

"They are Exactly as Banknotes are": Perceptions  
and Technologies of Bank Note Forgery During  
the Bank Restriction Period, 1797-1821

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# Abstract

Previous studies of Bank Note forgery in England during the Bank Restriction Period have adopted a highly institutional focus. Thus, much is known about the role played by both the Bank of England and the workings of the criminal justice system in combating both forgers and forged note utterers. The question of how the new system of small denomination Bank Notes impacted upon the day to day lives and understandings of the people that used them has received far less attention. The actual means by which Bank Notes were themselves forged has also been overlooked. This has led to a somewhat two-dimensional view of these notes as material objects.

This thesis will engage with common mentalities and perceptions, seeking to write a 'new history from below' of both Bank Notes and their forgery in this period. Its primary aims will be to explore the question of why the English people were so easily imposed upon by forged Bank Notes; the various means by which forged notes could be constructed; and what an analysis of both of these points can tell us about economic and social understandings of non-elite people at this time. It will be argued that by studying instances in which small denomination Bank Notes were routinely exchanged, we can highlight a significant dichotomy of understanding in a society that was starting to engage with a new culture of promise based fiduciary paper money, yet was still deeply rooted in early-modern notions of paper instruments as objects of personal credit and debt.

The thesis will show that heavy exposure to Bank Notes at this time clearly equipped some contemporaries with their own personalised sets of aesthetic and material "standards", against which the "goodness" of any monetary instrument with which they were presented

would be compared. Others continued to examine the material aspect of Bank Notes via a direct comparison or consultation with others. Neither approach was always successful and indeed whatever method was adopted, the common occurrence of the materials and technologies required to construct a credible imitation of a Bank Note meant that it was not just illiterate persons that were susceptible to being deceived. Even a reading of the Bank Note's literate text failed to provide sufficient defence against the activities of the forger.

# Acknowledgements

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# List of Abbreviations

BM = British Museum (London).

BL = British Library Archive (London).

CDMA = Centre for Dynamic Macroeconomic Analysis (St. Andrews).

CIB = Chartered Institute of Bankers Collection.

CMFLS = Committee for Law Suits.

DCM = Department of Coins and Medals.

OED = Oxford English Dictionary.

EcHR = Economic History Review.

EHR = English Historical Review.

PMLA = Publications of the Modern Language Association.

SSB = Sarah Sophia Banks Collections (British Museum).

## A Note on the Text

Throughout this thesis the Bank of England will be referred to as "the Bank" capitalised. Similarly its notes will be referred to as "Bank Notes", whereas notes of other banks will be written as "banknotes".

# Introduction

In October 2013 *The Guardian* newspaper published a story entitled 'How to Spot a Fake Banknote.'<sup>1</sup> In amongst various advice on how one might go about scrutinising a present day English note, members of the public were advised that they could now take an online 'banknote virtual tour' to help them in their examination of any notes they might suspect to be forged.<sup>2</sup> By way of justifying why we should be concerned about accepting forged notes, the writer observed that should a forged note be inadvertently accepted then 'there is no way of getting it replaced with a genuine one', in other words, the Bank of England will not compensate a person for their lack of discernment. The article goes on to explain that anyone presented with what they believe to be a forged note in payment can legally retain it for the purpose of inspection by the police. In regards to this latter point, it might seem remarkable that such information need be presented to us at all, given that a policy of not compensating individuals for forged notes has in effect been in place for over three hundred years. In addressing the issue of the technologies of Bank Notes, however, the article also serves a different purpose.

When the Bank began issuing its notes on a large scale for the first time in 1797, they were produced using the method of copperplate engraving, a technique that was also used in the

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<sup>1</sup> *The Guardian*, 'How to Spot a Fake Banknote' (October 19, 2013).

<http://www.theguardian.com/money/2013/oct/19/how-spot-fake-banknote>; accessed on, November 17, 2013.

<sup>2</sup> [http://www.bankofengland.co.uk/banknotes/pages/virtualtour/virtual\\_tour.aspx](http://www.bankofengland.co.uk/banknotes/pages/virtualtour/virtual_tour.aspx), accessed on, November 17, 2013.

construction of nearly every other kind of popular and ephemeral print circulating at that time.<sup>3</sup> Furthermore, it was estimated in 1819 that over ten thousand people in England possessed at least a rudimentary capability to engrave.<sup>4</sup>

Today the business of making banknotes is very different, and countries across the world including Britain have chosen to adopt some of the most sophisticated printing methods and materials available for use in their notes.<sup>5</sup> The aim of the central banks responsible for banknote production is therefore to try and create a technological divide between themselves and the counterfeiters, as a means of protecting the public, by making their notes difficult and expensive to copy. Indeed, as one report into the forgery of US banknotes concluded in 2006, in order 'to keep ahead of counterfeiters, continuous assessment is needed of the development of technologies and the viability of various deterrents in practice.'<sup>6</sup>

As this thesis will in part explore, a growing contingent of people after 1797 strongly believed in the need for the Bank to adopt such tactics, arguing that it should employ the most advanced printing and engraving techniques so that people might struggle to convincingly imitate its notes. In response, however, the Bank simply did nothing, and therefore the technological gap between the Bank and the people remained very small. Indeed, not only were individuals able to copy notes using the very same technologies used by the Bank, but the rudimentary nature of notes meant that they could be imitated cheaply using very little in the way of specialist

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<sup>3</sup> For further discussion of this point, *see*, in particular, ch.3.

<sup>4</sup> A.D. Mackenzie, *The Bank of England Note: a History of its Printing* (Cambridge, 1953), p.66.

<sup>5</sup> The Bank of England is at the time of writing contemplating a complete switch over from cotton based paper to polymer, following the successful release of the new fifty pound note in November 2011, *see*, <http://www.bankofengland.co.uk/banknotes/polymer/Pages/default.aspx>, accessed on, November 21, 2013

<sup>6</sup> *Is that Real? Identification and Assessment of the Counterfeiting Threat for U.S. Banknotes / Committee on Technologies to Deter Currency Counterfeiting, Board on Manufacturing and Engineering Design, Division on Engineering and Physical Sciences* (Washington D.C, 2006), p.5.

equipment and materials.

What is fascinating about the conclusions of the US report cited above is that it implies that the gap between the banks and the forgers might once again be starting to close. Due to the rapid advancements in recent years in both printing and image capturing software, notes will continue to be copied in ways that do not rely on a replication of the exact methods used by the manufacturer, it explains,

the greatest threat from counterfeiting in the future will arise from the growth in low-cost, high-performance image-printing equipment. This equipment is today primarily used by hobbyists, the most casual of counterfeiters... [yet] the same equipment will enable expanded operations by petty criminals and it may make counterfeiting more lucrative for professionals as well.<sup>7</sup>

These revelations about 'hobbyist' forgers in a day and age of such high technology, albeit one in which the technological gap is evidently closing, may prompt us to consider a little more closely the matter of how the forgery of notes was undertaken in the past. As is suggested below, whereas the literature has done much to highlight the impact of Bank Note forgery as a category of criminal activity in relation to the important changes that it brought about in the criminal justice system, much less attention has been paid to the fundamental issue of how Bank Notes were actually forged, and in particular how contemporaries of the period 1797 to 1821 attempted to cope with this mounting problem. The subject has so far then lacked a real social history - a 'history from below' - and it is this gap that this thesis intends to bridge. In particular, building upon the approach of historians such as Malcolm Gaskill, the work will attempt to 'recover

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<sup>7</sup> *Is it Real?*, p.5.

mentalities from crime - patterns of cognition, and motivation which the passage of time has otherwise concealed from view.<sup>8</sup>

### The Bank Restriction Period

Between 1797 and 1821 the Bank of England issued its smallest denomination notes to date, for the values of just one and two pounds sterling.<sup>9</sup> Although these were not the first small denomination notes to circulate in England, they were certainly the first to do so on anywhere near approaching what might be considered a national scale.<sup>10</sup> Previous accounts of this period have generally suggested that as Bank Notes were now falling into the hands of so-called ignorant and illiterate people, this created an opportunity for established counterfeiters to turn their attention to this new form of currency crime *en masse*.<sup>11</sup> Although the suspension of gold payments that led to the issue of these new notes was intended as a temporary measure, the legislation continued to be renewed by Parliament, and resumption of payments in gold did not fully occur for over two decades. The circulation of this new paper increased almost continuously between 1797 and 1821, with the period witnessing what Randall McGowen has called ‘an epidemic of forgery’, during which over 2000 people were prosecuted for forgery and the uttering of forged notes,

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<sup>8</sup> M. Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge, 2000), p.1.

<sup>9</sup> The word small is used here cautiously, given that in 1797 a pound would have still be much higher than the weekly wage of a labourer, for work on London wages in this period, *see*, L.D. Schwarz, *London in the Age of Industrialisation: Entrepreneurs, Labour Force and Living Conditions, 1700-1850* (Cambridge, 1992), pp.161-179.

<sup>10</sup> For recent work on the sphere of circulation of the Bank Note, *see*, H. Shin, *The Culture of Paper Money in Britain: The Bank of England During the Restriction Period, 1797-1821* (Unpublished Thesis, Cambridge, 2009), pp.95-109.

<sup>11</sup> Mackenzie, *Bank of England Note*, p.48, V.H. Hewitt & J.M. Keyworth, *As Good as Gold: 300 Years of British Bank Note Design* (London, 1987), p.42.

as well as over two hundred being hanged for their crimes [Table 1].<sup>12</sup>

The 'Bank Restriction Act' was brought into law on the 26<sup>th</sup> February 1797 following an emergency meeting of the Prime Minister William Pitt and the Privy Council, whereby it was ordered that the Bank cease making payments in gold to the public. The following day those who went to the Bank in order to exchange their notes for cash were met with a short notice informing them that they would no longer be able to do so. Although it is beyond the scope of this study to offer any sort of major reassessment of the origins of the suspension, or indeed its long term consequences for the English economy, for the purpose of contextualisation, the major themes and events of this period will now be relayed here.<sup>13</sup>

A small landing of mostly French nationals at the port of Fishguard in south Wales in February 1797 has often been cited as the major tipping point for the beginning of the Bank Restriction Period.<sup>14</sup> Despite it being dealt with in a relatively straightforward manner, once the news reached London it was enough to spark a considerable panic, resulting in the withdrawal of £90,000 and £130,000 in gold from the Bank on the two days prior to the passing of the Act.<sup>15</sup> Whereas the landing and the resulting panic were clearly significant to the Privy Council's decision to order the suspension, it is unlikely that if this event had occurred in total

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<sup>12</sup> R. McGowen, 'Managing the Gallows: The Bank of England and the Death Penalty', 1797-1821', *Law and History Review*, Vol.25, No.2 (2007), p.243

<sup>13</sup> For detailed accounts of the origins of the Restriction Period, see, J.H. Clapham, *The Bank of England: A History*, Vol.1 (Cambridge,1944), pp.266-272, R.G. Hawtrey, 'The Bank Restriction of 1797', *Economic Journal*, Vol.28, No.109 (1918), pp.52-65, E.V. Morgan, 'Some Aspects of the Bank Restriction Period, 1797-1821', *Economic History*, Vol.14, No.3 (1939), pp.205-221, Shin, *Culture of Paper Money*, ch.1, *passim*, E. Newby, 'The Suspension of Cash Payments as a Monetary Regime', CDMA Working Paper No.07/07 (June, 2009), [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=961799](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=961799), accessed on, November 20, 2013.

<sup>14</sup> For the best account of the landing, see, P. Carradice, *The Last Invasion: The Story of the French Landing in Wales* (Pontypool, 1992).

<sup>15</sup> Clapham, *Bank of England*, Vol.1 p.271.

Table. 1, Account of Bank Notes Under Five Pounds in Circulation, The Number of Forged Notes Returned to the Bank, And Prosecutions for Forgery, 1797-1821.

Year	Number of Prosecutions led by the Bank	Number of Capital Convictions	Number of Convictions for Possession	Number of Forged Notes Returned to the Bank	Total Value of Bank of England Notes in Circulation under five pounds (Pounds Sterling)
1797	2	1	0	901	867,585
1798	12	11	0	1,179	1,531,060
1799	15	12	0	2,058	1,341,700
1800	44	29	0	3,947	1,598,640
1801	54	33	1	7,674	2,412,650
1802	63	32	12	5,018	3,249,160
1803	9	7	1	3,217	3,765,940
1804	25	13	8	3,311	4,687,100
1805	28	10	14	3,543	4,525,660
1806	10	0	9	4,008	4,269,540
1807	45	16	24	4,866	4,245,370
1808	34	9	23	4,719	4,118,270
1809	68	23	29	6,281	5,181,070
1810	29	10	16	5,341	7,223,210
1811	33	5	19	8,492	7,594,360
1812	64	26	26	17,290	7,641,410
1813	65	9	49	14,565	8,037,140
1814	47	5	39	14,446	9,665,080
1815	63	7	51	16,079	9,482,530
1816	120	20	84	23,442	9,097,210
1817	142	32	95	29,521	7,993,150
1818	260	62	165	28,351	7,525,930
1819	228	33	160	23,906	7,235,240
1820	404	77	275	30,217	6,698,610
1821	239	41	180	18,955	2,548,230

Source: Table reproduced from R. McGowen, 'Managing the Gallows : The Bank of England and the Death Penalty, 1797-1821', *Law and History Review*, Vol.25, No.2 (2007), p.52. McGowen's figures are compiled from, BE: Roehampton F1, and, *Appendix to the Reports from the Select Committee on Commercial Distress*, Parliamentary Papers, 1847-8 (395, 584), viii, pt2; and *Supplemental Appendix*.

isolation that the response would have been anywhere near as drastic, and the real origins of the suspension really lie in the complex economic and political situation of the 1790s, brought about principally by the French Revolutionary wars. To summarise, the crisis was essentially caused by dwindling English gold reserves, leading to a serious national concern that what remained would be targeted directly with an act of economic sabotage by the enemy.<sup>16</sup>

The year 1797 represented a particularly low point for Britain's military campaign on the Continent, with a much hoped for alliance with Russia failing to materialise, and criticism of Pitt's military leadership reaching its highest level to date.<sup>17</sup> More significantly for the economic picture, however, was the increased strain being placed on the public finances by the fighting of the war itself.<sup>18</sup> During the period 1793 to 1797 more than £8m in bills of exchange and coin was sent to mainland Europe, both in loans to Continental allies, as well as direct payments to fund the operations of the army and navy.<sup>19</sup>

In earlier conflicts where the public finances had come under such severe pressure, the Bank of England had been expected to help ease the strain, and during the first two years of the Revolutionary War this was something that it was able to manage relatively comfortably due mainly to favourable foreign exchange rates at Hamburg.<sup>20</sup> It was also helped by an influx of coin

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<sup>16</sup> The Bank's Bullion reserves had fallen from a peak of £8.6 million in 1790 to £1.4 million in February 1797, *see*, Clapham, *Bank of England*, Vol.1, pp.297.

<sup>17</sup> Shin, *Culture of Paper Money*, pp.20-21, J.M. Sherwig, *Guineas and Gunpowder; British Foreign Aid in the Wars with France, 1793-1815* (Cambridge, 1969), p.84.

<sup>18</sup> On economic policy during the French wars, *see*, N.J. Silberling, 'Financial and Monetary Policy of Great Britain during the Napoleonic Wars', *Quarterly Journal of Economics*, Vol.38 (1924), pp.397-439, Sherwig, *Guineas and Gunpowder*; J.F. Wright, 'British Government Borrowing in Wartime, 1750-1815', *EHR*, Vol.52, No.2 (1999), pp.355-61.

<sup>19</sup> Silberling, *Monetary Policy*, p.229.

<sup>20</sup> Hawtrey, *Bank Restriction*, p.57.

and bullion sent over by those within France who opposed the Revolution and wished to protect their wealth by transferring it across the channel.<sup>21</sup> During 1795 and 1796, however, sterling began to run into problems, caused principally by the collapse of the French Revolutionary paper currency the *Assignat*.<sup>22</sup> The dramatic increase in the demand for gold in France following the *Assignat's* demise pushed up the price of the metal dramatically at the Paris exchange, encouraging a mass exodus of English gold to the Continent where it could be sold for a much higher price. As what was essentially a precursor to a full restriction of payments in specie, the Bank's response was to limit the amount of bills of exchange that it would discount in cash for non-government customers.<sup>23</sup> Because a whole network of country banking houses in England was closely tied in to the dealings of the Bank itself, the restriction on discounting therefore had a considerable impact on their own dealings, with these banks effectively being forced to reduce their own level of discounting and lending activity to the public.<sup>24</sup>

### Small Bank Notes

The most immediate impact of the Restriction Act was on trade, both domestic and international. In the weeks and months that followed the suspension, letters and petitions poured into both the Bank and the Home Office from merchants demanding that something be done about the lack of

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<sup>21</sup> For a fuller discussion of the role of the Bank of England, *see*, ch.1, *passim*.

<sup>22</sup> On the collapse of the *Assignat*, as well as its forgery in both Britain and France, *see*, P. Bower, 'Economic Warfare as a Deliberate Weapon', in, Hewitt V.H. (ed), *The Bankers Art: Studies in Paper Money* (London, 1995), R. Taws, 'The Currency of Caricature in Revolutionary France', in, Poterfield T. (ed), *The Efflorescence of Caricature, 1759-1838* (Farnham, 2011), pp.95-115.

<sup>23</sup> On the Bank's discounting policy in this period, *see*, I.P.H. Duffy, 'The Discount Policy of the Bank of England During the Suspension of Cash Payments, 1797-1821', *ECHR*, 2<sup>nd</sup> Series, Vol.35 (1982), pp.67-82.

<sup>24</sup> On the formation and growth of the country banks, *see*, ch.1, p.66.

specie in circulation. By the 1790s England had effectively been on a gold standard for a century. The silver coinage was by this time in a very poor state, and apart from those small transactions that could easily be settled in copper money, the majority of larger payments were by this time made in gold guineas.<sup>25</sup> The Bank's answer to the newly created specie shortage was to issue notes for similar amounts to the coins that it was now withholding. The new notes for one and two pounds were the smallest produced to date, the Bank having only issued its first note for less than ten pounds two years before.

Aesthetically the notes bore many similarities to the existing instruments of the Bank, and because the suspension was at first intended as a temporary measure, the Bank even used re-engraved copper plates from larger denominations in order to print its first runs.<sup>26</sup> The design of both notes remained fairly consistent over the course of the two decades in which they were issued, the two most significant changes being the removal of the outer border in 1798, and the introduction of a new wavy line watermark in 1801 [Fig 1 & 2].

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<sup>25</sup> For a discussion of the coinage during the eighteenth century, *see*, ch.1, p.57, *passim*.

<sup>26</sup> For a discussion of the production methods used by the Bank, *see*, ch.3, pp.121-124, *passim*.



Although the extent to which these new notes were deemed an acceptable form of payment by the public has often proved a point of contention in the past, the work of Hiroki Shin has recently shown that whereas the immediate situation was far from what Emanuel Coppetiers has called a 'universal acceptance', the various 'declaration movements' across the country did much to bolster the credibility of the new paper as an acceptable form of payment amongst the English people.<sup>27</sup> The declarations of support for the new currency were undertaken by groups of commercial men, and public letters were published guaranteeing that the notes would be accepted in payment by all signees. Moreover this phenomenon was not confined to London, but extended to other major towns and cities across England.<sup>28</sup>

### Forgery

The matter of the public initially accepting the Bank Note was not the only major challenge that the new currency would face, however, and in the months and years that followed 1797, public confidence would soon come to be severely tested by another issue: high levels of forgery. The level of banknote forgery taking place in later-eighteenth-century England has not been examined in detail by historians. What we do know is that forgery - specifically of the Bank Note - had not been a major problem prior to the Bank Restriction, due largely to its limited sphere of circulation. During the 1780s and 1790s forgery on the notes of country banks was also likely to have been kept in check to some extent by limited circulation. As these banks generally issued

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<sup>27</sup> Shin, *Culture of Paper Money*, ch.1, *passim*, E. Coppetiers, *English Banknote Circulation, 1694-1954* (Louvain, 1955), p.38.

<sup>28</sup> Shin, *Culture of Paper Money*, p.75.

smaller notes earlier than the Bank, however, this was probably more a matter of geographical restriction rather than of social exclusion. A lack of regulation in the banking sector meant that effectively anyone could act as a bank and issue notes. Moreover at least one historian has suggested that the two acts passed in 1770 and 1775 which limited the minimum denomination of banknotes to no less than one pound and five pounds respectively, were designed principally to protect 'ignorant persons' from accepting forged notes or those from "bogus" banks.<sup>29</sup>

According to Bank prosecution records, despite the considerable increase in the English paper money stock after 1797, the initial outbreak of Bank Note forgery was not one that was particularly sudden. This might suggest that established coiners, those who have often been thought as having been largely responsible for this new 'epidemic', were in fact waiting to see whether the new currency would properly take hold, and not merely be a short-lived phenomenon. The statistics similarly indicate that during the early years of the Restriction there was a degree of reluctance on the part of the Bank to actually address the slowly mounting issue of forgery. For instance, despite them learning of the existence of 901 forged notes during 1797, only two individuals were actually prosecuted [Table 1]. As the figures suggest, however, the Bank did not take long to escalate the level of action against the new currency criminals, and in 1798 the number of prosecutions increased fivefold to fifteen.

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<sup>29</sup> P. Langford, *A Polite and Commercial People: England, 1727-1823* (Oxford, 1992), p.568.

## The Policing of Forgery

The operation undertaken by the Bank to prosecute those involved in both the production and distribution of forged Bank Notes was unlike any other that had come before it. Prior to the establishment of the Metropolitan police force in 1829, London - let alone the rest of England - had no form of centralised police force.<sup>30</sup> McGowen argues that considerable attention was drawn to this lack of a centralised authority in law enforcement, when both large sections of the public, as well as the Bank itself, started to realise that the scale of the forgery problem was one that had never before been witnessed. As the issuer of the new small denomination notes, the Bank as the injured party was required to undertake the prosecution itself. Moreover it was broadly agreed that the Bank had both a social and moral obligation to punish forgers, in an attempt to maintain confidence in the so-called public credit.<sup>31</sup>

In order to manage the growing numbers of forgery prosecutions, a figure that jumped from just two in 1797 to 54 by 1801, the Bank employed the services of solicitors John Winter, Joseph Kaye and James Freshfield [Table 1].<sup>32</sup> The Bank also employed inspectors to lead their investigations into the activities of persons whom they suspected were involved in both forging and uttering bad notes.<sup>33</sup> One of the busiest of these men, as highlighted in an article by Peter J Cook, was William Spurrier, the Bank's inspector in Birmingham, a traditional coining centre that

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<sup>30</sup> For the best account of this episode, see, R. McGowen, 'The Bank of England and the Policing of Forgery 1797-1821', *Past and Present*, No.186 (February, 2005), pp.81-116.

<sup>31</sup> For further discussion of this point, see, ch.1, pp.74-76.

<sup>32</sup> McGowen, 'Managing the Gallows', p.245.

<sup>33</sup> Internally the Bank also created the Committee for Lawsuits who held regular meetings to discuss all of the Bank's legal matters, for a discussion of this body, see, ch.6, p.232.

would similarly become a hotspot for Bank Note forgery.<sup>34</sup>

Once the Bank had apprehended a suspect it was then necessary for it to decide how it would proceed with the prosecution. Prior to 1801 this nearly always meant a capital indictment if there was deemed to be enough evidence to proceed. The forgery of Bank Notes and other private forms of financial paper had been a capital offence since 1729, yet the statute was hardly ever enforced as the crime was so rarely prosecuted prior to 1797.<sup>35</sup> As the numbers being convicted on forgery charges began to increase more rapidly after 1798, those who were already opposed to the use of the hangman began to question its suitability as a punishment, given that it was widely believed that many of those being sentenced to death came from the classes of people who had previously been unfamiliar with paper money. In response to these growing criticisms a new category of offence was created for merely 'possessing' forged notes, as opposed to either making or uttering them. Moreover in an attempt to limit the use of the gallows and perhaps appear more humane, the Bank introduced a system whereby it offered certain prisoners the opportunity to voluntarily plead guilty to this new offence. If accepted, the individual would thereby avoid hanging in favour of being transported to New South Wales for up to fourteen years. As Deidre Palk has argued, the Bank still faced criticism from those who believed it was abusing its power, many of whom argued that it did not constitutionally possess the

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<sup>34</sup> P.J. Cook 'Flash Money and Old-England's Agent in the Early 19<sup>th</sup> Century', *Cambrian Law Review*, Vol.24 (1993), pp.12-44, for a further reference to Spurrier, *see*, ch.2, p.100.

<sup>35</sup> R. McGowen, 'Making the 'Bloody Code'? Forgery legislation in Eighteenth Century England', in, *Law, Crime and English Society, 1660-1830*, Landau N. (ed) (Cambridge, 2002), p.130, James Sharpe has also observed that despite mounting legislation against forgery during first half of the eighteenth century, 'prosecutions...were exceedingly rare...the Old Bailey Session Papers and the records of provincial assizes are largely devoid of evidence of a rising tide of forgers', J.A. Sharpe, *Crime in Early Modern England, 1550-1750* (New York, 1999 [1984]), pp.253-254.

authority to manipulate the law in such ways.<sup>36</sup> Thomas Wooler's radical periodical *The Black Dwarf* similarly argued in 1818 that the widespread use of the plea-bargain in fact made the Bank look much worse in the eyes of the public when the death penalty was actually inflicted, claiming that,

to avoid the horror of indiscriminate and useless sacrifice of life, it is the custom to permit many...[to plead guilty]...but it is confessedly evading the principal crime...Such *inequality* renders the execution an act little less criminal than wanton homicide.<sup>37</sup>

The work of Vic Gatrell has also questioned the effectiveness of the Bank's reforms, observing that between 1805 and 1808 one in five people hanged were still being done so for forgery.<sup>38</sup> If a prisoner refused the plea-bargain or simply was not offered it- their crimes having been believed too severe to warrant a possession charge - then they would face trial either at the assizes, or if in London, at the only court licensed to inflict the capital charge, The Old Bailey. The published *Proceedings* of the Old Bailey offer a unique insight into the activities of forgers and note utterers. Moreover as a source that was present in the public domain, the accounts of these trials may have directly influenced their readership in regards to how they themselves went about handling and scrutinising Bank Notes. It is these records, therefore, that this study argues require much closer attention, in order that a more comprehensive account of understandings 'from

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<sup>36</sup> In June 1816 the Bank was censured by the Prince Regent for its role in the trial of Hannah Polley, in which it failed in its attempt to manipulate the court, Polley was sentenced to death despite the Bank promising her that she would be transported, she did however manage to successfully petition the Home Office for a mitigation of her sentence, *see*, D. Palk, "Fit Objects for Mercy": Gender, the Bank of England and Currency Criminals, 1804-1833,' *Women's Writing* Vol.2, No.11 (2004), p.248.

<sup>37</sup> *The Black Dwarf* (September 23, 1818), p.595.

<sup>38</sup> V.A.C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford 1996), p.8.

below' of the crime of Bank Note forgery can be provided.

### Historiography

Given the vast nature of the literature produced under the banner of "crime history" during the second half of the twentieth century, it is perhaps surprising that until fairly recently the crime of Bank Note forgery received relatively little attention from scholars. The work of John Beattie, for instance, perhaps the most significant historical survey of criminal activity during the eighteenth century, had little to say about forgery when compared to other kinds of property crime, dedicating just a single page to the acts of both Bank Note forgery and coining.<sup>39</sup>

Despite the subject attracting nothing approaching a serious dedicated monograph, work on this topic has started to emerge from this same field in more recent years, with a small group of crime historians seeking to demonstrate the significance of this offence to some of the grander narratives of crime history. The most important contribution to this body of literature has been made by Randall McGowen, whose works have considered a number of important aspects of this subject, most notably the impact that the forgery problem had on the development of a centralised police force during the 1820s, as well as the administration of capital punishment through the judicial system.<sup>40</sup> The consensus amongst historians appears to be that capital punishment remained a central tool in dealing with forgery in this period, despite the introduction of transportation for the offence of merely possessing forged notes after 1801. Moreover, Carl

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<sup>39</sup> J. Beattie, *Crime and the Courts in England 1600-1800* (Oxford, 1986), pp.191-192. The recent work of Peter King for instance mentions forgery only once in passing, see, P. King, *Crime and Law in England, Remaking Justice from the Margins* (Cambridge, 2006), p.176.

<sup>40</sup> See, McGowen, 'Managing the Gallows', & , 'Policing of Forgery'.

Wennerlind has suggested that this reliance on the capital statute to protect the health of a currency - and more importantly the nation's credit - was not restricted only to Bank Notes of the Restriction Period, but in fact played 'a rather central role throughout the formative stages of the modern monetary system' during the long-eighteenth century.<sup>41</sup>

While still focussing on capital punishment, Philip Handler's work has taken a slightly different direction, and has instead analysed public responses to the execution of forgers and note utterers in this period. Based primarily on an in-depth reading of the 1819 *Parliamentary Select Committee On the Criminal Laws*, Handler suggests that the extreme opposition that developed towards the use of hanging for forgery during this period was in fact instrumental to the dismantling of the so-called "bloody code" during the 1820s, and the removal of the capital statute for all crimes except murder by 1830.<sup>42</sup>

The broader impact of forgery on the judicial system has itself attracted the attention of scholars in this field. Deidre Palk has argued in her work on gender that whereas the majority of those prosecuted on forgery charges in this period were men, it was women who were more likely to be treated leniently by the courts, being more frequently recommended to mercy if tried on the capital charge, as well as being the only sex to be routinely financially assisted by the Bank whilst being held in prison.<sup>43</sup>

The literature has therefore retained a very institutional focus, something that might be

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<sup>41</sup> C. Wennerlind, 'The Death Penalty as Monetary Policy: The Practice and Punishment of Monetary Crime, 1690-1830', *The History of Political Economy*, Vol.36, No.1 (2004), p.132.

<sup>42</sup> See, P. Handler, 'Forgery and the End of the 'Bloody Code' in Early Nineteenth Century England', *The Historical Journal*, Vol.48, No.3 (2005), pp.683-702, & 'Forging the agenda: the 1819 Select Committee on the Criminal Laws Revisited', *Journal of Legal History*, Vol.25 (2004), pp.249-268, N. Tosney, 'Women and "False Coining" in Early Modern London', *The London Journal*, Vol.32, No.7 (July, 2007), pp.103-123.

<sup>43</sup> D. Palk, *Gender, Crime and Judicial Discretion, 1780-1830* (London, 2006), pp.89-113, & 'Fit Objects', pp.237-258.

expected given the previous lack of research in this area. In doing so historians have helped to cement forgery and the Restriction Period as valuable topics of study in their own right, demonstrating that instead of being merely a diversion - a unique product of a grand monetary experiment - both the crime of Bank Note forgery and how it was policed between 1797 and 1821 in fact produced long lasting legacies for the workings of the English criminal law.

More recently the work of Hiroki Shin - whose thesis will be questioned extensively throughout this study - has gone as far as to consider the development of what he calls a 'culture of paper money' during the Bank Restriction Period. Although forgery plays a role in his analysis, as a self confessed 'economic historian', his main interest in Bank Notes of this period lies with the question of what gave them their value and how such value was agreed upon. His analysis of forgery, therefore, has focused principally on how it was thought to have compromised the otherwise overwhelming acceptance of Bank Notes amongst the English people during this period. Furthermore, his overarching emphasis on the role of the 'social endorsement' will be addressed further in chapter five.

As much as the works of McGowen, Palk, Handler and Shin have done to advance the study of paper money and forgery, what is still lacking in the literature is a work that considers the topic from below, one that seeks to analyse the activities, words and perceptions of those who lived and experienced both this new system of paper money, and the accompanying crime wave first hand.<sup>44</sup> This might, therefore, been seen to reflect Gaskill's assessment of the criminal

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<sup>44</sup> Unlike Bank Note forgery, the crime of coining has produced a handful of fascinating studies that whilst retaining a firm foothold in the institutional response have nonetheless managed to explore the fascinating qualitative details that such activities occasioned, *see*, J. Styles, "Our traitorous money makers": the Yorkshire Coiners and the Law, 1760-83', in, Brewer J., Styles J. (ed), *An Ungovernable People: The English and Their Law in the Seventeenth and*

historiographical picture to date, whereby he has suggested that whereas 'we have widespread agreement on how the criminal law operated; the larger problem of *why* it operated is open to debate.'<sup>45</sup>

### Sources and Methodology

Despite this thesis seeking to move away from analysing Bank Note forgery simply from the perspective of the workings of the criminal justice system and the administration of capital punishment, much of the source material consulted can still very much be considered within the realm of 'crime history.' As scholars have demonstrated during the last decade, however, large collections of material that may have been believed for some time to have merely reflected a particular institutional bias or status quo, can in many cases - when read in depth and across a broad period of time - reveal to us the lost voices, perceptions and mentalities of sections of society traditionally neglected in historical records.

This approach, termed 'a new history from below', has most recently been advocated by scholars such as Tim Hitchcock, Robert Shoemaker and Thomas Sokoll. The approach differs somewhat from the traditional 'from below' methodologies introduced by Marxist and social historians during the 1960s, in that rather than attempting to construct a social history based on source material which chiefly portrays plebeian people from the perspective of their social betters, new historians from below are instead concerned with extracting the real voices,

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*Eighteenth Centuries* (New Brunswick, 1983), pp.172-250, Gaskill, *Crime and Mentalities*, pp.79-161, Tosney, 'False Coining', *passim*.

<sup>45</sup> Gaskill, *Crime and Mentalities*, p.19.

perceptions and mentalities of such people from the written record.<sup>46</sup>

Interest in this approach has also spawned a number of large scale digitisation projects, a process that has made the undertaking of 'a new history from below' methods far more accessible. Most notable are the *Proceedings* of London's central criminal court, the Old Bailey, and the digital newspaper collections of the British Library, both of which have been drawn upon in this thesis. Historians interested in advancing the study of 'a new history from below' have not just concerned themselves with digitisation, however, and important printed volumes of transcribed sources have also been published, including works such as Thomas Sokoll's *Essex Pauper Letters* - and of particular interest here - Deidre Palk's *Prisoners' Letters to the Bank of England*.<sup>47</sup>

Much of the material used in this study has been drawn from the session papers or *Proceedings* of London's central criminal court The Old Bailey, which despite having made an appearance in some earlier works on this subject, have yet to be explored comprehensively.<sup>48</sup> The *Proceedings* offered the English people a unique view into the only court in London

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<sup>46</sup> For the origins and legacy of the original 'History From Below' approach, see, E. Hobsbawm, *On History* (London, 1997), ch.16, *passim*. Within the criminal literature moves towards a 'a new history from below' began in the 1990s, with Peter Linebaugh suggesting that it emerged mainly in response to the history of crime becoming 'the history of administration or the machinery of justice', in 1991 he wrote, 'our starting point is neither the law nor the 'critical law' but the hanged men and women whose views and actions continually challenged both the law and their own class', see, P. Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991), xvii, xxii, Gatrell, *The Hanging Tree*, P. Hudson, 'A New History From Below: Computers and the Maturing of Local and Regional History', in, Richardson R.C (ed), *The Changing Face of English Local History* (Aldershot, 2000), pp.162-178, T. Hitchcock, 'A New History From Below', *History Workshop Journal*, Vol.57 (2004), pp.294-298, on using digitised sources such as the *Proceedings* to explore differences between these two approaches, see, S. Poole, 'Tales from the Old Bailey: Writing a New History from below, University of Hertfordshire, Hatfield, 5-6 July 2004', *History Workshop Journal*, No.59 (Spring, 2005), pp.282-284.

<sup>47</sup> *Essex Pauper Letters, 1731-1837*, Sokoll T (ed) (Oxford, 2001), *Prisoners' Letters to the Bank of England 1781-1827*, Palk D (ed), *London Record Society*, Vol.XLII (2007).

<sup>48</sup> see, McGowen, 'Managing the Gallows', Shin, *Culture of Paper Money*, Palk, *Crime and Gender*.

authorised to administer the death penalty, and from 1674 they were printed and sold to the public eight times a year.<sup>49</sup> It is amongst this material therefore that we find details of the trials of those prosecuted on forgery charges by the Bank, both on capital and non-capital indictments. As Paul Langford has argued, the *Proceedings* 'remain one of the best sources for the legal history of the period, notwithstanding their obvious sensationalism.'<sup>50</sup> The 'sensationalism' which Langford describes, is the idea that the *Proceedings* tended to prioritise crimes that contained exceptional amounts of salacious detail, and in particular those that led to a capital conviction. This argument has recently been supported by an article focusing on the relationship between the newspaper press and the Old Bailey sessions during the later eighteenth century by Peter King.<sup>51</sup> King has suggested that trials in which capital punishment was a likely outcome would similarly take precedence in newspaper reports, and this often included forgery trials. Even Robert Shoemaker, one of the historians behind the digitisation of the *Proceedings* in 2002, has observed that although historians generally agree on the accuracy of these records, the editorial processes to which they were subjected offered at best 'a partial account of crime and criminal justice to their readers.'<sup>52</sup>

Over the course of the eighteenth century trial accounts within the *Proceedings* gradually became more detailed, yet by the 1770s some contemporaries were still criticising what was perceived to be their highly selective nature. John Wilkes, Lord Mayor of London in 1775, for

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<sup>49</sup> On the *Proceedings*, see, R.B. Shoemaker, 'The Old Bailey Proceedings and the Representation of Crime and Criminal Justice in Eighteenth-Century London', *Journal of British Studies*, Vol.47 (July, 2008), pp.559-580, T. Hitchcock & R.B. Shoemaker, *Tales From the Hanging Court* (Bloomsbury, 2007).

<sup>50</sup> Langford, *Polite and Commercial People*, p.156.

<sup>51</sup> See, P. King, 'Newspaper Reporting and Attitudes to Crime and Justice in Late-Eighteenth- and Early-Nineteenth Century London', *Continuity and Change*, Vol.22, No.1 (2007), pp.73-112.

<sup>52</sup> Shoemaker, 'Old Bailey', p.560.

example, stated that he believed the *Proceedings* to be largely unreliable as an account of activities of the courtroom.<sup>53</sup> Moreover as Shoemaker has further observed,

the overall impact of the omission from the *Proceedings* of the vast majority of evidence concerning the participation of lawyers and judges before 1778 was to simplify the trial stories by giving them coherent narratives and making the outcomes appear logical and justified.<sup>54</sup>

Partly in response to criticism prompted by individuals such as Wilkes, from 1778 the publication of the *Proceedings* was placed directly under the control of the Lord Mayor's office, and subsequently the featured trials came closer to being verbatim transcripts than at any previous point in their history. It has even been suggested that from the 1780s, instead of being viewed solely as a commercial venture aimed at entertaining the general public, the *Proceedings* started to be seen more as a kind of official legal record, one that was read primarily by barristers, attorneys and other legal officials.<sup>55</sup>

This less commercial and more detailed era of the *Proceedings* therefore makes it an ideal source to analyze both perceptions and activities of Bank Note forgers in the period 1797-1821. There is also an important further reason for the decision to adopt the *Proceedings* as the main source for this study, however. The Old Bailey was the only arena in which the activities of forgers and note utterers was discussed in an open and public fashion, and the

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<sup>53</sup> Ibid, p.561.

<sup>54</sup> Ibid, p.573.

<sup>55</sup> Shoemaker, 'Old Bailey', p.579, Shoemaker suggests that by the 1770s the readership of the *Proceedings* was very much in decline, something which coincided with a more general drop-off in the popularity of commercial criminal literature. One reason for this was the growth of the newspaper press both within and outside of London, Peter King arguing that newspapers began to increasingly report on the trials of the Old Bailey themselves, often before the *Proceedings* were even published, see, P. King, 'Newspaper Reporting', *passim*.

published *Proceedings* would have undoubtedly played a central role in helping to inform public understandings of the crime of forgery, as well as the very nature of the currency that these men and women were accused of defrauding. As Nicholas Tosney, whose work has drawn extensively on the *Proceedings* in his study of coining, has observed, 'the trial records contain much important qualitative information about what our coiners were doing and with whom', and as this thesis will show, the same is very much true in cases of Bank Note forgery and uttering.<sup>56</sup>

As much fascinating qualitative detail as these trial accounts can provide, however, there are clearly problems with reading the *Proceedings* at face value. The first of these is that prosecutions led by the Bank of England evidently had a very clear agenda, something which becomes quickly apparent after reading just a small number of such cases. As historians in this field have previously suggested, the cost of prosecuting an individual for forgery was extremely high given the sheer number of people usually involved in the process. As well as its own staff and private informants, the Bank was required to employ constables, magistrates, solicitors and barristers in order to help secure prosecutions.<sup>57</sup> As the Restriction Period progressed the costs of prosecuting forgery continued to mount for the Bank, peaking at over £50,000 in the year 1820 alone.<sup>58</sup>

The Bank was therefore only likely to bring a case to court if it believed that the evidence against the individual was strong enough to warrant a conviction, and the majority of trials perhaps unsurprisingly follow a similar pattern, revealing a clear strategy on the part of the prosecution. This was one which principally sought to establish a clear chain of evidence against

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<sup>56</sup> Tosney, 'False Coining', p.103.

<sup>57</sup> On the growing influence of legal professionals in the later-eighteenth century courtroom, *see*, J.H. Langbein, *The Origins of Adversary Criminal Trial* (Oxford, 2003), ch.3, *passim*.

<sup>58</sup> McGowen, 'Managing the Gallows', p.282.

the defendant, and which rested on the establishment of three important points: firstly, that the note presented in court on the day was actually a forgery; secondly, that the note was definitely the same that was claimed to have been uttered or found upon the prisoner - the point upon which the majority of unsuccessful prosecutions appears to have fallen apart - and finally that the individual in the dock was the same person being spoken of in the indictment. As will be suggested in chapter five, the establishment of the first of these points relied on the presence of the Bank engraver or inspector, the persons generally considered the highest authorities on the matter of Bank Note authenticity, although some did dispute this.<sup>59</sup> Establishing the latter two points, however, as was the case with much eighteenth-century legal proceeding, often relied on 'circumstantial evidence' in the form of witness testimony.<sup>60</sup> Given that during the period the Bank increasingly employed people directly to help ensnare suspects, this therefore may call into question the impartiality of some of this evidence. Furthermore, if the Bank believed that it had apprehended an important player upon whom it wished to impose the maximum punishment - such as a major dealer in forged notes or indeed an actual forger - then it would often allow other less serious forgery criminals that it believed to be closely linked to the suspect a chance to testify in court against them to save their own lives, a process known as 'turning King's evidence.'

A good example of this can be seen in the case of Thomas Foss, a former Bank of

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<sup>59</sup> For further discussion of this, *see*, ch.5, p.189.

<sup>60</sup> Sharpe, *Crime in Early Modern England*, pp.97-98, Emsley has suggested however that the more frequent appearance of defence councils at the Old Bailey during the final decades of the eighteenth century probably contributed to juries become more questioning of circumstantial evidence, C. Emsley, *Crime and Society in England, 1750-1900*, 4th Edition (Harlow, 2010), p.204.

England engraver who was sentenced to death in 1813 for making his own forged notes.<sup>61</sup> The two principal witnesses in the Foss trial were Andrew Gwynn and Thomas Norman, both of whom, according to their testimony at the Bailey, had been deeply involved in Foss's operations, and were themselves awaiting to be tried by the Bank for forgery. The evidence provided by Gwynn and Norman was so incredibly detailed and damning to Foss, that he seems to have stood virtually no chance of being acquitted. Indeed, instead of attempting to defend himself, his closing statement reveals him virtually resigning his fate to the jury, while at the same time scolding the means by which men in his position were brought to justice,

the plan of my destruction was fabricated, and these men, to save themselves, would sacrifice not only me, but the whole court. Gentlemen, you see the danger of relying on circumstantial evidence. The present awful sessions exhibits a melancholy instance of the danger of circumstantial evidence.<sup>62</sup>

Leaving the matter of impartiality and capital punishment aside, a supposedly more general concern has been expressed, with one historian recently questioning the reliability of the *Proceedings* in regards to the way in which they portray the more mundane processes of Bank Note exchange. Shin has suggested that a reliance on the testimony provided by legal records might in fact 'lead to an exaggerated impression on the scenes when the Bank note was dealt with.'<sup>63</sup> In other words, Shin is implying that the kinds of scrutiny undertaken when someone was presented with a note may not always have been so thorough as was suggested in court. This is

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<sup>61</sup> Foss's trial contains a wealth of information concerning the kinds of methods that forgers might have used at this time to construct bad notes, *see*, OBP: t18130915-50, Thomas Foss (September 15, 1813), for further discussion of Foss's trial, *see*, ch.3, p.137, *passim*.

<sup>62</sup> *Ibid*.

<sup>63</sup> Shin, *Culture of Paper Money*, p.146.

an interesting perspective, and it is not difficult to speculate that some contemporaries may have wished to appear as if they had been more careful when accepting notes than they actually were. In the trial of John Flood, for example, cheese monger John King was clearly attempting to demonstrate that he was no stranger to dealing in notes, when he observed that, despite only having opened his shop on the very day of his encounter with Flood, he had in fact been in business for seven years prior.<sup>64</sup>

If it is indeed the case that some claims about the methods used to analyse Bank Notes were exaggerated, then this of course renders the material in one sense problematic. However the potential that individuals may have in some cases been somewhat liberal with the truth itself raises a number of interesting questions about how contemporaries of this period believed they should have been assessing the authenticity of paper money. As Gaskill has inferred in his attempt to extract contemporary mentalities from early-modern English legal records, whether or not an individual actually had behaved in a certain way may in fact be irrelevant - from the perspective of mentalities - as their capacity to discuss particular activities in court could indicate a commonly accepted action or behaviour within a particular locality or community at that particular point in time.<sup>65</sup> Chapter five will suggest that, as a widely consumed publication, whose contents were also reproduced extensively within the newspaper press, the printed *Proceedings* themselves possessed a clear ability to influence contemporary financial customs such as how to properly scrutinise a Bank Note when presented with one in payment.

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<sup>64</sup> OBP: t18180909-55, John Flood (September 9, 1818).

<sup>65</sup> Gaskill, *Crime and Mentalities*, p.134.

## Digital Sources & Methodologies

Although the *Proceedings* have for some time now formed the basis of significant historical works, their digitisation at the beginning of the twenty-first century has inspired a fresh generation of historians to produce some exciting new works of digital scholarship.<sup>66</sup> What has made the *Proceedings* a particularly attractive choice for historians is the ability to search the entire database with the use of keywords, something that similarly applies to nearly all of the major collections that have been digitised within the last ten years.<sup>67</sup> Compared to a more traditional reading of these documents, keyword searching and the ability to isolate individual cases into a number of categories - including offence type and punishment received - has allowed scholars to amass large amounts of information about their chosen crime far more quickly than has ever been possible hitherto. This ability has similarly allowed historians to use these sources in a somewhat more casual manner, by dipping into this body of material in order to supplement their main body of archival research.<sup>68</sup>

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<sup>66</sup> D.M. George, *London Life in the Eighteenth Century*, 2nd Edition (London, 1930), for new scholarship, see, the 2005 special issue of *London Journal*, 'Tales from the Old Bailey', Hitchcock T., & Shoemaker R.B, *London Journal*, Vol.30, No.1 (2005): D.M. Turner, 'Popular Marriage and the Law: Tales of Bigamy at the Eighteenth Century Old Bailey', pp.6-21, J. Hurl-Eamon, 'Insights into Plebeian Marriage: Soldiers, Sailors and their Wives in the Old Bailey Proceedings', pp.22-38, R. Norton, 'Recovering Gay History from the Old Bailey', pp.39-54, A. McKenzie, 'From True Confessions to True Reporting? The Decline and Fall of the Ordinary Account', pp.55-70.

<sup>67</sup> For scholarly discussion on the pros and cons of the *Proceedings* as an historical source, see, T. Hitchcock & R.B Shoemaker, 'Digitising History from Below: The Old Bailey Proceedings Online, 1674-1834', *History Compass*, Vol.4, No.2 (2006), pp.193-202, T.P. Gallanis, 'Review Notice: The Old Bailey Proceedings Online', *The Journal of Legal History*, Vol.26, No.1 (2006), pp.105-107, D.D. Gray, 'Review of *The Old Bailey Proceedings Online*' (review no.897), <http://www.history.ac.uk/reviews/review/897>, accessed on, November 29, 2013.

<sup>68</sup> Hitchcock & Shoemaker, 'Digitising History from Below', p.198, the works of Shin and McGowen have, for instance, drawn upon material from the *Proceedings* but have not analysed them comprehensively, see, Shin, *Culture of Paper Money*, McGowen, 'Managing the Gallows', &, 'Policing of Forgery'.

The move towards large bodies of easily accessible digital source material has not occurred without criticism in both the academic world, as well as more recently in the mainstream press.<sup>69</sup> The idea however that reading online is somehow not proper historical research, and that consulting online bodies of material as opposed to sitting in an archive 'leafing through impenetrable prose', as Tristram Hunt has suggested, is one heavily rooted in a shortsighted nostalgia for the traditional 'historian's craft', and which does a disservice to some of the excellent digital scholarship that has already appeared to date.<sup>70</sup> As Tim Hitchcock has written ten years on from the digitisation of the *Proceedings*,

putting them online in a form that is easy to use and free has meant that millions of people who would not otherwise have been minded to read this stuff, have done. They have used what they found in the *Proceedings* in novels and on television, in endless undergraduate dissertations... and I take neither credit nor blame for their work. But, I believe that the decision to make freely available a source that prior to 2003 could only be read by a small and privileged group of academics, was an unproblematic good thing.<sup>71</sup>

Rather than continuing to make endless contrasts with the clearly fulfilling tactile elements of traditional archival research, historians working in the wake of the 'digital turn' should instead focus their efforts more on what is perhaps the one key area where digital history has been generally weak, and where many of its critics continue to point to: the issue of digital methodologies.

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<sup>69</sup> For example, see, P. Leary, 'Googling the Victorians,' *Journal of Victorian Culture*, Vol.10, No.1 (2005), pp.72- 86.

<sup>70</sup> T. Hunt, 'Online is Fine, But History is Best Hands On', *The Guardian* <http://www.guardian.co.uk/commentisfree/2011/jul/03/tristram-hunt-british-library-google-history>, accessed on, May 28 2013.

<sup>71</sup> T. Hitchcock, 'Hearing the Dead – Ten Years of the Old Bailey Online', <http://historyonics.blogspot.co.uk/2013/04/hearing-dead-ten-years-of-old-bailey.html>, accessed on, May 28 2013.

Aside from a few exceptions, written mainly by those at the forefront of the large-scale digitisation projects, historians who have consulted digital sources such as the *Proceedings*, either as a main component of their research, or merely in a supplementary manner, have in the most part failed to adequately distinguish between the sorts of methodologies employed in the reading of them, from the kinds frequently used in traditional archival work.<sup>72</sup> As Hitchcock has recently argued,

we continue to produce books and articles that look very much like those written thirty years ago, making almost no concession to the dramatically changing way in which we now work.<sup>73</sup>

In the strictly textual sense, both manuscript and digital sources cannot be read differently from one another, yet the means by which we seek out relevant material can of course differ greatly depending on where and how we are conducting our research. The crux of the debate appears to have been the partiality of digital search methods, namely that using keywords to search historical records will automatically encourage homogenous history, with scholars continuously turning up the same results time after time when using particular search terms.<sup>74</sup> The more traditional approach of finely combing an entire archive of printed texts and manuscripts has therefore been presented as a much purer and more impartial way of conducting historical research, yet this is problematic for two reasons.

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<sup>72</sup> See, T. Hitchcock, 'Life in the Infinite Archive',

<http://historyonics.blogspot.co.uk/2009/01/lives-in-infinite-archive.html>, accessed on May 28, 2013.

<sup>73</sup> T. Hitchcock, 'Confronting the Digital: Or How Academic History Writing Lost the Plot', *Cultural and Social History*, Vol.10, No.1 (March, 2013), p.12.

<sup>74</sup> I am indebted to conversations with Tim Hitchcock in 2011 prior to the publication of his article for the bulk of this discussion.

First, is the tendency for historians to overplay the impartiality of archives, and particularly of archivists. Many scholars working in poorly catalogued archives and collections will often rely heavily on the expertise of an archivist or curator to locate relevant documents, something that possesses the same sorts of pitfalls as relying purely on simple keyword searches. Similarly, in archives that are better organised, scholars may be tempted to follow the pre-assigned keywords and categories given to particular documents by those responsible for their original cataloging. Whereas our job as professional historians is, of course, to read more deeply into our source material in order that we may locate relevant information elsewhere via record linkage, it is worth considering that the starting points in both traditional and digital scholarship can be equally partial and indeed problematic.

The second criticism leveled at digital methodologies has already been hinted at above, which is that even if historians are employing a systematic methodology with their digital keywords, that this will somehow produce too similar results for the same documents, and therefore lead to homogenous research. It is argued here that, in the same way that scholars are largely guided by their own interests when both reading sources and deciding upon what to consult next, no two digital scholars will read a document or manuscript in the same way, even if working with exactly the same material and keywords. Furthermore, as digital collections and databases continue to expand with the digitisation of new material, the same keywords will continue to turn up new results.

## Keyword Methodology

Hitchcock has recently argued that digital scholars must do more to discuss the ways they locate material through their use of keyword searches, claiming that,

many of us use and cite eighteenth and nineteenth-century newspapers as simple hard-copy references without mention of how we navigated to the specific article, page and issue. In doing so, we actively misrepresent the limitations within which we are working.<sup>75</sup>

Hitchcock's argument could equally apply to a resource such as the Old Bailey *Proceedings*, which is used very differently when consulting the online resource as opposed to a hard copy. The chapter will now discuss the various processes and indeed problems encountered whilst undertaking my own research with this database.

To take chapter two on 'flash notes' as an example, after extensively consulting the collection of these prints held at the British Museum, I began searching both the *Proceedings* and the BL digital newspapers using the keyword 'skit notes', as this is how the notes had been labeled in the Museum collection.<sup>76</sup> I would later learn that the term 'skit' to describe an imitation banknote did not come into common usage until much later in the nineteenth century, and therefore this initial search turned up zero results. My second attempt at locating relevant material was to use the term 'imitation banknotes' as this was another name used to classify the objects by the museum. This again turned up very little in the *Proceedings*, but did produce some

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<sup>75</sup> Hitchcock, 'Confronting the Digital', p.12.

<sup>76</sup> BM: DCM, CIB.65.

results in the newspaper archive. My third attempt involved searching some names of individual flash notes, with the first selected being the "Bank of Elegance" note, a decision taken primarily due to the large number of surviving examples of this note within the collection. Through a detailed reading of these results I soon encountered the term 'flash' to describe imitations - although not forgeries - of both Bank of England notes, as well as those of the country banks. Re-searching the term 'flash notes' in both databases then produced yet again significantly more hits than had been achieved in earlier searches, which in turn brought to my attention new avenues to explore via different keywords, such as 'fleet notes', 'sham notes', as well as the names of other individual flash notes that were not present in the Museum's collection.

