI 45/29 (depositions of Joseph Shaw, 10 September 1769 and 14 September 1769 [provided additional depositions 12 October 1769, 27 November 1769 and 3 February 1770]).

²¹⁵ Thomas Wade and John Barker (YML, Hailstone MSS LL 1 Yorkshire Assize Calendar, Lent 1770). The only evidence in the surviving depositions laid against them before their committals was that of Shaw.

²¹⁶ *Leeds Mercury*, 19 September 1769.

²¹⁷ *Coiners committed to York Castle on Suspicion of Chipping [sic], Filing, Edging and Diminishing the Gold Coin of this Kingdom*, single sheet in Calderdale Library, Horsfall Turner Collection, P 343, dated 16 September 1769.

²¹⁸ *Leeds Intelligencer*, 3 October 1769.

An Association for Prosecuting Diminishers of the Coin was established.²¹⁹

This meeting also marked the culmination of Deighton's personal crusade to break the upper hand people. Deighton brought James Broadbent, of Hall Gate in the Turvin valley, to the Bradford inn where the meeting took place. Broadbent was to lay an information against King David before one of the magistrates present. He had been in Deighton's employment as an informer for some time, but had long been reluctant to inform against the coining monarch. He later claimed that Deighton persuaded him on this occasion only by means of an offer of £100, while he was 'in liquor'.²²⁰ Nevertheless, the information served to secure a warrant. King David was taken up and committed to York Castle, charged with clipping. His apprehension was interpreted as the single most important blow against the yellow trade up to that time.²²¹

However, the yellow traders' discomfiture, though considerable, was not as complete as the celebrations in the local press might suggest. By the end of October 1769 only seven offenders had actually been committed to prison to face trial.²²² The practitioners of the trade showed themselves able to apply in their own defence a range of techniques which mirrored those which had been used by Deighton and the manufacturers to subvert their accustomed security. Popular solidarity was bolstered by bribery, intimidation and the deceitful use of the law.

Despite the special care taken by Deighton and the manufacturers to conceal the provision of informations and the identity of informers, the yellow traders were quickly able to penetrate these secrets. As soon as warrants were issued out on the evidence of the two worsted inspectors, 'an information was made against . . . James Crabtree [one of the inspectors], in order . . . to take away his evidence against the persons by him informed of'.²²³ Hence the yellow traders demonstrated that they were as conscious as the authorities, if not more so, of the stringent evidential standards demanded by the courts in coinage cases, and that they were well able to use this knowledge to subvert the course of justice.²²⁴

The coiners' ability to mobilize in their defence resources of men, money and legal expertise is best illustrated by their attempts to save their monarch, King David. Their response to his committal moved progressively through the exploitation of legal process

²¹⁹ Leeds City Archives, DB 250 (Ledger book of John Eagle of Bradford, attorney, 1768-77), fos. 138-9. Eagle was not only attorney to the association, but also to the Leeds and Liverpool canal.

²²⁰ Calderdale Archives, HAS.1400/1, fo. 9 (information of James Broadbent, 13 November 1769).

²²¹ *Leeds Intelligencer*, 17 October 1769.

²²² YML, Hailstone MSS LL 1 (Yorkshire Assize Calendar, Lent 1770).

²²³ TNA SP 37/7 (narrative signed by Samuel Lister (attorney) and John Hustler, 2 December 1769). The information referred to was probably Stephen Morton's of 5 September 1769, in TNA ASSI 45/29. How the coiners were able to breach, so easily, the secrecy surrounding the employment of the inspectors is unclear. Perhaps their links with minor local law officers were important here, although Deighton undoubtedly used his own hired men in apprehending suspects, rather than law officers, in order to ensure secrecy. The coiners' access to information about plans to apprehend suspects may explain the ability of a large number of offenders to evade capture and abscond.

²²⁴ For the authorities' continuing ignorance of the evidential requirements of the courts, see below, p. 29.

to outright assassination. Hartley's associates discovered that James Broadbent had been the source of the incriminating evidence only after the committal. Immediately 'Hartley's brothers and friends got about him and he then, through their persuasions, declared that what he had sworn against Hartley . . . was totally false and that he had been induced by promises from [Deighton] to lodge the information.'²²⁵ Initially Hartley's associates set out to use Broadbent's new story to reverse the legal process.²²⁶ The informer was taken to York Castle by Hartley's brother Isaac and made to plead forgiveness for his *lèse-majesté* before the coining monarch. He recounted his revised story to the governor of York Castle, who did not release Hartley, and then to a York attorney, who took down a statement. The attorney was consulted by Hartley's brother about obtaining bail, but this was not normally available in capital coining cases. The next ploy of Hartley's friends was to have Broadbent recant before the committing magistrate, in order thereby to obtain the reversal of the committal. Broadbent was accompanied before the justice by David Greenwood, a kerseymaker and neighbour of King David (see Fig. 5), who acted as 'hedge solicitor' to Hartley in the affair.²²⁷ A prominent local attorney, James Carr of Birstall, was hired to go with them. However, this array of legal talent was of no avail. The magistrate prevaricated, refusing on two occasions to hear Broadbent without Deighton present. The supervisor of excise naturally refused to co-operate, for as long as Broadbent's information stood to secure the committal, other, more reliable witnesses might be acquired to obtain a conviction.

Deighton's steadfastness led directly to his death. 'Hartley's friends, when they saw they could not get him set at liberty, they therefore resolved upon the murder.'²²⁸ Isaac Hartley was the prime mover and secured finance and guns. He promised 'that if the job could be done ... he would insure one hundred pounds reward'.²²⁹ Like their tormentors, the yellow traders were able to use subscription to provide finance. Several of the upper hand people contributed sums of £10 or £20, and Isaac Hartley sent an associate on a tour of the coining districts beyond Halifax parish to collect further sums.²³⁰

Thomas Spencer, King David's brother-in-law, and Royal Clayton, who had gone to ground locally after Deighton secured a warrant against him, persuaded two weavers from the upper hand country, Matthew Normanton and Robert Thomas (see Fig. 5), to carry out the murder.²³¹ After two abortive attempts, Deighton was shot about one o'clock

²²⁵ Yorkshire Archaeological Society MSS, MS 385 (prosecution brief).

²²⁶ The following account is based principally on Calderdale Archives, HAS: 1400/1, fo. 9 (information of James Broadbent, 13 November 1769).

²²⁷ Yorkshire Archaeological Society MSS, MS 385 (prosecution brief).

²²⁸ *ibid.*

²²⁹ TNA SP 37/10 (information of Robert Thomas, 3 May 1774).

²³⁰ *Leeds Intelligencer*, 16 August 1774 (confession of Robert Tommis [Thomas]); TNA SP 37/8 (information of Joseph Broadbent, 19 September 1771).

²³¹ The two killers both had special reason to wish Deighton dead, beyond the attractive reward and a concern to protect the yellow trade. Thomas was Royal Clayton's brother-in-law and Normanton his neighbour and occasional employee. Both were anxious to secure Clayton from prosecution and the

on the morning of 10 November 1769, in the road near his home on the outskirts of Halifax town. After killing him, Normanton and Thomas emptied his pockets of ten guineas and returned to Normanton's cottage at Stannery End, where Normanton's wife declared that they were 'brave lads, and that trade would now go briskly on'.²³²

In reply to the threatened judicial killing of their monarch at the gallows, the coiners had arranged their own deterrent execution. However, the exciseman's murder did not, as its perpetrators had hoped, re-establish the unrestricted prosperity of the yellow trade. On the contrary, the price of suppressing Deighton's evidence was an intensification of the campaign against the trade and its practitioners.

The most important consequence of the murder was to transform the way in which the illegal business was perceived by the authorities, both in the locality and in London. No longer was it regarded just as a serious threat to local economic interests, but also as an outright public challenge to the power and status of civil authority. Prior to the killing, the principal concern of those involved in the campaign against the yellow trade had been to halt its ravages upon their particular economic interests. They believed that this objective could be achieved by a concerted effort to overcome the shortcomings of the officers of the law and the blandishments and popular solidarities which had previously defended the yellow traders. By bringing offenders to justice, the deterrent potential of the coin laws would be reactivated. Deighton's murder was a most emphatic public challenge to this policy. It served notice of the coiners' intention ruthlessly to contest any attempt to apply the civil power against what they considered their legitimate business. In the prevailing context of public support for the trade, an impenetrable and defiant murder threatened further to intimidate local magistrates and publicly to undermine the credibility of civil authority.

The initial reaction of many of the substantial inhabitants in the area was panic. Some of those who had participated in the campaign against the yellow trade were so much alarmed that they talked of being obliged to leave the vicinity.²³³ In the aftermath of the murder, therefore, local notables at Halifax had two immediate objectives: first, to prevent further assassinations, by apprehending the murderers; second, to obtain assistance from national government to crush the threat posed by the trade, which they now considered themselves incapable of confronting unaided. It proved extremely difficult to secure evidence against the killers, as they had got clear away on a dark night

financial ruin which threatened Clayton's family as long as he had to remain in hiding; see Calderdale Archives, HAS:1400/1, fo. 10 (information of Robert Thomas, 20 November 1769).

²³² Calderdale Archives, HAS:1400/1, fo. 43 (confession of Robert Tommis [Thomas] to the Rev. William Dade, 5 August 1774).

²³³ See John Royds to Rockingham, 24 November 1769, Sheffield City Archives, WWM R 11/1, and Weymouth to Rockingham, 14 November 1769, TNA SP 44/142, fo. 222 (Domestic Entry Book, George III, 1769). It is not implausible that local notables, threatened with violence, should have contemplated deserting the area. During the 1757 grain riots in Wensleydale, in the North Riding, several of the substantial inhabitants actually fled to Richmond 'for their greater safety'; TNA ASSI 45/26 (Assizes, Northern Circuit depositions, 1757-62: deposition of George Metcalf and George Dinsdale, 12 March 1759).

and were shielded by public sympathy.²³⁴ Suspicion immediately fell upon James Broadbent, as a consequence of his bizarre role in the apprehension of King David and its aftermath, but he denied any knowledge of the murder. Application was made to the secretary of state for the affair to be laid before the king, in order to obtain a royal proclamation of a pardon and £100 reward to any accomplice who would make a discovery. The proclamation was granted and a subscription begun to finance the reward, which soon amounted to double the sum offered. The pardon and reward were advertised about Halifax by handbills.²³⁵ On being informed of the terms of the proclamation, Broadbent characteristically agreed to provide an information, claiming he had been present at the murder. He incriminated the two murderers, as well as another man who was innocent.²³⁶ All four were committed to York Castle.

Outside assistance was also solicited in the form of troops. One of the local magistrates wrote to the war office to seek 'military assistance to preserve the peace and to be assisting in apprehending and conveying ... offenders to prison' for 'there is great reason to apprehend the fate of the said Deighton will deter the constables and other persons who ought otherwise have been instrumental in apprehending the rest of this dreadful gang'.²³⁷

However, the murder did not stifle the continuing efforts of the Bradford-based large manufacturers to suppress the yellow trade by bringing the law to bear against its practitioners. On the contrary, they redoubled their exertions. Leading Bradford manufacturers summoned local notables from Halifax and Leeds to a meeting of the Association for the Prosecution of Diminishers at Bradford on 22 November. Its purpose was to consider new measures for bringing to justice both the murderers and coinage offenders. A new committee was established to manage the association's affairs, composed of 'a select number of gentlemen' from each of the three towns. It was agreed to open subscription lists in each town, to offer £10 rewards for information leading to the conviction of coinage offenders and to publish descriptions of absconded suspects in the Leeds and York newspapers. The descriptions were also distributed about the West Riding in the form of flysheets, parcels of which were dispatched as far afield as Skipton, Otley and Wakefield.²³⁸

²³⁴ However, sympathy and intimidation at Halifax did not prevent an inquest jury, with several large manufacturers on it, from bringing in a murder verdict.

