

Female Criminality in 18th-Century Halifax

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THE SUBJECT OF WOMEN AND CRIME has attracted considerable interest among historians in recent years. The bulk of the literature, however, especially the Canadian, has considered what might be termed female-specific aspects of crime and criminal justice, such as rape, infanticide, prostitution and abortion.¹ While such studies reveal much about these forms of offending and victimization, the ways in which the criminal law has been used to regulate reproduction, and the ideologies associated with the operation of particular laws, their very specificity limits the extent to which they can be used to arrive at broader conclusions about women, crime and society. Even when historians have considered the role of women in less gender-specific offences, their investigations have generally concentrated on one offence or on a particular case or cases. Again, some of this work is immensely fruitful in exposing phenomena such as patterns of homicide victimization,² the operation of the ideology of chivalry in high-profile cases,³ or the gendered treatment of those considered insane,⁴ but it tells us little about more general trends in female criminality or responses to it. Broader work on female crime is scanty and largely limited to statistical studies of minor offences in the 19th-century city.⁵

- 1 The literature is voluminous. For a general overview see Jim Phillips, "Crime and Punishment in the Dominion of the North: Canada from New France to the Present", in Clive Emsley and Louis A. Knafla, eds., *Crime History and Histories of Crime: Studies in the Historiography of Crime and Criminal Justice* (Westport, Conn., 1996), pp. 163-99. This research was funded in part by a grant from the Social Sciences and Humanities Research Council. We thank John Beattie, Rosemary Gartner, Karen Pearlston, Carolyn Strange and the anonymous reviewers for this journal for their comments on an earlier version.
- 2 Rosemary Gartner and Bill McCarthy, "The Social Distribution of Femicide in Urban Canada, 1921-1988", *Law and Society Review*, 25, 2 (1991), pp. 287-311.
- 3 Carolyn Strange, "Wounded Womanhood and Dead Men: Chivalry and the Trials of Clara Ford and Carrie Davis", in Franca Iacovetta and Mariana Valverde, eds., *Gender Conflicts: New Essays in Women's History* (Toronto, 1992), pp. 149-88.
- 4 Dorothy Chunn and Robert Menzies, "Out of Mind, Out of Law: The Regulation of 'Criminally Insane' Women inside British Columbia's Public Mental Hospitals, 1888-1973", *Canadian Journal of Women and the Law*, 10, 2 (1998), pp. 306-37; Chunn and Menzies, "The Gender Politics of Criminal Insanity: 'Order-in-Council' Women in British Columbia, 1888-1950", *Histoire sociale/Social History*, 31, 62 (novembre/November 1998), pp. 241-79.
- 5 See John Hagan and Helen Boritch, "A Century of Crime in Toronto: Gender, Class and Patterns of Social Control, 1859-1955", *Criminology*, 28, 4 (November 1990), pp. 568-99; Jane Price, "Raised in Rockhead. Died in the Poor House: Female Petty Offenders in Halifax, 1864-1890", in Philip Girard and Jim Phillips, eds., *Essays in the History of Canadian Law: Volume III - Nova Scotia* (Toronto, 1990), pp. 200-31; Judith Fingard, *The Dark Side of Life in Victorian Halifax* (Halifax, 1989). An

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The result is that, especially in the area of more serious offences, our knowledge of the prevalence, nature and causes of female crime in Canadian history is almost non-existent. This essay is an attempt to begin to fill that gap, using a database of prosecutions in Halifax in the second half of the 18th century. As in other societies, crime in Halifax was “gendered”; that is, crime was primarily a male activity and, when women did commit crime, they tended to commit different kinds of crimes than men. Explanations offered by historians for the gendered nature of crime stress the links between female criminality and social roles and controls. The history of crime and punishment is above all else a history of the complicated intertwining of deviance, authority and social status. Crime, like the poor, may have always been with us, but questions about who offends, and how often and in what ways they do, provide fruitful avenues by which to explore a particular society.

Halifax was established in 1749 for strategic reasons, and throughout the rest of the century its fortunes were largely tied to the ebb and flow of colonial warfare and, therefore, British government spending.⁶ Halifax was a frontier society, especially in the 1750s, marked by substantial transiency of population and social instability. Its economy was equally unstable, subject to periods of boom and bust depending on the course of imperial affairs. And, perhaps most importantly, its role as a naval and garrison town shaped its demographic character. An accurate account of population figures is impossible; contemporary census data are not particularly reliable, and the difficulty of assessing population levels in general and gender ratios in particular is exacerbated by the city’s status as a naval base and garrison town, which meant that the number of people in Halifax fluctuated, at times wildly, with the vagaries of North American warfare. The city’s non-military population grew, although not in a consistent manner, from roughly 2,500 in 1749-50, to about 5,000 in the early 1770s, to more than 8,000 at the end of the century. Until the late 1760s there were more men than women in the civilian population, perhaps 58 and 42 per cent respectively; subsequently there was a rough balance between the sexes.⁷ If the ranks of the army and navy are factored in, however, there were always more men than women in the city. For much of this period, some 2,000 to 3,000 men were permanently stationed in Halifax, although on occasions there were practically none, and sometimes there were

exception is André Lachance, “Women and Crime in Canada in the Early Eighteenth Century, 1712-1759”, in Louis Knafla, ed., *Crime and Criminal Justice in Europe and Canada* (Waterloo, 1981), pp. 157-77. The recent work of Joan Sangster is also a notable exception. See Sangster, “Criminalizing the Colonised: Ontario Native Women Confront the Criminal Justice System, 1920-1960”, *Canadian Historical Review*, 80, 1 (March 1999), pp. 32-60; Sangster, “Incarcerating ‘Bad’ Girls: The Regulation of Sexuality Through the Female Refugees Act in Ontario, 1920-1945”, *Journal of the History of Sexuality*, 7, 2 (October 1996), pp. 239-75.

6 This is very much the traditional picture of the city’s history, best exemplified by older studies such as Thomas Raddall, *Halifax: Warden of the North*, rev. ed. (Toronto, 1971) and Thomas Akins, *History of Halifax City* ([1895] Belleville, 1984). The recent city history by Judith Fingard, Janet Guildford and David Sutherland, *Halifax: The First 250 Years* (Halifax, 1999), takes issue with the Raddall thesis as a paradigm for the general history of the city, but its chapters on this period do not paint a different picture.

7 This summarizes the data given in *Censuses of Canada, 1665-1871* (Ottawa, 1876), pp. xxiv, 69-70. See also C.B. Fergusson, “Eighteenth Century Halifax”, *Canadian Historical Association Report* (1949), pp. 32-9; “Early Descriptions of Nova Scotia”, *Report of the Public Archives of Nova Scotia* (Halifax, 1934), pp. 21-51; Akins, *History of Halifax*.

a great many more.⁸ On average about as many servicemen lived in the city as did male civilians, and thus Halifax, in general, contained about twice as many men as women.⁹

Women formed a small minority of the total (15.4 per cent) of prosecutions for serious crime – defined as the set of offences in which “some real harm was done to a specific victim”¹⁰ – committed in Halifax from its founding in 1749 to 1803 (Table One).¹¹ The offences covered ranged from homicide to theft without aggravating circumstances, and were prosecuted in the higher criminal court of the jurisdiction, not in the Sessions court. The Halifax figures are roughly in line with those for almost every period in every place examined by historians. In New France the proportion was 19.7 per cent,¹² and similar low representation has been noted for colonial America¹³

- 8 In 1757 and 1758, many thousands of soldiers and sailors were gathered in Halifax for an assault on Louisbourg. In contrast, in the spring of 1775 General Gage ordered all troops to Boston in response to the impending conflict with the rebellious colonies, apparently leaving just 36 men in Halifax. See Akins, *History of Halifax*, p. 54; J.B. Brebner, *The Neutral Yankees of Nova Scotia* (Toronto, 1969), p. 300. For the permanent garrison, see C.P. Stacey, “Halifax as an International Strategic Factor, 1749-1949”, *Canadian Historical Association Report* (1949), pp. 46-8; “Journal of Benigne Charles de Saint Mesmin, 1793”, *Report of the Public Archives of Canada* (Ottawa, 1946), p. xxv; R.A. Evans, “The Army and Navy at Halifax, 1783-1793”, M.A. thesis, Dalhousie University, 1970, chapter 1, p. 148; Allan Marble, *Surgeons, Smallpox and the Poor* (Montreal and Kingston, 1993).
- 9 We are not suggesting this was the case in any given year, rather that this ratio reflects the period as a whole.
- 10 J.M. Beattie, *Crime and the Courts in England, 1660-1800* (Princeton, 1986), p. 6. For the law relating to offence definitions, see Jim Phillips, “‘Securing Obedience to Necessary Laws’: The Criminal Law in Eighteenth-Century Nova Scotia”, *Nova Scotia Historical Review*, 12, 2 (1992), pp. 87-124.
- 11 The Halifax Supreme Court – Criminal Cases Database used for Tables One, Two, Four, Five, Six and Seven, is a SPSS file of all criminal cases prosecuted in the Halifax General and Supreme Courts from 1749. It is compiled principally from the proceedings books of the court of the General Court of Halifax (1749-54) and the Supreme Court of Nova Scotia (1754-1803), which record the basic details of all offences prosecuted and are almost complete for the years between 1749 and 1803; data for 1761 to 1763 are missing, although we have cases for those years from other sources. The proceedings books are RG 39, Halifax County, series J, vols. 1, 2, 117, Public Archives of Nova Scotia [PANS], Halifax. The information from this source has been supplemented by case files (RG 39, series C, vols. 1-82), which include indictments, depositions and recognizances. These case files are only available for about 40 per cent of the cases. Details of some cases are also available in newspapers, official correspondence and various other sources. Two further points should be made about the database. First, it is one of “prosecuted” crime, a term used throughout this paper because it represents only offences brought to court. This is not to suggest that all crimes committed by women, or men for that matter, were prosecuted, and thus prosecutions cannot be taken as a measure of all crime committed. Second, it includes only offences committed in the city of Halifax and its immediate environs, and not those committed in the more remote parts of Halifax County, or in other counties, which were on occasion also prosecuted in the city. There are differences between Table One and the offence count given for a slightly different period in a previous article on the subject. See Jim Phillips, “Women, Crime and Criminal Justice in Early Halifax, 1750-1800”, in Jim Phillips, Susan Lewthwaite and Tina Loo, eds., *Essays in the History of Canadian Law Volume V: Crime and Criminal Justice* (Toronto, 1994), p. 178. These are the result of excluding offences here which were committed outside Halifax, the use of slightly different years, and the addition of cases to the database since the previous article was published eight years.
- 12 Lachance, “Women and Crime in Canada”, p. 158.
- 13 N.E.H. Hull, *Female Felons: Women and Serious Crime in Colonial Massachusetts* (Champaign, Ill., 1987); Hull, “The Certain Wages of Sin: Sentence and Punishment of Female Felons in Colonial Massachusetts, 1673-1774”, in D. Kelly Weisberg, ed., *Women and the Law in Social Historical*

