

GAMING IN ENGLAND, c. 1540-1760

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ABSTRACT

This thesis is the first major study of gaming in England between c. 1540 and 1760. Gaming – which may be defined loosely as games of chance played for stakes hazarded by the players, especially cards and dice – was rife in early modern England. People from virtually all social groupings played at cards and at dice and engaged with gaming in many different ways.

Chapter one provides a narrative of the development of the playing card trade, and the ways in which it was taxed, in order to place gaming in a broader economic context. It shows that over one million packs of playing cards were being produced by the late seventeenth century and examines the fraud and forgery that occurred after the Stamp Act of 1710 greatly increased the tax on cards. Much gaming was illegal; and through an analysis of legislation and legal records chapter two investigates the ways in which gaming, and especially gaming houses, were policed. Chapter three focuses on the places in which gaming was conducted, including coffeehouses and alehouses. It also discusses gaming in the home and, more generally, the ways in which gaming was a part of socialising and sociability. Chapter four examines printed debates about the morality of gaming, explores attitudes towards recreation, and explains the ways in which gaming contributed to early ideas about chance, providence and probability. Seventeenth- and eighteenth-century gaming manuals are also considered in detail. The final chapter interrogates attitudes to cheats and cheating and addresses the ways in which credit – both social and material – might be constructed or lost at the gaming table.

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Nick Tosney

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ABBREVIATIONS AND CONVENTIONS

Note: for further details of sub-sections in manuscript sources, please see the bibliography.

Ashton, *History of Gambling*: John Ashton, *The History of Gambling in England* (Burt Franklin, 1968 [London, 1898]).

C. J.: *Journals of the House of Commons* (London, 1802).

Cotton, *Compleat Gamester*: Charles Cotton, *The Compleat Gamester, or, Instructions how to Play at Billiards, Trucks, Bowls, and Chess Together with all Manner of Usual and most Gentile Games either on Cards or Dice: to which is Added the Arts and Mysteries of Riding, Racing, Archery, and Cock-Fighting* (London, 1674).

GLMS: Guildhall Library and Archives Manuscripts Section.

CM1: Court Minute Book of the Company of Makers of Playing Cards, vol. 1.

CM2: Court Minute Book of the Company of Makers of Playing Cards, vol. 2.

CM3: Court Minute Book of the Company of Makers of Playing Cards, vol. 3.

L. J.: *Journals of the House of Lords* (London, 1803).

LMA: London Metropolitan Archives.

CLA: City of London.

COL: Corporation of London.

MJ: Middlesex Sessions.

WJ: Westminster Sessions (tr denotes instances when I used the typed transcripts of WJ/SR/NS/1-56, which cover 1619-38).

Miers, *Regulating Commercial Gambling*: David Miers, *Regulating Commercial Gambling: Past, Present and Future* (OUP, Oxford, 2004).

OBP: The *Proceedings* of the Old Bailey (online), www.oldbaileyonline.org

Shoemaker, *Prosecution and Punishment*: Robert B. Shoemaker, *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c. 1660-1725* (CUP, Cambridge, 1991).

Street, *Law of Gaming*: H. A. Street, *The Law of Gaming* (Sweet and Maxwell, London, 1937).

Thorpe and Goodall, *Early London Cardmakers*: J. G. Thorpe and M. H. Goodall, *Early London Cardmakers: Marks and Apprentices 1560-1760* (The Worshipful Company of Makers of Playing Cards, London, 2001).

TNA:PRO: The National Archives: Public Record Office.

IR: Boards of Stamps, Taxes, Excise, Stamps and Taxes, and Inland Revenue

SP: State Papers Domestic.

T: Treasury.

All quotations from contemporary manuscript and printed works retain original spelling, punctuation, capitalisation, and italicisation. In citations from manuscript sources, the thorn has been modernised to 'th'. Dates are given as they appear in the sources, but the year is taken to begin on 1 January. When statutes are cited, the reference is to *Statutes of the Realm*. Unless otherwise stated, £1 sterling = 20s = 240d.

INTRODUCTION

According to contemporary commentators, legislators, moralists, and anyone else who cared to mention the subject, gaming was rife in early modern England. Cards, dice and other games could be found being played in alehouses, coffeehouses, gaming houses, on the streets, and in the home. The livelihoods of many tradesmen depended on the demand for the gaming equipment they produced, while the government profited from taxing cards and dice. In print gaming was hotly debated and vigorously condemned, while in court people were prosecuted not only for gaming illegally, but also for cheating and assaulting their playing companions. In these and many other ways people from virtually all social groupings engaged with gaming on a daily basis in early modern England. But gaming is not only an important area of research in its own right; studying it also provides a rare opportunity to shed new light on the ways in which facets of people's social, cultural and economic lives were linked.

This thesis is the first major modern study of gaming in England in the period between the middle of the sixteenth and the middle of the eighteenth centuries. Gaming can be defined loosely as the playing of a game for stakes hazarded by the players, especially cards and dice. This is the general definition that will be adopted throughout this thesis, though there are of course points when questions of definition are looked at in much greater detail. But why use the term 'gaming' rather than 'gambling'? The primary reason is that the word 'gambling' was rarely used until the middle of the eighteenth century, and even then, considerably less frequently than 'gaming'. Secondly, 'gaming' refers more accurately to the activities I focus on most, that is, card and dice play, while a thesis about gambling would be expected to cover, among other topics, all manner of betting and horseracing. Thirdly, and this may be a product of how modern gambling is portrayed and marketed, the word 'gambling' is widely, and almost inextricably, associated with large scale commercialisation which, broadly speaking, was absent from much of the activity described in this thesis (but is a question I address in the conclusion). For these reasons, I only use 'gambling' when citing from another source or in relation to a specific context or debate. The word 'gamester' occurs frequently in early modern English sources. Various, this might refer to an individual who was adept or skilled

at gaming, someone who was believed to play too much, a ‘professional’ player (that is, someone who made some or all of their living from gaming), or, very occasionally, a cardsharp. But the most common contemporary usage of ‘gamester’ was simply to denote someone who engaged in gaming; unless otherwise stated, I also use it in this sense.

Little research has been carried out on early modern English gaming. To date, the best overview of the subject is by David Miers and forms chapter one – ‘Gaming in the Seventeenth and Eighteenth Centuries’ – of his *Regulating Commercial Gambling: Past, Present, and Future*.¹ Although this chapter is Miers’ most detailed treatment of the seventeenth and eighteenth centuries, it is still well worth reading two of his earlier essays, ‘Eighteenth Century Gaming: Implications for Modern Casino Control’ and ‘A Social and Legal History of Gaming: From the Restoration to the Gaming Act 1845’.² The majority of Roger Munting’s *An Economic and Social History of Gambling in Britain and the USA* is about the twentieth century; still, the first chapter is a useful, if too general, overview of the history of gambling in Britain.³ Gerda Reith’s *The Age of Chance: Gambling and Western Culture* is a valuable survey with an expansive chronological scope, but in covering over one thousand years of gambling history in a fairly slim volume her treatment of early modern England is necessarily succinct.⁴ Justine Crump’s unpublished paper ‘The Perils of Play: Eighteenth-Century Ideas about Gambling’ is detailed and perceptive.⁵ Unfortunately the same cannot be said of James E. Evans’ “‘A sceane of utmost vanity”: the Spectacle of Gambling in late Stuart Culture’, which does little more

¹ Miers, *Regulating Commercial Gambling*, pp. 17-39.

² David Miers, ‘Eighteenth Century Gaming: Implications for Modern Casino Control’, in James A. Inciardi and Charles E. Faupel (eds.), *History and Crime. Implications for Criminal Justice Policy* (Sage Publications, London, 1980) and ‘A Social and Legal History of Gaming: From the Restoration to the Gaming Act 1845’, in Thomas G. Watkin (ed.), *Legal Record and Historical Reality. Proceedings of the Eighth British Legal History Conference* (The Hambledon Press, London, 1987).

³ A very general overview is also provided by Roger Munting in *An Economic and Social History of Gambling in Britain and the USA* (Manchester University Press, Manchester, 1996), pp. 6-20.

⁴ Gerda Reith, *The Age of Chance: Gambling in Western Culture* (Routledge, London, 1999).

⁵ Justine Crump, ‘The Perils of Play: Eighteenth-Century Ideas about Gambling’ (unpublished paper, 2003, accessible at www-histecon.kings.cam.ac.uk/docs/crump_perils.pdf).

than quote from a selection of seventeenth- and eighteenth-century sources.⁶ Gaming takes centre stage in at least some of David Bellhouse's work on probability,⁷ while one of the best introductions to the history of gambling before the development of probability calculus (generally taken as the Pascal-Fermat correspondence of 1654) is provided by the first seven chapters of F. N. David's *Games, Gods and Gambling*.⁸

Two doctoral theses engage with eighteenth-century gambling (though both are weighted towards the second half of the century): Hope Donovan Cotton's 'Women and Risk; The Gambling Woman in Eighteenth-Century England' and Jessica Richard's 'Arts of Play: The Gambling Culture of Eighteenth-Century Britain'.⁹ Cotton makes a substantial contribution to the field, especially in light of the scarcity of scholarship on women gamblers. Richard's focus is a little narrower because, with the exception of her opening chapter about the history of gambling (which is not without some problems),¹⁰ her study is a close analysis of gambling in eighteenth-century novels. And although the title might cause the historian of early modern gaming to pass it by, Joyce Goggin's doctoral thesis 'The Big Deal: Card Games in 20th-Century Fiction' is useful for its discussions of ideas about play and games and its history of playing cards.¹¹

Although it was first published in 1898, John Ashton's *The History of Gambling in England* remains indispensable. Only six of his twenty-two chapters are devoted to the period before 1800, but these contain a great deal of information, not to mention

⁶ James E. Evans, "A sceane of utmost vanity": the Spectacle of Gambling in late Stuart Culture, *Studies in Eighteenth Century Culture*, vol. 31 (2002), 1-20.

⁷ See especially David Bellhouse, 'The Role of Roguery in the History of Probability', *Statistical Science*, vol. 8, no. 3 (1993), 410-20.

⁸ F. N. David, *Games, Gods and Gambling: A History of Probability and Statistical Ideas* (Dover Publications, 1998 [reprint of the 1962 edn.]). See chapter 4, below, for some comments about probability prior to the Pascal-Fermat correspondence.

⁹ Hope Donovan Cotton, 'Women and Risk; the Gambling Woman in Eighteenth-Century England' (unpublished PhD thesis, Auburn University, Alabama, 1998); Jessica Richard, 'Arts of Play: the Gambling Culture of Eighteenth-Century Britain' (unpublished PhD thesis, Princeton University, 2002).

¹⁰ See my comments in chapter 5, below.

¹¹ Joyce Goggin, 'The Big Deal: Card Games in 20th-Century Fiction' (unpublished PhD thesis, University of Montreal, 1997), chapters 1 & 4, respectively.

a substantial amount of direct quotation, from a wide range of primary sources.¹² In the course of researching this thesis I have read many of the sources Ashton consulted and although *The History of Gambling in England* is far from being fully noted, Ashton's accuracy cannot be faulted. One of Ashton's earlier works – *Social Life in the Reign of Queen Anne: Taken from Original Sources* – is also of value for it contains some information that is not in *The History of Gambling in England*.¹³ Andrew Steinmetz's *The Gaming Table: Its Votaries and Victims* of 1870 may not be in the same league as Ashton's *The History of Gambling in England*, but it should not be overlooked.¹⁴ *The Gaming Table* is a fascinating compilation of anecdotes and vignettes about gaming 'In all Times and Countries, especially in England and in France', but – and this is what limits its usefulness – there are precious few hints from where most of Steinmetz's information was derived.¹⁵

The magnitude of covering over two hundred years of English history precluded any attempts to make any meaningful comparisons with early modern European gaming. However, there are a number of works with which I am familiar and these can serve as a starting point (this list is by no means exhaustive). France, and in particular the French elites, are well-served by Thomas M. Kavanagh's *Enlightenment and the Shadows of Chance: The Novel and the Culture of Gambling in Eighteenth-Century France* (part I is especially useful) and his *Dice, Cards, Wheels: A Different History of French Culture*.¹⁶ Though perhaps less well-known, John Dunkley's *Gambling: A Social and Moral Problem in France, 1685-1792* is a meticulous study that has a particularly comprehensive treatment of contemporary moral and intellectual debates

¹² Ashton, *History of Gambling*, pp. 1-103.

¹³ John Ashton *Social Life in the Reign of Queen Anne: Taken from Original Sources* (Elibron Classics, 2005 [London, 1883]).

¹⁴ Andrew Steinmetz, *The Gaming Table: Its Votaries and Victims* (2 vols., Kessinger Publishing, 2003 [London, 1870]).

¹⁵ Steinmetz, *The Gaming Table*, front matter.