Here then we see how keyword searching can indeed help to produce relevant results much quicker than if hard copies of the same documents are consulted. What keyword searching does not produce, however, despite what some might think, is instant gratification for the scholar. Much like in traditional researching, documents must still be read deeply in order to make sure that not only is evidence put into its proper context, but also that relevant material is not merely glossed over. Moreover the effectiveness of keyword searching can be enhanced significantly with the use of another similar compatible database, in this case the BL's digital newspaper collection, in order that the possibility of turning up relevant search results might be maximized.

The aim with the newspaper material consulted here, unlike the use of the *Proceedings*, has been rather than to read the content of the collections systematically across the whole period, to instead sample it at five year intervals beginning in 1797 (1802, 1807 etc.) Again keywords were employed in these searches, most importantly 'forgery', 'forged' and 'forger', and in some instances stories would appear more than once if they contained multiple search terms.

This methodology did however turn up large numbers of unique hits using each individual keyword.

Newspapers from both London and the provinces have been drawn upon here, something that has allowed forgery to be examined in more of a national context, an important point to consider given how heavily the material from the *Proceedings* focuses on the capital. Despite containing local stories, however, provincial newspapers were still primarily dominated by London and national news, particularly that concerning the war during this period, and we therefore see a fair amount of crossover of content between different papers. Nevertheless, such an emphasis on the Old Bailey material has undoubtedly meant that the thesis has retained a very London-centric focus.

Given the very patchy nature of surviving assize court records for this period, however, scholars in the future wishing to undertake a study of length that excludes the capital may well be facing a near impossible task. For instance, only records of the Northern Circuit survive in any sort of respectable quantity, yet are currently only indexed up to 1800.<sup>77</sup> In Lancashire, an area that we know from the work of T.S Ashton a considerable amount of Bank Note Circulation took place, the records are in a very poor condition and virtually intractable.<sup>78</sup> Moreover the Midland circuit records are non-existent, something highly significant given the prolific levels of Bank Note forgery taking place in the town of Birmingham during this period.<sup>79</sup> It is argued, therefore, that the available provincial material could at best be used to supplement that which has been read here, and consulting it for this project would not have significantly altered the nature of the

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<sup>77</sup> I am indebted to John Styles for sharing with me his knowledgeable insight into the Assize records.

<sup>78</sup> On the Bank Note in Lancashire, *see*, T.S. Ashton, 'The Bill of Exchange and Private Banks in Lancashire, 1790-1830', *EcHR*, Vol. 15 (1945), pp.25-35.

<sup>79</sup> *See*, note. 34.

analysis nor the conclusions reached.

The sampling method adopted for the online newspapers has meant that what is essentially being viewed here is a snapshot of the entire collection, something which is also further emphasized by another important factor. Newspaper collections such as those held by the BL use Optical Character Recognition software (OCR) to detect content automatically. Disparities in the print quality of surviving newspapers however has meant that for the eighteenth century an accuracy rate of 65% has been predicted, rising to 75% for nineteenth century material.<sup>80</sup> The research on flash notes in chapter two has demonstrated how it is essential for the digital scholar to employ a creative keyword strategy, one that systematically builds upon uncovered material with each additional search term.<sup>81</sup>

The digitized *Proceedings* are not subject to the same pitfalls as the newspaper collections, however, as although a scanned facsimile of the original of every case is available to be viewed by the reader, keywords instead search a transcribed version of the text. The text was digitized using a method known as 'double rekeying', whereby each case was manually typed by two people, with software then being used to compare the two copies, automatically correcting any mistakes.<sup>82</sup> Before the chapters of the thesis are outlined to conclude the introduction, there will now be a brief discussion of the methodology employed for the reading of the majority of the material used from the *Proceedings*.

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<sup>80</sup> These were the findings of a study commissioned by the British Library, *see*, S. Tanner, T. Munoz, H. Pich Ros, 'Measuring Mass Text Digitization Quality and Usefulness: Lessons Learned from Assessing the OCR Accuracy of the British Library's 19th Century Online Newspaper Archive', *D-Lib Magazine*, Vol.15, No.78 (2009), <http://www.dlib.org/dlib/july09/munoz/07munoz.html>, accessed on, November 2, 2013.

<sup>81</sup> For a detailed discussion of the methodological issues surrounding OCR, *see*, Hitchcock, 'Confronting the Digital', pp.13-14.

<sup>82</sup> The accuracy rate has been estimated at over 99%, *see*, Old Bailey Online, 'Text Rekeying: Advantages and Limitations', <http://www.oldbaileyonline.org/static/Project.jsp#textrekeying>, accessed on, September 09, 2013.

### Methodology: the *Proceedings*

In the analysis of forgery cases that has made up the bulk of the work undertaken on the *Proceedings*, the methodology employed has been somewhat different, in that it has been less centered around keywords and more upon the use of pre-set filters available in the advanced search function. As we shall see, however, this method was not without its own problems. The initial searches undertaken to locate Bank Note forgery cases were perhaps rather too obviously conducted under the offence category 'Deception > Forgery', for the period 1770-1830. To initially limit this search however, the keyword 'note' was included. This predictably turned up relevant hits, with the search term successfully picking out cases in which the indictment specified a 'Bank Note' as opposed to a bill of exchange, will or letter. Once all of the results had been read, however, it was clear that the dataset was far from complete, and a number of other keywords were subsequently employed without any pre-set filter applied, turning up results that had been excluded from the first round of searching. Whilst running different search terms within this filter one problem soon became abundantly clear, which is that due to indictments being worded differently across cases, certain keywords were missing out indictments where a word was not used precisely. For instance, using the word 'note' will not necessarily pick out trials in which the word 'banknote' is recorded in the indictment, unless of course the former is to be found in the main body of the text.

It was only once I returned to the secondary literature on the Old Bailey online that I realised the error of my initial search. The original digitisers of the *Proceedings* decided to

classify Bank Note forgery cases under the filter 'Royal Offences > Coining', a curious decision considering that the Bank Note was not technically classified as 'the King's currency.'<sup>83</sup> Moreover given that the category 'Deception > Forgery' is supposed to contain all types of forgery cases other than those which involved money, the fact that this study has located at least 40 trials involving both Bank and country notes suggests that this is an issue that the project creators should in the future seek to rectify. Once this information was discovered, the cases in the latter category were once again combined with the keyword 'note' in order to filter out actual coining cases, and were read systematically.

My experience with the *Proceedings* therefore highlights two important points that any historian planning to conduct a study which focuses largely around digital collections must consider. Firstly, that whereas keywords can be used to speed up searches and filter out irrelevant material effectively, it remains a possibility that relevant content may also be excluded by using them. Moreover if keywords are to be employed in a systematic manner, a method must still be developed whereby new keywords are generated through a deep reading of the texts produced after each round of searching. This is particularly true of forgery cases, where the wording of indictments altered not only on a case by case basis, but also over the period 1797 to 1821.

Secondly, and a point which is applicable to digital methodologies more broadly, is that just because these records have been both digitized and categorised recently, does not mean we can blindly trust the accuracy with which this process was undertaken. It is argued here

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<sup>83</sup> Old Bailey Online, 'Crimes Tried at the Old Bailey, Offences Against the King', <http://www.oldbaileyonline.org/static/Crimes.jsp#offencesagainstking>, accessed on, June 20, 2010.

therefore, that when conducted properly, digital research must be carried out just as thoroughly and systematically as more traditional archival work. Furthermore in order to move digital scholarship within historical studies forward, scholars must in the future take more time to discuss the relative pitfalls and advantages of both their sources and methodologies, in order that the integrity of historical studies is not compromised in the new digital age.

### Other Sources

The non-digital archival work undertaken here has focused around two main collections, the archives of the Bank of England and the eighteenth century paper money collections held in the Department of Coins and Medals at the British Museum.

The work at the Bank archive has focused primarily, although not exclusively, around material in the Freshfields collection (F2), the solicitor firm employed by the Bank to deal with prosecutions for forgery. From this body of sources the material that has received the most attention is the collection of prisoner correspondence (F25), which was helpfully transcribed in 2009 by Deidre Palk.<sup>84</sup> Written over the course of the Bank Restriction by prisoners convicted on Bank Note forgery charges, the letters primarily consist of requests for money to help support them whilst they awaited transportation. Furthermore, the issue of how these payments helped to foster relationships between prisoners and the Bank is one that is reassessed in chapter six.

As a final point, having such free access to the paper money collections at the BM - something made possible by the collaborative nature of my doctorate - has allowed me to

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<sup>84</sup> See, note. 47, the letters form the basis for the analysis in ch.6.

interact with my object of study in a uniquely intimate way. This has been especially helpful for the analysis in chapters two and five, where both haptic and visual perceptions of Bank Notes constitute a key theme.<sup>85</sup> As Frank Trentmann has suggested, historians have been on the whole slow to consider material objects specifically as *things*, particularly eighteenth-century proponents of material culture who have largely focused on domestic objects and the kinds of contemporary symbolism that they evoked.<sup>86</sup> The essence of the 'materiality' approach therefore is an attempt to engage with understandings of objects more in their own right, rather than what a particular set of consumer choices might tell us about a person, or indeed a particular class of people. As Trentmann himself has asked, 'objects are "bundles of meaning" but are they only that?'<sup>87</sup>

### Thesis Parameters

The main emphasis of this study is on the small denomination Bank Notes issued by the Bank of England during the period 1797-1821.<sup>88</sup> The rationale for selecting this timeframe and these particular notes is due to the period representing the birth of a new era - or as Shin has suggested a new 'culture' - of paper money in England, in which a series of notes originating from a single bank achieved something approaching a nationwide circulation for the first time. Some

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<sup>85</sup> For a discussion of Bank Notes and the use of touch, *see*, ch.5, pp.216-218.

<sup>86</sup> F. Trentmann, 'Materiality in the Future of History: Things, Practices and Politics', *The Journal of British Studies*, Vol.48, No.2 (2009), pp.283-307, for an example of this, *see*, A. Vickery, "'Neat and Not Too Showey": Words and Wallpaper in Regency England', in, Vickery A., & Styles J. (ed), *Gender, Taste, and Material Culture* (New Haven, 2006), pp.201-222.

<sup>87</sup> Trentmann, 'Materiality', p.288.

<sup>88</sup> This definition includes the denominations one, two and five pounds.

examples cited do, however, fall outside of this timeframe, and refer to either higher denomination notes, or indeed to notes from other banks. With a wider argument of the thesis being that Restriction Period understandings of the Bank Note were not entirely exclusive to this time, or even to just Bank money *per se*, examples of older notes, larger notes and notes of other banks therefore serve to highlight a greater sense of continuity between perceptions of different paper money objects across the long eighteenth century.

Another area which must be scrutinised more closely here is the type of people being analysed in this thesis, particularly in regards to status and social class. In the past the term 'history from below' has often been used exclusively to refer to histories of 'the poor'.<sup>89</sup> Unlike earlier works, however, this thesis has chosen to focus on a category of individuals being labeled here as non-elite people, a broad grouping that included everybody in England that ranked beneath the aristocracy, the town gentry, and the wealthiest of the mercantile classes, thereby encompassing mainly those from the problematic grouping known in this period as the 'middling sorts', as well as the laboring and poorer classes.<sup>90</sup> Indeed, certain chapters of the work will undoubtedly refer to very different sets of individuals within the same paragraphs, such as in chapters four and six, where it is suggested that a very clear hierarchy of forged note sellers and dealers was clearly perceivable at this time, something largely dictated by relative levels of disposable capital.<sup>91</sup>

For historians using legal records such as the Old Bailey *Proceedings*, determining the

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<sup>89</sup> See, for example, Sokoll, *Pauper Letters*, T. Hitchcock, *Down and Out in Eighteenth-Century London* (London, 2004).

<sup>90</sup> On the "middling sort" in particular, see, M. R Hunt, *The Middling Sort: Commerce, Gender, and the Family in England 1680-1780* (Berkeley, 1996), L. Davidoff & C. Hall, *Men and Women of the English Middle Class: 1700-1850* (Oxford, 2002).

<sup>91</sup> See, in particular, ch.4, *passim*.

social status of individuals has always proved a challenge, particularly as information concerning the circumstances of persons involved in trials was only provided in some instances. Nevertheless, in the absence of recorded social status or occupation, sometimes educated guesses can be made as to how wealthy a person was by the amounts of money they were spending, the kinds of shops they were visiting, as well as the sorts of people they were associating with.<sup>92</sup> The recently launched *London Lives* website which integrates the *Proceedings* with other major collections of digitised Metropolitan material, might in some cases provide historians with a means of tracing the occupations of particular individuals.<sup>93</sup> The frequent occurrence of common names, however, presents a major challenge to this kind of searching and attempted record linkage. One example in the thesis can be found in chapter two, where we find two references, seventeen years apart, to two separate individuals named John Sawyer, both of whom were deceived by flash notes.<sup>94</sup> In the first case Sawyer is described only as being a landlord, whereas in the second case he is described as a publican. A search on *London Lives* for that name between 1797 and 1820 - the latest possible year - turns up great number of John Sawyers living and working in London at this time, including a baker, a yeoman, a shopkeeper, a publican, and a timber and deal merchant amongst others. Whereas in this case it might be possible, therefore, to identify that the two John Sawyers were indeed different people, it is not possible from *London Lives* alone to determine exactly what their occupations were.

Unless detailed biographical information about a particular person should happen to

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<sup>92</sup> For an example of this, *see*, ch.3, pp.147-148.

<sup>93</sup> *See*, <http://www.londonlives.co.uk.org>, accessed on, June 27 2014.

<sup>94</sup> *See*, ch.2, p.111.

exist, a rarity for non-elite persons at this time, it is therefore virtually impossible for the historian to tell exactly who they are dealing with. It is suggested here, however, that as long as the author is aware of the relative pitfalls of the sources in this regard, then this should not present a major barrier to the construction of a coherent historical narrative.

### Chapter Synopsis

With an overarching focus on contemporary perceptions and understandings, the thesis is split into two main sections, which might broadly be defined as people, and materiality, with each section principally addressing two central research questions.<sup>95</sup>

Section one will look at how those individuals found guilty of uttering and possessing forged Bank Notes thought about the nature of the crimes they had committed, and what this might tell us more broadly about economic and social understandings of Bank Notes at this time.

Section two will begin by exploring the matter of how forged Bank Notes could be constructed in this period, followed by an analysis of the ways that contemporaries handled and examined notes. The purpose of this section will be twofold: firstly to address the question of how forged Bank Notes were able to deceive, and secondly, to explore common contemporary perceptions of Bank Notes as material objects.

Chapter one will begin by outlining the financial and legal contexts of the eighteenth century, charting the gradual rise of an economy increasingly built upon both credit and paper money. Its primary purpose will be to highlight the longstanding link between these two mediums

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<sup>95</sup> Due to the ordering of the chapters, however, the sections will not be exclusively dealt with in order, with some of the later chapters contributing principally to "section 1".

as a way of contextualising some of the key arguments made later in the thesis. It will chart the development of forgery law in the wake of the Financial Revolution, as well as the nature of punishments inflicted against those found guilty of these crimes. Finally it will outline the thesis' key arguments relating to credit, namely that a study of Bank Note forgery in this period highlights a clear dichotomy in public understandings of the Bank Note, that is to say as an instrument of personal credit versus one of more modern institutional fiduciary money.<sup>96</sup>

Chapter two will introduce the concept of what is being termed here as the Bank Note schema, the cognitive shortcut developed by some individuals via a heavy exposure to paper money, used as a means to more instantaneously authenticate Bank Notes via visual and haptic technologies. The chapter will also highlight, however, how such a schema could prove highly problematic in an age in which the Bank Note circulated alongside numerous printed objects that broadly resembled them, and which were produced using almost identical methods and materials. Specifically the chapter will make a case study of 'flash notes', prints which often provided a virtual mimetic to banknotes bar a few alterations to the text and imagery. It will argue that flash notes possessed the capability to fool even those who were literate in the modern sense of the word, and were often mistaken due to their almost precise material and visual similarity to genuine notes.

Chapter three continues the emphasis on the physical nature of the Bank Note when it considers the art of the forger. Its main focus is what contemporary published sources such as

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<sup>96</sup> Fiduciary money can be defined as that which is loaned or advanced 'on trust rather than against some security or asset', and is broadly applied in this thesis to refer to the new non-convertible Bank Notes issued between 1797 and 1821 that were no longer directly backed by gold, *see*, <http://www.investopedia.com/terms/f/fiduciary.asp>; accessed on, September 21, 2014.

the *Proceedings* can tell us about the technologies employed by forgers in their attempt to fool the public into accepting bad notes. Given that Bank Note forgery has formed the subject of a number of studies in recent years, such a piece is long overdue, and as Palk has observed, 'the production of forged banknotes and the ways of getting them into circulation...are activities rarely examined by historians.'<sup>97</sup> As well as revisiting some of the more familiar ground, such as the Bank's quest to find a so-called 'inimitable banknote', the chapter will suggest that despite the scale of the crime vastly escalating after 1797, Bank Note forgery was an activity that continued to be undertaken by small groups of people, and indeed single individuals during this period. Moreover successfully imitating a Bank Note was not something confined merely to those who were printers and engravers by trade, and could in fact be achieved by some who possessed the kinds of artistic skills commonly found amongst the broad social category loosely termed by historians as the middling sorts.<sup>98</sup>

Chapter four will begin looking at those who paid away, or uttered, false notes by exploring what was a highly accessible trade in forged Bank Notes at this time, one that operated broadly along free market lines, with notes themselves acting as commodities that could command standard market prices.

Chapter five continues the theme of circulation by addressing the issue of how those who were presented with Bank Notes in payment could go about checking them for authenticity. In presenting evidence principally from the *Proceedings*, the chapter will highlight a number of different means - both visual and material - by which contemporaries could scrutinise Bank Notes, ones which did not necessarily involve possessing the ability to read a note's literate

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<sup>97</sup> Palk, *Crime and Gender*, p.89.

<sup>98</sup> See, note.90.

content. It will therefore challenge one of the primary misconceptions relayed in much of the literature, namely that banknotes of all kinds were both unacceptable as well as un-negotiable by large swathes of the English population, due primarily to them being text based objects.<sup>99</sup> The chapter will also further develop the idea of the Bank Note schema, as outlined at the beginning of chapter two. It will suggest that an overreliance on the schema - whereby the public lapsed into a sort of comfortable familiarity with the Bank Note over time - provides a more than credible alternative theory as to why such high levels of forgery were witnessed, thus questioning the widely held notion that the 'forgery epidemic' was merely a product of the ignorance of the previously unacquainted masses.

Chapter six will close by focussing on individuals that were prosecuted by the Bank on forgery charges, in particular those who apparently pleaded guilty to the lesser offence of merely possessing forged notes voluntarily. Based principally on the first hand writings of forgery prisoners, the chapter will present evidence of these so-called guilty individuals expressing thoughts and understandings of the crimes for which they had been convicted. Based on this evidence it will argue that it is perhaps more appropriate to view understandings 'from below' of the act of forgery - and more precisely of uttering and dealing in forged notes - as less of a crime in terms of our modern understanding of the word, but rather as more akin to contemporary understandings of both credit and debt. Moreover the chapter attempts to reframe the perceivable relationship between the Bank and forgery prisoners as one that was largely understood - at least from the prisoner's perspective - as one of between creditor and debtor, with the Bank occupying the role of the former.

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<sup>99</sup> Hewitt & Keyworth, *As Good as Gold*, p.33.

# Chapter One:

## Historical Contexts:

### Money, Credit, Banking and the Law

The focus of this opening chapter will be to contextualise the thesis by outlining the development of England's paper money economy. In doing so it will lend support to one of the work's key arguments, which is that understandings 'from below' of the role of small denomination Bank Notes remained closely aligned with widespread early-modern perceptions of credit, debt, and the everyday workings of market, much of which has been shown by historians to have been facilitated by the prevalence of credit itself.<sup>1</sup> The thesis argues that by studying the crime of Bank Note forgery - and more specifically the acts of uttering and possessing forged Bank Notes in this period - it is possible to highlight a notable dichotomy in public understandings at this time. This is between those who on the one hand adhered to a more traditional reading of the Bank Note as an instrument of personal credit, whereby debts incurred upon the discovery of a forged note were treated by the receiver of the note as the property of the utterer; and on the other of the more recent notion of the

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<sup>1</sup> On the development of credit in early modern England, *see*, C. Muldrew, 'Interpreting the Market: The Ethics of Credit and Community Relations in Early Modern England', *Social History*, Vol.18, No.2 (1993), pp.163-183, &, *The Economy of Obligation : the Culture of Credit and Social Relations in Early Modern England* (Basingstoke, 1998), B. L. Anderson, 'Money and the Structure of Credit in the Eighteenth Century', *Business History*, Vol.12, No.2 (1970), pp.85-101, M. Finn, *The Character of Credit: Personal Debt in English Culture, 1740 -1914* (Cambridge, 2003), C. Wennerlind, *The Casualties of Credit* (Harvard, 2011), N. Cox, *The Complete Tradesman: A Study of Retailing, 1550-1820* (Aldershot, 2000), p.161-162, *passim*, D. Kent, 'Small Businessmen and their Credit Transactions in Early-Nineteenth Century England', *Business History*, Vol.36, No,2 (1994), pp.47-64.

Bank Note as an object of institutional credit, whereby an acceptance of the instrument centred to a greater degree around an extension of trust to the issuing authority, in this case the Bank of England. This dual perception of the Bank Note, it is suggested, developed during the Bank Restriction Period as a kind of coping mechanism, a means by which ordinary people were able to successfully negotiate an institutional currency in a manner that was largely familiar to them, whilst at the same time recognising that it possessed somewhat different characteristics. The Bank Restriction Period, then, rather than merely being an experiment or disruption of the status quo, can be viewed as an important transition between two competing modes of economic thought and financial behaviour.

The thesis provides a new perspective on the historiography of credit and money, highlighting a sort of mid-way point in public mentalities between two opposing binaries; between Craig Muldrew's assertion that personal credit largely petered out during the later eighteenth century due to the increased prevalence of 'bank money', and Margot Finn's argument that networks of personal credit continued to flourish - and indeed grow - well into the nineteenth century, due largely to severe deficiencies in the 'cash nexus'.<sup>2</sup> Although Finn suggests that the chronic problems with the English coinage were only addressed in part by the introduction of paper money - as people were apparently widely averse to it - the period of Restriction and the dramatic increases in the paper money supply that it occasioned sit rather uncomfortably with her analysis of the broader financial landscape of the later eighteenth and early nineteenth centuries.<sup>3</sup> Indeed, as the recent work of Shin has demonstrated convincingly, during the Bank Restriction paper money was in fact widely available in the form of the Bank Note, and freely circulated amongst ordinary people. Where this thesis makes a significant contribution to our understandings of this period is by

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<sup>2</sup> Muldrew, 'Interpreting the Market', p.182, Finn, *Character of Credit*, p.76, *passim*.

<sup>3</sup> Finn, *Character of Credit*, p.80.

suggesting that Bank Notes circulated successfully upon terms that were largely familiar to their newly appointed users, albeit with notable differences and concessions to a more modern way of thinking about fiduciary money. What those terms were, and how they became a mainstay of English financial culture must, however, be more closely examined in this opening chapter.

### Trade, Commerce and Credit

The springboard for English economic maturation was the huge expansion in international trade which came about largely as a result of England's colonial expansion during the first half of the seventeenth century, something which paved the way for a substantial increase in new consumer goods in the English market. As Harley has argued, in 1550 England was an 'economic backwater', but two centuries later had transformed into the 'world's greatest trading nation.'<sup>4</sup> As Kristof Glamann suggests, the importance of trade must not be understated, and the accumulation of wealth via the flow of bullion centred around new mercantilist philosophies, within which trade

attained an importance beyond that of other economic activities. The rapid turnover yielded a relatively high return, and the merchant enjoyed a position in which many fields of investment for his coveted capital were open to him.<sup>5</sup>

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<sup>4</sup> C.K. Harley, 'Trade: Discovery, Mercantilism and Technology', in, Floud R., & Johnson P. (ed), *The Cambridge Economic History of Modern Britain*, Vol.1 (Cambridge, 2004), p.175.

<sup>5</sup> K. Glamann, 'European Trade 1500-1750, in, *The Fontana Economic History of Europe: The Sixteenth and Seventeenth Centuries*, Cipolla C.M. (ed) (Glasgow, 1974), pp.429-431.

The sheer pace of growth witnessed after 1660 would not have been possible without earlier developments in what was probably the most pivotal area of English financial life - credit. Craig Muldrew has argued that ties of 'personal credit' were already central to the workings of everyday life by the sixteenth century, something that Carl Wennerlind has suggested had their origins in medieval trading arrangements between merchants, centring around simple paper instruments.<sup>6</sup>

The first credit instruments to be circulated on a wide scale in England were bills of exchange, and these had originally developed as a means of settling debts between merchants in twelfth century Italy.<sup>7</sup> Bills in early-modern England were not standardised documents and could take on many forms, the most formal being the 'bill obligatory', 'sealed bill', or 'bond'.<sup>8</sup> These documents were usually drawn up between two parties, constituting an amount which was owed from one party to the other. The information they contained was straightforward: the names of the two parties plus a witness, the amount of the debt in money or goods, and a date of settlement between one and twelve months later. Despite being 'sealed', these instruments did not necessarily remain static, and amendments could be made to them by way of endorsements should part payments be made before the final balance was due. Bills were also exchanged between creditors, usually to pay off their own debts, and could in theory be used in payment until a credit chain ended, and the original debt was repaid in specie.

Of course, as more and more individuals began to owe each other money, the numbers defaulting on their debts likewise increased, leading to a significant rise in levels of

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<sup>6</sup> See, note. 1.

<sup>7</sup> On the rise of early bills, see, E. Kerridge, *Trade and Banking in Early Modern England* (Manchester, 1988), pp.1-3.

<sup>8</sup> Kerridge, *Trade and Banking*, pp.39-40.

personal litigation after around 1580.<sup>9</sup> The system that existed to deal with this problem - aside from the civil courts - was the unreformed debtors' prison, through which rather than taking action against a debtor's possessions or 'chattels', creditors could instead have insolvents arrested and their bodies held as a security against the amount that they owed.<sup>10</sup> As will be explored further in chapter six, imprisoned debtors were heavily intertwined with the regular penal system, even by the later eighteenth century, and prisons such as London's King's Bench and Newgate commonly lodged debtors alongside convicted felons, including robbers, murderers and forgers.<sup>11</sup> Furthermore, little consideration has been given in the literature to the potential impact that debtors may have had on their fellow prisoner's personal outlooks, as well as the nature of the relationship held with their prosecutors.

Returning to paper instruments of credit, both Kerridge and Feavearyear have suggested that by the middle of the seventeenth century it was the 'informal bill obligatory' or 'promissory note' that was most commonly used amongst merchants, as these required no witnesses to be present, and unlike the formal bond did not require the express permission of the original debtor in order to be assigned to a new creditor.<sup>12</sup> In order that this might be more easily facilitated, these sorts of bills were often made out with a 'bearer' clause - much like a modern day Bank Note - meaning that the instrument could be easily transferred without having to be amended by hand. Some individuals may have consciously avoided

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<sup>9</sup> Muldrew, *Economy of Obligation*, p.3.

<sup>10</sup> On debtors' gaols, see, J. Innes, 'The King's Bench Prison in the Later Eighteenth Century: Law, Authority and Order in a London Debtors' Prison', in, Brewer J., & Styles J. (ed), *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (New Brunswick, 1983), pp.250-299, Finn, *Character of Credit*, pp.109-152, P. Woodfine, 'Debtors, Prisons, and Petitions in Eighteenth-Century England', *Eighteenth-Century Life*, Vol.30, No.2 (Spring 2006), pp.1-31.

<sup>11</sup> Finn, *Character of Credit*, p.121.

<sup>12</sup> The common law distinction between "bills" and "promissory notes" remained hazy until the case of *Clarke vs. Martin* (1703), whereby the latter were declared legally transferable (negotiable) in statute, see, Kerridge, *Trade and Banking*, pp.41-42, A. Feavearyear, *The Pound Sterling: A History of English Money, 2<sup>nd</sup> Edition revised by* E.V. Morgan (Oxford, 1963), pp.100-101.

instruments with this sort of clause, however, out of fear that a bill might fall into the 'wrong hands', such as those of a rival who might wish to damage them financially.<sup>13</sup> As Theodore Janssen, one of the Bank of England's first directors wrote in 1697, the practice of making notes out simply to a 'bearer' was widely believed to be 'liable to many dangers and inconveniences.'<sup>14</sup> However, whereas many of Janssen's contemporaries would have likely sympathised with his view that 'bearer' clause notes posed significant risks, there is little doubt that one of the main reasons why such notes flourished during this period was due to their sheer convenience in a more material sense.

The use of paper instruments offered considerable advantages when compared to paying in specie or bullion, especially for merchants who were frequently dealing in large amounts of capital. Long credit chains would have meant the need to transfer coin was not ever present, with the latter obviously being extremely heavy, and the moving process both expensive and risky. Of course not all payments could be made indefinitely through the credit network, and a transfer of specie would eventually be required. The desire for merchants to maintain networks of credit for as long as possible without having to transfer coin therefore explains why the need for something approaching universal confidence in paper instruments was so crucial, as should one link in a chain have failed then a whole system could potentially have collapsed. In his work on financial crisis during the eighteenth century, Julian Hoppit has observed that bill networks depended upon the confidence of those individuals indebted to one another in order to function correctly.<sup>15</sup> Although the ability to delay payment through the frequent exchanging of bills may have been beneficial for the merchant or tradesman, the best way for proper relations to be maintained was promptness

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<sup>13</sup> Kerridge, *Trade and Banking*, p.42.

<sup>14</sup> T. Janssen, *Discourse Concerning Banks* (London, 1697), cited in, J. Clapham, *Bank of England*, Vol.1, p.3.

<sup>15</sup> J. Hoppit, 'Financial Crisis in the Eighteenth Century', *ECHR*, Vol.39, No.1 (February, 1986), p.43.

of payment, Daniel Defoe writing in 1726 that workable relations between creditors and debtors could be best maintained by the tradesman '[punctually] complying with the payment of his bills and notes.'<sup>16</sup> The remarks of Defoe, Jensen, as well as those of Hoppit, therefore highlight one of the most important cornerstones of credit relations in early-modern England: the issue of trust.

Craig Muldrew whose work on the emergence of personal credit in early-modern England remains the most authoritative, has argued that after 1530 the rapid growth of credit networks was effectively inevitable, given the significant expansion of economic activity accompanied by chronic shortages of specie. For Muldrew the need to trust in one's fellow man lay at the root of the emergence of the 'culture of credit' in England. Moreover this cultural shift, he argues, was based around an essentially moral understanding of the market, rather than one which merely provided an 'abstract means of exchanging goods on the basis of desire or self-interest.'<sup>17</sup> One important element of this was therefore knowing just who to trust, something which principally involved contemporaries being required to pass judgement on other's reputations. Margot Finn has highlighted how such relationships operated between tradesmen, suggesting that

trade credit was determined not by known quantities of capital but by perceived qualities of character...[and] character was constituted in a significant part by the tradesmen's continuous valuation and revaluation of their customers' status and social connections.<sup>18</sup>

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<sup>16</sup> D. Defoe, *The Complete English tradesman, in Familiar Letters: Directing Him in all the Several Parts and Progressions of Trade*, Letter XXV (London, 1726).

<sup>17</sup> Muldrew, *Economy of Obligation*, p.5.

<sup>18</sup> Finn, *Character of Credit*, p.47, John Smail has argued that credit agreements between commercial men also frequently rested on the notion of personal honour, 'this language of honor encompassed both the ways in which merchants presented themselves in their dealings with others and their attempts to project power in commercial relationships by enforcing those expectations in others', J. Smail, 'Credit, Risk, and Honor in Eighteenth-Century Commerce', *Journal of British Studies*, Vol.44, No.3 (July, 2005), p.442.

Given the vastly increased levels of wealth being accumulated by British merchants after around 1660, and the necessary expansions in credit that this occasioned, conducting business relationships on such personal terms was something that became increasingly risky and impractical. It is perhaps unsurprising therefore that independent third parties soon became heavily involved in the mediation of financial affairs and the protection of wealth, with the first and most important of these being the London goldsmiths.

### Goldsmith Bankers

In 1640 Charles I made the unprecedented move of raiding the Royal Mint at the Tower of London, after he had failed to raise funds through issuing Parliamentary levies.<sup>19</sup> At this time the Mint served not only as a place where coins were struck but also as a stronghold where moneyed men could store their coin and bullion. This encroachment by the monarchy into private interests would have long lasting implications, and certainly generated a climate of distrust surrounding state finance lasting well beyond the creation of the Bank of England in 1694.<sup>20</sup>

The short term response was for merchants and others with large quantities of valuables to find a new secure space in which to store them, and for this they turned to the goldsmiths. As well as housing premises with secure rooms, the goldsmiths were principally bullion merchants and money lenders, and that they would become some of the first private individuals to offer what can be recognised today as banking services is perhaps

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<sup>19</sup> W.M. Acres, *The Bank of England From Within* (London, 1931), p.4.

<sup>20</sup> J. Giuseppi, *The Bank of England, a History from its Foundation* (London, 1966), p.7.

unsurprising.<sup>21</sup> Most significantly for the development of English paper money, the new bankers adopted a system of deposit and withdrawal whereby each transaction made by an account holder was recorded on a single sheet of paper known as a 'running cash.' Although these were in effect designed to operate much like a modern day building society deposit book, whereby the notes kept a comprehensive record of all deposits and withdrawals made, the notes themselves eventually started to be transferred between men who owed money to one another, meaning that the creditor could in theory directly withdraw funds from his debtor's account.

The Stoppage of the Exchequer in 1672 led to a number of well-established goldsmiths failing, and the stranglehold which they had held over English banking for much of the seventeenth century greatly diminished during the 1690s, with many having become heavily embroiled in government lending. The influence of the goldsmiths was clearly significant and long-lasting, however, with a recent article by Kim Jongchul arguing that it was in fact the advent of 'running cash notes' by the goldsmiths that proved fundamental to the development of modern instruments of 'credit money', as opposed to what he considers to be the 'overemphasised' instruments of pure credit, such as the bills of exchange primarily used by merchants.<sup>22</sup> Moreover he suggests that by issuing instruments which allowed holders to pay a bearer rather than a specified person only, the goldsmiths paved the way for a modern system of paper money, one that would emerge more fully during the eighteenth century, and which we would still recognise today. Furthermore as Steven Quinn

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<sup>21</sup> For in-depth analysis of goldsmith banking, see, S. Quinn, 'Goldsmith-Banking: Mutual Acceptance and Interbanker Clearing in Restoration London', *Explorations in Economic History*, Vol.32 (1997), pp.411-432, D.K. Clark, 'A Restoration Goldsmith-Banking House: The Vine on Lombard Street', in, Seymour C. (ed), *Essays in Modern English History: In honour of Wilbur Cortez Abbott* (New York, 1941), pp.3-47, K. Jongchul, 'How Modern Banking Originated: The London Goldsmith Bankers' Institutionalisation of Trust', *Business History*, Vol.53, No.6 (2011), pp.939-959.

<sup>22</sup> See, Jongchul, 'Goldsmith Bankers', pp.944-945, *passim*.

has argued, it was the willingness of goldsmiths to accept their rivals notes and create a 'web of clearing relationships' which laid down the foundations for a network of banking that would come to emerge more fully from around the middle of the following century.<sup>23</sup> Whereas Jongchul is certainly correct to identify the model of the goldsmith note as having borne a distinct similarity to that of the modern Bank Note - whereby the bearer clause would eventually become sufficient for notes to circulate freely and unhindered - it is suggested in this thesis that common understandings of Bank Notes by the time of the Bank Restriction Period had still not become entirely separated from those of pure credit instruments. Moreover the analysis in the forthcoming chapters suggests that what is more clearly perceived is a dichotomy of perceptions based on these two competing discourses of finance.

As well as the trouble experienced by the goldsmiths at the end of the seventeenth century, Wennerlind has also highlighted how it was widely believed at this time that their notes did not have the 'liquidity or prevalence....to put an end to the perception that England needed a more elastic money supply.'<sup>24</sup> The final decades of the seventeenth century would consequently witness a spate of proposals by both English and Scottish thinkers, aimed principally at improving the state of the nation's circulating medium.

### The Financial Revolution

The events immediately following the Glorious Revolution of 1688 - once famously termed the 'Financial Revolution' by Peter Dickson - have generally been portrayed as a period of spectacular economic innovation that ended rather ungraciously with the collapse of the

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<sup>23</sup> Quinn, 'Goldsmith-Banking', p.412.

<sup>24</sup> C. Wennerlind, *Casualties of Credit*, p.95.

South Sea Bubble in 1720.<sup>25</sup> This viewpoint, however, has more recently been shown not only to be somewhat Whiggish, but also simply incorrect. As Anne Murphy has argued, for instance, public finances during the Nine Years War with France (1688-1697) were incredible volatile, and very nearly suffered a total collapse. Following an uneasy peace, Parliament were once again able to focus on restoring the nation's coffers, yet the stability would not last, and the early eighteenth century would quickly develop into a period of unremitting warfare, resulting in an almost perpetual enlargement of the Public Debt.<sup>26</sup> Leaving this debate aside, few have refuted that the changes implemented in this period, brought about primarily by private initiatives, significantly shaped British financial life for the next three hundred years.

Although matters would really come to a head after 1688, the foundations for change were in fact laid earlier in the century. Following the turbulent years of the Interregnum both public and private interests within England were keen to regenerate the English economy, a trend that was also more broadly observable in other parts of Europe.<sup>27</sup> Historians have traditionally highlighted the importance of the Netherlands in giving English thinkers and writers their inspiration for schemes of economic recovery, the Dutch having been the first nation to create not only a national bank in 1609, but also the first stock market at

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<sup>25</sup> The literature on the 'Financial Revolution' is extensive, *see*, in particular, P.G.M. Dickson, *The Financial Revolution in England, A study in the Development in Public Credit, 1688-1756* (London, 1967), D. W. Jones, *War and Economy in the Age of William III and Marlborough* (Oxford, 1988), L. Neal, *The Rise of Financial Capitalism: International Capital Markets in the Age of Reason* (Cambridge, 1990), J. Brewer, *The Sinews of Power: War, Money and the English State, 1688-1783* (London, 1994), H. Roseveare, *The Financial Revolution 1660-1760* (Harlow, 1991), B.G. Carruthers, *City of Capital: Politics and Markets in the English Financial Revolution* (New Jersey, 1996).

<sup>26</sup> A.L. Murphy, *The Origins of English Financial Markets, Investment and Speculation Before the South Sea Bubble* (Cambridge, 2012), p.64, H.V. Bowen, *War and British Society, 1688-1815* (Cambridge, 1998), p.19.

<sup>27</sup> Dickson, *Financial Revolution*, pp.2-4.

Amsterdam in 1602.<sup>28</sup> Both Murphy and Wennerlind have pointed out, however, that this link should no longer be overplayed by scholars, as considerable differences did in fact exist between Dutch and English financial strategies, the former being much more focussed on rejuvenating private financial interests rather than the public purse.<sup>29</sup>

Over the course of the three decades that followed the reinstatement of the Stuart monarchy, numerous individual proposals were put forward by private individuals, and although considerable disagreements existed in regards to a precise plan, it was generally agreed that a new broad course of action would see the development of a London-centred network of banking and insurance services, with the intention of stimulating not just credit, but also investment in both foreign and domestic trade. Moreover if this was accompanied by 'intelligent government planning' it would encourage individuals to seek their own good and would 'create wealth and prosperity for their country as a whole.'<sup>30</sup>

With the coronation of William III in 1688 the English economy would be severely tested following the almost immediate declaration of war with France. Despite the fact that the State purse was relatively healthy, and private fiscal revenues substantial, '[they] failed to keep pace with expenditure and by late 1692 the state's ability to raise short term funds was all but exhausted.'<sup>31</sup> As McGowen has suggested, although the Crown would become desperate for new sources of funding for the war, this was a period in which the political

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<sup>28</sup> See, J. D Tracy, *A Financial Revolution in Hapsburg Netherlands: Renten and Reteniers in the Country of Holland, 1515-1565* (Berkeley, 1985), Dickson, *Financial Revolution*, p.26.

<sup>29</sup> Murphy, *Financial Markets*, pp.44-45, Wennerlind, *Casualties of Credit*, p.8.

<sup>30</sup> Dickson, *Financial Revolution*, p.6.

<sup>31</sup> A.L. Murphy, *Society, Knowledge and the Behaviour of English Investors, 1688-1702* (Unpublished PhD thesis, University of Leicester, 2005), p.2.

climate had become highly charged, with many of those in power becoming increasingly suspicious of the powerful financial interests that had emerged since the Restoration.<sup>32</sup>

As has been suggested above, one of the main problems for those frequently dealing in large quantities of capital was that coin and bullion were extremely heavy and difficult to transport. For regular tradesman, however, it was not so much the issue of logistics, but rather the coinage itself that could often prove the biggest barrier to conducting trade. Moreover problems with the specie were not unique to the seventeenth and eighteenth centuries with poor coinage having plagued England since medieval times. Henry Tudor, for instance, had remarked upon taking the English throne in 1485 that he found the coin to be 'sore ympeyred as well by clipping thereof as counterfetting of the same.'<sup>33</sup> Writing nearly two centuries later in 1652, Peter Blondeau similarly expressed that 'most of part of that [coinage] which is now current is clipped and will be yet more and more.'<sup>34</sup> Despite the introduction of coins with milled edges under the reign of Charles II, the crimes of coining and clipping remained rife well into the eighteenth century, and as will be explored further below, continued to pose a significant threat to public confidence in specie as a circulating medium.

Leaving aside coining and clipping for now, it has for some time been held in the literature that it was the over valuing of the gold guinea by the Mint during this period which led to large quantities of the English silver coinage - which was at the time the metallic standard – to be smelted down by merchants and used to purchase gold on the Continent where the price was lower. This gold was then imported back into England thereby giving it a greater purchasing power than the silver originally exported. Stephen Quinn has suggested

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<sup>32</sup> McGowen, 'Making the 'Bloody Code', p.123.

<sup>33</sup> Gaskill, *Crime and Mentalities*, p.125.

<sup>34</sup> P. Blondeau, *Humble Representations* (London, 1652), cited, in, Feavearyear, *The Pound Sterling*, p.120.

more recently, however, that the real arbitrage was not so much between gold and silver, but rather between gold and bills of exchange, with the latter possessing the unique capacity to create out flows of one metal without offsetting it with an inflow of the other.<sup>35</sup>

From around the mid-seventeenth century individuals undoubtedly influenced by the significant level of trade that was then taking place amongst merchants via bills of exchange - as well as the activities of the note issuing goldsmiths - began to consider more seriously the possibility of a system of paper money that would act as a substitute for coinage in more everyday transactions. As has been discussed above, the significant growth of international trade after 1660 created a need for the expansion of both personal and trade credit in order that consumption should keep pace with economic growth. As these systems were upheld primarily on the trust of individuals, credit could not continue to grow indefinitely, however, and in order for liquidity to be retained, tradesmen needed paying and accounts needed to be settled.<sup>36</sup>

As Carl Wennerlind has most recently shown, numerous schemes were proposed during this period concerning the creation of a new system of paper credit and banking, something that was accompanied by a significant public debate over where such a system could draw its security from.<sup>37</sup> The solution favoured predominantly by the landed elites, those whose traditional authority was being most threatened by the rise of the commercial classes during the mid-seventeenth century, was a system of currency based upon the value of land. The first of these schemes was proposed by William Potter in the 1650s and was later supported by the writer Francois Cradocke, who argued that since the value of lands in

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<sup>35</sup> S. Quinn, 'Gold, Silver and the Glorious Revolution: Arbitrage between Bills of Exchange and Bullion', *ECHR*, Vol.XLIX, No.3 (1996), pp.476.

<sup>36</sup> This contemporary belief is highlighted clearly in the writings of Defoe, *see*, note.16.

<sup>37</sup> Wennerlind, *Casualties of Credit*, p.114.

England exceeded the value of coin by a factor of twenty, then this provided a far more suitable basis upon which to expand the money supply in the form of paper currency.<sup>38</sup> The idea of some form of land bank remained prominent in the minds of English thinkers throughout the course of the second half of the seventeenth century, with one scheme finally being incorporated by Parliament in 1696.<sup>39</sup> This land bank turned out to be a dramatic flop, however, raising only £2100 of the necessary £2.5million needed in private funds from the public, despite a pledge of £5000 from the King himself.<sup>40</sup> As Wennerlind has suggested the reasons for its spectacular failure are perhaps numerous, although can perhaps be put down to the early successes of an institution that the land bank was itself set up to rival.

### The Bank of England

In 1694 the Lord Treasurer Charles Montagu approved the proposals of the Scottish banker William Patterson to establish in England a 'fund for perpetual interest', a Bank of England, which despite remaining a private institution, would agree to lend to Parliament at a fixed rate of 8%. Furthermore the state would guarantee a return to investors, and substantially increased certain taxes in order to raise the necessary revenue.<sup>41</sup> Before being made formal it was necessary that the Bank should raise £1.2million in private subscriptions, something that might have proven an initial stumbling block, given that earlier schemes to boost the public funds, such as the Tontine Loan of 1694, had failed to attract anywhere near the

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<sup>38</sup> See, F. Cradocke, *Wealth Discovered: or, An Essay Upon a Late Expedient for Taking Away All Impositions, and Raising a Revenue Without Taxes* (London, 1661), cited, in, Wennerlind, *Casualties of Credit*, p.115.

<sup>39</sup> Several prominent English writers joined the land bank campaign in the 1690s including Hugh Chamberlain and the prominent merchant John Briscoe, *Ibid.* pp.119-120.

<sup>40</sup> *Ibid.* p.120.

<sup>41</sup> For a detailed history of the creation and early years of the Bank, see, Clapham, *Bank of England*, Vol.1, *passim*, Acres, *From Within*, Giuseppe, *Bank of England*, pp.1-32.

required amount of capital. As Murphy has suggested, however, the terms of the Tontine were perhaps too complex for the inexperienced English investor, and the Bank's relatively simple terms certainly contributed to it attracting the necessary investment within just twelve days of the subscription opening.<sup>42</sup> Sir John Clapham has suggested that early investors were given confidence in the Bank 'with its parliamentary backing, its high sounding name, and its guaranteed income from taxes.' John Giuseppi has also argued that with the Bank adopting 'England' into its title as opposed to the name of its capital city - as in the earlier Continental cases of Hamburg and Amsterdam - this gave the Bank a greater sense of national unity, and this was almost certainly a deliberate ploy to attract high levels of investment from outside of the City.<sup>43</sup>

Although Patterson was required to revise his plans before they were approved by Montagu, the fact that he had already acquired a number of exceedingly wealthy backers would have made them particularly attractive, given that it had been a lack of interest from investors that had proven the death knell to almost every other single credible alternative to the Bank suggested after 1688.<sup>44</sup> The attraction of the Bank of England as an investment opportunity when viewed in relation to other schemes lay in the fact that it was an initiative led by just the classes of men that it hoped to attract as its financial backers, and despite receiving government backing was not directly tarred with the brush of being a direct arm of State, or more precisely, royal finance. That the Bank's credit rested on the security of real wealth in the form of specie invested by individuals - as opposed to the more speculative

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<sup>42</sup> Murphy, *English Financial Markets*, pp.40-41, Clapham, *Bank of England*, Vol.1, p.19.

<sup>43</sup> Giuseppi, *Bank of England*, p.2, it has been suggested that the Bank in fact operated largely as 'The Bank of London' for much of the eighteenth century, see, P.L. Cottrell & B.L. Anderson, *Money and banking in England: the Development of the Banking System, 1694-1914* (Newton Abbott, 1974), p.18.

<sup>44</sup> Backers included the prominent London merchant Michael Godfrey as well as various MPs and members of the leading City Livery companies, Giuseppi, *Bank of England*, p.9.

and unpredictable value of land – this was something that gave it a considerable edge over rival land bank schemes.

### Bank Notes

Government issued paper money had been circulated prior to the formation of the Bank of England when in 1663 Sir William Killigrew had proposed the creation of a system of 'Exchequer Orders.'<sup>45</sup> These were issued briefly between 1667 and 1672 in which year the Exchequer was controversially suspended by Charles II, an event which lent further distrust to monetary schemes backed directly by the Crown. This would not be the last time that paper money would be directly issued by the Exchequer, however, with further bills again being issued in 1696. Moreover as Clapham has argued, had the Exchequer bills been made a little less formal, and the Bank of England been unable to get its own notes into circulation, then the former may well have gone on to have been the 'regular supplement to gold and silver for the eighteenth century.'<sup>46</sup> The reality, however, was very different, and the Bank Notes that would eventually become so well known amongst the English people were initially modelled more closely on the privately issued notes of the goldsmiths as outlined above.

As Emanuel Coppieters has suggested, with most of the major European banks taking no role in issuing paper money, many contemporaries writing about the prospect of a similar national bank in England during the later seventeenth century simply overlooked the matter of issue.<sup>47</sup> It is clear enough to Clapham, however, that Patterson intended for his

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<sup>45</sup> Cottrell & Anderson, *Money and Banking*, p.14, Acres, *From Within*, p.6.

<sup>46</sup> Clapham, *Bank of England*, Vol.1, p.38.

<sup>47</sup> Coppieters, *English Banknote Circulation*, p.13.

Bank to be principally one of issue.<sup>48</sup> Where Patterson's ideas differed from other plans, such as Killigrew's Exchequer orders and the land banks, was that instead of paper money being issued directly on the reserves of the State's coffers, or indeed upon a proportion of the value of individual pieces of land, the notes issued by his Bank drew their security and therefore their value directly from the government debt, the 'perpetual fund.' Moreover unlike Exchequer orders, Bank Notes were not to be automatically made legal tender, meaning that people were in theory not be obliged to accept them. In order to circulate, they required widespread public support, and confidence in them could only be gained through a 'prudent administration of the Bank over time.'<sup>49</sup> Unlike the Exchequer orders there would likely have been much less of a sense that this new form of money was being imposed on the people from above, and this was certainly something that contributed to their long-term success, given the general mistrust of State interference in financial matters.

The Bank chose to adopt the goldsmith's model of 'running cash' for the first issues of their own notes, something that would continue until they were replaced by fixed printed denominations during the 1720s. The amounts that the notes were made out for were neither round nor necessarily always large, Sir Thomas Cudden, for example, claimed at the Bank in 1700 for the loss of a note with a value of just six pence.<sup>50</sup> The original charter of the Bank did make some provision for the printing of fixed denomination notes like those that would later be issued. As Mackenzie suggests, however, the presentation of a forged one hundred pound note at the Bank's cashiers' desks as early as August 1695 was enough to

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<sup>48</sup> Clapham, *Bank of England*, Vol.1, p.16.

<sup>49</sup> Cottrell & Anderson, *Money and Banking*, pp.17-18.

<sup>50</sup> Coppieters, *Banknote Circulation*, p.15.

deter it from printing them at this time, with the Bank's records indicating that it ordered from this point on that all notes continue to be made out by hand.<sup>51</sup>

During the first decades of the eighteenth century the notes of the Bank got off to a somewhat slow start, and were not initially allowed by the government as an acceptable form of payment for taxes. As the notes were interest bearing - much like those of the goldsmiths - they were also subject to circulating at a significant discount when compared to coin. One factor that contributed to both of these potential barriers to circulation was that Bank Notes initially circulated alongside the second issue of Exchequer bills, which also had the advantage of generally being made out for smaller amounts.<sup>52</sup> Early Bank notes must therefore be viewed as just one of a number of monetary experiments conducted in this period, and it was not even clear to contemporaries at this early stage whether the Bank or its notes would survive in the long term.<sup>53</sup> An Act of Parliament passed in 1708, one which not only re-chartered the Bank but also granted it a monopoly by restricting any new private banking ventures to no more than six partners, was, however, a significant boost to the long-term survival of the institution, and in hindsight confirmed its status as the principal issuer of notes in England for at least the next half century.<sup>54</sup>

Between 1720 and 1797 the level of Bank Note issue was one of a general upward trend, with the period between c.1727 and c.1770 indicating a relatively stable level of notes in circulation [Graph 1]. The biggest increases in the note stock occurred during times of war, most notably following the outbreak of the American War of Independence, which saw a

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<sup>51</sup> Mackenzie, *The Bank of England Note*, p.8.

<sup>52</sup> Wennerlind, *Casualties of Credit*, p.101.

<sup>53</sup> Clapham, *Bank of England*, Vol.1 p. 35, &, pp.38-39, Coppieters, *Banknote Circulation*, p.19.

<sup>54</sup> On the process of re-chartering the Bank during the eighteenth century, see, J.L. Broz and R.S. Grossman, 'Paying for Privilege: the Political Economy of Bank of England Charters, 1694-1844', *Explorations in Economic History*, Vol.41, No.1 (2004), pp.48-72.

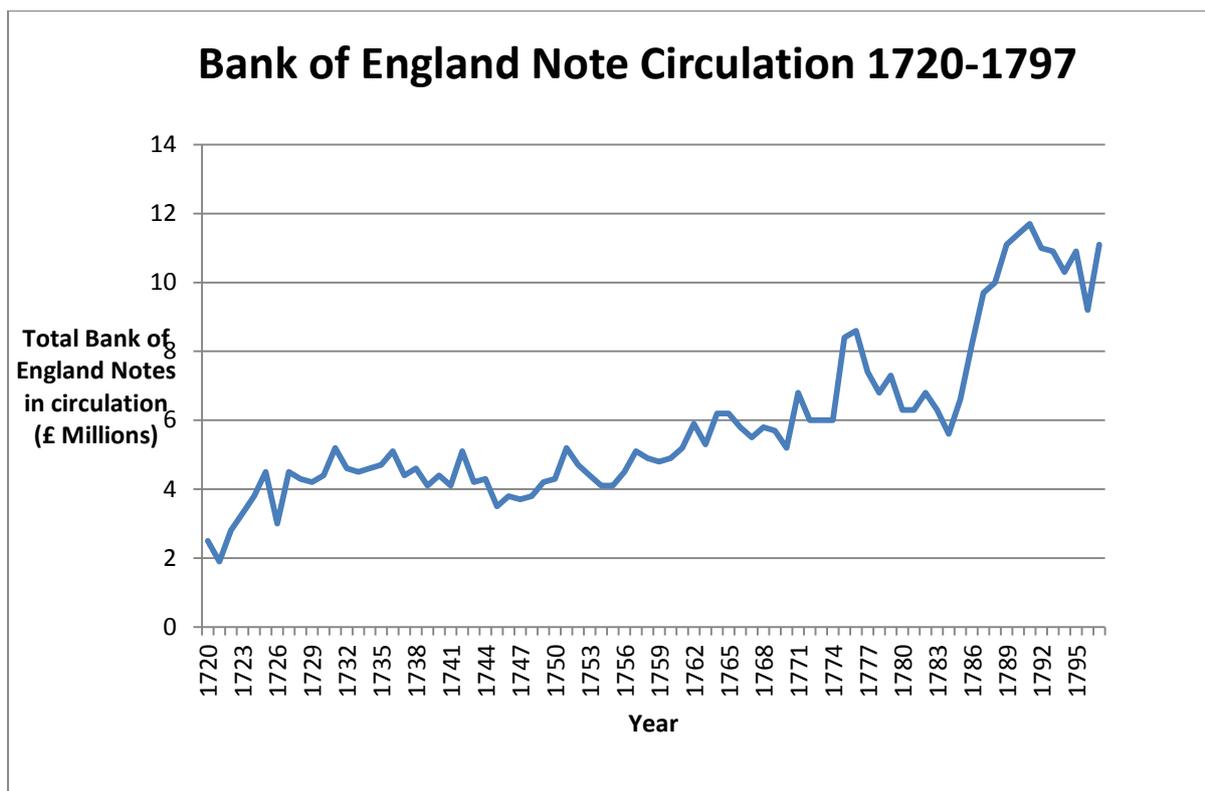
£2.4 million leap in the space of one year (1775), followed by a sharp increase during the 1780s, reflecting the lost revenue from the former American colonies.