Table One
Male and Female Prosecutions, Halifax, 1749-1803

Type of Offence	Men	Women	Female Percentage of Total
Offences Against the Person	186	15	7.4
Property Offences	404	91	18.3
Other Offences	82	17	17.1
Total	672	123	15.4

Source: Halifax Supreme Court – Criminal Cases Database.

and for England from the medieval period to the 19th century.¹⁴ At certain times and in certain places, however, rates of female criminality were much higher. In a study of the City of London in the late 17th and early 18th centuries, Beattie found that women were responsible for almost 48 per cent of property crime, an “extremely unusual” rate and a phenomenon he attributes to particular economic pressures.¹⁵

Perspective (New York, 1982), vol. 1, pp. 7-25; Donna Spindel, “The Administration of Criminal Justice in North Carolina, 1720-1740”, *American Journal of Legal History*, 25, 2 (April 1981), p. 158; Edgar McManus, *Law and Liberty in Early New England: Criminal Justice and Due Process, 1620-1692* (Amherst, Mass., 1993), pp. 152-3; Gail Rowe, “Women’s Crime and Criminal Administration in Pennsylvania, 1763-1790”, *Pennsylvania Magazine of History and Biography*, 109, 3 (July 1985), p. 339.

- 14 The literature demonstrating this phenomenon is very large. For a representative sample, see Barbara Hanawalt, “Women Before the Law: Females as Felons and Prey in Fourteenth Century England”, in Weisberg, ed., *Women and the Law*, vol. 1, pp. 165-95; Hanawalt, *Crime and Conflict in English Communities 1300-1348* (Cambridge, Mass., 1979), pp. 115-23; Carol Wiener, “Sex Roles and Crime in Late Elizabethan Hertfordshire”, *Journal of Social History*, 8 (Summer 1975), pp. 38-60; Joel Samaha, *Law and Order in Historical Perspective: The Case of Elizabethan Essex* (New York, 1974), p. 27; Peter Lawson, “Patriarchy, Crime and the Courts: The Criminality of Women in Late Tudor and Early Stuart England”, in Greg Smith, Allyson N. May and Simon Devereaux, eds., *Criminal Justice in the Old World and the New: Essays in Honour of J.M. Beattie* (Toronto, 1998), pp. 16-57; J.A. Sharpe, *Crime in Seventeenth Century England: A County Study* (New York, 1983), pp. 95, 108, 124; Cynthia Herrup, *The Common Peace: Participation and the Criminal Law in Seventeenth-Century England* (Cambridge, 1987), pp. 116-17; J.M. Beattie, “The Criminality of Women in Eighteenth Century England”, *Journal of Social History*, 8 (Summer 1975), pp. 80-115; Beattie, *Crime and the Courts in England*, pp. 237-43; David Philips, *Crime and Authority in Victorian England* (London, 1977), pp. 147-8.
- 15 John M. Beattie, “Crime and Inequality in Eighteenth-Century London”, in John Hagan and Ruth Peterson, eds., *Crime and Inequality* (Stanford, 1995), pp. 116-39. See also the same author’s “‘Hard-Pressed to Make Ends Meet’: Women and Crime in Augustan London”, in Valerie Frith, ed., *Women and History: Voices of Early Modern England* (Toronto, 1995), pp. 103-15. For approximately equal levels of offending, see also C. Dallett Hemphill, “Women in Court: Sex-Role Differentiation in Salem, Mass. 1636 to 1683”, *William and Mary Quarterly*, 3rd series, XXXIX, 1 (January 1983), pp. 164-75; Gwenda Morgan and Peter Rushton, *Rogues, Thieves and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London, 1998).

The 16 per cent figure for Halifax is somewhat unusual, as it is low compared to other urban communities. Feeley and Little have argued for a generally high rate of female criminality in 18th-century London, with rates for female indictments for all crimes fluctuating between 20 and 48 per cent.¹⁶ Feeley has subsequently argued that “women constituted 30-50 per cent of the cases in the criminal process”, not only in metropolitan London but in a number of continental cities as well.¹⁷ Beattie has likewise shown that female participation was generally higher in urban areas, occasionally substantially so. London in the late 17th and early 18th centuries appears to represent the most extreme example; elsewhere a considerable gender gap remained, but a significantly smaller one than for rural areas.¹⁸

In Halifax, as elsewhere, women committed different types of offences than did men. Women were prosecuted for a much higher percentage of property offences (18 per cent) than of violent offences (7 per cent).¹⁹ This bias in favour of property crime and against violent offences was a significant aspect of a gendered pattern of offending. Some 74 per cent of charges against females were for property crime, compared to barely 60 per cent of charges against men. Statistics concerning offences against the person need to be treated with some caution because they include the effectively “male only” charges of rape, assault with intent to rape, and sodomy and its attempt, but it is difficult to avoid the conclusion that women were much less prone to commit crimes of violence than other kinds of offences. Moreover, the disjuncture between violent and other offences committed by women in Halifax was even more marked than elsewhere. In 18th-century Sussex and Surrey, for example, women were responsible for 23.8 per cent of all property charges and 18.5 per cent of offences against the person.²⁰ Similar trends marked patterns of crime in, among other places, North Carolina and New France in the 18th century.²¹

A gendered pattern of offending is also revealed by an examination of differences within the property crime category. Women were much less likely to be charged with burglary or with robbery (only three cases each) than with various forms of larceny or with receiving (Table Two). Indeed, the relationship between seriousness of offence

16 Malcolm Feeley and Deborah Little, “The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912”, *Law and Society Review*, 25, 4 (1991), pp. 719-51.

17 Malcolm Feeley, “The Decline of Women in the Criminal Process: A Comparative History”, *Criminal Justice History*, 15 (1994), pp. 235-73.

18 Beattie, “Criminality of Women”, pp. 81, 97, shows that rates of offending rose from 18 to 22 per cent in offences against the person, and from 24 to 28 per cent in offences against property. See also Philips, *Crime and Authority in Victorian England*, pp. 147-8; Victor Gattrell and O. Hadden, “Criminal Statistics and their Interpretation”, in E.A. Wrigley, ed., *Nineteenth Century Society: Essays in the Use of Quantitative Methods for the Study of Social Data* (Cambridge, 1972), p. 338.

19 The “other offences” category in Table One includes arson, coining, sedition, perjury, adultery, forcible detainer, property damage, keeping a disorderly house and a number of other minor offences. Two-thirds of the female offenders in this category (12 of 17) were charged with keeping a disorderly house.

20 Beattie, “Criminality of Women”, p. 81. We have adjusted Beattie’s property offence figure slightly to account for differences between his sample and ours. From this and other evidence, Beattie concludes that women’s crime generally “tended to be rather less direct, less open, risking less of a confrontation with the victim” than that of men. See *ibid.*, p. 95.

21 Spindel, “Criminal Justice in North Carolina”, p. 158; Lachance, “Women and Crime in Canada”, p. 159. Lachance concludes that “each sex had its own criminal pattern”.

Table Two
Property Offences – Male and Female Offenders – Halifax, 1749-1803

Offence	Men	Women	Female Percentage of Total
Burglary and Robbery	92	6	6.1
Capital Larcenies	59	7	10.6
Grand Larceny	172	47	21.5
Petit Larceny	30	18	37.5
Fraud and Forgery	16	1	5.8
Receiving	36	12	25.0
Total	404	91	18.3

Source: Halifax Supreme Court – Criminal Cases Database.

and female participation is a very precise one. Women were charged with capital larcenies more often than with burglary and robbery combined,²² but much less often than with grand or petit larceny (respectively simple theft of goods worth more or less than 20 shillings). Again, these findings are similar to those of other historians.²³

One possible reason for women not being charged with the more serious crimes is down-charging – charging with a lesser offence when the facts would support a graver charge. In a system in which the decisions about whether to report an offence and go forward with a charge were largely left to victims, who often had also to prosecute the case in court, there was much discretion left in private hands. That discretion extended to the charge chosen, which in property cases often depended on the valuation of the goods stolen.²⁴ Discretionary down-charging certainly happened for some women with their cases ending up in indictments for grand larceny rather than, for example, housebreaking or shop-lifting which were both capital larcenies. Ann Westman likely benefited from this practice when she broke into and entered a house in the daytime and stole some pewter plates and linen cloth. Under received English law this was a capital offence if the goods stolen were worth five shillings or more. Although the

22 “Capital larcenies” is used for the numerous offences for which statutes prescribed the death penalty for cases of larceny committed in certain circumstances. Examples include picking pockets or stealing an employer’s goods worth 40 shillings. For a review of which offences were capital in Nova Scotia at various times in the 18th century, see Phillips, “The Criminal Law”.

23 See the same patterns in Garthine Walker, “Women, Theft and the World of Stolen Goods”, in Jenny Kermode and Garthine Walker, eds., *Women, Crime and the Courts in Early Modern England* (London, 1994), Table 4.1; Beattie, “Criminality of Women”; Philips, *Crime and Authority in Victorian England*, p. 147.