²³⁵ See John Royds to Rockingham, 24 November 1769, Sheffield City Archives, WWM R 11/1.

²³⁶ TNA ASS1 45/29, deposition of James Broadbent, 20 November 1769. That Broadbent knew the identity of the two murderers suggests that it was fairly common knowledge in the upper hand country and that popular solidarity shielded them until Broadbent succumbed to the temptation of the large reward.

²³⁷ Edward Leedes to My Lord [Barrington], 21 November 1769, TNA WO 1/990 (War Office, miscellaneous in-letters, 1769-72). It was pointed out locally that foot soldiers would be more useful in a hilly area than horse, but the justice requested the latter. The nearest infantry detachment, at Derby, would 'not be so proper to be sent', as it was enlisted in the Halifax area, where popular sympathies were with the coiners; John Royds to Rockingham, 24 November 1769, Sheffield City Archives, WWM R 11/1.

²³⁸ Leeds City Archives, DB 250 (Eagle Ledger Book, 1768-70), fos. 138-9; and see, for example, *Leeds Intelligencer*, 28 November 1769. Another subscription list was later opened at Wakefield.

Central government also reacted vigorously once confronted with a defiant murder which challenged the exercise of civil authority. Not only was a royal proclamation granted against the murderers and the call for troops acceded to, but, in addition, the secretary of state approached the Marquis of Rockingham, lord lieutenant and *Custos Rotulorum* of the West Riding, asking him to take 'such steps as you shall think most likely to put a stop to a practice so very dangerous to a trading town' and to 'restore security to that part of the country'.²³⁹

The request had the character of a royal command, for the king had taken a personal interest in a matter that affected his royal prerogative over the coinage. Rockingham had heard little of the affair previously, although he had been resident for most of the summer and autumn of 1769 at Wentworth, his Yorkshire seat, only twenty-five miles south-east of Halifax.²⁴⁰ Henceforth he was to act energetically to manage affairs at Halifax, serving both as representative of central government in the locality and as intermediary between the locality and London.

However, Rockingham's energetic conduct of affairs at Halifax was not prompted merely by his obligations as lord lieutenant and *Custos Rotulorum*.²⁴¹ He also had a personal political interest in being seen to campaign vigorously against the yellow trade. Rockingham was a dominating political figure in Yorkshire, as well as a major national political personality. The assiduity he was to display in helping the beleaguered gentlemen at Halifax in 1769 contrasted with the lassitude he sometimes evinced with regard to national political affairs.²⁴² Indeed, his dedication to Halifax in 1769 was at the expense of those national responsibilities, at a time of growing national political tension.²⁴³ By putting himself at the service of Halifax men who were some of his most active political sympathizers in the county,²⁴⁴ he could secure considerable local political benefits. The episode illustrates the prime importance that Rockingham attached to

²³⁹ Weymouth to Rockingham, 14 November 1769, TNA SP 44/142; WO 5/56, fo. 329 (War Office, Marching Orders, 23 November 1769). Since 1765, the government had been repeatedly unco-operative when approached on the subject of coinage offences in the West Riding. The secretary of state's office, loth to enter the highly technical and contentious field of coinage policy (for which it had no direct responsibility), had refused to become involved. Correspondence on the subject had been passed on to the consistently unresponsive Mint Solicitor.

²⁴⁰ R. J. S. Hoffman, *The Marquis, a Study of Lord Rockingham, 1730-82* (New York, 1973), pp. 219-38.

²⁴¹ Which were not very onerous. The great magnates who held the posts of lord lieutenant and Custos (by the second half of the eighteenth century usually simultaneously) tended to intervene in county affairs only spasmodically in their official capacity (except for nominating men to the Commissions of the Peace and organizing the militia); see S. and B. Webb, *English Local Government from the Revolution to the Municipal Corporations Act: The Parish and the County* (London, 1924), p. 353.

²⁴² See P. Langford, 'The Marquis of Rockingham', in H. van Thai (ed.), *The Prime Ministers* (2 vols., London, 1974), vol. 1, p. 130.

²⁴³ See Edmund Burke's complaint from Beaconsfield about Rockingham's preoccupations in Yorkshire, 5 December 1769, in T. W. Copeland et al. (eds.), *The Correspondence of Edmund Burke* (9 vols., Cambridge, 1958-70), vol. 2, p. 114.

²⁴⁴ By courtesy of his political alliance with his close friend Sir George Savile; see C. Collyer, 'The Rockinghams and Yorkshire politics, 1742-1761', *Thoresby Society Miscellany*, vol. 12, part 4 (1953), pp. 373-4.

cultivating his local political base. His domination of Yorkshire politics had been carefully nurtured by attention to the politically significant interests in the county, especially the wool textile industry. Rockingham's activity against the yellow trade was to reap lavish praise from that quarter.²⁴⁵

Neither Rockingham's instructions nor his reading of events at Halifax prompted him to reassess the feasibility of the objective set by Deighton and the great manufacturers. Like them, he assumed that the yellow trade could be rooted out by bringing the ferocious coin laws to bear effectively against offenders. Indeed, the activities of Deighton and the manufacturers appeared to demonstrate that, despite a climate of intimidation, bribery and popular solidarity, the concerted efforts of those well-disposed to the law could secure evidence, committals and, therefore, convictions. However, Deighton's murder had served notice of the yellow traders' ruthless tenacity in the face of such a challenge and of the vulnerability of the local authorities. Rockingham considered that the active and successful prosecution of legal proceedings against the yellow traders was therefore all the more necessary, in order to sustain the credibility and confidence of civil authority. But he also recognized that the civil power would require considerable encouragement and reinforcement if the terrors of the criminal law were to have their desired deterrent effect.

Nevertheless, Rockingham resisted the deployment of troops at Halifax. He recognized that, because soldiers could provide little security against private assassination, their use would be inappropriate to the kind of policing problems posed by the yellow trade. Drawing on his experience in suppressing the grain and militia riots of 1756 and 1757 at Sheffield, he believed that the local authorities could and should enforce the law against an illegal activity of this character without military assistance. He was particularly concerned about the implications of the manner in which the trade was suppressed for the future credibility of the law and the civil authorities. He pointed out that:

the confidence which arises from troops must always bring along with it the certainty of an alarm reviving whenever those troops are again removed. On the other hand, the confidence arising from the exertion and support of the civil power in any neighbourhood is permanent.²⁴⁶

In the long term, obedience to the law, indeed order itself, depended on popular belief in the ability and willingness of the civil authorities to put the laws into execution (and to forgive, threaten, or protect). The use of troops, even when both appropriate and efficacious, tended to detract from that belief. It was only if the local civil authorities were seen to be capable of dealing with the yellow trade by the use of their own legal

²⁴⁵ See Jeremy Dixon to Rockingham, 26 December 1769, Sheffield City Archives, WWM R 1/1255.

²⁴⁶ Rockingham to Royds, 25 November 1769, Sheffield City Archives, WWM R 11/2.

powers that their credibility could be restored and the humiliation inflicted upon the civil power by a defiant murder reversed.

To stimulate the exertion of the civil power, Rockingham mounted a calculated and ostentatious display of solidarity for the beleaguered civil authorities at Halifax. This highly theatrical exercise in exhortation and example was contrived to revitalize the activity of local notables and to overawe the populace with the weight of social authority gathered in support of the law. Thereby, Rockingham intended to terrorize the yellow traders and to restore the confidence of that majority of local people whom he assumed to be well disposed towards the law. In this way he hoped they would be persuaded to defy intimidation and to assist the authorities.

The principal part in this theatrical display was played by Rockingham himself, who made a brief but impressive visit to Halifax at the end of November 1769. He was anxious to see for himself the state of affairs at Halifax, but he also considered that:

the very appearance of my coming at this juncture... might have the effect of frightening and alarming many of the lower persons concerned in clipping and coining, and ... some of them might, by the additional alarm, be more ready to come in and make discoveries.²⁴⁷

Appropriately, his arrival in the town was impressed upon the public by a longer peal of bells than any of those rung for the victories of the Seven Years War.²⁴⁸

Rockingham's visit to Halifax was all the more impressive because he summoned a large number of West Riding gentlemen, particularly those in the Commission of the Peace, to join him in the town for a meeting on 28 November. Forty-three West Riding gentry, merchants and attorneys attended. Resolutions were passed commending the prior exertions of local notables.²⁴⁹ Rockingham was determined publicly to demonstrate 'that the activity which has been shown by many of the gentlemen and townsmen in Halifax deserves great approbation'. He considered that 'perhaps the seeing their activity particularly countenanced may have some effect as an encouragement to others'.²⁵⁰ Hence

²⁴⁷ *ibid.* The support that Rockingham gave to a local suggestion that Deighton's widow and children should be made objects of public and private charity illustrates his concern both to terrorize the yellow traders and to encourage informing. He argued that 'over and above its being a truly charitable act, it is also equally right in point of policy and would have the effect of showing that the town of Halifax will equally be alert to assist and reward those who support the laws, as well as to punish those who break them'. Rockingham himself donated £50 and he was instrumental in securing a royal pension for the family.

²⁴⁸ See J. W. Houseman, 'Notes and comments on the Halifax churchwardens' accounts, 1714 to 1800', *Transactions of the Halifax Antiquarian Society* (1926), pp. 123-4, and J. W. Houseman, 'Further notes and comments on the Halifax churchwardens' accounts, 1714 to 1832', *Transactions of the Halifax Antiquarian Society* (1927), p. 91. I have assumed that sums paid to ringers (which fluctuated considerably) varied according to the duration of the peal.

²⁴⁹ Resolutions of and those present at a meeting at the Talbot in Halifax, 28 November 1769, TNA SP 37/7. Of the forty-three men who attended, seventeen were in the West Riding Commission of the Peace and two were acting magistrates.

²⁵⁰ Rockingham to Royds, 25 November 1769, Sheffield City Archives, WWM R 11/2.

he wrote to London extolling local zeal and passed on to Halifax the personal commendation of that zeal by the king.²⁵¹

However, he was not concerned merely to spur local notables to even greater exertions, but also to ensure that subsequently their efforts should not flag through lack of support. To this end, the 28 November meeting pledged the Halifax notables the assistance in future of all West Riding magistrates and of polite county society in general. Rockingham also agreed that Sir George Savile, his personal friend, Halifax landowner and Member of Parliament for Yorkshire, should visit the town late in December to sustain the enthusiasm of the civil authorities there.²⁵²

The related objectives of Rockingham's exercise in exhortation were the reversal of the humiliation suffered by the authorities and the promotion of an effective application of the criminal law against the yellow traders. However, he was not prepared to sacrifice his overriding concern with thoroughly rooting out the trade merely to provide an enhanced theatrical effect in the short term. Hence his opposition to the suggestion, put forward at the Halifax meeting, that, because 'a speedy execution would make great impression', those suspects already in custody should be tried at once before a special commission. He considered that delay until the Lent assizes in March 1770 would be advisable, so that more evidence could be collected and 'the fullest possible discovery ... made of all who [had] followed the practice [of clipping and coining]'.²⁵³

Rockingham recognized that to achieve 'the fullest possible discovery', the revitalized efforts of the civil authorities would require further practical reinforcement. This he provided in two ways. First, he set out to persuade local gentlemen already in the Commission of the Peace to act as magistrates, even 'if they would only engage to act for six months'.²⁵⁴ Within eight months four new justices had begun to act (see Fig. 6).²⁵⁵ Second, he applied to London for the attendance of Mint officers at Halifax, to advise on the collection of technical evidence, and for government personnel and funds to undertake prosecutions.²⁵⁶

This application received the personal endorsement of the king and was unhesitatingly acceded to by the Treasury. William Chamberlayne, the Mint Solicitor,

²⁵¹ Rockingham to Weymouth, 1 December 1769, TNA SP 37/7; Halifax gentlemen and townsmen to Rockingham, 6 January 1770, Sheffield City Archives, WWM R 11/26.