Unlike in Scotland the Bank of England was slow to issue notes for smaller denominations, and none were issued for under the value of twenty pounds until 1759, when the ten and fifteen pound denominations were introduced for the first time. The other notable addition to the Bank's line up came in 1793 with the introduction of its first note for five pounds to help plug the currency gap created by the bank failures of that year. The fact that the Bank was forced into introducing its smallest denomination note to date in response to a wider economic crisis may in itself partly answer the question of why it had been reluctant to introduce smaller denomination notes in the first place, namely that it was a practice closely associated with smaller and less reputable banks, and was indeed viewed by many as a potentially dangerous practice.

Scotland had chosen not to restrict the freedom of its banking sector in the years following the creation of the Bank of Scotland in 1695, meaning that both joint-stock banking, as well as the issuing of paper currency, flourished during the early eighteenth century. The Scots, for instance, would issue their first banknotes for just a single pound as early as 1704, something which was not replicated by the Bank of England until nearly a century later.<sup>55</sup> Because of the monopoly granted to the Bank by the act of 1708, this limited the creation of any new private banking house to no more than six partners, thereby effectively choking off

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<sup>55</sup> K. Clancy, *The Recoinage and Exchange of 1816-17* (Unpublished PhD Thesis, University of Leeds, 1999), p.31, On the development of Scottish Banking, see, S.G. Checkland, *Scottish Banking: A History, 1695-1973* (Glasgow, 1975), S. Quinn, 'Money, Finance and Capital Markets', in, Floud R., and Johnson P. (ed), *The Cambridge Economic History of Britain* (Cambridge, 2004), pp.155-156.



Graph 1, Graph Showing Bank of England note circulation, 1720-1797, Reproduced from, E. Coppieters, *English Banknote Circulation, 1694-1954*, (Louvain, 1955), pp.149-155, data taken from, Clapham, *Bank of England*, Vol.1, pp.295-297.

the development of joint stock banking in England until this act was finally repealed in 1833.<sup>56</sup> The law alone, however, was not enough to suppress the significant demand for banking services, with many new banks being created outside of the capital after 1750. Furthermore, although the Bank of England did not issue its own notes for less than the sum of five pounds until the 1790s, the development of private banking in England during this same period was nevertheless positively transformed by the issuing of instruments of paper currency, and more specifically banknotes.<sup>57</sup>

<sup>56</sup> Broz & Grossman, 'Paying for Privilege', p.57.

<sup>57</sup> Quinn, 'Capital Markets', p.154.

## The Country Banks

From around the middle of the eighteenth century significant changes began to take root in England's banking landscape.<sup>58</sup> As Hewitt and Keyworth have noted in their important work on the early development of English paper currency,

Edmund Burke's celebrated remark on a visit to England in 1750 that there were 'less than a dozen banker's shops' is generally accepted as a reasonably accurate description of banking at that date. It is from the 1760s in the early years of the industrial Revolution, that banks and paper money promised to become significant elements in the workings of the British economy.<sup>59</sup>

Some economic historians, however, have warned against attributing the growth of country banking in this period solely to the demand for both capital and credit required to fund new industrial projects, suggesting that Britain's existing mercantile wealth was in fact more than sufficient to support the beginnings of an industrial boom, and therefore the real reasons for the growth in provincial banking may lie elsewhere.<sup>60</sup>

As Mackenzie has suggested, after the botched re-coinage of 1697 and the specie situation apparently improving little by the middle of the eighteenth century, provincial business men began to set up small banking operations with the principal aim of issuing paper money to make up for local currency shortages.<sup>61</sup> The notes issued by the country

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<sup>58</sup> On the growth of the country banks, see, L.S. Pressnell, *Country Banking in the Industrial Revolution* (Oxford, 1956), M. Dawes & C.N Ward-Perkins, *Country Banks of England and Wales: Private Provincial Banks and Bankers, 1688-1953*, Vol.1&2 (Canterbury, 2000).

<sup>59</sup> Hewit & Keyworth, *As Good as Gold*, p.18.

<sup>60</sup> P.L. Cottrell, *Industrial Finance, 1830-1914: The Finance and Organisation of English Manufacturing Industry* (London, 1980), p.5, M.J. Daunton, *Progress and Poverty: An Economic and Social History of Britain 1700-1850* (Oxford, 1995), p.259.

<sup>61</sup> Mackenzie, *Bank of England Note*, p.30.

banks were on average much smaller than those being offered during the same period by the Bank of England, a clear sign of demand from the people for a small denomination paper circulating medium. As Kuroda Akinobu has suggested,

though they were compatible, the Country Bank notes appeared to supplement what the Bank of England notes could not sufficiently supply to meet local demand. The difference not only in denomination but also the sphere in which the currencies circulated might require different suppliers with more flexibility to local demands.<sup>62</sup>

Unlike the Bank which arguably drew its security from Parliament and the public debt, provincial banks in this early period were completely unregulated, and could effectively issue as many notes as they deemed fit. This could result in major problems, however, across the banking sector, as the loss of public confidence in just one institution could lead to a whole string of banks failing that were interlinked via credit chains. Julian Hoppit has for instance suggested that the banking crisis of 1793 was the worst witnessed in the century, and was widely seen to represent 'a very great failure of paper credit.'<sup>63</sup> The most extreme crisis, one which itself brought about a raft of significant reforms to the banking sector, was that of 1825, where over sixty banks were to collapse in the space of just a few months.<sup>64</sup> Long before these events took place, however, the government had attempted to take some action against the highly autonomous country banks, restricting in statute the minimum denomination of banknotes to one pound in 1775, and five pounds in 1777.<sup>65</sup> As both Paul Langford and Kevin Clancey have observed, it emerged during the parliamentary debates for the first of these bills that one industrialist and banker in Yorkshire had been issuing notes

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<sup>62</sup> A. Kuroda, 'What is the Complementarity Among Monies? An Introductory note', *Financial History Review*, Vol.15, No.1 (2008), p.7.

<sup>63</sup> Hoppit, 'Financial Crisis', p.55.

<sup>64</sup> Pressnell, *Country Banking*, pp.492-496.

<sup>65</sup> Langford, *Polite and Commercial People*, p.568, Mackenzie, *Bank of England Note*, p.30.

for as low as a shilling in order to pay his workers' wages, although such extreme examples of small note issue were probably not common at this time.<sup>66</sup>

Both the country banks and their notes were evidently a divisive issue, and despite clearly existing to meet a significant demand for currency in some localities, they were also widely distrusted. As would later become the case with the small denomination Bank Notes of the Bank Restriction Period, one of the most controversial aspects of the small country notes - at least from the perspective of the political classes - was that such notes were undoubtedly being used by societies lower classes, who due to their inferior levels of literacy were supposedly poorly equipped to deal in this sort of money. The opportunity for forgery was therefore thought to be significantly increased, and given that such banks served both ends of the social spectrum, this was a major concern for those at the top. Indeed, both Langford and Mackenzie have suggested that the minimum denomination acts of the mid-1770s were in fact passed as a way of protecting poorer people, not only from banks of slender reputation who were likely to fail, but also from those who sought to take advantage of these people's supposed ignorance of paper currency.<sup>67</sup>

### Forgery, Trust and Value

The history of money is one that is synonymous with the history of forgery and counterfeiting. Ever since coins were first minted people have attempted to alter, imitate and debase money for the purpose of multiplying it for their own gain. The activities of clipping and filing, as well as the production of coins made from base metals, had been occurring in England since at least medieval times, and as historians such as Malcolm Gaskill and John

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<sup>66</sup> Langford, *Commercial People*, p.568, Clancy, *Recoinage and Exchange*, p.29.

<sup>67</sup> Langford, *Commercial People*, p.568, Mackenzie, *Bank of England Note*, p.30.

Styles have shown, such activities were still prolific in early-modern England.<sup>68</sup> The main reasons cited by historians for this glut of coining activity was the chronic shortages of circulating specie and the demand for an effective circulating medium across this period, particularly amongst middling and labouring people. One historian has even remarked that the ever present demand for coin helped these crimes develop into 'virtually a cottage industry' during this period.<sup>69</sup>

Such was the extent of coining activity that some historians have gone as far as to label it as a so-called 'social crime', one that received the widespread support of local communities, seeking as it did to either remedy a significant societal problem, or, defend a traditional right or custom, in this case, the right of the people to a circulating medium fit for the purpose of trade.<sup>70</sup> Others, however, have been more sceptical of placing coining in this category. Styles for instance has suggested that in the case of the Yorkshire yellow traders, the men and women of Halifax who created their own gold coins from clippings and filings of genuine full weight guineas, that whereas their activities clearly attracted 'massive support and an enormous degree of participation', they did not meet the above criteria in other important ways. Firstly, the Yorkshire coiners made no attempts to legitimise their activities in the eyes of the law. Secondly, Styles has located no evidence to suggest that those who partook in this trade held any deep seated hostility towards the counterfeiting laws as they stood in relation to the gold coin, arguing that many of those involved deplored the activities

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<sup>68</sup> See, Styles, 'Traitorous Money Makers', Gaskill, *Crime and Mentalities*, *passim*.

<sup>69</sup> J. Powell, 'The Birmingham Coiners, 1770-1816', *History Today* (July, 1993), p.50.

<sup>70</sup> For the debate on "social crime", see, E. Hobsbawm, 'Society for the study of Labour History', No.25 (Autumn 1972), pp.5-6, J.G. Rule, 'Social Crime in the Rural South in the Eighteenth and Early Nineteenth Centuries', *Southern History*, No.1 (1979), pp.135-155, E.P. Thompson, 'The Moral Economy of the English Crowd in the Eighteenth Century', *Past and Present*, No.50 (February, 1971), pp.76-136, Sharpe, *Crime in Early Modern England*, p.176, *passim*.

of those who constructed false guineas from base metals.<sup>71</sup> Styles work does, however, lean towards the idea that the forgery activities of the yellow traders, including the trade in these new coins, may have been broadly viewed as a form of ordinary market activity, an idea that will be returned to in chapter three.

Although coins made of precious metals had long been held to possess an intrinsic value, the extent to which they were deemed acceptable also depended on the confidence placed in them as 'good' money by the individuals to whom they were being offered in payment. Despite evidence suggesting that contemporaries did routinely accept coin that was knowingly clipped and underweight - whereby coin was acting more as a token currency - the material effects produced by the acts of both clipping and base metal coining could still undermine public confidence in precious metals as an acceptable form of payment. Moreover as Wennerlind has suggested

the crucial feature determining the exchangeability of a money-object is the public's confidence that the object will now be readily accepted in exchange for all other relevant assets, now and in the future. Consequently, if there is widespread counterfeiting, confidence in the money-object is eroded and its effectiveness in mediating social relations is compromised.<sup>72</sup>

The principal difference between the scrutiny of coin and the scrutiny of paper for authenticity, was arguably down to the role of the individual. Traditionally the perceived goodness of coin had stemmed from the assurance of the receiver that not only was the material on offer the genuine article, but also that sufficient quantities of it were present. The emergence of standardised systems of stamped coinage was therefore undoubtedly

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<sup>71</sup> Styles, 'Traitorous Money Makers', p.180 & 211.

<sup>72</sup> Wennerlind, 'Death Penalty', p.137.

intended to make this process of identification quicker, and probably contributed significantly to the emergence of coins circulating at face value, rather than strictly by their weight. In an economy such as that of eighteenth century England, however, where counter-stamped foreign coins were still commonplace, contemporaries may still have wished to subject them to various physical tests.<sup>73</sup> Their security was therefore drawn principally from the material itself, rather than the individual who was offering them in payment. In October 1816 John Charles recalled at the Old Bailey how when he had been presented with some coins by Thomas Cane in 1816 he had tested the physical properties of the metal,

he produced a three shilling token, and asked me to ring it, and I rang it in my hand... ;then he gave me an eighteenpenny piece, and I looked at that also. I ginged them as we were going along, and it rolled upon the pavement.<sup>74</sup>

By contrast, early instruments of paper credit could not rely on the same technologies as coin in order to circulate, and although the identification of handwritten signatures was pivotal to the smooth circulation of bills and early credit paper, the most important bond of trust that was ultimately required to exist was arguably the one formed between two individuals exchanging an instrument at any one given time, regardless of how many hands it had passed through previously, and how many subsequent endorsements it contained.

The act of endorsing notes, despite having originated as a custom amongst merchants, was something likewise adopted by the first users of notes issued by the Bank. Moreover despite their obvious differences, this practice indicates one visible continuity of understanding between these two different kinds of instrument. Legally, however, there was

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<sup>73</sup> On the circulation of foreign coins, *see*, D. Glassner, 'An Evolutionary Theory of the State Monopoly Over Money', in , *Money and the Nation-State*, Dowd K., & Timberlake, R.H (ed) (New Brunswick, 1998), S. Deng, *Coinage and State Formation in Early Modern English Literature* (New York, 2011), pp.161-187.

<sup>74</sup> OBP: t18161030-2, Thomas Cane (October 3, 1816).

no need for Bank Notes to be endorsed, and it could equally have been the case that the continuation of this practice occurred just as a matter of habit by the first users of the notes. Either way, endorsements were not quick to disappear, and it has recently been argued that signatures continued to remain fundamental to processes of exchange involving the small denomination notes of the Bank Restriction Period. Indeed, as Shin has stated,

a note with names on it could be more readily accepted than a note without one – as an endorsement meant that the note had been accepted by someone else, which would to some extent guarantee its acceptance by others in the future.<sup>75</sup>

What is interesting about Shin's interpretation of the kinds of endorsements used on small denomination Bank Notes, is that instead of describing a process whereby the receiver of a note would look to identify the names of prominent and respectable men with whom they would be happy to associate in a commercial capacity, he suggests that the mere presence of handwritten endorsements on the reverse of Bank Notes could significantly contribute to their credibility, as it showed that they had been circulated previously. As a device to help protect oneself against forgery, an endorsement was a useful tool in helping to establish the identity or indeed the journey of a particular forged note in court, a matter upon which many forgery trials fell apart. In chapter five these arguments will be addressed more fully, where it will be argued that whereas Shin is correct to suggest that handwritten names could indeed help individuals to foster trust in these small denomination notes, that when combined with technologies of visual and haptic perception, it is possible to observe a clear watershed between, or indeed a dichotomy of, two principal understandings of the Bank Note: on the

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<sup>75</sup> Shin, *Culture of Paper Money*, p.151.

one hand as a form of personal credit or debt, and on the other, as a modern promise dependent fiduciary instrument.

The process of tracking down and prosecuting forgers of Bank Notes was one that changed considerably during the Bank Restriction Period. This was due not only to the significantly enlarged scale of England's paper money economy, but also because of vastly changing perceptions of those principally deemed to be responsible for these crimes. The final part of this chapter will therefore sketch out why and how the laws affecting forgers and forged note utterers developed during the eighteenth century, with the focus of punishment remaining very much on the use of the capital statute.

### Forgery, Security and Death

So far this chapter has discussed the substantial growth of paper instruments of both pure credit and of credit money that emerged between the post-Restoration period and the Bank Restriction Act of 1797. As an economy that was increasingly turning to forms of money that circulated almost entirely on trust, the growing potential for forgery to cause major crises of confidence and disrupt the public credit became increasingly obvious to contemporaries of the later-seventeenth century. As Randall McGowen has highlighted in his excellent study on the development of forgery legislation after the Financial Revolution, prior to the beginning of the Nine Years War the forgery of financial instruments including bills of exchange, wills and deeds, were not classified in law as felonies, and those found guilty of such crimes were traditionally punished with fines and the use of the pillory.<sup>76</sup> For McGowen it was not until after the creation of the Bank of England and the vast increases in the supply of paper

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<sup>76</sup> See, McGowen, 'Making the 'Bloody Code'', p.121.

instruments that this occasioned – including most importantly the public paper being used to fund the war efforts- that the State began to seriously consider upgrading the offence with the use of the capital statute.<sup>77</sup> Wennerlind concurs with this view, highlighting how 'since society increasingly constituted a set of exchange relations, an assault on money was therefore considered an attack on the entire social form.'<sup>78</sup> McGowen similarly suggests that the first capital statutes introduced against forgery had a distinctively political edge to them, and instead of being introduced for the general financial good of the nation were more specifically directed at protecting the newly established State financial institutions, most notably the Bank. Wennerlind in his analysis goes one step further, portraying the use of the capital statute for the punishment of monetary crimes during the eighteenth century almost as an official arm of state policy, one that he suggests questions the classical economic assumption that the State's role was limited simply to 'issuing money and adjusting the quantity in circulation.'<sup>79</sup>

The forgery laws of the late 1690s were therefore accordingly only applied to 'public' paper and were not extended to private instruments including the Bank's own notes until 1729.<sup>80</sup> This 'sweeping statute' as McGowen has called it, similarly encompassed all other forms of private financial documents. Despite the new laws prosecution rates for forgery during the eighteenth century remained low, John Beattie highlighting how just thirty cases were brought in the sixty one years of the Surrey Assizes sampled for his study.<sup>81</sup> Beattie suggests, however, that the rates of prosecution were perhaps lower than the actual amount

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<sup>77</sup> For the centrality of finance to the 'Nine Years War' and Britain's transition into a so-called 'fiscal military state', see, Brewer, *Sinews of Power*, *passim*, Carruthers, *City of Capital*, ch.8, *passim*.

<sup>78</sup> Wennerlind, 'Death Penalty', p.131.

<sup>79</sup> *Ibid*, p.132.

<sup>80</sup> McGowen, 'Making the Bloody Code', p.130.

<sup>81</sup> J. Beattie, *Crime and the Courts*, p.191-192, also, see, Introduction, note. 35.

of crime taking place, and that many people considered the law to be too harsh and therefore simply did not report offences.<sup>82</sup> Moreover whereas such a view once again lends support to the portrayal by some historians of forgery as kind of 'social crime', it is also indicative of the limited social sphere in which paper money would have mostly circulated prior to c.1750.

The expansion of the capital statute to include private paper is something that indicates a widespread belief, at least amongst men of the early eighteenth-century political and financial classes, that the paper money economy in England would only continue to grow during the course of the century, and that a strong deterrent against forgery would be required to in order to maintain confidence in this relatively unfamiliar form of money. As Wennerlind has highlighted, there was an overwhelming consensus amongst writers and thinkers of the seventeenth century that the threat of the death penalty was the only deterrent that would suitably prevent people from seeking to forge, as well as knowingly circulate forged credit money notes. Doing so it was argued would essentially mean that individuals no longer needed to rely on the reputation or trust of another man, as had been typical of personal credit networks of the post-medieval period. The symbolic value of the body would now act as the central form of security against this form of illicit dealings.<sup>83</sup>

By the beginning of the nineteenth century, these sorts of ideas remained salient, with Bank Note forgery continuing to be treated with the upmost severity by the law, with most of those being found guilty being sent to the hangman.<sup>84</sup> The general consensus

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<sup>82</sup> An alternative explanation for low rates of forgery being reported to the authorities is suggested here, *see*, ch. 6, p.243.

<sup>83</sup> Wennerlind, *Casualties of Credit*, p.82-123, *passim*.

<sup>84</sup> For the use of capital punishment and crime of forgery after 1797, *see*, Wennerlind, *Casualties of Credit*, *passim*, & 'Death Penalty', p.155, McGowen, 'Managing the Gallows', pp.241-282, P. Handler, 'Bloody Code', p.683-702.

amongst historians of forgery during the Restriction Period has tended to be very much in line with Wennerlind's thesis, which is that use of the death penalty remained a central instrument, not only to the punishment of forgery during the long eighteenth century, but similarly to the very security of the paper currency itself.

The final chapter of the thesis will both build upon and question this body of literature, arguing that by introducing the lesser punishment of transportation for the possession of forged Bank Notes during the Restriction Period, the Bank of England was essentially negotiating the most important security upon which the nation's credit rested. It is suggested that far from being a decision primarily influenced by changing public sensibilities towards hanging, those that were very much in line with new humanitarian discourses, as suggested by Handler, this drastic course of action by the Bank was in fact entirely consistent with older and perhaps more prevalent understandings 'from below' of the crime of forgery, systems of personal credit and debt, and the ordinary workings of the market. Furthermore as has been discussed above, this was a mentality almost entirely at odds with the envisaged theoretical functions of the modern fiduciary paper instruments that were being widely circulated at this time.

## Chapter Two: Confusing the Schema? Flash Notes, Print Culture, Paper Money and Fraud in Late-Georgian England

A key argument made by this thesis is that contemporaries of the Bank Restriction were able to develop their own Bank Note schemas: individual cognitive shortcuts that they at least believed could serve to inform them of the goodness of Bank Notes that came into their possession. Moreover this was something that was made possible for the first time by a period of continued exposure to the Bank Note after 1797. Given that certain social groups would naturally have handled more Bank Notes than others, this perceivable ability was certainly not one that would have been equally distributed amongst contemporaries. Both here and in chapter five it will be suggested that a well-established Bank Note schema may have worked both for and against different individuals at this time. Indeed, those who were less familiar with these objects may have in fact continued to routinely examine them in great detail in an attempt to better protect themselves against the advances of malicious forged note utterers.

In one sense we might think of the Bank Note schema as being related to the two systems of thinking that have been widely theorised by psychologists, most recently in the work of Daniel Kahneman.<sup>1</sup> Kahneman outlines two distinctive technologies of thought which

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<sup>1</sup> See, D. Kahneman, *Thinking, Fast and Slow* (London, 2012).

he argues are used by humans to tackle problems presented to them on a daily basis. System 1 is effectively quick intuitive thinking that we can undertake without much mental exertion and physical stress on the body; the sort used to make snap judgments in order to give on-the-spot answers to questions. As Kahneman suggests, however, System 1 might in fact lead us into answering easier questions than we have actually been asked, and it is here where System 2 is required in order to overcome the 'impulses of System 1.'<sup>2</sup> System 2 then is a slower form of thinking, one that requires us to step back and consider various answers, outcomes and probabilities. To quote Kahneman directly,

System 2 is the only one that can follow rules, compare objects on several attributes, and make deliberate choices between options. The automatic System 1 does not have these capabilities. System 1 detects simple relations ("they are all alike"... ) and excels at integrating information about one thing, but it does not deal with multiple distinct topics at once.<sup>3</sup>

The two Systems therefore broadly correspond with the two main strategies shown later in thesis to have been used by contemporaries of the Bank Restriction in their examinations of Bank Notes.<sup>4</sup> Moreover it is suggested that for many the slow and more time consuming process of examining notes in detail (System 2) was one that largely gave way over the course of the period to a more instantaneous decision making process concerning the goodness of notes presented (System 1). It is System 1 therefore that is more closely related to the theory of a Bank Note Schema, and the thesis contends that as contemporaries of this period became more comfortable with Bank Notes as objects they would gradually have felt

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<sup>2</sup> Kahneman does question whether this is always possible, however, arguing that System 1 'operates automatically and cannot be turned off at will', *ibid*, pp.25-28.

<sup>3</sup> *Ibid*, p.36

<sup>4</sup> *See*, ch.5, *passim*.

less of a need to critically engage with both their visual and material features every time they were presented with one. Furthermore it is likely that it was only through a period of regular System 2 type thinking that allowed individuals to acquire the confidence and skill to assess Bank Notes in a more instantaneous manner.

Both this chapter and chapter five will show, however, that whereas this model may have operated at least in theory, in practice the situation proved to be highly problematic for contemporaries. Chapter five will suggest that even though some individuals did continue to conduct detailed visual and tactile assessments of notes, and that such practices could indeed lead to misgivings about certain instruments, that such a method could not be relied upon, and it remained that the only way to tell for certain whether a note was forged or not was to take it to the Bank. For those in possession of a Bank Note schema, this ability could be significantly undermined through the presentation of printed objects that closely resembled notes but were in fact not currency instruments. Furthermore one of the main aims of this chapter is to show how those intent on swindling others could manipulate non-monetary prints in ways that left the Bank Note schema highly confused. It thereby contributes principally to section two of the thesis which is concerned with both the construction of paper money and material understandings.<sup>5</sup>

### Paper Money and Print

Today paper money largely occupies its own sphere; the design of a modern English Bank Note might be instantly recognisable, but in late-Georgian England banknotes were not always what they might first have seemed. After around 1750 banknotes of various designs

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<sup>5</sup> See, Introduction, p.41.

started to become commonplace, and circulated alongside large quantities of print, both of a valuable and ephemeral nature. Historians have so far been cautious about analysing banknotes alongside ordinary printed paper objects, instead choosing to confine them almost exclusively to economic or numismatic contexts. This chapter will suggest that this has been a significant oversight, and that social understandings of banknotes were in fact closely intertwined with the sphere of popular print, something which had serious implications for the routine scrutiny of paper money instruments. No other single type of print highlights this close and often confusing relationship more succinctly than the flash note, a print that can be broadly defined as having resembled a banknote, yet at the same time not seeking to replicate any one particular genuine note precisely.<sup>6</sup> Much like notes issued by actual banks at this time - including those of the Bank of England - flash notes were printed from engraved copper plates on thin banknote-like paper, and this was something that could cause significant problems for those who handled them. The production of flash notes was evidently a controversial practice during a period in which England's paper money economy was rapidly expanding. Furthermore the printing of such notes significantly blurred the legal boundaries of what it meant to counterfeit paper money. Yet, despite their seeming ubiquity, these objects have been neglected by scholars of both paper money and forgery.

Hewitt and Keyworth have summed up flash notes relatively concisely and accurately by referring to them as having been.

generally intended as a joke, used as a form of advertising, or for calling attention to a public issue, their appearance, copying banknotes, suggests the public were

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<sup>6</sup> Although commonly labelled as 'skit notes' in a number of museum and private collections not one recorded usage of this term to describe imitation notes has been located for the period 1784-1830.

sufficiently familiar with banknotes to see the visual pun. They were not intended as a criminal fraud, but were sometimes used to deceive the unwary.<sup>7</sup>

Building upon this analysis in what is perhaps the most thorough discussion of flash notes in the literature to date, Shin has argued that, '[a flash note] might be used for tricking people when it was used in a dark room or on an illiterate person.'<sup>8</sup> In addition to a proposed hierarchy of flash notes in which he suggests that examples that resembled Bank Notes were treated most seriously in the eyes of the law, in regards to the relationship between flash notes and forgeries he argues that,

if a note did not resemble the Bank Note, so that there was no tangible intention to pass it off as a Bank of England note, the Bank could not prosecute the person who committed the fraud. In terms of the law, forgery of the Bank Note needed to be committed against the Bank of England, just as the crime of coining was committed against the King.<sup>9</sup>

Two broad questions have therefore been raised by these works, both of which require closer attention. Firstly, how was it that flash notes were able to deceive people into believing that they were handling genuine money; and secondly what was their legal status when compared to both forged and genuine Bank Notes?

Taking the latter of these two questions first, this chapter will argue that whereas Shin has been correct to observe that it was most often the perceived intent that lay at the centre of whether or not a particular flash note was deemed an offensive item, the line that separated what was supposed to constitute forged and flash paper money at this time was in

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<sup>7</sup> Hewitt and Keyworth, *As Good as Gold*, p.33.

<sup>8</sup> Shin, *Culture of Paper Money*, p.227.

<sup>9</sup> *Ibid*, p.227.

fact an exceedingly hazy one. Furthermore, this was partly down to the sheer multiplicity of banknotes of varying designs that circulated in England at this time, resulting in a situation whereby the State was in effect unable to pass legislation that distinguished clearly between these different categories of paper money. It will be shown that although the Bank did treat flash notes that resembled its own money with greater severity, it also became involved in operations concerning notes that differed considerably from its own design.

The chapter will also suggest that whereas flash notes could be used to deceive people that were clearly illiterate, those who possessed the capacity to read could similarly be tricked into accepting them as genuine. Furthermore it will argue that this can largely be put down to the flash note's approximate visual and tactile similarity to a genuine banknote of this period, which when presented in particular ways could be enough to trigger, or rather confuse, an individual's Bank Note schema.

The opening part of the chapter will provide a more in depth look at the history and print culture of flash notes, suggesting that their emergence during the final decades of the long eighteenth century provides a clear indication of the birth of a new culture of paper money in England at this time, one in which new understandings of the role of inconvertible fiduciary money were starting to develop, and which challenged more traditional notions of banknotes as objects of personal credit and debt, a theme that will be explored in more detail later in the thesis.<sup>10</sup>

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<sup>10</sup> See, in particular, ch.5 & 6.

## Types of Flash Note

The first prints that we might consider flash notes appeared in the early 1780s, with collectors generally recognising the Newcastle made "Scale de Cross" banknote of 1784 as the first proper example [Fig 3].



Fig 3, "Scale de Cross Bank", Newcastle, 1784 (British Museum).

Advertisements broadly resembling banknotes engraved in a similar design were also circulating in London at around this time, the advertisement for tea in figure 4 taken from the personal ephemera collection of Sarah Sophia Banks held at the BM.<sup>11</sup>

<sup>11</sup> BM: DCM, MS SSB I.21, f. 43r.

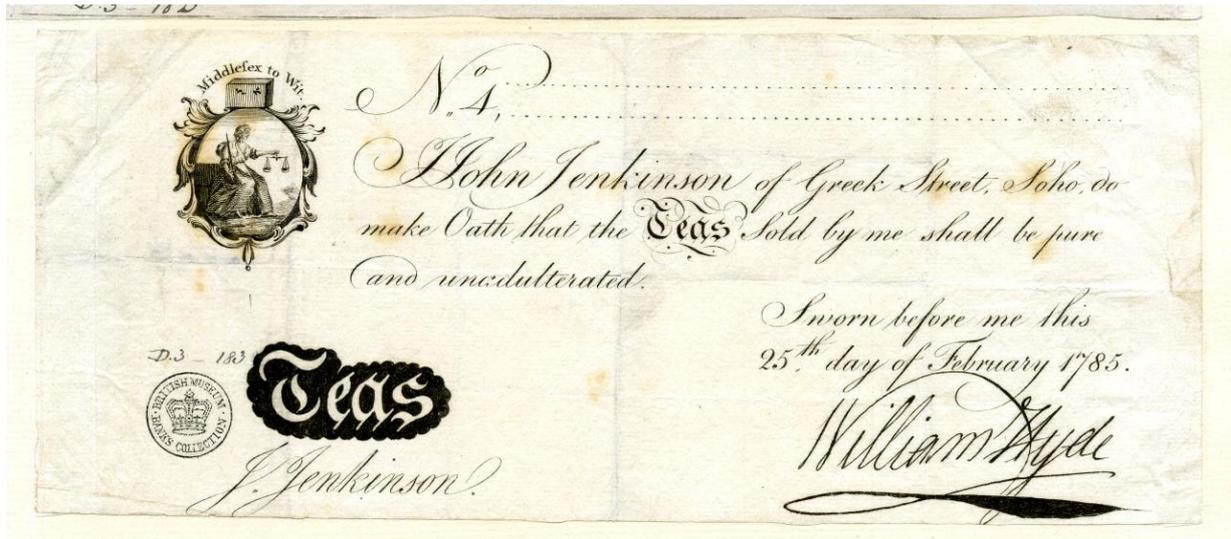


Fig 4, Tea Advertisement, John Jenkinson, 1785 (British Museum).

Unlike the “Scale de Cross” note, this advertisement contains no numeric value, and the terms detailed on the note make no clear promise to pay. Its resemblance to a Bank Note is, therefore, purely aesthetic and, as an advert, the print is arguably more comparable to the well-studied eighteenth-century trade card, as distributed by higher-class shopkeepers to their wealthy and more upwardly mobile middling clientele.<sup>12</sup>

The “Scale De Cross” note was the first example to include specific features found on actual banknotes of this time, such as the aforementioned promise to pay, the sum piece, as well as an explicitly named bank. According to the nineteenth-century banking historian Maberly Phillips, the “Scale De Cross” notes were printed by a local man, James Potts, as a satire on the paper money issued by Newcastle’s then newly opened Commercial Bank.<sup>13</sup> The notes

<sup>12</sup> On the trade card, see, J. Stobart, ‘Selling (through) Politeness: Advertising Provincial Shops in Eighteenth-Century England’, *Cultural and Social History*, Vol.5, No.3 (2008), p.315, M. Berg & H. Clifford, ‘Selling Consumption in the Eighteenth Century: Advertising and the Trade Card in Britain and France’, *Cultural and Social History*, Vol.4, No.2 (2007), pp.145-170.

<sup>13</sup> M. Phillips, *A History of Bankers & Banking in Northumberland, Durham and Yorkshire* (London, 1894), pp.43-44.

were publicly sold with much success, with the *Gentleman's Magazine* remarking upon Potts's death in 1791 that they had been in 'wide circulation for some years past.'<sup>14</sup> Large numbers of flash notes would go on to be printed over the course of the next century, many within London; this and other examples analysed here clearly suggest, however, that flash notes were not an exclusively metropolitan phenomenon, as was evidently the case with much of the more famous satirical print material of the later eighteenth century.<sup>15</sup>

How these prints came to take on the distinctive name of 'flash' has, in the past, been somewhat unclear. A common misunderstanding was highlighted by one Victorian newspaper correspondent, when he recalled that the phrase had come about as a general term for counterfeit money after the discovery of a gang of coiners in the village of Flash in Staffordshire during the early eighteenth century.<sup>16</sup> More recently the legal historian Peter J. Cook has similarly used the term to refer to actual counterfeit Bank Notes.<sup>17</sup> Based on the evidence presented in this chapter, however, this explanation seems unlikely, as not a single contemporary example of the word flash being used to explicitly describe forged notes has been located in any of the sources used in this study.

Coined during the early eighteenth century and relayed to the public via numerous dictionaries and treatises, flash was a codified tongue readily associated in this period with rogues, criminals, and gangs of swindlers.<sup>18</sup> Helen Berry, however, has argued that what was commonly termed 'flash talk' at this time could similarly be appropriated in spaces such

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<sup>14</sup> Ibid, p.43.

<sup>15</sup> See, V.A.C Gatrell, *City of Laughter: Sex and Satire in Eighteenth-Century London* (London, 2006).

<sup>16</sup> *Hampshire Telegraph and Sussex Chronicle* (July 13, 1881).

<sup>17</sup> Cook, 'Flash Money', *passim*.

<sup>18</sup> For example, see, *A New Flash Song-Book or the Bowman Priggs Delight. Being a Collection of Songs Adapted to the Humours of the Blades of the Town* (London, 1725?), H. Shore, 'Mean Streets: Criminality, Immorality and the Street in Early Nineteenth Century London', in, Hitchcock T., & Shore H. (ed), *The Streets of London: From the Great Fire to the Great Stink* (London, 2003), pp. 151-164.

as ale and coffee houses by a more respectable class of persons as a form of 'dominant cultural subversion.'<sup>19</sup> In addition it will be suggested below that flash notes were objects consumed by those at both ends of the social spectrum, and that, as items of print, not only transcended the rigid social barriers of this period, but could likewise be appropriated for modes of subversion that were both legitimate and illegitimate.

Some flash notes were evidently intended for the consumption of the fashionable market, with two apparently popular examples being the notes of the "Fort Montague Bank", and slightly later those of the "Bank of Elegance".<sup>20</sup> The "Fort Montague" notes were presented to visitors of the fashionable tea rooms at the unusual Fort Montague at Knaresborough in Yorkshire as a souvenir of their visit.<sup>21</sup> One surviving example of this note is located in the Sarah Sophia Banks print collection, although the accompanying annotation suggests that she did not visit the fort herself, with the note having been given to her by a friend.<sup>22</sup> The notes first went into circulation in 1812, with one twentieth-century numismatic article estimating that over one hundred thousand would go on to be printed.<sup>23</sup> There is also evidence to suggest that they continued to circulate well into the later nineteenth century; the *Leeds Mercury* reporting in 1860 that one such note had been found upon a suspected forged note utterer named Thomas Thackray.<sup>24</sup> A surviving example within the BM

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<sup>19</sup> H. Berry, 'Rethinking Politeness in Eighteenth Century England: Moll King's Coffee House and the Significance of 'Flash Talk', *Transactions of the Royal Historical Society*, Vol.11 (2001), p. 78, *passim*.

<sup>20</sup> Although problematic, this assertion about the popularity of these notes is something that can be anecdotally backed up by the large numbers of surviving examples in the BM collections, as well as visible discussion in other sources, *see*, BM: DCM, CIB.65.

<sup>21</sup> For a brief history of the building of Fort Montague, *see*, <http://www.knaresborough.co.uk/history/houseintherock.asp>, accessed on, June 5 2013.

<sup>22</sup> BM, DCM, MS SSB I.21, f. 43r.

<sup>23</sup> J. Casey, 'The Fort Montague Bank', *Journal of the Institute of Bankers* (December, 1962), p.408-410.

<sup>24</sup> *The Leeds Mercury* (February 23, 1860).

collections is also marked with what appears to be an original pencil annotation indicating an issue date of 1889 [Fig 5].



Fig 5, "Fort Montague Bank Note", Knarborough, 1889? (British Museum).

The "Bank of Elegance" notes, promising to 'cut any lady or gentleman's hair superior to any man in England', were also apparently handed out for free, in this case by London hairdressers as a form of advertising. One magistrate in 1827, for instance, referred to the notes as 'flash notes which are distributed by Sundry *frizeurs* in town to those upon whose heads they operate.'<sup>25</sup>

Exactly who was behind the printing of the "Elegance" notes is difficult to determine, with one newspaper from the same year referring to them as 'the shop bill of a puffing hairdresser...merely one of Mac Alpin's shop bills.'<sup>26</sup> It is likely, however, that they were being distributed by more than just one tradesman, with a report from *The Times* in 1828

<sup>25</sup> *The Times* (May 14, 1827).

<sup>26</sup> *Bells Life in London and Sporting Chronicle* (January 28, 1827), no other reference to a Mac Alpin could be located.

referring to them as, 'notes of 50./each, of the "Bank of Elegance," issued, as is well known to our readers, in imitation of Bank of England notes.'<sup>27</sup> A story in the same newspaper published later that year tells of an "Elegance" note found in the streets of London by a labourer, describing

what appeared to be a Bank note was certainly picked up near Blackheath...but it proved to be nothing more than *one of those* mock promissory notes on a Bank of Elegance...barber shop.<sup>28</sup>

A year prior to this *The Times* had reported a note for 'one thousand pounds' being found in London by an 'Irish Boy'- an unmistakable reference in this period to a low social status - and with such a value the note was most likely once again of the fictitious "Bank of Elegance".<sup>29</sup> These examples highlight effectively not only the status of these notes as items of printed ephemera - they having been seemingly discarded by their original owners - but also the means by which they could transcend the social ladder by becoming the property of a person from the lower orders, even if they had originally been intended to be received by a more elite audience.

As items that were given away for free, or at least to those who had paid to access a particular service, both the "Montague" and the "Elegance" notes were not necessarily typical of this kind of print. Moreover individuals that had parted with their own money to possess flash notes may well have taken better care of them. Thomas Overall who appeared at the Old Bailey in 1816 having been robbed of various items, described in court how on his arrival at the Bull public house in Aldgate London he had been in possession of 'a two penny

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<sup>27</sup> *The Times* (January 14, 1828).

<sup>28</sup> *The Times* (September 2, 1828).

<sup>29</sup> *The Times* (October 31, 1827).

flash note, which I had had for five or six years.<sup>30</sup> With Overall recalling having kept his note for such a length of time, as well as the fact that he had taken the trouble to list it as one of his stolen possessions in court, this might suggest that he attached some personal as well as monetary value to this print. Overall's mention of 'two penny' probably refers to the amount that the flash note was made out for, and a number of examples cited in here were similarly printed displaying this value.

In some cases the value printed on the note appears to have corresponded to the price for which it actually sold. Some of the best examples of this are a series of twenty five notes issued originally between 1803 and 1809 by the London print seller John Luffman, and subsequently re-issued by Samuel Fores of Piccadilly between 1818 and 1819 [Fig 6]. Each of these

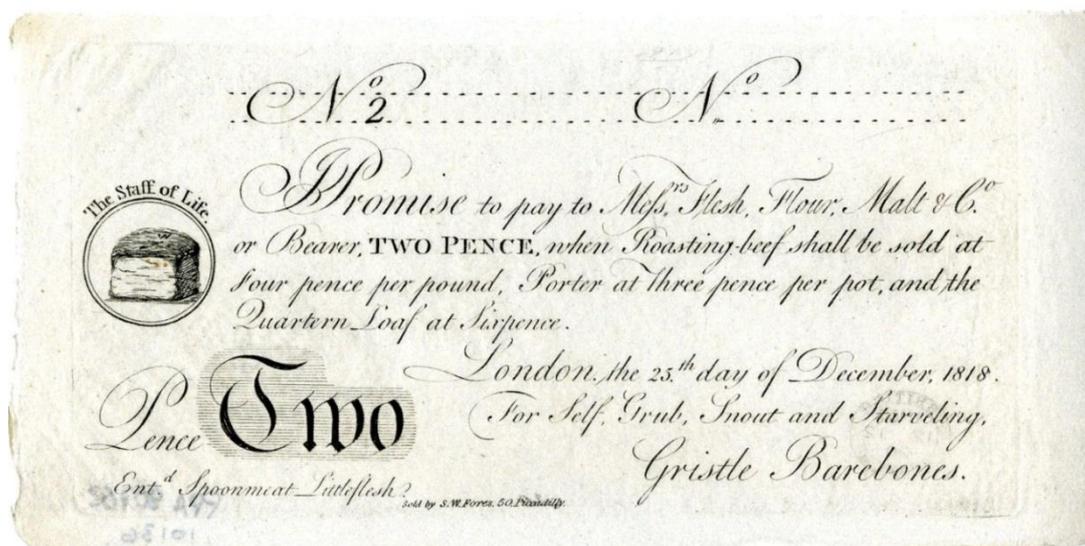


Fig 6, Imitation banknote No.2, S.W. Fores, London, 1818 (British Museum).

radical notes was laid out in a uniform style, and covered a broad range of contemporary social and economic issues, including both domestic and foreign affairs, as well as religious

<sup>30</sup> OBP: t18160918-98, Joseph Gray and Thomas Wiggins (September 18, 1816).

matters. Significantly all of the notes in the series were made out for the value of two pence, a detail which, although not specified on the more commonly surviving Fores reprints, was according to the Luffman copies the price for which they were also sold [Fig 7].

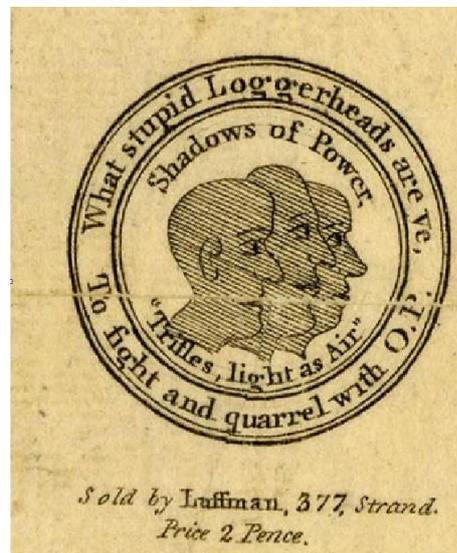


Fig 7, Detail - Imitation banknote, J. Luffman, London, 1809 (British Museum).

Despite Luffman having issued his first note in 1803, an isolated example contained in an un-catalogued folio in the CIB collections at the BM, printed by Jeremiah Jordan of Fleet Street in 1798, suggests that Luffman's design for his notes was not entirely original [Fig 8].<sup>31</sup> Furthermore, not only did Luffman clearly take inspiration from the Jordan note for his own series, he also produced a note that in nearly every sense copied it [Fig 9]. Such blatant plagiarism demonstrates the ease with which popular print designs could be replicated cheaply and easily by rivals. Despite a copyright act championed by Hogarth as early as

<sup>31</sup> 'Jordan, Jerimiah Samuel, bookseller, Fleet Street 1802-1805', see, I. Maxted, *The London Book Trades, 1775-1800, A Preliminary Checklist of Members* (Old Woking, 1977), p.125.

1735, it has been argued that this sort of protection was still only readily enforceable to those involved in the book trade at this time.<sup>32</sup>



Fig 8, Imitation Banknote, J.S Jordan, London, 1798 (British Museum).

Little is known about the political orientation of Luffman. Samuel Fores, on the other hand, was a well-known figure, considered by contemporaries to run one of the most radical London print shops of that time. Although, as Gatrell has noted, 'Fores issued many loyalist and anti-Jacobin prints in the 1790s, but...his track record as a critic of high-handed government was unmatched by any other printshop.'<sup>33</sup> Moreover Gatrell claims this was not unusual at this time, as many radical printshop proprietors still had to appeal to a more fashionable West End market in order to make an adequate living.<sup>34</sup>

<sup>32</sup> J. Feather, *Publishing, Piracy and Politics: A Historical Study of Copyright in Britain* (London, 1994), pp.6-7.

<sup>33</sup> Gatrell, *City of Laughter*, p.491.

<sup>34</sup> *Ibid*, p.493.

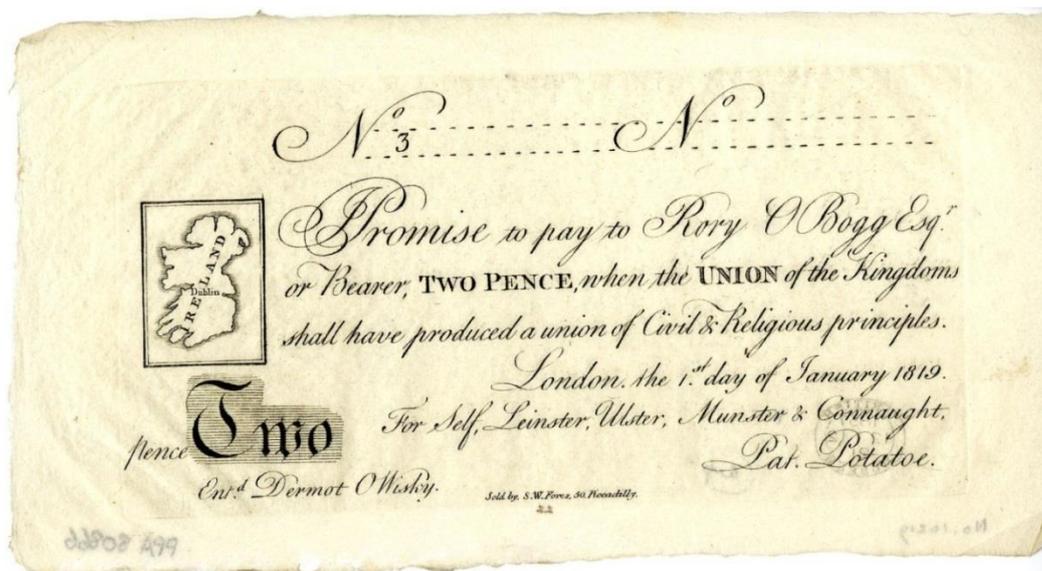


Fig 9, Imitation banknote, No.3, S.W Fores, London, 1819 (British Museum).

Whereas these notes appear to have been the first examples of radical ideas being advanced via the medium of the banknote, it was not the first time that they had been expressed through imitation currency. A few years prior to the printing of these notes, the radical leader and agrarian socialist visionary Thomas Spence had begun countermarking pennies with political slogans as well as producing his own tokens.<sup>35</sup> Spence was said to have thrown handfuls of such coins out of the window of his London apartment, focussing his efforts on periods when large crowds were gathered outside in the streets. He even had them distributed after his funeral in 1814.<sup>36</sup> A somewhat panicked letter to the *Gentleman's Magazine* in 1797 gives us an insight into Spence's operation,

<sup>35</sup> M. Chase, *The People's Farm, English Radical Agrarianism, 1775-1940* (Oxford, 1988), p.59.

<sup>36</sup> D. Worrall, *Radical Culture, Discourse, Resistance and Surveillance, 1790-1820* (Hemel Hempstead, 1992), p.26.

I called at Spence's shop, and saw many thousands of different tokens lying in heaps, and selling at what struck me to be very great prices. These therefore could not be considered as struck for limited sale. I confess, considering the number I saw struck and what the subjects of them were, I thought myself justified in supposing that it was the intention to circulate them very widely... I see no good, but many bad purposes answered by encouraging its circulation.<sup>37</sup>

It was through this widespread circulation of political materials, notably in the printed form, that radical ideas owed their rapid dissemination amongst the populace during this period. This was something aided to a large extent by the significant developments in printing technology that occurred at the beginning of the nineteenth century, such as the advent of mechanised paper making in 1803, and later in 1814 the introduction of the steam powered press.<sup>38</sup> These developments, combined with the lifting of a number of printing taxes, enabled reproduction in large quantities to become far cheaper than had been the case in previous decades.

Even before many of these technological advancements had been introduced, radical writer Tom Paine had written on the importance of mass circulation, and in a letter to one correspondent concerning the publication of the second part of his *Rights of Man* in 1792, Paine wrote 'it must be kept going by cheap publications. This will embarrass the court gentry more than anything else because it is ground they are not used to.'<sup>39</sup> The period also witnessed, according Gatrell, an overhaul of the popular satirical print industry, from one that existed primarily to serve those from the gentry and better middling classes, to one that was politicised and radical, culminating in the rise of the so-called 'low printshops.'<sup>40</sup> MP Sir

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<sup>37</sup> *The Gentleman's Magazine* (April, 1797), p.269, cited, in, Worrall, *Radical Culture*, p.26, note.33.

<sup>38</sup> P. Anderson, *The Printed Image and the Transformation of Popular Culture 1790-1868* (Oxford, 1991), pp.1-2, also, *see*, ch.3, p.134.

<sup>39</sup> E. P Thompson, *The Making of the English Working Class* (Middlesex, 1972 [1968]), p.41.

<sup>40</sup> Gatrell *City of Laughter*, p.485.

William Cholmeley had complained to Parliament in 1821 that in the past one had actually to enter a print shop in order to view 'bad caricatures', but now they were 'thrust upon the notice of passengers; and no man could go through the streets without having his eyes insulted.'<sup>41</sup> It is clear, therefore, that popular print culture had been fully embraced by radicalism by the turn of the century, and given the shake-up of the currency following the introduction of small denomination one and two pound notes in 1797, it is perhaps unsurprising that imitation banknotes would quickly become part of the radical satirical print repertoire.



Fig 10, George Cruikshank, *Bank Restriction Note*, William Hone, London, 1819 (British Museum).

<sup>41</sup> Parliamentary Debates, Vol.5, June 6 (1821), p.118, cited in, Gatrell, *City of Laughter*, p.530.

An important example of a flash note that in many ways crossed this apparent divide between radical and respectable satire, was George Cruikshank's *Bank Restriction Note* of 1819 [Fig 10]. Cruikshank claimed to have engraved the note after he had attended an execution on Ludgate Hill, becoming disgusted at what he perceived to be poor people being hanged for a relatively minor property crime: the uttering of forged banknotes.<sup>42</sup> The print was published by William Hone together with the larger *Bank Restriction Barometer*, selling together for the price of one shilling. The print proved so popular that it made over £700 in profit, with its copper plate having to be re-engraved.<sup>43</sup> Further evidence that this print was indeed big business can be found in an issue of the *Examiner* of February 1819, a case that truly highlights the highly ambiguous status of such prints at this time. The report in question describes a 'miserable pamphlet hawker' named John Birkett who had been accused by a bookseller of selling forged copies of Hone and Cruikshank's note,

on Monday the prisoner offered for sale to Mr. Shorter, bookseller, Wych-street, Strand, six notes, without the barometers, of which he said he had none. Shorter purchased the six for 2s; but suspecting them to be forgeries, gave information at Mr. Hone's bank. Mr Hone, on this occasion became his own inspector, and after minute examination, pronounced them to be forgeries in no respect; they were on his Bank-post paper, and impressions from his plate; he could not, indeed swear to the handwriting of his signing clerk, though he had frequently seen him make his mark; but he had no doubt that the name was executed by the same hand as all his other notes were!<sup>44</sup>

The given explanation for the existence of the fake notes was unauthorised copies of the print having been made, the report explaining that,

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<sup>42</sup> For more on the contemporary debates surrounding forgery and the use of capital punishment, see, Handler, 'Forging the Agenda', & 'Bloody Code'.

<sup>43</sup> Gatrell, *City of Laughter*, p. 215.

<sup>44</sup> *The Examiner* (February 14, 1819).

a great number of said notes had illegally issued from the printing-office of Mr. Dewick, Barbican, and an errand boy of Mr. Dewick's, who had absconded, was suspected to be the utterer, and the prisoner was found to be the receive [sic].

Indeed, even though the writer in the *Examiner* was certainly aware that Hone's note was actually a print rather than a Bank Note, the language used to describe the process undertaken by Hone to scrutinise the suspected fakes could almost suggest otherwise. As the author refers sardonically to 'Mr Hone's Bank', it is not difficult to see that contemporaries would easily have recognised the significant irony involved in this situation. Hone after all had published and profited immensely from a print criticising the punishments used against convicted forgers, and yet here he was embroiled in his own investigation against a suspected forger of that very same print.

Aside from highlighting the supposedly unjust plight of Bank Note forgers and utterers, Cruikshank's note was also addressing a deeper point, one that will be explored more thoroughly in chapter four, which was that both the visual and material characteristics of a Bank note could be reproduced convincingly by ordinary individuals who were not employed by the Bank. By submitting a 'specimen of a banknote... not to be imitated... for the inspection of the public.' Cruikshank is satirising the highly ambiguous legal status of the Bank Note, the reasons for the existence of which will now be explored more fully.

## Bank Notes, Prints and the Law

For contemporaries who were presented with banknotes in payment during the Bank Restriction, distinguishing between notes that were 'good' and notes that were 'bad' was a process that may have involved much more than merely determining whether a particular note was a forgery or not. With so many different notes originating from legitimate banks across the country, it would not have been unusual for a London tradesman, for instance, to have regularly encountered unfamiliar note designs, especially as growing numbers of country banks began to establish partners in the capital where their notes could be paid.<sup>45</sup> With their notable likeness to genuine banknotes, flash notes presented another potential barrier to the receiver of paper money. Aside from their often ridiculously worded promises to pay and obscenely small values - in many cases for just a matter of pence - many flash notes were otherwise both visibly and physically indistinguishable from the real thing.

