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The Malt Stealing Case in Saffron Walden, 1833

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Saffron Walden is rich in historical archives, held by the Gibson Library, Saffron Walden Museum, the Town Council and Essex Record Office, much of it still largely untapped. By putting together sources from various repositories, this article will explore how the details of one notorious criminal case in Saffron Walden can be put together.

In 1833, Saffron Walden was gripped by scandal as a malt-thieving scam of enormous proportions unfolded. The story has already been summarised in print, and what is given here is an abbreviated transcript in chronological order of some of the major archives relating to this unprecedented and very complicated court case.¹

TOWN SESSIONS

February 1833: Return of Warrants, examinations, commitments, recognizances at Sun Inn before Mayor of large gang.

SAFFRON WALDEN QUARTER SESSIONS MINUTES 1817-1836

15 April 1833: at the Guildhall before the Mayor, Lord Braybrooke Recorder, Vicisimus Knox Esq. Deputy Recorder and other Justices ... James Housden the younger, William Richardson the younger and James Pettit escaped prosecution by giving evidence which helped convict the others. As a result of the trial, sentences of transportation on various charges of stealing and receiving malt and other goods were passed against James Fish, William Green, James Hall, Joseph Housden, George Ling, Francis Marshall, William Phillips, James Richardson, George Richardson, Charles Smith (not in custody), and John Stacey; also William Stacey (12 months hard labour).

DEPOSITIONS

The bare bones of the Sessions records come to life with the rare survival of the depositions made by about 28 people in this case. These make clear that James 'Rusty' Housden had been threatening people, for instance William Stalley was threatened with a billhook, and George

Richardson was knocked down and threatened, both by Housden. Selections from these interviews show how beerhouses, which had sprung up since the 1830 Beer Act, were central to the business of off-loading stolen malt:

'I have robbed you of ten quarters of malt, 5 last year, 5 this, it used to come in the wagon to Walden... sometimes my house sometimes at William Phillips... James Halls took it from my house on a Dickey he gave me 15s for it... William Phillips paid me £3 for 10 bushells I had two and Frank Marshall one. This season we have had no settlement. I have had some beer and 10s on account. A few weeks ago Master Halls asked me at the Green Dragon if I could get him a few pounds of hops... he said I want to get a little out of you myself...'

Other stolen items were eaten as soon as they were taken:

'James Housden was the first man who led me to steal anything in my life... Between 2 and 3 years when I worked with Mr James Porter I took 2 bushels of barley which Old Rusty had... took it in a wheelbarrow.. I think he took it to Willetts Mill, the next I sold to John Housden .. Old Rusty told me there was barley there and asked me if I could get any out. John Stacey and William Stracey brought me 6 ducks which they stole from Mr. Jabez Gibson's ... gave them 5s for them... the rest were cooked at my house... There was four turkies lost from Mr Samuel Fiske's last summer time, my brother Jem, Ling, Thomas Lord and I took them.... at night we took them out and hid them in Phillips Barn... had them for supper... there was some hampers stole out of the Market End and brought to my house in the night.... there was some things stole from my lords there was a gun 3 ferrets and nets.. the nets were burnt the ferrets are dead and the gun is at my house...'

One man blamed it all on being too drunk to notice what was going on:

'I had six strikes of Pollard of William Mason of Chesterford. I went to Phillips, John Onion of Ashdon laid it on the Dickey for me... I had two or three pots of beer, I thought that they might put something in the beer for I was very fresh when I went away some of these men but who I cannot tell you loaded the Dickey. I never touched the Pollard no more I come away and after I got away I come right along the road and I got more freshier just as if I was dizzy I felt like unsensed fore I got far I lost this sack. On the Monday morning I come to the public house (Phillips's) and I asked the woman if she knowed where the Pollard was... I never had the hops.. I have not brewed only once since July.'

HUE & CRY: (HO 75/6, page 2032) *originals at National Archives, Kew.* This was the police newspaper circulated to trace escaped villains. This gives us a physical description of James 'Rusty' Housden:

20 February 1833: *'Escaped from the custody of the constables at Walden on Saturday the 2nd Feb James Housden who stands charged with felony. He is known in Walden his native town by the nickname of Rusty: is about 32 years of age, 5 ft 8 or 9 inches high, of light complexion, brown hair, talks quick and sharp, has a rolling walk as if in-knee'd, slender legs and thighs, which are long? in proportion to the body; has been employed in the malt-making business: had on a dark jacket, light coloured patent cord breeches, a dark plush waistcoat, and high shoes. He has been seen at Sudbury in Suffolk, since he left Walden - Information to be given to the Chief Constable, Walden.'*

LOCAL NEWSPAPERS *Essex Standard* Newspaper reports are often verbatim and full of quotable material, of which only a selection can be given here:

2 March 1833: *'This town has for a considerable time past been infested with gangs of thieves and poachers, whose depredations have been carried on to an extent scarcely credible; but a circumstance has recently occurred, by which many of their iniquitous proceedings have been brought to light. A fellow of notoriously bad character, named Bouseden, alias Rusty, being suspected of having stolen some sacks, his house was searched, and two sacks of malt were found; but during the search the thief contrived to make his escape by a back door; a description, however, having been given of him in the Hue and Cry, he was discovered at Hertford, and conducted back again to this place, and, on being brought before the town Magistrates, confessed the robbery, with many others he had committed, and at the same time disclosed the names of four or five of his associates, who have been since apprehended, and are now undergoing a rigid examination. Among others of this precious nest are two persons named Phillips and Green, who are landlords of Tom and Jerry houses, and who have been buying large quantities of stolen malt at about 2s per bushel. The particulars of the different robberies have not yet been made public, as it is understood more disclosures are hourly making, and several other well-known characters are expected to be placed in durance vile.'*