24 For the prosecution process, see Jim Phillips, “The Criminal Trial in Nova Scotia, 1749-1815”, in G. Blaine Baker and Jim Phillips, eds., *Essays in the History of Canadian Law: Volume VIII – In Honour of R.C.B. Risk* (Toronto, 1999), pp. 469-511. As this source demonstrates, the presentation of the case in court was at times given to a public prosecutor, but this did not alter the responsibility of the victim

plates she stole were valued at three shillings, the indictment gave no value to the linen, and thus she was tried only for grand larceny.²⁵ Similarly, Martha Welsh picked the pocket of a naval sailor, a capital offence, but was charged only with grand larceny.²⁶ Down-charging, however, was a gender-neutral phenomenon resulting from grand jurors' and prosecutors' reluctance to risk sending thieves to the gallows; approximately as large a proportion of men were charged with lesser offences as women.²⁷ Moreover, down-charging does not account for the lack of female charges in those offences distinguished by violence and/or breaking in, for there is no evidence of lenient prosecution practices in those cases.

There are two possible objections to accepting the figures presented above as an accurate representation of women in criminal activity. First, the prosecution figures are derived solely from the records of the Supreme Court (and its predecessor the General Court), and therefore represent only the more serious offences. The vast majority of minor assaults were prosecuted in the Court of Quarter Sessions, which also heard some petit larceny cases and a variety of other minor charges. It is a commonplace of studies of female crime that women's involvement is higher with the less serious offences, and thus reliance on Supreme Court records may result in a significant understatement of the female numbers. Unfortunately, it is not possible to test this hypothesis for the entire half century, as the Quarter Sessions records are only sporadically available before 1790. But the data presented in Table Three, showing prosecutions for the one decade for which Quarter Sessions records are complete,²⁸ do reveal a significant difference in women's participation in prosecuted crime for lesser offences. While the overall figure is about the same, there is a substantial difference in violent offences: women were responsible for 15.4 per cent of assaults prosecuted in Quarter Sessions, more than twice the rate at which they were prosecuted for offences against the person at the Supreme Court.²⁹ Thus the lessons to be drawn from the Quarter Sessions records are twofold. Women were more prone to commit violent offences than the Supreme Court records alone would suggest. However, despite women's greater degree of involvement in violent crime, prosecution for all offences was still gendered and women's overall participation remained low.

A second problem with the figures presented in the tables, both for the Supreme Court and for the Quarter Sessions, is under-reporting. Like down-charging, this was

or his or her family to report and carry the case before trial.

25 See RG 39, series J, vol. 117, PANS; Belcher to Pownall, 16 January 1755, CO 217/15/211-12.

26 RG 39, series J, vol. 117 and series C, vol. 3, no. 50, PANS.

27 See, for example, the cases of James Brown (1758) tried for grand larceny despite his having stolen from a wharf, a capital larceny, and of James Dogherty (1791). Although Dogherty had broken into and entered a ship at night and stolen goods from it – a capital larceny by Nova Scotia statute – he was charged with grand larceny. See RG 39, series J, vol. 117, vol. 2, p. 112; series C, vol. 63, no. 33, PANS.

28 The Halifax Quarter Sessions Criminal Case Database used for Table Three is compiled from the Quarter Sessions records in RG 34-312, series J, vols. 1, 3, 4; series P, vols. 1-6; RG 60, PANS. There is information on some cases prior to the late 1780s in the Sessions records and in the files of the Supreme Court as cases were shunted up and down the system. However, none of this constitutes a consistent statistical record of the caseload of the court before 1790.

29 The property offences percentage is also much higher for Quarter Sessions, but it derives from a small absolute total. It is perhaps more useful to note that all non-assault prosecutions totalled 19 per cent, only marginally higher than the equivalent figure for the Supreme Court.

Table Three
Male and Female Prosecutions at Halifax Quarter Sessions, 1791-1800

Offence	Male	Female	Total	Female Percentage of Total
Assault	253	46	299	15.4
Petit Larceny	10	4	14	28.6
Other Offences	27	5	32	15.6
Total	290	55	345	15.9

Source: Halifax Quarter Sessions Criminal Cases Database.

to some extent an artifact of a system which relied on private prosecution. The tables probably understate the global levels of female deviance because they are comprised only of offences brought to court. Historical work on crime, like contemporary criminology, suggests that crime by females is more likely to be under-reported than that by males, in part because women's crime was more minor and the more minor the offence the less likely it was to be reported. It is difficult to assess the extent of under-reporting precisely because of the nature of the problem. We can, however, to some extent measure refusal to carry the prosecution forward after the initial reporting to the justice of the peace (JP). Certainly women benefited from such leniency on a number of occasions. In 1752, for example, five men – four soldiers and a local shopkeeper – were charged with burglary of the government store. A sixth person, Hannah Weldon, the shopkeeper's wife, could have been charged but was not, although she was likely at least guilty of knowingly receiving the stolen goods, if not of taking part in the burglary itself.³⁰ Surviving case files suggest as many as 11 occasions on which women were the recipients of such leniency. There were, however, many more examples of prosecutorial forbearance for male offenders than for women,³¹ in a ratio of approximately five to one. Comparing this figure to that given in Table One for overall female participation (15 per cent), it appears that women were favoured in the process of deciding whether to bring a suspected criminal to court, although not more than slightly disproportionately to their numbers in the "offender pool".

None of this tells us anything directly about under-reporting rates, which in absolute numbers would have involved many more cases. But quite a few of the

30 RG 39, series C, vol. 1, nos. 71-4, 82, 84, 89, 93, 94, 113, PANS; Hopson to Board of Trade, 6 December 1752, CO 217/13/417.

31 Examples include the cases of James (or Jeremiah) Macdonald (1751, forgery), Robert Brooks (1752, theft of tools), John Monk (1759, burglary and theft of a watch), James Harrington and John Dounen (1771, felony), James Hunkett (1787, theft), John O'Neal (1788, attempted robbery). See RG 39, series C, vol. 1, nos. 49, 103, 108, 109, 111, vol. 3, no. 31; RG 34-312, vol. 4, PANS.

reasons which led victims of crime not to prosecute – a lack of resources, indifference, unwillingness to devote the time and money needed to prosecute, fear of the consequences of conviction and preference for private sanctioning in a system which relied heavily on private prosecution – may have been similar to those which would have discouraged reporting in the first place. Thus it is also likely that the ratio of female to male offending that was not reported at all was similar to that which was not prosecuted. Moreover, the assumption of under-reporting of female crime is often bolstered by reference to lenient treatment of female offenders being a common characteristic of criminal justice systems. In 18th-century Halifax, juries and judges generally displayed no such lenience.³² In not treating women radically differently from men, Halifax was unusual; Peter King has recently argued that in England “women had the advantage at virtually every stage of the pre-trial process”.³³ But unusual or not, it seems reasonable to conclude from this evidence that under-reporting did artificially deflate the figures for female participation relative to male, but only marginally.

Thus neither the nature of the Supreme Court’s jurisdiction, nor under-reporting, nor coverture seriously impair the usefulness of the figures in Table One as measures of female prosecution rates relative to male.³⁴ Two aspects of Halifax’s demographics require consideration as well.

First, raw prosecution figures are not a precise measure of per capita female propensity for crime because women were a minority of the Halifax population – about a third. Comparing the absolute numbers of male and female prosecutions, therefore, provides a good sense of women’s participation in the overall landscape of

32 For this see Phillips, “Women, Crime and Criminal Justice”, pp. 179-82.

33 Peter King, *Crime, Justice and Discretion in England, 1740-1820* (Oxford, 2000), p. 200.

34 A third issue that might also have affected prosecution rates is that an aspect of the common law doctrine of coverture (the unity of husband and wife) was that a married woman was exempt from conviction if it could be shown that she had acted under the direction of her husband when committing a felony. See generally William Blackstone, *Commentaries on the Laws of England* ([1765-1769] Chicago, 1979), vol. 4, pp. 28-9. Although there is conflicting evidence about how much practical effect it had as a formal doctrine, it was still alive in England and in New England in the second half of the 18th century. Beattie, “Criminality of Women”, pp. 95-6, argues that it had little effect, but King shows that many married women prosecuted at the Old Bailey did escape conviction. See Peter King, “Female Offenders, Work and Life-Cycle Change in Late Eighteenth-Century London”, *Continuity and Change*, 11, 1 (1996), p. 68. There is little work on coverture and criminal liability in the American colonial and early republican periods. Nelson argues that it was still a functioning doctrine, but his sources are reported cases stating the law, not the day-to-day operations of the courts. Hull shows that married women were convicted at the same rate as unmarried ones, but does not discuss the role of coverture as such. Most importantly, Rowe shows that despite the doctrine being consistently cited in legal treatises, it was systematically ignored in practice. See William Nelson, *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830*, 2nd ed. (Athens, Ga., 1994), p. 103; Hull, *Female Felons*, pp. 54-5; G.S. Rowe, “Femes Covert and Criminal Prosecution in Eighteenth Century Pennsylvania”, *American Journal of Legal History*, 32, 2 (April 1988), pp. 138-56. Unfortunately, there is not even this much evidence for Nova Scotia; the cases do not provide any clue as to its use, and coverture is not mentioned in the earliest text on Nova Scotia law. See Beamish Murdoch, *Epitome of the Laws of Nova Scotia* (Halifax, 1832-33). In any event, coverture was a doctrine about conviction, not prosecution, and the proper place for its application was in the courtroom, not in the investigative, pre-trial process. Coverture should not have shielded women from court appearances and is not a major issue here.

crime, but it does not tell the whole story and understates the participation of women relative to their representation in the population. Women were much more likely to be involved in crime than the 15 per cent figure given in Table One suggests.