²⁵² Rockingham to Royds, 25 November 1769, Sheffield City Archives, WWM R 11/2; Sir George Savile to Rockingham, n.d. [2 December 1769] R 1/1249; Rockingham to ?, 28 December 1769, R 11/10.

²⁵³ Rockingham to Weymouth, 1 December 1769, TNA SP 37/7.

²⁵⁴ Rockingham to Royds, 25 November 1769, Sheffield City Archives, WWM R 11/2.

²⁵⁵ TNA C 193/45 (Crown Office Dedimus Book, 1746-89). Five other men in the Commission of the Peace, who were reported to have pledged themselves to act, failed to do so (*Leeds Mercury*, 19 December 1769). Although there survives no evidence as to why they chose not to act, their decision may indicate that the enthusiasm of local gentlemen was less thoroughgoing than Rockingham's eulogies might suggest.

²⁵⁶ Rockingham argued that as the crimes were 'of the most public nature ... the expense of prosecuting, etc seems properly to be a public expense' (Rockingham to Weymouth, 1 December 1769, TNAS P 37/7).

was ordered to Yorkshire, with an assistant and a promise of unlimited funds.²⁵⁷ Despite a pessimistic assessment of the feasibility of prosecutions, Chamberlayne did 'make shift to collect evidence'.²⁵⁸ During his eleven-day visit to the Halifax area, in mid-December 1769, he and his assistant conducted searches of at least six premises and held co-ordinating meetings with local notables and justices at Halifax, Bradford and Rochdale. To stimulate public awareness of the gravity of the offences and of the availability of rewards for information, he placed advertisements in the local newspapers and circulated handbills.²⁵⁹ Chamberlayne's presence at Halifax was clearly crucial in stimulating the efforts of the local authorities to secure informations and committals. No committals were made to York from the area on capital coinage charges during the five weeks between Deighton's murder and Chamberlayne's arrival. Nineteen were made during, or soon after, his visit.²⁶⁰

By the end of March 1770, when the Yorkshire Lent assizes took place, at least twenty-seven men had been committed to York, charged with capital coinage offences. Four others were imprisoned there, charged with Deighton's murder. Coinage offenders from the Halifax area comprised more than half the total complement of prisoners awaiting trial.²⁶¹ At the assizes, four men were tried and three convicted: David Hartley, James Oldfield and William Varley (the proprietor of the 'Halifax Mint'). Oldfield and King David were executed at Tyburn, near York, at the end of April. Varley received a free pardon. The rest of those committed or bound over for coinage offences were discharged. Of the four men charged with William Deighton's murder, James Broadbent was to serve as king's evidence and the other three were not indicted until the Yorkshire Lammas assizes in August. There all three were acquitted. Of four men committed to Lancaster to face trial at the assizes there during 1770, two were acquitted and two discharged without prosecution.²⁶²

Yet even such a royal example at the gallows as the execution of King David failed to deter the practitioners of the yellow trade from their calling. Admittedly committals and abscondings in 1769 and 1770 temporarily disturbed the operations of the trade and

²⁵⁷ Chamberlayne was to spend at least £1,450 on Yorkshire cases alone during 1769 and 1770 (TNA Mint 1/12, fo. 165; T 1/483 [Mint Solicitor's account for 1770]). His total prosecution expenses for the year 1770 were £1,737, £1,137 over the £600 Mint prosecution allowance. Payment of the excess had to be authorized by a special clause in an Act of Parliament (TNA T 29/41, fo. 239 [Treasury Board Minutes, 23 July 1771]).

²⁵⁸ Br. Lib., Egerton MSS 257, fo. 155 (William Chamberlayne's evidence).

²⁵⁹ TNA Mint 1/12, fo. 165; Royds to Rockingham, 20 December 1769, Sheffield City Archives, WWM R 11/3.

²⁶⁰ YML, Hailstone MSS LL 1 (Yorkshire Assize Calendar, Lent 1770). Chamberlayne arrived in Halifax on 13 December 1769 (Royds to Rockingham, 13 December 1769, Sheffield City Archives, WWM R 11/7).

²⁶¹ YML, Hailstone MSS LL 1 (Yorkshire Assize Calendar, Lent 1770).

²⁶² For Yorkshire assizes 1770, see TNA ASSI 44/85 (Yorkshire Assize Rolls, 1770) and ASSI 42/8 (Northern Circuit Gaol Book, 1762-74). For Lancashire assizes 1770, see TNA PL 28/11. For executions, *Leeds Mercury*, 1 May 1770. For the pardon, TNA SP 44/89 (Criminal Entry Book, 1766-70, fo. 364).

the authorities' activity stimulated some internal dissension among its practitioners.²⁶³ However, once the assizes were over, it prospered anew. In January 1771 the *Leeds Intelligencer* reported that 'our correspondent from [the Halifax] neighbourhood informs us that those iniquitous villains, the clippers and diminishers of the current coin of this Kingdom, still continue that vile and destructive practice'.²⁶⁴ Complaints from Yorkshire to the Treasury and to members of the government in London indicated that the campaign of 1769 and 1770 had changed essentially nothing. The yellow traders remained defiant and the plight of the authorities in the locality had once again become a sorry one. By 1773 local gentlemen were reduced to pleading, in terms very similar to those of November 1769, for government assistance, in particular the provision of troops and more stringent legislation.

We are horribly distressed in the woollen manufacturing country by clippers and coiners. The magistrates are actually afraid to act and do their duty, especially those who live about Halifax. The poor, ignorant manufacturers take this stuff and we can scarce get one guinea, not reduced very much. A regiment of foot seems to me to be absolutely necessary to assist the civil power at Halifax in searching the houses and apprehending suspected persons. Whether any additional law is necessary for this purpose should be considered. ... What must be done? These rogues are desperate fellows and as ready to commit murder, as to do anything else.²⁶⁵

In the aftermath of the 1770 trials the carefully orchestrated campaign to use the criminal law to root out the yellow trade had been abandoned. These renewed requests for government assistance from local magistrates failed to secure its resumption. Rockingham appears to have taken no active interest in affairs at Halifax after 1770. Between 1771 and 1773, local notables, with some Mint finance and advice, did undertake proceedings against seven capital offenders from the Halifax-Rochdale area. However, these were essentially sporadic efforts, not a concerted sweep of the district like that during the winter of 1769-70. They provided no convictions.²⁶⁶

Rockingham's management of affairs at Halifax in the autumn of 1769 had been shaped by the assumption (which had been shared by Deighton and the manufacturers

²⁶³ See, for example, Calderdale Archives, HAS: 1400/1, fo. 29 (prosecution brief in the case of the King against David Greenwood, for high treason and misprision of treason, at York Assizes, 4 August 1770). This was the only capital coinage indictment presented at the Yorkshire Lammas assizes, 1770. It was founded on a malicious information by the deceased David Hartley's relatives and was dismissed by the grand jury.

²⁶⁴ *Leeds Intelligencer*, 8 January 1771; also see *Leeds Intelligencer*, 16 June 1772 and 29 June 1773 for other comment on the persistence of the yellow trade.

²⁶⁵ Thomas Ramsden to Charles Jenkinson, 4 January 1773, Br. Lib., Add. MSS 38207, fos. 208-9. To prevent informing, another murder was perpetrated in 1771, although not of an official (*Leeds Intelligencer*, 8 January 1771).

²⁶⁶ See YML, Hailstone MSS LL 1 (Yorkshire Assize Calendars, 1771-4); TNA ASS 144/86-9 (Yorkshire Assize Rolls, 1771-4); TNA PL 28/3 (Palatinate of Lancaster, Assize Minute Book series one, 1766-96); TNA Mint 1/12 (Mint Solicitor's accounts, 1771-4), *passim*.

before him) that the means most likely to put a stop to the practice of the yellow trade was a determined execution of the existing coin laws. Yet, the energetic campaign to execute those laws was abandoned, despite the fact that the trade continued to flourish. To explain this dramatic reversal, it is first necessary to examine those obstacles which obstructed the campaign during the winter of 1769-70; in particular, the considerable difficulty which the authorities experienced in obtaining evidence of sufficient quality to ensure convictions.

The problems of evidence confronting the authorities in their attempts to convict known offenders are amply illustrated by the state of the case against Deighton's murderers in 1770. The authorities were well aware of the murderers' identities and of the manner in which the crime had been perpetrated. Yet they could not obtain convictions because the sole positive proof was provided by the untrustworthy James Broadbent. The other evidence available was sufficient only to put the prisoners 'on their defence'.²⁶⁷ In the coinage cases, too, general information was not difficult to secure, but evidence of sufficient quality to convict was usually unforthcoming. This was evident to the Mint Solicitor even before he left London for Yorkshire in December 1769. He reported that 'it so often happened that in almost all the cases there being nothing but the evidence of the accomplices, one against another, that the then Attorney and Solicitor General said they thought the best thing to happen to me was to have them all run away before I got down'.²⁶⁸

These problems were, in part, the consequence of those obstacles to procuring evidence inherent in the character of clipping and coining from clippings as illegal activities. The coining shop proprietors were vulnerable to a thorough search of their premises, but those who coined on a peripatetic basis were much less so. Clipping could be perpetrated in secret, without special equipment. But the authorities' difficulty in obtaining effective evidence also reflects the incompetence of the local magistrates and the continuing resistance of the yellow traders and their supporters.

Through the autumn and winter of 1769, several local magistrates displayed considerable zeal and energy in collecting evidence. Yet the evidence which they procured was often useless, as a consequence of their seeming ignorance of the stringent evidential requirements of the courts in capital coinage cases. This came to light when the Mint Solicitor arrived in Halifax in December 1769. He reported that the justices had 'depended too much upon the positive evidence of accomplices, without looking out for circumstantial evidence to corroborate them, without which it is impossible to expect convictions'. A false notion prevailed that one witness was sufficient to secure a conviction. Chamberlayne still had to impress upon the magistrates the need to grant search warrants at the same time that warrants were granted for apprehending offenders. Soon after his arrival in Yorkshire, he reported to the Treasury, 'I shall apply myself

²⁶⁷ Yorkshire Archaeological Society MSS, MS 385 (prosecution brief).

²⁶⁸ Br. Lib., Egerton MSS 257, fo. 155.

while I stay here to the obtaining of [circumstantial] evidence, but with no prospect of obtaining much of that sort, now so general an alarm has been given.²⁶⁹

Rockingham's contrived display of patrician solidarity at Halifax and his efforts to sustain the activity of the magistrates had been intended to counteract local support for the yellow trade and the determination of many of its practitioners to defend it. The activity of the authorities did generate alarm among the yellow traders and major breaches in the solidarities which had previously protected them. However, these successes were limited. In early 1770, a Lancashire justice could still complain that the attempt to collect evidence was being sabotaged by the blandishments of the yellow traders and their supporters. Many had 'eluded an effectual discovery of their connections and guilt (tho' not very strong suspicion of both) by bribing some and intimidating others of their accomplices. ... Very few ... dare come to lodge information against the most capital offenders, for fear of sharing poor Deighton's fate'.²⁷⁰

Unfortunately it is impossible to gauge the precise impact of such blandishments, even on cases which did enter the judicial machinery. In most cases of acquittal, or failure to proceed with prosecution, there remains no direct evidence as to the reasons behind the decision of the jury, or of the prosecutor. It was recorded, however, that the two men tried on capital coinage charges at Lancaster Lent assizes in 1770 were acquitted as a result of 'the principal evidence to prove the filing having been apparently suborned to omit part of what he swore before the justice'.²⁷¹ There is no doubt that much intimidation did take place. The extraordinary strength and persistence of general popular sympathy for the trade has already been remarked upon.²⁷²

During the winter of 1769-70, as these obstacles to the acquisition of effective evidence became apparent, they provided considerable discouragement to the authorities' efforts to root out the yellow trade by means of a concerted application of the criminal law.²⁷³ Yet it is unlikely that such evidential problems were in themselves decisive in persuading the authorities to abandon their campaign against the trade. In spite of such difficulties, three prominent offenders were convicted at the York Lent assizes in 1770,

²⁶⁹ William Chamberlayne to Treasury Board, 16 December 1769, TNA T 1/472. The magistrates had persisted in these misconceptions despite the early involvement in the campaign of a leading barrister (Stanhope had died in September 1769) and the continuing participation of prominent (and much respected) local attorneys.

