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How Criminal Were the Irish? Bias in the Detection of London Currency Crime, 1797–1821

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Currency-related crime was endemic in London during the Restriction Period (1797–1821). This article looks at 884 individuals suspected or charged by the Bank of England, and considers how changes in detection strategy affected the prevalence of ethnically Irish people within that list of suspects. It rejects an anti-Irish bias, and concludes that from 1812 a reduced reliance upon shopkeepers to catch people passing off false currency, and a subsequent rise in ‘sting operations’ initiated by paid officers and local informants, resulted in a significant increase in non-Irish culprits coming under suspicion and a proportionate decline of Irish accused. This change was the result of the Bank’s newfound ability to target local networks involved in the less public forms of currency crime (selling, counterfeiting, forging) for which the Irish were less well known. These findings challenge the Irish criminal reputation by highlighting the important role of detection strategies in accusations.

KEYWORDS Crime, Ethnicity, Irish, Bank of England, Discretion, Onomastics

The early nineteenth-century Irish in London are often remembered as poor, semi-criminal slum dwellers, associated with the narrow streets of St. Giles-in-the-Fields, the dockside parishes of the East End, and the Borough. Apart from internal English migrants, they were the city’s largest group of outsiders. An 1803 estimate pegged the number of Irish beggars at 5,300, in addition to London’s substantial financially secure Irish population.¹ In the popular

imaginings of Londoners, the Irish had a reputation for poverty and drink-related crime, highlighted by Patrick Colquhoun in 1797 and Henry Mayhew in 1851.² Peter Linebaugh's analysis of mid-Georgian hangings demonstrated that they also comprised a disproportionate number of the condemned, while J.M. Feheney showed that London's Victorian-era gaols groaned under the weight of Irish prisoners.³ Peter King's recent research on ethnicity at the Old Bailey suggests that the Irish got what was coming to them, as he found no evidence of systematic anti-Irish bias at the trial stage.⁴

By focusing on the pre-trial stages of the justice system, this paper tests King's findings and the Irish criminal reputation, asking instead if Irish culprits were just more likely to get caught. This builds upon the substantial historiography of discretionary justice, which until recently has focused on class and gender rather than ethnicity.⁵ Contemporary reliance on victim-led prosecutions makes pre-trial bias particularly important.⁶ As John Beattie and Andrew Harris have noted, victims may have had assistance and advice from local officers or watchmen, but detecting the crime, identifying the culprit, confronting them, and seeking the arrest warrant were usually decisions for the victim alone.⁷ If anti-Irish bias was present when people made the choice to pursue or not pursue justice, then the Irish reputation for crime may be exaggerated.

Anti-Irish bias was certainly on the minds of the Irish, who had a proverb 'the name of an Irishman is enough to hang him'.⁸ Suspicion of authority also resulted in occasional interventions by Irish men physically blocking attempts to arrest Irish culprits.⁹ Yet, pre-trial anti-Irish bias has proved difficult to measure, in part because those who got away form part of the elusive 'dark figure' of unreported crime.¹⁰ As J.S. Cockburn notes, the problem is compounded by the fact that the paper trail of justice was created for administrative and practical purposes rather than to accurately represent events for the benefit of historians.¹¹

This paper addresses these challenges by focusing on an institutional prosecutor whose records provide a stable, long-term view of a single organisation's use of the legal system. In this case I focus on the Bank of England, coupled with evidence from the Royal Mint, whose combined fight against currency crime is remarkably well documented. Together, the Bank and Mint were the most prolific prosecutors at the Old Bailey in the early nineteenth century. Courtroom accounts in the *Old Bailey Proceedings* (OBP) provide detail on individual cases, and while the institutional records of the Mint are incomplete, the Bank's uniquely transparent records make it possible to understand its pre-prosecution decisions in a way that is often impossible for other classes of crime.¹² Currency crime thus provides an excellent basis for a comparative study of pre-trial ethnic bias.

Currency-related crime involved a number of distinct activities, ranging from producing false coins or notes (multi-staged processes often completed by different specialists), to selling counterfeit or forged money, to uttering (offering counterfeit or forged money purporting it to be good). Some stages such as the manufacturing of forged notes took place behind heavily guarded doors. Others, such as selling, were done quietly and carefully, making it difficult to detect. Crimes against the coinage (treason) and against banknotes (forgery) were covered by different statutes; however, Randall McGowen pointed out that in practice the distinction

was blurred: ‘coiners had become forgers, the latter enterprise modelled on the methods of the former.’¹³ The Irish had a particular reputation for producing and uttering false coins, with King attributing twenty-eight per cent of London’s coining and uttering prosecutions to the Irish between 1791 and 1805 and Colquhoun highlighting the Irish as a problem group.¹⁴ Nevertheless, the OBP show that the Irish were involved in all categories of currency crime, though this is overlooked by the literature.¹⁵