¹⁶ Thomas M. Kavanagh, *Enlightenment and the Shadows of Chance: The Novel and the Culture of Gambling in Eighteenth-Century France* (Johns Hopkins University Press, Baltimore and London 1993); *Dice, Cards, Wheels: A Different History of French Culture* (University of Pennsylvania Press, Philadelphia, 2005). See also his 'The Libertine's Bluff: Cards and Culture in Eighteenth-Century France', *Eighteenth-Century Studies*, vol. 33, no. 4 (2000), 505–521.

about gaming.¹⁷ The playing cards that were produced in sixteenth-century Nuremberg are the lens through which Laura Smoller examines attitudes to gaming at the time of the Reformation.¹⁸ James H. Johnson's 'Deceit and Sincerity in Early Modern Venice' is a lively case study of the career of a Venetian cardsharp;¹⁹ Jonathan Walker also takes the *casini* and *ridotti* of Venice as the location for his detailed assessment of gaming among Venetian noblemen.²⁰

Returning to England, there are a handful of studies which are not specifically about gaming but consider it in some detail. Most of these will be introduced when they appear in the main text; but three works warrant a mention here because they are particularly useful. John G. Thorpe and Michael H. Goodall's *Early London Cardmakers: Marks and Apprentices 1560-1760* is a treasure trove of information about the playing card trade, though the authors do not seem to realise just how significant some of that information is.²¹ Marjorie McIntosh's *Controlling Misbehavior in England, 1370-1600* has a subsection on gaming offences, which shows the difficulties of enforcing national anti-gaming legislation at the local level and illustrates the importance of local factors in determining how rigorously gaming offences might be prosecuted.²² Similar themes can be seen in Robert Shoemaker's *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c. 1660-1725*, in which Shoemaker considers gaming in the context of a broader framework of petty crime and vice, and, importantly, includes gaming offences in his statistical analyses of crime; my debt to this work will be apparent in

¹⁷ John Dunkley, *Gambling: A Social and Moral Problem in France, 1685-1792* (The Voltaire Foundation, Oxford, 1985).

¹⁸ Laura A. Smoller, 'Playing Cards and Popular Culture in Sixteenth-Century Nuremberg', *Sixteenth Century Journal*, vol. 17, no. 2 (Summer 1986), 183-214.

¹⁹ James H. Johnson, 'Deceit and Sincerity in Early Modern Venice', *Eighteenth-Century Studies*, vol. 38, no. 3 (2005), 399-415. Johnson's case study is discussed in some detail in chapter 5, below.

²⁰ Jonathan Walker, 'Gambling and Venetian Noblemen c. 1500-1700', *Past and Present*, no. 162 (Feb. 1999), 28-69.

²¹ Thorpe and Goodall, *Early London Cardmakers*. As the notes to chapter 1, below, show, the information in *Early London Cardmakers* can be put to a variety of uses.

²² Marjorie McIntosh, *Controlling Misbehaviour in England, 1370-1600* (CUP, Cambridge, 1998), pp. 96-108.

chapter two.²³ Though numerous historians of early modern England either mention gaming in passing or use examples in which people are playing at cards or at dice, studies which engage with gaming – even briefly – are the exception. I hope that this thesis demonstrates that gaming is worthy of scholarly attention both in its own right and, as the chapter overviews below show, as a subject that can make a wider contribution to a number of more well-established research areas.

Continuing to think along broader lines, it might be asked if this study of gaming is a study of ‘popular culture’. There has, of course, been much debate about what constitutes ‘popular’, ‘culture’ and ‘popular culture’. I do not wish to rehearse such debates here, especially since this has been done to good effect and fairly recently by Emma Griffin, but rather to make a few brief comments about gaming and ‘popular culture’.²⁴ Innumerable people played at cards and at dice for money in early modern England. In this sense, gaming was certainly popular; but for many it was also a part of everyday life, which is what ‘popular culture’ at its most inclusive might be considered to be.²⁵ However, gaming was not a medium for a uniformity of experience; throughout this thesis we will see ‘differences, divergences and conflicts’ connected to, among other things, material conditions, social status and gender.²⁶ At other times, though, there can be seen congruence in both gaming practices and attitudes to carding and dicing that cut across these various boundaries: Barry Reay has suggested that ‘popular cultures’ in early modern England consisted of a ‘combination of diversity amidst shared values’, which is also a useful way of thinking about gaming.²⁷ Still, ‘it must not be forgotten that early modern England was a hierarchically structured society, with enormous differentials in wealth, power

²³ Shoemaker, *Prosecution and Punishment*. See also Robert Shoemaker, ‘Reforming the City: The Reformation of Manners Campaign in London, 1690-1738’, in L. Davison, T. Hitchcock, T. Keirn & R. B. Shoemaker (eds.), *Stilling the Grumbling Hive* (St. Martins Press, New York, 1992).

²⁴ Emma Griffin, *England's Revelry: A History of Popular Sports and Pastimes 1660-1830* (British Academy/OUP, Oxford, 2005), ch. 1. See also Emma Griffin, ‘Popular Culture in Industrialising England’, *The Historical Journal*, vol. 45, no. 3 (2002), 619-35.

²⁵ See for instance, Peter Burke, *Popular Culture in Early Modern Europe* (Ashgate, Aldershot, 2002 reprint of the 1994 revised edn.), p. xxii and Tim Harris, ‘Problematising Popular Culture’, in Tim Harris (ed.), *Popular Culture in England, c. 1500-1850* (Macmillan, Basingstoke, 1995), p. 10.

²⁶ Burke, *Popular Culture in Early Modern Europe*, p. xvi.

²⁷ Barry Reay, *Popular Cultures in England 1550-1750* (Longman, London and New York, 1998), p. 215.

and education, and where the balance between different social forces was very unequal'.²⁸ This can be seen quite clearly in, for example, legislation against and attempts to suppress gaming among those at the lower end of the social strata. While such anti-gaming initiatives should not be taken as evidence for a bi-polar model of popular culture (which has long-since been picked apart by many and various hands) or indeed of gaming,²⁹ they might be seen to resonate with Griffin's observation that 'popular culture emerges as the outcome of negotiations between different sections of society, negotiations which were sometimes acrimonious, sometimes harmonious, always complex'.³⁰

The points I have made about gaming and 'popular culture' apply equally well to discussions of 'popular recreations'. I consider gaming and recreation at various points in this thesis (and especially in chapter four), but some additional introductory comments are needed here. For Alessandro Arcangeli, 'gambling *per se* can be recreational only in a loose sense of the word ... because if the reason of an activity is the (expected) gain, that means that it is performed for reasons other than relaxation and amusement'.³¹ Developing this point, Arcangeli contends, 'if, in the pursuit of gain, someone devotes so much time and energy to gambling that it becomes their main occupation, this mere fact raises serious doubts about the possibility of properly regarding them as playing (I may sound here worryingly similar to early modern moralists, but I think they had a point)'.³² There is some evidence to support this position. Still, Arcangeli's decision to exclude gambling from his otherwise wide-ranging *Recreation in the Renaissance: Attitudes Towards Leisure and Pastimes in European Culture, c. 1425-1675* for these reasons alone does not tally with many of my findings.

²⁸ Harris, 'Problematizing Popular Culture', p. 26.

²⁹ See, for instance, the examples cited by Harris in 'Problematizing Popular Culture' and Reay in *Popular Cultures in England*, esp. ch. 7.

³⁰ Griffin, *England's Revelry*, p. 254.

³¹ Alessandro Arcangeli, *Recreation in the Renaissance: Attitudes Towards Leisure and Pastimes in European Culture, c. 1425-1675* (Palgrave Macmillan, Basingstoke, 2003), p. 3.

³² Arcangeli, *Recreation in the Renaissance*, p. 3.

It may be unusual to see such an overt argument for not including gaming in a study of recreation, but this is not to say that gaming has featured prominently in other works. Indeed, from Robert Malcolmson's classic *Popular Recreations in English Society, 1700-1850* to Emma Griffin's recent *England's Revelry: A History of Popular Sports and Pastimes 1660-1830*, gaming has slipped through the scholarly net.³³ A possible explanation for this is that such studies have usually focused on outdoor games and sports: Griffin's work is a case in point, though she does mention Ross McKibbin's study of working-class gambling 1880-1939 in the introduction to *England's Revelry*.³⁴ But it is also difficult to escape the feeling that, for whatever reasons, gaming has remained outside the umbrella of early modern 'popular recreations'. Having said all this, neither 'popular culture' nor 'popular recreations' are terms I use very much in this thesis. But if these labels help us to think more carefully about gaming practices and attitudes to gaming that often overlapped and sometimes caused conflict, they will have done their job.

Although it is hoped that this study goes a long way towards remedying the lack of work on early modern English gaming, it was never going to be possible to fill the gap in its entirety. So before outlining in more detail the scope of this thesis, it is necessary to give an overview of what it does not cover. First, this is not a sociological study of early modern gaming and it makes no sustained attempt to explain why people play at cards, dice and other games, though at appropriate points I do make some suggestions about a player's motivation for gaming. Second, this thesis focuses for the most part on those of low to middling social status. These groups, and especially the former, constituted the majority of the English population during the period under consideration and much of the legislation was directed against the poor, as were many of the attempts to enforce that legislation. Accounts of gaming among the lower orders are, moreover, much less prominent than those featuring their social superiors. Elite gaming is mentioned fairly frequently in contemporary periodicals; such accounts can be combined with diaries, memoirs and

³³ Robert Malcolmson, *Popular Recreations in English Society, 1700-1850* (CUP, Cambridge, 1973); Griffin, *England's Revelry*.

³⁴ Griffin, *England's Revelry*, pp. 10-11 (referring to Ross McKibbin, 'Working-Class Gambling in Britain, 1880-1939', in his *The Ideologies of Class: Social Relations in Britain, 1880-1950* (OUP, Oxford, 2002 reprint). See also Griffin, 'Popular Culture in Industrialising England', pp. 626-27.

histories like Ashton's (which are usually elite-focused) to provide something of a window into early modern elite gaming.³⁵ Biographies of great individuals and histories of the aristocracy also tend to contain anecdotal evidence about gaming among the upper echelons of society.³⁶ This is by no means an ideal state of affairs, and I certainly do not wish to give the impression that I think elite gaming unworthy of sustained study. But there had to be a cut off point somewhere and an analysis of, for example, gaming at Bath would have necessitated another chapter, as would a discussion of play in clubs like White's, and so on. Third, because of constraints of space there is less in this thesis about the material and visual culture of gaming than I perhaps would have liked – for the reader interested in playing cards a number of detailed histories and lavish catalogues are readily available.³⁷ It should also be pointed out that although this study does engage with ideas about chance and probability, it is not intended to be a history of these subjects. Lorraine Daston's definitive *Classical Probability in the Enlightenment* should be the first calling point for those researching probability: indeed, it is fortunate for this author that Daston only turns her attention briefly to gaming.³⁸

This thesis is structured around five different, but interlocking, subjects: gaming and the playing card trade; gaming, crime and the law; gaming environments; ideas and debates about gaming that appeared in print; and cheating. Each constitutes a chapter.

³⁵ Ashton, *History of Gambling and Social Life in the Reign of Queen Anne*.

³⁶ Performing a full text search for 'gambling' in the electronic version of the *Oxford Dictionary of National Biography* provides numerous examples. For a further instance see Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (abridged edition, OUP, Oxford, 1965), pp. 259-60.

³⁷ Some good examples are: Catherine Perry Hargrave, *A History of Playing Cards and a Bibliography of Cards and Gaming* (London, 1966 and various other editions); William Gurney Benham, *Playing Cards: History of the Pack* (London, 1957); William Chatto, *Facts and Speculations on the Origin and History of Playing Cards* (London, 1848); William B. Keller, *A Catalogue of the Cary Collection of Playing Cards in the Yale University Library* (4 vols., Yale University Library, New Haven, 1981).

³⁸ Lorraine Daston, *Classical Probability in the Enlightenment* (Princeton University Press, Princeton, 1988). The types of practices that I have defined as 'gaming' appear at various points in Daston's analysis, but only occupy a central position in chapter 3.4.1.

Gaming and the playing card trade were inextricably linked in early modern England. Thus in chapter one I situate gaming in a wider framework of the history of trades, companies and taxation as well as providing for the first time quantitative evidence for claims about the prevalence of gaming. After a brief history of playing cards this chapter looks at early patents and monopolies on the import of cards. It then offers a narrative of the growth of the Company of Makers of Playing Cards and, in the broader context of research into the regulation of companies,³⁹ investigates the way in which the playing card trade was regulated by both the Company and other interested parties. The Company was very successful and by 1684 its members were producing over one million packs of cards per year; but the extension of stamp duty to playing cards in 1711 brought new challenges. I use the documentation generated by the implementation of the Stamp Act to construct detailed series of data for playing card production in the eighteenth century, while paying considerable attention to the complex process of collecting stamp duty payments and the problems posed by forgery and fraud.⁴⁰ The taxation on cards was heavy and I contend that this was not only a method of raising revenue, but also a novel attempt by the government to reduce gaming among the poor.

Throughout the period covered by this thesis gaming was an illegal activity for large swathes of the population: the legal status of gaming and attempts to suppress, control and police gaming and gaming houses are the subjects of my second chapter. Legislative developments are surveyed first. Then, material from the Middlesex and Westminster sessions, the Old Bailey *Proceedings*, and provincial quarter sessions is used to demonstrate the difficulties of enforcing the gaming laws and the processes by which gaming offences were discovered and prosecuted. The same sources are also used to provide some statistical evidence about the levels of gaming prosecutions; an analysis of these levels is followed by an assessment of the contributions of the societies for the reformation of manners to anti-gaming initiatives. I then look at some of the links between gaming and other, usually more

³⁹ See, for instance, Ian Gadd and Patrick Wallis, 'Introduction', Patrick Wallis, 'Controlling Commodities: Search and Reconciliation in the Early Modern Livery Companies' and Matthew Davies, 'Governors and Governed: the Practice of Power in the Merchant Taylors' Company', all in Ian Gadd and Patrick Wallis (eds.), *Guilds, Society & Economy in London 1450-1800* (Centre for Metropolitan History et al., London, 2001).