²⁷⁰ Richard Townley to My Lord [? Weymouth], 10 January 1770, TNA T 1/476.

²⁷¹ TNA T 1/483 (Mint Solicitor's account for 1770).

²⁷² Such blandishments also provided the coiners with access to details of the evidence to be offered by the prosecution in particular cases (enclosure by Samuel Lister (attorney) in Wilson to Rochford, 30 June 1774, TNA SP 37/10). This information may have been used to render intimidation or bribery of witnesses particularly effective. However, the availability to the yellow traders of this information also opens up the possibility that they may have deliberately contrived the tangled web of accusation and counter-accusation which characterizes the surviving depositions and which so dismayed the Mint Solicitor. Many counter-accusations may have been deliberate falsifications, intended to compromise the acceptability in court of the evidence of a particular witness.

²⁷³ See, for example, Rockingham to Lord ?, 28 December 1769, TNA SP 37/7.

and two executed.²⁷⁴ Moreover, there is no reason to believe that there could not have been some additional convictions, either in 1770 or later. The three convicted men were found guilty on the evidence of accomplices and the worsted inspectors, notwithstanding the Mint Solicitor's pessimism, in December 1769, about the possibility of obtaining guilty verdicts using this kind of witness.²⁷⁵ Evidence of the same kind was available against many of those who were committed in 1770, but never tried. More could have been collected, had the concerted campaign of the autumn and winter of 1769-70 been sustained.

Why then was the campaign abandoned, if convictions were, against all the odds, available, and when the two executions of April 1770 had manifestly failed to stay the progress of the trade? The leaders of the campaign have left no comprehensive account of its abandonment. However, it is possible, on the basis of the evidence available, to indicate the other considerations which shaped their decision. At the heart of that decision lay the authorities' loss of confidence in the ability of additional convictions and executions to deter the practitioners of the trade from their calling. The whole campaign had been conceived on the assumption that the yellow trade was susceptible to control by an application of the terrors of the ferocious coin laws. As the campaign unfolded, that assumption was called into question. It became increasingly clear that it had been based upon a mistaken assessment of the character of the trade.

In the autumn of 1769, the authorities had assumed that the number of participants in the yellow trade was limited, that their relationship with the mass of the population in the locality was a hostile, exploitative one, and that support for the trade was not widespread, even at the bottom of the social scale. Sir George Savile commented, early in December 1769, that

it is as near impossible as anything can be, that the persons interested in coining can bear such a proportion to those injured by it as to want actual strength to resist or quell them. The general spirit, even of the lowest orders, must at worst be, in such a case, rather on the right side.²⁷⁶

These assumptions did not represent an accurate assessment of the social relationships and public attitudes associated with the yellow trade. They bore a much closer resemblance to the relationships and attitudes associated with a large-scale operation for counterfeiting the gold coin in mixed or base metals, like that run by

²⁷⁴ There is clear evidence of intimidation of the witnesses against King David (anonymous threatening letter to Joshua Stancliffe, 19 April 1770, TNA SP 37/7). Nevertheless, Hartley was convicted and hanged.

²⁷⁵ Indictments against David Hartley (4), James Oldfield and William and Thomas Varley, TNA ASSI 44/85 (Yorkshire Lent Assize Roll, 1770). The trial juries were drawn from parts of Yorkshire (the largest English county) distant from Halifax.

²⁷⁶ Sir George Savile to Rockingham, n.d. [2/12/1769], Sheffield City Libraries, WWM R 1/1249.

Thomas Lightowler during the 1750s.²⁷⁷ This suggests that, in the beginning, the authorities assumed that the yellow trade was similar in organization to the general run of eighteenth-century coining. This would hardly have been surprising, given that the trade was new and unfamiliar, and the authorities were ignorant of the technicalities of coining and of the coinage laws.

Had the yellow trade been similar in organization to base- and mixed-metal counterfeiting, there would have been good reason to expect a concerted application of the law, along the lines envisaged by Rockingham, to break the Yorkshire coiners. The determined use of the coin laws had succeeded, in 1756 and 1757, in destroying a mixed- and base-metal counterfeiting operation as extensive and sophisticated as Lightowler's. Although Lightowler was acquitted, four of his associates were convicted and hanged. Of course, it must have been obvious in the autumn of 1769 that the degree both of intimidation and popular solidarity in the Halifax area was far greater than that associated with the general run of mid eighteenth-century mixed-or base-metal counterfeiting. Yet Rockingham's ostentatious theatrics and his efforts to revitalize the activity of local gentlemen were specifically designed to counteract this.

During the early months of 1770, the extent to which the authorities had misunderstood the character of the yellow trade gradually became evident. In May 1770, the *Manchester Mercury* reported that

So great a number of persons, besides those formerly found out, are discovered to have been concerned in coining his Majesty's current money, in and about [the county of] York, and the characters of so many of them have always been so fair and unquestionable that the gentlemen of the law are quite puzzled how to act in such embarrassed circumstances.²⁷⁸

There has survived no explicit account of the precise rationale for this embarrassment at the discovery of the unexpected social realities of the yellow trade. However, there is little doubt that the 'gentlemen of the law' were nonplussed primarily because their discovery indicated insuperable obstacles to a successful deterrent application of the criminal law. The extent of participation in the trade was indicative of its distinctive character as an illegal business. The yellow trade was very different from the general run of mid-eighteenth-century counterfeiting, in that coining was combined with clipping. Participation at almost every social level in the locality was massive, because clipping was so accessible, so lucrative and because it carried with it such a

²⁷⁷ Although the extent to which large scale base- and mixed-metal counterfeiting operations enjoyed the sympathy of the 'lowest orders' is almost impossible to judge, it is unlikely that counterfeiting of this kind was actively endorsed by men of 'fair and unquestionable' character, in any numbers. Moreover, such counterfeiting operations, though they might involve large networks of dealers, did not depend upon the willing participation of an extensive public. Indeed, they were manifestly injurious to those who were unwittingly passed near-worthless counterfeits.

²⁷⁸ *Manchester Mercury*, 15 May 1770.

small risk of detection. Once the degree of temptation presented by the trade was revealed to be so enormous as to persuade huge numbers of formerly 'respectable' men to succumb, the authorities' initial confidence that a sustained application of the terror of the law could deter offenders was quickly dissipated. The Mint Solicitor, the most influential 'gentleman of the law' in the affair, was in no doubt that because clipping was 'so easily executed, with but a small degree of care [and] without a possibility of detection', the coin laws could never prevent it.²⁷⁹

Doubtless the determined use of pardons, rewards and informers could have secured some additional executions, in spite of the obstacles which the trade presented to the collection of effective evidence.²⁸⁰ However, additional executions can hardly have appeared of great value to the authorities, when they considered the temptations of clipping to be so great that 'the execution of the law, if it had an execution once a week, would by no means remedy the evil'.²⁸¹ Under such circumstances, additional executions would have served merely to emphasize the authorities' revengeful impotence and to subvert that belief in the majesty and strength of the law, which so much effort was customarily devoted to promoting.²⁸²

However, the campaign to apply the criminal law against the yellow traders had not been undertaken merely to prevent the flouting of the coin laws. Rockingham had also been anxious to reverse the humiliation which the authorities had suffered through the defiant murder of William Deighton, and to restore the credibility of the civil power.

The abandonment of such a highly public campaign, on the grounds that the criminal law was ineffectual in the face of the unforeseen implications of the organization of the yellow trade, threatened to expose authority and the law to additional contempt. It was a particular concern of those who administered the criminal law in the eighteenth century to avoid such exposure, as Douglas Hay has pointed out.²⁸³ The pattern of discharges, prosecutions and pardons in 1770 suggests that the authorities set out to manage the abandonment of their campaign in such a way as to conceal the actual

²⁷⁹ Br. Lib., Egerton MSS 257, fo. 159 (William Chamberlayne's evidence).

²⁸⁰ But the gradual discovery of the social realities of the trade must have added to the authorities' existing doubts about securing effective witnesses and convictions, in the face of the solidarities and blandishments which defended the yellow traders. Rockingham's belief in the ability of 'the exertion and support of the civil power' successfully to counteract intimidation and popular solidarity had been based on his experience of policing the grain and militia riots at Sheffield in 1756 and 1757 (see above, p. 57). Yet during those riots, he had been of the opinion that a concerted display of resolve by local gentlemen and magistrates, to assert their authority and to apply the law, could only succeed in overcoming popular solidarity and intimidation if popular hostility to the law in a locality was limited; see Rockingham to Newcastle, 3 October 1757, Br. Lib. Add. MSS 32874, fos. 421-3 (Newcastle MSS). As the true extent of support for the yellow trade became apparent, his confidence in the local magistrates' capacity to provide convictions must have further declined.

²⁸¹ Br. Lib., Egerton MSS 257, fo. 159 (William Chamberlayne's evidence). The same opinion was expressed in a report from Halifax in the *Leeds Intelligencer*, 8 March 1774.

²⁸² See Hay, 'Property, authority and the criminal law', pp. 48-52. Even if a large number of convictions had been available, the conventions of eighteenth-century punishment made mass executions of previously 'respectable' offenders inconceivable.

²⁸³ Hay, 'Property, authority and the criminal law', p. 51.

weakness of their position.

In March 1770 at least twenty-seven offenders from the Halifax area were imprisoned in York Castle to await trial on capital coinage charges. Yet it was decided to try only four at the subsequent assizes and discharge the rest. After three of the four had been convicted, 'the King's Council, fearful of an acquittal, chose rather as an act of lenity of the Crown to produce no evidence than hazard the ill consequences of an acquittal on an attempt to convict'.²⁸⁴ Three convictions having been achieved, it was evidently considered preferable to feign mercy than to expose any weakness. In coinage cases elsewhere, however, the authorities were by no means so coy about acquittals. At the trials of members of Lightowler's gang on capital coining charges at Lancaster in 1756, the effort to secure convictions was continued, even after two men had been found guilty. Five others were acquitted.²⁸⁵

The pattern of prosecution in the Lightowler affair strongly suggests an attempt to maximize the number of convictions and deterrent executions, even at the risk of embarrassing acquittals. The equivalent pattern in Yorkshire is much more suggestive of a desire to minimize humiliation, in the context of the abandonment of any thoroughgoing effort to use convictions and executions as a deterrent tool. The Yorkshire pattern can best be interpreted as an attempt to achieve a respectable minimum of convictions (relative to the huge number of offenders charged) at the lowest possible cost in humiliating acquittals.