The Bank in particular had every reason to work hard to clamp down on currency crime. During the ‘Restriction Period’ (1797–1821), the public lost the right to exchange the newly issued banknotes for gold, a result of a currency crisis and fears surrounding the war with France.¹⁶ Subsequently, more than a quarter-million forged English banknotes and a mountain of false coins found their way into circulation.¹⁷ In response, the Bank charged or considering charging at least 884 London-area individuals, many of whom were ethnically Irish.¹⁸

Currency crime was unique, because while merchants were often crucial to successful prosecutions, even if they had taken false money unwittingly in trade they were not legally speaking the victim. As the Bank or Mint had underwritten the currency, they had the prerogative to prosecute and the obligation to bear its costs. Each institution had its distinct remit: the Bank was responsible for paper notes, Bank tokens and dollars, while the solicitors of the Royal Mint took charge of cases involving other coins of the realm.¹⁹ The two organisations informally worked together to tackle currency crime developing or co-opting each other’s strategies for both the courtroom²⁰ and the streets.²¹

According to McGowen and Deirdre Palk, the Bank’s most important strategies were:

- 1) Generous rewards for private individuals who assisted in identifying and prosecuting culprits.
- 2) A team of specialist lawyers, and dedicated ‘Committee for Lawsuits’ founded in 1802.
- 3) A plea-bargaining system to increase conviction rates by incentivising guilty pleas in exchange for lighter sentences.²²

Palk suggests that these strategies helped turn the Bank into a ‘prosecution machine’.²³ McGowen agrees, arguing that the public perception was an important part of the Bank’s legal strategy, as it ‘sought to overwhelm the accused with its expertise and efficiency’.²⁴ This paper focuses primarily on the first of those strategies: the Bank’s system of rewards and its work with shopkeepers, thief-takers, and local officers. It does so by comparing patterns of Irish suspects over time to changes in Bank detection and prosecution strategy. Full details on how Irish suspects were identified can be found in Appendix A.

The Mint’s lists of suspects unfortunately do not survive, meaning that only cases that reached trial are available. Thus, it is not possible to directly compare the Mint prosecution patterns to those of the Bank. However, the number of Bank suspects per year can be charted, and as seen in Table 1, the real story is *not* one of Irish crime, but instead a substantial increase in English suspects from 1812 – a result of changes in detection strategy. When the Bank reduced its reliance upon

TABLE 1
 BANK OF ENGLAND SUSPECTS, ALL CURRENCY CRIMES, INCLUDING THE PROPORTION OF ETHNICALLY IRISH SUSPECTS, 1801–1820^A

Year	Irish suspects (Mean p.a.)	Other suspects (Mean p.a.)	Total suspects (Mean p.a.)	Per cent of suspects who were ethnically Irish
1801–1811	8 (0.7)	61 (5.5)	69 (6.3)	11.6
1812–1817	21 (3.5)	313 (52.2)	334 (55.7)	6.3
1818–1820	34 (11.3)	447 (149.0)	481 (160.3)	7.0

^ABoE, ‘Minutes – Committee for Law Suits’, M5/314-324.

shopkeepers and increased its use of specialists and officers, it was able to infiltrate local crime networks that were involved in the less public forms of currency crime. Thus the Irish reputation for crime might best be understood as a failure to apprehend English criminals, combined with an Irish tendency to commit the types of crimes that were easiest to catch. A shift towards a more professionally-led system of apprehension changed the balance of power and resulted in a less discriminatory system by allowing proportionately fewer English suspects to escape the law.