⁴⁰ 9 Anne, c. 16 (1710). The Stamp Act came into force on 11 June 1711.

serious, types of crime and suggest that it is against this backdrop that the status of gaming as a 'victimless' crime should be re-evaluated. The chapter ends with two case studies: the first examines the suppression of gaming houses in the parish of St. Leonard Shoreditch, while the second scrutinises a gaming house riot that erupted in Covent Garden in 1721.

In chapter three I turn my attention to the places in which games were played and the experiences of those playing them. The first half of this chapter examines gaming at the Groom Porter's (a specialised gaming venue attached to the court, but frequented by players from a range of social groups) as well as in public houses and in coffeehouses. By assessing gaming in various environments new light is shed on how people spent their time, in what location and with whom; it is also shown that the pursuit of gaming could cut across boundaries of social status. I engage in particular with Cowan, Klein and Pincus's research on coffeehouses, and argue that gaming can reveal similarities among establishments that have often been considered to be distinct from one another.⁴¹ The second half of the chapter signals a shift in focus from the more familiar accounts of gaming environments to play in the home, which is conceptualised as 'domestic gaming'. I analyse how a number of diarists conceived of the time they spent gaming and, more generally, assess the nature of gaming in the home and the function of card playing as a form of sociability. Accounts of gaming in the home provide a rare snapshot of women playing cards and dice; but this also presents an opportunity to contrast women's participation in domestic gaming with the critiques of 'female gamesters' that appeared in contemporary periodicals.

Chapter four has at its heart the ideas and debates about gaming that appeared in print. Most of the printed works about gaming published between the late sixteenth and late seventeenth centuries analysed gaming from a religious and/or moral perspective; a substantial part of this chapter is concerned with interrogating the ideas expressed in such accounts. To begin with, this chapter shows that a major

⁴¹ See, for example, Brian Cowan, *The Social Life of Coffee: The Emergence of the British Coffeehouse* (Yale University Press, New Haven 2005), Lawrence Klein, 'Coffeehouse Civility, 1660-1714: an Aspect of Post-Courtly Culture in England', *Huntington Library Quarterly*, vol. 59, no. 1 (1997), 30-72 and Steven Pincus, "'Coffee politicians does create": Coffeehouses and Restoration Political Culture', *The Journal of Modern History*, vol. 67, no. 4 (Dec. 1995), 807-834.

component of early critiques of gaming was that games of chance were believed to constitute an abuse of lots, a position which was informed, in part, by contemporary beliefs about providence. This was challenged in 1619 by Thomas Gataker's *Of the Nature and Vse of Lots*; the debates generated by this work are examined closely.⁴² Then, attitudes towards recreation and leisure in early modern England are assessed, which forms the wider context for a detailed discussion of the most common criticisms of gaming. I also consider the appearance by the mid-eighteenth century of ideas which fashioned gaming as damaging not only to the individual but also to society and the nation as a whole. The final part of this chapter analyses printed guides to gaming such as Charles Cotton's *The Compleat Gamester* (1674) and Edmond Hoyle's *A Short Treatise on Whist* (1742), both of which quickly went through numerous editions. I look at how the guides developed, show how their authors engaged actively with the growing fashion for and interest in gaming and, in the case of Hoyle, suggest how 'polite' gaming was marketed.

The fifth and final chapter analyses cheating at cards and at dice and in doing so brings together many of the themes from the preceding chapters. After an overview of the legislative framework, this chapter examines cases of cheating that were prosecuted in a range of London and provincial courts; these are also used to comment more broadly on some of the ways in which the inhabitants of early modern England weighed up their companions. Then, by combining information from legal records with printed pamphlets about cheating, I describe some of the more common methods of cheating at gaming and investigate the incidence of complex deceptions involving disguises and elaborate ruses. Throughout, this chapter explores the ways in which individuals dealt with incidents of cheating, and the range of consequences that those incidents might have. Having a reputation for cheating, I suggest, might lead to exclusion from gaming-related sociability. But this was not all and, drawing on the work of Muldrew and Shepard,⁴³ I argue that both being accused of cheating and being cheated could have serious implications for an

⁴² Thomas Gataker, *Of the Nature and Vse of Lots a Treatise Historicall and Theologicall* (London, 1619).

⁴³ Alexandra Shepard, *Meanings of Manhood in Early Modern England* (OUP, Oxford, 2003); Craig Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (Macmillan, Basingstoke, 1998).

individual's social or economic credit beyond the gaming table. Lastly, I show that certain types of specialist knowledge, such as an ability to calculate probability or mnemonic techniques, could, when applied to gaming, be considered akin to cheating; what might be described today as 'gamesmanship' was viewed with some unease in early modern England.

My chronological starting point is the Unlawful Games Act of 1541.⁴⁴ Unlike most of its predecessors, this Act had a clear focus on gaming rather than games: it defined the circumstances in which gaming was illegal and established parameters that were to remain largely unchanged for the next three hundred years. Significantly, it also created the statutory offences of maintaining a gaming house and of resorting to a gaming house. Thus the Unlawful Games Act was arguably the most important piece of gaming legislation passed until the laws were completely overhauled in 1845 on the recommendation of a parliamentary select committee.⁴⁵

In 1760, George III acceded to the throne. The new monarch's dislike of gaming was to spell the end of the Groom Porter's, which, in addition to being privy to over two centuries of royal gaming, was infamous as a centralised venue for card and dice play.⁴⁶ But George's closure of the Groom Porter's actually went somewhat against the grain. By the middle of the eighteenth century, gaming was no longer outside the boundaries of acceptability and domestic gaming had even attained a degree of respectability. The end point of my study recognises that attitudes to gaming were now appreciably different than they had been in the mid-sixteenth century.

The history of gaming in England from 1760 to 1844 still needs to be written.

⁴⁴ 33 Hen. 8, c. 9, (1541).

⁴⁵ See *The Three Reports from the Select Committee of the House of Lords on the Laws Respecting Gaming* (1844), in *British Parliamentary Papers*, 'Social Problems: Gambling' (Irish University Press series of British Parliamentary Papers, Shannon, 1968-71).

⁴⁶ Ashton, *History of Gambling*, p. 49; Hannah Smith, *Georgian Monarchy: Politics and Culture, 1714-1760* (CUP, Cambridge, 2006), p. 198. For more about the Groom Porter's see chapter 3, below.

Chapter One GAMING AND THE PLAYING CARD TRADE

Introduction

To date, no quantitative evidence about gaming in early modern England has ever been gathered.¹ In one sense, it would be impossible to quantify how much gaming was going on: there were, after all, no records of casino attendance or of online gaming transactions in early modern England and then, as now, there was no way of counting how many people were playing in private. What it is possible to do, though, is to calculate how many packs of cards and pairs of dice were produced. And while this might not equate directly to the numbers of people playing, it is arguably the best indicator that we have. As we will see, the numbers of packs of playing cards produced are remarkable, but concentrating only on statistics would be an oversight because there is much rich qualitative information in many of the sources cited below. So as well as providing for the first time a statistical basis for claims about the prevalence of gaming, this chapter aims not only to locate the history of the playing card trade in its contemporary context, but also to place gaming in a broader context.

Calculating the numbers of packs of playing cards produced in early modern England is not an easy task. Records of production were not, it seems, routinely kept, or at least have not survived. Thus a number of different sources have been used, including: port books; the minutes of the Company of Makers of Playing Cards; state papers; treasury books, papers and accounts (William Shaw's various calendars are indispensable); and reports in the Commons' and Lords' *Journals*.² Different sources present data in different ways – some give numbers of packs in gross (144 packs) whereas others give the revenue from taxes on cards. Numbers can only be calculated from the latter when it is known how much tax was paid on each gross or pack. There are some very good runs of data, but there are also substantial gaps and periods in which a production quota was set, but for which there is no additional

¹ With the possible exception of the *Accounts* published in the eighteenth century by the societies for the reformation of manners, which detailed how many people they had prosecuted for certain offences: see chapter 2, below, for a detailed discussion.

² William A. Shaw, *Calendar of Treasury Books and Papers, 1729-45* (5 vols., London, 1897-1903); *idem.*, *Calendar of Treasury Books, 1660-1718* (32 vols., London, 1904-1962).

evidence to indicate whether or not it was adhered to. It should also be pointed out that all numbers given are probably minimum values: there are, for instance, periods when there are data for imports but no evidence pertaining to domestic production, and vice-versa. Furthermore, the numbers of packs do not take into account those which, by accident or design, evaded the receivers of duty and other government officials. Yet even with these considerations in mind, I am confident that my figures give at least a general idea of the numbers of packs of cards in circulation at various points during the sixteenth, seventeenth and eighteenth centuries, even if my totals underestimate the 'real' amounts. All of the aforementioned points apply equally well to dice, but because I have been unable to find much quantitative or qualitative information about dice, the main focus of this chapter will be on cards.

This chapter combines a chronological and thematic approach and begins by looking at early patents and monopolies on the import of playing cards. It then examines the structure, regulation and growth of the Company of Makers of Playing Cards during the seventeenth century and the way in which the Company interacted with the agents of the Crown. I show that by the 1680s over one million packs of playing cards were being produced *yearly* and discuss the opposition to the Stamp Act of 1710 which imposed stamp duty on cards. The final section of this chapter utilises detailed runs of data to analyse the impact of stamp duty on the production of playing cards, investigates the complex process of enforcing and collecting duty payments, and reveals evidence of large scale fraud and ingenious forgers. I conclude by evaluating the significance of taxation as a way of controlling gaming. But as an initial step it would make sense to provide some brief details about the playing cards themselves.

Playing cards arrived in England in the early fifteenth century, probably from France, and one of the earliest references to them is in 1459, in the Paston Letters.³ But it is highly likely that playing cards were known in England earlier than this date would suggest: two cases heard by the leet court of Wymer (Norwich) in 1374/5 almost

³ Margaret Paston to John Paston, 24 Dec. 1459, in Norman Davis (ed.), *The Paston Letters* (Oxford World's Classics, 1999), p. 54.

certainly mention playing cards,⁴ while by the 1460s there were evidently enough English playing card makers to warrant a clause in the Exportation, Importation and Apparel Act placing restrictions on the importation of cards.⁵ By the middle of the sixteenth century, a standard pack was composed of fifty-two cards, arranged in four suits; clubs, spades, diamonds, and hearts.⁶ Each suit had a knave (jack), queen, king, and an ace. In other words, while the quality and exact design varied, early modern playing cards looked very similar to those with which we are familiar today. The backs of the cards were usually plain. It is actually quite difficult to find sources that include descriptions of how playing cards were made, but Maurice Rickards informs us that ‘cards were traditionally made by printing the court card outlines from wood blocks, colours and pips added by stencilling’.⁷ The standardisation of suits and developments in printing made this process increasingly efficient, making it possible to produce cards in great numbers. There is also evidence to suggest that cards were printed on large boards – hence the involvement in the playing card trade of both paste-board and paper makers – which were cut up on demand.⁸

⁴ W. Hudson (ed.), *The Leet Jurisdiction of the City of Norwich*, Selden Society, vol. 5 (1891), pp. 65-66. I would like to thank Catherine Casson for this reference.

⁵ 3 Edw. 4, c. 4 (1463).

⁶ This is not to say that all card games used 52 cards; picquet, for instance, required only 36 cards.

⁷ Maurice Rickards, *The Encyclopedia of Ephemera* (British Library, London, 2000), p. 240.

⁸ TNA:PRO T 1/137 nos. 3 & 3a. See also ‘Enforcing the Stamp Act’, below.