Clearly, the authorities considered that it was of primary importance, if they were to retain any credibility, that King David, the most notorious offender in custody, should be convicted. Unlike the other defendants, he was arraigned on four separate indictments.²⁸⁶ It was only after he had been convicted that further prosecutions were abandoned.²⁸⁷ Moreover, it appears that, out of the three convicted men, Rockingham was anxious to execute only the coining monarch himself (although, in the event, two of the three were executed).²⁸⁸ It is unlikely that, alone, even such a royal example at the gallows could have been considered a genuinely deterrent permutation of the bloody arithmetic of pardon and execution, when the yellow trade had been so extensive and had involved such a direct challenge to the exercise of authority. All four members of Lightowler's gang convicted in 1756 had been executed. Rockingham's willingness to execute only King David indicates that the authorities' primary concern was for a suitable public affirmation of the illusion of power, in order to mask their retreat from a profoundly embarrassing exercise in law enforcement, which threatened to expose their weakness.

²⁸⁴ TNA T 1/483 (Mint Solicitor's account for 1770).

²⁸⁵ TNA Mint 1/11, fos. 77-116 (Mint Solicitor's accounts, 1756 and 1757).

²⁸⁶ Four indictments against David Hartley, TNA ASSI 44/85 (Yorkshire Lent Assize Roll, 1770).

²⁸⁷ TNA ASSI 41/6 (Northern Circuit Rough Minute Book, 1769-75: Yorkshire Lent Assizes 1770). Hartley was the last to be tried of the four Halifax coinage defendants.

²⁸⁸ Lord Weymouth to Mr Justice Gould, 16 April 1770 (TNA SP 44/89, fo. 356), refers to a plea of mercy from Rockingham and others for James Oldfield, who was, nevertheless, hanged. I assume that the pardon for William Varley was not granted without Rockingham's acquiescence.

It had been to protect King David that William Deighton had been assassinated. In order to counteract this most blatant act of defiance against authority, it was clearly essential in 1770 for the authorities to convict and punish the murderers, who had been in custody since November 1769. At the Yorkshire Lent assizes in 1770 their trial was postponed until the Lammas assizes in August, in order to collect additional evidence.²⁸⁹ The decision in August to have the murderers tried must have been taken in some desperation, for the authorities were well aware that their case was still a very weak one.²⁹⁰ However, the potential humiliation of allowing men whose guilt was common knowledge to go free was as great as that of a failure on an attempt to prosecute. In the event, the three accused were acquitted. Yet it is significant that, unlike the discharged coinage offenders, the two acquitted men who had actually perpetrated the assassination were pursued with determination and ferocity for the next five years.²⁹¹ The double humiliation which they had inflicted on the authorities, by the murder and the acquittal, could not be permitted to go unpunished. Indeed, it called for a particularly savage exercise in exemplary counter-terror. When finally convicted and hanged in 1774 and 1775 (for robbing Deighton's body after the killing), it was ensured that the two murderers were made an especially 'notorious example to the public'.²⁹² After public execution at Tyburn near York, their bodies were hung in chains on Beacon Hill, overlooking the town of Halifax. Hanging in chains was a gory refinement of the ritual of execution, which was only applied when circumstances were considered to require exceptional deterrent severity. At Halifax it was given an additional symbolic twist by contriving the irons so that the right hand of at least one of the corpses pointed 'at the very place where the robbery was committed'.²⁹³

If the authorities' realization that clipping presented an insuperable temptation was at the heart of their decision to abandon the campaign against the yellow trade, the government's refusal to take any effective steps to reform the coinage can only have further contributed to their disillusionment. Clipping was rendered so extraordinarily accessible, profitable and free from risk in the Halifax-Rochdale area by a combination of the appalling general condition of the coinage and the acute local cash shortage, which facilitated the ready acceptance there of exceptionally diminished coin. Although an eighteenth-century government could hardly have remedied the local coin shortage by legislation or decree, it was within the power of government to restore the quality of the

²⁸⁹ Calderdale Archives, HAS:1400/1, fo. 5 (affidavit to put off the trials of James Broadbent, Robert Thomas, Matthew Normanton and William Folds, n.d. [1770]). It was probably to extract additional evidence that some of the offenders who had absconded during the winter of 1769-70 were outlawed, and those coinage offenders, against whom prosecutions were dropped at the Lent assizes 1770, bound over to reappear at the Lammas assizes (where they were merely discharged).

²⁹⁰ See above, p. 62.

²⁹¹ The third acquitted man, William Folds, was known by the prosecution to have been wrongfully accused (Yorkshire Archaeological Society MSS MS 385 [prosecution brief]).

²⁹² Richard Townley to Robert Parker, 12 April 1775, Calderdale Archives, HAS:1400/1, fo. 45.

²⁹³ *Leeds Mercury*, 9 August 1774.

coin by such means. As legislation in 1773 was to demonstrate, measures to restore the quality of the coinage could eliminate the yellow trade virtually instantaneously. However, as the Mint Solicitor pointed out, as long as diminished 'money is permitted to circulate, in vain are all prosecutions of diminishers'.²⁹⁴

In December 1769 a number of woollen merchants and manufacturers in the Halifax area made a voluntary agreement to refuse diminished and clipped coin. However, they were well aware that, faced with the local cash shortage, their agreement would be of little use without government support.²⁹⁵ A large proportion of the local cash circulation passed through the hands of the local receivers and collectors of taxes. The merchants and manufacturers depended on them for cash to pay their workmen and suppliers. In conditions of cash shortage, they dared not refuse what the collectors and receivers offered, for fear of being denied any cash in future. Hence the requests from the Halifax-Rochdale area in 1769 and 1770 for a Treasury order to the receiver and collectors 'not to receive any money diminished so much as to be impassable in any other country and to cut it when offered them'.²⁹⁶ Three Lancashire magistrates chided the Treasury board with the comment that 'if such an order had been given some years ago, very little bad money would have been made and very little good diminished'.²⁹⁷

The Lords of the Treasury were prepared to recommend the collectors of the land tax and the excise 'to co-operate with the gentlemen of the country in any proper measure for preventing the circulation of the debased coin', but they considered that they had no legal authority to give orders to refuse or cut diminished gold coin.²⁹⁸ Mere recommendation was unavailing because the collectors, if they were to make their returns to London, were as much obliged to take what they could get as the local manufacturers. Voluntary agreement entirely failed to prevent the circulation of diminished and counterfeit coin.

There is no doubt that at law the Treasury had no power to order the tax collectors to refuse and cut diminished coin. The Act of 1698, which required such treatment for diminished silver, did not extend to the gold circulation.²⁹⁹ However, government was unwilling in 1769-70 to take steps to alter the law, despite pressure from the Halifax locality and the Mint Solicitor. To have required the collectors to refuse and cut diminished gold coin, at a time when the general condition of the gold circulation was atrocious, would inevitably have led to a national gold recoinage. The prospect of a

²⁹⁴ William Chamberlayne to Treasury Board, 16 December 1769, TNA T 1/472. In the absence of a reformation of the gold coinage, or the possibility of making the terrors of the law bear effectively against offenders, the authorities were rendered impotent. The multitude of small transactions that comprised the yellow trade could hardly be confronted by troops, in the manner of a riot or a smuggling party carrying contraband.

²⁹⁵ Gentlemen of Halifax to Rockingham, 6 January 1770, Sheffield City Archives, WWM R 11/26.

²⁹⁶ William Chamberlayne to Treasury Board, 16 December 1769, TNA T 1/472.

²⁹⁷ Richard Townley, John Chadwick and Robert Entwisle to the Treasury, 16 February 1770, TNA T 1/476.

²⁹⁸ TNA T 29/40, fo. 160 (Treasury Board Minutes, 2 January 1770).

²⁹⁹ See above pp. 43-5.

recoinage was unwelcome to any mid eighteenth-century government. Not only would it prove expensive, technically difficult to execute and disruptive of commercial life, but it threatened to reawaken embarrassing debates concerning the fundamental principles of the coinage and the responsibility for its regulation.³⁰⁰

However, within three years the accelerating decline of the quality of the gold coin in circulation forced the government's hand. The quality of the gold coin was rapidly deteriorating throughout Great Britain, but 'Yorkshire guineas' set the standard for diminishing elsewhere. It was renewed complaints from the West Riding in 1772 that eventually persuaded the Treasury to reconsider its refusal to regulate the coin.³⁰¹ The Mint Solicitor's opinion was consulted. He reaffirmed his belief that only by ordering the collectors of taxes to cut diminished coin could diminishing be prevented. Such a policy was tentatively decided upon. However, legislative action was delayed until mid 1773, as a result of the complexity and sensitivity of the issue.

The Treasury did not choose to proceed upon matters of such nicety without taking every advice they could, both from those who were best judges of the political consequences and those who were best judges of the points of law. Upon that ground the propositions were referred to the law officers of the Crown. It [sic] was for some time under their consideration and seldom had they had a matter which required a more ample consideration.³⁰²

The leading government figures in the affair – the prime minister, Lord North, and Charles Jenkinson, a man with considerable experience in the Treasury – were haunted by the precedent of the disastrous silver recoinage of 1696-8.³⁰³ It had involved enormous frauds at public expense and consequently massive taxation. In order to avoid politically embarrassing additional taxes, it was decided, in contrast to 1696-8, initially to offer no compensation to the holders of unlawfully diminished guineas. Gold coins were to be withdrawn from circulation at their bullion rather than their face value. The scheme obliged those who had for years innocently accepted diminished coin at face value to bear directly the cost of restoring the quality of the coinage.³⁰⁴ Implicitly, government had chosen to repudiate responsibility for having permitted diminishing to flourish. Although

³⁰⁰ All these features, especially unwelcome in the fraught political climate of 1770, were to accompany the recoinage of 1773-6. That recoinage awaits its historian. For a concise account, see Craig, *The Mint*, pp. 242-6.

³⁰¹ TNA T 29/42, fo. 90 (Treasury Board Minutes, 27 May 1772); fos. 96-7 (2 June 1772); fo. 433 (12 March 1773).

³⁰² Br. Lib., Egerton MSS 251, fo. 29 (Cavendish's Parliamentary Debates: Lord North's speech in the debate on the gold coinage, 13 January 1774). For other comment on the careful and time-consuming deliberations that preceded the bill, see *Gloucester Journal*, 2 August 1773.

³⁰³ Br. Lib., Egerton MSS 257, fos. 184-5 (Lord North's statement to the Parliamentary Committee on the coin, 9 May 1774).

³⁰⁴ Hence confirming the worst fears of the large worsted manufacturers concerning the value of their holdings of diminished coin.

the scheme was the only practical method of preventing fraud and hence massive additional government expenditure, its inequity generated bitter public complaint and political dissension.³⁰⁵

However, the government proved able to weather the political storm, in part because opponents of the measure were presented with a fait accompli. A bill was surreptitiously slipped through Parliament, with a minimum of debate, in June and July 1773, unusually close to the end of the session.³⁰⁶ It required Exchequer tellers, and permitted others, to cut any gold coin that appeared to be counterfeit, or to have been diminished other than by reasonable wear. The collectors of revenue were, in practice, ordered to cut coins according to a table of weights, which varied with the age of the coin. The oldest guineas were allowed to pass if deficient by no more than one shilling's worth of gold. This standard was chosen, not on the basis of estimated wear over a given time span, but rather to avoid throwing too much coin out of circulation at once, especially in Yorkshire.³⁰⁷ Approximately £3.8 million were withdrawn under the July 1773 Act, at a loss to the holders of the coin estimated at £300,000.³⁰⁸

The table of weights adopted in 1773 still offered the diminisher the opportunity to clip heavy coin down to the arbitrary weight thresholds adopted for guineas of different ages. In order to prevent further diminishing, it was essential to bring the gold circulation as a whole as close to the Mint standard as was considered technically and commercially feasible. Further measures in 1774 and 1776 progressively removed from circulation all coins deficient by more than 2d. in value.³⁰⁹ The total charge on the Exchequer for the whole recoinage was in excess of £750,000.³¹⁰ Over a period of four years, gold coin valued at over £16.5 million was withdrawn from circulation and recoined.³¹¹

At this price was bought the eradication of the yellow trade. When the 1773 Act came into operation, clipping in Yorkshire ceased within days.³¹² It became customary to

³⁰⁵ See, for examples, *Leeds Intelligencer*, 27 July 1773, 3 August 1773, 10 August 1773, 17 August 1773; Br. Lib., Egerton MSS 251, fos. 24-7 (speech of Mr Prescott in the debate on the gold coinage, 13 January 1774).