From the perspective of the law, distinguishing between real and fake notes could be equally difficult, a scenario brought about by the highly ambiguous nature of the wording of anti-forgery legislation. This lack of clarity stemmed from the fact that the government was in effect only able to legislate on behalf of Bank Notes with regard to what could and could not be copied. The laws that existed in relation to the private country notes were likewise vague, and merely prohibited the production of prints that precisely imitated notes already being

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<sup>45</sup> For examples of this in the *Proceedings*, see, OBP: t18040912-21, Joseph Lloyd (September 12, 1804), t18100718-5, James Carpenter (July 18, 1810), t18150913-82, John Binstead (September 13, 1815). Magistrate Patrick Colquhoun noted in 1800 how, 'forgery has been carried on to a considerable extent; suggested no doubt by the confidence which is established from the extensive circulation of country banker's notes and bills, now made payable in London; by which the deception is in some degree covered, and detection rendered more difficult', see, P. Colquhoun, *A Treatise On the Police of the Metropolis; The Sixth Edition, Corrected and Considerably Enlarged* (London, 1800), pp.112-113.

issued by existing banking houses.<sup>46</sup> This meant therefore that as long as an imitation note did not purport to be of an actual working bank, then it was not breaking the law in any way, regardless of how much it more broadly resembled a currency instrument.

The laws relating to Bank Notes did have a slightly broader remit, although they still did little to effectively suppress flash notes. Probably the most significant clause in the law was that which made illegal the reproduction of the sum piece, the value of the instrument spelled out in the bottom left hand corner of the note [Fig 11]. This feature was exclusively reserved for use on Bank Notes by an Act of 1812, although the suppression of prints that featured white text printed on a dark background in this style was evidently taking place before this date.<sup>47</sup> Although introduced primarily to criminalise the act of producing forged notes, the law was technically applicable to any printed document within the public domain, and therefore applied equally to both the makers of country notes, as well as those who circulated more ephemeral kinds of print. Whereas forgery was by far the biggest problem that the Bank faced following the introduction of its small notes, material within its archive clearly demonstrates a shifting attitude during this period towards the production of these supposedly more innocent imitations.

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<sup>46</sup> See, *A Bill [as Amended by the Committee] for the Better Prevention of the Forgery of the Notes and Bills of Exchange of Persons Carrying on the Business of Bankers* (1801).

<sup>47</sup> Hewitt & Keyworth, *As Good as Gold*, p. 54.

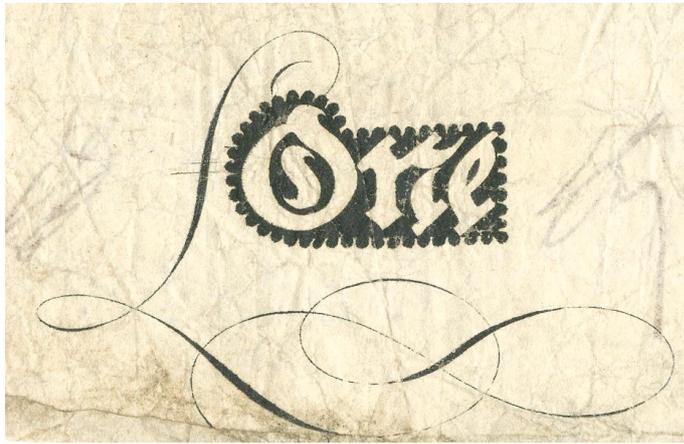


Fig 11, Detail - Sum Piece taken from a One Pound Bank of England Note (British Museum)

The first time the Bank appears to have received correspondence concerning a flash note was in June 1796, with the writer of the letter hoping that the note enclosed would be submitted to the consideration of the Bank directors.<sup>48</sup> The wording suggests these types of prints were still relatively novel, and were not yet in wide circulation, dismissed by the writer as merely 'an impudent attempt to keep up a spirit of Imitation, on a very delicate & important subject.' Despite a second letter to the Bank later that month claiming that the notes had been 'lately circulated in this neighbourhood...[and] made a very improper use of by wicked and designing men,' there is no further evidence to suggest that the Bank took any notice in this particular case. Unfortunately the enclosed note does not survive and can offer us no clues as to why the Bank decided to take no action. A key reason might have been the timing of the incident as, in 1796, the Bank might have assumed that such prints would only have had limited appeal. It is also possible that much like the large majority of flash notes that appeared later, this particular note did not infringe the anti-forgery laws. Whereas it might well have raised a few eyebrows amongst the directors, such an imitation was therefore clearly not considered a tangible threat at this time.

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<sup>48</sup> BE: F2/62.

With the onset of the suspension of gold payments and the mass issuing of the new small denomination Bank Notes, it is possible to observe a clear shift in the Bank's attitude towards those who were printing and distributing flash notes. Just two years into the Restriction Period a letter from the Bank's Birmingham agent William Spurrier described how flash notes were beginning to create problems for those attempting to police the production and circulation of forged Bank Notes in the town. Spurrier expressed his alarm at how publicly sold prints purporting to be Bank Notes were being '[circulated]...amongst the ignorant and illiterate for pound notes.'<sup>49</sup> According to newspaper sources, after a prosecution led by Spurrier on behalf of the Bank, the maker of the notes, William Pursall, was sentenced at the Warwick Quarter Sessions to three months imprisonment and hard labour.<sup>50</sup> Further details of the notes are also provided, suggesting that they were in fact in direct breach of what would go on to form an important strand of the anti-forgery laws,

Wm. Pursall, prosecuted by Mr. Spurrier... by direction of...the Bank of England... for selling in his shop a promissory note for "one round penny", with the word ONE in white letters on a black ground (engraved similar to that word in the one pound notes of the Bank of England).

More remarkable, however, is the mention of a separate individual who had been prosecuted for his dealings with these notes,

as was to twelve months imprisonment, in the said House [of correction], Thomas Sanders, also prosecuted by the Bank, for having uttered one of those notes as a one pound note, and fraudulently obtaining for it the value of 20s.

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<sup>49</sup> BE: F2/163.

<sup>50</sup> *London Packet or New Lloyd's Evening Post* (October 16 -18, 1799).

What is astonishing about the outcome of this case is that an individual who had committed a virtually identical offence to that of a forged Bank Note utterer - one for which many were being either hanged or transported - had managed to walk away with a relatively minor sentence. Despite this crime in effect being the same as that punishable with the capital statute, the legal technicality that may have saved Sanders's life was the subtle alteration to the wording of the Bank's name printed on the note.<sup>51</sup> Although not specified in statute, this point of law had previously been raised by the barrister William Garrow in a case at the Old Bailey concerning Michael Druitt, on trial in 1785 for forging a bill of exchange.<sup>52</sup> As part of Druitt's defence, Garrow had cited a trial of 1784 at the court of the King's Bench, in which a man had been indicted on the charge of forgery for uttering an instrument headed with the words 'My Bank Of England.' As it was relevant to Druitt's case, Garrow recalled that because of this detail the man was not prosecuted on the capital charge, as the note could not be classed as a counterfeit. As Garrow himself concluded of the outcome of that particular trial, 'the court said the purporting must be on the face of the instrument itself, that every man that looks at it may be able to say, this purports to be such a draft.'

It would appear, therefore, that even if a flash note broke the law, say by replicating white text on a dark background in the form of a sum piece, it could not be treated as a forgery unless it replicated a Bank Note precisely, in which case it would presumably have been classed as a forged note from the outset. A case taken from the *Proceedings* slightly after the Spurrier incident, however, demonstrates how volatile the law could be, and in practice just how blurred and narrow the supposed division between flash and counterfeit Bank Notes actually was. The case in question was that of Henry and Mary Jenkinson, both

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<sup>51</sup> For example, see, *An Act for the Further Prevention of the Counterfeiting of Silver Tokens...and for the Further Prevention of Frauds Practised by the Imitation of the Notes or Bills of the said Governor and Company* (1812).

<sup>52</sup> OBP: t17851214-14, Michael Druitt (December 14, 1785).

of whom were sentenced to death in February 1805 for passing a forged two pound Bank Note.<sup>53</sup> The trial proceeded in a familiar style, with the prosecution systematically demonstrating where, when and how the instrument had been acquired and then paid away. Just before the jury were about to give their verdict, however, it was observed by one juror that the note was in fact 'not a banknote', as the name of the bank appeared to read 'Bank On England.' Remarkably, however, the prosecution appears to have been completely prepared for this, replying that, 'there is a count in the indictment for a promissory note; it comes within that', and the death sentence was duly administered. Such an incredible verdict, therefore, throws open a whole debate over what actually constituted a Bank Note, and more precisely a forged Bank Note at this time. It is suggested here that rather than the objective wording of the statute, it was in fact subjective judicial discretion that provided the real key to determining how a note at this time would be legally classified.

If we consider the production of flash notes solely from the Bank's perspective, what the William Spurrier case suggests is that the Bank was much more likely to take these kinds of notes seriously if it was evident that they were being used for sinister means, regardless of whether a note was thought to have been printed intentionally to deceive or not. For example, William Pursall's 'One Round Penny' note was evidently too illegal for the Bank not to prosecute him, although it is important to observe once again that he received a considerably leaner sentence than the man caught attempting to circulate the note as genuine currency.

Almost 30 years later, an elderly man from Yorkshire named James Hirst was investigated by the Bank for printing notes for his fictitious "Bank of Rawcliffe [Fig 12].

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<sup>53</sup> OBP: t18050220-78, Mary & Henry Jenkinson (February 20, 1805).



Fig 12, "Bank of Rawcliffe" banknote, Rawcliffe, Yorkshire, 1825 (British Museum).

The correspondence between the Bank and its agent in this case again demonstrates a clear desire on behalf of the Bank for the production of the notes to be ceased, although not to prosecute Hirst himself. Although these notes were once again in breach of the anti-forgery laws, it is apparent from descriptions of Hirst that he was not printing them with the intention of using them for criminal purposes, but was instead just an incredible eccentric, one who saw imitation paper currency as a form of amusement. The notes were brought to the Bank's attention due to one them having been uttered illegally, in this instance by a man named Isaiah Brown as far away as the town of St. Ives in Huntingdonshire.<sup>54</sup> Upon writing to the Bank's solicitor, a local Bank agent attempted to portray Hirst as a major dealer in imitation currency, claiming that,

<sup>54</sup> BE: F2/63.

[he] has during the last two years parted with a great number of these notes to persons going to his house which is resorted to by every stranger who comes into the town of Rawcliffe purely out of curiosity.

Evidence taken from Isaiah Brown similarly attested to this, he claiming to have seen 'hundreds and thousands' of the notes at Hirst's home himself. The Bank eventually decided that the best course of action would be to demand that Hirst surrender the printing plates so that no more notes could be printed, and the chain of correspondence suggests that this was done so accordingly. Upon his death in 1829 Hirst was remembered fondly by a number of local newspapers, a clear indication that he was never really considered by anyone as a serious currency criminal.<sup>55</sup> Nevertheless, despite individuals such as Hirst printing imitation money for what were seemingly novel reasons, flash notes at this time were also evidently associated with those who made it their business to deceive, a reputation that was fundamental to the very language used by their contemporaries to describe them.

### Flash Notes and Fraud

As was discussed at the start of this chapter, the small amount of literature that has considered flash notes has on the whole reinforced the idea that such objects could be used as items of deception, and that they were either used to fool people who were illiterate, or were presented in less than ideal conditions for their receivers. Shin for instance has suggested that, if the intention was to deceive, then flash notes would most likely have been presented in the dark in order to obstruct one's ability to examine the note properly.<sup>56</sup>

Whereas chapter five will show that darker conditions could be used as a cover to pass off

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<sup>55</sup> *The Sheffield Independent, and Yorkshire and Derbyshire Advertiser* (October 24, 1829).

<sup>56</sup> Shin, *Culture of Paper Money*, p.227.

forged banknotes as a means of hiding imperfections in their construction, it will be suggested here that as items that resembled banknotes more imprecisely, flash notes were more commonly used to deceive in ways that involved a manipulation of either their visual or material components, and in some cases both. Furthermore when presented in particular ways, flash notes possessed an ability to deceive not only those who could not read, but also the so-called fully literate.

Like numerous material objects now lost in time, it is often difficult to locate examples of ordinary things being used in ways that did not involve some form of criminality. This is a particular problem for historians using sources such as newspapers, and to an even greater extent legal records.<sup>57</sup> Sometimes criminal cases do reveal ordinary usages; the aforementioned Thomas Overall had for instance been on his way to the public house with a flash note in his possession, a space contemporaries clearly associated closely with these type of prints. This is perhaps unsurprising, however, given the important role played by pubs as arenas in which sums of paper money were frequently exchanged. In 1829 one amateur playwright named Coleman was made a fool of in a pub by some prospective publishers, in a stunt involving what *The Times* described as 'a well-folded 1.000/note of the Bank of Elegance.' Upon Coleman offering to close a deal with a bookseller named Murray for the said note, one observer allegedly roared out with laughter 'Close with Murray...I'm dammed if you do!'<sup>58</sup>

Outside of the public house, flash notes could evidently have more practical applications. A coachman in South Yorkshire was heavily disappointed in 1827, when hoping for a reward after handing in a pocketbook containing what he believed to be a number of

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<sup>57</sup> E. Muir & G. Ruggiero, 'Introduction: the Crime of History', in, Muir E., & Ruggiero G. (ed), *History From Crime* (Baltimore, 1994), pp. vii.

<sup>58</sup> *The Times* (January 29, 1829).

high value banknotes, he was told by their owner that they were just 'flash notes', and that he kept them with him on his travels to give to any highwayman who might attempt to rob him.<sup>59</sup>

Although on the surface these two latter non-criminal examples may appear somewhat mundane, a deeper reading of them in fact suggests a more complex and overlapping relationship between perceptions of both the material and visual characteristics of banknotes at this time. The travelling man, for instance, was perhaps of the belief that should a robbery take place then it would do so very quickly, and was therefore relying on not just the visual but also the material or haptic qualities of his flash notes to fool the highwaymen for long enough before they made their getaway. To put it differently, the man might have hoped that a brief exposure to both of these components would have been enough to trigger a cognitive shortcut - or schema - for genuine banknotes in the minds of the criminals, thus deceiving them into believing in the authenticity of the stolen money. The activation such a schema would presumably have relied on the intended receiver of the note being able to recognise the features of the banknotes to which they were being exposed, and it will be suggested here that this was a key element in a flash notes ability to potentially deceive any person that came into contact with it.

A good example of this can be seen in a case of May 1827, in which a young man named Cole was in attendance at the Surrey theatre.<sup>60</sup> According to a report in *The Times*, Cole had spotted a curious bundle of paper on a vacant seat, and had picked it up with little hesitation. He instantly believed himself to be in luck, as the papers appeared to be banknotes, some for values of up to £1000, or so he thought. Cole was not the only one to have spotted the notes, however, and a man claiming to be a constable soon approached

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<sup>59</sup> *The Times* (December 17, 1827).

<sup>60</sup> *The Times* (May 14, 1827).

him, demanding that they be returned to their rightful owner. An offer of half of the notes did little to cool the constable's passions, he insisting that the men would both need to appear in front of a magistrate if Cole wished to claim a reward for finding them. At the magistrate's hearing the constable was ordered to produce the notes for examination, something which he accordingly did, much to the astonishment of those present in the chamber. Whilst attempting to hold back his laughter, the constable soon made it clear that Cole had been the dupe of an elaborate scam, and that the notes were in fact 'not worth a groat', revealing them to be "Bank of Elegance" notes. To the great amusement of all those present the magistrate soon confirmed this to be true, with Cole meanwhile proceeding to tear up the notes in a great fit of anger.

From the description of this event provided by one newspaper, it is more than likely that Cole was fully literate in the modern sense of the word. The theatre box, even at a provincial level, was hardly what could be considered a plebeian space during this period.<sup>61</sup> Cole was also alleged to admit at the hearing that he was 'heartily ashamed of the exposure attached to the humbug that some knowing wag had played upon him', and whether he actually uttered these words or not, the impression given by the report is that Cole really should have known better. The deception of Cole was therefore one clearly undertaken to humiliate him, rather than to swindle him out of goods or money. Like in the case of Coleman, the bookseller similarly tricked by a cleverly concealed "Bank of Elegance" note, this kind of innocent trickery was perhaps a way that these sorts of notes were commonly used amongst both friends and enemies alike.

Due largely to the nature of the evidence, it is cases where flash notes were being appropriated for criminal purposes that are mainly visible. Despite this tendency towards

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<sup>61</sup> For a discussion of box subscriptions at London and provincial theatres in this period, *see*, J. Hall-Witt, *Fashionable Acts: Opera and Elite Culture in London, 1780-1880* (Lebanon, 2007), p.114, *passim*.

illicit activity in the sources, however, it is still possible to identify both tactile and visual technologies of deception that could have been used in both a legitimate and an illicit capacity. Two clearly distinctive techniques of deception can be identified from the sources, and it is evident that the decision as to what sort of swindle should be utilised was one that was heavily dependent on the circumstances of the intended victim.

The first of these, as seen in the case of Cole, allowed the receiver a short period of material (haptic) contact, yet only minimal visual contact with the note. In an article from *John Bull* in 1829 entitled 'A New Way to Play an Old Trick', a story was relayed in which a man was fooled by a stunt involving a swindler pretending to pick up a one pound banknote after the two men had passed each other in a Leeds street.<sup>62</sup> In what initially appeared an act of tremendous generosity, the swindler offered the man half the value of the note if he would give him the change for the other in coin, an offer which, remarkably, was readily accepted. The note was later revealed to the swindled man as a flash note, who was said to 'produce various contortions of countenance' upon being told. In referring to the victim as 'Johnny-Raw', the newspaper was perhaps implying that he was less than fully literate in the modern sense. However what with the apparent quickness of this transaction, as well as the fact that the man was seemingly more than happy to readily accept a banknote, this suggests that haptics may have played a significant role in this deception.

In an earlier case from 1806 in which a London shopkeeper's boy was reported to have mistakenly accepted a flash note in payment for a coat, one newspaper explained how the swindler, named Burke, gave the boy,

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<sup>62</sup>*John Bull* (May 4, 1829).

a bit of paper resembling a note, which the boy was about to read when Burke advised him to take care he did not lose it, snatching at it himself at the same time, which induced the boy to put it into his pocket.<sup>63</sup>

Again, much like in the previous example, it appears that although Burke had allowed the boy to touch the note, he wished at the same time to deny him prolonged visual contact with the object, in order to minimise the opportunity for him to possibly identify it as bad.

The alternative to this first kind of deception was an almost complete reversal of technique, and involved presenting a flash note to the intended victim in a manner which allowed prolonged visual but not material access to the object. Indeed, when visual similarity was relied upon for success, touch appears not to have been significant. In order to be successful, this kind of trick may have involved manipulating the note so only certain features were visible, or more precisely, were only visible for limited amount of time. Coleman, the aforementioned playwright, had seemingly been allowed no physical contact with the “Bank of Elegance” note whilst talking to the publishers, and had been fooled into thinking that the note was genuine after it had been folded over in a certain way and presented to him at a distance. Moreover this was evidently a common technique used by flash note swindlers. Samuel Probart, who had been robbed in a public house of fifteen pounds worth of banknotes, explained at the Old Bailey in 1828 how, in his case, ‘the prisoner pulled out some notes, and folded them over his finger; one finger was at the top - I could see "Fifty", but could not see what bank it was, as he held his hand over that.’<sup>64</sup> James Cooper, a man who likewise had a ten pound note stolen, claimed at the Old Bailey in 1821 that he had not had an adequate chance to personally study the banknotes with which he was presented, but claimed that ‘the prisoners shewed their £10 notes – I do not know

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<sup>63</sup> *The Morning Chronicle* (September 18, 1806).

<sup>64</sup> OBP: t18280529-45, Thomas Mills (May 29, 1828).

whether they were notes, they only showed them in their hands.'<sup>65</sup> An Italian sailor named Antonio Bennia was similarly deceived in a pub in 1812, describing how his swindlers had 'put down paper that had the appearance of bank-notes, and when I put down five one pound notes, the man took up the notes and ran away.'<sup>66</sup>

A reading of cases in which flash notes were being used in place of either genuine or actual forged banknotes might offer some further clues as to the kinds of methods adopted by contemporaries during this period to scrutinise the goodness of banknotes, particularly amongst those whose grasp of reading may have been limited.<sup>67</sup> Here then we might consider the recent work of Adam Fox, who despite focussing on an earlier period than that covered here, suggests that not only are figures for literacy for the early modern period largely unreliable, but more significantly, that there could be distinct differences between the ways that individuals actually read both printed and handwritten texts.<sup>68</sup> His research has suggested that so-called illiterate people were in fact often able to identify certain alphabetic and numeric characters when presented in the printed as opposed to the handwritten form. In establishing that the ubiquity of ephemeral prints such as ballads, broadsides and woodcuts could help to foster within individuals a sort of semi-literacy through the complex interaction between oral, visual and literate print cultures, Fox's work inadvertently implies that we should reassess previously subscribed notions surrounding the centrality of literacy and reading to the effective understanding of printed documents such as banknotes. Moreover as Gatrell has similarly suggested in his own work on crime and print,

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<sup>65</sup> OBP: t18210718-96, James Turner & Henry Hawkins (July 18, 1821).

<sup>66</sup> OBP: t18121028-52, Charles Carlisle (October 28, 1812).

<sup>67</sup> For a further exploration of this point, *see*, ch.5 *passim*.

<sup>68</sup> *See*, A. Fox, *Oral and Literate Culture in England 1500-1700* (Oxford, 2005), *passim*.

we forget that these things enmeshed communities in shared understandings, teaching people how to see and think about themselves. Even those who could not read or write would be visually literate.<sup>69</sup>

One such feature that may have been interpreted in such a way was the sum piece, which due its similarity on both real and flash notes could easily be mistaken for the genuine article. What with it being a large and more easily discernible printed feature found on banknotes - as opposed to other text presented in a hand written like font - the sum piece may well have been used by some individuals of a semi-literate ability in their attempt to identify genuine paper money [Fig 13]. Doing so, however, may well have proven their downfall.



Fig 13, Detail - Sumpiece, "Bank IN England" note, 1811 (British Museum).

When John Sawyer, the landlord of John Sturch, a sheep seller robbed at Warwick fair in 1828, was asked by Sturch to identify the flash notes handed to him that day, he did so by saying that he believed them to be notes for five pounds.<sup>70</sup> Although Sawyer had probably never seen these particular notes, it is possible that with his limited reading ability he was able to make out the word FIVE printed as the sum piece, but not the words 'half-pence.'

<sup>69</sup> Gatrell, *The Hanging Tree*, p.112.

<sup>70</sup> *The Morning Chronicle* (July 27, 1826).

Seventeen years earlier, another man also named John Sawyer, was similarly fooled into accepting a flash note in payment.<sup>71</sup> Sawyer on this occasion had been tricked into giving change to Edward Payne for a twenty pence “Bank In England” note. Sawyer had asked Payne whether the note had come from his master, to which he replied yes, and it had been accepted accordingly. Nevertheless, with Sawyer asking Payne directly whether the instrument was a twenty pound note, it is fair to suggest that he may have once again been fooled by the very same detail as his namesake.

Other visual and material characteristics that did not involve printed text, found on both Bank Notes and flash notes alike, could similarly have been used by illiterate or indeed semi-literate individuals as a means of attempting to authenticate paper money with which they were presented. Although having had his notes snatched from him at Warwick fair in 1828, sheep seller John Sturch related in court that even though he could not read, ‘I saw the notes were not like in appearance to those he snatched from me.’<sup>72</sup> Edward Derby, another man swindled in a flash note scam, was more specific when he appeared as a defendant at the Old Bailey in 1828.<sup>73</sup> Derby claimed that he had confronted one of his assailants by shouting at him, ‘this is not my bills’, adding, ‘I knew my own paper by the colour – it was whiter than that was; I said, “I will not have these, give me my own bills – I want none of yours.’ He later in the trial recalled receiving his notes back, ‘my notes were produced to me – I had no mark on them, and did not know the numbers, but they were rolled up exactly as mine were, and were the same amounts, four of 10/, and two of 5/.’

Contemporaries clearly found it difficult to entirely avoid the threat of being imposed upon by flash notes, as they were often presented in less than ideal conditions, thus limiting

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<sup>71</sup> OBP: t18110710-97, Edward Payne (July 10, 1811).

<sup>72</sup> *The Morning Chronicle* (July 27, 1826).

<sup>73</sup> OBP: t18280221-26, Thomas Robinson (February 21, 1828).

the opportunity for conducting a properly scrutiny of them. This did not mean, however, that some individuals did not at least make an attempt to try and defend themselves. Given the emphasis placed by certain historians on the role of the endorsement to the successful circulation of banknotes, it is perhaps unsurprising to find that some flash notes were marked by hand in order to indicate their status as imitations, and two examples held in the BM collections are shown in figures 14 and 15.

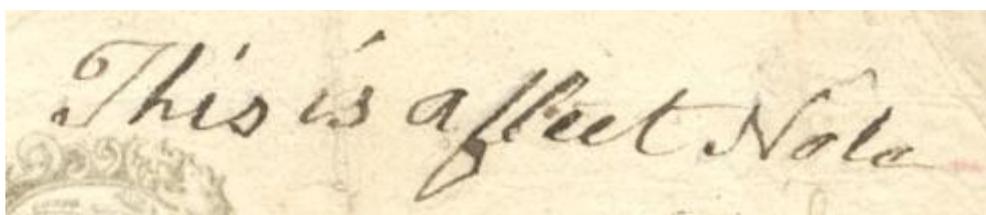


Fig 14, Detail - 'This is a Fleet Note' annotation, "Bank IN England" note, 1811  
(British Museum).

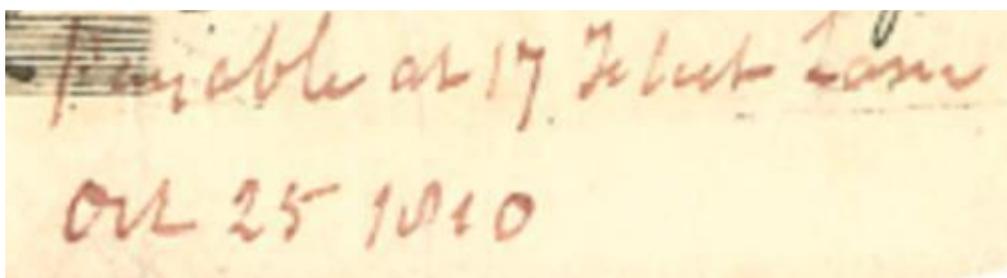


Fig 15, Detail - 'Payable at 17 Fleet Lane' annotation, "Jubilee Bank", 1810?,  
(British Museum).

These two examples, referring to the notes in question as 'fleet notes', a term possibly more common for them in around 1810-1811, may in fact raise more questions than they answer. For instance, the annotations, and particularly the one in figure 14, were clearly intended to warn off individuals from accepting these flash notes as genuine money. The key question,

however, is just who were such annotations intended for, as a presumably literate person would surely be able to identify a flash note from a reading of the note's body text? This chapter contests that contemporaries were in fact widely aware of the confusing capacity of flash notes, and such annotations would only act as a last line of defence should a flash note be presented in what might be considered normal circumstances. Furthermore the annotation in figure 15, stating that the note is payable at '17 Fleet Lane', was clearly never intended as a serious deterrent against accepting the note, and is perhaps more consistent with the role of the flash note as an item of visual and literate printed humour.

There is some evidence to suggest that handwritten annotations on flash notes may have in some cases helped to protect unwary individuals from taking them in payment. Alice Robinson who encountered some flash notes while gambling in a public house with her husband Rodger in 1822, claimed at the Old Bailey to have distinguished her own notes from those given to her by a swindler,

my notes were quite clean and new, without any writing on them whatever; one of those he gave me, I think was my own; but the other had writing on it, and I was fearful it was bad, and had him detained; it afterwards proved to be a good one.<sup>74</sup>

As a side note, it is interesting to observe that Robinson's testimony sits somewhat uncomfortably with the recent arguments made by Shin, namely that handwritten endorsements found on notes nearly always boosted their credibility.<sup>75</sup> One can only really speculate, therefore, as to the extent to which hand written text on banknotes may have in fact confused rather than lent confidence, particularly to those individuals who did not possess the capacity to comfortably decipher handwritten script.

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<sup>74</sup> OBP: t18220703-38, James Jones (July 3, 1822).

<sup>75</sup> For further discussion of Shin's argument, *see*, ch.5, pp.198-199

## Conclusion

By making a case study of imitation or 'flash' banknotes, the purpose of this chapter has been to consider the relationship between banknotes and ordinary objects of print, as well as the legal definitions of paper money that existed during the early nineteenth century. In doing so it has not only provided some much needed historical context, but has also raised a number of important themes that the remainder of the thesis will now go on to cover in more depth, such as the means by which contemporaries of the period could attempt to assess the authenticity of notes.

Specifically, the chapter has attempted to make two main points. Firstly, that a boom in imitation banknotes during the first three decades of the nineteenth century was clearly one that coincided with a burgeoning culture of paper money in England during this same period. Whether reading them directly oneself or instead through other people, a close interaction with the sorts of satirical promises found on flash notes may have helped to foster more modern readings and understandings of Bank Notes amongst the English people at this time.<sup>76</sup>

New perceptions were not confined merely to theoretical understandings, however, and as items that not only visually but materially imitated banknotes, flash notes conceivably possessed an ability to act as a point of reference for genuine monetary instruments, thus further familiarising contemporaries with their material and aesthetic forms. Some, however, were clearly concerned by their similarity to real currency instruments, and it has been shown how flash notes could be used to potentially deceive all persons regardless of social status or reading ability. Flash note deception was clearly not something that only the

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<sup>76</sup> For further discussion of contemporary Bank Note understandings, see, in particular, ch.4, 5 & 6.

illiterate were susceptible to, as swindlers could employ haptic technologies in combination with minimal visual contact in order to fool even those who were supposedly capable of telling otherwise. Swindling methods such as those highlighted above were therefore successful because they tapped into people's visual and sometimes material recollections of banknotes, thus triggering their Bank Note schema, and thereby pushing them towards the impulses of System 1 type thinking.<sup>77</sup> Moreover whether flash note swindles were successful or not depended largely on the individual to whom the note was being presented. Furthermore, as has been suggested above, those presenting flash notes with the intention of passing them for real money may have needed to tailor their deception methods depending on the circumstances of the targeted person. In chapter five the issue of the schema will again be addressed, when the methods used by contemporaries to scrutinise what were presumed to be genuine Bank Notes are analysed in greater detail. Here we shall speculate as to the kind of encounters that an individual might have expected to experience before he or she could conceivably have developed their own schema. Before this, however, the thesis will next turn to the issue of how forged Bank Notes were constructed, as well as the means by which they were bought and sold on the open market.

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<sup>77</sup> *See*, note.2.

## Chapter Three:

# "A most horrid composition"? Manufacturing Forged Bank Notes, People, Technologies, Materials and Skills

This chapter will address a subject that has seldom been discussed in the literature on forgery: the skills and technologies adopted by those who attempted to forge banknotes in the period 1797 to 1821. It will suggest that previously held assumptions that the forgery of Bank Notes always took place in a particular fashion need to be reassessed, and that a neglect of this topic in the historiography has hampered our understandings of how contemporaries of this period perceived the Bank Note as a material object. This inattention has not escaped the notice of all scholars in this field, however, with Deidre Palk recently remarking that 'the production of forged banknotes and the ways of getting them into circulation...are activities rarely examined by historians.'<sup>1</sup> An analysis of cases in the Old Bailey *Proceedings* in which the methods and skills of the forger are discussed in detail, is therefore desperately required, in order that more might be learnt about the variety of ways that contemporaries could go about this task.

A couple of important factors may explain this dearth in the literature, the first being a matter of evidence. Given the serious consequences a person faced if caught forging Bank Notes, it is only natural to assume that those individuals involved would routinely have wished to

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<sup>1</sup> Palk, *Judicial Discretion*, p.89.

keep their activities as quiet as possible, in order to minimise the chances of an encounter with the hangman. Such covert tactics were evidently successful, as the majority of prosecutions that resulted in a guilty verdict were in fact undertaken against those who merely handled and possessed false money – as are considered in chapters four and six - rather than actual forgers of notes. Details of how the forging of notes was undertaken can, however, be extracted by historians from legal records, and the on-going debate over the problematic nature of such methodologies has already been discussed in detail above.<sup>2</sup> Sceptics might suggest that through analysing the activities of those who were actually apprehended for forgery - due to their notes having been positively identified as false - we are essentially only looking at a very small percentage of forgers, those who failed in their task, and that this might not be truly representative of this kind of criminal. This argument can be countered by highlighting that many of those who were caught and put on trial for forgery did in most cases manage to have a number of their notes successfully paid off; that is before they were eventually tracked down by the Bank inspector or hauled in front of a magistrate in person by a disgruntled shop keeper who suspected foul play.

This second factor is a matter of poor communication across different academic disciplines, namely history, numismatics and art history. A number of excellent works that look specifically at the matter of how Bank Notes were constructed have now been in print for some time.<sup>3</sup> A reading of these texts suggests that they are aimed more specifically at the latter two disciplines, and as was suggested in the previous chapter, it has been historians in particular

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<sup>2</sup> See, Introduction, p.18.

<sup>3</sup> V. Duggleby, *English Paper Money*, 8th Edition (Surrey, 2011), has now run through eight editions and remains the most accessible volume which provides details about individual notes, also, see, Mackenzie, *Bank of England Note*, Hewitt & Keyworth, *As Good as Gold*, *passim*.

who have on the whole been the most reluctant category of scholars to analyse paper money's material qualities, as well as the broader relationships that existed between Bank Notes and other kinds of contemporary printed objects.<sup>4</sup>

Detailed discussion of the material characteristics of Bank Notes, as well as the methods used in their construction, have therefore tended to constitute merely a footnote in historical works that have often prioritised both contemporary and modern theoretical understandings of money and exchange. Moreover works more specifically on forgery have tended to favour a focus on the development of the criminal justice system during the early nineteenth century.<sup>5</sup> Shin's thesis has more recently attempted to bridge this gap in the historiography by including not only a discussion of forgery, but also of the Bank's quest to find a so-called 'inimitable Banknote', a topic that had previously only really been covered in any sort of depth by paper money specialists.<sup>6</sup> As will be argued here, by placing too much emphasis on how the Bank sought to remedy the forgery problem, earlier works have not explored the multitude of ways that notes could potentially be imitated and manipulated by the masses who encountered them on a daily basis during this period.

The chapter will be split into two main parts, with the first considering how the Bank Note was broadly perceived as a material object within public discourses during the Bank Restriction Period. Specifically it will focus upon the nature of the criticism directed towards the Bank relating to what was perceived by many to be an overly simplistic and therefore inappropriate design for its small denomination notes. Closely related to this was the perception that the Bank

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<sup>4</sup> For a fuller discussion of this, *see*, ch.2.

<sup>5</sup> *See*, Introduction, pp.11-13.

<sup>6</sup> *See*, in particular, V. Hewitt, 'Beware of Imitations!': The Campaign for a New Bank of England Note, 1797-1821', *Numismatic Chronicle*, Vol.158 (1998), pp.197-222.

was doing seemingly little to prevent the widespread forgery of the Bank Note, by failing to alter its design in any tangible way. The Bank did, however, begin an extensive consultation with the artistic community to address this latter viewpoint, and the chapter will analyse the views of the men involved in this process, the so-called search for the 'inimitable Bank Note'. It will argue that as to the issue of introducing a new note that was considered almost impossible to forge, two clearly discernible yet contrasting schools of thought emerged at this time. In theory whereas the Bank could have proceeded with any note design that it felt fit, this divide in opinion, it is argued, effectively paralysed the Bank from introducing any wholesale changes, and it instead settled for making piecemeal adjustments to its notes throughout the period.

The second part will pick up on this theme by exploring the different means by which contemporaries went about forging and altering Bank Notes. Although some of the analysis undertaken here is entirely necessary for the purpose of contextualisation, it will argue that an overemphasis by modern scholars on the search for the 'inimitable banknote' has led to a dominant assumption that forgery was nearly always carried out in a certain way and by particular types of people. Mark Crosby has suggested, for instance, that 'trial records show that those convicted of banknote forgery had access to engraving equipment.'<sup>7</sup> More recently, and in a more specifically historical study, Shin has similarly affirmed that 'the crime of forgery could not be committed without help from engravers and, conversely, they were the ones who contemplated various ways of preventing the crime.'<sup>8</sup>

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<sup>7</sup> M. Crosby, 'Blake and the Banknote Crisis of 1797, 1800 and 1818', *University of Toronto Quarterly*, Vol.80, No.4 (2011), p.815.

<sup>8</sup> Shin, *Culture of Paper Money*, pp.159-160.

Whereas the technologies of copper-plate engraving and printing certainly remained central to how contemporaries perceived the material act of forgery, the crime was also commonly understood to have been undertaken using alternative methods, ones that used no engraving and printing at all, but rather involved either the manipulation of existing Bank Notes, or perhaps more remarkably, the skilful application of a pen, brush or pencil on paper. It will be suggested that whereas these latter modes of forgery have in the past been readily associated with the more personal financial instruments of the age, such as bills of exchange, cheques, bonds, credit letters and wills, the threat of hand-drawn notes clearly loomed large in the minds of those who most wished to prevent forgeries from circulating. Furthermore by way of linking back to the arguments made in chapter one, it is suggested that the strong associations between Bank Notes and instruments of personal credit that remained during this period may have indirectly facilitated more rudimentary hand-made examples of forged Bank Notes to be passed off successfully at this time.

### Making Bank Notes

The technologies employed by the Bank in the making of its notes were ones that altered very little throughout the course of the long eighteenth century, with major changes not occurring until well after the close of this period.<sup>9</sup> Country banks were generally more creative with their note designs, with some beginning to experiment with innovations such as colour and double-

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<sup>9</sup> The methods and materials used to undertake Bank Note production have been covered in a number of detailed scholarly studies and will only be entered into here in order to provide necessary context, *see*, note.3.

sided printing almost a century before the Bank itself.<sup>10</sup> Bank Notes, conversely, remained single sided and printed in black and white throughout the duration of the Bank Restriction, a design that would survive until the withdrawal of the last black and white five pound note during the late 1950s.

The note making process began with engraving, with the design being etched into a copper-plate by hand; finished plates were then covered in ink and printed using a method known as *intaglio* printing on a copperplate press. This was the only printing technique that was able to apply the necessary pressure required so that the paper be forced into the lines engraved on the plate.<sup>11</sup> These styles of printing and engraving had been in common use since the fifteenth century, and three centuries later they continued to prove the most suitable methods for replicating the late-seventeenth-century gothic style of calligraphy favoured in banknote design at this time, as well as small vignettes, such as that of Britannia used on the Bank Note.<sup>12</sup> There was considerable continuity, therefore, between early printed financial instruments and the small denomination notes of Bank Restriction Period. What did alter drastically after 1797, however, was the speed at which the notes needed to be printed in order to meet the high demands of circulation [Table 1].<sup>13</sup> The first batches were in fact required so quickly, that the Bank decided to print them from re-engraved plates of larger denomination

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<sup>10</sup> The Bank did not introduce a colour note until the one pound note of 1928, *see*, Hewitt & Keyworth, *As Good As Gold*, pp.78-79, 121.

<sup>11</sup> Mckenzie, *Bank of England Note*, p.11.

<sup>12</sup> Hewitt & Keyworth, *As Good as Gold*, p.36.

<sup>13</sup> Table 1 shows how apart from two small dips between 1798-1801 and 1805-1810, the total value of small denomination Bank Notes (one, two and five pounds) in circulation continued to increase until 1815, when the figure continuously fell year on year until the one and two pound notes were withdrawn in 1821.

notes, a policy that would attract the Bank much condemnation, with its critics arguing that it was producing the notes too cheaply and hastily.<sup>14</sup>

One of the most difficult elements of the Bank Note to imitate was arguably the paper. Paper in many cases provides the first point of material interaction between a Bank Note and its handler, and in chapter five we shall see how tactile assessments of notes could in many cases inform personal opinion as to the authenticity of an instrument.<sup>15</sup>

Aside from the feel of the paper, a key feature that was intended to make it more difficult to imitate was the watermark. Watermarked paper had been used in the production of the Bank's notes since its inception, and although the original technique appears to have originated as early as the 13<sup>th</sup> century, it was first applied to Bank Note paper in England by a Berkshire paper maker named Rice Watkins in 1697.<sup>16</sup> In 1801 the Bank's mark underwent a significant alteration, the previously straight 'laid lines' were made wavy, and the specific denomination of the note now appeared in bold across the centre of the instrument. The plan was proposed by William Brewer, himself a watermark mould maker, and this was the first time the Bank had changed the mark in over one hundred years. The production of watermarks involved sewing a thin wire frame into the paper mould, which when the paper mixture was formed and left to dry would leave a lightly thinned out effect in the finished product. As a strong water mark was most easily achieved when newly formed paper was left to dry over the wire, this is why the Bank chose to construct the paper for their notes in this fashion.

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<sup>14</sup> Mackenzie, *Bank of England Note*, p.47.

<sup>15</sup> See, ch.5, p.206, *passim*.

<sup>16</sup> For a discussion of the role of the watermark in identifying forged notes, see, ch.5, *passim*.

It might be assumed, therefore, that in order to achieve an exact replica of a Bank Note, a goal always presumed to be the most desirable outcome for the forger, that it was necessary to possess the skills of making paper oneself. What is particularly notable about the period of Bank Restriction is that it was one that witnessed tremendous advances in the field of paper making, yet as will be discussed further below, these new technologies were not taken up rapidly or enthusiastically in the banknote printing industry.

### The Contemporary Debate

One of the main criticisms levelled at the new small Bank Notes issued after 1797 was that they were essentially far too easy to copy, and that many of the tools and materials required - apart from the correctly watermarked paper - could be obtained easily from common tradesmen. The personal skills required to produce Bank Notes were also generally perceived as prevalent amongst the people, the *Morning Chronicle* writing in 1802 that

[forgery] is a crime that is at once easy and profitable [and] presents a temptation that is irresistible. The profligacy of a metropolis, or large town, amongst numerous classes of artisans, wants the means of gratification, and finds them in forgery.<sup>17</sup>

Condemnation of the new instruments was not universally received from all quarters, especially during the early years of the Restriction. More pragmatic individuals perhaps realised that with the severe shortages of currency created by a suspension in specie payments, the Bank at first

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<sup>17</sup> *The Morning Chronicle* (May 7, 1802).

had no other option but to print notes cheaply and quickly. One newspaper report written just a few weeks into the Bank Restriction was published in response to a gentleman who had submitted an early proposal for making notes more difficult to forge. It highlighted,

the total impracticability of [the proposal], from the tediousness of the operation; and that, notwithstanding the celerity with which the Notes are now printed, it is still difficult, at the present moment, to supply the demands of the public for them.<sup>18</sup>

It would not be until much later in the period, however, that the design of the Bank Note itself came particularly under-fire, a change brought about primarily by a swing in public opinion following the end of the war in 1815, whereby the focus of social and political debate shifted once again towards more domestic matters.<sup>19</sup> The years 1818 and 1819 in particular witnessed the most virulent backlash against the Bank Note, led most notably by Thomas Wooler's radical periodical *The Black Dwarf*, whose criticism the Bank took so seriously that it proceeded to prosecute Wooler for seditious libel.<sup>20</sup> The *Dwarf* attacked the Bank on all fronts, suggesting that not only was the sheer simplicity of its notes enough in itself to tempt Englishmen into forging them, but also that the Bank provided no information or means to help the public to identify forgeries.<sup>21</sup>

As more than one historian has now observed, the bulk of this broad condemnation suggested that the Bank was intentionally circulating cheaply produced and low quality notes at 'enormous profits', and that the punishments being inflicted on those found merely in possession

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<sup>18</sup> *Lloyd's Evening Post* (March 15, 1797).

<sup>19</sup> Shin, *Culture of Paper Money*, p.220.

<sup>20</sup> For work on the development of the libel laws during the 1790s, see, Gatrell, *City of Laughter*, p.487-489.

<sup>21</sup> See, *The Black Dwarf*, Vol.36-41 (1818), *passim*.

of them were unduly harsh.<sup>22</sup> Earlier criticisms in this vein are similarly visible, with some comparing the Bank directly to the forgers that they were seeking to prosecute,

it is not surprising then, that the law should regard these two persons [banker and counterfeiter] so very differently, that while it hangs the poor man, really in want for fabricating money, it should suffer the rich man, who has got a great quantity, to fabricate still more with impunity,

wrote William Anderson in his *Iniquity of Banking* in 1797.<sup>23</sup>

The Bank was, therefore, put under severe pressure from certain quarters during the early years of the Restriction to at least appear to look like it was doing something to tackle the issue of people imitating its notes. As has been suggested before aside from prosecuting individuals in reality it did very little, with the only major design alteration coming with the change to the watermark in 1801.<sup>24</sup> This did have some noticeable effects, at least in the short term, and in 1803 the number of forged Bank Notes detected at the Bank fell to just over 3000, down from over 5000 in the previous year [Table 1].<sup>25</sup> As is suggested in chapter five, distinguishing the tone of the watermark was clearly a method of Bank Note examination used by many to help them form a judgement as to whether a particular note was authentic or not. With regard to features that we might consider visual, however, the watermark is arguably one that is not immediately identifiable without closer examination, and it could be suggested that changing it did not in fact constitute a major aesthetic alteration.

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<sup>22</sup> Shin, *Culture of Paper Money*, p.221.

<sup>23</sup> W. Anderson, *The Iniquity of Banking OR Bank Notes Proved to be an Injury to the Public and the Real Cause of the Present Exorbitant Price of Provisions*, Second Edition (London, 1797), p.20.

<sup>24</sup> McGowen, 'Managing the Gallows', p.243.

<sup>25</sup> Shin, *Culture of Paper Money*, p.240.

During the two decades that followed the passing of the Restriction Act, the Bank appealed to skilled engravers and artists to help them make their notes more resistant to forgery, an episode labelled by historians as the search for the 'inimitable banknote.'<sup>26</sup> As has already been observed, the Bank actually made very few fundamental changes to its notes during this time, and therefore the exercise has largely been portrayed by scholars as a failure. Moreover although the search for an inimitable note by the Bank was itself unsuccessful, an analysis of some of the debate that it produced, particularly amongst those artists involved in the consultation, can in fact reveal much about why historians have so far paid little attention to the plurality of ways that paper money at this time could in fact be forged.

Probably the most important discussion to emerge from this period can be found in the report published in 1819 by the *Society of Arts*.<sup>27</sup> Many of the contributors to the report had themselves had note designs rejected by the Bank, and the publication was yet a further attempt by these individuals to make their cases to the wider public. It is worth observing from the outset, however, that not all of the artists were entirely damning of the then current Bank Note design. One contributor, Mr. Silvester, had remarked during the committee meeting that he had engraved copper-plates for nearly one hundred banks, and did not consider those of the Bank of England particularly easy to copy, although he still agreed that there was much room for improvement.<sup>28</sup>

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<sup>26</sup> The best account of this episode has been provided by Virginia Hewitt, *see*, Hewitt, 'Beware of Imitations', *passim*, for a more recent discussion by a historian, *see*, Shin, *Culture of Paper Money*, pp.251-269, also, *see*, BM: DCM, Tilloch Papers.

<sup>27</sup> *Report of the Committee of the Society of Arts &c, Together with the Approved Communications and Evidence Upon the Same, Relative to the Mode of Preventing the Forgery of Bank Notes* (London, 1819).

<sup>28</sup> *Ibid*, p.63.

The submissions reproduced in the report essentially fell into one of two categories, although in some cases there was considerable crossover. On the one hand there were those who subscribed to the belief that the best way to defeat the Bank Note forger was through adopting the most modern methods available in the technologies of engraving and printing. Most representative of this stance was Mr. Hansard, who argued that the best option for the Bank would be to make their notes so incredibly technical, that it would simply be too costly and time consuming for any one individual or group to bother attempting to counterfeit them.<sup>29</sup> A note such as this Hansard claimed would therefore,

present even to the most ordinary capacity such striking peculiarities, that any attempt at imitation, after a sacrifice of time and expense, out of all probability of ever being devoted to such nefarious purposes, must be instantly detected.<sup>30</sup>

The other principal position was spearheaded by the man who chaired the report committee, John Thomas Barber Beaumont, another artist whose proposal the Bank had earlier rejected. Unlike Hansard, Beaumont believed that the Bank's notes could be redesigned with only minimal cost, his focus instead being on improving the quality of the engraving and thus the artistic merits of the Bank Note. Beaumont proposed employing a fine 'historical engraver' to produce new vignettes for the notes, the design of which would be so intricate that more casual or inexperienced engravers would find it hard to produce credible imitations of them. As Mr. Turrell expressed, many of those on the committee believed that in its present form, 'every

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<sup>29</sup> Ibid, p.31.

<sup>30</sup> Ibid, p.31.

writing engraver who can execute a good card, may imitate a Bank Note.<sup>31</sup> Creating a Bank Note that was more akin to a fine work of art was certainly foremost in the minds of others on the committee. Mr. Ashby, for instance, was said to have stated that, 'superiority of execution is in his opinion the only effectual method of preventing forgery, and so far he concurs with Mr. B. Beaumont's plan.'<sup>32</sup> Indeed English engravers at this time would have been well aware of their generally poor reputation when compared to their counterparts on the Continent. As John Brewer has suggested in regards to the hierarchy of European art at this time,

the French and, to a lesser extent, the Dutch dominated...A clear pecking order existed in the print trade: the continentals were employed for the most prestigious and technically demanding tasks – reproducing old masters for example – while the majority of English engravers were consigned the hack work, producing trade cards, bill heads, share certificates, bank notes and theatre tickets.<sup>33</sup>

This attitude can clearly be observed in the remarks of Mr. Soley when he states in the report, 'I understand that English art is not much respected on the continent. I hope foreigners do not take the Bank Note for a specimen of English art.'<sup>34</sup>

The notion that a more artistic Bank Note would have done much in the way of defeating the activities of the forgers appears to have been based on a particular belief of Beaumont's, one that is in fact central to some of the arguments made in this thesis, which is that a near perfect copy of a Bank Note could in fact possess the capacity to fool almost everyone. As

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<sup>31</sup> Ibid, p.66.

<sup>32</sup> Ibid, p.61.

<sup>33</sup> J. Brewer, *The Common People and Politics 1750-1790s* (Cambridge, 1986), p.17.

<sup>34</sup> *Report of the Committee of the Society of Arts*, p.45.

Beaumont himself explained 'As Bank... notes are now made, the enlightened and the ignorant are equally disqualified from judging between an original and a copy.'<sup>35</sup> Furthermore Beaumont clearly believed that where forgery and the lower orders were concerned, the latter were essentially a lost cause, and that no improvements that could be made would do anything to help such people distinguish between good and bad notes. Soley, however, rejected Beaumont's argument, reinforcing his idea that a simple design, yet one that was produced using the most advanced technologies in engraving and printing, was surely a more logical way for the Bank to proceed. As he explained,

the learned and the ignorant might be equal judges, from some of the many parts and peculiarities by which it would be formed; every line, every word, and every letter would have a clear character and definition.<sup>36</sup>

Mr. White similarly agreed that 'copper plate engraving as a system, and especially exquisite historical work, appears the most unlikely means of effecting the desired end.'<sup>37</sup>

What we see from this report, therefore, is a clear divide in opinion regarding how the Bank needed to proceed with changing its notes, namely between an aesthetic and a technical solution. The aesthetic camp favoured a Bank Note of greater artistic merit and complexity, not only to deter potential forgers, but also to try and help improve the visual sophistication of the public. The technical camp, however, believed that the key to stamping out this crime lay with

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<sup>35</sup> Ibid, p.20, Beaumont may have been echoing some of the criticism levelled at the Bank the previous year in *The Black Dwarf*, in which it was claimed that even the engravers and inspectors of the Bank were unable to distinguish between genuine and forged notes, see, *The Black Dwarf* (September 30, 1818), pp.617-618.

<sup>36</sup> *Report of the Committee of the Society of Arts*, p.31.

<sup>37</sup> Ibid, p.63.

more advanced technology and materials, and perhaps more importantly a greater division of labour, whereby the skills used in each stage of production were so specialised that there was little potential for crossover between them. Hansard, for instance, explained in the 1819 report that his plan would

embrace the labours and skill of several artists, each in so difficult and different a branch of art as to require the study and practice of many of the best years of a man's life before he is competent to execute the finer parts of his profession. The various arts will be wholly distinct in practice, from each other, and will be proved to be so various and complicated, that...no man ever could...unite the capability of executing any three of them in his own person.<sup>38</sup>

It is suggested here that scholars have in the past largely read the 'inimitable banknote' episode, and more specifically the 1819 *Society of Arts* report, more from a technical than an aesthetic perspective. This is to say that whereas the search for an inimitable note and the sources relating to it can tell us much about the latest advances in printing and engraving available at this time, and indeed, how these technologies would supposedly have helped contemporaries to distinguish good from bad notes, far less emphasis has been placed on the issue of aesthetic or visual recognition, an area readdressed more fully in chapter five.

There is another important point to be drawn from the 1819 report, however, one that is more relevant to the present chapter, and which has not yet been paid close attention by scholars. This is that despite seemingly aiming their activities towards defeating the most excellent and precise of Bank Note forgers, the committee was also clearly aware that many

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<sup>38</sup> Ibid, p.24.

substandard forged notes were being produced at this time, and that such notes were widely circulating amongst the public. One of the opening statements in the report, for example, claims that an over-arching aim of the Bank's consultation was that any proposal for a new note might help to protect any person who 'cannot read...from...imposition by the most clumsy forgery.'<sup>39</sup> Beaumont would also later comment in regards to quality that 'forgeries of Bank Notes are usually committed by inferior and necessitous men, or prentice boys.'<sup>40</sup> Such sentiment raises some interesting questions about not just the very purpose of the search for the inimitable Bank Note, but also the ways that historians have since interpreted this episode in regards to the Bank Note forgery crisis of this period. The members of the committee were on the whole certainly pitching their proposals as potential strategies for defeating the most skilful of forgers, but this early passage effectively admits defeat before the report even properly begins. Indeed much like the modern forgery situation that has been outlined at the beginning of this thesis, superior technology might only provide a temporary reprieve from the abilities of the forger.<sup>41</sup> This is another possible reason, therefore, that the Bank was reluctant to invest what would have undoubtedly been significant sums of money into such a project at this time.

The notion that different qualities of forged Bank Note were circulating during this period is not something that has been widely considered by historians, and there is evidence to suggest that inferior notes, perhaps intended for uttering only in certain circumstances, could be purchased at lower prices than the highest quality forgeries. A Parliamentary report published in 1819, the same year as that of the *Society of Arts*, in fact highlights this very point, arguing that

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<sup>39</sup> Ibid, p.11.

<sup>40</sup> Ibid, p.22.