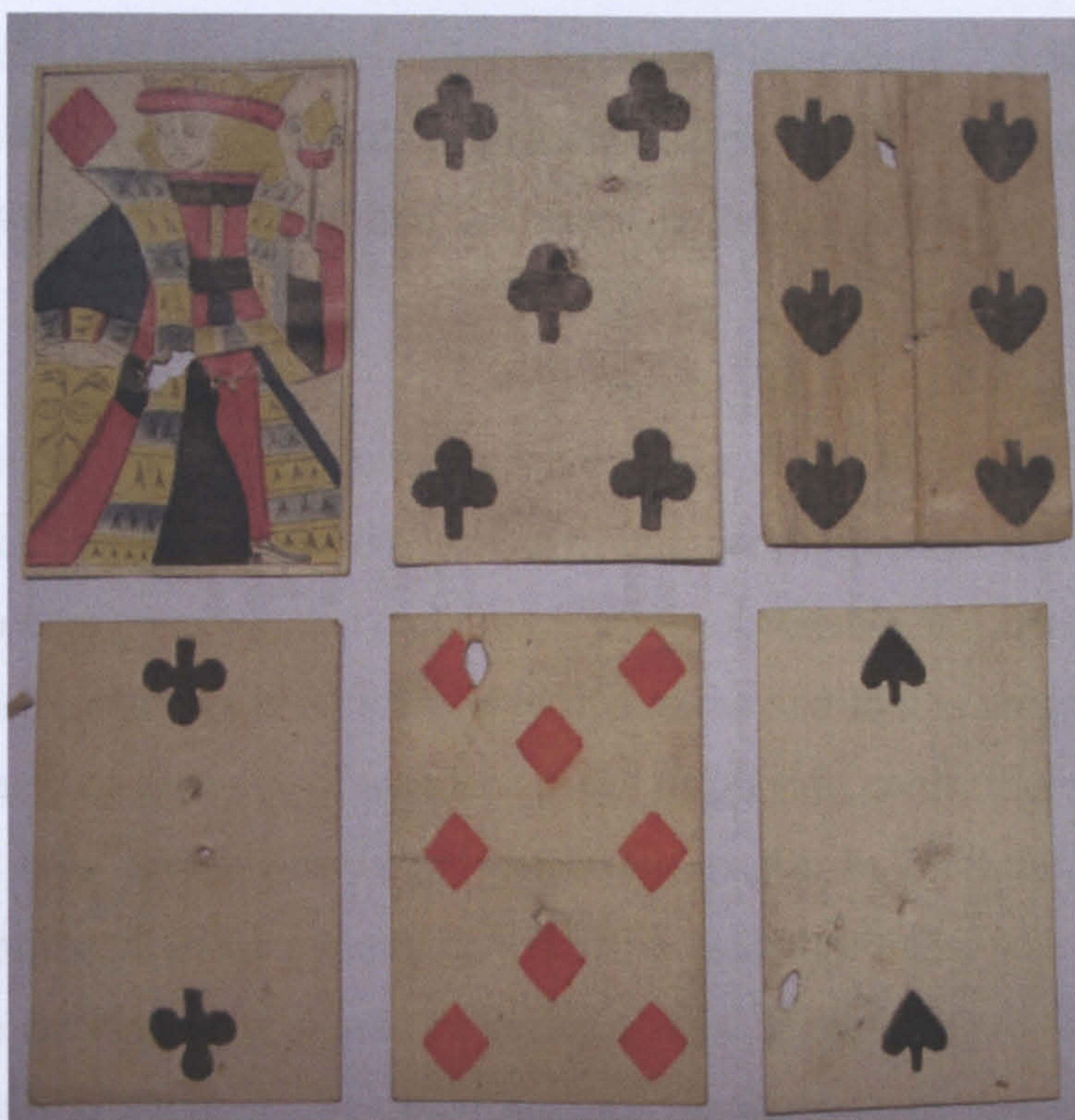


Figure 1: A Selection of Playing Cards from The National Archives, c. 1740⁹

During the fifteenth and sixteenth centuries ‘haberdashers were extensively involved in the importation, wholesaling and retailing of playing-cards’.¹⁰ Indeed, in the sixteenth century the haberdashers were criticised for the way in which their business ‘worked to the profit of aliens for so much of the stuff that they sold was imported’, and this included playing cards.¹¹ Haberdashers certainly sold cards in the seventeenth century too: four of the original twenty-nine members of the Company of Makers of Playing Cards, founded in 1628, were haberdashers; William Guy, a wealthy haberdasher was involved in litigation related to the seizure of his playing cards in 1639; and the Haberdashers’ Company was one those which supported the cardmakers’ opposition to the Stamp Act in 1710.¹² From around the middle of the seventeenth century, there is much evidence to suggest that cards could be bought

⁹ TNA:PRO HCA 65/23.

¹⁰ Thorpe and Goodall, *Early London Cardmakers*, p. 11.

¹¹ Ian Archer, *The History of the Haberdashers’ Company* (Phillimore, Sussex, 1991), p. 21 and see also p. 23.

¹² TNA:PRO SP 16/438/88; Thorpe and Goodall, *Early London Cardmakers*, pp. 28 & 31.

from some stationers, such as Ralph Bowes, and, from 1684, cards could be bought from the official sealing office on Silver Street in Bloomsbury.¹³ It is probable that many of the cardmakers sold cards from their own premises; there would have been little point, after all, in printing their addresses on their merchandise if this were not the case.¹⁴

As we will see, by the later seventeenth century over one million packs of cards were being produced per year. Given the very large number of playing cards in circulation, one would have to conclude that cards were easily accessible and fairly inexpensive. Yet the retail price of cards is difficult to determine and this is complicated by the fact that among the accounts of standard packs of playing cards, there is mention of both 'course' (i.e. 'coarse') cards and 'superfine' packs. In 1638 the Haberdashers' Company profited from an indenture, which had stipulated that 'the old Stocke of Cards then in the kingdome should be sealed Gratis', by refusing to 'sell their Cards under 6d or 8d ... although they paid nothing for the sealing thereof'.¹⁵ This was apparently a 'great' price, and particularly so in light of a suggestion in the same year that 'the best cards shalbe sould for 3d the next for 2d and a third sorte for a penny farthing'.¹⁶ This is consistent with Richard Reeve's statement in 1640 that his cards were worth 18s per gross, or 1½d per pack.¹⁷ A year earlier, William Guy had been selling slightly more expensive cards at 2¼d per pack, but these may have been marked up for retail.¹⁸

Between 1684 and 1711 the King's receiver and his agents had a hand in setting the price because it was their responsibility 'To mark and sett such reasonable price upon every packe of Cards by the owners consent as they are worth or adjudged to be worth by Surveyors etc for the purposes to be Chosen to prevent the enhancing the

¹³ Thorpe and Goodall, *Early London Cardmakers*, p. 25.

¹⁴ Thorpe and Goodall include facsimiles of a number of cardmakers' advertisements and marks: *Early London Cardmakers*, *passim*.

¹⁵ TNA:PRO SP 16/408/1 (1638).

¹⁶ TNA:PRO SP 16/408/2 (1638).

¹⁷ TNA:PRO SP 16/451/120 (1640).

¹⁸ TNA:PRO SP 16/438/88 (1639). Guy actually stated that two gross of cards were worth '2li 14s'.

price by such as may endeavour it'.¹⁹ Unfortunately, no prices are given but it seems that they had remained fairly stable; in 1711 the Company of Makers of Playing Cards wrote that 'The most they sell their Cards for to the Retailer (one sort with another) is three half pence p[er] pack', which was about the same as in 1640.²⁰ This distinction between the maker and the retailer is interesting because it implies not only that the cardmakers sold to other trades, but also that the latter did indeed mark up the price. It could be expected that prices rose after the Stamp Act came into force in 1711 (more on which later), but they probably did not reach the 12d per pack that the cardmakers thought they might; in December 1755 Thomas Turner, a shopkeeper (who presumably did not sell cards himself), 'paid John French 6d. for 1 pack of playing cards'.²¹

Although it is highly likely that most packs of cards produced were of the standard sort described above, it should be noted that there were also a number of more elaborate specimens. From the last quarter of the seventeenth century various sets of what cataloguers refer to as 'historical cards' were produced, which depicted events such as the Popish Plot, Marlborough's Victories, the impeachment of Dr Sacheverell (see Figure 2, below), and the South Sea Bubble.²² With particular reference to the Plot cards, Tim Harris has suggested that 'playing cards ... were used as visual forms of propaganda', while I argue in chapter three that the pictures on 'historical', 'geographical' and other types of non-standard cards might have served as a point of conversation among players.²³

¹⁹ GLMS 05963/3 CM3, p. 100 (1683 Indenture).

²⁰ GLMS 05963/2 CM2, 186r (May 1711); *Reasons Humbly Offer'd to the House of Commons, by the Company of Cardmakers, Against the Tax upon Playing-Cards* (London, 1711).

²¹ Thomas Turner, *The Diary of Thomas Turner 1754-1765*, ed. David Vaisey (OUP, Oxford, 2000), 19 Dec. p. 19.

²² See, for instance, William B. Keller, *A Catalogue of the Cary Collection of Playing Cards in the Yale University Library* (4 vols., Yale University Library, New Haven, 1981), vol. 1, pp. 113-16 (for the descriptions) and vol. 3, pp. 123-28 (for the corresponding plates).

²³ Tim Harris, *London Crowds in the Reign of Charles II: Politics and Propaganda from the Restoration to the Exclusion Crisis* (CUP, Cambridge, 1987), p. 133 and see also pp. 108-113. For cards as religious propaganda in early sixteenth-century Nuremberg, see Laura Smoller, 'Playing Cards and Popular Culture in Sixteenth-Century Nuremberg', *Sixteenth Century Journal*, vol. 17, no. 2 (Summer 1986), pp. 187-89.



Figure 2: 'Cards About Dr. Sacheverell' (3 of 52, 1710)²⁴

'Historical' cards were probably more expensive than standard packs and 'geographical' and 'astronomical' cards certainly were; various packs were advertised regularly in the *Weekly Packet* in 1715 and 1716 and all of them (with the exception of *The Famous Mr. Winstanly's Travelling-Cards*, which were not priced) cost two shillings per pack.²⁵

An 'unjust monopoly' that was 'justlie suppress'?²⁶ Early Patents and Monopolies on Playing Cards

As mentioned above, restrictions were placed on the importation of cards by the Exportation, Importation and Apparel Act of 1463. But by the 1560s it seems that the laws pertaining to imports had lapsed, or at least were not being enforced. Thorpe and Goodall inform us that in 1564/5 97,488 packs of playing cards were imported into London,²⁷ while Figure 3 shows that 576 gross of cards, totalling some 82,944 packs, were brought into London ports from Rouen (the great majority on English

²⁴ British Museum Department of Prints and Drawings, BM Satires 1546.

²⁵ See for instance, *Weekly Packet*, nos. 175-91 (Nov. 1715-March 1716).

²⁶ TNA:PRO SP 16/408/2 (1638).

²⁷ Thorpe and Goodall, *Early London Cardmakers*, p. 12.

ships) between October 1567 and October 1568.²⁸ The seasonality is interesting but without knowing a great deal more about sixteenth-century overseas trade I would be wary of ascribing it to any particular seasonal vogue for gaming, especially since carding and dicing were widely reported to be at their height during the Christmas period.²⁹

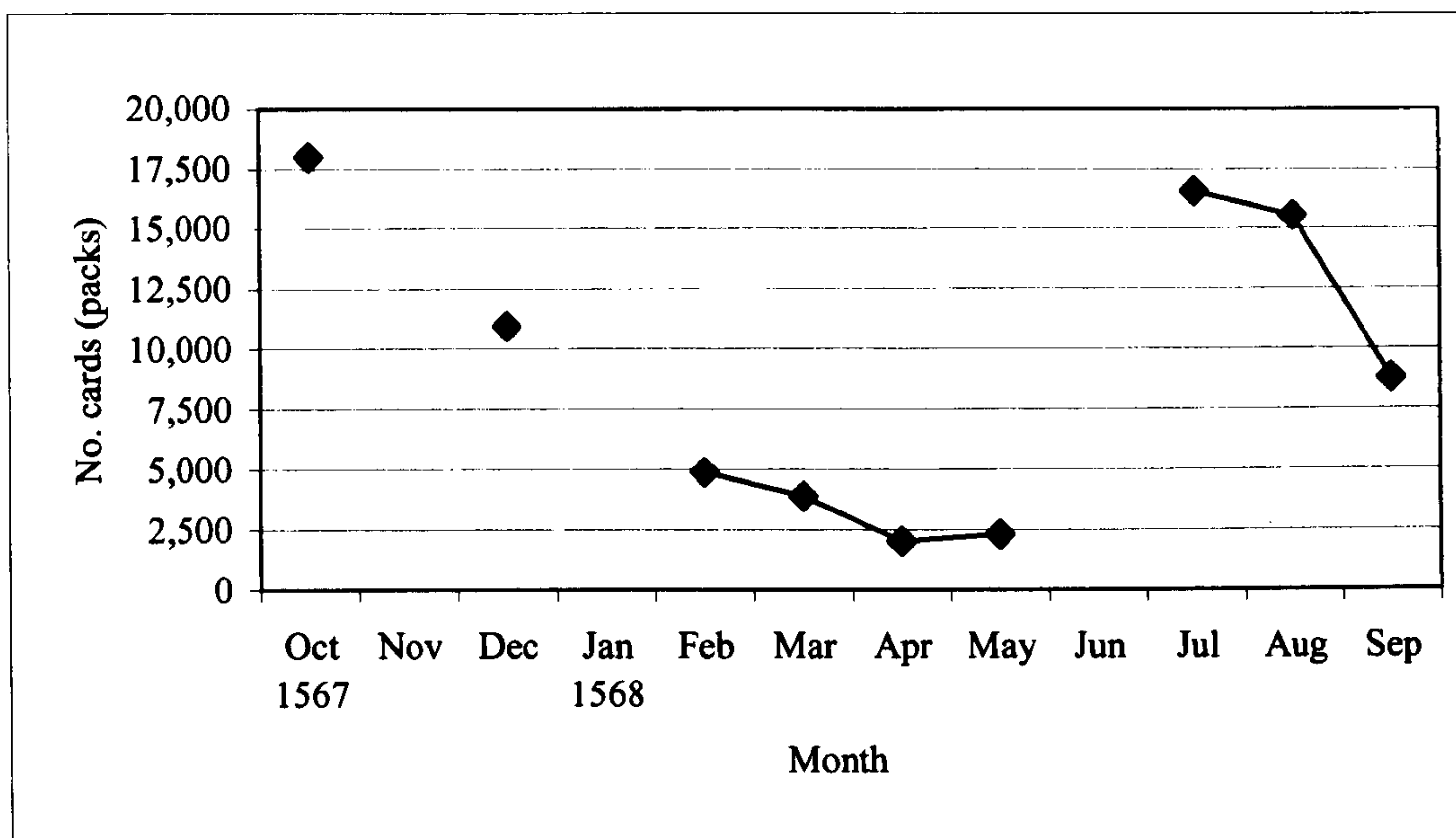


Figure 3: Cards Imported into London, October 1567-October 1568³⁰

In the second half of the sixteenth century the Stationers' Company was given the right to issue patents for the import of playing cards.³¹ In 1571 Ralph Bowes and Thomas Beddingfield were granted just such a patent, which probably also authorized them to sell cards.³² Those trading without permission faced legal censure; in 1577 Henry Rolffe was prosecuted for selling cards after 'A punshyon or suche a lyke caske wch was filled wth fflaxe & playing cards' was found in his

²⁸ My calculations are based on the figures given in Brian Dietz (ed.), *The Port and Trade of Early Elizabethan London: Documents*, London Record Society, vol. 8 (1972).