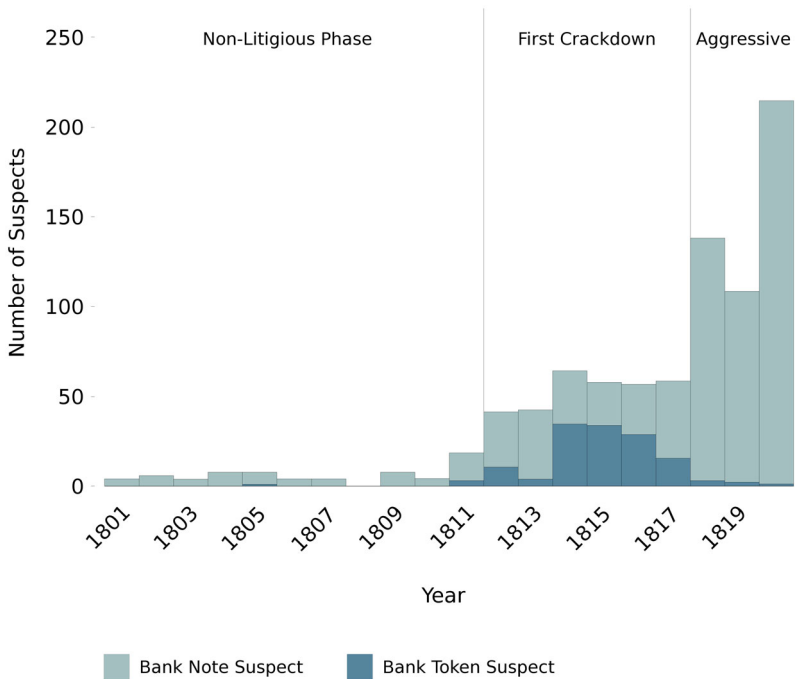


FIGURE 1 Bank prosecution strategies. The number of individuals in London pursued per year by the Bank of England for currency-related crime.

The three phases of the bank's prosecutorial strategy

Across the Restriction Period, the Bank's rates of prosecutions in London fall into three clusters (Figure 1):

- 1) A non-litigious phase until 1811
- 2) A first crackdown of note and coin suspects 1812–1817
- 3) An aggressive litigious phase 1818–1820

These differ from the nation-wide patterns highlighted by McGowen, in which the non-litigious and first crackdown tend to blur together because of attempts to dissuade major players in Birmingham and the North.²⁵ In London the pattern is clearly one of three phases.

The Bank's goal was to end currency crime. Yet it did not have the resources to catch and prosecute everyone, so it adopted a series of distinct strategies. In the early years of the Restriction Period the Bank initiated very few prosecutions against Londoners. In this non-litigious (1801–1811) phase the Bank only made an effort to prosecute those who were heavily involved in currency crime. As Palk notes this included a disproportionate number of male artisans in Birmingham, Liverpool, and Manchester.²⁶ Between 1797 and 1802, the Bank initiated nearly two hundred prosecutions, almost all outside of London. There were London-based exceptions, such as major Irish forgers John Fennell and James Gillington caught in 1802 after forging 600 notes with a homemade press, however they were comparatively rare.²⁷

In the period to 1811 only one Londoner every two months came under suspicion from the Bank. Prosecuting was expensive, costing an average of £235 to £285 per conviction, depending on the year, in an attempt to punish those who tried to defraud the Bank of £1 or £2, and less for a coin.²⁸ Given the cost of prosecution, it is no wonder that during the first decade of the nineteenth century the Bank's Committee for Lawsuits spent more energy on individuals with payments in arrears.²⁹ Instead of pressing for a trial, the Bank preferred investing in technological anti-forgery advances, including watermarked paper and an auto-numbering machine.³⁰

The technological changes failed to deter counterfeiters and forgers. The number of forged notes in circulation increased from 5,000 per year to nearly 20,000 per year between 1812 and 1817, rising further to 27,500 per year by 1818, with Londoners increasingly to blame.³¹ Over the same period, the number of suspects identified rose from one every two months, to just over one per week, and finally to one every other day. The Bank responded with an increase in prosecutions. This increase proportionately outpaced the number of new forged notes appearing, rising from one prosecution for every 818 forged banknotes, to one for every 171 notes. Fewer people were getting away with their crimes.

According to the records, suspicion of the Irish was proportionately highest in the earliest period, when they represented 11.6 per cent of Bank suspects. That drops to just 6.3 and 7.0 per cent in the latter periods.³² A complete breakdown of suspects by phase can be seen in Table 1. What is most notable in these counts is the substantial increase in the number of non-Irish suspects, rising from 5.5 per year in the early

period to 149.0 per year in the aggressive phase. This represents a 27-fold increase – nearly double the growth rate of Irish suspects over the same period. This is despite the fact that the Irish population in the city continued to grow, and was particularly swollen by returning servicemen demobilised in London after 1815. It would seem that the more energy the Bank put into catching and prosecuting individuals, the less likely they were to be Irish.