Halifax was not just a city of more men than women. The city's male population had a substantial military component, and these young, unattached males were responsible for a significant number of the offences that make up the prosecuted crime figures. Table Four compares women's offending to that of male civilians by distinguishing between the latter and military offenders, the percentages in the right-hand column presenting women as a total of all civilian prosecutions.³⁵ If charges against servicemen are set aside, prosecutions of women made up more than a fifth of all prosecutions of civilians – 123 of 554, or 22 per cent. Thus, proportionately to their representation in the population, and to the civilian population in particular, criminal activity was a somewhat more important part of women's experience in the city than the absolute numbers suggest.

Female prosecutions were distributed unevenly across this period. Forty-eight of the 91 property charges were laid in the years up to and including 1760, with the other 43 occurring thereafter, at the rate of only one a year.³⁶ This pattern is not reproduced for other offences, which were prosecuted more consistently, although there was an increase in all categories from 1790 to the end of the period. The ratio of female to male prosecutions in the 1750s was not, however, entirely out of line with the period in general, because prosecution rates were generally high in the first decade. Between 1749 and 1760 there were 284 prosecutions, and 60, or 21 per cent, involved women – a somewhat higher rate of female prosecution than for the period as a whole.³⁷ For property offences only, the female portion was 26 per cent (48 of 184), also higher than for the period as a whole.

Thus, in the 1750s, women represented perhaps a third of the population and were responsible for approximately one-fifth of all prosecuted crime and one-quarter of prosecuted property crime. In contrast, after 1760, female prosecution represented just 13.9 per cent of the total and 13.8 per cent of property crime. Indeed, after the first decade only 63 women were prosecuted in 43 years in all offence categories, an average of just one and a half a year.

The patterns of female crime in Halifax, then, were complex. The principal general conclusion, that women had a minor role in criminal activity and especially in non-

35 The figures for military and civilian charges given in Table Four are calculated from the 480 male cases out of 672 (71 per cent) where the records allow for this identification. The ratios were then extrapolated to the male totals in each category. One might assume that the military figures are artificially low because many military offenders would be dealt with by military justice. In fact, crimes committed by members of the armed forces in the city rather than in barracks or similar military "areas" even if they involved members of the armed forces as victim and perpetrator, were prosecuted in the civilian courts. Indeed, some homicides were tried there even when both offender and victim were members of the forces and when the offence was committed within military areas.

36 Most cases from 1761 to 1763 inclusive are missing and so it is not possible to tell precisely when the higher representation of women came to an end. It is the case, nonetheless, that this occurred sometime in the early 1760s.

37 The generally high prosecution rate in the 1750s was probably in part a result of the difficult economic conditions facing the fragile colony, and in part a result of the aggressive use of the criminal process by the authorities in their search for order.

Table Four
 Military, Male Civilian, and Female Prosecutions, Halifax, 1749-1803

Type of Offence	Military	Male Civilian	Women
Offences Against the Person	78	108	15 (12.2%)
Property Offences	157	247	91 (26.9%)
Other Offences	6	76	18 (19.1%)
Total	241	431	123 (22.2%)

Source: Halifax Supreme Court – Criminal Cases Database.

property offences, is both plain to see and reasonably easy to explain. Women’s limited participation in prosecuted crime can generally be related to their social roles and opportunities. But there are particular aspects of the Halifax experience that require Halifax-specific explanations. The causes of the higher rates of female crime in the first decade, the low rates after 1760, and the substantial absence of women from offences against the person – more so than elsewhere – are grounded in the origins, social structure, immigration patterns, and economy of this North American frontier and port city.

Having long abandoned biological explanations for the gender gap in crime,³⁸ historians, like sociologists, have generally employed arguments based on social structure.³⁹ First, it is often suggested that patriarchy exercised more effective informal social controls on women than general structures of authority represented by class, community and church did on men. This argument has been used to explain low levels of female criminality from the medieval period onwards.⁴⁰ Women’s economic dependence on men in a patriarchal society may, as Peter Lawson has argued, have acted to discourage them from theft, while an emphasis on deference to male authority and the female virtues of diffidence, modesty, and self-restraint may have discouraged independent, risk-taking, or confrontational behaviour.⁴¹

38 The classic version of this is Cesare Lombroso and William Ferrero, *The Female Offender* ([1898] New York, 1920).

39 This summarizes the explanations put forward in Beattie, “Criminality of Women”; Hull, *Female Felons*; Hanawalt, “Women Before the Law”; Lachance, “Women and Crime in Canada”.

40 Hanawalt points to the “socially prescribed roles” for women that militated against female criminality in 14th-century England; Weiner argues that “sex roles” in the 16th century explain the differences between men and women; Lawson stresses the relationship between patriarchy and crime in late-16th- and early-17th-century Hertfordshire. See Hanawalt, “Women Before the Law”; Weiner, “Sex Roles and Crime”; Lawson, “Patriarchy, Crime and the Courts”.

41 See Lawson, “Patriarchy, Crime and the Courts”, pp. 43-52. The link between social conditioning, gender identity and crime would seem to be borne out by the records of the 19th-century courts: female crime declined in an age which promoted an ideal of womanhood that stressed domesticity, selflessness and sexual purity. For female crime in the Victorian period, see Lucia Zedner, *Women, Crime and Custody in Victorian England* (Oxford, 1991).

Second, compared to men, women had restricted opportunities to become involved in crime, for their employment options were much more limited. Gender roles are also said to have affected the way in which women committed crime. That is, some historians have argued that lack of skills in activities such as riding horses and using weapons, for example, meant that women were less likely to join the ranks of highway robbers. As a result, when they did offend, women were more likely to commit crimes such as simple larceny. The dual constraints of informal controls and limited opportunity have thus been used to account for both low levels of female offending and for the gendered nature of female crime.⁴² These explanations take on additional interpretive force as rates of female offending in urban areas are invariably higher than in rural ones. In Essex, for instance, only 13 per cent of those indicted for property crime in the second half of the 18th century were female.⁴³ Beattie argues that informal controls in the city were much weaker than in the countryside. In addition, women who lived in London, especially young, single women, were not tied to the social world of the agricultural and domestic economy, but were “thrown more directly into contact with a wider society”.⁴⁴ Moreover, young single women, forced to be their own breadwinners, like men were faced with economic pressure to break the law.⁴⁵

Recent research has shown that the public/private divide between the worlds of men and women applied much less in this period than it did later, and that women from the labouring classes in particular lived in a world that extended far beyond the home to the streets, markets and public houses.⁴⁶ While the social role explanations that have dominated the women and crime literature are perhaps therefore overstated, they nonetheless provide the best explanation for the gender gap in crime. They explain effectively the rural/urban differences which are consistent across time.⁴⁷ As well, while working-class women did live in a more public world than was once thought, it was not coterminous with that of men. Females were excluded from

42 Despite some expectations, 20th-century changes in women’s lives have not produced a major narrowing of the gender gap in crime. For the sociological debate over the relationships among social roles and status and levels of offending, see Darrell Steffensmeier, “Sex Differences in Patterns of Adult Crime, 1965-1977: A Review and Assessment”, *Social Forces*, 58, 4 (June 1980), pp. 1080-1108; Steffensmeier, “Crime and the Contemporary Woman: An Analysis of Changing Levels of Female Property Crime, 1960-1975”, in Lee Bowker, ed., *Women and Crime in America* (New York, 1981), pp. 39-65; John Hagan, John Simpson and A.R. Gilles, “The Class Structure of Gender and Delinquency: Toward a Power-Control Theory of Common Delinquent Behaviour”, *American Journal of Sociology*, 90, 6 (May 1985), pp. 1151-78; Hagen et al., “Class in the Household: A Power-Control Theory of Gender and Delinquency”, *American Journal of Sociology*, 92, 4 (January 1987), pp. 788-816; Steven Box and Chris Hale, “Liberation and Female Criminality in England and Wales”, *British Journal of Criminology*, 23, 1 (January 1983), pp. 35-49.

43 King, *Crime, Justice and Discretion*, p. 196. For female offenders generally, see pp. 196-207.

44 Beattie, “Criminality of Women”, p. 109; Beattie, “Crime and Inequality”.

45 See Philips, *Crime and Authority*, p. 148; Beattie, “Crime and Inequality”; Beattie, “Hard Pressed to Make Ends Meet”.

46 See especially Christine Stansell, *City of Women: Sex and Class in New York, 1789-1860* (Chicago, 1987); Anna Clark, *The Struggle for the Breeches* (Berkeley, 1995).

47 It is of course not the sole explanation. King points to differences in prosecutorial behaviour between rural and urban communities, arguing that in rural areas and small towns, without ready access to a borough court or quarter sessions, people “had strong traditions about the importance of using informal sanctions when the suspect was female”. See King, *Crime, Justice and Discretion*, p. 198.

employment in places such as dockyards and government offices, and by the nature of their employment could not acquire certain skills, all of which might in turn have limited their opportunities for the more serious kinds of crime. As King notes, “[t]he absence of women among those indicted for stealing stores from naval shipyards, coal from delivery carts, or grain from threshing floors is hardly surprising since they rarely had any involvement in these forms of work”.⁴⁸

All of this is somewhat speculative, as we know little about the history of women in 18th-century Halifax, or in Nova Scotia generally.⁴⁹ It is reasonable to assume that some women in this society lived as much under the control of men – husbands, fathers and employers of domestic servants – as they did elsewhere at this time. They did so largely as a result of the enduring nature of the domestic division of labour and the fundamental restriction of most women to family relationships and family life. Some women lived independently in the city, as full or part-time prostitutes, as boarding-house keepers, or higher up the social scale as midwives, storekeepers, teachers, and, even in a few cases, as undertakers.⁵⁰ But these women were exceptional, and to the extent to which the prevailing ideology can be discerned, women’s status was dominated by appeals to domesticity and assumptions of public subordination. Women were expected “to put wifely duty first”, with marriage and family being “the focus of their existence”.⁵¹ As one local newspaper put it, women were made to assist men “in the toils of life”, their proper roles being to “preside . . . in the house”, to “[take] care of . . . family . . . manage the household prudently and imbue children with wisdom and goodness”.⁵² Another paper published “Advice to the Fair Sex”, stressing the need for submission to husbands and devotion to home and children.⁵³ Certain aspects of Nova Scotia law, derived from Massachusetts, perhaps