²⁹ For more on Christmas gaming, see chapter 3, below.

³⁰ The graph was constructed from calculations based on data in Dietz, *The Port and Trade of Early Elizabethan London*.

³¹ Thorpe and Goodall, *Early London Cardmakers*, p. 14.

³² Thorpe and Goodall, *Early London Cardmakers*, p. 14. Ralph had a brother, Edward, and an Edward Bowes is listed as importing 2 gross of cards into London in 1568: *The Port and Trade of Early Elizabethan London*, p. 54.

possession at the 'Lent fayre' in London.³³ In December of 1578 it was noted that 'Ralf Bowes and Thomas Beddingfelde' had 'a privilege for the bringing of playing cards into the realme, therby prohibiting all others not to bring yn or make sale of anie playing cardes but by the permission of the said Bowes and Beddingfelde'.³⁴ Since they paid 100 marks per year for this, it is unsurprising that they wished to protect their patent by prosecuting the likes of Rolffe and, in 1579, John Acheley.³⁵ At around the same time, Bowes and Beddingfelde also complained that the seals they put on officially imported cards were being counterfeited by 'sundrie persons' and that merchants were 'secretly' importing playing cards into England against the terms of the patent.³⁶ By 1588, things seem to have improved: Bowes' privileges were extended and he was awarded a twelve-year grant 'for the sole trade of makeing, importing, and selling of all playing cards in grosse or by retale'.³⁷ Crucially, his patent now covered the printing of cards and 'for this purpose he sought to become a stationer'.³⁸ Bowes' overtures to the Stationers' Company met with quick success and he was admitted a freeman on 23 September 1588. By October of the same year he was capable of producing cards and by September 1589 had an apprentice, Jasper Parker of Empingham in Rutland.³⁹ Bowes now indeed held 'an absolute monopolie in the highest degree that possible could be'⁴⁰ and between 1594 and 1597 he imported 64 gross of cards.⁴¹ When Bowes died in 1598 his patent was granted to Edward Darcy (or D'Arcy) for 21 years, again 'att the rent of 100 markes' per annum.⁴²

³³ TNA:PRO E 133/3/428 (1577).

³⁴ *Acts of the Privy Council*, New Series, vol. X (1577-78), 23 Dec. 1578, p. 434.

³⁵ *Acts of the Privy Council*, New Series, vol. X (1577-78), 23 Dec. 1578, p. 434.

³⁶ *Acts of the Privy Council*, New Series, vol. XI (1578-80), 27 March 1580, p. 430; *Acts of the Privy Council*, New Series, vol. XI (1578-80), 28 June 1579, p. 172.

³⁷ TNA:PRO SP 16/408/2 (1638). The grant referred to was made by letters patent on 13 June 1588: Beddingfelde is no longer mentioned.

³⁸ Thorpe and Goodall, *Early London Cardmakers*, p. 6.

³⁹ Thorpe and Goodall, *Early London Cardmakers*, p. 6.

⁴⁰ TNA:PRO SP 16/408/2 (1638).

⁴¹ TNA:PRO SP 14/13/52 (1605).

⁴² TNA:PRO SP 16/408/2 (1638).

Although it is plain that there was some interest in importing playing cards, returns from the customs books indicate that they were not brought into the country in very large quantities (or perhaps that those importing them had become adept at avoiding the customs duties). Between 1594 and 1601, the yearly totals of packs imported did not reach above 3,200.⁴³ Yet it was not long before the trade began to grow; a ‘note whatt the customs of playing cards haue geven yearlie to his Majesties coffers’ (which is the basis for Figure 4) shows that 51,408 packs passed through customs in 1604.⁴⁴ It should of course be reiterated that these figures do not include any domestic production and, since the numbers are lower than in the 1560s, might not account for all of the cards imported.

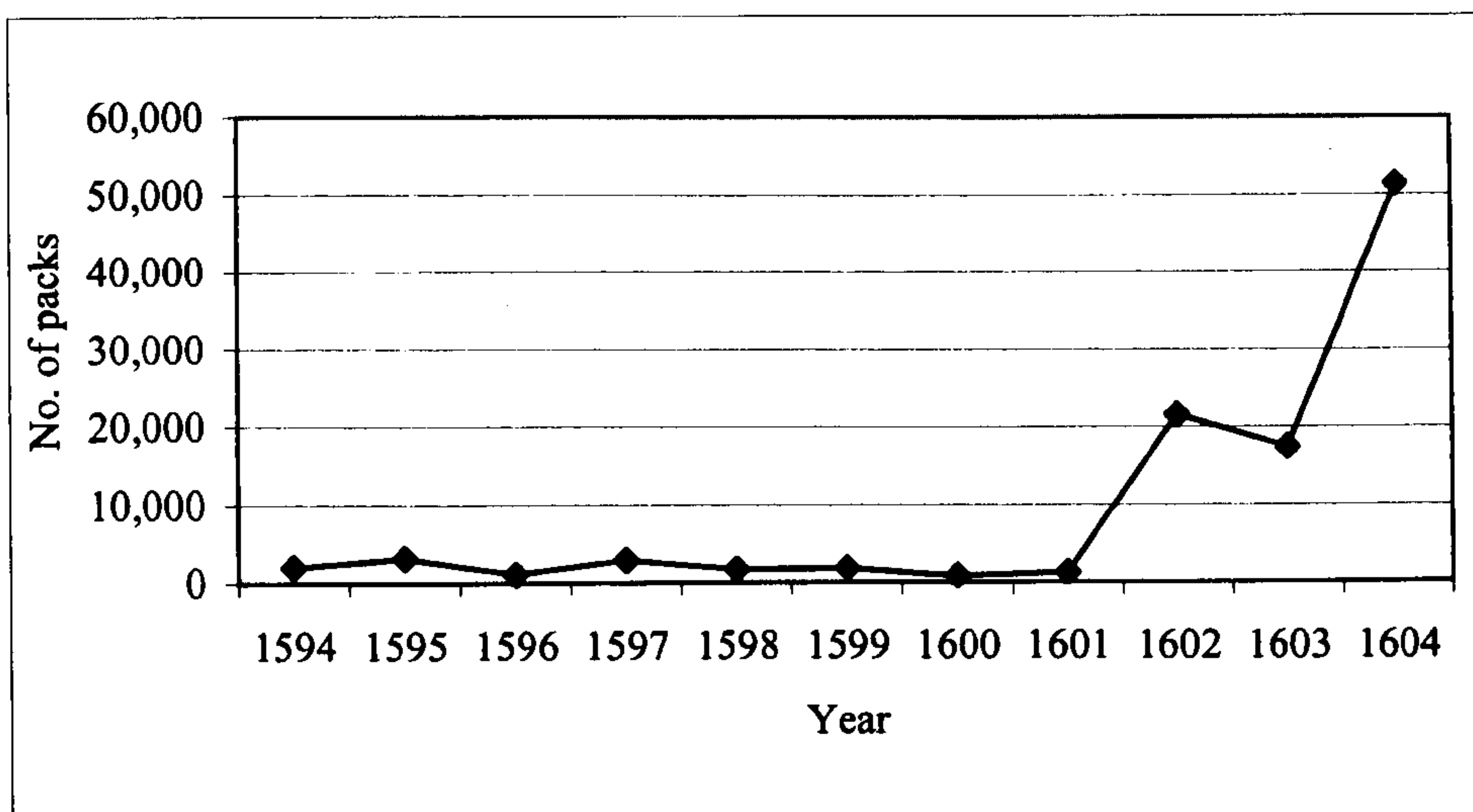


Figure 4: Cards Imported, 1594-1604⁴⁵

If Bowes’s monopoly was as ‘absolute’ as the sources suggest, it may have been that the sudden increase in the number of packs of playing cards imported was an indirect result of his death. Indeed, soon after he had been granted Bowes’ patent, Darcy found that ‘dyverse obstinate and undutyfull persons’ were importing and making playing cards without his permission.⁴⁶ This proved to be a continual problem for

⁴³ TNA:PRO SP 14/13/52 (1605).

⁴⁴ TNA:PRO SP 14/13/52 (1605).

⁴⁵ The graph is constructed from data in TNA:PRO SP 14/13/52 (1605).

⁴⁶ *Acts of the Privy Council*, New Series, vol. XXXI (1600-1601), 23 Dec. 1600, p. 55.

Darcy between 1600 and 1603 and it is possible that he struggled to recoup the hundred marks that the patent cost him each year.⁴⁷ At the very least, Darcy had to contend with competition from Thomas Turner, a London haberdasher; Jerome Bowes, who seemed to have believed that he had some rights to his late brother Ralph's patent; George Thrower, who Darcy had committed to the Marshalsea prison; and John Listney, who was prosecuted for selling cards.⁴⁸ Darcy's most serious challenge came in 1603 from the London haberdasher Thomas Allein, against whom he instigated a lawsuit. Ultimately, Darcy was to lose the suit and his patent, but the court proceedings were of wider significance and gave rise to what we now know as the 'Case of Monopolies'. Darcy – represented by Dodderidge, Fuller, Fleming, and Coke as Attorney General – alleged that Allein had ordered:

... eightie grosses of playing Cards to be made and as well those, as 100 other grosses of playing Cards, of which many were made within the Realm, or brought within the Realm by the Plaintiff, or his servants, factors or deputies, &c. nor marked with his Seal; he had imported within the Realm, and had sold and uttered them to sundry persons unknown, and shewed some in certain, for which the Plaintiff could not utter his playing Cards, &c. *Contra formam praedict' literar' patentium, et in contemptum dictae Dominae Reginae*, whereby the Plaintiff was disabled to pay his farm rent, to the Plaintiffs damages.⁴⁹

Allein, defended by Crook, Altham and Tanfield, pleaded not guilty, except to one half gross. He argued:

... the City of London is an antient city, and within the same, time out of mind there hath been a Society of Haberdashers; and that within the said City there was a Custom, *Quod quaelibet persona de societate illa, usus fuit et consuevit emere vendere, et libere merchandizare omnem rem et omnes res merchandizabiles infra hoc regnum Angliae de quocunque, vel quibuscunque*

⁴⁷ There are many references in the *Acts of the Privy Council*: see for example *Acts of the Privy Council*, New Series, vol. XXXI (1600-1601), 3 May 1601, pp. 333-36.

⁴⁸ *Acts of the Privy Council*, New Series, vol. XXXI (1600-1601), 11 May 1601, p. 346; Sir Jerome Bowes, d. 1616 (he imported cards between 1598 and 1601: TNA:PRO SP 14/13/52 (1605)); *Acts of the Privy Council*, New Series, vol. XXXII (1601-1604), 30 Aug. 1601, p. 195; *Acts of the Privy Council*, New Series, vol. XXXI (1600-1601), 4 June 1601, p. 404.

⁴⁹ Sir Edward Coke, *The Selected Writings and Speeches of Sir Edward Coke*, ed. Steve Sheppard (Liberty Fund, Indianapolis, 2003), vol. 1. Latin translations are also by Sheppard: 'Against the form of the aforesaid letters patent and in contempt of the said lady queen'. The Darcy versus Allein case is properly cited as 11 Co. R. 84.

*personis, &c.*⁵⁰ And pleaded, That he was *civis et liber homo de civitate et societate illa*,⁵¹ and sold the said half gross of playing Cards, being made within the Realm, &c. as it was lawful from him to do.⁵²

In essence, Allein's defence relied upon the premise that monopolies were illegal under common law. This can be seen in the contention by the prosecution that the Queen had a right to grant the patent to Darcy because (1) playing cards 'were not any merchandize, or thing concerning Trade of any necessary use, but things of vanity' and idleness; (2) the Queen had a law-given prerogative to control matters of recreation; and (3) in regard of the 'abuse' of cards, the Queen might 'moderate and suffer them at her pleasure', or indeed suppress them entirely.⁵³ But the Lord Chief Justice Sir John Popham was not convinced by the prosecution case and he ruled against Darcy. In his judgement Popham stated:

That the said Grant to the Plaintiff of the sole making of Cards within the Realm was void; and that for two reasons. 1. The same is a Monopoly, and against the Common Law. 2. That it is against divers Acts of Parliament.⁵⁴

Neither side tried to justify playing at cards; the crux of the matter was instead the status of the trade of card making. Popham was persuaded that this, unlike 'idle' card play, entailed 'labour and pains' and, as all trades, prevented idleness by creating employment, which in turn allowed people to provide for themselves and their families.⁵⁵ Furthermore, it was considered that monopolies were prejudicial because the monopoly-holder could alter the price of the commodity as he pleased, benefiting himself and disadvantaging the artificers: one man, therefore, should not hold the sole patent for the import of playing cards. Similarly, and although it was conceded that the grant was intended by the Queen to be for the public good, Popham

⁵⁰ Coke, *Selected Writings*, 'That every person of that society has been used and accustomed to buy, sell, and trade freely all merchantable property within this realm of England from whatsoever person or persons, etc.'

⁵¹ Coke, *Selected Writings*, 'a citizen and free man of the city and of that society'.

⁵² 11 Co. R. 84.

⁵³ 11 Co. R. 84.

⁵⁴ 11 Co. R. 84.