Confronting utterers: the role of London shopkeepers

Though uttering usually involved minor players, it was the most public and easiest currency crime to detect, and it was an important activity to visibly deter. Since uttering typically involved an exchange between shopkeepers and customers, the Bank needed shopkeepers on board and up to speed with procedures. Many were well versed in the process of gathering evidence and working with both the Bank and Mint to secure convictions. Palk describes ‘a well-informed constituency of traders and shopkeepers who knew what to do if “bad” notes were passed off to them’, as a key factor in turning the Bank and Mint into efficient prosecutors.³³

Merchants needed to protect evidence so that it could be presented to the jury. Failure to do so risked an acquittal even in otherwise solid cases. Most cases that reached trial involved careful treatment of the evidence. One of the strategies was to write the customer’s name and address on banknotes received so that they could be identified in the future if needed.³⁴ For coins, the practice was to mark, wrap, or otherwise keep it separate from others in the till.³⁵ These tactics proved useful for the Bank and Mint’s lawyers whose in-court strategy almost invariably involved expert testimony that the money was false, the shopkeeper testifying that the handwriting on the note or the mark on the coin was their own, and that the prisoner had presented it.

Yet the low numbers of cases suggests that few shopkeepers were coming forward, which may have been tied to an unwillingness to confront utterers. There were many reasons *not* to confront them. It could be dangerous; several cases recount violent struggles between shopkeepers and the accused.³⁶ Women, elderly shopkeepers, and physically slight individuals perhaps thought twice before engaging in a physical confrontation. To initiate a trial, a shopkeeper had to detain a suspect and alert a constable or a watchman to make the arrest. None of the cases included testimony from a shopkeeper who claimed to be on their own at the time of the incident; it was safer to turn customers away quietly and politely. This was the case whether the crime was against the Mint’s coinage, or the Bank’s notes and tokens, as from a merchant’s point of view, the confrontation with the customer was the same.

Turning culprits away was commonplace. Irishmen Richard Joyce and John Halfpenny were both convicted of uttering false shillings in March 1803. However, they were turned away twice before they were finally arrested. They first offered the coins to a publican who refused. The same day, they tried again at Charles Bloxam’s greengrocer, where the man’s wife chided them: ‘how can you think of coming here to pass bad money[?]’, before she returned the shilling.³⁷ The intended victim, Bloxham, was also a constable. He warned the prisoners, ‘don’t kick up a bobbery here, but

be careful how you get rid of your bad money, otherwise I shall secure you.³⁸ In his discretion he had decided not to arrest the men. However, he followed the pair into a third shop where again they tried to spend the money and finally they were confronted and detained.³⁹ The Mint tried their case, as it was a crime against the coinage (shillings), but it is indicative of the pressures faced by shopkeepers when deciding whether or not to confront a suspect. The two adult males on hand in the third shop probably made Bloxham feel safer. It would seem the Irishness of the pair had nothing to do with their arrest.

Most people who attempted to utter false money were simply refused. This was the safest option for a merchant who could also get into trouble if they were wrong about the authenticity of a note or coin. In December 1811, a pawnbroker named James Hulme falsely accused a man of uttering two suspicious banknotes that proved to be true. On the advice of his solicitor, Hulme paid the accused £20 for false imprisonment.⁴⁰ The differences between an authentic and a forged note were slight, and people were often confused. McGowen called the Bank's notes 'scarcely more than a printed form with a number, a date and a clerk's signature'.⁴¹

These various threats and pressures upon shopkeepers help to explain the low number of cases brought forwards before 1811. Given the Bank's heavy reliance on shopkeepers for finding London-based utterers during the early years of the Restriction Period, as well as the higher proportion of Irish defendants, it is possible that an anti-Irish bias was at play amongst merchants who were perhaps more suspicious of Irish people. Yet, there is very little evidence of this. Only once was a shopkeeper accused of such xenophobia, and this arose from Irish prisoner Margeret Collins' own statement that her accuser said 'he would make an example of my country he would hang every man and woman of the contry [sic].'⁴² Trial accounts almost never overtly point to evidence that the person who arrested an individual had been disdainful of the Irish. If they occurred, those types of thoughts tended to stay private. As Magnus Huber noted, the courtroom seemed to have a transformative effect as people chose their words carefully in front of a jury.⁴³ Alternatively, as the OBP are selective accounts rather than transcripts, they may have had anti-Irish sentiment removed or omitted.⁴⁴

No shopkeepers involved in a currency case were brazen enough to tell the jury that they had suspected someone because they were Irish. Instead, particularly in the early years of the century, the accounts suggest that the cases that made it to trial as a result of an interaction in a shop were those for which the shopkeeper followed the standard practices of being able to detect the crime in the first place, being in a position to safely confront the individual, and setting aside and marking the suspected coin or note.