48 Ibid., p. 197.

49 As one reviewer has put it, Canadian scholars in the field have “leaped from the fur trade to industrial society”. See Margaret Conrad, “The Rebirth of Canada’s Past: A Decade of Women’s History”, *Acadiensis*, XII, 2 (Spring 1983), p. 146. For a more recent overview, which argues that progress has been “lamentably slow”, see Gail Campbell, “Canadian Women’s History: A View from the Atlantic”, *Acadiensis*, XX, 1 (Autumn 1990), p. 185. There is a very limited discussion of 18th-century women, mostly those of the middle class, in Gwendolyn Davies, “‘Dearer than his Dog’: Literary Women in Pre-Confederation Nova Scotia”, in Davies, *Studies in Maritime Literary History, 1760-1930* (Fredericton, 1991), pp. 71-87; Beatrice Buszek, “By Fortune Wounded: Loyalist Women in Nova Scotia”, *Nova Scotia Historical Review*, 7, 2 (1987), pp. 45-62; Margaret Conrad et al., eds., *No Place Like Home: Diaries and Letters of Nova Scotia Women, 1771-1938* (Halifax, 1988). Our knowledge of the 19th century is much more developed. See especially Janet Guildford and Suzanne Morton, eds., *Separate Spheres: Women’s Worlds in the 19th-Century Maritimes* (Fredericton, 1994).

50 See below for a discussion of those who scraped a living on the margins of society. The presence of women in the occupations noted has been gleaned from a few secondary sources and from a survey of Halifax newspapers. See in particular Julian Gwyn, “Female Litigants in the Civil Courts of Nova Scotia, 1749-1783”, unpublished paper, 1994. See also Akins, *History of Halifax*, pp. 84, 98; C.B. Fergusson, ed., *The Life of Jonathan Scott* (Halifax, 1960), p. 41; Davies, “Literary Women”, pp. 73-4; *Halifax Gazette*, 23 March 1752; *Nova Scotia Gazette and Weekly Chronicle*, 8 November 1774, 2 May 1780, 6 September 1785, 5 December 1786, 9 December 1788; *Nova Scotia Chronicle*, 7-14 November 1769.

51 Buszek, “Loyalist Women”, pp. 50, 58.

52 *Nova Scotia Chronicle*, 4-11 April 1769.

53 *Halifax Gazette*, 9 February 1754. For similar comments on women’s roles, see *ibid.*, 29 August 1752, 17 March and 25 August 1753; *Nova Scotia Chronicle*, 13-20 February 1770.

showed a greater regard for women's status than was the case in England,⁵⁴ but any differences between Halifax and other communities in the Anglo-American world in the general status of women, and in the attitudes of men to women's roles, were minor.

Perhaps the best evidence about the social roles of women in 18th-century Halifax can be derived from the criminal justice records themselves. While it is possible to explain the patterns of female crime by general reference to social roles and ideologies, the interpretive process can be reversed and crime patterns considered as evidence of the nature, extent and limits of patriarchal social controls in 18th-century Halifax.

There were important distinctions in the ways in which particular crimes were committed by men and women, and such distinctions can be seen by looking more closely at both offences against the person and property offences. Details beyond a basic summary of charge, offender and disposition are not available for more than a minority of the cases, but there is sufficient information to indicate that women committed different kinds of crimes than men, and they committed them in different ways. Tables Five and Six demonstrate the value of goods and the type of goods stolen by men and women.⁵⁵ Women generally stole goods of lesser value than men. While the cases involving men are relatively evenly spread out along the range of values, those involving women are clustered at the lower value end. Twenty-six of the 39 women (almost 67 per cent) stole goods apparently worth £1 or less, whereas only 40 per cent (37 of 93) of the men fall into this category. Moreover, only two women in the sample stole goods worth more than £5, while 15 of the men did so.⁵⁶ One of those women was Susan Hogg who, along with Alexander Waters, broke into a trunk belonging to Frances Turner in 1751 and stole "sundry Goods & a parcel of Dollars" worth £9.⁵⁷ More typical was Eleanor Matthews, who broke into and entered the house of widow Ann Davis and stole "11 pewter plates and one pewter dish of the value of

54 The examples of the availability of judicial divorce on gender-neutral grounds and of the partial abolition of primogeniture stand out. See Kimberley Smith Maynard, "Divorce in Nova Scotia, 1750-1900", in Girard and Phillips, eds., *Essays in the History of Canadian Law: Volume III – Nova Scotia*, pp. 232-72; "An Act relating to Wills, Legacies and Executors", *Statutes of Nova Scotia*, 1758, c. 11, s. 12.

55 Tables Five and Six are compiled from cases of burglary, robbery and capital and non-capital larceny. To avoid the figures being skewed by multiple-defendant cases, each incident of an offence was counted only once, no matter how many defendants were charged together. The exception was where men and women were charged together; those incidents have been recorded on both the male and female columns. Information on values (Table Five) was available in 93 of 247 male incidents (29 per cent) and in 39 of 78 female incidents (50 per cent). Information on the type of goods stolen (Table Six) was available for 103 of 247 male incidents (42 per cent) and for 36 of 78 female incidents (39 per cent).

56 Again the evidence is consistent with that from other jurisdictions. Beattie describes female theft in 18th-century Sussex and Surrey as "petty pilfering" ("Criminality of Women", p. 93) and Lawson similarly notes that in late-16th- and early-17th-century Hertfordshire women tended to steal items worth less than those stolen by men. See Lawson, "Patriarchy, Crime and the Courts", p. 23. Walker and Mackay, however, downplay the difference in their studies of early-17th-century Cheshire and the Old Bailey in the 1780s. See Walker, "Women, Theft, and the World of Stolen Goods", pp. 86-7; Lynn MacKay, "Why They Stole: Women in the Old Bailey, 1779-1789", *Journal of Social History*, 32, 3 (Spring 1999), pp. 623-39.

57 RG 39, series C, vol. 1, no. 43, PANS.

Table Five
Value of Goods Stolen – Male and Female Property Offenders, 1749-1803

Value	Number	Percentage of Men	Number	Percentage of Women
1-5 s.	20	21.5	13	33.3
6-10 s.	9	9.7	6	15.4
11-20 s.	8	8.6	7	17.9
£1-£2	18	19.4	5	12.8
£2-£5	23	24.7	6	15.4
£5-£10	7	7.5	1	2.6
£10 and above	8	8.6	1	2.6
Total	93	100	39	100

Source: Halifax Supreme Court – Criminal Cases Database.

three shillings” and some linen,⁵⁸ or Margaret Arnold, who allegedly stole a quilt worth 10 shillings from the yard of baker John Brentnal.⁵⁹ The difference in value of the stolen items was perhaps partly the result of prosecutors deliberately undervaluing the goods stolen in order to prefer a lesser charge. This was certainly done, but for men as well, and the practice did not fundamentally alter the differences between the genders. Those differences were real and reflected women’s reduced opportunities to commit certain crimes.

The data in Table Six, which summarizes the types of goods stolen, likewise demonstrate a contrast between the sexes.⁶⁰ In the male column, the cases are spread throughout the categories; in the female column, the category “basic food and clothing” contains by far the largest number of cases.⁶¹ This may suggest that a proportionately greater number of women than men stole for subsistence rather than for profit, as does the pilfering of generally small amounts of money. Judith Davis and Catherine Mosley fit the pattern of subsistence theft; convicted in 1750 of stealing fish, they were rewarded for their efforts with a whipping at the site of the fish store.⁶² In 1751 Rosanna Scott took small items of clothing, as did Elizabeth Chip and Mary Pinfold in 1757 (two shirts), and Judith Hanson and Ann Allen in 1759.⁶³ Women also

58 RG 39, series J, vol. 117, PANS; Belcher to Pownall, 16 January 1755, CO 217/15/211-12.

59 RG 39, series J, vol. 117; series C, vol. 4, no. 7, PANS.

60 Table Six, like Table Five, does not count multiple offenders and is based on the number of times types of goods are mentioned on indictments or elsewhere, and therefore includes multiple listings – up to four per charge.

61 Walker similarly found that women in early modern England tended to steal from a narrower range of goods than male thieves, and women had a far greater propensity than men to steal clothes and household linen. See Walker, “Women, Theft, and the World of Stolen Goods”, p. 87. See also Mackay, “Why They Stole”, p. 625.