⁵⁵ 11 Co. R. 84.

considered that she was deceived in its use because the benefit to private individuals – that is, Darcy and previous patentees – was in fact harmful to the ‘common weal’.⁵⁶ Finally, the judgement encroached upon the powers of the monarch by resolving:

That the Queen could not suppress the making of Cards within the Realm, no more than the making of Dice, Bowls, Balls, Hawks-hoods, Bells, Lewers, Dog-couples, and other like, which are works of labour and art, although they shall be for pleasure, recreation and pastime, and they cannot be suppressed if not by Parliament, nor a man restrained to use any trade but by Parliament.⁵⁷

This statement reflected the tensions that had been caused between Crown and Parliament by the attempts of the latter to ‘overhaul the patents system’,⁵⁸ while the outcome of the case could be considered an early precedent for the Statute of Monopolies of 1623.⁵⁹ But Darcy being stripped of his patent to import playing cards did not signal an end to clashes over monopolies: Sir Giles Mompesson’s manipulation of patents and monopolies in the 1610s brought him great profits, but led to his downfall; many of the patents granted by Charles I were ‘deeply unpopular with the people’ and ministers alike;⁶⁰ and in November 1640 the Long Parliament expelled monopolists from the House of Commons.⁶¹ But during a period when other monopolies were being attacked, various patents touching playing cards survived, as we will see.⁶²

⁵⁶ 11 Co. R. 84.

⁵⁷ 11 Co. R. 84.

⁵⁸ Elizabeth Sauer, *Paper-Contestations and Textual Communities in England 1640-1675* (University of Toronto Press, Toronto, 2005), p. 24. Sauer makes only a brief mention of Darcy versus Allein but Lyman Ray Patterson, *Copyright in Historical Perspective* (Vanderbilt University Press, 1968), pp. 84-86 goes into more detail.

⁵⁹ 21 Jac. I, c. 3 (1623).

⁶⁰ Kevin Sharpe, *The Personal Rule of Charles I* (Yale University Press, New Haven and London, 1992), p. 258. Sauer (*Paper Contestations*, p. 24) and Sharpe (*Personal Rule*, p. 121) differ on how financially important patents and monopolies were to Charles I.

⁶¹ *Proceedings in the Opening Session of the Long Parliament*, ed. Maija Jansson et al. (7 vols., University of Rochester Press, Rochester, NY, 2000-2007), vol. 1, 9 Nov. 1640, p. 65.

⁶² See, in particular, my comments about William Watkins, Henry Cogan and Lawrence Squibb, below.

The Company of Makers of Playing Cards⁶³

In the introduction to a recent collection of essays, Ian Gadd and Patrick Wallis observe that ‘Historians have offered revised dates for the onset and symptoms of corporate wasting. However, the idea of a general “rise” and “fall” remains, though it not only fails to account adequately for the histories of *individual* companies, but also seldom defines how the health of the English guild system as a whole might be measured or explains how it is that companies continue to exist today’.⁶⁴ Such a comment is pertinent here, for while the story of any company must incorporate an account of the changing fortunes of that company, there is often much more to say, and that is certainly the case with the Company of Makers of Playing Cards.

In 1614 a group of cardmakers petitioned James I to complain that they had ‘been hindered and grieved ... of late by some Patent or Monopoly’.⁶⁵ They were also anxious about the ‘innumerable masses of foreign cards that are daily suffered to be brought in [to England] through the negligence of the executing of those statutes by which, for 200 years past ... prohibited the bringing in of all such made wares’.⁶⁶ James’ response was to appoint Sir Richard Coningsby, gentleman usher of the Parliament, as inspector of imported playing cards in 1615.⁶⁷ Joan Thirsk comments

⁶³ The Company did not become the Worshipful Company of Makers of Playing Cards until it was awarded livery on 27 Nov. 1792.

⁶⁴ Ian Anders Gadd and Patrick Wallis, ‘Introduction’ in Ian Anders Gadd and Patrick Wallis (eds.), *Guilds, Society & Economy in London 1450-1800* (Centre for Metropolitan History et al., London, 2001), p. 2.

⁶⁵ Thorpe and Goodall, *Early London Cardmakers*, p. 14. If new monopolies on playing cards were issued after the Darcy vs Allein judgement (which would seem unlikely), I have not see any reference to them.

⁶⁶ Thorpe and Goodall, *Early London Cardmakers*, p. 14.

⁶⁷ TNA:PRO SP 14/81/19 (1615). A Sir Richard Coningsby, ‘Gentleman Usher of the Parliament’, is mentioned in *Calendar of State Papers Domestic: James I, 1603-1610*, vol. 6 (1857), p. 84, whereas Thorpe and Goodall discuss a Sir Edward Coningsby, ‘Gentleman Usher to the King’, in *Early London Cardmakers*, p. 18. I can find no reference to an Edward Coningsby anywhere else and I think that this must be a mistake on the part of Thorpe and Goodall, and it is in fact Richard that they are talking about. It should be pointed out that the document installing Coningsby as inspector (TNA:PRO SP 14/81/19 1615) makes no reference to Sir Richard Coningsby at all, but instead Sir Richard *Cognisby*. It is highly likely that these are all the same person and I will use the formulation Coningsby throughout.

that Coningsby 'got his notorious patent ... because James I owed him £1,800',⁶⁸ but he still had to pay a rent of £200 per annum to the king.⁶⁹ In return for this sum, Coningsby was allowed to charge 5s per gross on all cards imported (payment being marked by a seal) and was also empowered 'to ... enter any house shopp cellar warehouse roome or place as also into any shipp vessel boate or bottome to viewe and search for all manner of playing cardes whatsoever that shall ... be made or imported into our cittie Realme or the domynons thereof'.⁷⁰ Those who attempted to avoid Coningsby did so at 'their uttermost perril' and, if caught, would forfeit their merchandise.⁷¹

There was almost immediate opposition to Coningsby's patent. Particularly vocal were 'certeyne marchantes, free of the company of marchantes trading France', but this was unsurprising because most imported cards came from France.⁷² An anonymous petition of 1616, but one which, given the content, may well have been written by one of the aforementioned 'marchantes', argued:

Besides the use hath binn otherwise tyme out of minde; and no man sued or troubled for bringinge in any playinge cardes or any other wares or merchandize; but for such onely as are prohibited by the statute: 5: Eliz: untill nowe since the grauntinge of Sr Richard Conningsbyes Patent.⁷³

In fact, the assertion that 'no man' was 'sued or troubled for bringinge in any playinge cardes' is supportive of the English cardmakers' claims that they needed protection from foreign competitors. This, however, was not how the petition's

⁶⁸ Joan Thirsk, *Economic Policy and Projects: The Development of a Consumer Society in Early Modern England* (Clarendon Press, Oxford, 1978), p. 59.

⁶⁹ TNA:PRO SP 14/81/19 (1615).

⁷⁰ TNA:PRO SP 14/81/19 (1615). At 5s per gross, Coningsby would have to tax 800 gross of cards per year to break even.

⁷¹ TNA:PRO SP 14/81/19 (1615).

⁷² *Acts of the Privy Council*, New Series, vol. XXXIV (1615-16), 12 Nov. 1615, p. 324. See also Thorpe and Goodall, *Early London Cardmakers*, p. 18.

⁷³ TNA:PRO SP 14/89/124 (1616). This comment refers to the statutes relating to imports, especially 3 Edward 4, c. 4 and 5 Elizabeth, c. 7. Unfortunately there is no clue to the identity of the author of this petition, or its intended recipient.

author viewed the situation. Indeed, in his opinion, the imposition on cards had the potential to damage trade more broadly because:

... it would be against the late treatye with Fraunce if cardes should be prohibited to be brought from there into this Kingdome and would drawe on much more inconvenience then the good that will any way redound by the restraunte thereof; for it is to be feared that if the same shall be prohibited; the ffrench will use the like measure towards us by prohibitinge ... clothe or some other ... comodities transferred from here.⁷⁴

This was perhaps no idle threat, for in July 1616 the French had apparently prohibited the import into France of paper suitable for making playing cards.⁷⁵ The complaints against Coningsby's patent appear to have been taken very seriously and in June of 1616 it was suspended by the Privy Council. In 1617 the patent was challenged again, this time by Sir Thomas Smythe and a group of London merchants trading with France,⁷⁶ and by July of the same year it had been 'cancelled and made voyde'.⁷⁷ The matter was closed for good in 1621 when a number of patents, including those covering the importation of playing cards, were abolished by royal proclamation on the grounds that they had 'been found of evill consequence' and had been 'much abused'.⁷⁸

Although the 5s charge on foreign cards – and the attendant disincentive to import them – must have helped the English cardmakers, they were not entirely happy with an arrangement that neither united them as a guild nor removed completely the threat posed by foreign merchandise.⁷⁹ Moreover, after Coningsby's patent had been revoked there were no longer any checks on the importation of foreign cards. As a

⁷⁴ TNA:PRO SP 14/89/124 (1616).

⁷⁵ TNA:PRO SP 14/88/22.

⁷⁶ TNA:PRO SP 14/94/75 (1617). This was Sir Thomas Smythe (also Smith), c. 1558-1625, merchant.

⁷⁷ *Acts of the Privy Council*, New Series, vol. XXXV (1616-17), 15 July 1617, p. 300.

⁷⁸ James F. Larkin and Paul L. Hughes (eds.), *Stuart Royal Proclamations* (2 vols., OUP, Oxford, 1973), vol. I, no. 217, 'A Proclamation declaring His Majesties grace to his Subjects, touching matters complained of, as publique greevances', quote at p. 514. This proclamation appears to have been a direct result of the Mompesson scandal.

⁷⁹ See Thorpe and Goodall, *Early London Cardmakers*, p. 18 and GLMS 05963/3 CM3, p. 1 (copy of 1628 charter).

result, in 1625 a group of twenty-seven cardmakers complained to Charles I that many English cardmakers had ‘been forced to give over their Trades’ and were no longer able to ‘mainteyn themselves their wiues & families’.⁸⁰ Three years later, Charles granted the English cardmakers their charter and the Company of Makers of Playing Cards was formed. Yet according to Thorpe and Goodall, most of the men who comprised the Company’s first court and commonalty freemen were already members of other companies; for example, fifteen belonged to the Merchant Taylors’ and four to the Haberdashers’.⁸¹ That they endeavoured to set up the Company of Makers of Playing Cards is, then, further evidence that the English trade needed protection: as I will explain below, the Company’s charter imposed severe restrictions on the importation of foreign cards.

But incorporation also had a number of other benefits. Indeed, ‘From the early fourteenth century, to be a freeman of London – to be an economically and politically active citizen – one needed to be a member of one of the companies which represented and regulated various trades and crafts in the city. In short, a freeman was a company-man’.⁸² Incorporation was thus important, and given that ‘as many as three-quarters of the males in mid sixteenth century London were members of a company ... and ... by the end of the seventeenth century at least one-half of all male Londoners remained company men’, it is clear that the companies could exert a powerful influence in the City.⁸³ That a company would become incorporated, though, was by no means a certainty and if the cardmakers petitioned for incorporation in only 1625,⁸⁴ they were granted their charter remarkably quickly: the Horners’ and Pavours’ companies were not incorporated until 1638 and 1672, respectively, despite their medieval origins.⁸⁵ The rapid rise of the cardmakers may have been a reaction to the increasing numbers of packs of cards in circulation or a

⁸⁰ GLMS 05963/3 CM3, p. 1 (copy of 1628 charter).

⁸¹ Thorpe and Goodall, *Early London Cardmakers*, p. 31.

⁸² Gadd and Wallis, ‘Introduction’, p. 4.

⁸³ Gadd and Wallis, ‘Introduction’, p. 5.

⁸⁴ A desire for incorporation was implicit in their petition to James I in 1614, but it was by no means stated explicitly.

⁸⁵ Gadd and Wallis, ‘Introduction’, p. 6.

response to the unprecedented availability of cards; or in recognition of the hardships the trade faced, or perhaps all of these.

Much of the information about the cardmakers is taken from the manuscript court minute books of the Company of Makers of Playing Cards, held at the Guildhall Library and Archives, London, and supplemented by the state papers domestic. The minutes vary in detail and scope, but as a general rule, the entries in the first two books (covering the period 1647-1726) are fuller and more varied than those in the third (1726-85). And aside from the normal historical contingencies affecting the survival of sources, one has to keep in mind that often business was not conducted because members of the court did not appear when they were supposed to, as was the case in many other companies.⁸⁶ The Company of Makers of Playing Cards has not been studied by professional historians, but there is some extremely useful work by, in particular, John G. Thorpe, past master of the Company.⁸⁷

The Company of Makers of Playing Cards was governed by a master and two wardens, who were elected each year (but could serve in these positions multiple times), and supported by a sixteen-strong court of assistants. The size of the Company as a whole is more difficult to determine. Records of quarterage payments are most useful in this respect but they are often incomplete and in any case only list masters and/or journeymen (and seemingly sometimes only those who had paid their fees). In 1691/2, the first year in which journeymen and masters are listed separately, 71 members were liable for quarterage. By the turn of the century, this figure was hovering around the hundred mark, but by 1716 it was just over 120.⁸⁸ The actual size of the Company was perhaps rather larger as freemen, court assistants, and the wardens and master were allowed to employ one, two, and three apprentices,

⁸⁶ For example, GLMS 05963/1 CM1, 19v (July 1648) & 71r (Jan. 1669); GLMS 05963/2 CM2, 39r (July 1680) & 66r (Jan. 1687). Problems of attendance affected the Haberdashers' court of assistants and the Society of Apothecaries and the Stationers' Company; see Ian Archer, *The History of the Haberdashers' Company*, p. 47 and Patrick Wallis, 'Controlling Commodities: Search and Reconciliation in the Early Modern Livery Companies' in Gadd and Wallis (eds.) *Guilds, Society & Economy in London 1450-1800*, pp. 93-94.