The power of rewards, tricks, and sting operations

From 1812 to 1817 the number of Bank suspects in London rises from an average of 6.3 people per year, to 55.7. That tripled in 1818–1820, reaching an annual average of 160.3 individuals. This came at tremendous expense to the Bank. The increase was also a clear shift in strategy that sought to amplify the deterrent in the face of

a growing number of forged notes and counterfeit bank tokens. Protecting tokens and dollars had not previously been a priority of the Bank's Committee for Lawsuits, which opted instead to focus the legal strategy on the more troublesome category of banknote crime. Given King's assertion of Irish involvement in coin-related crime, one might expect to find *more* Irish culprits appearing before the court when Bank coins became a bigger priority for the legal team.⁴⁵ While a number of ethnically Irish individuals were charged with token-related crime, this crackdown also resulted in proportionately fewer identifiably Irish individuals (banknote and token) finding themselves amongst the accused, dropping from 11.6 to 6.3 per cent of suspects. Even when the Bank targeted the type of crime for which the Irish were known, the outcome was proportionately fewer Irish culprits.

The cause of this was at least in part a change in Bank strategies that reduced the reliance on shopkeepers to bring suspects to the attention of the Committee for Lawsuits. This shift also reduced the emphasis on catching utterers, as the Bank began to focus on the city's often small-scale suppliers of coins and notes. The network of sellers was extensive; in 1797 Patrick Colquhoun reported 120 individuals in London alone, each potentially distributing thousands of coins and notes onto the streets and into the pockets of Londoners.⁴⁶ Rather than shopkeepers finding these individuals, a greater proportion of culprits were now identified and caught by a paid workforce of specialists.

To promote a more widespread effort the Bank decided to introduce a rewards scheme in 1804, set at a rather generous £50 for apprehending and convicting persons guilty of forging, uttering, or possession.⁴⁷ The Bank's rewards were part of a web of financial incentives available to the growing cohort of crime-fighting specialists in the metropolis, which included payments offered by the Crown to encourage prosecutions of criminals, worth between £10 and £40 for successfully convicting a felon.⁴⁸ Barrister William Garrow called these rewards 'blood money' because of their propensity to encourage entrapment of otherwise innocent individuals.⁴⁹

Though many shopkeepers received rewards, almost none appear more than once in the records. From about 1812, a number of officers began to appear regularly amongst reward claimants during the crackdown. John and Thomas Foy of the Marlybone police office routinely collected rewards from the Bank for their assistance in apprehending and convicting culprits, as did others.⁵⁰ Officers and watchmen like the Foyes were part of an evolving network of dedicated specialists. John Fielding's Bow Street Runners (established in the 1750s) and the permanent offices of policing (established in 1792) provided the institutional infrastructure to support these policing specialists.⁵¹ These officers had long been searching out suspicious individuals both to keep criminals off the streets, but also in an attempt to bring money into their own pockets.⁵² Specialists took a different approach to crime than shopkeepers. Instead of waiting for someone to commit an offence, officers and thief takers sometimes went out and encouraged them to do so. While they were on the lookout for all categories of crime, starting in 1812, the rewards encouraged them to increasingly focused their energy on culprits defrauding the Bank and Mint. The number of 'sting operations' initiated by people hoping to claim a reward from the Bank or

Mint rose dramatically. The goal of these thief takers was usually to lure suspected criminals into selling false currency to an undercover agent.

This approach of seeking suppliers out on the streets had been frequently used by the Mint. But when newly applied by the Bank it meant that the Committee for Lawsuits was able to target networks of offenders that were distinct from the poor individuals trying to spend bad money in the shops. This tended to involve drawing upon the social networks of local people who could infiltrate supply chains without raising suspicion. By drawing on local networks, the evidence clearly suggests English offenders were more likely than the Irish to be identified as culprits. We see evidence of these personal networks at work in Mary Murt, who testified at the Old Bailey in three separate trials and again at the Surrey Quarter Sessions, involving a family-led gang of five defendants found in possession of 336 three-shilling tokens that they had been distributing in the City of London in 1814 and 1815. Murt had been given money by the Bank to buy counterfeit coins, and strict instructions on how to protect the evidence for trial. Her motivations are unclear, but in her testimony Murt admitted having known the defendants for nearly a year, and also that she had a previous conviction for possession of counterfeit shillings. Her familiarity with the group and with the counterfeiting underworld allowed her to prey on their trust in order to entice them into committing the crime. All five were convicted in the operation.⁵³ Women like Murt were instrumental in bringing people to trial after 1811. So too were individuals facing prosecution themselves if they did not cooperate. Many petty criminals agreed to participate to take down their accomplices in exchange for a plea bargain with the Bank to reduce the severity of their own charges. This included Irish culprits, such as Irish-born John Barry, who was sent into Newgate gaol by the Committee for Lawsuits to purchase forged banknotes from renowned forger William Haberfield in an attempt to ‘disappoint the gallows’.⁵⁴ The Bank regularly received letters from perpetrators and their families trying to negotiate a favourable outcome in exchange for supplying information about accomplices, which sometimes it accepted and other times not.⁵⁵