<sup>41</sup> See, Introduction, pp.1-2.

whereas the talents of many fine English engravers is 'thus perverted' in the name of forging Bank Notes, 'it is at the same time to be remarked, that in many instances the Public suffer themselves to be deceived by very miserable imitations.'<sup>42</sup>

The second half of this chapter will now turn to looking at the different techniques that forgers in this period could use to imitate the Bank's paper instruments. The material from the *Proceedings* consulted here inevitably documents the activities of those who sought to copy the Bank's notes in a similar fashion to how they were actually being manufactured by the Bank themselves, via the technologies of printing and copper-plate engraving. However it can also be used to reveal a more diverse picture of Bank Note forgery, one that saw contemporaries appropriating methods which although may not necessarily have required less skill to execute successfully, were certainly less capital intensive, and could be achieved with the use of tools and materials that were commonly available.

### Paper and Watermarks

A crucial starting point for any person wishing to create forged notes was finding paper that closely resembled that used by the Bank, a process that naturally involved either making it oneself or buying prefabricated sheets. As has been noted above, for security reasons the Bank had since its inception used specially constructed watermarked paper for all of its notes, made exclusively by the Portal family. Leaving aside the process of inserting the watermark momentarily, making paper alone was something that was evidently not a capability possessed

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<sup>42</sup> *Report of the Commissioners Appointed for Inquiring into the Mode of Preventing the Forgery of Bank Notes* (1819) p.2.

by many. In an Old Bailey trial prior to the onset of the Restriction Period, paper maker William Bullock was asked at the trial of Joseph Dunbar in 1784 whether a man, 'must not have a great deal of skill and experience before he could do that business [making paper],' he replied, 'yes, yes, a great many goes to try, and it looks as rough as if it was run over with a hurdle; not ten gentlemen out of a hundred ever make a good sheet of paper.'<sup>43</sup>

By 1797, the English paper making industry had, according to John Bidwell, 'established a completely independent, highly efficient, well organized and generally prosperous...trade, ripe for technological innovations.'<sup>44</sup> Significant technological advancements would indeed occur in this period, although due to both legal and financial reasons they would not diffuse as quickly within the banknote printing industry as they otherwise might have.<sup>45</sup> Despite the new technology of continuous paper making coming into existence in England from as early as the first decade of the nineteenth century, by 1816 there was only 30 of the new Fourdrinier machines in operation, despite there being at least 450 paper mills.<sup>46</sup> The majority of paper, therefore, continued to be manufactured using traditional methods, whereby one sheet at a time was individually dipped by hand.<sup>47</sup>

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<sup>43</sup> OBP: t17840526-132, Joseph Dunbar (May 26, 1784).

<sup>44</sup> J. Bidwell, 'The Industrialisation of the English Paper Trade', in, Suarez M.F., & Turner L. (ed), *The Cambridge History of the Book in Britain*, Vol.5, 1695-1830 (Cambridge, 2009), p.200.

<sup>45</sup> The first "continuous" paper machine was developed in England from around 1800 and was held under patent by the Fourdriniers. The original inventors Gamble and Didot had to relinquish their sole rights to the machine in 1809, however, for financial reasons, something which led to a confused state of affairs regarding who legally owned the machine, and the new technology was not widely adopted until after 1822 when the patent finally expired, Bidwell, 'English Paper Trade', pp.208-210.

<sup>46</sup> Ibid, p.202, 211.

<sup>47</sup> By way of demonstrating how dominant the new "industrial" paper making methods became after the close of the Restriction period, Coleman observes that by the 1860s, traditional handmade paper constituted only 4 percent of

Although scarce, the *Proceedings* do contain cases where individuals were clearly making their own paper for the purpose of producing forged notes, and an explanation will be offered below as to why this might have been a rare occurrence. For example, at the trial of Peter Gregory, sentenced to death at the Old Bailey in April 1803, it was suggested in court by the prosecution that Gregory had been working closely with John Warren, who was himself found not guilty at the same session.<sup>48</sup> The dynamics of the relationship between the two men does not appear totally straightforward from a reading of the two cases. In Gregory's trial it is stated by the Bank inspector that forgery equipment had been found in the workshop of Warren, but it is not clear exactly which of the two men was carrying out the work.<sup>49</sup> The first evidence presented against the pair was given by an Irish servant named William O'Loughlin, whose master Mr. Trent had purchased several articles from John Warren by way of Gregory. During the course of their dealings Peter Gregory was said to have offered O'Loughlin forged notes, in which time he had also visited the workshop of Warren. He relayed to the court how when there he had seen materials and equipment for making paper, including 'a machine' with a trough and a wheel, and 'something at the bottom white, like thick milk.' He also claimed to see in the workshop a wooden printing press with a copperplate lying next to it. This account was later supported by the testimony of the Bank's engraver, Garnett Terry, who claimed to have seen the machine at first hand, observing that he had found the white pulp 'sticking about the corners of the trough', and that this 'might' indicate that the machine had been used to make paper.

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total English paper output, see, D.C. Coleman, *The British Paper Industry 1495-1860, A Study in Industrial Growth* (Oxford, 1958), p.205.

<sup>48</sup> OBP: t18030420-67 (Peter Gregory, April 1803), t18030420-66 (John Warren, April 1803).

<sup>49</sup> No evidence concerning the material forgery of notes was presented against Warren, and his trial subsequently fell apart in the usual way, namely that the identity of a specific forged note passed by Warren could not be successfully established.

Of course those who did not personally possess the necessary skills may have approached a specialist paper maker to undertake this task for them. It is not always clear from evidence in the *Proceedings*, however, whether or not paper being used in specific cases had been made purposely for the job. For instance, the Bank Inspector, whose role in court will be examined more closely in chapter five, more often than not was simply recorded as stating something along the lines of 'it is not Bank paper.'<sup>50</sup> In some instances, however, we learn that forged notes were in fact being manufactured upon more general purpose paper, the kind that could be purchased directly from a stationer, rather than being specifically made for this purpose.

One particular variety that is made reference to in the sources both before and during the Restriction Period, is a paper known as 'Bank Post' or 'Thin Post.' As contemporary adverts for stationers and paper sellers suggest, the name 'post' refers to a grade of paper most suited for writing finished letters upon, something indicating its high quality. One advertisement for a Haymarket stationer in 1819 advertised 'good copy or draft paper', priced at fourteen shillings per ream, as well as 'large extra fine post...of the very best quality', and 'large Bank Post Paper, very beautiful for foreign letters.'<sup>51</sup> Given that the Bank's paper was usually referred to in print as 'Bank Post', there would have in all likelihood been a reasonable degree of similarity between it and other kinds of 'post' paper that were commercially available.

Evidence suggests that forgers both prior to and during the Restriction Period clearly believed that such papers could be successfully applied in the making of forged Bank Notes. As early as 1779 John Matthison was said to have approached a stationer named Morris Bullway in

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<sup>50</sup> See, for instance, OBP: t18050710-21, Mary Parnell (July 10, 1805).

<sup>51</sup> *The Morning Post* (January 04, 1819).

order to purchase some 'extra thin post.'<sup>52</sup> The extent to which pre-made paper was considered as appropriate for making forged notes is perhaps best demonstrated, however, in the case of Thomas Foss, a former apprentice printer who had worked at the Bank between 1806 and 1810.<sup>53</sup> According to W. M Acres, 'after leaving the service of the Bank... [Foss]... had taught himself engraving, and as soon as he had discovered a means of imitating the watermark he had commenced to print Notes.'<sup>54</sup> What is particularly remarkable about Foss's case is that here was a man closely acquainted with the actual paper used by the Bank, yet still, according to the account of his trial, was clearly of the belief that a commercially sold paper was suitable for producing realistic forged Bank Notes. According to Thomas Norman, one of the men who would eventually turn evidence against Foss, the subject of what paper was to be used was one broached relatively early on in their discussions. Norman described how the two men had met at the Grafton Arms public house in Grafton-Mews, where in the parlour,

he produced some paper of two sorts; he asked which would be the best to make Bank notes; I told him I did not know; I thought he was the best judge; he said that was what they called Bank post paper; he thought that would be the best to make Bank notes of.

The fact that pre-made paper closely resembling the variety used in the production of Bank Notes was widely believed to have been commonly resorted to by forgers at this time, is also demonstrated convincingly by George Cruikshank's satirical *Bank Restriction Note* print of 1819, where the post of his hangman's scaffold is wittily labelled with the words 'Bank Post.'<sup>55</sup>

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<sup>52</sup> OBP: t17790519-24 (John Matthison, May 19, 1779).

<sup>53</sup> OBP: t18130915-50 (Thomas Foss, September 15, 1813).

<sup>54</sup> Acres, *From Within*, p.334.

<sup>55</sup> See, ch.2, Fig 10.

Even if the prospective forger could not locate a type of paper that accurately matched the consistency of that used by the Bank, pre-fabricated paper may well have been treated with various substances or have undergone physical processes in order to alter its appearance and feel, and such operations could be undertaken either before or after the forgeries were complete.<sup>56</sup> The prosecutor in the case of John Graham was in all likelihood speaking of such activities at the Old Bailey, when he accused him of having performed 'a great number of experiments on thin paper, made to imitate bank paper.' Furthermore if contemporaries were involved in the manipulation of generic paper for the purpose of forging Bank Notes, then attempting to imitate the watermark was one important way that this could be achieved.

Returning to the earlier cited cases of Gregory and Warren, curiously enough there is not a single mention in either trial of watermarks, something which given that the paper making machine used by these men is described in such detail is perhaps unusual. One possible reason for this omission is that Gregory and Warren may have been in the business of manufacturing inferior forged notes, ones that were produced and sold for less money, and were intended for uttering only in certain conditions whereby the receiver was prohibited in making a full examination of the instrument. Chapter five will argue, however, that even if the design of the note was not always examined in detail, perceiving the more general shade or tone of a watermark could often constitute a central aspect of Bank Note scrutiny at this time. It is suggested here, therefore, that if forged notes were made with the intention of being presented in regular circumstances, then forgers would most likely have felt the need to imitate this feature.

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<sup>56</sup> For a discussion of the consistency of paper, *see*, ch.5, p.187.

In commercial papermaking, the process of adding the watermark was one that was undertaken simultaneously with the forming of the paper. Thus, it is perhaps unsurprising to see examples of forgers in this period attempting to imitate such methods in the construction of their own paper. For example two Irish note forgers apprehended in Dublin in December 1797 were reported in one London newspaper to have possessed 'a brass wire mould (of excellent workmanship) for making papers with the watermark of the National Bank.'<sup>57</sup> The newspaper also detailed a number of other items allegedly found at their premises, albeit in scant detail,

a large quantity of the liquor which paper-makers call "the stuff", some of the paper fresh made from the liquor, a fly-press for expressing the moisture from the paper when formed, and various other instruments for paper making.<sup>58</sup>

Although the couple in this instance were involved in manufacturing Irish rather than English banknotes, it is more than likely that English forgers would have used a similar methods and equipment to construct their own watermarked paper. However as with other stages of the Bank Note forging process, just because watermarks were made using particular methods in an official capacity - that is to say by the Bank's own paper makers – this does not mean that forgers were not able to find ways of copying them using alternative techniques.

Illicit means of producing a watermark effect had evidently been developed before the onset of the Bank Restriction, and such methods were clearly more accessible to those who did not possess, or indeed have access to the skills of the paper maker. Forger John Matthison had refused to disclose how he had constructed his watermarked paper at the Old Bailey for what he

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<sup>57</sup> *Lloyds Evening Post* (13-15 December 1797).

<sup>58</sup> *Ibid.*

claimed was the 'sake of the publick.' It was later revealed in Matthison's trial that he had in fact put a watermark into his forged notes after the paper had been made.<sup>59</sup> His method, therefore, was likely to have been less technically complex than that used by the Irish forgers cited above, and the fact that he was seemingly unwilling to disclose it in court suggests that it may have been considerably easier to achieve by individuals that were not in possession of specialist skills and equipment. In 1802 John Gillington, a witness in the trial of John Fennell, claimed that he had seen Fennell print his notes and then 'put the watermark in them,' with this phrasing suggesting that this was again something undertaken once the printing was complete.<sup>60</sup> Although in these two cases we get no clear indication as to how these men were inserting their watermarks, possible clues do exist elsewhere.

A French forger named Joseph Gallet who was residing in London in 1797 was reported in the newspapers that year to have used 'an engraving on wood' to produce his watermarks.<sup>61</sup> Although the details of his operation are once again typically sparse, it might still be deduced that Gallet was adding watermarks to his notes once the paper had been made and the notes printed. For instance the very same article reveals that some 'incomplete notes' had been found at Gallet's lodgings that were yet to have the watermark 'put into them', echoing the above phrasing of Gillington.

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<sup>59</sup> OBP: t17790519-24 (John Matthison, May 19, 1779), What is particularly interesting about Matthison's remark is that he was clearly aware that his testimony at the Bailey was destined to reach a wider audience, not only through the publication of the printed *Proceedings*, but also more directly via the public galleries in the Old Bailey courthouse. This example supports the argument made in chapter five, that the *Proceedings* may have been used as a means for the public to learn about the more material functions of Bank Notes, *see*, ch.5, p.176, *passim*.

<sup>60</sup> OBP: t18020428-50 (John Fennell, April 28, 1802).

<sup>61</sup> *Evening Mail* (25-27 September, 1797), A letter written to the Bank after Gallet's conviction claims that Gallet made a living as a tool maker for engravers', *see*, BE: F2/156 (September 28, 1797).

Wood engraving at this time was a relatively new method but was fast becoming the favoured technique amongst English engravers due to its superior clarity, as well as providing the option to simultaneously print text and images from the same block.<sup>62</sup> It was perfected by the English engraver Thomas Bewick during the final decades of the eighteenth century, and simply put, is a far more refined version of wood cutting, the earliest form of engraving. Mattheson could not therefore have used a wood engraving to achieve a watermark back in 1779, but might well have constructed a wood cut to suit his purpose. Unlike the copper plates used to print banknotes, wood engravings and wood cuts use a relief rather than an *intaglio* method of engraving, meaning that the lines of the engraving are themselves raised above the block and thus printed when covered with ink and combined with a bed style press. It is perhaps the case, therefore, that Gallet would have laid his printed Bank Note impressions on to some sort of wood engraved impression of the watermark, and combined them with both moisture and pressure in order to produce the desired effect once the paper had dried. The Bank solicitor Joseph Kaye was probably referring to a similar sort of technique having been employed, when he reported to the Bank's Committee for Lawsuits (CMFLS) in April 1804, that John Ogilvy and Thomas Smith had been apprehended in Manchester 'for forging one pound Bank Notes, together with a number of blank notes, and a block for making the watermark.'<sup>63</sup>

A solid block of some sort may of course have been appropriated for different purposes, something which is suggested by the techniques alleged to have been used by Thomas Foss in the construction of his own watermarks. It was stated in court that former Bank printer Foss had developed a method of imitating the watermark using a pewter plate and stone to 'bruise' the

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<sup>62</sup> M. Twyman, *The British Library Guide to Printing, History and Techniques* (London, 1998), p.51.

<sup>63</sup> BE: M5/307/28, on the CMFLS, *see*, ch.6, pp.232-234.

surface of the paper. The process, as described by the key witness Thomas Norman, was a fairly long and complex one, but essentially involved placing the pewter plate on the bed of a press with a piece of paper on top, followed by rolling the dry press over the paper in order to create the desired effect.

Some individuals may have also developed methods to recreate watermarks without the need for blocks and presses. In 1810 Cornelius Frederick Holt twice stood trial for forgery - both times being found not guilty - accused by the Bank of creating a watermark effect by using 'a composition', which when melted over a candle and applied to paper produced 'exactly the same appearance as the water-mark upon a Banknote.'<sup>64</sup> Holt was a japanner, a specialist in varnishing and finishing furniture in the Japanese style, and as such would have required the use of various varnishes and solutions to conduct his trade. Although another japanner who knew Holt testified that he was unable to identify the specific composition produced in court that day, he drew attention to the fact that many of the items that were claimed to have been used in the construction of these particular forged notes were indeed commonly used in this line of work. Whether or not Holt had actually been involved in the manufacture of these notes, his case draws attention to something that often proved a severe headache for the Bank at this time, namely that forging notes was often undertaken using tools, materials and skills that were widespread, particularly in London. Moreover it could often prove difficult for the Bank to actively demonstrate that particular items or materials had been utilised in a specifically criminal fashion.<sup>65</sup>

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<sup>64</sup> OBP: t18000917-2, Cornelius Frederick Holt (September 17, 1800).

<sup>65</sup> For more on how the Bank struggled to define in law what legally constituted 'a Bank Note', *see*, ch.2, p.101.

## Engraving and Printing

Aside from the exclusively made watermarked paper used by the Bank in the making of its notes, all English banknotes, including those of the country banks, were otherwise produced in ways that could be considered quite ordinary, that is to say through the application of skills and materials that were common in other trades. It is not surprising, therefore, to find evidence of them being copied by exactly the same kind of individuals whom the banks were themselves employing to make their notes. The most extreme case of this was probably that of Thomas Foss, the aforementioned former Bank printer turned forger who was hanged in 1813. Others such as Peter Catapodi who was apprehended in London in 1797 in possession of both forged copper plates for country banknotes and Bank of England cheques, epitomised this kind of individual.<sup>66</sup> Catapodi, whose son had previously been hanged for forgery, had himself faced similar charges at the Old Bailey two years prior, but was on that occasion found not guilty.<sup>67</sup> The evidence given against him that would eventually prove his undoing, however, suggested that Catapodi was a highly skilful engraver, and at his examination at Bow Street, the Bank solicitor Winter had apparently asked him why he did not put his talents to better uses, to which he replied by enquiring as to why the Bank did not employ him.<sup>68</sup> Although Winter's question appears to have been brushed off in a somewhat humorous tone by Catapodi, it in fact expressed a very real concern of both the Bank and the political classes at this time. Moreover

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<sup>66</sup> *Lloyd's Evening Post* (November 16, 1797).

<sup>67</sup> OBP: t17951028-2, Peter Catapodi (October 28, 1795).

<sup>68</sup> *Evening Mail* (November 17, 1797).

Catapodi was the epitome of what the 1819 Parliamentary committee would later go on to refer to as 'talent thus perverted.'<sup>69</sup>

As there is no mention of a separate printer being involved in any of the material relating to Catapodi, we might assume that he himself oversaw all of the various stages of producing his counterfeit notes. Such men were the stuff of legend amongst those who sought to chronicle the lives of forgers during the later decades of the eighteenth century, and were revered as being the most difficult kind of this criminal to track down. One important example is the story of Charles Price, alias Patch, who was a prolific forger of Bank Notes during the early 1780s.<sup>70</sup> According to the author of his fictional memoir, Price personally fabricated every aspect of his notes, including engraving his own copper-plates, making his own ink, and constructing his own paper with the watermarks already in it. He was therefore portrayed as an exceptionally skilful man, one who possessed a number of talents through which his ability to forge Bank Notes was facilitated. Despite the fact that he was eventually apprehended, secrecy was evidently key to Price's lengthy operation, his biographer observing that

had Mr. Price permitted a partner in his proceedings... he must have been soon discovered – but Price was himself alone... thereby confining a secret to his own breast which he wisely deemed not safe in the breast of another; even *Mrs. Price* had not the least knowledge.

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<sup>69</sup> See, note.42.

<sup>70</sup> C. Price?, *An Authentic Account of Forgeries and Frauds of Various Kinds Committed by the Most Consummate Adept in Deception, Charles Price...* (London, 1786).

Even if Price's talents were here being exaggerated, the memoir is nonetheless an accurate representation of the kind of person widely believed to be one of the hardest kinds of contemporary criminal to detect. Naturally the fewer people involved in the operation the less opportunity there would have been for potential leaks of information, a mentality we get a glimpse of in the case of Peter Gregory, when he allegedly expressed to William O'Loughlin his belief that 'bringing too many into a thing of the kind, always made it turn out very bad.'<sup>71</sup>

When it came to imitating Bank Notes using the more traditional methods, however, evidence suggests that operations that involved some form of collaboration were perhaps more common than those where individuals acted in total isolation. This might be put down to the fact that printing and engraving are both very different skills, and possessing the ability to undertake one did not necessarily mean that one was proficient in the other, or indeed at all competent. For example, three men apprehended by a Bow Street runner with around 200 forged notes in a house off London's Fenchurch Street in January 1797, were reported in one newspaper to have been in possession of 'the plate for striking them', yet no mention is made of any devices for printing the forgeries.<sup>72</sup> Samuel Powell, tried at the Bailey in 1817 for attempting to forge the one pound notes of the Bank of Malton in Yorkshire, was clearly in possession of copper plates, but came undone when he needed a printer in order to produce the finished notes.<sup>73</sup> The printer, an apprentice named Benjamin Deburson who lodged in London, had been approached by Powell to print him some 'small jobs of engraving' which he had produced on copper. These 'small jobs' turned out to be banknotes, of which Powell wanted 150 printed. Powell came at night to the

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<sup>71</sup> OBP: Peter Gregory.

<sup>72</sup> *Lloyds Evening Post* (January 02, 1797), *Telegraph* (January 03, 1797).

<sup>73</sup> OBP: t18171029-84, Samuel Powell & William Stan-Daland (October 29, 1817).

printers in order that Deburson's master would not know of the transaction. Unfortunately for Powell, Deburson thought it best to let his master know of the business, who upon learning of its sensitive nature decided to invite an officer into the shop the very next morning. Powell was apprehended the following day along with his plate and the 112 impressions that had been completed. Although some trials simply mention the fact that copper-plates had been discovered at the suspect's home, in this case we learn that tracing paper had been found in Powell's possession, indicating that Powell himself may have been the engraver. Moreover the engraver for the Malton Bank actually testified in court that 'tracing-paper is used in engraving. It is very evident that the tracing has been done from the genuine note. I cannot say whether the engraving on the plate is done from the tracing-paper, or not.'

Some of those wishing to forge Bank Notes may themselves not have possessed the ability to either print or engrave, and if they wished to utilise either of these technologies then they were therefore totally dependent on the labour of others. There is, however, evidence that counters some of the claims made by men such as Hansard in the *Society of Arts* report, who implied that if a man was for instance an engraver, that he was likely to be tolerably well versed in the art of printing, given that the two crafts were so closely related. Many, however, would have undoubtedly needed to continue to seek out the labour and skills of others in their quest to create passable imitations.

Rather than involve oneself in the business of creating new counterfeits" a forger might have instead employed his or herself in the alteration of existing genuine banknotes. The contemporary terminology of forgery when put into the broader context of the period could be

used at this time to denote alteration just as much as it could imitation.<sup>74</sup> A common way of undertaking such alterations, as Peter J. Cook has suggested, was to affix higher values to existing notes by way of separate sheets of paper.<sup>75</sup> This 'chemical' alteration of notes, as Cook has termed it, was a technique that especially suited the needs of those who wished to forge only a small number of notes, or indeed just a single instrument. The hypothetical example given by Cook, for instance, suggests that an eleven pound note might with some ingenuity have been convincingly transformed into one for £80. Such an example indicates Cook's belief that this particular technique was once again predominantly used by note forgers operating before the onset of the Restriction Period, in other words, those who were not only wealthy enough to be able to acquire the necessary Bank Notes, but also those who lived and operated in social spheres in which paper money of such a high value would have been able to circulate without suspicion. One relevant case which appears in the *Proceedings* prior to 1797 is that of John and Jane Graham, a husband and wife who were both sentenced to hang for forgery in 1782.<sup>76</sup> Although clearly working together, John Graham was responsible for the actual alteration of the notes, whilst his wife handled the uttering of them. The Grahams were indicted at the Bailey for forging three notes of the Bank for £50, although it was claimed at the trial that up to eight 'bad' notes had been found on their persons. Graham's chosen method had been to alter genuine notes for fifteen pounds, with the indictment stating that he had '[defaced] the letters e, e, n, and falsely [forged] and [counterfeited] the letter y in two places in the said bank note, whereby the said bank note did become, import, and signify 50 l.' To achieve his desired

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<sup>74</sup> Shin, *Culture of Paper Money*, p.239.

<sup>75</sup> Cook, 'Flash Money', p.15.

<sup>76</sup> OBP: t17820911-12, John and Jane Graham (September 11, 1782).

results Graham had called upon the skills of others, the first person being a wood engraver to reproduce both the letters and numbers for his notes. The engraver in question was a man named Hodgson, who according to the Bank's prosecutors was regarded as a respectable tradesman in the city of London. Needless to say Hodgson was at first reluctant to produce the letters for Graham, what with the required text bearing such a strong resemblance to that found on Bank Notes. Graham was insistent, however, that they were required for a 'whimsical gentleman' who wished to mark some books, and that Hodgson's suggestion of 'a little printer's ink' simply would not do. Once Graham had his letters - the first batch of which he rejected due to imperfections - the methods that he applied to alter the Bank Notes seem to have been relatively straightforward. The tools that he used, for example, were described in court as little more than 'a box of paste and a little brush.' Despite this, however, Graham was said to have had an exceptional eye for detail and to have executed his task with extraordinary skill, the *Proceedings* stating,

the letters e e n were discharged from the real bank-note; they then pasted a thin letter y on this paper in their place: then they pasted a bit of thin paper as if it had been worn by carriage... here is no greater degree of ingenuity or art in this forgery, when you are in possession of the instruments that will make the letters, than to paste with great neatness the letter y where the letters e e n stood before.

The Grahams appear to have been relatively wealthy people, something hinted at by the fact that not only had they managed to draw three notes for fifteen pounds from the Bank, but also that Jane Graham had been able to utter such high value instruments in various shops without arousing much suspicion. It was also alleged that over 90 guineas in gold had been found upon

them when they were apprehended in Southampton. Individuals such as the Grahams were able to commit this type of crime prior to 1797 because not only did they have access to the necessary capital and materials, but also because they operated in spheres that allowed them to circulate their false paper money easily. A person of a lower social rank who had come into possession of such a high value note would have had virtually no hope of paying it, unless perhaps a large debt was owed, which even then would probably not have been received without some hesitation on the part of the payee.

In some ways, after the introduction of small denomination notes in 1797, this situation altered, as with the onset of Restriction a significantly larger proportion of the English population were able to access the Bank Note. As has been alluded to above, the existing forgery literature strongly suggests that during the Bank Restriction Period this kind of small scale forgery or note alteration, such as that committed by the Grahams, declined considerably in favour of much larger industrial sized operations. Even if forgers themselves continued to work as individuals or in small groups, operations were likely to involve much larger networks of note dealers and utterers. Although this would appear a logical conclusion, it is suggested here that it is one which in fact rests on a significant assumption, which is that with smaller value Bank Notes much larger runs of forgeries were always necessary to turn the same large profits, particularly if more than just a few individuals were involved. A question remains, however, one that yet again has escaped the attention of scholars, which is why would people to whom even a single pound remained a significant sum of money at this time not have attempted to forge these new notes in exactly the same ways that had always been undertaken, especially if this could be achieved relatively cheaply and without much in the way of specialist tools? It could be

suggested, for instance, that there was in fact little point in forging small amounts of low denomination notes, as in theory an individual faced the same level of risk as those involved in the forgery of larger notes with regard to the potential punishments on offer. This line of argument does not take into account the fact that certain classes would have been essentially restricted in their capacity to both acquire and spend specific instruments of paper money. There would, therefore, have been little point in someone from a low social group forging a high value note for their own use, as they would have in all likelihood found it difficult to dispose of amongst both their own sorts, as well as the higher ranks of people. Nevertheless it is possible through a close reading of the sources to uncover instances of perhaps more humble individuals, forging small Bank Notes in ways that had previously been practised with much larger financial instruments.

John Nobbs of Foulsham, a man described in the *True Briton* as 'a jobber', was arrested after passing a number of both Bank and country notes that had been altered using similar techniques to the ones discussed above, that is to say by,

cutting out the letters denominating one and two pounds, or five guineas, and inserting others of a higher value, which were so ingeniously cemented to the original paper, as scarcely to be distinguished or separated.<sup>77</sup>

It is likely that Nobbs was a so-called jobbing printer - given that a press had been found in his home - one whose employment was mostly gained from undertaking miscellaneous printing jobs for others. What is interesting about this case is that although Nobbs seemingly possessed both

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<sup>77</sup> *True Briton* (December 26, 1797).

the ability and the equipment to print, rather than creating entirely new imitations, he instead opted to alter existing notes. From the various newspapers in which this story appears it is unclear exactly to what amount Nobbs was altering his notes to represent. What we do know is that Nobbs was using lower value notes to start with, the amounts being mentioned including five guineas as well as one and two pounds. Moreover If Nobbs was someone that we might consider a fairly ordinary sundry tradesmen, it is unlikely that he was increasing the value of his notes to anything like the extent which the Grahams had undertaken fifteen years before.

An individual whose activities we can be more certain about is Edmund Lovell, tried at the Old Bailey for altering a one pound Bank note in 1798.<sup>78</sup> According to his indictment, Lovell had altered up to six notes in total, remarkably in most instances increasing their values from just one up to two pounds. A ten pound note was also found upon him which he did not get the chance to utter, and which the Bank engraver Garnett Terry declared had originally been for the value of just two pounds. Lovell's methods were again seemingly quite straightforward, and the Bank's signing clerk Issac Field relayed to the court how he believed Lovell had committed one of his forgeries,

it was a one pound note when I signed it; the One appears now to have been taken out, and a fresh piece of paper inserted with the word Two upon it, in both parts of the note, both the bottom and the centre.

Unlike in previously cited cases, in which either engraving or printing had been undertaken at some stage during the alteration of a note, the alleged activities of Lovell seemingly involved neither. When Garnett Terry was asked whether the note in question had been 'stamped or

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<sup>78</sup> OBP: t17980214-3, Edmund Lovell (February 14, 1798).

engraved', Terry answered 'no; it has been done either with a pen or a brush, or both.' A large proportion of the trial was therefore dedicated to a discussion of how Lovell had allegedly used such implements to imitate the various features of the note completely by hand.<sup>79</sup> Upon searching Lovell's lodgings Bank solicitor Winter recalled that he had found,

a book, entitled, the Artists' Assistant in drawing Perspective, Etching, Engraving,&c.; another book, containing a set of German Text Copies upon copper plate, a tea-cup, containing a composition, the ingredients of which I do not know; a bottle that appears to have contained gum-water; in a tea-cup, a small hair brush, and in a case, several other hair brushes, an instrument which appears to have been used for erasing; and after the examination at Marlborough-street office, I found some small bits of paper, upon which I make no comment.

This case again highlights something that clearly proved a big problem for the Bank prosecutors, namely that materials and tools that could be used for forging notes also often had more mundane applications. This point is emphasised in some later testimony made by Garnett Terry, who when asked whether such equipment and materials were in fact necessary for someone, who for instance, enjoyed partaking in watercolour painting, he replied 'yes; when people draw and paint much, they have those sort of things.' In a similar vein, Elizabeth Howard, a servant of Lovell's landlady was asked in court whether or not he possessed a talent for drawing, to which she replied that he had, and that she had often see him employed at it while in the company of others.

The art of drawing was one that during the eighteenth century became an increasingly prominent feature of the education of boys, not only those of the elites but also of the middling

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<sup>79</sup> Lovell was found not guilty.

sorts.<sup>80</sup> As with other arts and modes of polite self-improvement, instruction manuals for drawing became popular in England at this time, and would have been read far more widely than by just those who were receiving formal instruction in this art form.<sup>81</sup> Although it might now seem almost obvious, what is quite striking when looking at these works is how closely related the art of drawing was being positioned at this time to that of engraving. George Bickham's *The Drawing and Writing Tutor* from 1740, for instance, stated on its title page that the work had been recommended by '72 engravers.'<sup>82</sup> Carrington Bowles' *The Draughtsman's Assistant OR Drawing Made Easy*, similarly claimed that

there is no Art or Profession to which Drawing is not useful, but more particularly, the Painter, Carver, Statuary, Engraver, Chaser, Mathematician... and indeed every workman whose advantage in trade may depend on variety and beauty.<sup>83</sup>

Bowles later claimed that in the then-present edition of his work that an expanded section on engraving into copper had also been included,

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<sup>80</sup> J. Brewer, *The Pleasures of the Imagination, English Culture in the Eighteenth Century* (Abingdon, 2013 [1997]) p.95.

<sup>81</sup> Ann Bermingham has argued for instance that 'it was largely within this [polite and urban] public sphere of books and writing rather than through the activities of professional artists, that drawing came to be institutionalised as a practice of middle class life', see, A. Bermingham, 'An Exquisite Practice': The Institution of Drawing as a Polite Art in Britain', in, *Towards a Modern Art Britain*, Allen B. (ed) (London, 1995), p.54. John Locke had suggested much earlier that drawing was as important to a classical education as learning French, see, J.H. Plumb, 'The New World of Children in Eighteenth Century England', *Past and Present*, No.67 (May, 1975), p.68.

<sup>82</sup> G. Bickham, *The Drawing and Writing Tutor. Or an Alluring Introduction to the Study of Those Sister Arts* (London, 1740?).

<sup>83</sup> C. Bowles, *The Draughtsman's Assistant OR Drawing Made Easy Wherein The Principles of that Art are Rendered Familiar* (London, 1776), p.1.

as they have never been before attempted in any Books of this Kind...that is so easy to be attained, that a tolerable proficiency in *Drawing* will enable any one to undertake it with all imaginable prospect of success.<sup>84</sup>

There is certainly an element of sales puffery about Bowles' claims, however, the idea that one could attain a degree of proficiency in the art of engraving through the study of drawing methods is an interesting one, especially when considered in the context of both the production of Bank Notes, and the methods that could be employed in copying them. Furthermore, a number of the tools and materials that Bowles records in his essential equipment list headed 'materials for drawing', were evidently used by some at this time to create unique imitations of Bank Notes, including Indian ink and camel hair pencils, a type of very fine paint brush.

In the case of Charles Linsey, sentenced to death for forging a two pound note in 1799, Charles Watts a Bank clerk stated that the note had originally been a one pound note, with the new value being affixed or 'cemented by gum.'<sup>85</sup> The Bank engraver Garnett Terry also declared that the note had been altered with either 'Indian' or 'Common Ink', both of which were not used in Bank note printing. Common inks could also be used to improve the appearance of poorly printed notes, such as in the case of Henry Dale, in which the Bank Inspector Thomas Glover remarked that the two pound note presented in court that day had the appearance of being 'touched over to make it stronger.'<sup>86</sup> John Binstead's forgery on the Bank of Chichester in 1815 also appears to have utilised some form of ink, his forgery equipment allegedly constituting of

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<sup>84</sup> Ibid, p.2.

<sup>85</sup> OBP: t17990619-20, Charles Linsey (June 19, 1799).

<sup>86</sup> OBP: t18130714-53, Henry Dale (July 07, 1813).

'colouring and some brushes.'<sup>87</sup> The two pound Bank Note presented in the case of Henry and Mary Jenkinson in 1805, was described by Bank Inspector Thomas Bliss as being 'a most horrid composition, it is not an engraving, it is done with a hair pencil all through...the whole of it is counterfeit...it is not printed.'<sup>88</sup> In 1807 newspapers reported that a young man named Ball had been apprehended after getting an accomplice to tender a forged five pound Bank note at a shop in Oxford Street in June of that year. One article implies that Ball, a native of Foulsham in Sussex, was responsible for putting away these notes in nearby Lewes and Brighton, as a number of them were then apparently in the possession of the Bank.<sup>89</sup> The notes once again appeared to have been manufactured not with the use of copper plates or presses, but instead executed with a 'pencil', probably once again referring to a small brush, with one newspaper remarking,

the ingenuity for the practice of this species of forgery falls to the lot of but a few, it may therefore be presumed that these pencilled notes have obtained no considerable circulation. Five are, however, in the possession of the Bank, the one in question, another of 10l passed in London, and three of 1l. each, taken by a different tradesmen in Lewes and Brighton.<sup>90</sup>

During Ball's trial at the Sussex assizes, the Bank engraver Garnett Terry was again called in to testify as to the nature of the forgeries, to which he remarked that, 'the note was a forgery, that it was not engraved, but that the whole was written and drawn by the pen or camel-hair pencil.'<sup>91</sup>

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<sup>87</sup> OBP: t18150913-82, John Binstead (September 13, 1815).

<sup>88</sup> OBP: t18050220-78, Mary and Henry Jenkinson (February 20, 1805).

<sup>89</sup> *Jackson's Oxford Journal* (June 27, 1807).

<sup>90</sup> *Ibid.*

<sup>91</sup> *The Morning Chronicle* (August 06, 1797).

The report also mentions how at Ball's lodgings officers had found 'India Ink' as well as 'silver paper with a faint impression of the word ONE.'<sup>92</sup> What is particularly fascinating about Ball's case, however, is that despite having attempted to imitate Bank Notes in what might be considered a fairly crude manner, the Bank engraver Garnett Terry confirmed that Ball had still tried to put a watermark into his paper. This latter case is an important one, as it suggests that those who were in the business of producing forged notes by hand were not necessarily aiming to create intentionally rudimentary imitations, suitable to be passed off only amongst supposedly ignorant folk, or rather in less than ideal conditions for the receiver. With Mr. Ball seemingly having attempted to insert into his notes a watermark-like effect, this provides just one indication of the significance that this feature may have held for those attempting to scrutinise Bank Notes for authenticity at this time, a matter that will be explored more fully in chapter five. Moreover that individuals were clearly able to imitate the watermark using a variety of methods may well have provided a prime motive for the Bank to adopt a new watermark design in 1801, on all of its notes including those for one and two pounds.<sup>93</sup>

## Conclusion

In his defence at the Old Bailey in 1782, John Graham dismissed the accusations of the Bank Inspectors that he had had special letters printed for the purpose of altering Bank Notes, and added that should he have wished to make such alterations then he simply would have used a

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<sup>92</sup> Ibid.

<sup>93</sup> Mackenzie, *Bank of England Note*, p.52.

pen or pencil.<sup>94</sup> Whereas this astonishing utterance by Graham was not enough to save him from the gallows - the evidence against him being too strong - it does, however, display a remarkable perception on Graham's part, one given the somewhat blasé nature of his response was undoubtedly held by many others. This is that Bank Notes constructed, or in this case altered by hand, could conceivably be passed off relatively easily as valid currency. In some of the cases cited above, handmade notes were, at least initially, successfully passed off as genuine, with them only later being discovered as forgeries. It must be remembered that unlike today where the defacing of notes is less common due to its illegality, eighteenth-century Bank Notes by contrast were frequently covered in extra ink by way of handwritten endorsements, something which were not confined exclusively to a note's reverse.<sup>95</sup> Thus contemporaries would not have been automatically alarmed at the presence of extra ink on a note, or indeed, as we shall see in chapter five, at other kinds of material manipulation.

The more pressing issue raised by this chapter is just why individuals decided to imitate Bank Notes using such methods. This question, it is suggested here, can be largely seen to rest - although not exclusively - upon a combination of two key factors: access to capital, as well as skills and technologies. We now know through the work of Paul Chamberlain - although he does not explore the matter in detail - that some groups of French prisoners of war being held on British shores during this period, not only became involved in forging notes, but likewise executed them using common ink and camel hair pencils.<sup>96</sup> This sort of forgery has largely been portrayed by Chamberlain - although he does not explicitly suggest it - as a kind that was

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<sup>94</sup> OBP: John & Jane Graham.

<sup>95</sup> *See*, for instance, Fig 16, p.210.

<sup>96</sup> P. Chamberlain, *Hell Upon Water, Prisoners of War in Britain 1793-1815* (Stroud, 2008), pp.152-157, for material in the Bank archive relating to forgery by both French nationals and prisoners of war, *see*, BE: F2/96, F2/156, F2/182.

resorted to merely due to the fact that the prisoners had access to little else in the way of materials and tools. Evidence presented here, however, has suggested that hand drawn forgeries could similarly be attempted by persons whose freedom was not being restricted in the same way as these prisoners.

It may seem obvious to us now that not everyone at this time would have been capable of producing a high quality imitation of a Bank Note using common ink and small brushes alone. However given that at this time a clear crossover was perceived to exist between the skills of drawing, painting and engraving, something clearly indicated by the contents of contemporary drawing manuals, then approaching the construction of forged notes through an application of these methods was in theory a far cheaper means of undertaking such activities, mainly due to the fact that they did not require the use of specialist engraving tools, the purchasing of copper plates, and access to a printing press.<sup>97</sup> Hand drawn notes would not therefore have always constituted 'horrid compositions', as the notes of Mary and Henry Jenkinson were described, but may have in fact been rather more sophisticated instruments. Some, as in the case of Mr. Ball, even encompassing features such as a watermark.<sup>98</sup> The process of constructing such notes would also have been less likely to have relied on the skills and equipment of others, thereby potentially reducing the chance of being caught, or so it was widely believed at this time.

The ability to purchase paper that closely resembled that used by the Bank - albeit without the watermark inserted - would undoubtedly have encouraged many would-be forgers; however the evidence must be read with some caution. For instance, does the greater number

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<sup>97</sup> Beaumont estimated in 1819 that the copper plates used by the Bank would have cost around three pounds each, *Report of the Society of Arts*, p.17.

<sup>98</sup> *See*, p.155.

of cases in the *Proceedings* whereby individuals had purchased their own paper, as opposed to having made it themselves, in fact indicate a higher success rate in this crime amongst those who undertook the latter, instead of indicating that the purchasing of paper was more common?

Regardless of which of these was in fact true, the present chapter has argued that forgery in this period must not continue to be portrayed merely as an activity undertaken only by groups of highly skilled, or indeed, heavily capitalised men. The intention of the chapter has not been to dispute that such persons existed, as if this had been the case, then the sheer quantities of forged Bank Notes that circulated in this period would most likely never have been witnessed.

It is argued here, however, that a preoccupation in the modern literature with the 'inimitable Bank Note episode' has led scholars largely to ignore the plurality of ways in which Bank Notes of the Restriction Period could be both altered and imitated. Furthermore this has clearly hampered our own understandings of Bank Notes as both visual and material objects, an issue that must continue to be considered closely if we are to gain a better insight into the common mentalities and perceptions that surrounded them.

## Chapter Four:

### Understanding Uttering Part One: Buying and Selling Forged Bank Notes

This chapter will begin a section of the work that will engage with both the perceptions and activities of those who uttered forged Bank Notes during the Bank Restriction Period. For the purpose of continuity so that the reader might follow the logical life-cycle of the forged Bank Note, from uttering, to detection, and finally to the prosecution of the utterer, analysis of the trade in forged notes will appear here, whereas work on the perceptions of those convicted on forgery and uttering charges will come in the final chapter. Across these two chapters it will be suggested that whereas the crime of uttering forged Bank Notes after 1797 broadly constituted part of the so-called 'economy of makeshifts' - the various strategies both legal and illegal that were adopted by the poorer classes in order to help them survive the harsh realities of urban life - that perceptions 'from below' of this particular crime can better be understood in reference to more widespread notions of credit, debt and the workings of the market.<sup>1</sup> Moreover from the sources this can be interpreted in three ways; firstly from the long-standing perception of paper instruments as objects of debt; secondly from the idea that forged Bank Notes constituted a form of commodity that could be traded freely on the open market, and finally, from the sorts of relationships that developed between the Bank and its

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<sup>1</sup> On the 'economy of Makeshifts', see, O. Hufton, *The Poor of Eighteenth Century France, 1750-1789* (Oxford, 1974), in particular, ch.3. For a summary of this argument see ch.1, pp.45-46.

prisoners following prosecution. Furthermore, it is the second of these three points that the present chapter will be focussed on.

As Heather Shore has observed with regard to much of the criminal activity studied by historians, we now know a great deal about how the political and financial elites responded to the crime of Bank Note forgery, yet 'the role that it played in the lives of the urban poor has been less explored.'<sup>2</sup> Although this thesis is not confining itself just to those who we might consider the 'urban poor', the focus will nonetheless remain on people who certainly would not have qualified as elite at this time.<sup>3</sup> From a reading of the sources it is certainly possible to identify the activities of those who in the present day we would classify as criminals. It is not always possible, however, to establish a clear sense of whether particular individuals were acting merely for the purpose of self gain, or whether crimes were instead being committed out of necessity, a product of the so-called 'economy of makeshifts.' Something that can be concluded, however, is that all of those who knowingly involved themselves in the various stages of the forged Bank Note chain of supply and demand were engaging in a form of market activity, one which, as will be shown below, had its own customs of exchange, as well as clearly defined - yet somewhat negotiable - market prices. Moreover the principal focus of this chapter will be to analyse some of this detailed qualitative material. Specifically it will explore how utterers and note dealers in this period organised themselves; how forged Bank Notes were purchased, sold and concealed from public view, as well as the sorts of methods that were used to dispose of them to unsuspecting victims.

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<sup>2</sup> H. Shore, 'Crime, Criminal Networks and the Survival Strategies of the Poor in Early Eighteenth-Century London', in, King S., & Tomkins A. (ed), *The Poor in England, 1700-1850: An Economy of Makeshifts* (Manchester, 2003), p.143.

<sup>3</sup> *See*, Introduction, p.39.

### Utterers and the Forged Bank Note Trade

Whereas the means by which the Bank went about policing this new trade in forged Notes has provided a key focus for historians working in this field, little has been done by way of analysing the picture 'from below', that is to say any sort of proper analysis of how these sorts of criminal networks operated.<sup>4</sup> Many questions therefore remain unanswered: what were the different ways that individuals could acquire false notes; how were such activities concealed from public view; and perhaps most importantly, how were forged notes themselves uttered?

For those who were either unable to or simply uninterested in manufacturing counterfeits using the kinds of methods outlined in the previous chapter, the logical way to come into possession of forged notes was to purchase them. The literature hints towards the establishment of a clear hierarchy in this trade, whereby the 'large dealers and the actual fabricators of the notes' were not always one and the same. McGowen, in particular, implies that many of the pre-existing and more established channels through which forged notes would come to circulate in this period may have previously been used for the distribution of false coin.<sup>5</sup> Some sort of hierarchy would almost certainly have been in operation, and not everyone offering notes for sale would necessarily have been doing so on the scale of a wholesale dealer. Estimating the size of an individual's operation from the sources consulted here is not straightforward, and the task of tracing the journey of a single forged note, or indeed whole batches of them, would be near impossible. Two areas where some evidence does exist, however, is for the both the prices of notes and the quantities in which they were sold.

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<sup>4</sup> See, McGowen, 'Policing of Forgery', *passim*, Cook, 'Flash Money', *passim*, Shore, 'Survival Strategies', p.139.

<sup>5</sup> McGowen, 'Policing of Forgery', pp.88-89, &, 'Managing the Gallows', p.245.

Taking firstly the price, it appears that the most common rate at which forged Bank Notes were sold was at approximately half their face value, and it is suggested here that prices might well have reflected both the quantity as well as the quality of the notes on offer. For example, at the trial of Peter Gregory in 1803, William O'Laughlin claimed that the first batch of forged one pound notes that he was offered by Gregory were priced at twenty notes for ten pounds.<sup>6</sup> In 1812 Samuel Faggard similarly claimed to have met Thomas Calley in a public house to purchase forged notes from him 'at half price.'<sup>7</sup> Calley had instructed Faggard to leave the public house with him before the transaction would take place, and upon Faggard handing over twenty pounds, Calley said he would return shortly with forty pounds worth of two pound notes. Mary Glover, a woman purposely sent by the Bank to ensnare Henry Dale, also appears to have exchanged a single genuine one pound note for a forged two pound note in 1813.<sup>8</sup>

The cost of forged notes was not necessarily fixed, and whereas a clear market price does appear to have been in operation, it was something that could also evidently depend on a number of factors. After initially striking up a conversation about horses in Harri's pub in Whitechapel, Bow Street officer Samuel Dickens and John Lemere moved on to the Queen's Head, where the subject turned to forged notes.<sup>9</sup> After agreeing on a quantity, the price offered for the four two pound notes was four pounds and seven shillings - slightly more than 'half price' - which Dickens claimed in court was agreed to before the sale. The small number of notes changing hands in this case might explain why the price agreed to was slightly

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<sup>6</sup> OBP: t18030420-68, Peter Gregory (April 20, 1803).

<sup>7</sup> OBP: t18121028-15, Thomas Calley (October 28, 1812).

<sup>8</sup> OBP: t18130714-53, Henry Dale (July 14, 1813), In exchange for their freedom, or at least the opportunity to avoid the hangman, the Bank often employed what it conceived to be small time note utterers in order to track down the larger sellers, for a discussion of rewards used by the Bank, *see*, ch.5, p.194.

<sup>9</sup> OBP: t18121202-48, John Lemere (December 02, 1812).

higher, and there is some evidence to suggest that dealers may have offered discounts to those purchasing forged notes in bulk. Writing to the Bank from Bedford county gaol in April 1818, John Outridge named one of the principal note dealers in London as William Taviner, who, he claimed, sold one pound notes at the price of ten shillings each, but if a person were able to purchase twenty then the price fell to eight pounds for the score.<sup>10</sup> A letter to the Bank from prisoner Thomas Simcox in August 1820 suggests that even larger discounts were potentially on offer for those willing to buy in bulk, with him claiming that one Thomas Ashbey of Birmingham was selling twenty notes - 'a score' - 'At £3...the wholesale price.'<sup>11</sup> When Ann Fear inquired as to whether she could purchase some 'queer notes' off William Weller, Weller told her that his usual price for a one pound note was eight shillings - slightly less than half price - however when Ann asked if whether she purchased 'half a score' that she would be able to have them for less, she was told that the price would be seven shillings and six pence each.<sup>12</sup>

Prices may also have varied depending on the size of the chain involved in the operation, and how far down that chain notes were being sold. George Davis, for example, claimed in his letter to the Bank in 1819 that he was involved in the dealing of forged notes, and the persons who employed him to sell allowed him a cut of '7 shillings in the Pound for my trouble.'<sup>13</sup> Some more lowly sellers may have been working for much lower cuts. Note seller John Charles, for instance, stated in the case of Andrew Savage in 1816 that,

I had dealings with the prisoners respecting forged bank notes several times. I obtained some from them at the price ten shillings and sixpence of the prisoner, and

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<sup>10</sup> BE: F25/12/35, John Outridge (April 20, 1818). A score at this time referred to a quantity of 20 notes.

<sup>11</sup> BE: F25/5/74, Thomas Simcox (August 01, 1820).

<sup>12</sup> OBP: t18180909-49, William Weller & George Cashman (September 09, 1818).

<sup>13</sup> BE: F25/7/58-59, George Price (May 07, 1819).

the odd sixpence was allowed to them. I paid them ten shillings and sixpence for a one-pound to forged Bank of England note; I understood that they had the sixpence for themselves for their trouble.<sup>14</sup>

At the same sessions John Charles also appeared as a witness in the trial of Thomas Crane, in which he claimed that Crane had offered him 'one out of every score', meaning he could keep one pound for every twenty notes passed, a sum which worked out considerably better than his offer from Savage at a shilling per note.<sup>15</sup> It might appear then that a sort of open market existed amongst larger scale note dealers, whereby better cuts may have been used as a means of tempting those individuals further down the pecking order into selling for them.

The sale of notes in quantities of twenty (a score) seems to have been a fairly common practice. For instance, the already cited offer of forged notes to William O'Laughlin from Peter Gregory had been for a packet of twenty.<sup>16</sup> Susannah Gerain had been apprehended in 1810 with a packet of eleven one pound and four two pound forged notes, claiming that prior to her being taken up that she had already uttered 'five or six.'<sup>17</sup> After having passed at least two notes, the number of forged notes found upon John Fennell in 1802 was sixteen.<sup>18</sup>

Some of those found with packets of notes slightly shy of twenty may have previously had a small number of notes advanced to them as a means of testing their quality, before committing to a larger sale. When George Warman - a man employed by the Bank - met Harry Griffiths in July 1813 to purchase forged notes, Griffiths informed Warman that he

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<sup>14</sup> OBP: t18161030-1, Andrew & Benjamin Savage (October 30, 1816).

<sup>15</sup> OBP: t18161030-2, Thomas Cane (October 30, 1816).

<sup>16</sup> OBP: Peter Gregory.

<sup>17</sup> OBP: t18100110-32, Susannah Gerain (January 10, 1810).

<sup>18</sup> OBP: t18020428-50, John Fennell (April 28, 1802).

could let him have 'a score' if he wanted them, to which Warman said he 'would have two first, to try them.' Having been told the evening before the price for the notes was 'ten shillings a piece', he accordingly paid with a one pound note given to him by the Bank.<sup>19</sup>

The acquisition of forged Bank Notes for one's own personal use was clearly something that would have been limited by an individual's purchasing power. The sums of ten and twenty pounds required to purchase a full 'score' of notes were - to use a contemporary expression - far from trifling amounts. It is highly unlikely, therefore, that those at the very bottom of the social ladder would have been able to draw upon the necessary capital to make such purchases, and it would have been these individuals who would have most likely ended up becoming involved in passing notes for others whilst working on commission.

Of course, as has been suggested above, an individual was not always obliged to purchase forged notes in these sorts of quantities, even from those who sold them at the price of half their face value. John Charles, for example, purchased between four and six notes at 'half price' each time he met the Savage brothers in 1816, and was evidently not obliged to continue purchasing more.<sup>20</sup> Further evidence suggests that poorer individuals were probably inclined to purchase cheaper notes of a lower quality if they wanted to take a much larger cut of the profits. A letter from Richard Andrews, incarcerated on the Retribution Hulk in Woolwich in November 1812, claims to contain the prices of forged coins and notes in both London and Birmingham, stating that 'Best Notes' were priced at twelve shillings per pound note, whereas 'others' were sold for six or eight.<sup>21</sup> An even lower grade of note was perhaps being referred to by William Davies in March 1820 when he wrote to the Bank 'I doo

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<sup>19</sup> OBP: t18131201-32, Harry Girffiths (December 01, 1813).

<sup>20</sup> OBP: t18161030-1, Andrew & Benjamin Savage (October 30, 1816).

<sup>21</sup> BE: F25/1/218-9, Ricahrd Andrews (November 04, 1812).

not know but verey Litell A bout them for wen hee gave mee the notes it was in a publick house that whe used and I paid 5s A Note.<sup>22</sup>

Despite having only cited one explicit reference to any sort of distinction in quality between notes of different prices, the aforementioned trial of Peter Gregory can provide us with some insight into a forgery operation that was not only producing inferior quality notes to be sold at a lower price, but also ones that were only intended to be uttered in particular circumstances. As well as being presented with a score of forged one pound notes at 'half price', William O'Laughlin claimed that he was also offered another sort of note by the pair of Gregory and Warren, this time a much larger quantity, one hundred and forty seven forged one pound Notes for the remarkable price of just fifteen pounds. This equates to just over half a shilling a note, and is by far the lowest price referred to anywhere in the sources consulted here. O'Laughlin was clearly dubious at first, yet Greogory was insistent that the notes were good to pass, and that he and Warren had 'been six years at it, and never met with a disappointment.' Greogory also allegedly explained to O'Laughlin that their most effective method was to utter them at night, and that one evening he and Warren had attended Vauxhall Gardens and passed near twenty of them.

A preference for night time uttering and an extremely low price does strongly suggest that the notes being offered by Gregory were indeed at least visually inferior to other kinds of forged note on the market, and were therefore inappropriate for the kinds of more routine presentation that form the bulk of the analysis in the next chapter. As is similarly argued in chapter five, the use of both natural and artificial sources of light was a commonly resorted to technique for improving one's own ability to examine Bank Notes.