³⁰⁶ 13 Geo. IIIc. 11.

³⁰⁷ Br. Lib., Egerton MSS 257, fos. 178-9 (Lord North's statement).

³⁰⁸ Craig, *The Mint*, p. 244; the loss is calculated from the estimates given in Br. Lib., Egerton MSS 257, fo. 162 (evidence of Mr Samuel Etheridge to the Parliamentary Committee on the coin, 9 May 1774).

³⁰⁹ Under these later measures, compensation was offered to those who held the deficient coin, at an eventual cost of £317,314 (TNA T 1/499 [Draft summary of expenses connected with the recoinage, 1773-6]). As long as the deficient guineas were handed in to appointed receivers before stated dates, they were exchanged for the new, full-weight guineas. These were being produced in large quantities out of the diminished coins cut and withdrawn from circulation under the 1773 Act. Compensation, it was argued rather tenuously by Lord North, was justified under the 1774 and 1776 measures, because the weight thresholds established in 1773 had been taken on trust by the public as a guide to which coin was to be above suspicion thereafter (Br. Lib., Egerton MSS 257, fo. 187 [Lord North's statement]). It also served to assuage public and parliamentary ill-feeling.

³¹⁰ TNA T 1/499 (Draft summary of expenses connected with the recoinage, 1773-7).

³¹¹ Craig, *The Mint*, p. 245.

³¹² TNA T 29/43, fo. 115 (Treasury Board Minutes, 22 July 1773).

weigh all gold coin. Guineas worth less than twenty shillings by weight were liable to be cut by the collectors and therefore ceased to enjoy currency in general transactions. In Yorkshire, by 1773, few guineas were worth even twenty shillings by weight. One consequence of this was temporarily to exacerbate the already severe local coin shortage. Local commercial life was disrupted as a result, and considerable complaint generated.³¹³ However, the extremely poor quality of most coins in Yorkshire, relative to the threshold weights established in 1773, also rendered the potential there for continued clipping especially restricted. Some 'old offenders' did manage to acquire heavy guineas and diminish them to the threshold weights,³¹⁴ but any unlawfully diminished coin, of whatever weight, was likely to be cut. The 1776 regulation brought the threshold weight for guineas in circulation so close to the standard Mint weight that diminishing was hardly worthwhile, unless an impossibly large circulation could be sustained.

The recoinage removed the preconditions which made the practice of the yellow trade possible. Confronted with a newly minted gold currency, the popular solidarities that had defended the trade so tenaciously against the application of the coin laws were of no avail. Yet a multitude in the Halifax area had partaken of the lavish financial benefits of the trade. How they reacted to its demise is poorly documented. The trade's extinction can only have added to the widespread economic distress which characterized the Halifax locality in 1773. The recoinage coincided with and exacerbated a major national economic depression. This hit the West Riding worsted industry especially hard. Most of the period between the Seven Years War and the War of American Independence was difficult for that industry, but the years 1773 and 1774 were particularly bad. In both years, employment and piece rates were at an exceptionally low level.³¹⁵

The available evidence, which is of variable quality, suggests that at least some former participants in the yellow trade responded to these circumstances by taking up other forms of illegal appropriation. However, these were forms of illegal behaviour which had previously been clearly differentiated from the trade. It was widely believed in the Halifax area during the immediate aftermath of the 1773 Coin Act that 'the rascals who are now prevented from diminishing the gold coin' would turn to theft.³¹⁶ There appears no significant increase in the number of indictments for theft emanating from Halifax parish between the year ending July 1773 and the year ending July 1774. However, the local newspapers carried an unprecedented number of reports of thefts, break-ins and burglaries at or near Halifax during the latter period. Local gentlemen were already so alarmed in August 1773 that they decided to shoulder the expense of a watch to patrol the streets of the town during the ensuing winter. One local merchant with tenters in a rural area of the parish suffered so many thefts during the winter of 1773-4 that he eventually set man-traps in his tenter fields. In November 1774, a Halifax

³¹³ *Leeds Mercury*, 28 September 1773 and 4 January 1774.

³¹⁴ TNA T 29/44, fo. 36 (Treasury Board Minutes, 3 August 1774).

³¹⁵ Ashton, *Economic Fluctuations*, pp. 156-60.

³¹⁶ *Leeds Intelligencer*, 10 August 1773.

correspondent in the *Leeds Intelligencer*, reviewing 'the frequent and almost daily robberies committed in this parish' pinpointed as one of the principal causes the fact 'that all the persons who of late years were employed in the iniquitous practice of coining, and who had contracted a habit of idleness and extravagance, are let loose upon the country, whilst their trade is quite ruined'.³¹⁷

If the opinions expressed in these newspaper reports can be accepted as reliable, it would appear that at least some of those who had benefited from the yellow trade may have turned to theft after its demise. Much more direct evidence from the legal records indicates that several leading yellow traders took up other varieties of illegal appropriation, in particular forgery of the paper currency, production of bad coppers and counterfeiting the precious metal coinages in mixed or base metals. In character, these activities bore a closer relationship to the yellow trade than did theft, but like theft, they had not been associated with the trade during the years of its prosperity. Clipped gold as a raw material for counterfeits had disappeared with the extinction of clipping, but the skills of those whom the yellow trade had taught to coin in gold could be transferred to counterfeiting in mixed and base metals. The unprecedented cash famine in the West Riding between 1773 and 1776 facilitated the circulation of such counterfeits and forged notes. Yorkshire newspapers during those years were full of warnings about counterfeits in circulation, especially plated ones.³¹⁸ Eight men were indicted at York assizes for coinage offences committed in the Halifax area between 1774 and 1782.³¹⁹ Three were charged with possessing coining tools and the rest with counterfeiting the silver or copper coinages. Four of the eight had been among those incriminated in 1769. One of this four and another man incriminated in 1769 were tried in 1776 for forging paper currency. In one case, the offence involved the small denomination guinea banknotes which were issued in Yorkshire to mitigate the cash shortage.³²⁰

In assessing responses to the demise of the yellow trade, the most intractable problem concerns the attitude of the local public to these illegal activities, and to the participation in them of leading former yellow traders. It is improbable that the men of small capital, formerly so prominent in the trade, were in general sympathetic to any former associates who turned to indiscriminate theft. Especially if they were small manufacturers with tenters, they were particularly vulnerable to such depredations. Neither base- and mixed-metal counterfeiting, nor the forgery of commercial paper involved that intimate and reciprocal relationship with an extensive public that had characterized coining in the yellow trade (although the production of false coppers was

³¹⁷ *Leeds Intelligencer*, 10 August 1773, 8 February 1774 and 6 December 1774.

³¹⁸ See, for example, *Leeds Intelligencer*, 26 July 1774, 21 February 1775; *Leeds Mercury*, 12 March 1776, 9 June 1776, 13 August 1776.

³¹⁹ TNA ASSI 44/89-97 (Yorkshire Assize indictments, 1774-82).

³²⁰ Perhaps the greatest ingenuity in applying their skills in a novel manner was displayed by those among the former yellow traders who took up the (legal) counterfeiting of the valuable Roman silver pieces which were discovered in a field near Keighley in 1775 (*Etherington's York Chronicle*, 1 April 1775 and 12 May 1775). This was the occasion of the reference to the coiners as 'our traitorous money makers'.

more ambiguous in this respect). The relative ease with which base- and mixed-metal counterfeiters from Halifax parish were convicted on capital charges at York between 1774 and 1782 might indicate a significant popular unwillingness to extend the solidarities associated with the yellow trade to those who took up these pursuits.³²¹ On the other hand, the high conviction rate may have owed more to the extensive range of materials and equipment required for counterfeiting of this type. This tended to minimize the problem of collecting material evidence, which had proved so intractable when the authorities attempted to prosecute the activities comprising the yellow trade.³²²

Other evidence indicates that popular support and indeed respect for leading former yellow traders did not disappear with the material basis for mass participation in the trade. The huge crowds that attended at Beacon Hill in 1774 and 1775 to prevent the hangings in chains of the bodies of Deighton's murderers demonstrate continuing popular solidarity with the yellow traders and hostility to the authorities. The significance in this respect of the events leading to the public execution in 1783 on Beacon Hill of Thomas Spencer is less certain. Spencer, King David's brother-in-law and a prime mover behind the exciseman's murder in 1769, was the last of the leading yellow traders who can be identified as having suffered at the gallows. Yet he hanged, not for a coinage offence, but for behaviour prosecuted as theft, undertaken during a grain riot and *taxation populaire* at Halifax in June 1783. Spencer joined the rioters as they marched through the 'upper hand country' in the direction of Halifax town. He proposed himself as leader and was readily adopted. On arrival at Halifax, he marshalled the rioters and directed their activities.³²³ The mob's ready acceptance of Spencer's leadership may have stemmed from the fact that he was an ex-soldier and therefore well qualified to drill a body of rioters. However, it is clear that the extensive diffusion of the benefits of the yellow trade during the years of its prosperity had generated enormous local gratitude and respect towards its leading practitioners. The deference accorded to Spencer as riot captain in 1783 may indicate that such sentiments had been so pervasive that they could continue to flourish a decade after the demise of the trade itself.

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³²¹ Five of the eight men tried at York for coining offences committed between 1774 and 1782 were found guilty.

³²² In four cases in particular, material evidence of this sort was especially strong (Calderdale Archives, HAS:1400/1, fo. 49 [examination of William Hirst and others, 7 October 1778]; fo. 57 [prosecution brief against John Cockroft, 1782]; TNA ASSI 45/34 [Northern Circuit Assize Depositions, 1780-3; depositions of J. Ramsden and others, 13 June 1782]). However, the relative ease with which the authorities laid their hands on evidence of this kind (on one occasion surprising a coiner at work) may itself indicate a breakdown of those solidarities which formerly provided the practitioners of the yellow trade with some advance warning of detection.

³²³ *Brief Account ... of the lives of Thomas Spencer and Mark Sattonstall*, Calderdale Library, Horsfall Turner Collection, P343.

4. Conclusion: A ‘Social Crime’?

The current historiography of crime and the law in eighteenth-century England is highly diverse in its methods and objectives. A broad concern among historians of the subject to understand changing patterns of behaviour defined as criminal in terms of prevailing social, political and economic transformations has spawned a wide variety of perspectives. However, two approaches to the central problems of locating changes in criminality within broader socio-economic relationships stand out. First, that approach which has focused on the relationship between secular trends in the incidence of criminality, as measured by aggregate indictment rates, and equivalent trends in various social and economic indicators.³²⁴ Second, that which has stressed the social origins and purposes of the criminal law, with a particular emphasis on the relationship between legislative extensions of the criminal sanction and changing attitudes among the powerful towards property.³²⁵

Both approaches have major shortcomings. The eighteenth century did witness a redefinition as criminal of many activities that had previously been either outside the purview of the law or merely subject to civil actions. It also saw increasingly harsh penalties applied to pre-existing criminal offences, particularly through the massive extension of capital legislation. There is no question that such transformations are of considerable importance for the study of crime and the law in the eighteenth century, but it is also important to recognize that the status, at law, of the vast majority of those criminal cases which came before the courts of quarter sessions and assize during the century remained relatively stable.³²⁶

The comparison of secular trends in indictment rates with various indices of social and economic change ostensibly offers an attractive methodology for the analysis of those indictable offences that were not subject to major shifts in their legal status. It addresses the obvious historical questions concerning the nature of and reasons for changes in the incidence of criminality, and draws on a large body of criminological work that has applied similar techniques to modern criminal statistics.³²⁷

However, the damaging criticism that has been levelled at the use of the modern statistics is even more telling against these analyses of time series derived from

³²⁴ See, for example, J. Beattie, 'The pattern of crime in England, 1660-1800', *Past and Present*, no. 62 (1974), pp. 47-95. A similar approach has been adopted for the sixteenth and seventeenth centuries in J. S. Cockburn, 'The nature and incidence of Crime in England, 1559-1625', in Cockburn (ed.), *Crime in England 1550-1800*.