We know it was the rewards driving at least some of these people who aided to catch culprits, because some of them wrote to the Bank to express their disappointment that they had not been given more. Thomas Turner, the Sergeant of one of the Hulks holding prisoners bound for Australia, complained that men under his command had been given a bigger reward than he had.⁵⁶ Over time, the value of rewards declined as the networks of individuals responsible became more efficient and required less financial incentive to keep going. By 1813, the value of a typical payout had fallen from the initial £50 offering, to often no more than £5 or £10.⁵⁷ Nevertheless, the rewards created a culture in which it became in the financial interest of a much wider group to gather and prosecute as many suspects as possible.

These institutional prosecutors also incentivised Irish people in an attempt to infiltrate Irish crime circles, who were not above turning against their own countrymen to make some reward money. The Mint twice used John Dumphy, an Irishman in the East London Militia, to coerce fellow Irish culprits into selling false coins. Dumphy was motivated by a need to raise money to buy out his commission so that he could return to Ireland, and was willing to set up his compatriots to do so.⁵⁸

The Bank's lawyers were financially invested in this new litigious strategy. By far the biggest beneficiary of the Bank's increasing criminal prosecutions was the law firm of Mr. Joseph Kaye. Kaye was solicitor to the Bank throughout the whole of the period under review and sat on the Committee for Lawsuits. In the Michaelmas Term of 1818 alone his firm billed over £21,495 for legal services.⁵⁹ For the lawyers and clerks who made their living from this trade, as well as for the officers and shopkeepers collecting rewards, the more defendants, the better.

These increasingly frequent operations intending to entrap unsuspecting individuals were so efficient that members of the public began to grumble. In 1815, Captain Melville echoed Garrow's phrase, calling the rewards 'blood money' because of the unscrupulous tactics some thief takers employed in order to coerce crime so that they could profit from the conviction.⁶⁰ The Bank was obviously aware of the concerns of the public in this regard. In 1812 the Committee for Lawsuits noted in its minute book that utterer Isaac Nowland had been 'drawn into the offence by the person who informed against him' and was thus 'not so criminal as at first suspected'. For being duped into committing the crime, the Bank allowed him to plead guilty to a lesser charge of possession rather than face a capital charge, and he was sentenced to transportation. This was part of the Bank's wider plea-bargaining system that it had adopted to expedite lawsuits and encourage guilty pleas.⁶¹ Tricking people was decidedly unpopular. A letter written in *Cobbett's Weekly Political Register* complained:

they dress up some wretch to decoy the victim into the snare – Thus *they* tempt the party into the crime, and, remember the second offence is death. – In the very last sessions, which has just closed, a woman thus dressed and tutored was sent to the lodgings of a poor family, the husband was out, the wife and children were at home. The woman sold 10 bad shillings for 4 flat bits of silver. The fiend of an informer immediately flies to the constables at the door; the wretched mother is dragged away, surrounded by her children, and the gallows will groan with another victim, and another family of wretched babes will be thrown upon public charity.⁶²

This Mint case highlights the public's attitude towards entrapment, which was not solely used by the Bank, and was decidedly controversial. Neither was entrapment new; Jonathan Wild, who had facilitated much of the crime he prosecuted, used it in the 1720s.⁶³ In such a climate, poor and inexperienced newcomers such as recently arrived Irish immigrants were likely more vulnerable to unscrupulous tricks by locals looking to claim a reward. Newly arrived individuals appear not-infrequently in Old Bailey trials, having been fooled by locals into committing crimes. For example, Irishwoman Catherine Hannagan complained in 1811 that she had been weary and only just arrived in London from Ireland, and was poor and without a network of friends to draw upon for assistance. In her tiredness she had been duped by cunning locals who gave her a false coin as change, which she then unwittingly gave to a barman as payment.⁶⁴ Hannagan was not an intentional offender, nor was she the only newly arrived Londoner to be duped into currency crime. In May 1816, Irish labourer James Quinn, who had been in London for

fourteen months, offered his services each morning at the market in Cheapside as a day labourer as was common for Irishmen in London. Quinn spoke very little English, and when offered a job for the day, accepted, only to discover that the task involved producing counterfeit money.⁶⁵ Other foreigners too found themselves coerced into committing currency-related crime. During the Napoleonic Wars, French prisoners of war and European sailors routinely unknowingly exchanged their currency for false money, and a number of returning soldiers and sailors were duped by tricks or cons shortly after arriving in town.⁶⁶