⁸⁷ See, for example, John G. Thorpe, *The Worshipful Company of Makers of Playing Cards* (London, 2001) and especially Thorpe and Goodall, *Early London Cardmakers*.

⁸⁸ GLMS 05963/1-2 CM 1-2 (1647-1726).

respectively.⁸⁹ That said, Gadd and Wallis remind us that ‘although they were largely established by artisans for their own purposes, the relationship between company and trade (or craft) was at best loose and at worst almost non-existent.’⁹⁰ In other words, some of those listed in the minute books of the Company might not have worked as makers of playing cards, or at least had overlapping membership with other companies. As mentioned, many of those cardmakers comprising the first court in 1628 belonged to the Merchant Taylors’ Company and the Haberdashers’ also had links to the Company of Makers of Playing Cards. So too, it seems, did the Stationers’ Company; in an advertisement of 1722 George Minnikin, though a member of the Company of Makers of Playing Cards, described himself as a ‘Stationer’.⁹¹

The primary function of the Company was the regulation of the ‘Mystery ... Arte ... Skill and Trade’ of making playing cards, and thus the protection of its members and their livelihoods.⁹² One of the Company’s most important responsibilities was its role in negotiating with the Crown yearly production quotas for playing cards. In the early 1630s imports of cards had reached the highest levels for which I have evidence, peaking at a huge 498,600 packs in 1636.⁹³ And one might imagine that this squeezed the English cardmakers greatly. But only a year later this figure had almost halved, and by 1638 was only just above the 1604 total at 59,184 packs.⁹⁴ The sharp decline in 1638 was almost certainly linked to a royal proclamation of the same year which not only restated the restrictions on imports of cards which *should* have been in operation since the incorporation of the Company in 1628, but also established a fixed domestic production quota of 2340 gross, or 336,960 packs, per

⁸⁹ Thorpe and Goodall, *Early London Cardmakers*, p. 20.

⁹⁰ Gadd and Wallis, ‘Introduction’, p. 7.

⁹¹ Thorpe and Goodall, *Early London Cardmakers*, pp. 20, 31 & 54. Virtually all of the makers of playing cards I have encountered were members of the Company, though I think it unlikely that there were no non-Company cardmakers active in London, especially in the eighteenth century by which time the influence of the Company had begun to wane (see below).

⁹² GLMS 05963/3 CM3, p. 1 (copy of 1628 charter).

⁹³ TNA:PRO E 122/235/60 (2) (1638/9).

⁹⁴ TNA:PRO E 122/235/60 (2) (1638/9).

year.⁹⁵ This quota was to remain in place for forty five years and one might imagine that it provided the cardmakers with a good deal of stability; the yearly production of one pack of cards for almost every inhabitant of London was, after all, no small quantity.⁹⁶

Once production quotas had been agreed, the Company could settle down to the task of governing itself. The Company's court minute books show that much time was spent on business common to any guild; binding of apprentices, admittance of members to free status, payment of fees and so forth. But regulatory matters relating to abuses or breaches of the charter were also prominent. To protect the integrity of the London trade, members of the Company were prohibited from employing those who had not served an apprenticeship or were not from London or the surrounding area.⁹⁷ At the court of assistants held on 31 January 1647, Richard Robinson was fined £15 for setting 'on worke Diverse fforyigners & Straingers to the trade' while John Lawe was ordered to pay £20 for doing the same.⁹⁸ In 1648 Joane Birdsey – one of the few women cardmakers I have encountered in my study – was arrested because she was 'a foreigner & wrought in the Cittie of London'.⁹⁹ Birdsey, though, had completed her seven years apprenticeship as a cardmaker and the Company accordingly ruled that she could 'without Mollestation or Aresting bee employed or Sett on worke by any Member or brother of the said Company'.¹⁰⁰ More serious was the case of Richard Reeve who was allegedly guilty of a long list of misdemeanours, including, 'Reiecting the good and Lawfull gouerment of this said Company', 'Contemning there Lawful summons & warning with oprobious & unseemly wordes', and 'ffor setting certaine unlawfull & unskillfull persons at worke'.¹⁰¹ Reeve was fined £5, but whether or not he actually paid was another matter.

⁹⁵ TNA:PRO SP 16/408/1 (1638).

⁹⁶ The population of London was c. 200,000 in 1600 and c. 400,000 in 1650: Jeremy Boulton, 'London, 1540-1700', in Peter Clark (ed.), *The Cambridge Urban History of Britain, Vol. II, 1540-1800* (CUP, Cambridge, 2000), p. 316, table 10.1.

⁹⁷ Many of the entries in the court minute books denote who was bound to whom.

⁹⁸ GLMS 05963/1 CM1, 13r-13v (Jan. 1647).

⁹⁹ GLMS 05963/1 CM1, 18v (July 1648).

¹⁰⁰ GLMS 05963/1 CM1, 18v (July 1648).

¹⁰¹ GLMS 05963/1 CM1, 33v (July 1651).

The court of assistants very often had to deal with issues arising from makers' marks, which appeared somewhere on the outer packaging of packs of cards. All Company members had to register their marks with both the King's receiver and the clerk of the Company, for which there is evidence in the minute books, but despite this institutional framework, there were frequent disputes between makers. On 2 July 1649, for instance, the court heard:

That severall abuses hath binn Committed by Some Members of This Company In Cutting of other mens markes ... And also in Cutting of bynders speacifying ther names in Lattin or some other Language whereby they doe not Appeare to bee English Making, the saide Cardes may be taken ffor fforeign Comodities & bee seized on, whereby the sezer may be much preiuduced & come to great Losse ...¹⁰²

It is not difficult to see how this practice could quickly damage the trade of an opponent, but in many cases it was the alleged (mis)use of other makers' marks which caused the problem and, when proved, attracted a fine of £5. In 1649 Baptist Pendleton brought a complaint against Mistress Heather and John Harlowe 'for useinge the mark of the greyhound and hand in hand ... that they sett the same Markes uppon Cardes of their owne makeing wch are not neare so good as the Cardes wch the saide Pendleton maketh, by Reason whereof the sd Pendleton is very much endamaged in the way of his trade'.¹⁰³ Unlike most other suits of this nature, this particular case was heard before the Lord Mayor of London who ruled that the marks did indeed belong to Pendleton and that 'all papers markes or printed with the same' that were not his should be burned.¹⁰⁴ In some cases duplication might have occurred unintentionally; the mark of Henry VIII, for instance, was in 'almost universal use' by the middle of the eighteenth century,¹⁰⁵ while several cardmakers registered large numbers of marks, some of which were never used.

¹⁰² GLMS 05963/1 CM1, 27v (July 1649).

¹⁰³ GLMS 05963/1 CM1, 28v (July 1649).

¹⁰⁴ GLMS 05963/1 CM1, 28v (July 1649).

¹⁰⁵ Thorpe and Goodall, *Early London Cardmakers*, p. 21.

It was, though, no accident when the master and wardens presented John Lawe to the Lord Mayor, Alderman Warner, for 'settinge a ffrench marke called the three hammers uppon the bynding papere of English Cardes of his owne making' in the summer of 1648.¹⁰⁶ The actions of Lawe, it was argued, undermined the whole Company by making its officers 'incapable of Seazing of ffrench Cardes by reason his Cardes are bound in ffrench marques which may proue an utter ouerthrowe to the whole trade In generall by bringing in of fforaigne & ffrench Cardes'.¹⁰⁷ Lawe might have used the French marks in an attempt to avoid paying duty, but since the importation of French cards was illegal at this time he would have been taking a big risk: the duty, after all, was only 3s per gross and Lawe ended up being fined £20. Perhaps more telling, then, is the comment that Lawe's use of the French marks constituted 'a Deceipte unto all such as shall buy of the same Cardes'.¹⁰⁸ At around this date the Three Hammers was the mark of Pierre Baudart, of Rue Ancrifre, Rouen, a member of an eminent French card-making family;¹⁰⁹ could it have been that French cards (or at least those of Baudart) were deemed more prestigious, or to be of better quality, than their English counterparts? Unfortunately there are no further details about the case, for Lawe admitted his offence and agreed to abide by 'the Rules orders and ordinances of the said Company' in future.¹¹⁰ That he quickly made peace with the Company may have been to his advantage, for the fine was cut to £6 and he was given 'some Reasonable tyme ffor the payment'.¹¹¹

The case of Lawe, and also those of Robinson, Reeve and the others, touches on a number of issues that relate to the self-policing of companies more generally. Patrick Wallis has argued persuasively that 'Companies' actions are best understood as attempts to reform present and future behaviour and to reintegrate offenders, all of which relied on a broad range of interventions and sanctions; final judgements and

¹⁰⁶ GLMS 05963/1 CM1, 19r (July 1648).

¹⁰⁷ GLMS 05963/1 CM1, 18r (July 1648).

¹⁰⁸ GLMS 05963/1 CM1, 19r (July 1648).

¹⁰⁹ Thorpe and Goodall, *Early London Cardmakers*, p. 50.

¹¹⁰ GLMS 05963/1 CM1, 19r (July 1648).

¹¹¹ GLMS 05963/1 CM1, 20v (July 1648).

heavy punishments were pursued only when the dialogue between offender and court broke down' and has emphasised the importance of submission and apology by the offender.¹¹² Interestingly, and this is supportive of work by Wallis on the Society of Apothecaries and the Stationers' Company, Lawe's career as a cardmaker does not appear to have been damaged by the 'ffrench marke' affair and he served as master of the Company from 1653 to 1656.¹¹³ Thus it does indeed seem that 'to be discovered and punished for breaking the ordinances set by companies' was 'relatively inconsequential in the *long* term ... wrongdoing had little if any adverse effect on their prospects for advancement'.¹¹⁴ This is not to say, though, that short term consequences were insubstantial: fines could be hefty and the destruction of stock coupled with the disruption to trade that this might cause, not to mention the potential damage to the maker's reputation, were presumably a dissuasive against flaunting the ordinances too often.¹¹⁵

Thus it would seem that some degree of recalcitrance among company members could be tolerated.¹¹⁶ Persistently delinquent cardmakers, like Richard Reeve, were more difficult to deal with, however.¹¹⁷ This was partly because, as J. R. Kellett and others have pointed out, many companies' legal rights were by no means as clear-cut as their ordinances might suggest.¹¹⁸ Still, companies could 'call upon the assistance of external bodies whose jurisdiction – and often membership – overlapped with their own to give teeth to corporate enforcement'.¹¹⁹ We have already seen some instances of this – John Lawe, Mistress Heather and John Harlowe were presented to

¹¹² Wallis, 'Controlling Commodities', p. 87.

¹¹³ Thorpe, *The Worshipful Company of Makers of Playing Cards*, p. 114.

¹¹⁴ Wallis, 'Controlling Commodities', p. 96.

¹¹⁵ This point is recognised by Wallis, 'Controlling Commodities', p. 96.

¹¹⁶ This has parallels with the treatment of known local offenders: see J. A. Sharpe, *Crime in Early Modern England 1550-1750* (Longman, London and New York, 1984), pp. 80-82.

¹¹⁷ There are a number of cases in and around 1640 involving Reeve, for example, TNA:PRO SP 16/448/14, TNA:PRO SP 16/451/110 and TNA:PRO SP 16/451/120 & 121.

¹¹⁸ See, for example, J. R. Kellett, 'The Breakdown of Guild and Corporation Control over the Handicraft and Retail Trade in London', *Economic History Review*, New Series, vol. 10, no. 3 (1958), *passim.*, but esp. pp. 383-84 and Wallis, 'Controlling Commodities', pp. 90-91.

¹¹⁹ Wallis, 'Controlling Commodities', p. 91.

the Lord Mayor¹²⁰ – but there were in fact a number of government officials who were involved more frequently in the day-to-day regulation of the playing card trade.

Company Regulation and External Officials

Traditionally, the Crown had profited, via either customs payments or rent from patentees, from imported playing cards. When the Company was incorporated in 1628 the import of foreign playing cards into England and Wales was forbidden.¹²¹ But this protection came at a cost and the Company duly consented to pay the king ‘2s upon a grosse of Cards in lieu of the customes of fforaigne and imported Cards and also to pay to the King’s Receiver for sealing the Cards’.¹²² The total duty payable per gross (144 packs) of cards was thus three shillings; two to the King and one to the receiver. This meant that the King’s receiver had a vested interest in the regulation of the trade which, if we use the 1638 quota of 2340 gross, would be worth £117 per year to him.

Information about the receivers is quite sketchy but in 1631 William Watkins and Henry Cogan were described as ‘Sealor of the playing Cardes and Receavour of the duties thereby aryseing’ and ‘his Majesties Farmer of the Composicion moneyes areising thereupon’, respectively.¹²³ Cards were brought to the receiver to be stamped with the King’s seal and any person selling any cards before they had been sealed risked fines, forfeiting the cards, his ‘Majesties heavy indignance’ and other ‘legall punishment’.¹²⁴ Cogan probably gained little from his position, for the cardmakers ‘desisted from the payment of the ... Composicon’.¹²⁵ They were apparently angry

¹²⁰ It appears that proceedings heard before the Mayor were copied into the cardmakers’ minute books.