³²⁵ See, in particular, E. P. Thompson, *Whigs and Hunters* (London: Allen Lane, 1975).

³²⁶ For an elaboration of these criticisms, see J. A. Styles, 'Criminal records', *Historical Journal*, vol. 20, no. 4 (1977), pp. 977-81. I am not, of course, suggesting here that the study of the social origins and uses of the criminal law is not of vital importance to the history of crime. Crime is not a given, ahistorical category. I am concerned merely to point to some of the limitations of an approach which has focused on extensions in the legal definition of crime during the eighteenth century.

³²⁷ See, for example, H. Mannheim, *Social Aspects of Crime in England between the Wars* (London: Allen & Unwin, 1940), especially ch. 5.

eighteenth-century legal records.³²⁸ It is extremely doubtful whether fluctuations in the number of indictments within any jurisdiction during the eighteenth century can be regarded as a measure of changes in some hypothetically quantifiable aggregate of offences that actually occurred. Changes in the number of indictments (and hence prosecutions) over time are at least as likely merely to reflect changes in the sensitivity to offences of victims and the officials who regulated entry into the judicial process, changes in other influences on the propensity of victims to prosecute, or changes in official objectives and policy. Moreover, the shortcomings of this approach are not restricted to the problem of the quantitative relationship between fluctuations in the numbers of indictments and the hypothetical 'dark figure'. There is also a qualitative problem, posed by the arbitrary legal categories employed in eighteenth-century indictments, which can mask important shifts in the character of offences and offenders. These shortcomings are compounded by others, deriving, for example, from the small annual totals of indictments within most eighteenth-century jurisdictions, which lead to tiny absolute fluctuations in the numbers of indictments acquiring unwarranted proportionate significance, or from the weakness of eighteenth-century aggregate population figures, which inhibit accurate comparisons of indictment rates across time.³²⁹

The history of the Yorkshire yellow trade highlights some of these shortcomings. Coining and clipping the precious metal coinages were offences which had long been capital and did not undergo major changes in their legal status during the eighteenth century. The changing and often conflicting responses of the authorities to the yellow trade cannot be explained by reference to broad shifts in the attitudes of legislators towards property. Indeed, government failed to respond to requests from powerful interests in Yorkshire for harsher legislation.³³⁰ Yet the fluctuations in the numbers of indictments for these crimes are clearly inadequate as a measure of changes in the incidence and character of the offences themselves. Between 1757 and 1769 the single most important influence on the national level of indictments for coinage offences was not the actual incidence of such offences, but the Mint Solicitor's concern to limit his expenditure on prosecutions. Within Yorkshire, the year-by-year fluctuations in the number of capital coinage indictments between 1760 and 1773 bear no consistent relationship to the rising tide of diminished and counterfeit coin, reported in correspondence and the press. Moreover, the cramped definitions employed in these indictments provide no direct indication of the fact that, during this period, counterfeiting in base or mixed metals was eclipsed by coining in clipped gold.

This study of the brief but spectacular flourishing of the yellow trade has therefore

³²⁸ See, for an example of criticism of the utility of the modern statistics, S. Box, *Deviance, Reality and Society* (London: Holt, Rinehart & Winston, 1971), ch. 3.

³²⁹ I have aired these issues at greater length in an unpublished paper 'English criminal records', delivered to the Social History Society Conference at Birmingham in January 1977. For an outline of the argument see *Social History Society Newsletter*, vol. 2, no. 1 (Spring 1977).

³³⁰ See above, note 75.

adopted a different (although not necessarily wholly incompatible) approach to the problems of understanding the pattern of criminal activity within a broader historical context: an approach that turns on the relationship between changes in the organization of coinage offences and changes in the configuration of control. Indeed, it is a central contention of this study that neither component of that relationship can be understood without reference to the other.

Throughout the study, the term 'organization' has been applied to criminality, not in the restricted sense implied by the phrase 'organized crime', but rather to indicate the manner in which human activity is arranged for the purpose of bringing about any results that happen to be officially classified as criminal.³³¹ The changing structures of organization, thus defined, that characterized various of the activities proscribed by the eighteenth-century coinage laws have been analysed in terms of the changing opportunities for their practice provided by the legitimate order and the institutions that defended it.

Although this approach can no more offer an accurate and detailed quantitative measure of the changing incidence of these activities than the use of serial indictment statistics, it does provide a much more sophisticated guide to and understanding of the patterns of illegal abuse of the coinage during the eighteenth century. The character and incidence of such abuse, the techniques used to facilitate it and the relationship between those who practised it and the wider public did not remain constant during the course of that century. The most significant of these changes - the massive development, during the middle decades of the century, of diminishing the gold coin - was closely associated with the long-standing deterioration in the condition of the gold circulation as a whole. However, detailed analysis of the yellow trade, as opposed to other diminishing operations, demonstrates that the structures of organization that characterized a particular form of abuse were also conditioned by local social and economic circumstances, as well as by the character and interrelationship of the institutions of control at the local and national levels.

Despite the fact that the coin laws were subject to public, not private prosecution, the way the law was applied against the yellow traders confirms the emphasis placed by Douglas Hay on the highly discretionary character of most eighteenth-century legal process.³³² But neither the manner in which that discretion was exercised nor the interests it was manipulated to serve were monolithic. The powerful and the wealthy in the Halifax locality did contrive to use the law and the courts against the yellow traders as 'a selective instrument of class justice'.³³³ However, they had to contend with the yellow traders' own ability to initiate legal proceedings, with the widely divergent ways in which those who staffed the legal system fulfilled the responsibilities of office, and with conflicts of

³³¹ See Cohen, 'The concept of criminal organisation', p. 98.

³³² D. Hay, 'Property, authority and the criminal law', in Hay et al. (eds.), *Albion's Fatal Tree*, especially pp. 40-56, 61-3.

³³³ *ibid.*, p. 48.

interpretation and interest between themselves and the central government.

The law's discretionary characteristics offered the powerful and the wealthy considerable opportunity to manipulate it for their personal and collective ends. Hence the great West Riding worsted manufacturers, faced with the deleterious effects of the yellow trade on their business transactions outside the region, could invoke the coin laws to defend their interests, and indeed enhance the application of those laws by using their industrial police to collect evidence. For the manufacturers and local gentlemen, the coin laws were a resource to be mobilized in a manner akin to the promotion of a canal or a market hall. However, the subsequent history of the campaign against the yellow trade demonstrates that, though special interests could initiate criminal proceedings for their own purposes, the outcome of those proceedings was severely constrained by the complex and often contradictory influences which shaped the enforcement and administration of the criminal law.

The most spectacular influence inhibiting a successful application of the law was the determined defence of the illegal business by its numerous practitioners and supporters in the Halifax locality. The defenders of the trade undermined the attempt to apply the law not simply by means of their own solidarity and by bribery, intimidation and murder. They also demonstrated an acute knowledge of the law, the capacity to purchase legal expertise and an ability to manipulate legal procedure to their own advantage. Indeed, the events immediately preceding Deighton's murder indicate that such manipulation, rather than the more extreme forms of intimidation, was their preferred first response to the authorities' challenge.

The success or otherwise of criminal proceedings was also shaped by the manner in which the system of criminal justice was administered. Of importance were not merely the formalities and strict procedural rules which placed such limitations on the success of proceedings in the eighteenth-century criminal courts. The multiple and often contradictory sources and levels of authority within the system also operated to inhibit criminal proceedings. The yellow trade, as a result of its distinctive character as an illegal activity, touched on many different interests within the system, or interests influential upon it. It involved a group of offences subject to special prosecution procedures and personnel, it presented a massive public challenge to the wider authority of local officials, and ultimately it called into debate the highly sensitive issue of government coinage policy.

More is at issue here, therefore, than those policy anomalies within the machinery of justice which arose from ignorance, incompetence, or the different administrative, financial or personal imperatives associated with particular offices. The outcome of the campaign against the trade also turned on changing interpretations, within the machinery of justice, of the character of the offences concerned and of the capacity of a conventional exercise of the criminal law to prevent them. The initial strategy of the campaign against the trade had been determined by the great manufacturers and local Supervisor of Excise,

in an effort to reduce the trade's ravages upon their own financial transactions. As the campaign unfolded, and particularly after Deighton's death, its conduct came increasingly under the control of Rockingham and the Mint Solicitor, men whose allegiance and obligations in the affair were, to a much greater extent, aligned with the broader demands of county and, particularly, national government. As long as they believed that the character of the yellow trade rendered it susceptible to a deterrent application of the coin laws, there was no major conflict of strategy or interest with the original promoters of the campaign. Indeed, as far as Rockingham was concerned, Deighton's murder appeared to reinforce the need for a determined application of the coin laws, in order to counteract the yellow traders' humiliation of authority.

However, from the start, the Mint Solicitor was pessimistic about the possibility of successfully applying the coin laws. Rockingham and others also came to accept that their sanguine expectations of a concerted application of the law were based on a profoundly mistaken interpretation of the character of the trade. Under these circumstances, the overriding concern of those who now directed the campaign against the trade was to avoid the humiliation of an ineffective application of the law and thereby to safeguard the broader social purposes of the criminal law (although in this they were far from successful).³³⁴ The interests of the original promoters of the campaign against the yellow trade were brushed aside. Their calls for the resumption of the legal campaign against the trade and for additional criminal legislation were rebuffed. In addition, their suggestions for administrative regulation of the coinage, designed to protect their interests against the ravages of the trade, were also rejected, because they ran contrary to the immediate political and economic interests of national government. It was only three years later, with considerable reluctance and after a very careful evaluation of the prevailing economic and political climate, that government eventually accepted that overriding economic and commercial considerations made recoinage unavoidable.

Of course, very few of the wide variety of criminal offences that came before the eighteenth-century criminal courts ultimately forced a government to the degree of expense and inconvenience that accompanied a recoinage. In this, as in other respects, the yellow trade was a highly distinctive form of illegal activity. However, in differentiating between the yellow trade and other illegal activities, this study has avoided the unsatisfactory distinction between 'social' and 'normal' crime which has been proposed by some eighteenth-century social historians. Although there is no unanimity among the proponents of this distinction as to what constitutes a 'social' as opposed to an 'ordinary' or 'normal' crime, key distinguishing features appear to be an element of social protest, strong communal support and a conflict of definition between the interpretation placed on

³³⁴ The manner in which the campaign against the trade was abandoned is clearly an instance of what Douglas Hay has identified as the conspiratorial manipulation of the law by authority to conceal weakness and to sustain the illusion of power (*ibid.*, p. 52). In this instance, the effectiveness of such sleight of hand is extremely doubtful. Not only did the yellow trade continue to flourish after 1770, but the most notorious offenders brought to trial, Deighton's murderers, were acquitted.

the activity in question by those who participated in it and the interpretation imposed by the law.³³⁵

The principal object of the 'social' crime/'normal' crime distinction is, at its crudest, to isolate a group of eighteenth-century illegal activities as forerunners of popular political movements. These are distinguished, principally on the basis of popular support, from the bulk of criminal offences, which are relegated to the undifferentiated and apparently unproblematic category of nefarious crime. The value of such a teleological and one-dimensional typology is exceptionally dubious, and its applicability has been heavily qualified, on the ground that the evidence does not permit 'any tidy notion of a distinction between these two kinds of crime'. In particular, it has been pointed out, of both types of offender, that 'they inhabit - although perhaps at different edges of it - a common culture, that of the exploited labouring poor'. However, the authors of these qualifications still contend that 'there is a real difference in emphasis at each pole'.³³⁶

Clearly there were a number of illegal activities that were exceptional in the consistent and unequivocal popular support and participation that they enjoyed. But do even these activities which appear most unambiguously to qualify for the label 'social' crime have enough in common to justify that label's retention as a coherent category of analysis, especially when it carries the implication that all such activities were expressions of social protest against the prevailing social order and its values? Attitudes towards the coin in the Halifax area and the social conflicts and alliances which were associated with its abuse suggest considerable doubts.