The risks to newcomers, including the Irish, were significant. However, the evidence suggests that when the Bank incentivised people to catch those involved in the sale of false currency to those intending to utter, the offenders were overwhelmingly English. When it relied upon shopkeepers to identify those involved in uttering forged notes and counterfeit, they were proportionately less English. The change in prosecutorial and detection strategy used by the Bank allowed it to connect with local networks, of which the Irish were not a part, to catch locals engaged in the more private and difficult to detect acts of wholesale selling of false currency. This, compared to the more public act of uttering, which involved a greater proportion of Irish individuals, resulted in the proportional decline in Irish suspects after 1812.

Conclusion

Peter King's 2013 paper established that there was no anti-Irish ethnic bias at the Old Bailey.⁶⁷ This paper allows us to extend King's research to the pre-trial stage of the justice system to examine the point of detection and apprehension. It does so by drawing upon the comprehensive records of the Bank of England during the Restriction Period (1797–1821). It also draws upon evidence from cases initiated by the Royal Mint, whose solicitors too were part of an interrelated city-wide attempt to deter currency-related crime. The Bank's records in particular included both those people tried for crimes against the currency, as well as those suspected but not charged. For most offences, the latter group is notoriously difficult to find because the paper trail of crime was usually created only once the official processes of justice were invoked. The fact that the Bank's records included suspects who were not charged, and the fact that as an institutional prosecutor its efforts represented a sustained attempt to stamp out a particular class of illicit activity, means the Bank's prosecution strategy provides a unique window into pre-trial bias in the early nineteenth century.

It is impossible to discount anti-Irish bias completely because we cannot know why some people drew the suspicion of shopkeepers, thief takers, and officers, and why other people were able to avoid detection. In some cases, it may have been their Irish accent, their visible poverty, or their local reputation. In other cases it may have been something that the shopkeeper felt was slightly amiss during a transaction at the till. These suspicions are largely lost to us, but where they do survive they almost never point to explicit anti-Irishness.

Analysis of the 884 Irish and non-Irish (predominantly English) suspects over time provides an alternative way to test for ethnic bias and this study suggests anti-Irishness was not a problem. Rather than bias we see a failure to catch English suspects in the early years of the Restriction Period. This challenges the alleged Irish penchant for crime, and instead points to an inability to catch local culprits until the Bank introduced significant changes in prosecution and detection strategies from about 1812 that targeted the harder-to-catch forms of currency crime with which the English were more heavily involved. McGowen and Palk had previously identified these strategies, but the scale of their importance to our understanding of ethnic bias had not been understood.

In particular, two changes in strategy prove most important to this understanding. Firstly, the Bank reduced its reliance upon shopkeepers as the front-line of detection. Prior to 1812, the easiest culprits to catch were those accused of uttering at the point of purchase in the city's shops. This was the most public form of currency crime, and the one for which the Irish were most well known by contemporaries. If the Irish reputation was indeed deserved (and we have no evidence to suspect otherwise), then their higher rate of prosecution during this period is a product of the fact that they were disproportionately involved in the activities that were easiest to catch. Those with the least to lose – including many poor Irish individuals – were forced into this more public end of the counterfeiting and forgery world, while those more established locals could focus on the less risky and more profitable activities that took place behind closed doors.

When the Bank developed detection strategies that overcame earlier limits, and instead drew upon an increasingly practiced network of officers, informers, and experienced professionals driven by rewards, they were able to infiltrate local networks as never before. This could not be achieved by relying solely on shopkeepers. These specialists increased the use of entrapment and undercover agents who exploited trust and existing relationships to catch (or create) a new local class of criminal. These undercover agents conducted operations to buy false currency from suspected dealers and were expected to follow careful instructions to protect evidence and secure convictions. In doing so they made it much riskier for those involved in selling and producing counterfeit and forged money. Their success at bringing suspects before the Bank and jury led to the dramatic increase in English suspects appearing in the records after 1812.

These findings allow us to expand King's arguments for a lack of anti-Irishness in the Old Bailey courtroom of the early nineteenth century. The Irish *were* disadvantaged at the pre-trial stages, but not because of an anti-Irish bias. Instead, the system of policing and detection used by the Bank simply had not evolved to the point where it could catch non-Irish culprits involved in different activities than those for which the Irish were known. In devoting their careers to catching and prosecuting these individuals, specialists helped level the playing field for migrants from across the Irish Sea. They did this not by increasing leniency towards the Irish, but by ensuring that English culprits were much more likely to face trial in proportion to their rates of guilt. These specialist investigators filled a liminal space between the privately initiated prosecutions and an increasingly professional and institutionally led system of justice that continued to evolve over the nineteenth

century. Thanks to these people and their use of entrapment, culprits dealt with a different type of justice in which experienced people had been hired to catch and prosecute people like them. For the Irish, that meant a more *just* justice system. It also means we must reconsider our understanding of the Irish reputation for crime, which was a reflection of who authorities were able to catch, rather than who was breaking the law.