62 RG 39, series J, vol. 117, PANS.

63 RG 39, series J, vol. 117; series C, vol. 3, nos. 33, 52, PANS.

Table Six
Nature of Goods Stolen – Male and Female Property Offenders, 1749-1803

Category	Number	Men	Number	Women
		Percentage of Total		Percentage of Total
Basic food and/or clothing	29	19.6	16	28.6
Bulk food	8	5.4	1	1.8
Fancy clothing, millinery, large quantities of clothing, shoes	20	13.5	5	8.9
Livestock, fowls	12	8.1	0	–
Money, promissory notes	13	8.7	7	12.5
Jewellery, precious metal utensils and ornaments, watches, glasses	13	8.7	11	19.6
Bulk cloth, bedding	11	7.4	9	16.1
Boat, building materials, tools, utensils, etc., incl. ship's gear	30	20.3	4	7.1
Others	12	8.1	3	5.4
Total Mentions	148	100	56	100

Source: Halifax Supreme Court – Criminal Cases Database.

stole small, valuable and, perhaps, easily disposable items, such as jewellery, silver spoons and watches, suggesting that portable goods were attractive and that some women took the chance to do more than satisfy immediate needs. Alice Wallace picked the pocket of sailor John Fuller in May 1759, removing a silver watch and 40 shillings while she caroused, or at least pretended to, with him; Eleanor Newton allegedly stole “some dollars” from John Abbott of Chester when he visited the city in 1777; Rebecca Hunt and Sarah Ross took £4 worth of goods from an officer’s lodging, including “a pair of silver shoe buckles, 4 silver teaspoons, a table cloth . . . a looking glass, a pocket watch, a towel, [and] . . . sundry other things”.⁶⁴

Female property crime was thus not entirely limited to stealing subsistence items, nor did male crime exclude such targets. Economic difficulties were a significant

⁶⁴ These cases are in RG 39, series J, vol. 1, p. 294, vol. 2, pp. 99, 123; series C, vol. 3, no. 42, vol. 63, no. 31, vol. 76, no. 46; Isaac Deschamps’s Benchbook, RG 39, series C, box A, PANS.

cause of property crime in the city for both men and women; Judith Davis was accompanied by her husband as a partner in crime, for example. Indeed, given that male “subsistence” stealing probably also included at least some cases in the “livestock” category, and that between them the “basic food and clothing” and the “livestock” categories account for 28 per cent of the total in the male column, the same as for women in the “basic food and clothing” category, the gender gap here was not great. Moreover, women, like men, took what they could lay their hands on and carry away, not just what they needed for food or clothing. Differences remain, however, for women, unlike men, did not often pick up ships’ gear, or tools from boats or wharfsides, or liberate bales of cloth from warehouses. Almost all the women represented in the “bulk cloth, bedding” category stole sheets and similar goods from houses, probably in some cases from clotheslines. Nor did women spirit away small boats or kill sheep and cattle and drag them off. Opportunity and the ability either to carry off large animals or to break into locked buildings may have been more responsible for gender differences than the distinction, if it can be made, between subsistence crime and stealing for profit.

This analysis of the value and type of goods stolen by women suggests that their activities and options were circumscribed. So too does the rarity of female charges in two of the property offence categories: robbery and burglary (Table Two). One of the robbery cases involved Elizabeth Chip, who was charged along with her husband Samuel. In 1754 they assaulted John Folliard and took from him a sundial, a compass and some money. Folliard failed to appear at the trial and the two were found not guilty.⁶⁵ The circumstances of Chip’s case suggest why so few women were charged with this offence: it required the ability to attack the victim, or at least to offer a realistic threat of doing so, and that usually required access to weapons and the ability to use them.⁶⁶ Women were unlikely to have been able to match the exploits of male robbers such as grenadier John Crosswell who, with two companions, attacked and robbed Simon Mackenzie, “victualler to His Majesty’s ships”, on the night of 9 May 1770. They knocked him down, took his watch and “inhumanely cut and wounded [him] on the head and face in many places”.⁶⁷ Male robbers, especially those in the military, had more resources for committing robbery: comrades, weapons and the freedom to move around. Again, the effects of gender-specific social conditioning are important; members of the military lived within an aggressively masculine culture in which violent, anti-social behaviour was a feature of off-duty life.⁶⁸

Burglary – break and enter at night with intent to commit a felony – did not necessarily require physical force or the threat of it against the person, but it

65 RG 39, series J, vol. 117, PANS; Belcher to Pownall, 16 January 1755, CO 217/15/209-10.

66 Elizabeth Chip was one of the few repeat offenders in our sample, but three years later, with her husband having been summarily removed from the colony despite his acquittal, she was convicted of petit larceny, in the company of one Mary Pinfold. Following his acquittal Samuel Chip was “put on board a man of war”. This was not an isolated incident of either extra-legal action by the authorities, or perhaps of a plea bargain; Chip’s agreement to serve may have been the cause of the prosecutor not appearing. See RG 39, series J, vol. 117; RG 1, vol. 342, no. 50, PANS.

67 RG 39, series J, vol. 1, pp. 95-7; Proclamation of 10 May 1770 and Pardon of John Crosswell, 13 September 1770, RG 1, vol. 170, pp. 38-9, 55, PANS; *Nova Scotia Chronicle*, 3-10 July 1770.

68 See Allyson N. May and Jim Phillips, “Homicide in Nova Scotia, 1749-1815”, *Canadian Historical Review*, 82, 4 (December 2001), pp. 625-61.

presupposed both the skills and/or tools needed to break in, and the confidence to risk the dangers of the night. Only three women were charged with this offence, two of them out of the same set of facts. This was in many respects, however, a remarkable case, involving a gang including Margaret Whippy as a principal member, or perhaps as the leader. The other woman involved, Bridget Coburn, acted with her husband Francis. Whippy was convicted and has the distinction of being the only woman hanged for a property offence in this period.⁶⁹ But it is her exceptionalism that is crucial. In Halifax, women were not only in the minority as far as serious property offenders were concerned, their presence was, in comparative terms, a minimal one. Thus, while “social roles” may explain their low representation, they do not fully account for its extent.

In addition, Halifax was an exceptionally dangerous place for some women, especially at night and many women would have been confined to the “safety” of the home. Even working-class women, particularly if they earned or supplemented their living by prostitution, were at a higher risk than elsewhere of being the victims of violence. The high levels of rape and homicide that were a feature of 18th-century Halifax provide evidence of this. Rape prosecutions occurred at a rate of 4.2 per annum per 100,000, compared to 0.25 per annum per 100,000 in England in the same period, while homicide rates were at 12.9 per annum per 100,000, compared to 1 per annum per 100,000 in England.⁷⁰ While the absolute numbers on which these percentages are based are small, prosecuted crime represents only a fraction of crime committed, and the evidence from the courts suggests that in both absolute and relative terms Halifax experienced high levels of personal violence. Moreover, there is ample contemporary testimony that the city, with its large population of soldiers, sailors and transients, was especially unruly. This picture is a staple of the standard and popular accounts of its early history, and there is much evidence that Halifax consistently experienced the drunken fights, riots and property damage that often characterized a port and garrison city.⁷¹ Such levels of disorder, and the very real threat of violent victimization, surely discouraged many women from going out at night, which, in the case of burglary, was the only time the crime could be committed.

Other features of female property crime support this analysis. First, while women were rarely charged with burglary or robbery, they appeared more often accused of housebreaking – break and enter by day – or of breaking and entering stores and warehouses. Depending on the circumstances, these were capital larcenies.⁷² In the

69 *Nova Scotia Gazette*, 31 March 1768; RG 39, series J, vol. 1, pp. 55-7; Belcher’s Sentencing Speech, MG 1, vol. 1738, no. 11, PANS.

70 For these figures, see May and Phillips, “Homicide in Nova Scotia”.

71 See Raddall, *Halifax*; Evans, “The Army and Navy at Halifax”; Akins, *History of Halifax*; *Nova Scotia Gazette*, 18 March 1788; RG 39, series C, vol. 2, no. 18, vol. 8, no. 9, vol. 56, no. 71, PANS; Green to Board of Trade, 24 August 1766, CO 217/21/278-291. The recent history of the city makes the same point, that “[w]omen out on their own . . . faced considerable danger”. See Fingard et al., *Halifax*, p. 21.

72 Prior to 1758, break and enter by day was capital when defined as such by English law. See Phillips, “The Criminal Law”. “An Act Relating to Treasons and Felonies”, *Statutes of Nova Scotia*, 1758, c. 13, s. 10 made capital the offences of breaking into and entering a house by day if there was anybody inside, and of breaking into and entering a store or warehouse by day and taking away goods worth five shillings or more.

spring of 1754, for example, Anne Westman broke into and entered the home of widow Ann Davis and stole pewter and cloth. In another instance Catherine Murphy broke into the home of Rebecca Kennedy on 31 January 1793 and took £5 worth of linen.⁷³ Break and enter cases were rare among women, however, and excluding cases in which women worked with men, such crimes all involved breaking into private homes, not stores or warehouses.⁷⁴ In contrast, men frequently invaded non-residential buildings and ships. A favourite target for male offenders, especially in the early years of Halifax's history, were the various government depots. Women, however, were never charged with stealing from official stores.

A second feature of female property crime is that women often took the property of those with whom they lived or worked. Ann Pentenny, for example, a domestic in the boarding house run by Amy Williams, took clothing belonging to paying guest Mary Hawthorn.⁷⁵ A more common target was the employer of a domestic servant, as in the case of Margaret Bryant in 1754 and Martha Welsh two years later.⁷⁶ Third, women's thefts appear often to have been opportunistic, not planned. An unattended yard might prove too tempting, as it did for Margaret Arnold, who on 15 April 1763 took a quilt hanging outside baker John Brentnal's house. In other cases a watch dangling from a nail attracted Martha Welsh, while the temporary absence of the householder encouraged Margaret Brown, who was enjoying her hospitality, to dip into a drawer and take some coins.⁷⁷ Finally, property crime victimization was also gendered. While women quite often stole from other women, men rarely did. Of 147 male cases where the gender of the victim is identified, only six involved property taken from a woman. Conversely, eight female victims of female offenders can be identified, out of only 38 cases.

The same links between women's crimes and social roles are also evidenced in offences against the person. Female participation in violent offences formed a very small proportion of the total, not only for homicide but also for the more serious assaults (Table Seven). Proportionately more women were charged with assaults in Quarter Sessions – 15 per cent (Table Three) – but in Halifax the choice of court in assault charges was generally driven by the seriousness of the offence. Although most assaults were tried at Quarter Sessions – about 30 a year in the 1790s – those regarded more gravely by contemporaries (those that involved substantial breaches of the peace, that were perpetrated against peace officers or that resulted in serious injury to the victim), were prosecuted in the Supreme Court. Thus, the more violent the assault

73 RG 39, series J, vol. 117, vol. 2, p. 13; series C, vol. 68, no. 70, PANS; Belcher to Pownall, 16 January 1755, CO 217/15/211-12.

74 For women who worked with men in thefts from stores, see the cases of Hannah O'Brien (1763), "Flora", a "mulatto" woman (1769) and "Bett", a black woman (1785) in RG 39, series J, vol. 11, vol. 1, p. 80, vol. 2, p. 30; series C, vol. 4, nos. 3, 6, PANS; *Nova Scotia Chronicle and Weekly Advertiser*, 30 May to 6 June 1769; *Nova Scotia Gazette and Weekly Chronicle*, 19 July 1785.