The yellow trade clearly merits the label 'social' crime, as conventionally applied, in so far as it enjoyed massive support and an enormous degree of participation in the Halifax locality. Yet unlike, for example, poaching or wrecking, there is no evidence here of an attempt to legitimate this breach of the law by reference to a countervailing prescriptive right or customary usage. Nor is there any other evidence of a deep-seated or long-standing hostility in the area to the coin laws, as they applied to the gold coin. Indeed, the yellow traders distinguished their own activities from the deceit of base- or mixed-metal counterfeiting, which was by far the most frequently prosecuted abuse of the gold coinage in the middle decades of the eighteenth century. There is no evidence that the latter was widely supported or practised in the Halifax area in the period prior to the heyday of the trade. Like other eighteenth-century Englishmen, people in the Halifax area appear to have remained hostile to being passed near-worthless imitations of the higher-denomination precious metal coins. Local people at most social levels had some dealings in these coins and were therefore vulnerable to loss by such deceits, in the same way that they were vulnerable to casual theft, and generally disavowed it. Doubtless, base-metal counterfeiters (whose skills were highly appropriate), thieves and cheats all participated

³³⁵ See E. J. Hobsbawm, 'Social criminality', *Bulletin of the Society for the Study of Labour History*, no. 25 (1972), p. 5, and E. P. Thompson, 'Eighteenth century crime, popular movements and social control', *Bulletin of the Society for the Study of Labour History*, no. 25 (1972), p. 9.

³³⁶ Thompson, 'Eighteenth century crime', p. 11, and Hay *et al.*, *Albion's Fatal Tree*, p. 14.

in the yellow trade, but most of its practitioners appear to have had no association with such activities. On the demise of the trade, some of its former practitioners did sustain their incomes by turning their new-found skills to other forms of counterfeiting and, perhaps, to theft. Yet, even if popular sympathy persisted towards those individual former members of the yellow trading elite who adopted other illegal activities, there is no evidence that base-metal counterfeiting or casual theft were, in the long term, any more tolerated in the area after the demise of the trade than before and during its existence. Halifax parish certainly did not become a sanctuary for base-metal counterfeiters.

All this is not, however, to suggest that there was ever a deep reverence in the locality for the coinage laws as such. Among those whose transactions were overwhelmingly local, concern for the integrity of the coinage extended only so far as the currently acceptable local standard: a standard that was judged in terms of the gold content of the coins that would freely circulate at face value in the locality. They had few scruples about clipping heavy coins that came into their possession, or about having the clippings made up into counterfeits, when, in the 1760s, the local cash shortage, combined with long-standing government neglect of the coinage, rendered the clipped coins and the counterfeits made from gold generally acceptable in the locality. Because the circulation of such coins did not deceitfully impose any direct loss on those whose transactions were local, the activities comprising the yellow trade appeared harmless to the bulk of the local population. They could be legitimated as being in no way contrary to the public interest.

One can detect here, as in the hostility of farmers to the game laws, a sense of injustice at the law's denial of the rights of property. The ferocious coin laws defined property that a man held in the form of gold coins as inviolable, thereby denying the owner the right to manipulate it to best advantage under the peculiar local circumstances of the later 1760s. But this is not to suggest that the yellow trade was grounded in widespread popular opposition to the existence of the Mint monopoly, in the way that smuggling or illegal dealing in excisable goods drew on a profound popular resentment towards the fiscal state establishment. It was the failure by the Mint to supply a gold circulation adequate in quality and quantity for national commercial requirements that provided the opportunity to practise the yellow trade. If the Mint had provided an adequate gold coinage in the mid eighteenth century, it is improbable that such an exercise of its monopoly would have been an occasion for general grievance, at any social level. What resentment did exist in the Halifax locality towards the Mint's monopoly focused on its inadequacies.

It also proved possible to justify the yellow trade as being consistent with the public interest, because it provided a widely diffused source of income during a period of acute depression in the local staple industry. Indeed, the trade and mass support of it, can, in a sense, be conceived as a popular response or adaptation to the vagaries of eighteenth-century industrial capitalism. If so, then it was not a response that took the form of a

conscious challenge to the prevailing economic order, or even a call for official redress of economic grievance. On the contrary, it involved the emphatically commercial exploitation of an opportunity, which, at least in part, was itself a product of the local economic crisis. The relationships of exchange that characterized the exploitation of that opportunity were in important respects similar to those typical of the region's depressed staple industry.

If the trade appeared overwhelmingly beneficent to those whose transactions were predominantly local, it also offered extraordinary profits to local businessmen whose transactions extended outside the locality. But it threatened their legitimate businesses and, in the long term, the national credit for all men of substance in the district. The configuration of local support for and opposition to the trade reflects these considerations.

The legitimate transactions of labouring men, tradesmen and the lesser manufacturers were predominantly local. In addition, their economic perspective was short term. Hence they shared in a thoroughgoing solidarity in support of the yellow trade (although it was the men of middling wealth who dominated the trade, by virtue of their much greater access to cash). The great manufacturers and merchants were divided between those who preferred a short-term advantage from participation in the trade and those who looked to the long-term interests of their legitimate business activities. This division may also reflect a geographical split between big businessmen in Halifax parish and those elsewhere in the textile district.

'Popular' support for the yellow trade therefore emerges as the product of a specific set of social alliances, closely related to the different economic implications of the trade for different social groups in the locality. These alliances were not necessarily duplicated in other illegal activities which enjoyed 'popular' support. Although Thomas Spencer led the 1783 grain riot into Halifax market, it is unlikely that those dealers in foodstuffs who figure prominently with him among those accused of participation in the yellow trade, supported their former associate in this later involvement in a collective illegal activity. Similarly, false reeling and embezzlement of goods in manufacture, although widely practised and regarded as legitimate by putting-out workers in the local textile industries, were generally opposed by large and small manufacturers alike.

The configuration of active local opposition to the trade was shaped by similar considerations to those that moulded support. Unwavering in their hostility were those local big businessmen and gentry whose primary concern was for their long-term economic interests, viewed in a national perspective. However, the opposition of national government to the trade was much more equivocal. Undoubtedly successive mid eighteenth-century governments were not unaware of the dangers for the national economy posed by their continued neglect of the gold coinage. Yet they were prepared to deal with the consequences of their neglect only by recourse to the terrors of the criminal law (and then only under pressure). When the attempt to apply those terrors proved

unsatisfactory, they resisted recoinage, fearful of the expense and political embarrassment.

The neglect of the gold coin by successive governments was the focus for the public and parliamentary outcry that accompanied the first steps towards recoinage. It was generally accepted that clipping had flourished only because of the irresistible temptations generated by government neglect. Hence the outrage of many MPs at the ministers' refusal to offer compensation to those whose clipped coin was withdrawn from circulation at its bullion value. This action, they argued, was a rank injustice; an arbitrary repudiation of a moral and financial responsibility towards, in particular, bankers and other wealthy men who had been obliged to hold large quantities of such coin, for want of any other.

This argument rested on an explanation of the extraordinary proliferation of clipping in the middle decades of the eighteenth century which left government answerable for another, weightier injustice. If the responsibility for the spread of clipping actually lay with successive governments, rather than with individual offenders, then the behaviour of those governments, in prosecuting and indeed hanging those who clipped, was grossly unjust. Yet there was only one MP in the 1774 coinage debate who pointed out that for government to 'put people into temptations human nature can't resist [and] then go to prosecute [was] an act of great cruelty'.³³⁷ His colleagues were anxious enough to use the argument that government was responsible for clipping in order to berate the ministry for its denial of compensation. They conveniently ignored the fact that the same argument called into question the assumption that every offender had an absolute responsibility for his transgressions – an assumption that was fundamental to the eighteenth-century criminal law.

³³⁷ Br. Lib., Egerton MSS 257, fo. 212 (Governor Johnson's speech to the Parliamentary Committee on the coin, 9 May 1774).

APPENDIX. The coiners in the local occupational structure.

There is no occupational census available for the Halifax-Rochdale area in the eighteenth century. However, for the purpose of comparison with the occupational profile of the accused, the Halifax parish marriage registers for 1766-70 can provide a crude guide to the local occupational structure. A distinction must be made here between the urban area of Halifax town, which constituted one township out of twenty-three in the parish, and the rural-industrial out-townships. The occupational structure of Halifax town, the marketing and service centre for the people of the parish and their industries, was markedly different from that of the other townships. The latter, with some variations, tended to resemble each other in occupational structure much more than they resembled Halifax town.

In order to compare like with like, in Table 2 occupational data on the accused (derived from Table 1) and occupational data on bridegrooms (derived from the marriage registers and taken as a guide to the occupational profile of the male population at large) has been divided into two discrete blocs. One juxtaposes the occupational profiles of accused and bridegrooms who were resident in Halifax town. The other juxtaposes the occupational profiles of accused and bridegrooms who were out-township residents. Each column shows the percentages of the group defined in the column heading which fell into the different occupational categories or sub-categories. The occupational profile of bridegrooms from the out-townships is derived from the ten out-townships for which information survives. Three of the eighty accused listed in the Table were resident outside the boundaries of Halifax parish.

Occupational categories are defined as follows:

All woollen textiles. All those directly involved in the production or marketing of woollen and worsted cloths. Those weavers with dual occupations, listed under other occupations in the Table, are included here in order to avoid underestimating the number of weavers in the out-townships accused column.

Piecemakers / clothiers. Stuffmakers / shalloonmakers / kerseymakers / manufacturers. Overwhelmingly the smaller masters.

Tradesmen / craftsmen / middlemen. Includes all retailers, artisans and dealers. Inevitably a very broad category, which defies detailed social and economic differentiation, but for a large number of the individuals concerned probably indicates at least small capital.

Others. Principally farmers, husbandmen, colliers, quarrymen, labourers, soldiers.

Table 2. Occupations of coiners and bridegrooms, Halifax parish, 1764-73 (%).

<i>Occupational categories</i>	<i>Halifax town accused 1764-73 (n=15)</i>	<i>Halifax town bridegrooms 1766-70 (n=277)</i>	<i>Out-townships accused 1764-73 (n=62)</i>	<i>Out-townships bridegrooms 1766-70 (n=801)</i>
<i>All woollen textiles</i>	27%	39%	82%	73%
Among which:				
<i>Piecemakers / clothiers</i>	0%	1%	29%	2%
<i>Woolcombers</i>	7%	10%	10%	11%
<i>Weavers</i>	14%	14%	40%	52%
<i>Tradesmen / craftsmen / middlemen</i>	73%	45%	16%	16%
Among which:				
<i>Innkeepers</i>	46%	<1%	3%	0%
<i>Others</i>	0%	16%	2%	11%
<i>TOTAL</i>	100%	100%	100%	100%

SOURCES: West Yorkshire Archive Service Wakefield, D 53/35 and 36; Halifax St John's, Marriages, 1764-9 and 1769-75, and as in note 140.