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- 51 See: J.M. Beattie, 'Scales of Justice: Defense Counsel and the English Criminal Trial in the Eighteenth and Nineteenth Centuries', *Law and History Review*, 9 (1991), 221–67; Langbein, *The Origins of Adversary Criminal Trial*; Beattie, *Crime and the Courts*; A. May, *The Bar and the Old Bailey* (2003); Bentley, *English Criminal Justice*; C. Emsley, 'Detection and Prevention: The Old English Police and the New, 1750–1900', *Historical Social Research*, 37 (1986), 69–88; J. Styles, 'Print and Policing: Crime Advertising in Eighteenth-Century Provincial England', in D. Hay and F. Snyder (eds.), *Policing and Prosecution in Britain 1750–1850* (1989), 55–111; J.M. Beattie, *Policing and Punishment in London 1660–1750: Urban Crime and the Limits of Terror* (2001); Harris, 'Policing and Public Order'; Smith, 'The Emergence of Public Prosecution'; Beattie, *The First English Detectives*.
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Notes on Contributor

Adam Crymble is a lecturer of digital history. His research looks at the history of migration and community in the long eighteenth century. In particular, he has worked on the Irish in London and English internal migration into and out of the metropolis. In 2011 he was one of the founding editors of the *Programming Historian*, a continuing initiative to make digital humanities skills accessible for humanities scholars.

Appendix A: A three-pronged definition of Irishness

Where the Irishness of an individual is not immediately obvious in a historical source, traditionally historians have turned to nominal record linkage to look for evidence that the person was Irish-born.⁶⁸ This was King's strategy for identifying Irish defendants. Using nominal record linkage he connected individuals in the *Middlesex Criminal Registers* (MCR) with the OBP.⁶⁹ While birthplace detail is sporadic in trial accounts, from 1791 to 1805 the MCR provide this information consistently, allowing King to identify Irish-born defendants. From 1806 birthplace details are not present in the MCR, leaving us nearly blind to Irish currency crime in the latter two-thirds of the Restriction Period. The OBP offers few solutions; the rise of plea bargaining led to truncated trial accounts in cases initiated by the Bank, sometimes clumping together more than a dozen individuals into a single

account, noting only names and the guilty plea.⁷⁰ The lack of detail makes identifying ethnically Irish defendants difficult.

An approach that only considers birthplace also ignores the English-born children of Irish immigrants, who W.J. Lowe in particular argued were an integral part of the Irish diaspora.⁷¹ To bring us closer to a solution to this problem, this study adopted a three-pronged approach to identifying Irish defendants, outlined in detail in [a previous paper by the author], which draws upon the best practices used by King, but seeks also to identify members of the wider ethnically Irish communities in London who are often overlooked.⁷²

- 1) Nominal record linkage of the MCR with the OBP
- 2) Keyword searching of Irish geographic terms and subsequent close reading
- 3) Surname analysis (onomastics) of defendants.

The first two are self-explanatory, while the third involved applying the [Historically Irish Surnames] dataset of Irish surnames to the defendants considered by the Bank for prosecution to identify the most likely subset of Irish individuals. This dataset of 283 Irish surnames was formulated specifically for identifying the Irish in London in the eighteenth and nineteenth centuries. Creating it involved analysing 278,949 London-area census records from 1841, and testing the names against 42,248 records of the poor in London between 1777 and 1820, including the MCR. This onomastic approach to identity builds upon a long historiography of name analysis dating to the 1930s, and more recently applied by Malcolm Smith and Donald MacRaild on the Irish in the nineteenth century, and by Paul Longley and colleagues to demonstrate the connections between surnames and family origin in nineteenth-century England.⁷³ Using this approach, ethnically Irish individuals suspected of involvement in currency crime can be identified, which overcomes the poor details relating to defendants post-1805 and adopts a more inclusive definition of Irishness. The subset is not without selection bias. The names are more likely to identify the Catholic majority, are more reliable for men than women, and are unlikely to find people with Anglicised names ('McGowan' becoming 'Smith'). Thus, this study used an imperfect subset of suspects, however this approach represents a substantial improvement in coverage of ethnically Irish individuals than is possible through nominal record linkage alone.