75 RG 39, series J, vol. 117; series C, vol. 1, nos. 43, 44, 58, 59, PANS. Mackay similarly found that women in London in the 1780s frequently stole from people they knew. See MacKay, "Why They Stole", p. 629.

76 RG 39, series J, vol. 117; series C, vol. 2, nos. 19, 36, PANS; Lawrence to Board of Trade, 1 June 1754, CO 217/15/68-9.

77 For these cases, see RG 39, series J, vol. 117, vol. 2, p. 186; series C, vol. 3, no. 94, vol. 4, no. 7, vol. 77, PANS.

Table Seven
Offences Against the Person – By Gender, 1749-1803

Offence	Men	Women	Female Percentage of Total
Murder	67	7	9.5
Infanticide	0	5	100
Manslaughter	2	0	–
Rape, Sodomy, Assaults with Intent	33	0	–
Assault	84	3	7.1
Total	186	15	7.4

Source: Halifax Supreme Court – Criminal Cases Database.

and the more it represented an affront to authority, the fewer the number of women who were involved.

Women not only comprised less than 15 per cent (12 of 81) of those prosecuted for homicides (murder, infanticide and manslaughter charges),⁷⁸ they also killed in different ways than men. Male homicide cases in Halifax typically involved members of the armed forces killing each other, although a significant number (six) of victims were adult females other than spouses. Female homicide was generally much more of a “domestic” crime for women, carried out in different circumstances and involving different victims. Even the case of Margaret Murphy, who killed a fellow resident of a brothel in 1791, can perhaps be classed as “domestic”.⁷⁹ Of the eight known victims of female homicides,⁸⁰ at least six were children (five from the infanticide cases), one was an adult woman and one was an adult male. Men killed only three children in 32 cases in which victims could be identified, and only one of the victims of male homicide was the wife of the defendant.

The ways in which women killed provides evidence as to whether women’s crime was fundamentally influenced by a lack of physical strength and limited access to

78 In this period “infanticide” refers to a murder charge in which the defendant was an unmarried woman who gave birth to a child (who was subsequently found dead) and the mother then attempted to conceal the birth. Because of the difficulty of proving that the baby had died at the mother’s hands, the law gave to these circumstances a special evidentiary rule that presumed the baby had been murdered by the mother, who was required to adduce evidence herself that the baby had been stillborn or had died a natural death. Only later, in the early 19th century, was a distinct offence of “infanticide” in the form of a non-capital concealing the birth offence introduced. See May and Phillips, “Homicide in Nova Scotia”.

79 RG 39, series J, vol. 2, p. 120; series C, vol. 63, no. 40, PANS; *Nova Scotia Gazette*, 18 October 1791. For the figures on homicide victimization and for a more detailed account of homicide in Halifax in this period, see May and Phillips, “Homicide in Nova Scotia”.

80 Two of the 12 women charged with homicide were involved in the same case, so there were only 11 victims and in three cases there is no information on the victim.

weapons, although in only a very few cases is sufficient information available. Firearms and swords, which are a common feature in men's murders, never appear in those committed by women. Martha Orpin, however, stabbed her young male victim with a knife.⁸¹ But if women did not have weapons, they had plenty of strength. Margaret Murphy was seen to "take hold of [her victim] . . . by the hair of her head and throw her down on the floor", then to get her on a bed, and finally to choke the life out of her.⁸² While many women's early socialization and subsequent roles in society denied them access to weapons and training in their use, they could, on occasion, exert substantial physical force against those they chose to harm.⁸³

Margaret Murphy nonetheless was an exception. Women's general absence from the lists of those charged with nighttime offences and with offences requiring violence attests to the efficacy of the informal social controls provided by patriarchal social structures in two ways. It suggests the absence of the social conditioning, skills and accoutrements needed to commit certain kinds of crimes. Informal social controls appear to have been responsible for the comparatively low representation of females in criminal activity generally and certain kinds of activities in particular. Similarly, the evidence that when women did offend they did so in ways particular to their sex, and distinctly different from those of men, also points to the power of these informal controls. The limited range of goods women stole, the low value of those goods, the circumstances of larceny charges, and the identity of victims in both property and violent crime adds up to a pattern of criminality reflective of women's particular social and economic status, one defined in some measure by domesticity and lack of opportunity.

The patterns of women's crime in Halifax, though, while generally similar to elsewhere, were distinct in two important ways. First, rates of prosecution after 1760 were much lower than elsewhere, especially compared to other urban communities, even given the peculiar demographics of the city. Second, the gap between simple larcenies and the more serious and/or violent offences was much larger than elsewhere. The reasons why the patterns of crime in 18th-century Halifax were unusual may include the vigour with which the criminal justice system convicted and punished female offenders. That is, it may include effective formal controls.⁸⁴ But it is at least as likely that another locus for informal control in this time and place was the violent nature of the city. Halifax in the 18th century was a dangerous place for both men and women, but that danger had a particular consequence for women and operated to restrict their participation in many areas of public life, including that of criminal activity.

So why did females offend and why at a particularly high rate in the 1750s? It is difficult to reconstruct socio-economic status from formal criminal justice records, but

81 Lawrence to Board of Trade, 27 May 1760, CO 217/18/38-40.

82 RG 39, series C, vol. 63, no. 40, PANS.

83 Beattie makes this latter point in his work on 18th-century England, noting that women who committed murder did so by methods as "open" and direct as men. For example, women used knives, clubs or other blunt instruments, as well as a pistol, and two prostitutes were charged with defenestration. See Beattie, "Criminality of Women", p. 83. See also Beattie, *Crime and the Courts*, p. 101.

84 Phillips, "Women, Crime and Criminal Justice", pp. 179-83.

the available evidence offers a number of clues concerning the collective identity of this particular offender population. Three features are particularly noteworthy. First, the vast majority of the women brought to court in the 1750s were young. Precise ages are rarely given, but references in the depositions of witnesses to “a girl”, “a young girl”, “a young woman, servant to such and such a person” offer consistent evidence of the youth of offenders. Second, class status can to some extent be measured by literacy, and few of those whose statements were taken by JPs were able to sign their names. Third, and most important, case files indicate that the majority of these young women were single, either being widowed or never having married. The 60 charges against females in the 1749-60 period involved 46 individuals, as some were prosecuted more than once. Of these, information on marital status is available for 32, and fully 22 of those (69 per cent) were not married.⁸⁵ Whether ethnic minorities were disproportionately represented in this group is not clear. None of the women is identified as aboriginal or as Irish. Criminal justice records do not record the latter kind of ethnic information, but they did identify what were viewed as racial categories, and thus there probably were no aboriginals, either in the 1750s or through the rest of the century. In just four cases the records show that the offender was black, suggesting that criminal prosecution was not a major device for disciplining Halifax’s small black community.

Thus the female offender population in these early years of Halifax’s history was young, unmarried and illiterate. It also appears that most female offenders lived apart from their families. They were frequently domestic servants, like Ann Pentenny, Martha Welsh and Margaret Bryant.⁸⁶ But not all were described this way, suggesting that some followed other occupations. These clearly included prostitution, as in the case of Mary Pinfold. In October 1757 she was convicted, along with Elizabeth Chip, of petit larceny, and two years later she was again convicted, this time of grand larceny. In the latter case there is plenty of documentation, but none of it tells us how Pinfold sustained herself on a regular basis. A rape prosecution of three soldiers in May 1760 suggests that Pinfold was a prostitute. She died of the injuries received.⁸⁷ The same combination of female property offender and female victim of male violence applies to the case of Rebecca Young, a prostitute whose larceny career ended in 1764 when she was assaulted and killed by a group of sailors.⁸⁸

Some women were probably not in the sex trade full time, but drifted in and out of it, as evidenced by the career of Martha Welsh, charged four times in the late 1750s and early 1760s. When she first appeared in court in October 1756, Welsh was charged with stealing food, soap and clothing from her master, merchant Paul Prichard. Perhaps taking pity on her, Prichard did not prosecute, but she was not so

85 We have used indictment and deposition evidence to establish marital status. The formalities of English procedure meant that “spinster” was often used in an indictment, even if the accused was married, just as “labourer” or “yeoman” were standard terms in indictments of men. Halifax indictments of married or widowed women, though, stated that fact, and the validity of the term spinster is frequently confirmed by deposition evidence. King presents a similar profile of female offenders at the Old Bailey in the early 1790s, while Beattie also finds that 80 per cent of the women tried at the Old Bailey for property offences in the 1690-1720 period were unmarried. See King, “Female Offenders”; Beattie, “Hard-Pressed to make Ends Meet”, p. 107.

86 For these individuals, see above, text accompanying notes 75-6.

87 RG 39, series J, vol. 117; series C, vol. 3, nos. 77, 82, 83, PANS.

88 For her appearances in court, see RG 39, series J, vol. 117; series C, vol. 2, nos. 19, 37. For her death, see *ibid.*, vol. 4, no. 33, PANS.

lucky six months later when she was tried and convicted of grand larceny, on different but unknown facts. She received benefit of clergy, as she did again two years later following another grand larceny conviction. The circumstances of the last convictions are revealing. Welsh took a watch from sailor Walter Warren while he was "entertaining her" on board *H.M.S. Devonshire*.⁸⁹

Halifax in the 1750s thus appears to have contained a substantial number of young, unattached women, separated by choice or otherwise from their own families and living on the margins of society. Their presence is revealed by one contemporary census, taken in 1755-56, which counted 918 women. Of these, 241 were married and 345 were girls under 12. This left 332 unmarried women 12 and over. Obviously many of these were attached to households, but a good many were not; only 71 were recorded as domestic servants.⁹⁰ These women likely came to the city in one of two ways. First, the 1750s saw a number of waves of immigration and emigration. The original settlers from England in 1749 were largely replaced by New Englanders in the 1750s. Most, but not all, of the German immigrants of 1751-53 went to the new township of Lunenburg, and throughout the decade, immigrants shifted from place to place. Among these, there were likely single women and servant members of family groups who stayed when families moved on. Second, and more importantly, women followed the soldiery, forming what a contemporary critic called a "great concourse of dissolute, abandoned women, followers of the camp, army and navy".⁹¹ The presence of substantial numbers of "camp followers" is amply evidenced.⁹² These women, freed from constraints of family, church and community, were more likely to offend than most of their sex at this time. That is, in an urban community and in what was effectively a frontier society, they would have been less constrained by the kinds of informal social controls that limited women's criminality generally. Similar links between city life, single women and women's crime have been noted elsewhere.⁹³

Freedom from control did not, of course, require women to offend. It seems likely, given the predominance of property offences among female offenders in the 1750s, that a good many did so because of economic privation. Many studies demonstrate at least some relationship between fluctuations in property crime rates and changing economic conditions,⁹⁴ and there is no reason to think that Halifax does not conform

89 RG 39, series J, vol. 117; series C, vol. 2, no. 36, vol. 3, nos. 50, 94, PANS. Strictly speaking, as a second offender Welsh was not entitled to benefit of clergy on this latter occasion, but bending of the rules in this way was becoming common practice in England by this time. She did not get clergy on a third grand larceny conviction in 1761, and although sentenced to hang, she was pardoned. See *ibid.*, no. 94; RG 1, vol. 165, pp. 140, 145, 153-4, 233, PANS.