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<sup>22</sup> BE: F25/6/29, William Davies (March 01, 1820).

Presenting forged notes in busy public environments such as at pleasure gardens, as well as occasions such as country markets and fairs, would arguably have limited the receivers' ability to conduct detailed scrutiny of an instrument. That these sorts of perceptions were commonly held from the outset of the Restriction Period is something evident from other sources. Moreover such events had long been thought to provide a ripe environment for both the circulation of false money, as well as other sorts of criminal activity to occur. In a piece laden with overtones of otherness and common biases against country people, one newspaper article from 1797 discussing the forgery of the Bank's silver dollars claimed,

it is earnestly hoped the public in general, and particularly country people who resort to fairs and markets, will be guarded against the practices of itinerant Jews and dealers in hardwares, who generally offer these articles at half price, with a view to draw the attention of purchasers, that they may have an opportunity of cheating them by exchanging bad money for good.<sup>23</sup>

Echoing these sorts of views three years later, magistrate Patrick Colquhoun wrote of how country fairs were prone to attracting all manner of rogues and swindlers, those who might assume the 'character of a young squire just come to his estate; to appear careless and prodigal, and to shew handfuls of bank-notes all of which are false and fabricated for the purpose.'<sup>24</sup> Although these kinds of discourses might now be routinely dismissed as examples of contemporary paranoia, it would be wrong to overlook such opinion as mere hyperbole. Indeed, it has previously been suggested that forged notes would most likely have been manufactured in large towns where materials, skills and capital could be most

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<sup>23</sup> *London Evening Post* (September 30 - October 3, 1797).

<sup>24</sup> See, for instance, P. Colquhoun, *A Treatise on the Police of the Metropolis; The Sixth Edition, Corrected and Considerably Enlarged* (London, 1800), pp.125.

easily drawn upon; however once complete the successful uttering of them was not necessarily dependent on such factors.<sup>25</sup> Furthermore given the centrality of markets and fairs to both economic and social life in this period, it is perhaps only natural that those with goods in high demand – such as forged Bank Notes - should have gravitated towards these events.<sup>26</sup> It is was these sorts of activities to which prisoner William Phillips referred when he wrote to the Bank in June 1808, 'Wm Bradbery hee lives in Birmingham hee gose to all the fairs round this part of the Country with his goods and a mainey more people wich Deales in them as well as silver.'<sup>27</sup> Issac White similarly claimed in a letter of January 1818 that he had asked a fellow prisoner 'where he took the Note, he told me he had it of his brother a Horse Dealer, and he purchased them of S\_s of Banbury who he said intended to visit the Fairs in Kent and the adjacent counties this Winter.'<sup>28</sup>

Both note uttering and selling were evidently activities that were not exclusively undertaken by those working alone, and spreading out quantities of forged notes across a number of persons was no doubt common, not only to increase the potential of successfully uttering a greater number, but also as a means of better concealing this illicit activity. As will be explored more fully in chapter five, one of the most important factors in the Bank securing a successful criminal prosecution was material evidence, and whereas a person found with just a couple of forged notes upon them may still have been treated very seriously, it was more plausible that the Bank would consider them as little more than a possessor, therefore

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<sup>25</sup> Manufacturing towns including most notably Birmingham have frequently been argued to have been centres of Bank Note forgery, *see*, McGowen, Policing of Forgery, p.94, *passim*, Shin, *Culture of Paper Money*, p.104, 106, *passim*, Cook, 'Flash Money', p.16.

<sup>26</sup> For the importance of fairs and markets, particularly in rural areas, *see*, V. Pollock, 'Contract and Consumption: Labour Agreements and the Use of Money in Eighteenth-Century Rural Ulster', *Agricultural History Review*, Vol.43, No.1 (1995), pp.19-34.

<sup>27</sup> BE: F25/10/41-4, William Phillips (June 18, 1808).

<sup>28</sup> BE: F25/12/47, Issac White (January 12, 1818).

making them more inclined to offer the plea-bargain.<sup>29</sup> The plea-bargain was introduced by the Bank following an alteration to the law in 1801, whereby forgery criminals could be tried on the new charge of possession by voluntarily agreeing to plead guilty, thereby submitting to automatic transportation. This meant that they would not face the capital statute if deemed worthy by the Bank, and in order to help determine whether individuals were deserving of this offer, the Bank established the Committee for Lawsuits in 1802.<sup>30</sup> The discovery of an entire score upon one's person would have made it incredibly difficult for that individual to convince the Committee that they were not a major seller or dealer in forged notes, to which the enforcement of the capital statute remained the only option.

The case of Gregory again highlights the possible lengths that some sellers might have gone to conceal their activities. According to the testimony of O'Laughlin, when out passing bad notes, Gregory and Warren would locate a nearby public house where underneath a chair they would attach a roll of notes wrapped up in brown paper, using something O'Laughlin referred to as a 'pricker' to dislodge one when all was clear. The purpose of this, Gregory claimed, was that 'they could not be hurt if one only was found at a time upon them.' Whereas this was certainly an oversight on Gregory's part, he was nonetheless largely correct to assume that the consequences faced by them would certainly have been less severe compared to if any one of them had been discovered with a large number of forged notes.

When not actively engaged in passing or selling forged notes, many would have deemed it necessary to have kept them in a secure and well-hidden place, should one suddenly become a suspect of the Bank and a property search conducted. William Banister for instance, who wrote to the Bank four times in his own hand between 1808 and 1810,

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<sup>29</sup> *See*, Introduction, pp.10-11.

<sup>30</sup> For more on the Committee for Lawsuits, *see*, ch.6, p.232.

turned out to be less cunning than he had perhaps initially envisaged. In 1808 J. Lloyd, the Bank's solicitor in Stockport, wrote to the Bank explaining that forged notes had been found in Banister's garden.<sup>31</sup> A letter from prisoner Thomas Simcox in August 1820 describing a house in Birmingham where forged notes were allegedly made, similarly describes how once complete the forgeries were put 'in large stone jars and then put under ground in the Garden at the Back of the house.'<sup>32</sup> When John Keene had his lodgings in the Borough searched in 1813, Bow Street officer John Foy came across two packets of notes underneath Keene's carpets that were wrapped in brown paper.<sup>33</sup>

The wrapping of bundles of forged notes in another material, such as brown paper, appears to have been a common practice, and aside from merely providing a practical solution for storing and protecting notes, the material itself may well have served a more important purpose. For example, in his search of John Keene's lodgings, John Foy also came across a trunk in which he found two forged five pound notes along with five genuine one pound notes in the same draw, the former being in brown paper but the latter not. A year later Foy inspected the home of suspect John Mitchell, where again he found both good and bad notes being stored together; however on this occasion Foy found,

some good notes in the bottom of the chest... altogether in a small piece of parchment; I think forty pounds, or thirty-eight pounds; I cannot recollect which. I looked then at the clothes in the chest; I felt the flaps of the coat pockets; there were four or five coats. I felt something in the pocket flaps of three of them... I found in this coat eight two-pound notes, slid in between the lining and the outer part of the coat;

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<sup>31</sup> BE: F25/1/164-5, J. Lloyd to Bank Solicitors (November 12, 1808).

<sup>32</sup> BE: F25/5/74, Thomas Simcox (August 01, 1820).

<sup>33</sup> OBP: t18131201-38, John Keene (December 01, 1813).

this was only in one flap...I found in his coat nine two-pound notes on one side, and eleven on the other side; all two-pound notes.<sup>34</sup>

It is understandable that those in possession of forged notes would have wished to keep them separate from what they believed to be their genuine money, and other methods were employed for this aside from the use of material storage. When Benjamin Savage received both notes and coin in payment for some forged notes from John Charles in 1816, he was described as having taken out a white handkerchief to wrap up all of this money in 'separate parcels.'<sup>35</sup> If the closing testimony of the principal witness is to be believed, Thomas Smith was evidently trying to keep his good and bad notes separate when he allegedly 'took the good one out of his left hand breeches-pocket, and the bad one from his right.'<sup>36</sup> As will be argued in chapter five, some forged notes could bear such a close resemblance to the genuine article that even those most familiar with their construction and appearance could sometimes struggle to distinguish between imitations and the real thing. Those who accepted what they believed to be genuine notes directly in exchange for forged notes would therefore have needed to have been especially careful about what they were accepting. We might even speculate that forgeries would inevitably have on some occasions been accidentally exchanged directly for other forgeries. Moreover given that the issue of different grades of forged notes has already been discussed above, it is worth posing the question whether, in theory, superior specimens of forged note might have been accepted in payment in exchange for lower quality examples, given that they were clearly deemed as easier to pass, and could command a higher price on the open market.

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<sup>34</sup> OBP: t18140706-44, John Mitchell (July 06, 1814).

<sup>35</sup> OBP: t18161030-1, Andrew & Benjamin Savage (October 30, 1816).

<sup>36</sup> OBP: t18180909-56, Thomas William Smith (September 09, 1818).

## Conclusion

This chapter has analysed the buying and selling of forged Bank Notes during the Bank Restriction based primarily on a reading of forgery cases in the Old Bailey *Proceedings*. Given that this was a highly illegal activity that could be punished by death, one of the most striking things about the material analysed above is the apparently mundane nature of such transactions. Moreover this is an observation that supports the idea that these activities, particularly amongst those towards the bottom of the social ladder, were ones that could constitute part of an individual's own moral economy, or more precisely, as Shore has suggested, an 'economy of makeshifts'.<sup>37</sup> This is most evident in cases where an individual was not dealing in notes purchased outright, but was instead distributing them on commission, whereby only a cut of each note was kept by the seller, with the wholesale dealer likely retaining the majority of the profit.<sup>38</sup> Whereas those of the poorer classes who became involved in this trade may have viewed note selling as the quickest, cheapest, and possibly the least risky way of profiting from it, it was also a capacity that many were likely restricted to due to their limited incomes and low levels of disposable capital. Furthermore: as will be argued in the final chapter, the alteration of the law in 1801 combined with the Bank's newly adopted policy of the plea-bargain, may have inadvertently encouraged certain individuals to become involved in the uttering of small quantities of notes, as they believed that only limited

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<sup>37</sup> Shore, 'Survival Strategies', p.137, *see*, note.1.

<sup>38</sup> *See*, notes. 13-15.

participation in the crime offered them some form of protection from the harsh realities of the penal code.<sup>39</sup>

Whether dealing in person or selling on another's behalf, it is clear that by this period forged Bank Notes had largely shifted away from being something principally constructed by individuals for their own use, to a product that was bought and sold in a fully fledged open market, one that had its own customs of exchange, as well as a sliding price scale. Whereas the most common rate at which forged notes appear to have been sold was at half their face value, discounts were clearly offered to those who purchased in larger quantities, although the purchase of an entire 'score' of notes was not always necessary for discounts to be applied. Moreover dealers may have competed against one another, using discounts and attractive rates of commission to lure prospective utterers into opting to pass notes for them rather than a rival. Buyers interested in purchasing larger quantities were also offered the chance to test the quality of the merchandise on offer, usually by being advanced small numbers of notes before a commitment to a larger sale was made. It is in these later points, therefore, that we see the trade in forged Bank Notes operating along something broadly resembling free-market lines, whereby buyers could exercise free consumer choice between different sellers based on preferences for price and quality. The key difference was, of course, that being a criminal activity sellers needed to be actively sought out, and note dealing operations had to remain necessarily covert, factors which bring into question whether the market in forged

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<sup>39</sup> See, p.170.

notes can be considered as having been truly free in the strictest sense. As will be suggested in the final chapter, even if scholars may not feel entirely comfortable in classifying the trade in forged Bank Notes as a free market, due mainly to its criminal associations, to contemporaries of the period the status of the trade may have in fact been far more fluid, thereby allowing it to be considered an act of economic necessity or makeshift amongst particular social ranks. Furthermore as with contemporary perceptions of the relationship between Bank Notes, the credit economy, and the process of prosecuting the crimes of forged note uttering and handling, popular understandings of the market were perhaps not always founded on rational or informed comprehension of the economic reality. Before these questions are explored further, the thesis will now turn to the matter of how forged Bank Notes were uttered, and what contemporaries could do to attempt to protect themselves against imposition.

## Chapter Five:

### “They are exactly as bank notes are”: Examining Bank Notes and Detecting Forgeries

This chapter will analyse how contemporaries of the Bank Restriction Period routinely assessed Bank Notes that came into their possession. It will argue that despite the Bank of England offering virtually nothing in the way of assistance to help the public distinguish between genuine and forged notes - a task that sometimes eluded the Bank itself - individuals were able to adopt personal routines of examination that over time allowed them to learn the signs of a potentially spurious note. Moreover the highly increased level of Bank Note circulation during this period clearly allowed some to develop a cognitive shortcut or schema, the means by which have already been outlined in chapter two.<sup>1</sup> Whereas chapters two and three have suggested that Bank Notes could be presented in conditions that were less than ideal for the receiver, such as in a room with poor light or through being visually manipulated, this chapter will be concerned with more straightforward transactions, whereby a full unhindered examination of the instrument could conceivably have been conducted.

Before we consider the behaviour and actions of those presented with Bank Notes in payment at this time, one methodological question that must be dealt with is: to what extent can we trust the portrayals of these kind of encounters as recorded in legal proceedings? It has recently been suggested that legal records may in fact present exaggerated accounts of episodes involving paper money instruments. Moreover due to the importance of

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<sup>1</sup> See, ch.2, pp.77-79.

establishing a clear chain of evidence concerning the journey of a particular note in forgery cases, it has been argued that individuals were in some instances coaxed into recalling minute details about a particular note by Bank prosecutors in order to secure a prosecution.<sup>2</sup> If this was indeed the case, then this of course renders this material in some ways problematic for the purposes intended here. However the potential that contemporaries might have in some instances been liberal with the truth, may itself raise an interesting point regarding how people at this time believed they should have been attempting to assess the authenticity of their money. As Malcolm Gaskill has suggested in his attempt to extract contemporary mentalities from early-modern English legal records, whether or not an individual had actually behaved in a certain way, their capacity to recall a particular series of events or technologies in court, suggests that these actions or behaviours may have in fact been commonly accepted within their locality or community.<sup>3</sup> It will be suggested here that widely read published works such as the *Proceedings*, as well as the widespread coverage that forgery trials of this period received in the newspaper press, may have conceivably served as a means for individuals to learn the processes of examining Bank Notes, particularly as the Bank Restriction Period progressed and the reporting of forgery cases became more commonplace.

One of the main reasons for the growing public controversy that surrounded the issue of forgery, and in particular the execution and transportation of those found guilty of these crimes, was a widely held belief that many of those simply paying with forged banknotes at this time were in fact routinely ignorant of the crime they were committing. Indeed not only were those making payment in the new smaller notes largely assumed to be incapable of

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<sup>2</sup> Shin, *Culture of Paper Money*, p.146.

<sup>3</sup> Gaskill, *Crime and Mentalities*, p.134, a similar argument has been made here in regards to the remarks made in court by John Graham concerning the forging of his notes, *see*, ch.3, p.157.

distinguishing between genuine and forged examples, but many of those who were required to accept these notes in the regular course of trade were also believed to be just as incompetent. One letter to *The Times* in 1819 written by 'a merchant' succinctly highlights this discourse; on the reasons why the circulation of forged small denomination notes continued to be so extensive by 1819 he expressed that,

the reason is obvious, as to the greatest proportion of those notes is put forth into circulation amongst a class of the community who possess but slender means of discrimination between a good and a bad note... you, and myself, from our habits, information, and other causes, might be able to discover a good note from a bad one, the *lower orders* have no such means; and therefore, as long as these small notes are the circulating medium with *that class* of the community, forgeries will still take place.<sup>4</sup>

At first it might appear that the author is linking an ability to competently distinguish between genuine and counterfeit notes with education, and in particular the sort of business education undertaken by a growing proportion of young men born into the mercantile classes during this period.<sup>5</sup> His precise reason for suggesting that men of his class supposedly possessed such an ability, however, is not entirely clear, and his emphasis on the 'lower orders' strongly suggests that he is alluding to literate ability. Poor literacy levels amongst the English populace in this period have often been cited in the modern literature on Bank Notes as being a principal reason as to why it was widely believed at this time that forgeries were able to be passed off so easily, particularly amongst the lower classes.<sup>6</sup> A continued

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<sup>4</sup> *The Times* (29 January, 1819).

<sup>5</sup> J.R. Edwards, 'A Business Education for 'the Middling Sort of People' in Mercantilist Britain', *British Accounting Review*, Vol.41, No.4 (2009), pp.240-255.

<sup>6</sup> For example, see, P. Langford, *Polite and Commercial People*, p.568, Hewitt & Keywoth, *As Good as Gold*, p.33, even Shin who has recently suggested that illiteracy may not have proven a total barrier to using the Bank

emphasis of this point has resulted in paper money of this period being portrayed by some scholars as untrustworthy and largely unacceptable amongst such groups of people, fit only for an 'elite' and fully literate world of finance.<sup>7</sup> Indeed historians have done little to challenge the apparent consensus that Bank Notes were essentially text-based objects, and have largely failed to explore the potential for other means of examination and understanding.

Art historian Frances Robertson has gone some way in reassessing the criteria upon which banknotes were authenticated and accepted - albeit for a later period - suggesting that 'judgement of a banknote was partly based on its physical qualities, backed up by a belief in its authenticity.'<sup>8</sup> Robertson's work is more concerned with the mid-nineteenth century, a time in which she argues that this 'belief in authenticity' was closely bound up with technological advancements in Bank Note production, something which as Mary Poovey has shown, were adopted only later in the nineteenth century.<sup>9</sup> Despite this, Robertson's work highlights two points that might provide a key starting point to more effectively engaging with contemporary perceptions of Bank Notes in this period, both of which will now be considered. The first was the need for a belief to be present that the Bank Note offered in payment was indeed an authentic value-bearing instrument. Second, was the need for material recognition, that is to say the ability not only to establish whether or not a document actually was a banknote - one of either the Bank of England or otherwise - but also the ability to distinguish between a good and a bad note.

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Note, has argued that 'it would have been quite difficult to use a bank note without reading it first', Shin, *Culture of Paper Money*, p.110.

<sup>7</sup> D. Valenze, *The Social Life of Money in the English Past* (Cambridge, 2006), p.1.

<sup>8</sup> F. Robertson, 'The Aesthetics of Authenticity: Printed Banknotes as Industrial Currency', *The Society for the History of Technology*, Vol.46 (January, 2005), p.34.

<sup>9</sup> M. Poovey, *Genres of the Credit Economy: Mediating Value in Eighteenth and Nineteenth-Century Britain* (Chicago, 2008), p.154.

What is commonly observable in the sources analysed here are situations where the receiver of a note can be viewed as placing his or her trust in both the instrument and the individual presenting it, something that is reflected in cases where an examination was undertaken of both of the parties in question. Such evidence can be used to highlight what was an intriguing contemporary dichotomy of understandings concerning paper instruments at this time, one that will be explored further in the final chapter, whereby long established notions of personal contractual credit agreements were beginning to intersect with the more modern perceptions of the workings of fiduciary money, institutional liquidity and security. Unlike Robertson's contemporaries of the mid-nineteenth century, therefore, whom she argues automatically linked the authenticity and value of Bank Notes with their 'physical qualities', individuals of the Bank Restriction might be viewed more accurately as really only just beginning to fully embrace these kinds of materially orientated perceptions.

### Towards Tactile Examination

In his history of the Bank of England, Sir John Clapham has suggested that 'Englishmen of the rank and file-wage earners and small traders knew little of paper money, and in the early years of the suspension...learnt its use only gradually.'<sup>10</sup> This observation that the use of money is something that could be 'learnt' is an interesting one, and unfortunately is not something that Clapham himself expands upon. His comments, however, clearly echo those of the already cited anonymous merchant writing in 1819, who had suggested that the skills necessary to distinguish between good and bad money could be acquired through 'habits,

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<sup>10</sup> Clapham, *Bank of England*, Vol.2, p.3.

information, and other causes.<sup>11</sup> The question of what constituted these 'habits, information and other causes' is one that historians have in the past largely shied away from, and it is argued here that the literature on both forgery and paper money more broadly are in desperate need of such analysis. Indeed in a very simplistic sense, that we now take the day-to-day exchange of Bank Notes so much for granted has almost certainly led to us neglecting these practices in the past.

The chapter will argue that during this period it was commonly expressed, as well as routinely reinforced by those of the political and financial classes, that the Bank itself constituted a total authority on its own Notes. The Bank consequently strove hard to retain its monopoly of knowledge, something that it perceived as central in its battle against the forgers. Furthermore in spite of some strongly expressed opinion to the contrary, it remained generally accepted that only the Bank could for tell for certain whether a note was either genuine or forged, and this was perceived by some as being totally necessary, given that a person could only be prosecuted if a Bank Note was proven to be a forgery.

This did not stop the public from attempting to reach their own conclusions on the status of notes, and many individuals had clearly constructed their own set of visual and material criteria to use as a means of assessing any note with which they were presented. It is argued that because a forged note could constitute an almost identical copy or mimetic of the genuine article, possessing an ability to read a note's literate content provided no protection against accepting a forged note in itself, and it was instead the instrument's material and visual qualities - ones that did not centre around its text - that were more routinely relied upon as indicators of a potentially spurious note. It is likewise suggested that the heavily increased exposure to Bank Notes provided by the Restriction Period would

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<sup>11</sup> See, note.3.

unquestionably have improved the familiarity of the public with these objects, thereby conceivably allowing individuals to establish a form of cognitive shortcut or schema to their own personal ideal Bank Note aesthetic.<sup>12</sup>

### Bank Inspectors and the Monopoly of Knowledge

One discourse that is particularly discernible from a reading of the sources consulted here is the idea that only the Bank of England itself could accurately distinguish between genuine and false notes.<sup>13</sup> In other words, it was widely held at this time that Bank Notes could only be guaranteed as being either real or fake by those individuals who possessed a detailed technical knowledge of the various aspects of their production. Nowhere is such a belief more visible than in the *Proceedings* of the Old Bailey, where the expert testimony of Bank officials was routinely required in order that it could be said for certain whether a note being presented in court was a forgery. When asked at the Old Bailey in 1811 whether anybody but a Bank inspector would easily be able to distinguish between a genuine and a forged Bank of England note, inspector John Lees bluntly replied, 'I should think not.'<sup>14</sup> When asked whether it was impossible 'for anybody to say it is a bad note that is not in your secret,' Thomas Glover simply responded 'certainly' at the trial of Mary Best in 1812.<sup>15</sup>

The array of officials that appeared in court ranged from senior clerks and Bank inspectors to more humble cashiers and tellers, the latter usually being required to confirm whether or not the signature on a particular note was indeed their own. Most frequently

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<sup>12</sup> For an outline of the "Bank Note Schema", see, ch.2, pp.77-79.

<sup>13</sup> Emphasis is again being placed here on the Bank of England, but this idea was also applicable to other banks and note issuers.

<sup>14</sup> OBP: t18110710-57, Elizabeth Leach (July 10, 1811).

<sup>15</sup> OBP: t18120513-20, Mary Best (May 13, 1812).

called in to give evidence, however, was the Bank engraver, the man who was personally responsible for overseeing the production of the copper plates from which genuine Bank Notes were printed. The nature of the evidence given by these officials was far from consistent across forgery trials during this period, and in many cases appears to have been tailored precisely to what was needed in order to successfully secure a prosecution. It must not be overlooked, of course, that the Bank and its officials were pursuing a very clear agenda in their approach to those suspected of both making and uttering forged Bank Notes. As the judge presiding over the York assizes in March 1817 remarked during one such trial,

[it has] become necessary to check the circulation of these Forged Notes by the utmost severity of punishment, that those who engaged in the iniquitous traffic of negotiating them did it at the utmost peril of their lives.<sup>16</sup>

As well as indicating a very clear belief on behalf of these men that they did indeed constitute the highest authority on the Bank's instruments, the kind of evidence they provided may in fact offer some important clues as to the ways that Bank Notes were more generally understood as material objects by the wider public at this time.

As chapter three has shown, in some cases Bank officials might have given a brief assessment of how they believed an instrument to have been forged, yet in cases where the person on trial was an utterer, rather than a forger, officials would often confine themselves to more straightforward technical observations. For example, in what remained a fairly standard response throughout the period to the question of whether the note being presented in court was a forgery, Thomas Bliss observed in 1805 at the trial of Mary Parnell, that the whole of her note was clearly a forgery, 'the whole of it is forged; it is not from the

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<sup>16</sup> *The Leeds Mercury* (March 15, 1817).

Bank plate, it is not Bank paper, nor is it any writing of the clerks of the Bank of England.’<sup>17</sup> Garnett Terry the Bank’s engraver, similarly affirmed, ‘It is not...paper, nor ink, nor any part of the materials used for making or printing Bank-notes.’ In the trial of Thomas Bucknell in 1804, Bliss was even more concise in his analysis, simply stating ‘it is a counterfeit note... It is not the signature of any person in the Bank; the whole of it is counterfeit.’<sup>18</sup> Officials from other banks were in some cases also required to confirm forgeries of their notes in court, with the clerk of the Dover Bank in 1819 swearing that the instrument presented at the trial of Thomas Wildish was indeed ‘not off the plate from the house.’<sup>19</sup>

Bank officials were of course sometimes required to enter into more detail about the nature of a forged note, particularly in cases where the defendant was personally believed to have been involved in the forgery itself. In such cases the official’s role was usually to say whether or not the evidence presented against the defendant, for example the kinds of tools and materials that might have been found at their lodgings, equated with those apparently used in the construction of the forged note presented in court that day. Moreover it was this apparent ability to demonstrate an intimate and highly technical knowledge of these instruments, that allowed officials such as inspectors and engravers to judge exactly how a particular Bank Note had been forged, and thus whether or not the individual in the dock constituted the guilty party or not.

The process of proving a forgery in court was far from straightforward, however, and a reliance on the testimony of experts reflects the fact that the Bank could not simply depend upon its records to prove that a particular note was a forgery. It is conceivable, for instance, that if an exact copy had been made of a Bank Note, then unless the original note had

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<sup>17</sup> OBP: t18050710-21, Mary Parnell (July 10, 1805).

<sup>18</sup> OBP: t18040704-17, Thomas Bucknell (July 4, 1804).

<sup>19</sup> OBP: t18191027-71, Thomas Wildish (October 27, 1819).

already been paid away at the Bank previously, the serial number and markings on that note would have been entirely consistent with the Bank's own records, meaning that the forgery could not be detected from this information alone. In thinking more broadly about the nature of forgery, both during the eighteenth century as well as today, Jack Lynch has for instance suggested,

you cannot prove a negative. Even if the orthography, watermarks, and chemistry of a document are all consistent with its supposed origin, you still cannot say for certain that it is genuine, perhaps the forger was exceptionally consistent at forensics.<sup>20</sup>

It was essential therefore that the Bank continued to promote the idea, albeit somewhat indirectly, that its officials were in possession of a type of knowledge that went beyond the written record, that is to say that they were capable of distinguishing a genuine from forged note, in some cases simply by looking at, but also following more detailed examinations at close hand. Furthermore the sort of testimony given by the Bank's officials and printed in the *Proceedings* would undoubtedly have done much to confirm this view in the minds of contemporary readers.

In some trials it is possible to see the extent to which the men sent to represent the Bank in court were indeed masters of the objects that they sought to protect. Although two decades prior to the beginning of the Bank Restriction, in 1779 a Bank clerk named Francis Martin observed in court of a forged twenty pound note that,

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<sup>20</sup> J. Lynch, 'Samuel Johnson's Love of Truth and Literary Fraud', *Studies in English Literature 1500-1900*, Vol.42, No.3 (2002), p.611.

the dotted lines drawn along here are not true, a pair of compasses will show it, they are not parallel, they are not such as could be taken from the plate used by the Bank; the letter N at o. is a little different; in the word bearer the e and the r are too close.<sup>21</sup>

Some years later in response to the question of whether he believed the copper plate and the forged note produced in court at the trial of John Fennell to have been produced by the same hand, the Bank Engraver Garnett Terry replied,

I examined them by two impressions, and I believe they are done by the same hand; the same mode of applying the tool, and the same mode of finishing the up and down stroke of the legs of the M's and N's, in each, of them; we find no difficulty; we know different person's work, and we know the mode of applying the tool, and cutting the stroke.<sup>22</sup>

When compared to the more basic assessments of forged notes made by Bank officials during the Restriction Period, such instances of precise detailed analysis by contrast appear more infrequently within the *Proceedings* during the later period. However as has already been suggested, this might be put down to the fact that the Restriction Period cases are so heavily weighted in favour of uttering trials, where this level of detail was often simply not necessary to secure a prosecution.

What is noticeable from a reading of pre-Restriction forgery trials, however, is that aside from cases where significant levels of detail are entered into regarding a particular instrument, it is also possible to locate more mundane assessments of notes, the kinds of observations that could have perhaps been more readily observed with the naked eye, or indeed in the hand. In the trial of John Matthison, for instance, the Bank cashier Owen

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<sup>21</sup> OBP: t17790519-24, John Matthison (May 19, 1779).

<sup>22</sup> OBP: t18020428-50, John Fennell (April 28, 1802).

Gething firmly asserted that the paper on which the note in question was printed was not 'bank paper' as it was too thin, and that the watermark was not correct.<sup>23</sup> An entering clerk called in for the case of William Newland in 1784 similarly stated that he could only make out the water mark on the ten pound note very faintly, and that the paper used for the note was not right, it being 'too flimsy.'<sup>24</sup> The paper used to print the forged note allegedly used by Joseph Dunbar, who was in the end found not guilty at the Old Bailey in 1784, had similarly been described by the Bank's entering clerk as having been 'of a thinner consistence' than that used to make genuine notes.<sup>25</sup> Although the observations in the various cases cited here were made by those individuals who were at this time broadly considered to be true experts of the Bank Note, their testimony nevertheless highlights the kinds of flaws found in forged notes which officials themselves perhaps believed could have been more easily identified by the ordinary note dealing public. Furthermore as will be suggested below, an extensive reading of the forgery trials reproduced in the *Proceedings* can reveal much about the different ways that those presented with Bank Notes would have routinely gone about attempting to assess them for authenticity.

Whereas the idea that Bank officials possessed a kind of monopoly of knowledge concerning their own notes is certainly clear from the sources, it is likewise possible to highlight a competing discourse. Although there was clearly no higher authority in the land to judge whether or not a Bank Note was either genuine or forged, the Bank was well aware that this knowledge could only achieve so much in the fight against forgery. Moreover due to the fact that some English men and women had clearly developed the capability to produce copies of notes that were almost visually and materially identical to the real thing, the

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<sup>23</sup> OBP: Thomas Wildish.

<sup>24</sup> OBP: t17840225-13, William Newland (February 25, 1784).

<sup>25</sup> OBP: t17840526-132, Joseph Dunbar (May 26, 1784).

comments uttered by Bank officials in some cases suggests that even their well-trained eyes could on some occasions be severely put to the test.

Away from the *Proceedings* there is some evidence to suggest that the Bank were on occasions themselves very nearly misled by the capabilities of individual forgers. As the *London Chronicle* remarked in regards to the theft of a large bundle of what turned out to be forged notes in October 1797,

the notes are so well executed, that the people at the Bank could not distinguish them from the real ones; but upon a close investigation found that the number in the water-mark was 33 instead of 34, and the date 1797 instead of 1796.<sup>26</sup>

Another newspaper reported earlier in 1797 that upon a number of forged £40 notes being discovered at the Bank, officials had declared the notes to have been so successfully imitated that they would 'deceive the most intelligent eyes, and it is only by the check of their own books that a forgery can be detected.'<sup>27</sup>

There was, of course, no guarantee that a forged note would be instantly identified when presented at the Bank, and as is revealed in an audit of the Bank's operations undertaken in 1783, a note might pass through a number of hands including those of tellers, clerks and cashiers, before it was finally discovered as a bad one.<sup>28</sup> In speaking for instance of notes that were brought into the Bank for the purpose of exchanging them for other money, the audit suggests that such notes would have been,

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<sup>26</sup> *London Chronicle* (October 10, 1797).

<sup>27</sup> *Morning Chronicle* (April 14, 1797).

<sup>28</sup> M5/212, Minutes of the Committee of Inspection (1783), I am indebted to Anne Murphy for providing a transcript of this source.

first shewn to a Cashier, who examines whether they are not stopped Notes; or whether on the face they bear any apparent marks of suspicion, in either case, or if they should be more than a year old, he sends them into the Accountant's Office to be further examined there.<sup>29</sup>

Whereas the newspaper reports from 1797 cited above may have posed an early challenge towards the Bank's monopoly of knowledge, the sort that it would aim to silence through the actions of its own officials, heavy criticism continued to be levelled at it even during the later years of this period. In September 1818 the radical periodical *Black Dwarf* attacked the Bank's apparent monopoly, claiming that in reality not even Bank officials could actually distinguish between genuine and forged notes.<sup>30</sup> Moreover it criticised the way that the courts behaved so deferentially towards the Bank's evidence, and in particular to the kinds of testimony cited above,

the *Bank Clerk* declares that the paper in question is a forgery - that he *knows* it to be so - and no further questions are asked of him. The means by which he obtains his knowledge - the proofs of that knowledge are *all taken for granted*, upon the *honour* of the Bank.<sup>31</sup>

The *Dwarf* later claimed that the Bank was even failing to identify forgeries when they were brought to the Bank to be paid, suggesting that between 1816 and April 1818 they had paid over 75 notes that were only subsequently discovered to be forgeries.<sup>32</sup> Given that the audit highlights a number of stages that notes would pass through before being paid away, a process that after 1797 became far more prominent in the day-to-day workings of the Bank,

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<sup>29</sup> Ibid, Fo.93.

<sup>30</sup> The problems surrounding the positive identification of forged instruments in court was still being debated over a century later, *see*, for instance, A.S. Osborn, 'Difficulties in Proving Forgery', *The University of Pennsylvania Law Review*, Vol.82, No.8 (June, 1934), pp.805-817.

<sup>31</sup> *The Black Dwarf* (September 9, 1818), p.563.

<sup>32</sup> Ibid, (September 30, 1818), p.618.

the *Dwarf's* claims are probably exaggerated.<sup>33</sup> Furthermore there were clearly key differences between the sorts of examination that notes were subjected to when presented at the Bank for payment, when contrasted to how Bank officials would have gone about scrutinising those notes suspected of being forgeries prior to an appearance in court. The *Dwarf* does make a valid point about the lack of scrutiny surrounding Bank evidence, yet in reality it would have been extremely difficult for any person or body to take a higher position in order to challenge the Bank over a decision made in regards to one of its own notes.

The *Dwarf* also made an interesting point highly relevant to this discussion, which was that the Bank was frequently encountering forgeries that were simply too well executed, and that remarkably in some cases this actually gave the forged note away.<sup>34</sup> There is also some evidence of this attitude emanating directly from Bank officials in the *Proceedings*. Thomas Glover, for instance, remarked at the case of James Hill in 1813 that the notes presented in court that day were 'so well done they would deceive anybody.'<sup>35</sup> Two years prior to this Glover had made a similar assessment, suggesting in the case of William Habberfield that the notes were 'exactly as bank notes are.'<sup>36</sup>

It would also appear that as the number of forgery trials continued to increase year on year during the Restriction Period, judges presiding over the court increasingly questioned Bank officials on the matter of whether or not the standard of forged notes was in some cases simply too high for many contemporaries to have stood any chance of detecting them. A similar line of enquiry does appear to have begun much earlier, however. For

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<sup>33</sup> Between 1792 and 1798 the Bank's clerical staff increased from 200 to 600 persons, reaching 900 in 1813. The Bank also introduced a one and two pound Note office' to deal specifically with matters relating to small denomination notes, *see*, Acres, *From Within*, pp.351-359.

<sup>34</sup> *Ibid*, (September 9, 1818), p.562.

<sup>35</sup> OBP: t18130714-59, James Hill (July 14, 1813).

<sup>36</sup> OBP: t18111030-43, William Habberfield (October 30, 1811).

example in 1784 barrister William Garrow appealed to one Bank official present in court that day, asking him, 'I do not doubt but these [forgeries] are perfectly distinguishable to you, but to men of common observation are they so very bad, as that a man taking notes in the common way of trade, might not have taken them,' to which the clerk reluctantly answered that others might have taken them.<sup>37</sup> In what appears to have developed as a fairly standard line of questioning, particularly once the Restriction Period entered its third decade, inspector John Lee was asked at the trial of Jeremiah Nowland, 'is that note so as to impose on an ordinary man', to which he replied 'I think it might.'<sup>38</sup>

With some clearly doubting even the ability of the Bank itself to distinguish between good and bad copies of its notes, it is unsurprising to find evidence of individuals proclaiming that the crime of forgery posed a significant threat to all classes of person who used these instruments, whether educated, illiterate, or perhaps somewhere in between. Moreover this idea is summed up by one newspaper report of 1817 discussing the continued prevalence of forged notes in Lancashire, claiming that,

not only was it calculated to impose on the lower classes of society and the poor, but to interrupt and injure the trade and commerce of the country which mainly existed upon these Bank notes, as a circulating medium.<sup>39</sup>

The Bank, therefore, at least attempted to maintain an illusion that it possessed a total monopoly of knowledge regarding the construction of its notes, even if this position was strongly challenged from some quarters. It will be suggested below, however, that a wider

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<sup>37</sup> OBP: William Newland.

<sup>38</sup> OBP: t18110918-66, Jerimiah Nowland (September 18, 1811).

<sup>39</sup> *Royal Cornwall Gazette, Falmouth Packet & Plymouth Journal* (April 19, 1817), for another expression of this kind of opinion, see, ch.6, p.245.

reading of the sources shows that contemporaries of this period, namely those who constituted the so-called 'trade and commerce of the country which mainly existed upon these Bank notes', were also required to adopt their own aesthetic and material standards with which to attempt to judge the authenticity of Bank Notes at this time. Yet as the next part of this chapter will explore, this was something that the Bank themselves were strangely reluctant to encourage amongst the people, something that also supports the idea that they wished to carefully guard their monopoly of knowledge.

### Learning Bank Notes

The one and two pound notes issued by the Bank between 1797 and 1821 were the first in its history to represent values below five pounds, and although smaller notes had circulated in England prior to this date, the Bank Notes were the first that might be considered as having anything approaching a national circulation.<sup>40</sup> One area largely unaffected by the issuing of these new notes, however, was Scotland, which despite enforcing a specie restriction had long circulated its own small denomination notes. It has previously been suggested that Scottish people were generally much more at ease with banknotes when compared to the English, and that this can be put down to a number of factors.<sup>41</sup> Firstly the banking system of Scotland had developed quite differently to that in England, with one consequence being the manifestation of a unique set of public opinions concerning both the issuing and the circulation of paper money. The monopoly granted to the Bank of England by an Act of 1708, as outlined in chapter one, stated that other banks in England could have no

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<sup>40</sup> Shin, *Culture of Paper Money*, pp.95-97, Clapham, *Bank of England*, Vol.1, p.146, Coppieters, *Banknote Circulation*, p.30-31.

<sup>41</sup> Clancy, *The Recoinage and Exchange*, p.30.

more than six partners, something that severely stunted the development of both the provincial banking sector as well as English paper money more generally.<sup>42</sup>

Regarding those attitudes expressed more directly towards currency, a major scandal at the Scottish mint in 1682 contributed significantly to what would develop into an overwhelming distrust of the Scottish coinage by the people, an episode that even resulted in the closing of the mint for several years during the 1680s. English trading biases also meant that coin was heavily exported south of the boarder, resulting in frequent shortages. The only effective remedy was to issue banknotes, many of which, when compared to what the Bank of England was issuing during this same period, were for much smaller denominations. The Bank of Scotland, for example, began to issue one pound notes as early as 1704, with the Royal Bank of Scotland following suit after its formation in 1727.<sup>43</sup> It would be fair to suggest, therefore, that by the time the 1797 Bank Restriction Act was adopted in Scotland - something which according to Clapham had no legal basis - the people of that country were considerably more familiar with dealing in paper than their English counterparts.<sup>44</sup> Evidence to support this might be seen in the kinds of advertisements that were placed in Scottish, but not English newspapers, relating to particular batches of forged notes that were believed to be circulating in different parts of the country. These advertisements were primarily intended to help Scots to identify suspicious notes, yet the kind of language used in them is highly indicative of a nation that was already largely comfortable with the physical and visual forms of paper money.

An advertisement from August 1802 printed in the *Caledonian Mercury* informed the paper's readers: in the past week two 'guinea notes' from the Bank of Scotland had

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<sup>42</sup> Hewit & Keyworth, *As Good as Gold*, p.18.

<sup>43</sup> *Ibid*, p.31.

<sup>44</sup> Clapham, *The Bank of England*, Vol.2, p.5.

appeared at the bank, and had been positively identified by the staff as forgeries.<sup>45</sup> Before entering into further details of the notes themselves, the writer mentioned that a reward of £500 was being offered for any information leading to the discovery of those persons responsible for the forgery. Despite a prevalent culture of rewarding private individuals who aided the English justice system, the approach of offering public rewards whereby the Bank directly appealed to the public for information on forgers via channels such as the newspaper press, was not one adopted in England.<sup>46</sup> Instead, as has been suggested by McGowen and Cook, the Bank of England seems to have preferred handling the matter in-house, that is to say that it appointed its own informants through conducting localised investigations.<sup>47</sup>

Whereas the aforementioned 'guinea notes' were uttered at the Bank of Scotland in 1802, both instruments purported to have been drawn up at earlier dates, one stating December 1799, and the other, more remarkably, March 1780.<sup>48</sup> The advertisement then went on to claim that 'upon comparison, many discrepancies will be observed between the genuine and forged notes', before moving on to list what it believed to be the key differences. The use of the phrase 'upon comparison' is an intriguing one, and implies that the issuers of the advertisement believed that the public would be best equipped to spot the

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<sup>45</sup> *Caledonian Mercury* (14 August, 1802).

<sup>46</sup> BOE: M5/307/30, in April 1804 a proposal was made to the CMFLS that a standing reward be offered to members of the public who gave information as a means of 'accelerating & encouraging and early pursuit' of forgery criminals. This was seemingly never agreed upon however, and by 1819 a Parliamentary Committee was still recommending the introduction of a reward for those who came forward with information, suggesting that 'a reward would...have little tendency to endanger innocent men, by false accusation', *see, Select Committee on the Criminal Laws* (1819), p.16.

<sup>47</sup> On policing methods, *see*, McGowen, 'Policing of Forgery', Cook, 'Flash Money', although it is beyond the scope of the present work which is focussed on England, the fact that rewards were offered publicly for information in Scotland but not England perhaps reflects a very different attitude to the policing of the crime, that is to say a somewhat different approach to the highly centralised and top-down strategy adopted in England.

<sup>48</sup> On average length of Bank Note circulation, *see*, Shin, *Culture of Paper Money*, p.78.

forged notes by physically comparing them with other examples in their possession. Aside from the perhaps unusual dates printed on the notes, the advertisement then listed four key features of the forgeries which it suggested that anyone who came into contact with a two guinea note should examine closely. Three of these concerned textual elements of the banknote, although more emphasis was placed on the positioning, tone, and the shading of the outlines and ground, rather than discrepancies in the formation of the letters themselves. For example point number three stated that the word *Teller* – reproduced twice in italics within the advertisement – would usually appear on the same line as the name *John Murray* with two small figures beneath it, but that in the forged notes it was printed on a separate line with no figures present.<sup>49</sup> The fourth and final point, however, concerned the suggested scrutiny of a material feature of the note, and more crucially hinted at the sort of techniques that might have been employed in order to detect the fault. The feature in question was the watermark, the construction and forgery of which has already been considered extensively in chapter three.<sup>50</sup> The forged watermarks in this case were described by the advertisement as follows, ‘much stronger than in the real notes; so that some parts of it may be perceived on the back without holding the notes betwixt and between the light.’ The fact that the author was here indicating that the forged watermarks were perceivable without holding the note up to the light, would suggest that a common technique in attempting to detect a forged note was to do just this, and this is something that will be explored in more detail below.

Other examples of this kind likewise indicate that as much attention might be paid to the material aspects of the paper and print quality as the words and figures printed on the note itself. In March 1802 an advertisement warning the public of forged five shilling notes of the Bank of Falkirk, included the detail that the notes were engraved in a ‘coarse manner’,

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<sup>49</sup> For a discussion of illiteracy and the ability to read certain words on printed objects, *see*, ch.2, pp.110-112.

<sup>50</sup> *See*, ch.3, *passim*.

and were 'done upon common paper, without the water-mark, and are easily distinguishable from the real notes.'<sup>51</sup> Later in 1817, forged guinea notes of an Edinburgh bank were once again pronounced as 'easily detected... the engraving is fainter, the ink paler, and there is no water mark in the paper.'<sup>52</sup>

It is suggested that the kinds of flaws found in forged banknotes that were thought to be readily detectable by the Scottish banknote dealing public - as highlighted by advertisements found in Scottish newspapers - bear a distinct similarity to the aforementioned testimony provided by Bank of England officials at forgery trials in the pre-1797 period. Given that it has already been suggested that the nature of official Bank testimony broadly shifted from being highly descriptive to more technical and concise during the Restriction, it may not be entirely surprising to find that advertisements of this nature do not appear in English newspapers after 1797. The obvious question must be posed, therefore, of why so little was apparently being done by way of attempting to educate the English people in their usage of paper money, and thereby helping to aid their own battles against note forgers?

A possible reason for this, one which has recently been alluded to by Shin, is that it was not really in the Bank's interest to highlight instances of forgery to the public unnecessarily, so as to minimise the potential for creating localised panic and thus compromising the smooth circulation of the new paper currency.<sup>53</sup> An example he cites that would appear to support this idea, and in fact demonstrates the Bank actively attempting to suppress public concern over note forgery, is a notice that it issued in 1801, stating that 'the

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<sup>51</sup> *Caledonian Mercury* (March 27, 1802).

<sup>52</sup> *Ibid*, (June 23, 1817).

<sup>53</sup> Shin, *Culture of Paper Money*, p.108.

alarm which has for some time prevailed respecting FORGED ONE and TWO POUND BANKNOTES being in Circulation in this County to great Extent, is without Foundation.<sup>54</sup>

Another very likely possibility, one that is emphasised here, is that the Bank did not wish to enter fully into the technical specifications of its notes so as to offer as few clues as possible to prospective note forgers. In other words, in order to highlight the kinds of flaws that may have been commonly observable in particular batches of forged notes, the Bank would have been required to offer this kind of information in order to allow individuals a means of comparison. As Virginia Hewitt has suggested, the general approach taken by the Bank during the eighteenth century was one of trying keep 'one step ahead of the forgers', and this presumably meant retaining as much information concerning the technical details of its instruments as possible.<sup>55</sup> As the *Black Dwarf* noted in 1818, the Bank was failing to provide the public with any sort of standardised advice on what to look for in a forged Bank Note, or conversely in a genuine note, something that it portrayed as a total outrage and insult to the English people who were expected to routinely accept this money in payment.<sup>56</sup>

The concise nature of much of the testimony provided by Bank officials at the Old Bailey might therefore be viewed as being consistent with the Bank's overall desire to keep technical information about its Notes out of the public domain, in an attempt to preserve its monopoly of knowledge after 1797. However as the remainder of this chapter will seek to demonstrate, contemporaries of the Bank Restriction could often be well aware of the signs that potentially indicated a bad note, with both material and visual examination providing another avenue by which individuals could negotiate the value, and therefore the acceptability, of these paper instruments at this time.

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<sup>54</sup> *Exeter Flying Post* (April 20, 1801), cited in, *Ibid*, p.108.

<sup>55</sup> Hewitt & Keyworth, *As Good as Gold*, p.33.

<sup>56</sup> *The Black Dwarf* (September 9, 1818), p.64.

## The Role of Endorsements

Despite Shin arguing that the *Proceedings* must be treated with caution, he has nevertheless used them in his analysis of the role of the 'endorsement', whereby individuals paying with Bank Notes would routinely be made to sign their name and most likely their address on the reverse of a note when presenting one in payment.<sup>57</sup> As well as providing those who were handling the note the opportunity to view the number of hands through which it had already passed, endorsements would also have allowed some individuals to see for themselves just who had been in possession of the note previously.<sup>58</sup> Shin's argument about the centrality of the endorsement is multi-pronged, however, with him suggesting that an endorsed note could also

be more readily accepted than a note without one – as an endorsement meant that the note had been accepted by someone else, which would to some extent guarantee its acceptance by others in the future.<sup>59</sup>

When Shin raises the issue of the relationship between endorsements and forgery, and how they may have helped contemporaries to protect themselves against it, his arguments become more problematic. For example he adds that as endorsements were so commonly found on the reverse of Bank Notes in this period, that it was a feature that forgers and utterers might readily seek to imitate on their own notes.<sup>60</sup> Moreover it was not just necessarily those in possession of bad notes that would have added rogue endorsements,

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<sup>57</sup> Shin, *Culture of Paper Money*, p.146.

<sup>58</sup> *Ibid*, pp.154-155.

<sup>59</sup> *Ibid*, p.151.

<sup>60</sup> *Ibid*, p.151.

with one Manchester butcher recalling in 1802 that he did this to all notes that came into his possession in order to give them greater 'respectability.'<sup>61</sup>

One question that must be addressed therefore is just why were endorsements so central to the acceptability of notes, as Shin has implied, if they could be added so easily by others? It will be argued here that the widespread use of endorsements on Bank Notes at this time was most likely something largely inherited from an earlier period, and was closely related to widely held understandings of paper instruments as objects of personal credit. Whereas this clearly denotes a strong association with notions of acceptability and identification - the latter particular having been alluded to by Shin - there may have in fact been a crucial difference between the ways that contemporaries routinely used endorsements in more straightforward Bank Note exchanges, when compared to incidents where a forgery was suspected.

When a witness appeared in court having been tendered a forged note, the identification of a signature or personal mark could often prove central to guaranteeing the identity of that particular note. George Robinson was able to identify in court the five guinea note given to him by William Ball, as he had marked it with a red cross after taking it to a neighbour who had declared it bad.<sup>62</sup> Charles Bunyan declared that the two pound Bank Note presented in the trial of Charles Linsey was the same that had been given to him that day, he having made his mark upon it.<sup>63</sup> Thomas Stiles, a pawnbroker's shopman, similarly marked the two pound Bank Note given to him by Thomas Edwards with his initials, he believing it to be suspicious.<sup>64</sup> What we see in these cases, therefore, is the adoption of a

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<sup>61</sup> *Hampshire Telegraph & Portsmouth Gazette* (March 1, 1802).

<sup>62</sup> OBP: t17941208-3, William Ball (December 8, 1794).

<sup>63</sup> OBP: t17990619-20, Charles Linsey (June 19, 1799).

<sup>64</sup> OBP: t18040411-52, Thomas Edwards (April 11, 1804).

different kind of endorsement, whereby an individual's mark was intentionally inserted on to a suspicious note, perhaps under the pretence of endorsing it, yet was instead undertaken with a mind of having to possibly identify the note in court at a later date. Evidence to suggest that this sort of marking or endorsement was perhaps used on a more occasional basis can be seen in other trials. After being warned of the possibly dubious status of the note she had received from Caroline Gregory - a woman working with the accused John Warren - china dealer Mrs Grofnel endorsed the reverse of the note with her own name, a practice which in court she claimed she did not regularly undertake.<sup>65</sup> In the trial of George Smith in 1812, linen draper Abraham Easley endorsed the note with both his name and that of Smith, however, when asked whether he regularly did such a thing, he answered 'not always, I do sometimes.'<sup>66</sup> If then the act of adding one's own name to a Bank Note in addition to that of the person from whom it was received was something that contemporaries only undertook on certain occasions, namely when a forged Bank Note was suspected, then something needed to have happened prior to this by way of arousing some form of suspicion in that person, the matter of which the remainder of this chapter will now turn.

### Personal Examination

In most instances where a Bank Note was presented in payment, the person receiving it would presumably have had at least some opportunity to assess the bearer's person, in regards to both their appearance and body language. Something that could evidently arouse much suspicion in the receivers of Bank Notes was the way in which the bearer conducted his or herself both before and after the transaction. In eighteenth-century legal culture,

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<sup>65</sup> OBP: t18030420-66, John Warren (April 20, 1803).

<sup>66</sup> OBP: t18120408-49, George Smith (April 8, 1812).

suspicious behaviour usually indicated dishonesty, and routinely demonstrated to juries and judges that the defendant was a certain type of person, thereby creating a 'powerful presumption of guilt.'<sup>67</sup> As Donna Andrew and Randall McGowen have suggested, 'forgeries were supposed to be difficult to detect. The conduct and circumstances of the person offering the note rather than the note itself, were supposed to indicate a crime.'<sup>68</sup> The jury in the trial of William Newland, a 'gentleman farmer' sentenced to hang for passing a forged £100 Bank Note in 1784, was asked by the prosecution to consider Newland's suspicious behaviour during the ordeal, and as to whether this did not 'manifestly shew a consciousness of guilt.'<sup>69</sup>

Straightforwardness and a lack of suspicious behaviour could similarly work in a defendant's favour. In the trial of John Aiken, the judge directly instructed the jury not to condemn Aiken based almost solely on his very proper conduct,

Gentlemen of the Jury... I cannot entertain a suspicion against this man; so far from there being evidence to convict him, it does not raise even a suspicion in my mind; for, if every man into whose hands a forged note might fall were to be convicted, in a perilous situation are we all. In this case, the man behaves in the most candid manner upon earth, he tells who he is, and does not absent himself, though he finds suspicions increasing from day to day; he does not act as a man who is conscious that he has done wrong.<sup>70</sup>

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<sup>67</sup> Andrew & McGowen, *The Perreaus and Mrs. Rudd: Forgery and Betrayal in Eighteenth-Century London* (Berkeley, 2001), p.35.

<sup>68</sup> *Ibid*, p.18.

<sup>69</sup> OBP: William Newland.

<sup>70</sup> OBP: t17980418-7, John Aiken (April 18, 1798).

Aiken was eventually found not guilty, but others were not so fortunate. In the case of Peter Dekclerk, sentenced to death in 1798, one of the Bow Street officers who appeared at his trial remarked that Dekclerk had acted 'with much propriety' following his arrest.<sup>71</sup>

Some trials indicate more clearly the kinds of behaviour that could arouse suspicion. Charles Linsey for example did not do much to help his cause when he nervously stumbled around with his money in a butcher's shop in 1799.<sup>72</sup> More damaging to Linsey's case was the fact that he had twice visited the shop before and had been strangely reluctant to agree to a sale. Other cases highlight how both tradesmen and the authorities could become wary of an individual once money had already changed hands. Richard Barber, found guilty and sentenced to death for passing a bad country bank note in 1797, was reported to have become 'very much agitated' when the shopkeeper seemed to question the goodness of his note, saying that he wished to take it directly to the bank to check its authenticity.<sup>73</sup> Mr Nicholson similarly described the reaction of John Keene after he was accused of presenting a forged note at his neighbour's public house in 1813,

the constable asked him where he took the note, in my presence. He seemed very much agitated, and said he had got it; afterwards, he said he had took it at Smithfield, with others, for a horse and two cows. I asked him where he came from; he said, from Gravesend, and then he said he had received it in change for a one hundred pound note, which he had received in Smithfield for cattle that he had sold. I said I thought he was guilty. I desired Mr. Holmes to stay with him while I went to the Bank. I took the note with me; it was there ascertained to be a bad one.<sup>74</sup>

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<sup>71</sup> OBP: t17980214-40, Peter Dekclerk (February 14, 1798).