9 March 1833: *'... The public are much indebted to the peace officers of the town and Messrs Kent and Wisbey for their excellent conduct, in this business, particularly the two latter, whose indefatigable exertions aided by the officers of Bow street, have been the means of securing several of the gang, whose haunts were not easy to be discovered.'*

20 April 1833: *'21 prisoners a number unprecedented in the Borough... The Court was crowded to excess, a great number of persons thronged the entrance to the Town Hall, being unable to gain admittance... there can be little doubt that the beer houses should be placed under regulations that may admit of a greater degree of magisterial control. It is unquestionable that as they are carried on, they are productive of*

incalculable evil and mischief. They are the fruitful nurseries of crime, and it will be established that some of the most serious offences now to be tried are traceable to them....an almost irresistible temptation to dishonesty will be perpetually present... giving the poor a suitable degree of education. I say a suitable degree, for anything beyond that would be mischievous.

James Housden (nickname Rusty) said *'I am a labourer; the prisoner Housden is my first cousin. A short time before last Christmas, Housden and I agreed together, and went at four o'clock in the morning, to steal a sack of malt from Mr Clerk's malting. We took it out of the shop; we got the key from the kiln-house door, while the men were busy inside. We took about four bushels, which we carried away in a sack. We took the malt to my house, and I hid it. We then took it to the house of Clayden, a beershop keeper, where we waited to meet Fish. We got there about seven o'clock. Fish was there; Reynolds was also there, he took the sack from my back.. Fish had the malt, he gave my cousin half a sovereign for it. I received 4s of the money from James Gayler, to whom a half sovereign was given to change. We agreed to spend 2s in beer, and had 4s each.'*

Francis Marshall: *'Some time ago last Christmas twelvemonth, Phillips, Marshall and I went to Barker's beer shop, at Wimbish and we there agreed to carry the malt to Phillips's. A short time after we took two five-bushel sacks of pale malt from the malt shop, and put it upon the wagon which was going to Stortford. The wagon came round by Walden, instead of Debden I was at home that morning, and took one of the sacks off, while Phillips watched. Phillips then took the other off while I watched it had been agreed to send the boy into the house in order to keep him blind I agreed with Phillips for £3 for the malt, and was to take it out in beer.'*

Frederick Cole and James Kedderidge were committed for contempt of court, having created a disturbance during the trial of Marshall and Hall on Monday, in attempting to quell which Stevens, a Constable, had his thumb dreadfully lacerated, between the gate and the iron railing.

Similar reports appeared in other newspapers - the *Chelmsford Chronicle* expands some of the evidence, for instance in the issue of 19 April 1833, James Housden's evidence includes the following:

'I work at anything I can get to do - its not very particular to me. I have not had a days work since harvest; I am obligated to the parish.' Mr. Leapingwell (for defence) said *'so you come here to proclaim yourself a thief, eh?'* James Housden said *'A thief! Well, suppose I am I have known my cousin ever since he was a boy; we have been associated together as good neighbours - civility and all that (laughter)* (A long colloquy ensued relative to what had induced witness to give

evidence, during which he showed great effrontery) ... James Housden said 'I'll conduct myself like a man, if so be as you explain it to me in a decent manner.. I did not come to give evidence to save myself. I should not much mind being transported.' (Laughter) ...

The issue of 3 May 1833 was critical of the efficiency of the town's constables: 'Housden, whose character was well known in the neighbourhood... the officers (3 of whom it may be proper to state are knights of the thimble took the malt which could not run away into custody).'

The *Chronicle* also revealed that, in spite of this huge trial, the main receivers had not yet been caught and a lot of the stolen malt had been thrown in ditches or destroyed to escape detection. After the case James Housden's sister allegedly said 'The biggest rogue has escaped now' and the newspaper commented: 'It is confidently hoped that Housden and Richardson will both leave the neighbourhood immediately. So strong a feeling of dislike is evinced towards them by the lower orders as would render their residence in the town far from agreeable to them.'

This was what happened, according to the *Essex & Herts Mercury* of 28 May 1833: 'Housden, the accomplice, who gave evidence... having been provided by the prosecution with funds to enable him to leave the country, lately took his departure for New York...'

It is not clear who paid the boat fare but the town must have thought it money well spent. The cost to the ratepayers of this huge exercise is hard to assess, but the following account appears under the date 27 September 1833 in the archives:

'Expenses: to Barkway warrant... to Swaffham... to Thorley to search Fish's house, to Hertford to apprehend James Housden... bill for apprehending prisoners... for watching gaol, Constable 21 days and nights, 3 constables employed 16 days and nights apprehending and keeping in custody prisoners, 4 aids to constables engaged 16 days and nights, Subsistence 6 prisoners in custody 16 days...'

This came to a total of over £68, and in addition, there were payments by overseers to those who brought prosecutions, which amounted to well over £100. There were probably many other expenses.

Although there are few cases in the annals of Saffron Walden crime that could match this one, it does demonstrate what rich pickings await researchers delving into the records of crime.

Note: The case is discussed in Cooper, J. *The Well-ordered Town: a story of Saffron Walden 1792-1862* (2000), pp 111, 115-117, 155, 175, 196. The

court records are held at Essex Record Office. Microfilms of the *Essex Standard* can be examined at Saffron Walden Library. *The Well-ordered Town* can be purchased at Harts Bookshop or the Tourist Information Centre in Saffron Walden.

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