90 Cited in Akins, *History of Halifax*, p. 48.

91 "Report of the State of the Orphan House, May 1761", CO 217/18/26.

92 See Marble, *Surgeons, Smallpox and the Poor*, chapters 1 and 2. See also Akins, *History of Halifax*.

93 See Beattie, "Criminality of Women" and "Crime and Inequality".

94 Beattie, "Crime and Inequality"; Beattie, *Crime and the Courts*, chapter 5; J.S. Cockburn, "The Nature and Incidence of Crime in England, 1599-1625: A Preliminary Survey", in J.S. Cockburn, ed., *Crime in England 1550-1800* (London, 1977), pp. 49-71; Peter Lawson, "Property Crime and Hard Times in England, 1559-1624", *Law and History Review*, 4, 1 (Spring 1986), pp. 95-128; Douglas Hay, "War, Dearth and Theft: The Record of the English Courts", *Past and Present* 95 (1982), pp. 117-60; Gattrell and Hadden, "Criminal Statistics and their Interpretation". Recent work, however, has cast some doubt on the idea that there was a clear relationship between dearth and crime rates.

to this pattern. Its early years were difficult, particularly for those on the margins of society. Halifax in the 1750s had a fragile economy dependent on supplies from England and New England and was constantly at the mercy of the vagaries of North American warfare and British public finance.⁹⁵ Shortages were common, and the arrival of troops, although adding cash to the economy, reduced available supplies and increased prices.

Hard times are also reflected in the court records. The 1750s, for example, was a period of generally high prosecution rates. A total of 288 prosecutions took place in the General and Supreme Courts between 1749 and 1760, with 184 of those being property crime prosecutions. This was a rate of prosecution never again approached in the 18th century. Evidence from contemporary and unsympathetic sources confirms the link between early economic problems and property crime. At the end of 1752 the Halifax JPs complained about the many people “committing Thefts and Petty Larcenys whereby to subsist themselves”.⁹⁶ They blamed idleness and drink as the causes of crime and wanted a House of Correction constructed where the idle could be sentenced to hard labour. At the same time the *Halifax Gazette* particularly referred to “both sexes” as responsible for what it termed “petit larcenies, and other evils that daily happen”.⁹⁷ Although the writer also blamed the spate of larceny on “idleness”, it is more likely that hard times and social marginalization created the incentive, as they did elsewhere. Moreover, it is also likely that single women were especially vulnerable. Their employment and trade opportunities were limited compared to those of men. Men suffered less, because while price inflation was a feature of the colony’s economy, so was wage inflation. But the latter would likely have been of little assistance to those at the bottom of the social scale and outside the formal economy, and this included unattached women.

If a combination of these two factors – economic difficulties and the relative ineffectiveness of informal social controls – accounts for a higher female offending rate in the 1750s, especially of property crime, does their absence also explain the lower rates thereafter? The answer appears to be yes. Although the same structural flaws in the economy, especially the boom-and-bust consequences of reliance on the military, bedevilled the city throughout the 18th century, hard times were not as

See especially King, *Crime, Justice and Discretion*, pp. 145-53; John Styles and Joanna Innes, “The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England”, in Adrian Wilson, ed., *Rethinking Social History: English Society 1570-1920 and Its Interpretation* (Manchester, 1993), pp. 201-65, especially pp. 212-15.

95 For the Halifax economy in this period see Julian Gwyn, “Economic Fluctuations in Wartime Nova Scotia, 1755-1815”, in Margaret Conrad, ed., *Making Adjustments: Change and Continuity in Planter Nova Scotia, 1759-1800* (Fredericton, 1991), pp. 60-88; Gwyn, *Excessive Expectations: Maritime Commerce and the Economic Development of Nova Scotia, 1740-1870* (Montreal and Kingston, 1998). For the privations of the poorest inhabitants and the inadequate poor relief system, see Marble, *Surgeons, Smallpox and the Poor*, chapter 3; Akins, *History of Halifax*, pp. 74, 81, 86; Relief Williams, “Poor Relief and Medicine in Nova Scotia, 1749-1793”, *Collections of the Nova Scotia Historical Society*, 24 (1938), pp. 33-58; *Halifax Gazette*, 23 March 1752; Executive Council Minutes, 22 December 1752, RG 1, vol. 186, p. 277, PANS.

96 “Memorial Of Halifax JPs”, in Executive Council Minutes, 22 December 1752, RG 1, vol. 186, p. 275, PANS.

97 *Halifax Gazette*, 23 December 1752.

severe or as consistent after the 1750s.⁹⁸ Planter settlers' establishment of an agricultural base in the interior beginning in the early 1760s helped to stabilize the economy, as did the development of trading links with New England and the years of peace between 1763 and 1775.

Perhaps more importantly, there appears to have been a change in socio-demographic structure. While the movement of the army and navy brought with it more camp followers, especially in the mid to late 1770s, and while official complaints about camp followers surfaced from time to time after 1760,⁹⁹ the general pattern of immigration altered. New arrivals came in the form of households: Planter-period settlers in the 1760s, war refugees from the mid 1770s, and Loyalists after 1783. Halifax was always an imperial and military outpost, but over time it became much less of a "frontier" community. This change in social stability and demographic structure is reflected in the criminal court records. General prosecution rates throughout the rest of the century never again reached the levels of the 1750s; indeed, they remained relatively stable compared to population.

This general "settling down" of Halifax must have reduced the numbers of female offenders. So too, perhaps, did vigorous conviction and punishment strategies aimed at women.¹⁰⁰ But most significant was the diminished role played in the community by the kind of women who dominated the female crime of the 1750s. The court records clearly show that the nature of the female offender population changed. Women on the margins of society still appeared in court; Rebecca Hunt and Sarah Ross, for example, were likely in the prostitution business, for when they were accused of petit larceny in 1791 the victim told JP James Gautier that he suspected that the stolen goods would be found in a specific "bad house".¹⁰¹ But the general profile of the offender population changed in significant ways. Trials of recidivists in the Supreme Court became rare. The 63 offences charged against women after 1761 represent 60 individuals. The ratio of married to unmarried women changed considerably. Of the 34 post-1760 prosecutions of women where this information is available, 16 involved married women. And a significantly higher percentage of the female offenders – seven of 60 – were black, although they still represented only a small number in absolute terms. Thus, not only were proportionately fewer women brought to court after 1760, but most were more likely to be married, and not to be recidivists.¹⁰² The factors that defined the female offender in the 1750s – young and single – did not survive.

98 See Gwyn, "Economic Fluctuations in Wartime Nova Scotia"; Akins, *History of Halifax*, pp. 95-6, 99, 111-12, 143-7; Campbell to Dartmouth, 12 September 1768, RG 1, vol. 43, PANS; *Rememberancer* (London), 1776, p. 267; Hughes to Germain, 27 Feb 1779, RG 1, vol. 45, PANS.

99 Governor Sir William Campbell complained that large numbers of "idle, helpless and indigent women" were "left in Halifax by regiments on their departure from the Province"; he wanted them to be "obliged" to leave with the soldiery. See Campbell to Bruce, April 1771, RG 1, vol. 136, PANS.

100 For an argument that compared to most other jurisdictions women who committed crime in Halifax were dealt with more, not less, severely than men, see Phillips, "Women, Crime and Criminal Justice".

101 RG 39, series C, vol. 63, no. 31, PANS.

102 King also found that a significant proportion of female offenders were in their thirties, married or widowed, and with children to support. There simply is not enough information about a small offender pool to know whether this was true for the substantial percentage of married women in the post-1760 Halifax sample. See King, "Female Offenders".

In many respects, female crime in 18th-century Halifax followed patterns found elsewhere. Crime was a gendered activity: women committed fewer offences than men, and when they did offend, they did so in distinct ways explicable by reference to social roles, opportunities and socialization. While differences can be found between Halifax and, for example, 18th-century Surrey or North Carolina, statistically those differences were slight. But the particularities of crime in Halifax are important for historians of that jurisdiction and for Canadian criminal justice history in general. They also throw light on the more general phenomena of women and crime. The very low numbers of offenders for an urban jurisdiction (even taking into account the demographic peculiarities of the city), the exaggerated gap between simple larcenies and the more serious/violent property offences, and the lack of female offenders among those charged with homicide (apart from infanticide) and assault combine to demonstrate the particular force of the social roles and opportunity arguments. They do so because Halifax was a community notable for its “maleness”, notable, that is, for the demographic dominance of men and for a culture of violence. This male culture enhanced the usual social prescriptions that shaped women’s lives. Small differences in the statistical record of female crime in Halifax and other jurisdictions can therefore be seen to represent significant distinctions in social organization.