<sup>72</sup> OBP: Charles Linsey.

<sup>73</sup> OBP: t17970920-4, Richard Barber (September 20, 1797).

<sup>74</sup> OBP: t18131201-38, John Keene (December 1 1813).

The injured party in the trial of Elizabeth Brown highlighted in court how Brown had tried to escape once she had uttered her note, and upon the revelation Brown was prompted to burst out suddenly, 'Did I attempt to run away?'<sup>75</sup> Once apprehended by a Lambeth Street officer in 1801, Thomas Watson had apparently shown 'great resistance' to being taken up, although the fact that he had been witnessed discarding a packet containing four forged one pound Bank Notes was possibly more crucial to his conviction.<sup>76</sup> Mary Parnell, tried on two separate occasions, both for uttering bad notes, was said in court in the first instance to have been 'very joking and seemed as if she was rather in liquor', eventually becoming 'very much agitated' when challenged about the authenticity of her five pound Bank Note.<sup>77</sup>

Suspicious behaviour alone was not always enough to convince the jury of guilt. The defrauded shopkeeper in the case of Henry Bratt, indicted for attempting to buy some items of silver with a fraudulent five guinea country bank note in 1794, stated how Bratt had been very shaky when asked to endorse the note with his name and address, the shopkeeper recalling,

I asked him to endorse it; when I gave him the pen I discovered something of a s[t]uttering in the man, he attempted to write and he could not; he turned about the note and began at the other corner, he could not write there; and then I addressed him, I said I would give him a book to write upon, he then in an awkward manner writ his name on the note; I gave him the change in three guineas, and the spoons; I thought there was something suspicious.<sup>78</sup>

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<sup>75</sup> OBP: t17980418-1, Elizabeth Brown (April 18, 1798).

<sup>76</sup> OBP: t18180114-60, Thomas Watson (January 14, 1818).

<sup>77</sup> OBP: Mary Parnell.

<sup>78</sup> OBP: t17940219-56, Henry Bratt (February 19, 1794), Bratt was found not guilty.

Following this exchange the shopkeeper Mr Goddard decided to follow Bratt outside and caught up with him along with another man in Soho Square. After tapping Bratt on the shoulder Goddard then proceeded with the following,

I told him he must come back with me, that he had given me a forged note; he seemed very much surprised, and asked me how I knew it, and where I had been to know it? he came back very quiet, I begged him to give me my money and spoons, and I give him the note again; but when he had got the note he said, I knew very little about notes, for it was a good note; we exchanged two or three words and I said, will you let me look at it again, he did, and then I said, he should go along with me.

When suspicious body language was recalled in court it could clearly provide an important indicator of guilt to both judge and jury. It will be suggested below, however, that during the Bank Restriction Period we begin to encounter more frequently a scenario whereby a suspicion of the note took precedence over a suspicion of the person. Moreover this supports one of the main underlying arguments of this thesis, namely that this period witnessed the emergence of a clear dichotomy of understandings concerning the role of the Bank Note at this time.

Although his thesis on the widespread acceptability of Bank Notes in this period has centred largely around the role of the endorsement, Shin has also referred to individuals routinely making what he calls 'the check' when presented with a Bank Note in payment.<sup>79</sup> The purpose of this 'check', Shin suggests, was to determine whether the note which one held in ones hands was 'a genuine bank note or not.' Although making such a straightforward assertion might today seem plausible enough, analysis here shows that applying it to the exchange of Bank Notes during the Bank Restriction is in fact highly

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<sup>79</sup> Shin, *Culture of Paper Money*, p.148.

problematic. Moreover by way of evidence for this statement, Shin cites the proliferation of worthless imitation banknotes known as 'flash notes', arguing that 'some people did not or could not even check if the note with which they were presented was a genuine or not.'<sup>80</sup> As was explored in chapter two, a flash note could often bear a near perfect visual and material mimetic to a real banknote, and sometimes only differed by way of a few minor alterations in the text and imagery. It suggests that whereas many illiterate people were undoubtedly tricked into receiving flash notes, the contexts in which these objects were presented could often make a routine inspection of them highly problematic. Evidence presented also implies that flash notes were capable of fooling even those who were themselves perfectly proficient in reading a banknote's literate content. Furthermore it is argued that a person's own literate abilities could not necessarily be relied upon as a means of assessing the authenticity of a note, something that raises a number of new and important questions about the different ways that individuals in this period actually examined the Bank Notes with which they were presented.

A crucial point that appears to have largely escaped the notice of Shin, and which needs to be made here, is that if a forged banknote at this time proved to be an exact replica of a genuine note, in that unlike a 'flash note' it contained no errors in or alterations to the body text, then merely reading it could not possibly have given the receiver any sort of indication as to whether it was in fact genuine or not. As we have seen above, the Bank were well aware that near perfect imitations of its notes were being produced, ones that

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<sup>80</sup> This latter category of paper and the uncomfortable position which it straddled between money and ordinary ephemeral print forms the basis of the final chapter, *see*, ch.2, *passim*.

could fool virtually everyone, and this is something that Bank officials freely admitted to in court.

Shin might be suggesting that his arguments in fact counter such an observation, and that this is precisely the reason why so many contemporaries were supposed to have turned to a routine reliance on endorsements rather than on material assessments of notes themselves. Evidence presented here taken from forgery trials in the *Proceedings* will argue, however, that the process, or indeed the variety of processes used to examine Bank Notes at this time, were in fact far more complex and multi-layered than have previously been suggested by historians. Indeed without dismissing the significance of the social endorsement, it will be suggested that a far closer relationship developed in this period between the act of endorsement, the nature of the bearer, and the material properties of the Bank Note itself.

### Handling the Bank Note

In November 1800 a man named James Wooldridge walked into a butcher shop on London's Whitechapel Road and made an enquiry with its owner about the price of a haunch bone of beef.<sup>81</sup> The shop was run by the Roderique family, and it was Mrs Roderique with whom Wooldridge agreed to the price of sixpence a pound, making the total cost of the joint five shillings and ten and a half pence, with Wooldridge offering in payment a two pound Bank Note. As was recalled at the Old Bailey by her son Isaac, Mrs Roderique immediately refused the note, citing the reason that she believed the print to 'appear imperfect.' Despite this setback, Wooldridge promptly produced an entire packet of notes from his person –

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<sup>81</sup> OBP: t18010114-48, James Wooldridge (January 14, 1801).

Issac estimated in court around fifteen - and immediately offered her instead a one pound note, which this time, again in the words of her son, was 'readily taken.' Unbeknown to the family, Wooldridge then provided a false name and address, which was accordingly written on the reverse of the note, thus completing the transaction, and Wooldridge promptly left the shop with his beef. Given some of the discussion already entered into above, the first question that must be addressed with regard to this case is exactly why Mrs Roderique was so willing to accept a second note from Wooldridge, even though the first one he had presented she clearly considered to be suspicious. On the surface it might appear that in this instance Wooldridge's payment was accepted primarily on the basis that he himself was the payee, and the fact that he had at first presented a suspect note was seemingly not enough to arouse any sort of misgivings about him as an individual. Indeed we get no indication from any of the testimony that Wooldridge behaved in a manner that was in any way unusual, and he appears to have remained calm and collected throughout the transaction, not displaying any of the typical signs which in eighteenth-century legal culture were considered highly indicative of a guilty conscience.<sup>82</sup> It appears therefore that Mrs Roderique had rejected Wooldridge's first note based purely on her identifying a physical irregularity, one that seemingly did not involve the identification of a mistake or a misprinting of the note's text. Furthermore if Mrs Roderique had been willing to accept payment from Wooldridge purely on an assessment of his character, or indeed on his endorsement, then as long as the first instrument which he had presented had resembled a note accurately, which apart from a reference to the quality of the print we get no indication it did not, then presumably any note that he had presented would have been deemed as acceptable. We see another instance of this sort of transaction, one that supports the idea that a note's physicality could in fact prove

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<sup>82</sup> See, note.72, also, see, OBP: John Aiken.

just as important as the person presenting it, in the case of Thomas Smith. In August 1818 Smith had entered the shop of linen draper William Haynes on London's Edgware Road.<sup>83</sup> After agreeing to the sale of a handkerchief for the price of two shillings, Smith tendered Haynes a one pound note, which Haynes claimed in court he refused on the grounds that he believed it to be 'bad', to which Smith gave him another that was duly accepted.<sup>84</sup> Returning to the case of James Wooldridge, the meaning of Issac Roderique's phrase to describe his mother's reaction when presented with Wooldridge's first note could, of course, be disputed. There is, for instance, no evidence to suggest that Mrs Roderique was necessarily literate, and therefore the phrase 'appear imperfect' could have in fact been made in reference to her inability to read the text printed on the note, although this seems unlikely. We do know, however, that her son Issac was literate, as Mrs Roderique herself recalled in court that it had been he who had written on the reverse of the note the name and address provided by Wooldridge.

An alternative reading of these events may suggest that the reason why Roderique accepted Wooldridge's second note but not his first was the matter of value. As has been discussed above, if someone at this time accepted a forged note then he or she would in theory lose that amount, as the Bank would not reimburse them, even if the utterer was eventually convicted. If Mrs Roderique had taken Woolridge's first note and it had turned out to be a forged one, she would therefore have faced a much bigger loss than with his second, and she may have had a personal policy not to accept anything higher than a one pound note for precisely this reason. Her ability to state the excuse of an 'imperfect print' however - whether or not she actually thought it of this particular note on this particular day - might in

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<sup>83</sup> OBP: t18180909-56, Thomas William Smith (September 9, 1818).

<sup>84</sup> Haynes did, however, retain the suspicious note and mark it with Smith's name after he had left the shop.

itself indicate that these were commonly accepted grounds upon which to refuse notes at this time.

Some evidence from the Bailey suggests that print quality and other material irregularities alone were often not enough to deter contemporaries from accepting Bank Notes outright. Woollen draper John Aiken who was tendered a two pound note by a soldier in March 1798, claimed in court to have remarked when handed the note, 'bless me, I wish they had put a little more ink upon it.'<sup>85</sup> The soldier offered him another one, but he replied that he 'did not wish to be particular about the matter, I had no reason to say it was a bad.' Benjamin Clark, a Holborn shoemaker, similarly received a two pound Bank Note from Thomas Edwards in payment for a pair of shoes and gaiters in February 1804.<sup>86</sup> He claimed in court to have noticed the poor colour of the paper, but despite this he still accepted it,

I took the 2 l. note, and left him in the shop while I went upstairs for the rest of the change; there was another person in the room; I took a very little account of the note; I told my wife the paper was a very bad dark colour; I gave him the change.

Given that small denomination notes could pass through many hands and acquire dozens of endorsements over time, it is logical to conclude that contemporaries would not ordinarily have expected the notes with which they came into contact to have been in pristine condition [Fig 16].<sup>87</sup>

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<sup>85</sup> OBP: t17980418-7, (John Aiken, April 17, 1798).

<sup>86</sup> OBP: t18040411-52, Thomas Edwards (April 11, 1804).



Fig 16, Forged Bank of England Note, 1821 (British Museum).

Thomas Hlal, shopman to linen draper Thomas Nelson, declared in court that the five guinea country banknote presented to him by John Harriman was 'very much torn at the corners', yet this did not prevent him from changing it.<sup>88</sup> Some notes were even presented that had previously been in separate pieces. When James Seckerson paid Shoreditch shoemaker Charles Thorpe a five pound note in 1818, Thorpe observed that it had seemingly been 'fastened together', to which Seckerson replied that he had been given 'half from the country one week, and the other the next.'<sup>89</sup> When Mary Winter received a one pound note from John Ward at the Elephant and Castle Public House in Westminster in December 1817 for some brandy, she remarked to him that it was 'broken', he replying that it was 'either broken

<sup>88</sup> OBP: t17970531-4, John Harriman (May 31, 1797).

<sup>89</sup> OBP: t18180114-54, James Seckerson (January 14, 1801), on the practice of sending notes by the post in halves, see, Shin, *Culture of Paper Money*, p.118.

or torn.<sup>90</sup> She gave him the brandy and his change.

Uncirculated notes may well have aroused more suspicion amongst those who handled them, as clean notes were potentially indicative of forgeries fresh off the press. The officer who searched William Smith, sentenced to death for uttering forged one pound Bank Notes in January 1818, recalled in court how the three one pound notes in question that he had found upon him were 'quite new, not the least rumped, and did not appear to have been in circulation.'<sup>91</sup> Although found not guilty at the Old Bailey, Sarah Ennever's forged two pound note of a fictitious Devon banking house clearly caught the attention of one shopkeeper into whose possession it fell in August 1809, as aside from the fact that it was a country banknote being uttered in London, the man made a point of observing that it was 'a new note, the writing was fresh.'<sup>92</sup> Again, however, as with the matter of whether or not a note was dirty or torn, fresh notes did not always discourage individuals from taking them. William Willmot, apprentice shoe maker to a Mr Bagget, remarked in July 1805 that the forged five pound note given to him by Mary Parnell 'had no name whatever on it, it was quite new,' yet this aroused no suspicion and she was given her change. Some of those involved with forged notes themselves might in fact have considered newer looking notes as being easier to circulate. When George Williams visited the home of John Hopgood in 1813 he claimed to have been offered some forged notes procured for him from Birmingham of which he refused the first one pound note on the grounds that it was 'too dirty, and not sufficiently clean.'<sup>93</sup> Conversely Jemma Avery had noticed that the ten pound country note given to her by William Mackensy in exchange for some shirts in May 1797 was 'greasy', but

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<sup>90</sup> OBP: t18180218-45, John Ward (February, 18, 1818).

<sup>91</sup> OBP: t18180114-57, William Smith, (January 14, 1818).

<sup>92</sup> OBP: t18090920-1, Sarah Ennever (September 20, 1809).

<sup>93</sup> OBP: t18130714-61, William Hughes (July 14, 1813).

was seemingly not deterred from accepting it. The material condition of a banknote was therefore not usually enough in itself to sway the opinion of the payee as to whether it was good or bad. A note presented in a poor state cosmetically, or alternatively a brand new note, could prompt the receiver to examine it more closely, however, and this was something that could be undertaken in a variety of ways.

When William Algar received a twenty pound Bank note from Peter Dekclerk in 1798 in payment for some pairs of shoes, the fact that he 'did not like the appearance or the colour of the paper' was enough to rouse suspicion in him regarding the authenticity of the instrument.<sup>94</sup> Under the pretence of going out to get change claiming he had not enough in the house, Algar sent his son to show the note to a number of gentlemen in order to gather their opinions on whether it was genuine or not. Unfortunately for Algar, none of the men in question were at home, and once his son returned, Algar was left to his own devices. His son would later relay in court that,

my father and I went behind the counter to examine the note, and my father held it up to the light, and he perceived the water mark was very dull and he saw the word pounds, was wrote with pen instead of copperplate; my father said gentlemen, if you will stop a minute I will go up stairs and compare this note with some notes I have got.

Retaining forged notes was an offence in this period, and remained so until the case of *Brooks vs the Bank* in 1818, whereby contemporaries gained the right to keep forged notes so long as they had been stamped by the Bank, as is visible on the note in figure 16.<sup>95</sup>

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<sup>94</sup> OBP: Peter Dekclerk.

<sup>95</sup> Shin, *Culture of Paper Money*, p.242.

Further examples cited below will show how this did not stop contemporaries using other genuine notes that they had in their possession to compare suspicious instruments against.

Before a closer examination of these cases is undertaken, the question of how typical the previously cited example of William Algar was of Bank Note examination practices in this period must be addressed. Algar was dealing with a very large note, one of twenty pounds, which if he had accepted and it turned out to be a forgery, would have proven a very significant loss for him. Despite the fact that this was a larger note, however, further evidence suggests that a similar level of examination could also be undertaken on smaller denominations. Moreover the case of Algar and Dekclerk highlights a number of the principal methods of examination that could be used by contemporaries to scrutinise Bank Notes at this time.

The decision to seek the advice of others appears to have been one of the most natural options for contemporaries to turn to when presented with a note, and doing so allowed the experience, critical eye, and possibly reading capabilities of others to be drawn upon. Even if an individual could not be certain about the status of an instrument, undertaking a process of joint examination could nevertheless allow a form of consensus to be established amongst the group as to the goodness of the note. Often the first person that a receiver of a note might turn to for an opinion would be a family member, or perhaps an assistant if the transaction was taking place in a shop.<sup>96</sup> For example, after receiving a five pound note from John Troy in 1798, hosier and glover William Rhodes first took the note upstairs to seek his wife's opinion, although still being unsure afterwards he took it to a neighbour.<sup>97</sup> In the aforementioned trial of John Keene, publican Sarah Taylor had taken

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<sup>96</sup> This practice also appears to have been well established before the Bank Restriction, *see* for example, OBP: t17941208-3, William Ball (December 8, 1794) and Richard Barber.

<sup>97</sup> OBP: John Troy.

Keene's note to a neighbour after becoming suspicious of it, later calling a constable. Much like in the case of Algar, in order to escape the house for the purpose of gaining a second opinion, Rhodes used the excuse that he had not sufficient change to give to Troy. When Elizabeth Lee received a two pound Bank note from Elizabeth Brown in payment for some silver spoons in February 1798, her brother Samuel Phillips offered to 'go out' with the note as he 'believed it was not a good one', however, the prospect of the note being taken elsewhere for examination seemingly induced Brown to leave the shop quickly. As Phillips recalled,

I looked at it, and said, I believe the note to be a bad one. I went out with intention to go to a neighbour's to compare it with another two pound note; before I had got two yards from the door I saw the prisoner coming out at the shop-door, I turned back, and desired her to walk in, I went backwards with her into the parlour; she said, if I did not like the note she would give me another.<sup>98</sup>

Although both Algar and Rhodes would later go on to examine their notes directly in front of the individuals who had presented them, taking the note out of one's own personal space could potentially facilitate a more detailed examination, by allowing extra time for closer scrutiny to be undertaken. When Edmond Lovell had paid Mrs Lynden with a two pound note at her shop to purchase stockings in 1798, she sent her son James with it to a neighbour where he allegedly held it up to the candle light, saying he would not pay it as it was 'cemented.'<sup>99</sup>

As has been suggested in chapter three, those who maliciously uttered forged notes might choose to do so in light that was less than perfect. However as is the case today with

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<sup>98</sup> OBP: Elizabeth Brown.

<sup>99</sup> OBP: t17980214-3, Edmond Lovell (February 14, 1798), the use of this sort of language perhaps implies a previous familiarity with this kind of forgery, for more on this technique, *see*, ch.3, p.150, *passim*.

modern Bank Notes, the watermark remains a feature that can be emphasised by holding it up to light. When Marks Israel was presented with a one pound Bank Note by Francis Wooldridge in his Smithfield clothes shop in 1800, Israel claimed to have ‘held up the note against the light, and could not discover any impression in the note’, it later being confirmed by the court that he meant the watermark.<sup>100</sup> Similarly grocer and oil dealer in the Borough Caroline Warner, remarked of a one pound Bank Note she received of Sarah Dell in 1811, ‘in the prisoner’s hearing I said I could not see the watermark plain. I was almost afraid of it. My daughter marked it in my presence.’<sup>101</sup> It was not just faint watermarks, however, that could lead an individual to becoming suspicious of a note, and aside from looking ‘very faint’ – presumably a reference to the tone of the ink – Joseph Mason claimed of the notes given to him by Thomas Flannagan in 1812 that ‘the water marks [were] more distinct than I thought they did in general, the water marks [were] stronger.’<sup>102</sup> Alexander Ilman similarly recalled in court that he had remarked of a note sent to him for change by his neighbour Mr Mackwell that,

the water-mark appears too visible...I went to the bottom of the shop, I did not look particularly at the note or else I should not have given change at night. I said at night to my daughter, look for the bright note I took of Mackwell; she looked and did not find it, I looked for it and found it.

The Bank inspector Thomas Glover would later concur with Ilman’s assessment of the note, remarking that, ‘it appears to be from a plate of the similar manufactory, they are much worn,

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<sup>100</sup> OBP: t18010114-56, Francis Woolridge (January 14, 1801).

<sup>101</sup> OBP: t18110403-59, Sarah Dell (April 3, 1811).

<sup>102</sup> OBP: t18120408-31, Thomas Flannagan (April 8, 1812).

the water marks are still too clear and too transparent.<sup>103</sup> Such methods were clearly not just used by individuals receiving Bank Notes in payment in a straightforward manner, but similarly by those involved in the business of buying and selling forged notes in order to assess their quality. For example when Ephraim Jacobs went to the chandler's shop of James Ogden in 1802 to sell him some forged notes, according to witness Martha Graves who was present in the shop, Jacob 'shewed the notes to Ogden this way (holding them up), against the window.'<sup>104</sup>

Holding a Bank Note up to the light – that provided either by a window or an artificial source such as a candle - not only improved the opportunity to visually scrutinise an instrument, but also allowed for another kind of examination, one that has so far not been considered here, and is often overlooked in historical studies: the technology of touch or perception. This legacy is one that has been largely adopted from the field of art history, where the sense of touch has been principally written out in favour of the eye 'as the dominant sense organ.'<sup>105</sup> As Fiona Candlin has argued,

if touch is even inadvertently characterized as a lesser form of vision, as an easy, primitive process that requires no particular skill or as something that inspires feeling but is unconnected to thought, then it will continue to occupy a lowly position in the hierarchy of knowledge. Moreover, without new approaches to touch, tactile provision potentially reinforces the link between touch and a lack of conceptual sophistication.<sup>106</sup>

It is perhaps a neglect of paper money's tactile element that has led to scholars placing too much emphasis on its purely textual, and perhaps more correctly, visual features. Moreover

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<sup>103</sup> OBP: George Smith.

<sup>104</sup> OBP: t18020217-33, Levi Cohen and Ephraim Jacobs (February 17, 1802).

<sup>105</sup> M. Paterson, *The Senses of Touch, Haptics, Affects and Technologies* (Oxford, 2007), p. 1, *passim*.

<sup>106</sup> F. Candlin, 'The Dubious Inheritance of Touch: Art History and Museum Access', *Journal of Visual Culture*, Vol.5, No.2 (August 2006), p.149.

this is something that has in turn likely contributed to the continued emphasis on illiteracy having provided a significant barrier for many to the everyday usage of Bank Notes at this time. Elizabeth Evans explained at the Old Bailey in April 1802 how when she had been lodging in Bristol with convicted forgers John Fennell and Matthew Power, that Power had one day produced a roll of paper intended for the printing of forged notes which she described as ‘finer than writing paper, like a gauze’; however later in the trial when asked whether she could read she answered ‘not perfectly.’<sup>107</sup> Here then is an example of a person who was at least not fully literate making a confident tactile assertion in an area closely related to banknote scrutiny, and it is this kind of physical interaction with Bank Note paper that could often provide the first indication that something was not right with an instrument.

Although Caroline Warner would later claim not to have perceived a watermark in the note given to her by Sarah Dell, her first observation in court as to what had led her to becoming suspicious of the note was that ‘it felt thicker than banknotes generally feel.’<sup>108</sup> Evidence that the feel of the paper had for some time been a central component of authenticating banknotes can similarly be found elsewhere, with one forger's memoir from 1778 stating,

Mr. Seager of Epsom: on being interrogated how he could swear to the identity of the note, his reply was, that he recognized it by a thinness in the paper more than ordinary.... also that it was pressed and rumped as if it had been in a boot, or some such place.<sup>109</sup>

The *Aberdeen Journal* similarly reported in 1802 under its *London* column that,

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<sup>107</sup> OBP: John Fennell.

<sup>108</sup> OBP: Sarah Dell.

<sup>109</sup> *The Genuine Memoir of Joshua Crompton Written by Himself in the Cells of Guildford After His Unhappy Conviction for Forgery on The Bank of England...* (London, 1778), p.26, on “forgers memoirs”, see, ch.6, pp.236-238.

an extensive forgery has been discovered on the Bank, executed under the direction of some French emigrants of rank, one of whom is in custody, and committed for trial. The notes are so well imitated that they can scarcely be discovered but by the thinness of the paper.<sup>110</sup>

Whereas a number of cases cited here highlight examples of contemporaries clearly scrutinising specific material features of notes, equally interesting are those instances where we encounter the testimony of a person who was apparently aware that they were dealing with a suspect note, but was unable to directly express in court as to why they believed it to be so. For example grocer Richard Burnell claimed at the Old Bailey in 1804 that the two pound note he had been tendered by Sarah Dell he 'perceived to be a bad one', but both he and his wife Rebecca could not specify in court why they thought this to be.<sup>111</sup> Jeweller Thomas Austin similarly claimed that he was given by Henry Dale 'a bit of paper...it appeared to be a two-pound note.'<sup>112</sup> Austin was later asked in court whether he had any doubts about Dale as a person, to which he responded 'no doubt whatever. I had a suspicion of the note when I took it', yet he does not elaborate any further upon this point. This sort of testimony might be interpreted in a number of ways. For instance it may indicate, as some have previously suggested, witnesses effectively being led into to exaggerating details about a particular transaction in order to clearly distinguish it from other acts of exchange that they had entered into at around the same time. There is perhaps also an element of pride visible here, and some of those who had been already deceived by forgeries were perhaps trying hard not to appear ignorant and inattentive in front of the court. Moreover the fact cannot be ignored that despite apparently being suspicious of the notes presented to them, Richard

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<sup>110</sup> *The Aberdeen Journal* (January 27, 1802).

<sup>111</sup> OBP: Sarah Dell.

<sup>112</sup> OBP: t18130714-53, Henry Dale (July 14, 1813).

Burnell and Thomas Austin both accepted them and gave change. The question must be posed therefore of why these men did simply not reject these notes outright if they genuinely believed them to be suspect. As has been argued above, whereas many contemporaries were undoubtedly aware of the serious consequences faced if caught in possession of forged notes, some nevertheless might have believed that even if they were to receive a forged note, then they may still have been able to subsequently negotiate some form of replacement payment from the person who had originally presented it to them.<sup>113</sup> Individuals may also have been cautious about openly accusing customers of uttering bad notes, out of fear that they may develop a reputation for such practices and thus drive away future business. This latter point may also provide a further explanation as to why some individuals clearly preferred to examine notes they were given away from the person presenting them. We perhaps get a glimpse of this mentality from the testimony of Ann Livermore, who was paid a forged five pound note by Mary Parnell at her public house in West-Smithfield in March 1805.<sup>114</sup> Livermore claimed that upon receiving the note 'I examined the note and thought it to be a good one, and accordingly I went up stairs to get her change.' However after putting the note in her box upstairs she would later return and examine it, taking particular notice of the paleness of the vignette of Britannia, as well as a large handwritten number four and eight written on the note's reverse. Livermore's circumstances are notable for a number of reasons. For instance she later claimed that she could not write and therefore did not make any mark on the note before paying it away. There is a noticeable element of formality about the way in which she took Parnell's note and accordingly got her change, perhaps indicating her reluctance to examine notes in front of her customers, a task which she instead routinely undertook once the day's business was over.

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<sup>113</sup> We can also witness this sort of behaviour in the case of Ann Goodall and Peter Gregory, *see*, ch.6, note.44.

<sup>114</sup> OBP: Mary Parnell.

An alternative reading of the material analysed here, however, may suggest that in cases where notes were accepted with seemingly little examination, or conversely, where notes were either suspected or rejected on non-specific grounds, that this can be interpreted as evidence for contemporaries undertaking a more modern mode of reading the Bank Note. This is to say that in order to feel confident enough to accept a Bank Note in payment, a contemporary of this period may have opted to rely on their previous experience in paper money handling, in other words in their personal familiarity with a Bank Note's material and aesthetic forms. This might be viewed then as an alternative strategy to examining the instrument in detail on the spot, thereby not deliberating closely before a decision was reached. Furthermore the establishment of a kind of cognitive shortcut during this period - something that is termed here the Bank Note schema - could only have been developed during a period of heavy exposure to such items, as was only provided for the majority of people in England for the first time during the Bank Restriction period.

As was outlined at the beginning of chapter two, the two broad approaches that could be adopted by contemporaries to scrutinise Bank Notes are largely comparable to the two main systems of thinking outlined by psychologists in more recent times.<sup>115</sup> Moreover the majority of examples cited so far in this chapter fall more into line with System 2, or 'slow thinking', whereby a greater length of time was taken to deliberate over a Bank Note's visual and material features, something which may have also involved calling upon the judgement of others. Heavy exposure to the Bank Note over a period of time, and the continued application of System 2 type thinking, therefore, may well have equipped contemporaries with the confidence, if not necessarily the skill, to make quicker judgements regarding the goodness of Bank Notes.

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<sup>115</sup> See, note.1.

As to whether the Bank Note schema was a rational or irrational response to the highly increased exposure to the Bank Note brought about during the Bank Restriction Period, an argument could be presented to support both viewpoints. For instance a quicker and more confident form of judgment was both a logical and beneficial outcome for those regularly encountering these objects in large numbers, and is perhaps ultimately a natural feature of the human condition. As Kahneman has observed,

constantly questioning our own thinking would be impossibly tedious, and System 2 is much too slow and inefficient to serve as a substitute for System 1 in making routine decisions... in the economy of action, effort is a cost.<sup>116</sup>

Moreover given that there was no way for certain for an ordinary individual to determine a note's authenticity without consulting those responsible for its production, it could even be suggested that conducting a detailed examination each time a note was presented was effectively a fruitless task, and that it was a much more logical choice for a contemporary to go with their initial feelings of a note based on a quicker routine of observation and assessment. This latter point could similarly be used to argue that the Bank Note schema was in fact an irrational response, with evidence presented here showing how even if an individual could not say for certain whether or not a note was authentic, a more deliberated System 2 type examination could either lend confidence, or conversely, lead to the development of a chain of uncertainty surrounding a particular instrument, ultimately resulting in its rejection. Furthermore given that chapter two has shown how the Bank Note schema could be manipulated with the use of objects that did not even precisely resemble Bank Notes, one might wonder how contemporaries of this period were ever lead into

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<sup>116</sup> Kahneman, *Thinking Fast*, p.28

believing they were dealing in real money without having an opportunity to scrutinise it in detail first.

Further evidence for contemporaries assessing banknotes using a schema or System 1 type thinking can be seen in the case of William Johnson. Johnson was tendered with a two pound Bank Note by Sarah Hudson, and became suspicious of it allegedly due to its 'general appearance', although he did not state at the trial precisely what he meant by this remark. Undoubtedly an experienced handler of money, Bloomsbury pawnbroker James Hulme claimed in court to have rejected Margaret Nowland's one pound note because he perceived it to be a 'bad one', again offering little explanation as to why he believed this to be so.<sup>117</sup>

It has also been explored already in chapter two how the Bank Note schema could often work against contemporaries. For instance given their similarity on both real and imitation notes, a visual familiarity with a feature such as the sum piece could easily be triggered with a flash note, potentially leading any viewer of the print into believing that they were looking at real money. The same kind of trigger or schema would also have been activated when a contemporary came into contact with what they conceived to be a genuine note, although such an ability was only obtainable once the said individual had handled and viewed enough of these notes to render them sufficiently familiar. Indeed the schema may provide yet another explanation as to the meaning of the phrase 'habits, information and other causes', as used by the corresponding merchant in 1819.<sup>118</sup>

Although his assumption was incorrect, he being later contradicted as to the likeness of the notes given to him to those of the Bank, Samuel Clark, a winehouse keeper in Dean Street Soho, was probably drawing upon his own schema when he told the court in 1812

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<sup>117</sup> OBP: t18110918-64, Margaret Nowland (September 18, 1811).

<sup>118</sup> See, note.4.

that he had readily accepted Thomas Flannagen's ten pound Bank Note in payment for two quarts of rum as it had 'the appearance of a very good bank note.'<sup>119</sup> Such examples could in a more simplistic sense suggest a lack of attention to detail on the part of the receiver; yet it is suggested here that they in fact represent a more instantaneous form of decision making, one which through a brief visual and haptic exposure to a print they at least believed to be a Bank Note, was enough to trigger an individual's Bank Note schema, the personal and unique standard against which all instruments received would be judged.

Such technologies may have been employed in combination with other methods of examination. In February 1805 Oxford Street Hosier William Rhodes was paid a five pound Bank Note by John Troy in payment for some handkerchiefs.<sup>120</sup> Rhodes claimed that upon taking the note from Troy that he 'held it up to the light', but rather than state in court that he had noticed anything like a defect in the print or watermark, he simply recalled 'I conceived it to be a bad one.' Although his assessment appears to have been correct - Troy being found guilty on the capital charge - Rhodes still decided to take the note to his neighbour for a second opinion, followed by a visit to a bankers in Barner Street who he claimed 'proved it to be a forged one.' Here was a man, therefore, who clearly had some previous experience handling paper money, and although he was conceivably in possession of his own Bank Note schema, his final decision concerning the goodness of the instrument was only reached after he had not only personally examined the instrument in his own hands, but had likewise sought the opinion of others.

### Conclusion

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<sup>119</sup> OBP: Thomas Flannagan.

<sup>120</sup> OBP: John Troy.

For each contemporary of the Bank Restriction Period who took the trouble to carefully scrutinise each Bank Note with which they were presented, there could well have been three or more individuals who blindly accepted notes in good faith, and therefore stood little opportunity of defending themselves against malicious utterers. Indeed some individuals appear to have readily accepted notes despite having virtually no experience of handling them whatsoever. Elizabeth Pepperday, for instance, the wife of a linen draper, happily received a five pound Bank Note from Margaret Thomas in 1801, despite claiming in court she had 'never changed one in my life before.'<sup>121</sup> Appearing to have been largely unfamiliar with notes, grocer John Duthey claimed in 1813 that he had been offered in payment from Henry Dale, 'a two pound note, apparently.'<sup>122</sup> Some may have possessed so little faith in their capability to distinguish between good and bad instruments, perhaps subscribing to the belief that the Bank were the only true authority on them, that they resorted to asking individuals in a straightforward manner as to whether notes were real or not. For example when John Rimes paid butcher Reuben Dear with a five pound Bank Note in payment for some beef, Dear asked Rimes directly 'whether it was a good one?'<sup>123</sup> Moreover Dear was apparently willing to place his trust in Rimes' judgment even though it would appear from the trial that the two men were complete strangers to one another.

As it has been argued elsewhere in the thesis, however, what these types of cases may in fact indicate are instances of individuals who at this time still largely subscribed to notions of the Bank Note as a form of credit agreement between individuals, rather than as objects of value bearing currency. The latter cases of John Rimes and Reuben Dear, however, highlight the apparent crossover between these two central modes of economic

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<sup>121</sup> OBP: t18010701-36, Thomas and Margaret Thomas (July 1, 1801).

<sup>122</sup> OBP: Henry Dale.

<sup>123</sup> OBP: t18030914-81, John Rimes (September 14, 1803).

thought, with Dear placing his trust not only in Rimes as an individual, but also in the apparent goodness of the note in question, despite not having reached the latter conclusion entirely by himself.

Rather than seeking to refute the fact that some people at this time clearly struggled to deal with paper money, the purpose of the chapter has been to question some of the common generalisations that have been made, or at least inferred in the literature, concerning how individuals of this period exchanged, negotiated, handled and perceived Bank Notes. Moreover whereas many of these assumptions can effectively be traced back to inherent biases against the lower orders commonly perceivable in contemporary discourses, many such attitudes have continued to be propagated in the modern historiography.

The chapter has attempted to show how the means by which small denomination Bank Notes were negotiated and handled at this time indicates the beginnings of a shift towards a more modern understanding or culture of fiduciary paper money by the public at large. Whereas those who accepted Bank Notes in good faith without conducting any examination may have subscribed to older and more established notions of paper money instruments as objects of credit and debt, others who paid more direct attention to the materiality of the note itself were instead placing their trust in the institution behind this new money. The processes of examination undertaken by such individuals would, therefore, have revolved principally around the instrument, rather than the person presenting it.

The chapter has also suggested that evidence of minimal tactile and visual examination might be read differently, however, and although the examination of Bank Notes using both visual and haptic technologies remained a central pillar of the criteria upon which they were accepted during this period, a continued exposure to these objects over time could conceivably have familiarised certain individuals more intimately with their aesthetic

and material forms, making a routine reliance on these modes of examination seemingly unnecessary.

This last point, however, could be interpreted in a more abstract manner, and indeed doing so challenges what is one of the most visible consensuses in the literature, namely that Bank Note forgery proliferated in this period largely due to the ignorance of the lower classes towards these objects. Moreover the fact that the numbers of forged notes in circulation continued to increase nearly every year between 1797 and 1821 might instead be explained by the public at large lapsing into a sort of comfortable familiarity with the Bank Note over time. In other words, those who saw the heaviest trade in Bank Notes - which for all intents and purposes we must assume was the middling and upper-middling trading classes - may have begun to rely too heavily on their own schemas, gradually giving less time and attention to a proper examination of notes before accepting them as good.

The factor of respectability has also been suggested as having been important to transactions involving notes. Although a highly speculative point, it could be suggested that those members of the lower-middling and labouring classes who were willing to receive Bank Notes in payment, may well have been less concerned with the commonly accepted social etiquette or customs surrounding Bank Note exchange. Moreover if individuals were indeed illiterate, or rather simply poorly acquainted with these objects, this may have induced them to pay more attention to their material and visual qualities.

As has been established both here and in chapter two, in reality there was no sure way of entirely protecting oneself against forgeries, apart from rejecting Bank Notes in payment outright, a decision that in this period would have made little sense financially. There is, therefore, some clearly identifiable ground between what has often been presented as a simple binary, between those who willingly accepted Bank Notes and those who

outright rejected them. Furthermore the grounds on which individuals in the past exchanged and negotiated Bank Notes have for too long been shrouded by generalisations, and it has been the purpose of this chapter to at least begin a deconstruction of these processes, so that scholars may no longer overlook them, or merely disregard them as simplistic and unworthy of study.

## Chapter Six: Understanding Uttering Part Two: Forged Bank Notes, Credit and Criminal Perceptions

Chapter two began a section of the thesis that seeks to analyse both the physical technologies and cognitive perceptions of those involved in the handling of forged Bank Notes during the Bank Restriction Period. Now that the matter of how forged Bank Notes were made; how they were uttered; and how contemporaries sought to identify them as counterfeits have all been addressed, the final chapter will turn to look at how those individuals apprehended and found guilty were brought to justice for their crimes. Moreover the chapter will attempt to ascertain how these acts were perceived through an exploration of these people's own writings. It will argue that contemporary perceptions were heavily influenced not only by the actions of the Bank itself during this period, but also by widespread understandings of the contemporary paper money economy.

### Policing and Punishment

For historians who have previously studied the Bank Notes of the Restriction Period, it was not only the rate at which these items were manufactured that signified a notable break from the past, but also the significant expansion in both the scale and complexity of forged note

dealing and uttering operations.<sup>1</sup> Moreover it was cases where forged notes had simply been paid - or uttered - that took up the majority of the Bank's time and policing resources. As has been outlined in chapter one, although the uttering of forged instruments had technically been made a capital offence by an Act of 1729, prior to the widespread circulation of small notes it had never in itself been a major issue, mainly because of the Bank Note's limited sphere of circulation.<sup>2</sup> With the onset of the Restriction Period, however, Bank Notes began to fall into the hands of a far broader section of the population, many of whom had never handled them before. In theory at least, this provided the perfect environment for forgeries to circulate.

As has been suggested elsewhere, as the issuing authority the Bank was required itself to bring forward prosecutions, something widely considered as fundamental in order that public confidence in the paper currency should be maintained.<sup>3</sup> This chapter will offer a new perspective on this matter, suggesting that by removing the capital offence for some of those prosecuted on uttering charges, whereby the offence was effectively downgraded to the lesser crime of possessing forged notes, the Bank may have itself contributed to a notable shift in public perceptions of this crime during the period, particularly amongst those involved with these notes on a daily basis.

As the rate of Bank Note forgery began to gather pace after 1797 - somewhat gradually at first but much more rapidly after around 1810 [Table 1] - the Bank was thrust into the judicial process in a major way for the first time.<sup>4</sup> Its response was twofold: firstly it

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<sup>1</sup> McGowen, 'Policing of Forgery', p.86.

<sup>2</sup> See, Introduction, note.10.

<sup>3</sup> See, McGowen, 'Managing the Gallows', *passim*, Hewitt & Keyworth, *As Good as Gold*, p.46, Cook, 'Flash Money', p.14, Wennerlind, *Casualties of Credit*, *passim*.

<sup>4</sup> McGowen, 'Policing of Forgery', pp.87-88, there were only four convictions for forgery between 1783 and 1797, *Journals of the House of Commons*, LXXIII (1817-18), 761-2, cited, in, Shin, *Culture of Paper Money*, p.22.

developed a highly advanced network of policing, one that positioned Bank inspectors in every county in England, whose job it was to root out both the forgers and distributors of false notes.<sup>5</sup> Secondly with the Bank's continued support, the State retained the traditional threat of the gallows as a deterrent against dealing in the new forged instruments.<sup>6</sup> Representative of what has generally proven a consensus on this matter in the literature, Randall McGowen has argued that 'the corporation made use of death in its twenty-five-year struggle' with the forgery crisis.<sup>7</sup> The Bank would come to face severe criticism for what was perceived as its somewhat ruthless use of the capital statute, however, both at the outset, as well as during the later years of the Restriction, by which time it had become clear to many that large numbers were still being hanged not for actually forging notes themselves, but instead on the charge of having uttered a false note.<sup>8</sup>

One of the Bank's biggest critics was Thomas Wooler's radical periodical the *The Black Dwarf*, which during the final months of 1818 entered into a tirade of criticism against the Bank. 'To support the system *homicide* has been legalized; and the name of the law has been prostituted and perverted', it wrote in September 1818.<sup>9</sup> Much earlier in 1802 the opposition newspaper the *Morning Chronicle* lamented that,

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<sup>5</sup> This subject has been the focal point of much of the literature on forgery in this period and discussion of it in this study will therefore be kept to a minimum. For the best insights into the Bank's methods, *see*, McGowen, 'Policing of Forgery', Cook, 'Flash Money'.

<sup>6</sup> Two articles by Philip Handler deal with the matter of forgery and execution in this period particularly well, *see*, Handler, 'Bloody Code', &, 'Forging the Agenda', also, *see*, McGowen, 'Managing the Gallows'.

<sup>7</sup> McGowen, 'Managing the Gallows', p.4.

<sup>8</sup> The best visual representation of this is provided by George Cruikshank's *Bank Restriction Note*, *see*, ch.2, Fig 10.

<sup>9</sup> *The Black Dwarf* (September 9, 1818), p.561.

The Public must read with horror the frequent trials and convictions for forgery of Bank of England Notes, which almost exclusively occupy our Courts of Criminal Justice... Does experience shew, however, that capital punishment tends to prevent the crime of forgery? Those who think so, ought to be undeceived by the melancholy records of the Courts of Criminal Law.<sup>10</sup>

Some did attempt to defend the policy of the Bank, however, portraying its situation as one of moral dilemma vs. economic necessity, and even, during this period of wartime, of national security. As barrister William Garrow remarked at the Old Bailey in the trial of Cornelius Holt in September 1800,

I cannot suffer it to go out into the world for a single moment, that any body stands here to enjoy the pleasure of plunging a dagger into the heart of that young man. No, Gentlemen, the Bank of England never, never prosecute with such views; to them it is a most painful task, which is imperatively imposed upon them.<sup>11</sup>

An apparent response to the criticism did occur early on, however, with Parliament deciding to undertake the first major reform of forgery legislation in over eighty years by introducing a new lesser offence of possessing forged notes in 1801. Significantly this new category of crime was one that carried the maximum punishment of transportation for fourteen years, yet only under specific circumstances. Simultaneously the Bank initiated a system of plea-bargaining whereby, if appropriate, it would offer an individual the chance to voluntarily plead guilty to the new lesser offence, thereby automatically avoiding the capital charge.<sup>12</sup> As McGowen has suggested, it was not always quite so straightforward for the Bank to make a simple distinction between an utterer and a possessor, and in the majority of cases the Bank

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<sup>10</sup> *The Morning Chronicle* (May 07, 1802).

<sup>11</sup> OBP: t18000917-3, Cornelius-Frederick Holt (September 17, 1800).

<sup>12</sup> See, Palk, *Judicial Discretion*, & 'Fit Objects'.

and its solicitors were faced with the arduous task of determining prior to drawing up an indictment, whether or not a suspect charged with forgery offences had actually uttered the note maliciously.<sup>13</sup>

In order to handle the increased traffic in forged note prosecutions across England as a whole, and more specifically to deal with this issue of distinguishing between malicious utterers and mere possessors, the Bank established the Committee for Lawsuits (CMFLS) in 1802.<sup>14</sup> A reading of the Committee's minutes allows an insight into the sorts of attitudes that influenced decisions. For instance an entry from August 1804 details a man whose name is recorded simply as 'Macneal' - an indication that he was already familiar to the committee members - who is described as being an 'old offender', one who had been previously tried and acquitted on Bank charges at Edinburgh, and has 'since been a wholesale dealer [in Birmingham] & done much mischief.' Similarly in July 1802, the committee learnt from a letter sent by the Bank solicitor Joseph Kaye of the case of Robert Wells of Lincolnshire, a man who had been apprehended and charged with uttering two five pound Bank Notes with the help of an accomplice.<sup>15</sup> It was suggested by Kaye and eventually ordered by the Committee that the prisoner be tried capitally as 'he appears to have been extensively engaged in this circulation.' His accomplice, a man named John Thomas, who was according to Kaye, 'seemingly employed by him', was instead recommended to be offered the opportunity to plead guilty to the 'lesser charge'.<sup>16</sup> A similar attitude can be observed in the later case of Matthew and Anna Power, for whom Kaye proposed prosecuting Matthew

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<sup>13</sup> McGowen, 'Managing the Gallows', p.247.

<sup>14</sup> For the minutes of the committee, *see*, BE: M5/307-326.

<sup>15</sup> BE: M5/307/1-2.

<sup>16</sup> BE: M5/307/2.

capitally but not prosecuting Anna, she having been considered to have acted 'under the influence of her husband.'<sup>17</sup>

Of course not everyone who was offered the plea-bargain by the Bank accepted it, with some opting to refuse the Bank's offer and instead risk their freedom against the capital charge.<sup>18</sup> An example of this cited by *The Black Dwarf* was the case of Mary Smith, who it sardonically claimed in 1818, 'declined the generous offer [from the Bank], and has escaped the *good fortune* of fourteen years transportation.'<sup>19</sup>

The process of differentiating between those who were worthy and unworthy of the Bank's attention was, therefore, one that began well before the start of the trial procedure. Moreover the very nature of this process is one that we might instantly contrast to everyday assessments of creditworthiness, the set of criteria upon which historians have shown that the extension of personal credit routinely rested at this time.<sup>20</sup> It is argued below that it was perceptions of credit and debt, particularly amongst those at the lower ends of the social spectrum, that allow us to gain a better understanding of how these social groups would have not only largely perceived the crime of forged Bank Note uttering, but also the new paper money system with which they were faced after 1797.

The ongoing processes of negotiation both before and after an individual's trial, highlighted in the sources consulted here, demonstrates how the status of individuals

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<sup>17</sup> BE: M5/307/5, women who were deemed to have been acting under the influence of their husband in eighteenth-century England were usually not prosecuted, something which reflected the legal technicality that women were the property of their husbands, *see*, J.R. Greenberg, 'The Legal Status of Women in the Early Eighteenth Century Common Law and Equity, *Studies in Eighteenth Century Culture*, Vol.4 (1975), pp.171-181.

<sup>18</sup> This explains why multiple indictments appear in the *Proceedings* for the majority of prisoners who accepted the plea-bargain, as the Bank had to be prepared for a prisoner who might suddenly chose to plead not guilty to the lesser offence.

<sup>19</sup> *The Black Dwarf* (September 23, 1818), p.596, Smith's case appears to have fallen apart due to the prosecution failing to convince the jury that it had actually been her who had uttered the forged notes in question, *see*, OBP: t18180909-108, Mary Best (September 9, 1818).

<sup>20</sup> On the matter of negotiating "creditworthiness" in this period, *see*, Finn, *Character of Credit*, p.21.

prosecuted on forgery charges often remained far from clear cut, being as it was heavily dependent on the discretion of both the Bank and the judicial system. Scholars of eighteenth-century crime have previously highlighted this conundrum more generally, frequently portraying the period as one in which the spheres of criminal activity and the everyday lives of poorer people often overlapped.<sup>21</sup> Indeed one of the cornerstones of the original Marxist 'history from below' school was that the poor at this time effectively constituted a 'criminal class', whose day to day existence principally consisted of negotiating with both the law and the criminal justice system.<sup>22</sup> Yet evidence from the CMFLS minutes, as well as that presented below, challenges what appears to have developed in the literature as a general consensus of this period, namely that we can easily differentiate between the artful and highly capitalised forgers and forged Bank Note sellers on the one hand, and the men and women widely believed to have come into possession of forged notes through either ignorance or desperation on the other.<sup>23</sup> This discourse, one that has largely developed from a blinkered reading of the contemporary literature, has furthermore led to a situation whereby the understandings of those poorer elements of society who frequently handled these Bank Notes have been largely ignored in the modern historiography.

This second chapter on uttering will, therefore, focus largely on the perhaps more problematic category of individuals, those who were prosecuted mostly on charges of possession, yet may still have been offered the plea-bargain despite the Bank knowing that they had in fact passed of a forged note intentionally. Moreover the Bank routinely chose not to proceed with a capital charge if they believed the guilty person to not pose a serious

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<sup>21</sup> Shore, 'Survival Strategies', p.137, J. Innes & J. Styles, 'The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England', in, Wilson A. (ed), *Rethinking Social History, English Society 1570-1920, and its Interpretation* (Manchester, 1993), pp.201-265.

<sup>22</sup> Linebaugh, *The London Hanged*, pp.xv-xxvii.

<sup>23</sup> McGowen, 'Policing of Forgery', pp.98-99, Palk, 'Fit Objects', p.244.

threat. It will be suggested here that by conducting an in-depth analysis of the writings of such people, it is possible not only to infer commonly held public perceptions of the crime of uttering false Bank Notes - being as they were heavily reflected in these writings - but also how the guilty individuals themselves conceived their own acts of criminality. Much like the recent writings of Heather Shore, therefore, the discussion contained in this chapter must be 'necessarily speculative', if we are to suggest not only new ways of 'reading crime', but also to extract contemporary mentalities from it.<sup>24</sup>

### Perceptions of Criminality

The men and women who uttered forged Bank Notes prior to 1797 were on the whole a very different class of persons to the vast majority of those who were prosecuted by the Bank during the two decades of Bank Restriction. As pre-Restriction Bank Notes circulated amongst a much narrower section of society, due mainly to their larger denominations, the cases of forgery that involved these instruments usually concerned just one or two people, and often just a single note.<sup>25</sup> As to the nature of the forgers themselves, McGowen has suggested that,

the forger was typically a respectable person, someone with a connection to the person or institution that was the victim of the crime...Paper instruments circulated within a limited geographical and social sphere. Shopkeepers and cashiers were careful to study the identity of the person presenting them. A poorly dressed or illiterate individual who offered a note was likely to be closely questioned.<sup>26</sup>

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<sup>24</sup> Shore, 'Survival Strategies', p.138, Gaskill, *Crime and Mentalities*, *passim*.

<sup>25</sup> Whereas this is almost certainly the case with Bank Notes, more work needs to be done on the forgery of notes of the country banks, where small denominations circulated much earlier prior to the two acts of 1775 and 1777 which imposed minimum denominations.

<sup>26</sup> McGowen, 'Policing of Forgery', pp.87-88.

This perceived respectability of forgers and note utterers has also been touched upon by other historians, Philip Handler arguing for example that

[a] chief distinguishing characteristic of forgery was that it was a middle-class crime, typically committed by clerks or men who took desperate risk to preserve their position. These respectable offenders were peculiarly likely to generate sympathy.<sup>27</sup>

The sympathy extended by the public towards such individuals was largely generated through popular printed discourses. Most notable was that expressed in both the newspaper press as well as popular criminal biography, the latter which McGowen and Andrew have argued touched the lives of 'respectable readers' who were well aware of the perils of living an over extravagant lifestyle through succumbing to the temptations of opulence and luxury, particularly in urban areas.<sup>28</sup> Nowhere were these kind of moralist attitudes displayed more prevalently in regards to forgers than in what historians have come to term the forger's memoir. These popular Grub Street publications usually appeared in print a short time after a person had been executed for forgery, documenting the life and inevitable downfall of the criminal.<sup>29</sup> Such stories included that of John Graham, convicted on a capital charge at the Old Bailey in 1782 for altering two fifteen pound banknotes so they appeared to the value of £50.<sup>30</sup> According to his memoir published after his execution outside Newgate prison in October of that same year, Graham had been born to 'reputable parents' in Perthshire

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<sup>27</sup> Handler, 'Bloody Code', p.689.

<sup>28</sup> Andrew & McGowen, *The Perreaus and Mrs. Rudd*, p.24, Debate over luxury had been prevalent amongst moralists for centuries, see, R. Sweet, *The English Town, 1680-1840* (Edinburgh, 1999), p.223.

<sup>29</sup> For more on the development of criminal biography in this period, see, L.B. Faller, *Turned to Account: the Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England* (Cambridge, 1987), P. Rawlings, *Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century* (London, 1992), R.R. Singleton, 'English Criminal Biography, 1651-1722,' *Harvard Library Bulletin* (Vol.18, 1970), pp.63-83.

<sup>30</sup> OBP: t17820911-12, (John and Jane Graham, September 11, 1782).

Scotland, and had moved to London in 1779, eventually becoming head of a boarding school.<sup>31</sup> The memoir states how Graham had 'fallen in with a man under the pretence of fortune', who had encouraged him to live beyond what his income would adequately support, leading him into trouble with his creditors. It continues,

the different tradesmen who had supplied his house with common necessaries, having sent in their bills made frequent applications for payment, but without effect...[he] found himself so disagreeably situated in his circumstances before he had been ten months at Pancras, that he formed the fatal resolution of committing a forgery upon the Bank of England.<sup>32</sup>

Joshua Compton was similarly alleged to have been born to 'very decent and honest parents', however, unlike in Graham's case, his memoir does not suggest that he took any direct role in the forging of the notes that he uttered.<sup>33</sup> Instead Compton had allegedly attended the Epsom races in 1777, receiving a forged twenty pound Bank Note after winning a number of bets. As will be noted below this coming into possession of forged notes by mistake was a perception of note utterers that would become extremely common during the Restriction Period, and is one that is heavily represented within the prisoner's correspondence archive.

Despite the visible differences between Graham and Compton's cases, the latter's motive for laying wagers at the races was similarly put down to his supposed excessive lifestyle, he having moved from Liverpool to London and 'injudiciously formed a connexion

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<sup>31</sup> *Genuine Memoirs of the Life of John Graham A.M. (late of the University of Glasgow, and Sometime Master of a Boarding School Near London) who was Capitally Convicted at the Old Bailey, September 14, 1782, for a Forgery Upon the Bank of England...*(London, 1782?).

<sup>32</sup> *Ibid.* p.10.

<sup>33</sup> *The Genuine Memoir of Joshua Crompton Written by Himself in the Cells of Guildford After His Unhappy Conviction for Forgery on The Bank of England...* (London, 1778).

with a female.' Compton who had opened a shop, was said to have run up debts in excess of £600, eventually ending up in the debtors' prison.

As we have ascertained already from the remarks of Handler, the idea that debt could be a prime motive for committing forgery was not a new one by the period of Bank Restriction, something also indicated by earlier popular writings on monetary crime. For example, one publication of 1735 that documented the lives of London's *'Most Remarkable Criminals'* related the tale of a coiner named John Johnson, who despite having been,

born of a very honest and reputable Family in the County of Nottingham...the common Humours of coming up to London seized him... [and he] unfortunately fell into the Company of a Man, who under the Pretence of being his most zealous Friend, became, though perhaps unwillingly, the Instrument of his utter Ruin.<sup>34</sup>

A long standing link, therefore, existed in the public consciousness between the activities of forgers and popular discourses of credit and debt. Moreover as has been outlined in chapter one, not only was the substantial growth in instruments of credit money such as bills of exchange and promissory notes a defining feature of the early-modern English financial landscape, the period also saw a notable expansion in networks of personal credit amongst ordinary people.<sup>35</sup> Craig Muldrew has argued, for instance, that the extension of credit networks represented a central pillar of contemporary understandings of the market and exchange. This new culture of credit was something that went beyond mere economic

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<sup>34</sup> *The Lives of the Most Remarkable Criminals, who have Been Condemn'd and Executed; for Murder, Highway, House-Breakers, Street-Robberies, Coining, or other Offences; from the Year 1720, to the Present Time...*, Vol.3 (London, 1735), pp.8-9.

<sup>35</sup> On credit and credit networks, see, Muldrew, *Economy of Obligation*, Finn, *Character of Credit*, J. Hoppit, 'Attitudes to Credit in Britain 1690-1790, *Historical Journal*, Vol.33, No.2 (June, 1990), pp.305-322, Anderson, 'Money and the Structure of Credit', pp.85-101.

thought, constituting Muldrew suggests a 'defining feature of [English] society.'<sup>36</sup> Renaud Morieux has similarly argued that

the language of credit and trust permeated the description of early modern economic relations, while this vocabulary would also be used to qualify the morality and worthiness of a person.<sup>37</sup>

Credit was not just important to the middling and upper sorts, permeating as it did all social classes, from the gentry down to wage labourers.<sup>38</sup> Beverly Lemire has recently stressed that credit was fundamental to the lives of the urban poor, whose incomes were often either irregular or seasonal, and to whom the services of those such as pawnbrokers provided 'essential conduits', facilitating even poorer homes to become centres of consumption at this time.<sup>39</sup> Despite the expansion of pawnbroking during the early-nineteenth century, the period witnessed a significant push for greater regulation, during which time alternative credit and money providing services for the poor were established, such as loan societies and savings banks.<sup>40</sup> This arguably reflects what has been portrayed as a broader shift in English economic life during this period, away from personal financial ties based around individuals and communities, towards national institutions. For Muldrew this was epitomised by a shift from credit to money, arguing that the so-called 'money economy' began to dominate during

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<sup>36</sup> Muldrew, *Economy of Obligation*, p.5, The centrality of print to early modern financial understandings has more recently been explored in detail elsewhere, see, N. Glaysier, *The Culture of Commerce In England, 1660-1720* (Woodbridge, 2006), Poovey, *Genres of the Credit Economy*.

<sup>37</sup> R. Morieux, 'French Prisoners of War, Conflicts of Honour and Social Inversions in England 1744-1783', *The Historical Journal*, Vol.56, No.1 (2013), p.75.

<sup>38</sup> Innes, 'The King's Bench', p.251.

<sup>39</sup> B. Lemire, *The Business of Everyday Life, Gender, Practice and Social Politics in England, 1600-1900* (Manchester, 2005), p.16-45, *passim*, on pawnbroking also, see, K. Hudson, *Pawnbroking: An Aspect of British Social History* (London, 1982), pp.40-41, *passim*.

<sup>40</sup> Lemire, *Everyday Life*, pp.39-44, &, 141-176.

the later-eighteenth century. Moreover English banks increasingly printed their own paper cash after 1750, by which 'they began to subsume the credit which had been a part of the innumerable small transactions in the early modern period.'<sup>41</sup> The work of Margot Finn has more recently sought to contest this argument, suggesting that personal credit networks remained highly prevalent well into the nineteenth century. In contrast to Muldrew, she argues that this continued growth can in fact be put down to ongoing deficiencies with the English currency, an issue that was not sufficiently remedied, she suggests, with the advent of smaller denomination paper money instruments.<sup>42</sup> What we can see in these two opposing viewpoints is one of the key debates concerning the nature of English economic relations in this period. As Hannah Barker has recently summarised in her work on medical advertising and trust in the later-eighteenth century, we might view this period as having been defined by

a shift from particularistic or 'thick' forms of trust embedded in highly personal relations such as networks of family and friends to more 'thin', 'social' or 'generalized' forms of trust that involve a greater number of ties and less dense relations, and which eventually become centred around institutions and abstract capacities thought to reside within them.<sup>43</sup>

This thesis argues that common understandings 'from below' of Bank Notes during the Bank Restriction Period occupied a position somewhere between these two opposing binaries. An analysis of the various processes which surrounded both the forgery and uttering of false Bank Notes, suggests that at the beginning of the nineteenth century there existed a clear

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<sup>41</sup> Muldrew, 'Interpreting the Market', p.182.

<sup>42</sup> Finn, *Character of Credit*, p.76, *passim*.

<sup>43</sup> H. Barker, ' Medical Advertising and Trust in Late Georgian England', *Urban History*, Vol.36, No.3 (2009), pp.381-382, also, *see*, U. Beck, *Risk Society: Towards a New Modernity* (London, 1992), R. Putnam, *Bowling Alone: The Collapse and Renewal of American Community* (New York, 2000).

dichotomy of understandings concerning these instruments. This is to say that not only were perceptions of Bank Notes closely intertwined with common public understandings of credit, debt and the early-modern marketplace, but that similarly they reveal the beginnings of a society that was starting to recognise paper money for what it more accurately represented at this time; modern institutional bank credit. The receiver of a Bank Note during the Bank Restriction was essentially accepting a 'promise to pay', not an unusual type of request at this time given that all persons who were extending credit would have done so on the promise of repayment in due course. The promise found on Bank Notes, however, was in theory not one being made by the bearer of the note, but rather by the Bank, and was its way of stating that it would honour such notes at any time in payment when presented at their cashier's desks, either by way of crediting an account or by exchanging it for other monies.

In practice, however, the promise could often be interpreted in a more traditional manner, whereby the bearer of the note was held responsible for it being payable. We see this in cases where individuals expressed to someone who offered them a note that they must effectively pay again should the note turn out to be a forgery. For instance in 1803 Ann Goodall approached Peter Gregory telling him that the one pound note he had paid her had been stopped by the Bank, and should she lose it that it would be 'very hard' on her.<sup>44</sup> Gregory offered thirty shillings in compensation, on the one hand seemingly to repay his debt to her, but also apparently to stop her from reporting him to the authorities. Some contemporaries were clearly reluctant to accept alternative payment, however. For instance, after originally accepting John Mitchell's one pound note in 1814, the next day Jane Millwood

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<sup>44</sup> OBP: t18030420-68, Peter Gregory (April 20, 1803).

became suspicious of it, and one week later upon seeing him decided to challenge him about its authenticity. In response Jane claimed that Mitchell

offered to put his hand into his pocket; he said if two pound was any object, he would give me two pound, or any money that he had; he pulled out a handful of notes, a good many. I then told him if he gave me the King's dominion I would not take it; he then put them in his pocket.<sup>45</sup>

Similarly William Rhodes explained how in 1805 he had responded to discovering a note given to him by John Troy was a forged one,

I shut the door upon the prisoner; I told the prisoner I suspected it to be a forged note; he said he was very sorry for it, and if I would go with him to Tottenham-court-road he had plenty of friends there, who would give me a good one... I told him it was out of my power; he then took the watch out of his pocket, and said he would leave it, and return the next day and satisfy me; I told him I had nothing more to do with it, it rested then with the Magistrate, I should have nothing further to do with it, the law must take its course.<sup>46</sup>

Whereas Millwood and Rhodes were clearly suspicious of receiving any more notes from their respective customers, they may have reacted differently had they instead been offered something such as silver in payment, although it is worth reiterating that Rhodes had rejected the opportunity to withhold a watch from his debtor. As has already been suggested in the previous chapter, however, contemporaries were in some cases willing to accept other notes in replacement for ones that they considered spurious, something which implies that Bank Notes could be accepted on their own merit at this time, rather than merely on the

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<sup>45</sup> OBP: t18140706-44, John Mitchell (July 6, 1814).

<sup>46</sup> OBP: t18050529-34, John Troy (May 29, 1805).

perceived reputation, mannerisms or physical appearance of the payee.<sup>47</sup> The above cases highlight what is perhaps a more extreme form of the sort of negotiation that would have routinely taken place following the discovery of a forged note. Reconciling differences and disputes - even those that we might now consider criminal - without resorting to the authorities, has been shown by historians to have been a common practice in early-modern England.<sup>48</sup> In thinking more specifically, therefore, about instances where forged Bank Notes had been paid and discovered as such, these observable episodes of personal negotiation and reconciliation may well provide a credible theoretical alternative as to why it was widely believed at this time, at least by the political classes, that instances of forged note imposition were not routinely reported to the authorities.<sup>49</sup> Furthermore although alternative payment was refused in two out of the three cases cited above, the fact that this was so readily offered by the bearers of these notes suggests that this was perhaps a common practice when the authenticity of a note was brought into question.

The holding of individuals to account had one very practical purpose, namely that the Bank would not compensate anyone who had received a forged note in error, as remains the case today. Attempting to settle the dispute outside of the criminal justice system, therefore, remained a viable route for someone deceived by a forged note. Yet this of course would not have been an option for others, notably those that had been defrauded by another individual maliciously, in which case extra assistance would likely have been required to track down the criminal at large.

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<sup>47</sup> On the matter of negotiating "creditworthiness" in this period, *see*, Finn, *Character of Credit*, p.21.

<sup>48</sup> K. Wrightson, 'Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century England', in, Brewer J., & Styles J. (ed), *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (New Brunswick, 1983), p.23-24, Beattie, *Crime and the Courts*, p.8, 39.

<sup>49</sup> A prominent contemporary view was that instances of forgery were not generally reported due to a strong feeling on the part of the public that the punishments used against those convicted were overly harsh, *see*, *Select Committee on the Criminal Laws* (1819), p.13, Beattie, *Crime and the Courts*, p.35.

It is to those convicted individuals that the second part of this chapter now turns, suggesting that it is possible to demonstrate a close relationship between understandings of Bank Notes and credit by analysing not only how contemporaries of this period went about materially examining the notes that they received in payment - as was explored in chapter five - but also in scrutinising the kinds of relationships that developed between prisoners being held on forgery and uttering charges with their prosecutor the Bank.

### Utterers and the Restriction

Although the social rank of those being convicted on uttering and possession charges after 1797 has been shown in the literature to have been on average generally lower than prior to the beginning of the Bank Restriction, historians have nevertheless noted an ongoing expression of public sympathy for those being both hanged, and after 1801, increasingly transported for this crime.<sup>50</sup> As was noted in chapter five, much of the sympathy for this new category of criminals, namely those who were perceived to be poor individuals being sentenced to transportation on charges of possession, and in some cases executed, stemmed from a widely held belief that many of them were in effect unable to positively distinguish between good and bad notes. Many of those writing to the Bank after sentencing similarly drew attention to this point, often claiming that they had merely accepted a forged note in the regular course of trade, and that, as such, they might be spared their sentences. For example a letter from butcher Thomas Coe, written on behalf of his son James in 1799, stated that James had 'taken the note in question in the fair course of trade and having paid

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<sup>50</sup> Palk for instance has suggested that the majority of individuals represented in the archive of prisoner correspondence can be viewed as 'poor people', as opposed to the forgers themselves who were generally believed to be more affluent, *see*, Palk, 'Fit Objects', p.244.

it away the same day was afterwards returned to him as being counterfeit.<sup>51</sup> Robert George similarly claimed that he had taken a forged note in error, he being 'intoxicated in liquour' on his return from Newmarket in 1810.<sup>52</sup> In providing the excuse of being drunk, George may have been suggesting that had he been sober then he perhaps would not have been fooled by the bad note. His letter raises a wider point, however, one that has been explored in both chapters one and five, which is the matter of just who, if anyone, possessed an ability to confidently distinguish between forged and genuine notes. This sentiment was echoed in a letter by John Ivy Wilson written in 1815, in which he stated, 'I took the notes mentioned above in the regular way of trade... [and] cannot help observing that no man is safe under such circumstances as mine as in such cases every man is in trouble.'<sup>53</sup>

Some prisoners, rather than pleading general ignorance, attempted to directly blame their imposition on others. John Hopgood for example believed he had 'been the Dupe of others who now laugh at my credulity.'<sup>54</sup> Henry Russell similarly claimed to have been the 'dupe of Thomas Langley who has since been executed for forgery.'<sup>55</sup> As Palk has suggested this was a highly gendered response, one that was nearly always expressed by men, and which tied in closely with wider contemporary discourses of seduction, opulence and femininity.<sup>56</sup> John Owens, for instance, wrote in June 1818 that he had been 'seduced by a faulce harted women which taught me to swear my life away for self gain.'<sup>57</sup> A reading of the CMFLS minutes, however, suggests that the Bank themselves were in fact highly

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<sup>51</sup> BE: F25/1/102, James Coe (undated, 1799).

<sup>52</sup> BE: F25/1/205, Robert George (November 08, 1810).

<sup>53</sup> BE: F25/3/67-70, John Ivy Wilson (June 20, 1815).

<sup>54</sup> BE: F25/2/65-66, John Hopgood (November 26, 1813).

<sup>55</sup> BE: F25/67-68, Henry Russell (November 23, 1813).

<sup>56</sup> For further discussion of perceptions of finance and femininity, see, G. Russell, "'Faro's Daughters": Female Gamsters, Politics, and the Discourse of Finance in 1790s Britain', *Eighteenth-Century Studies*, Vol.33, No.4 (Summer, 2000), pp.481-504.

<sup>57</sup> BE: F25/5/38, John Owens (June 22, 1818).

conscious that certain individuals had indeed done little more than become an accessory to another's more serious crime, and if such individuals were not initially offered the plea-bargain then the Bank might recommend mercy from the hangman on compassionate grounds. A letter to the committee from September 1803, for example, speaks of David Roberts, capitally convicted for uttering at Gloucester, describing him as

a young man of very good character until the commission of this offence. Mr Kaye is of the opinion that he was made the instrument of more artful and guilty offenders...[and] thinks him so fit as an object of compassion, that it would not be improper for the Bank to interfere to save his life.<sup>58</sup>

To date there has been little serious attempt at using the collection of prisoner correspondence as a means of analysing contemporary attitudes towards the offences that they portray 'from below.'<sup>59</sup> This is perhaps due to the fact that historians have on the whole presented the content of this material as essentially being a reflection of received opinion, the kind that is also broadly observable in the minutes of the CMFLS. The original purpose of these letters is something that has in the past rendered them most problematic for scholars. Even Deidre Palk, the historian responsible for their recent transcription, has argued that not only were prisoner responses 'highly gendered', but that over the course of the Restriction individuals 'came to understand what sort of requests would be successful.'<sup>60</sup> This thesis argues that these kind of sources are more useful than has previously been recognised. Moreover although erring on the side of caution, Philip Woodfine has recently suggested in his evaluation of a similar type of source material – petitions written by eighteenth-century

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<sup>58</sup> BE: M5/307/20.

<sup>59</sup> For discussion of 'a new history from below', *see*, Introduction, pp.19-20.

<sup>60</sup> Palk, *Letters*, p.xvii.

debtors being held in prison – that whereas their contents were 'shaped by established conventions' and therefore do not 'offer a simple literal truth', they nevertheless can be viewed as 'part of a process of dialogue and protest... [embodying] ideas of rights and of equity.'<sup>61</sup>

The Bank did frequently respond to what has been shown by Palk to have been fairly standardised requests for money, and whereas few men were successful in their applications for financial assistance,<sup>62</sup> the only women that the Bank appears to have routinely rejected were those that it believed to be particularly malicious criminals, such as prisoners that it had learned were continuing a trade in forged Bank Notes while incarcerated.<sup>63</sup>

Although Palk's argument about the gendered nature of letters is convincing and she is indeed correct to view them to some extent within the wider context of other letters from 'poor' individuals seeking charity and philanthropic action by major institutions, her work is less certain about the specific nature of the relationship between the Bank and its prisoners in this period.<sup>64</sup> The Bank's principal motive for extending 'charity' to those it had convicted on possession charges was, according to Palk, 'philanthropic', and was a tradition that

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<sup>61</sup> Woodfine, 'Debtors, Prisons', p.5.

<sup>62</sup> Of the 67 letters in the archive that Palk has classified as seeking to mitigate sentence of death or transportation, 51 were written by men and only 16 by women. With regard to the 371 letters seeking pecuniary relief, 84 were written by men and 287 by women, *see*, Palk, *Letters*, p.xvii.

<sup>63</sup> The Bank appears to have attempted to quash an outbreak of forgery between February 1814 and June 1815 by recording the serial numbers of Bank Notes that it was paying to prisoners. The practice was presumably intended for the purpose of tracing notes, should examples of forged notes with the same serial numbers be discovered. In October 1814 Martha Bramwell wrote to the Bank informing on the activities of women dealing in forged notes in Newgate, claiming that 'you are much deceived in the objects of your charity as there are some in Newgate that receive a weekly allowance at the same time they are living extravagantly by defrauding the Bank,' *see*, BE:F25/3/8-20, Martha Bramwell (various dates, 1814).

<sup>64</sup> Palk even admits that the 'generosity on the part of the Gentlemen of the Bank...poses more questions than it answers', *see*, Palk, 'Fit Objects', p.238.

'harked back to an earlier generation.'<sup>65</sup> Moreover Palk argues that the Bank's authority to manipulate the system in the way that it did effectively stemmed from its own belief that in these kinds of relationships it held all the power, with the other body largely constituting of

miserable wretches who had, according to prevailing notions, placed their country in danger by their traitorous behaviour and who were now justly suffering as they awaited disposal to an inhospitable penal colony.<sup>66</sup>

Such an argument, however, does a disservice to the potentially multi-layered perceptions of the many, and is an example that succinctly highlights the point made above, which is that historians in this field have on the whole tended to shy away from engaging with such mentalities. The point advanced by Palk certainly represents what was the prevailing view of the political classes, however, little has been done in the way of challenging such discourses 'from below'. Thus in addition to some of the previously cited examples, this part of the chapter will now advance the argument that this body of letters not only demonstrates a significant undercurrent of subversion to this received discourse on the nature of the crimes relating to Bank Note forgery, but similarly that the relationships that existed between the Bank and its forgery prisoners were conceived - at least by some - as having been conducted on much more of an equal footing, even if such perceptions were indeed based upon an ignorance of the realities of both the law and the workings of the financial system. Furthermore by considering these writings within the wider context of the operation of the eighteenth-century criminal justice system, as well as the quotidian workings of credit and debt that were fundamental to everyday life, it is therefore possible to identify a number of key factors that may have influenced how these individuals perceived their own criminality.

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<sup>65</sup> Palk, *Letters*, p.xxiii.

<sup>66</sup> *Ibid*, p.xxiii.

### Awaiting Transportation

The English men and women transported following a major change in the law in 1801 were the first group of individuals convicted on forgery charges relating to paper money to be punished using anything other than the death penalty for the best part of a century. Given how central the threat of capital punishment has been shown by historians to have been to perceptions of maintaining the security of paper currency, as well as to the prosecution of forgers and note utterers at this time, it is curious that historians in this field have failed to consider how this drastic shift in the law may itself have influenced the guilty's own perceptions of their crimes. It will be suggested here that by essentially downgrading the severity of the offence by not putting to death large numbers of those who had been found to be using English paper currency in a way that had for decades been seen to pose one of the most serious threats to the stability of the entire financial system, the Bank was effectively negotiating the one key security upon which the stability of the nation's finances was widely believed to depend. Furthermore this is something that if we are to accept the arguments of historians such as Wennerlind and McGowen, was feasibly significant enough to trigger a shift in public attitudes towards the crime of forgery. Indeed both the State and the Bank clearly felt it necessary to retain the use of the gallows as a deterrent against those who sought to destabilise the monetary system by directly forging Bank Notes themselves. By recommending the use of hard labour instead of transportation for the new lesser offence, even the 1819 Select Committee on the Criminal Laws had expressed a wish that the crime of possession should continue to retain the use of a punishment that was undertaken

physically against the body, even if those on the committee largely viewed the death penalty as both archaic and barbaric.<sup>67</sup>

By introducing a separate punishment for this new category of crime, one in which the aim was to preserve the body for the purpose of a period of atonement and economically beneficial servitude to one's nation, rather than ultimately destroying or even damaging it through the infliction of death or forced labour, this in theory brought the treatment of forgery criminals far more into line with that of England's most numerous category of financial prisoner, the debtor. Furthermore a deeper reading of the sources consulted here suggests that not only was there a potentially widespread belief amongst those convicted on such charges that the crime for which they had been convicted was in fact far less serious than was generally being portrayed by the ruling classes; but that the relationship between the Bank and forgery prisoners conducted via correspondence in many ways began to resemble not so much one of between convicted criminal and prosecutor, but rather of between creditor and debtor.

### The Influence of Debtors

By the 1790s English men and women were still being imprisoned for debt in their droves, with the feature of imprisonment itself remaining an important cornerstone of this system.<sup>68</sup> English debt litigation procedures gave creditors a choice to have delinquent debtors locked up as a security against the amounts that they owed and had refused to pay. As Finn has argued with regard to the role played by the debtors prison system, 'the civil law substituted

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<sup>67</sup> *Select Committee on Criminal Laws* (1819), pp.15-16.

<sup>68</sup> Finn, *Character of Credit*, pp.112-114.

persons for things in market exchange, allowing the human body to serve as collateral for goods.<sup>69</sup>

If we hypothetically substitute the civil law for the role being played by the Bank as prosecutor in forgery trials, then the plea-bargaining system could in one way be interpreted as having performed a similar function. Moreover if an individual was suspected of committing what the Bank deemed to be a criminal act against its paper instruments, it would naturally seek to apprehend that person, imprisoning them until their time of trial. Much like in cases involving other kinds of crime, the trial would be the point at which it was decided whether or not the person accused was guilty or not, and if proven so, a decision was made as to the way that person would be punished. The threat of the gallows was of course not removed entirely, as utterers were still put to death; yet contemporaries would certainly have known that by taking certain steps, their uttering activities might be made to look less criminal, and they might therefore be spared their life in favour of transportation. Such a mentality can be seen in the aforementioned comments of Peter Gregory, who had remarked to William O'Laughlin that should only one forged note be found upon them that 'they could not be hurt.'<sup>70</sup> Certainly Gregory was wrong about this, and he probably knew it. His comments, however, are clearly indicative of an attitude that suggests those who partook in the open market of forged Bank Notes were well aware that the offence constituted something of a grey area. Many individuals would have been conscious of the fact that should they be caught, then a considerable degree of agency may be granted to them, so long as a compliance with the Bank was forthcoming. By allowing individuals to automatically plead guilty to a lesser offence, the Bank was therefore effectively treating forgers and utterers more like the most numerous category of financial prisoners in England at this time:

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<sup>69</sup> Ibid, p.10.

<sup>70</sup> See, ch.4, p.170.

debtors. In not being condemned to death, guilty persons would instead theoretically repay their debt to society through living out a proportion of their life outside of the nation, a punishment which meant they would no longer be able to continue their illicit activities on English shores. With the Bank taking a direct hand in sparing the lives of supposedly guilty individuals, it was essentially bypassing the judicial process, and thus acting in a way that was perhaps more akin to the kinds of civil negotiation undertaken in cases of debt. Furthermore as is suggested here, it may in fact be more correct to view such acts as the establishment - or perhaps even the extension - of debtor/creditor relations, that is to say as a cyclical and mutually beneficial relationship for all parties involved.

Although some scholars have argued fervently that crimes of a monetary nature were not universally viewed by all ranks of people as having been serious criminal acts in the strictest sense of the word, historians of the Restriction Period more specifically have done little to entertain any idea that the Bank may itself have encouraged these kinds of perceptions in regards to the forgery of its small denomination Bank Notes.<sup>71</sup> Indeed given that the amounts of money extended to prisoners by the Bank could in fact be greater than the total sum of the forged notes for which they had been prosecuted for possessing, could such actions actually have encouraged an idea amongst some that they had only committed a trivial offence? Moreover the language used by some women to describe the amounts that they were being extended by the Bank might be used as evidence to support this.

Writing from Newgate in May 1819, Hannah Gilbert who had accepted the plea-bargain and was awaiting transportation, wrote to the Bank twice requesting the payment of an extra pound, as she had apparently been promised two but had received only one. What is interesting about Gilbert's letter is how she refers to this amount, asking the Bank if they

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<sup>71</sup> For the debate on monetary forgery as a so-called 'social crimes' see, ch.1, pp.69-70.

might, 'Releve me with A triful or interseid with Mr Brown for the Other triful.'<sup>72</sup> The word trifle, defined today by the *OED* as 'to render trivial or insignificant', was used in this period in a similar context. For example testifying at the Old Bailey that Susannah Gerain had uttered a one pound note in his cheesemongers shop in 1810, William Hall recalled that she had 'purchased some trifling thing, I cannot exactly tell the amount.'<sup>73</sup> The amount Hall was speaking of, although not specified, was clearly less than the total sum of one pound, and so it is perhaps curious that Hannah Gilbert would choose to refer to the full value of a pound as such an insignificant sum. Two more women used similar language in their letters to the Bank over the course of the next two months, both like Gilbert writing out of Newgate prison. Although this might at first suggest that the letters were being written by the same person - perhaps a professional prison letter writer - we are presented with two different spellings of the word trifle in these letters, Mary Ann Griffiths pleading that the 'smalest trifell Will be thankfully received', and Hannah Polley hoping that the Bank would 'bestow a trifle' upon her.<sup>74</sup> All of these women apart from Polley were nevertheless granted assistance, despite their unusual choice of language to describe the amounts being requested.<sup>75</sup>

Closely linked to this language of insignificance or 'trifles' was an expectation on behalf of many women that they would receive payments regularly having done the Bank's bidding. Palk highlights for example the case of Jane Williams, who had written to the Bank along with seven other women stating 'we have contracted a few debts in prison - please

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<sup>72</sup> BE: F25/7/36, Hannah Gilbert (January 13, 1819), Jane Williams had also used the phrase in her letter of August 1818, *see*, BE: F25/5/34, Jane Williams (August 11, 1818).

<sup>73</sup> OBP: t18100110-32, Sussanah Gerain (January 10, 1810).

<sup>74</sup> BE: F25/7/38, Mary Ann Griffiths (July 07, 1819), & F25/7/40 Hannah Polley (June 07, 1819). Martha Bramwell had also requested 'a trifle' from the Bank in a series of letters in 1814, *see*, BE: F25/3/5-7, Martha Bramwell (various dates, 1814).

<sup>75</sup> Forged Bank Note seller Polley was offered the plea-bargain by the Bank to which she agreed to plead guilty, however this was refused by the judge and she was convicted capitally. The case was also used by the Prince Regent to criticise the Bank's strategy of manipulating the justice system in this way, *see*, BE: M5/320-1.

allow us The Usual Stipend.'<sup>76</sup> Whereas Palk argues that this kind of transaction constituted 'a standard ritual' in these kind of relationships, she does not fully justify why the Bank chose to behave in such a manner, claiming that whereas it 'fitted well with the charitable perception of the time', she also offers the somewhat contradictory view that the Bank was publicly ridiculed, and that such actions were widely regarded as not being a 'normal' response to this kind of distress and poverty.<sup>77</sup> It is argued here that the Bank was in fact responding to the highly enlarged numbers of prisoners being held on these charges in a way that these individuals themselves commonly understood: that is to say in terms of a creditor and debtor relationship. Furthermore the actions of these women in particular might be interpreted as them fulfilling their roles as the natural organisers and securers of credit in early-modern England.<sup>78</sup> This arrangement, however, was one that allowed the Bank to act in a manner that was perceived as both charitable and merciful from the outside, yet at the same time allowed them to retain the upper hand in relationships with persons that they had chosen to prosecute.

The latter quoted example stating the need for 'gaol debts' to be paid back also highlights the extent to which the individuals writing these letters would often have been consumed by a world of credit, not only in their previous lives, but also within the prison system in which they were now incarcerated. For example both men and women regularly highlighted in their letters to the Bank how they had been required to pledge items at the pawnbrokers before entering prison, and that the Bank's money would be instrumental in redeeming these items. John Bellairs for example wrote in July 1810 that he had been informed, 'that my clothes were pledged, and if I wished to have them, I might send the

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<sup>76</sup> Palk, *Judicial Discretion*, p.152.

<sup>77</sup> *Ibid*, p.152.

<sup>78</sup> Lemire, *Everyday Life*, p.45, *passim*.

money for their redemption. Dearest Sir, I have no Friend to whom I can apply to obtain me redress.<sup>79</sup> Similarly in December 1813 Henrietta Greogory stated that 'I have many little articles in pledge at the pawn Brokers which I should be glad to embrace the opportunity of getting them.'<sup>80</sup>

Once in prison and awaiting transportation, inmates were again thrust into a world in which capital, and more precisely credit was king.<sup>81</sup> Pieter Spirenborg has highlighted the highly ordered and financial nature of early-modern European prisons, within which prisoners were sometimes viewed as 'journeymen' serving under their 'masters' the prison keepers.<sup>82</sup> Philip Woodfine has similarly suggested that 'the commercial nature of prison life was generally accepted', observing how prisoners were often subject to levies upon being admitted.<sup>83</sup> More specifically in relation to credit, Hitchcock and Shoemaker have highlighted how eighteenth-century prisons were effectively hierarchies of credit and debt amongst prisoners, a system of 'prisoner-financed and prisoner-run government', one which had its own unique set of 'rules...[and] logic.'<sup>84</sup> Furthermore the foundations for such forms of personal credit were not always necessarily moral as Muldrew has implied, something which is highlighted in the case of Elizabeth Bennet, imprisoned in Newgate in 1742 for the theft of a blanket case, as cited by Hitchcock and Shoemaker. Bennet had explained at the Old Bailey how upon entering Newgate she had had no money to pay the exorbitant 'ward dues' that were demanded by the senior prisoners. In response to this she was stripped of her

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<sup>79</sup> BE: F25/2/203, John Bellairs (July 13, 1810).

<sup>80</sup> BE: F25/2/14, Henrietta Gregory (December 22, 1813).

<sup>81</sup> For a good outline of the highly commercial nature of eighteenth century prisons, *see*, R. McGowen, 'The Well-Ordered Prison, England, 1780-1865, in, Morris N., & Rothman D.J (ed), *The Oxford History of the Prison, The Practice of Punishment in Western Society* (Oxford, 1998), pp.72-75.

<sup>82</sup> P. Spirenborg, 'The Body and the State, Early Modern Europe, in, Morris N., & Rothman D.J. (ed), *The Oxford History of the Prison, The Practice of Punishment in Western Society* (Oxford, 1998), pp.63-64.

<sup>83</sup> Woodfine, 'Debtors Prisons', p.8.

<sup>84</sup> Hitchcock & Shoemaker, *Hanging Court*, p.57.

gown, and told she would have it returned to her once she produced the necessary fee of one shilling. The prisoner responsible for this act, Elizabeth Newbury, explained in court that out of sympathy for Bennet, who appeared to be 'starving with cold and hunger', that she took the measure of 'lending' her '7 pence half penny upon it.'<sup>85</sup> Newbury was here behaving in a manner that was consistent with her own sort's broader understandings of the credit economy, namely that she was acting like a pawnbroker by lending Bennet money based on the security of one of her possessions. The fact that this item had not been voluntarily pledged but rather stolen from Bennet, in order that the loan might be advanced, is not necessarily a divergence from common mentalities of the pawnbroking trade, given that pawnbroker's shops were widely regarded as being hotpots for the disposal of stolen goods.<sup>86</sup>

It was not just the financial customs of prisons that may well have influenced the perceptions and behaviour of incarcerated note utterers, however, but similarly the actions and statuses of the prisoners who they were themselves living alongside, most notably debtors. In London in particular those imprisoned for debt were commonly lodged alongside prisoners of all descriptions, including forgers and note utterers. Newgate by the time of Elizabeth Bennet's incarceration was, according to Hitchcock and Shoemaker, 'a ragtag collection of debtors and vagrants, as well as a much rougher element.'<sup>87</sup> By the time that John Howard was conducting his review of English prisons during the later 1780s, he found that debtors constituted roughly half of the prison population, a percentage that continued to climb sharply during the 1790s due to a steep rise in private litigation claims.<sup>88</sup> McGowen

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<sup>85</sup> OBP: t17420428-11, Elizabeth Bennet (April 28, 1742), cited, in, Hitchcock & Shoemaker, *Hanging Court*, pp.54-61.

<sup>86</sup> Lemire, *Everyday Life*, p.32.

<sup>87</sup> Hitchcock & Shoemaker, *Hanging Court*, p.58.

<sup>88</sup> Finn, *Character of Credit*, pp.112-114.

has perhaps highlighted the significance of debtors in the penal system best, arguing that not only 'it is hard to overstate the importance of imprisonment from debt in shaping the popular image of confinement as well as the jail itself', but even more significantly that,

[debtors] proved an unruly element within the jail, resisting efforts to police their conduct. They were ever ready to complain of infringement of their rights as Englishmen. They often brought their wives and children into the prison, further contributing to the problem of regulating the institution.<sup>89</sup>

Within the correspondence we see evidence of debtors directly interacting with forgery prisoners. A letter from debtor William Chapman on behalf of his ward mate Alexander Man in May 1816, for example, declared that Man had been robbed of twenty pounds from his luggage, and that he believed the suspect to be someone being held in 'Bank Custody'.<sup>90</sup> A letter perhaps suggesting a more direct involvement was that of J.A.H Burden writing from the King's Bench in November 1814, offering the Bank information on individuals who had allegedly had dealings with him concerning forged notes.<sup>91</sup> The fact that these letters survive within this collection is unusual, given the purpose of the vast majority of them. However it is more than likely that a far greater degree of interaction did in fact take place between these two groups, and we can only really speculate as to the extent to which such a prominent group of prisoners would have exerted influence over those who lodged around them whilst in gaol.

One such influence that might be identified is the method employed by forgery prisoners in their attempts to solicit financial assistance from their captors. Although the

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<sup>89</sup> McGowen, 'The Well-Ordered Prison', p.73.

<sup>90</sup> BE: F25/4/65-6, William Chapman (May 30 & 31, 1816).

<sup>91</sup> BE: F25/3/5-7, J.A.H Burden (November 19 & 26, 1814), A similar request was made by James Wren in March 1819, *see*, BE: F25/8/14, James Wren (March 29, 1819).

purpose of the debtors prison system was to hold the debtor's body as security against the money that they owed to a creditor, a Lord's Act of 1759 allowed imprisoned debtors to sue for their 'groats', 'a sum of two shillings and four pence per week paid by the detaining creditor to maintain the debtor in prison.'<sup>92</sup> As Finn has suggested, however, groats were frequently applied for but seldom recovered, with inmates instead relying on 'small allowances of cash or provisions' provided by local municipal authorities. Debtors therefore had access to various sources of revenue which rather than being viewed simply as charitable avenues, were instead regarded by some as a form of entitlement. Although Palk has suggested that the financial assistance routinely extended to mostly female forgery prisoners by the Bank was something clearly viewed by a proportion of them as a form of entitlement, she similarly argues that the principal motive of the Bank in extending this money was for charitable or 'philanthropic' reasons.<sup>93</sup> This chapter has questioned this position, suggesting that the Bank may themselves have played a significant role in bringing about a scenario whereby prisoners felt themselves able to ask for money to which they genuinely believed they were entitled. The close proximity with which forgery prisoners were confined with debtors may have also heavily influenced such practices, not only in regards to the kind of approaches that were taken in requesting funds, namely the use of petitions and letters written in many cases in standardised language, but also in the perceived relationships that these prisoners held with their captor.

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<sup>92</sup> Finn, *Character of Credit*, p.122.

<sup>93</sup> Palk, *Judicial Discretion*, p.152.

## Conclusion

We may therefore view the Bank's granting of financial assistance to forgery prisoners principally as a form of credit. This money whilst not being treated strictly as loaned capital that could ever actually be paid back, was instead extended by the Bank on a number of key contracts or securities. The first and most fundamental of these was the acceptance of the Bank's plea-bargain, something that the prisoner correspondence suggests was very much viewed by the individual as the initial contract of indebtedness to the Bank. Without this agreement the Bank would not under any circumstances consider extending finance, even if that individual stood trial on the capital charge but was instead sentenced to transportation. The second was an agreement that the prisoner would not continue their trade in circulating forged Bank Notes whilst in prison, another activity that automatically disqualified a person from receiving any money. The third and final security was provided by the punishment of transportation itself, intended as it was to temporarily remove the individual from society. Such a punishment meant that the guilty would effectively be unable to participate in illegal currency activity, whilst at same time providing them the chance to offer a 'profitable service to the Commonwealth' during their period of absence.<sup>94</sup> These final two points, therefore, can be viewed as hypothetical means for the recipient of the Bank's money to repay their debt, as well as providing the Bank with some feasible motives for this act of so-called 'benevolence.' Moreover even heavy critics of the Bank's policies discussed them in terms closely relating to the world of credit. *The Black Dwarf* writing in September 1818, for

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<sup>94</sup> Spirenborg suggests that this was one of the main aims of the original Transportation Act, an idea that continued to be recognised 'well into the eighteenth century', see, Spirenborg, 'Body and the State', p.61.

instance, claimed that 'It is probably with a view to obtain credit for lenity that the Bank offers [the plea bargain].'<sup>95</sup>

An alternative framing of these events has also been offered here, one which takes into consideration the wider criminal and financial contexts of the period. In downgrading the severity of the punishment that was commonly used for those found guilty of the offence of possessing forged notes, one which was still technically against the body yet at the same time theoretically allowed the prisoner the chance to atone for their wrongdoings, the Bank may have inadvertently encouraged a perception amongst its prisoners that these crimes were in fact more closely akin to financial misdemeanours or debts. Moreover such a perception may itself have been influenced by deeply-entrenched notions of paper instruments themselves as items of credit and debt.

The arguments made here, therefore, are contrastable to some of the conclusions reached, albeit for a later period, by Mark Roodhouse, whereby he has suggested that 'explanatory variables such as the structure of control do not help us to understand why [some] broke the law while those in a similar position did not.'<sup>96</sup> This chapter has suggested that in this earlier period we might view the historically unprecedented adjustment to the law – the introduction of a lesser offence of possessing forged notes - as having directly influenced some who would previously have not considered forgery activity to actively become involved in it. The plea-bargain system, it is suggested, granted petty forgery criminals a degree of agency that had previously been non-existent for people in this position. Moreover as we have seen in chapter four, those involved in this trade could be consciously aware of how to play the system to their advantage, thus minimising the risks of

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<sup>95</sup> *The Black Dwarf* (September 23, 1818), p.596.

<sup>96</sup> M. Roodhouse, *Black Market Britain 1939-1955* (Oxford, 2013), p.9, 257.

being dealt the maximum punishment.<sup>97</sup> Furthermore this chapter has shown how this process could continue even after an individual was prosecuted, and is reflected by a visible sense of entitlement on the part of many of those incarcerated and awaiting transportation for this new lesser offence.

Whether or not beliefs such as these were in reality formed out of a total ignorance of the workings of both the financial and criminal justice systems, something that may have been perpetuated further by the debt-laden penal culture in which forgery prisoners of this period were very much a part, this chapter has attempted to demonstrate that socio-economic understandings of the crime of forgery, and more specifically those which concerned the circulation and possession of forged notes amongst the lower ends of the social ladder, may have in fact been inherently multilayered and complex. Historians in the future must therefore no longer continue to label the thoughts and beliefs of such people simply as ignorance without attempting to more comprehensively deconstruct them in their analysis.

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<sup>97</sup> *See*, note.70.

## Conclusion

In analysing the activities of those who both constructed and uttered forged Bank Notes in the period 1797 to 1821, this study has attempted to question a number of long standing generalisations that have surrounded the use, and indeed the misuse, of English paper financial instruments at the beginning of the nineteenth century. By approaching the subject for the most part 'from below', the thesis has sought to provide a perspective that has so far been absent in the literature. In short the work has addressed four main themes: Bank Notes and their relationship to broader understandings of both the credit and money economies; the construction and distribution of forged Bank Notes; the means by which Bank Notes were understood outside of purely literate contexts, and finally, how forged Bank Notes possessed an ability to universally deceive regardless of factors such as education and social rank.

Beginning with the issue of literacy, the work has sought to establish the idea that whereas illiterate people would almost certainly have been at a disadvantage when it came to handling Bank Notes, their inability to write, as well as quite possibly read, did not automatically exclude them from at least attempting to use them correctly. Despite heavy prejudices against such people in both the contemporary and modern literatures, individuals could attempt to scrutinise the authenticity - or goodness - of notes by embracing both the haptic technologies of touch, as well as modes of visual perception that centred around non-textual elements of the note. Such methods of interaction were not confined merely to the

illiterate, however, and it is suggested that a period of heavy tactile involvement with notes at this time was entirely necessary in order that individuals could develop personal Bank Note schemas, unique sets of cognitive shortcuts that allowed individuals to readily draw upon their own previous experiences of handling and viewing Bank Notes when forming an opinion as to the goodness of a particular monetary instrument. This kind of Bank Note interaction has been linked to the two main systems of thinking recently discussed by Kahneman, whereby a shift from 'slow' System 2 to 'fast' System 1 type thinking is broadly observable.<sup>1</sup> Furthermore, this response to what was undoubtedly for many a highly increased exposure to the Bank Note during this period, is one that can be viewed as having been both rational and irrational.<sup>2</sup>

The scrutiny of notes was something that could often involve multiple persons, whereby the receiver could draw upon the knowledge, experience and perhaps the schema of those around him or her in order to determine the status of a note. Some, however, preferred to directly compare notes with others already in their possession, a process that could be undertaken either directly on the spot, or rather later once the note had already been accepted in payment. Detailed scrutiny of a note in the presence of its utterer could clearly cause problems, yet in the eyes of contemporaries it could also be an effective way of rooting out those who had knowingly passed a forgery. Indeed, suspicious behaviour in these situations was often used as evidence against a person in court, creating as it did a 'strong presumption of guilt.'<sup>3</sup>

Evidence for material examination also has wider ramifications for this period, and it is argued here that evidence taken from the *Proceedings* provides a clear indication that

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<sup>1</sup> See, ch.2, pp.77-79.

<sup>2</sup> See, ch.5, pp.221-222.

<sup>3</sup> Andrew & McGowen, *The Perreaus and Mrs. Rudd*, p.35.

growing numbers were at least beginning to pay more attention to the authenticity of instruments themselves. Moreover Bank Notes were increasingly being viewed as objects of value in their own right, and not merely accepted on the trust of a bearer, the latter being the key security upon which paper instruments of credit had traditionally circulated. However, that Bank Notes were used largely without hindrance amongst the people during the Bank Restriction was something aided considerably by the fact that many at this time still treated them in a manner that broadly resembled agreements of personal credit. This provides one of the principal reasons why the endorsement was customarily requested upon a note being presented in payment. Given the long-standing relationship between paper instruments of finance and credit which had existed in England since the medieval period, it is perhaps unsurprising to see the Bank Note being used this fashion, even by the end of the eighteenth century. Whereas Bank Notes prior to the Restriction had been directly redeemable in specie, after 1797 this situation drastically altered, albeit temporarily. During the period of convertibility, Bank Notes were more likely to have been frequently exchanged for coin, whereby the credit chain created by the issuing of one of these instruments effectively ended once paid away. During the period of Bank Restriction, however, the credit chains created by what was an effectively endless sea of notes - or promises - were in theory more permanent. Gold and silver could, of course, still be paid in exchange for paper, yet as the number of Bank Notes multiplied over the course of the Restriction, they would have been more routinely exchanged like for like.

A more orthodox and theoretical reading of this situation could imply that the specie Restriction brought about set of circumstances whereby individuals were required to automatically place their trust in the Bank itself - that is to say in its credit as an institution - rather than in the people from whom they were accepting payment. The nature of the

promise actually changed quite significantly, as in a period of scarce coinage and inconvertible paper, the promise to pay could only theoretically be fulfilled by the Bank itself. Analysis undertaken here highlights a distinct dichotomy of understanding, however, something that could also be viewed as a crossroads between two fundamental modes of economic thought: those of personal credit on the one hand, and modern fiduciary money on the other. Whereas the liquidity of the new paper money undoubtedly depended heavily on public confidence in the credit of the Bank, contemporaries dealing in these notes continued to look to individuals to fulfil the promise to pay. Moreover this dichotomy is precisely what the radical *Black Dwarf* was criticising in 1818 when it asked its readers,

what do you think of a circulating medium that we take on the credit of one another, were we ever asked to give an account of ourselves when we offered a guinea in payment... let the public negotiate the Bank... Notes on their own intrinsic sterling credit, without holding themselves personally responsible, and we shall soon see what claims the Bank has to public confidence.<sup>4</sup>

Credit is clearly a unifying theme here, and whereas one historian of this subject has recently sought to distance this area of financial life almost entirely from the realm of paper cash, it is suggested in this thesis that perceptions of the two were in fact heavily intertwined during this period.<sup>5</sup> We might, therefore, view Bank Notes of the Restriction in one sense as having bridged a gap between the scenario highlighted in the arguments made by Muldrew, that by the end of the eighteenth century personal credit networks in England had largely petered out in favour of what he terms 'the money economy', and Finn's assertion that widespread personal credit remained ubiquitous well into the nineteenth century, due mainly

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<sup>4</sup> *The Black Dwarf* (January 28, 1818), pp.59-60.

<sup>5</sup> Finn, *Character of Credit*, p.76, *passim*.

to a severe lack of elasticity in the money supply.<sup>6</sup> Rather than marking any sort of definite split between these two financial ages, the Bank Note dichotomy might instead be viewed as a kind of coping mechanism for the people, whereby a relatively new type of money was being negotiated on more familiar grounds, albeit with some key differences.

The relationship between common understandings of paper money, forgery and those of credit and debt, are reflected in the primary sources in two main ways. The first is the clearly expressed view of Bank Notes as objects of credit, or perhaps more correctly, of debt. We can see this not only through the widespread use of endorsements as a means of organising and regulating the credit chain, but also in instances where individuals held others to account should a note be presented which turned out to be bad. Chapter five has also shown how routines of examining the person continued to be undertaken in situations where Bank Notes were offered in payment, as if those individuals faced with them were attempting to assess the so-called creditworthiness of the bearer, should further steps be required to secure payment for a note in the future.

The other clearly visible expression of the Bank Note constituting an object of debt can be seen in the nature of the relationships which developed between the Bank and some of its forgery prisoners. It is argued that by allowing large numbers of those charged with forgery-related offences the opportunity to accept a plea-bargain - thus automatically avoiding the hangman in favour of transportation - this gave previously powerless criminals a considerable degree of agency in a system that was at this time heavily stacked against them. In addition, by punishing forged note utterers and possessors in what was an historically unprecedented manner - by removing a person from society as opposed to ending their life with the death penalty - this provided the guilty with the ability to conceivably

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<sup>6</sup> Ibid, Muldrew, *Economy of Obligation*, p.182.

atone for their previous actions, some even expressing in their letters how they believed they had already done the Bank a significant favour in pleading guilty to its indictment. This set the stage for a new kind of contractual agreement, one whereby prisoners with strong feelings of entitlement began to expect payments of money in return for their cooperation during legal proceedings, as well as their continued obedience in prison prior to being transported. Furthermore, we might also view this expectation that the Bank would effectively adopt the role of a creditor as a further extension of the relationship between common perceptions of Bank Notes, forgery and the contemporary credit economy.

This relationship can also be demonstrated in another way. Evidence presented here suggests that guilty individuals may commonly have believed themselves to owe a form of debt to those whom they had defrauded with false instruments, and following conviction prisoners may have theoretically transferred their debts away from the individual towards the Bank itself. Such a reading of this scenario supports the idea that the Restriction Period represented the beginnings of a watershed between understandings of paper instruments, away from a reliance on the credit of the individual, and towards a stronger belief in that of the issuing authority.

What was the Bank's motive for the extension of this hypothetical credit, one that essentially constituted a toxic debt that in reality would never be recovered? Not only was incarceration of forgery criminals significantly better for the public image of the Bank than a reliance on the hangman - despite continued criticism from some quarters<sup>7</sup> - but making payments to prisoners also meant that those convicted were far less likely to become

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<sup>7</sup> See, ch.5, note.30.

involved in illicit activity whilst in prison, including most significantly, the ongoing circulation of forged Bank Notes.<sup>8</sup>

Although payments were not routinely made to male prisoners, they not being deemed creditworthy due largely to the fact that more regular paid prison work was available to them, we can nevertheless observe similar expressions of gratitude being expressed towards to the Bank. Such proclamations of sentiment, moreover can be read as these individuals displaying an earnest belief that they were now in a state of more permanent debt to the Bank, one not measurable merely in terms of money, but in life itself.

The dichotomy of understanding surrounding Bank Notes at this time can be best highlighted through an analysis of the means by which individuals went about scrutinising notes for forgery. It is argued here that where we see examples of contemporaries conducting a detailed examination of both the instrument itself and the individual presenting it, that what we are witnessing is an important crossover point between two opposing understandings of paper money, namely the Bank Note fulfilling a dual role as both instrument of personal credit, as well as object of modern promise-centred fiduciary currency.

The latter of these two understandings was one that could only have been widely acquired by the English people during a period of continued exposure to the inconvertible Bank Note, made possible for the first time in the period 1797 to 1821. Chapter two has shown how this was heavily reflected in the emergence of a vibrant print culture relating to paper money, one epitomised by the flash note. As objects that proved almost direct imitations of genuine banknotes, flash notes possessed the ability to inform contemporary notions of paper money, not only through their visual similarities, but also in the kinds of

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<sup>8</sup> See, ch.6, note.63.

encounters individuals could experience with them, in both a material and a literate sense. Although many examples of these notes may have been aimed at the higher echelons of society, as with similar kinds of popular and ephemeral print of this period, neither social class nor personal literacy provided an automatic barrier to engaging with this sort of material. Moreover prints could be displayed publicly in various settings, and text could be read aloud in groups by those who were capable, giving everyone present the ability to access their content.

Flash notes were problematic objects for a number of reasons, the first and foremost being that due to their close proximity with genuine money instruments they could easily be acquired for illicit purposes. It is suggested that when combined with particular methods of uttering, whereby certain features of the note were concealed or only briefly exposed, then the visual and material similarities of flash notes could be enough to trigger and confuse an individual's personal Bank note schema, whereby the intended victim would be led to believe that they were either handling, or more likely seeing, genuine banknotes. Flash notes therefore posed a very real challenge to the sorts of tactile and visual technologies that contemporaries could employ in their attempt to distinguish between good and bad notes.

Closely linked to this was the significant legal ambiguity highlighted by the existence of these prints, an issue reflected in how both the Bank and the State clearly struggled to define what precisely constituted a Bank Note in statute. One historian has recently argued that the Bank naturally treated flash notes that imitated its own notes the most seriously. However, it has been shown in chapter two how not only were examples that bore no explicit resemblance to Bank Notes suppressed, but also how that those who uttered the most serious category of flash notes in a like for like manner to forged notes were given only

minor punishments, despite their crimes in reality being almost identical.<sup>9</sup> Flash notes also raised the fundamental question of just who had the right to issue banknotes at this time, and their very existence might be seen as a critique of England's almost entirely unregulated banking sector, a scenario that meant that as long as a bank had no more than six partners, then it was free to issue as much paper money as it saw fit.

The construction of flash notes in such a precise manner by those who we might consider common engravers, highlights another major contemporary concern. This was the matter of skills and technologies explored in chapter three, and the question of why given the outbreak of forgery during the period 1797 to 1821, the Bank did not alter the techniques and materials used in the construction of its notes. Certainly this was the most pressing issue for the artists involved in the Bank's consultation during the first two decades of the nineteenth century. It has been argued here, however, that the failure of the Bank to adopt a new note design was not something influenced merely by financial pressures, but more by the fact that the artists consulted over the new design were clearly divided in their opinion as to the best way to proceed. Moreover the 1819 *Society of Arts* report demonstrates a clear split between those who favoured a technical solution, an adoption of the most advanced printing and engraving techniques available, and those who sought an aesthetic solution, and therefore held the belief that the key to defeating the forger was to improve the artistic merit of the Bank Note as a means of helping to improve the nation's visual discernment. It has also been argued in chapter three, however, that an overemphasis on the so-called search for the inimitable Bank Note, and in particular the technologies of copperplate engraving and printing in both the contemporary and modern literatures, has led scholars largely to overlook the plurality of ways in which the Bank Note - and more broadly

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<sup>9</sup> Shin, *Culture of Paper Money*, p.227, see, ch.2, pp.100-101.

banknotes - could be imitated. Furthermore, not only could this be undertaken via the construction of brand new counterfeits, using methods that involved no engraving, but also through altering the values of existing genuine notes, a method that was not confined merely to larger denominations.

This thesis has for the first time attempted to engage with perceptions 'from below' of both the paper money economy after 1797, and the 'epidemic' of forgery that took place during this period. In doing so it has paved the way for future studies in this area, ones that will undoubtedly address subjects well beyond the scope of this work. For instance, including the matter of forgery activity, we in fact know very little about the more regionalised cultures of paper money that would have inevitably evolved - albeit on much smaller scales - around locally printed banknotes after around 1750.

It has been necessary, however, to begin once again with the notes for which we have the most readily available source material, those of the Bank of England, and for which it has long been assumed that we know the most about.<sup>10</sup> The thesis has naturally strayed into the territory of country banknotes, particularly in the discussion regarding flash notes in chapter two. Whereas it is suggested in one sense that it is problematic to discuss country notes and those of the Bank as one and the same, the thesis has highlighted the possibility for a considerable crossover in common contemporary perceptions. Yet, much groundwork still needs to be undertaken on these notes before conclusions can be made more concrete.

To summarise, the work has suggested that not only were ordinary perceptions of Bank Notes inherently multi-layered, but that the spike in Bank Note forgery witnessed in this period was not brought about merely as a result of the undiscerning eyes of those who have previously been portrayed as the ignorant and illiterate masses.

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<sup>10</sup> Clapham, *Bank of England*, Vol.2, p.5.

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