¹²¹ GLMS 05963/3 CM3, pp. 2-3, Article 2 (copy of 1628 charter).

¹²² GLMS 05963/3 CM3, pp. 27-29, Article 35 (copy of 1628 charter).

¹²³ *Acts of the Privy Council* (June 1630-June 1631), 22 June 1631, p. 394. It is probable that they were appointed in 1628 when the Company of Makers of Playing Cards was formed.

¹²⁴ GLMS 05963/3 CM3, p. 41, Article 49 (copy of 1628 charter).

¹²⁵ TNA:PRO E 122/235/60 (1639).

that the ‘restraint of the importacon of foraine cards’ had been ‘taken of[f]’.¹²⁶ In 1639 the cardmakers were ordered to pay Cogan what he was owed, but the patent was also cancelled, perhaps at Henry’s request.¹²⁷ Presumably these problems had also affected Watkins. In 1637 he very likely gave up his patent for sealing cards, but kept hold of some others connected to butter, wine and wire.¹²⁸ At this time, Watkins was an MP and in 1640 he found himself in trouble after an order on 9 November stipulated ‘that all projectors, monopolizers, promoters, or advisers of them should be made incapable of sitting in this House’.¹²⁹

Watkins’ duties (if not his patent) appear to have been taken over in 1637 by Lawrence and Robert Squibb, who are described as both ‘the King’s officers for sealing playing cards and dice’ and ‘his Majesties Officers and Agents for Cards and Dice’.¹³⁰ Lawrence Squibb, born in 1604 in Winterborne-Whitechurch, Dorset, was a servant of Lord Cottington, the chancellor and undertreasurer of the exchequer, and remained in his service until at least August 1645.¹³¹ Squibb appears to have been both knowledgeable and able, for in 1642 he wrote a tract entitled *A Book of All the Several Officers of the Court of Exchequer ... with a Brief Collection of What Every Officer Usually Doeth*, possibly to aid the newly appointed chancellor John Colepeper (later first Lord Colepeper),¹³² but which was copied at least sixteen times

¹²⁶ TNA:PRO E 122/235/60 (1639). The restrictions still existed, but were not being properly enforced.

¹²⁷ TNA:PRO E 122/235/60 (1639).

¹²⁸ *Proceedings in the Opening Session of the Long Parliament*, vol. 1, 16 Nov. 1640, p. 159.

¹²⁹ *Proceedings in the Opening Session of the Long Parliament*, vol. 1, 9 Nov. 1640, p. 65.

¹³⁰ *Proceedings in the Opening Session of the Long Parliament*, vol. 1, 25 Nov. 1640, p. 293-94, n.38; TNA:PRO SP 16/404/10 (1638). There are also extant references to ‘Mr Squibbs Pattennt’: see for example TNA:PRO SP 16/45/120 (1640).

¹³¹ For a biography of Squibb see Lawrence Squibb, *A Book of All the Several Officers of the Court of Exchequer*, ed. William H. Bryson, in *Camden Miscellany vol. XXVI*, Camden Fourth Series, vol. 14 (1975), pp. 77-136. Cottington, a staunch royalist, left England in 1646 and remained in exile until his death in 1652: Fiona Pogson, ‘Cottington, Francis, first Baron Cottington (1579?–1652)’, *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/6404>, accessed 10 June 2006].

¹³² Bryson (ed.), *A Book of All the Several Officers of the Court of Exchequer*, p. 79.

for use by other exchequer officials.¹³³ Lawrence Squibb's kinsman, Arthur Squibb, had been a teller in the exchequer since 1624 and it is likely that 'it was through the efforts of Lord Cottington or Arthur Squibb or both of them that Lawrence Squibb received a patent to the reversion of the tellership dated 9 June 1635, and it was, no doubt, Cottington who obtained for him the grant of the reversion of the office of clerk of the court of wards'.¹³⁴

Yet it was Squibb's appointment two years later to the aforementioned office of sealer of cards and dice that is most pertinent here.¹³⁵ Squibb's actions while sealer – a post which kept him busy until at least 1641 – resulted in various complaints being lodged against him. Because of the circumstances in which they were created, a number of the sources that have been consulted are more than a little one-sided. The events described, furthermore, took place during a fairly short period of time and, since many of the complainants were cardmakers, it is conceivable that they might have known one another. These factors, though, are to some extent balanced by similarities among different descriptions of different events by different authors. Taken together, these accounts reveal much about the regulation of the playing card trade and the relationship between the cardmakers and outside authorities, as well as the power that could be wielded by government officials.

In 1637, at the behest of Lawrence Squibb, 'Humanitus Mayo the Lord Cottingtons Messenger assisted by one Thomas Walcott a Constable Richard Whirrell a Smith wth his sledge & diuers others' 'broke open' the house of John Lawe, cardmaker, 'hauinge set a Watch about it all the day' to 'the greate amazemt' of his wife and 'disgrace' among his neighbours.¹³⁶ They took away his 'Pryntes' (in this case, cards) which Squibb then offered to sell back to Lawe for 42s per gross, or 39s more than Lawe would have had to pay for getting them sealed officially by the King's

¹³³ For a detailed discussion of the manuscript copies see Bryson (ed.), *A Book of All the Several Officers of the Court of Exchequer*, pp. 80-96.

¹³⁴ Bryson (ed.), *A Book of All the Several Officers of the Court of Exchequer*, p. 79.

¹³⁵ On 29 April 1637: Bryson (ed.), *A Book of All the Several Officers of the Court of Exchequer*, p. 79.

¹³⁶ TNA:PRO SP 16/451/119 (b) (1640). The unusually named Humanitas Mayo is mentioned in *L. J.*, vol. 5 (1642-43), 18 Aug. 1642.

receiver.¹³⁷ It is highly likely that John Lawe was a Company man – in fact this was probably the same John Lawe who used French marks in 1648 – but this did not shield him from Squibb who had apparently ‘made his peace wth & compounded wth’ other, perhaps more senior, members of the Company, including ‘old & yonge Edward Hather old Edward ffryer Robte ffrier & diuers others’.¹³⁸

Squibb’s actions against Richard Reeve, another familiar face and by this time a member of the cardmakers’ court of assistants, also seem to have been supported by the Company for, according to Reeve:¹³⁹

... John Johnson the Master[,] Thomas Bates Richard Robinson Edward Heather John Harlowe Thomas Mayo Mr Squibbs Messenger one James Mr Squibbs man and other of them to the number of 20 ... did forcibly & Riottously breake into my house pretendinge they had the Lord Threasurers & the Lord Cottingtons Warrant to search for mee I then beinge absent & made a greate Uproare in a Riotous manner to my greate disgrace amongst neighbours.¹⁴⁰

The Company had threatened Reeve that Squibb would ‘undoe’ him, and indeed Reeve’s tools, moulds and cards had already been confiscated by Squibb. After seizing Reeve’s cards, Squibb, sensing an opportunity for profit, offered to sell them back to Reeve at a rate of 28s per gross. When Reeve refused the deal, pointing out that this ‘was more by Ten shillings the grosse then the Cards were worth’, he was ‘kept close Prisoner for 2 or 3 dayes’.¹⁴¹

¹³⁷ TNA:PRO SP 16/451/119 (b) (1640). Squibb offered the same terms to Sibill Simpson: TNA:PRO SP 16/451/122 (1640).

¹³⁸ TNA:PRO SP 16/451/119 (b) (1640). Edward Heather, Robert Fryer and Edward Fryer were all members of the group of cardmakers who petitioned Charles I for a charter: Thorpe and Goodall, *Early London Cardmakers*, p. 18. Edward Fryer is also mentioned in an indenture of 1637: TNA:PRO E 214/722.

¹³⁹ TNA:PRO SP 16/451/120 (1640). The records of the Company for this period are not sufficiently detailed to shed any light on Reeve’s position, but Wallis has found that, at least in the Society of Apothecaries and the Stationers’ Company, those at the top of the company hierarchy were not exempt from punishments: Wallis, ‘Controlling Commodities’, p. 95.

¹⁴⁰ TNA:PRO SP 16/451/120 & 121 (1640). Johnson, Bates, Robinson and Harlowe are all mentioned in an indenture of 1637: TNA:PRO E 214/722.

¹⁴¹ TNA:PRO SP 16/451/121 (1640).

In 1636, Squibb took away Sibill Simpson's 'presse', which left her with 'noe meanes or trade to liue on' and forced her 'many times ... to lye in the streetes ready to starve'.¹⁴² After four years of hardship, Sibill went to Squibb and took '6li yearly to giue ouer the trade ... wherein if I had wrought I could haue gotten 3[0]li a yeare'.¹⁴³ If, then, Sibill's account of the affair is to be believed, it appears that, for whatever reason, Squibb's intention was to force her out of business rather than to punish her for breaking the law, company or otherwise, in any way. This is a little perplexing for there is scant evidence to suggest that Squibb was himself a cardmaker other than an accusation by Lawe that 'he gott a Privy Seale for Course cards & set up a Worke house in his owne office'.¹⁴⁴ If Squibb was not protecting his own trade he was perhaps working at the behest of other cardmakers: Sibill's late husband had been a warden of the company and there may have been some pre-existing animosity or personal interest at work.¹⁴⁵ It is possible, moreover, as Gadd and Wallis suggest, that company officers might have been 'uncomfortable with the idea of an economically independent woman'.¹⁴⁶ It is true that there were only a handful of independent female cardmakers, such as Lydia Birch, Elizabeth Day and Mistress Purday, but to make such a conclusion here without further evidence would be rather too conjectural.¹⁴⁷

The presence of Squibb undoubtedly strengthened the Company's authority, but he did not always have it all his own way. In 1638, for example, Squibb complained that Edward Fryer – who had been given a pension by Squibb in return for relinquishing the trade of cardmaking – continued to produce 'great quantities' of cards.¹⁴⁸ A year

¹⁴² TNA:PRO SP 16/451/122 (1640).

¹⁴³ TNA:PRO SP 16/451/122 (1640).

¹⁴⁴ TNA:PRO SP 16/451/119 (b) (1640).

¹⁴⁵ TNA:PRO SP 16/451/122 (1640). There is not sufficient information in the Company records to corroborate this point.

¹⁴⁶ Gadd and Wallis, 'Introduction', p. 7.

¹⁴⁷ Day was listed for quarterage 1676-1716, Birch 1703-1712, and Purday (also Purdey) 1707-21: GLMS 05963/1-3 CM 1-3. There were approximately 20 different female cardmakers listed for quarterage in the period 1647-1725. I would hope to do more work on this if sufficient information is available.

¹⁴⁸ *Privy Council Registers Preserved in the Public Record Office: Reproduced in Facsimile* (12 vols., HMSO, London, 1967-68), vol. III, 20 March 1638, p. 40. See also TNA:PRO SP 16/45/120 (1640).

later, Squibb was challenged by William Guy, a wealthy haberdasher. Guy alleged that Squibb had seized his cards and over a sixteen month period forced him to spend 'one or two daies ... a week ... in the Messengers Custody'.¹⁴⁹ This, Guy argued, had done a great deal of damage to his trade and economic credit, something which was corroborated by a number of witnesses.¹⁵⁰ The documentation of the case is not complete, but it may have gone against Squibb, for the following was written on the dorse: 'if the messenger being threatened, hath sd more then it true, or did molest him as is alleadged, the Lawe is open agt him'.¹⁵¹ At any rate, future delinquent cardmakers were saved from Squibb by the outbreak of the Civil War, during which time he resided in Oxford with the King.¹⁵² It is not known how Squibb fared under the Cromwellian regime but, presumably because of his royalist connections, his petitions to be admitted as one of the four tellers of the exchequer met with no success until after the Restoration.¹⁵³ He died, aged seventy, in 1674.¹⁵⁴

As the complaints against his agents testify, Squibb's business often involved searching for illegal cards. This was not unusual and 'As the fist in the corporate glove ... Search was undoubtedly a key function of all companies'.¹⁵⁵ Yet as might be expected, searchers, like constables and agents of law enforcement, were often made less than welcome.¹⁵⁶ Richard Reeve 'did wilfully & obstinatly oppose & resist'

¹⁴⁹ TNA:PRO SP 16/348/88 (1639).

¹⁵⁰ Guy stated that his trade was worth between £80 and £100 per week, while one of his witnesses testified that he would have given Guy credit for £1000 before the incident described: TNA:PRO SP 16/348/88 (1639).

¹⁵¹ TNA:PRO SP 16/348/88 (1639).

¹⁵² Bryson, *A Book of All the Several Officers of the Court of Exchequer*, p. 80.

¹⁵³ Bryson, *A Book of All the Several Officers of the Court of Exchequer*, p. 80.

¹⁵⁴ Bryson, *A Book of All the Several Officers of the Court of Exchequer*, p. 80. Some of Squibb's lands were sold in 1677: *C. J.*, vol. 9 (1667-87), 14 April 1677, pp. 421-22. Squibb found himself in trouble in 1670 for a breach of privilege committed against Sir John Moreton: *C. J.*, vol. 9 (1667-87), 19 Dec. 1670, pp. 185-86.

¹⁵⁵ Gadd and Wallis, 'Introduction', p. 8.

¹⁵⁶ There are numerous examples of constables being attacked while carrying out their duties: see for example J. S. Cockburn, 'The Nature and Incidence of Crime in England 1559-1625: A Preliminary Survey', p. 59 and J. A. Sharpe, 'Crime and Delinquency in an Essex Parish 1600-1640', pp. 103-104, both in J. S. Cockburn (ed.), *Crime in England 1550-1800* (London, Methuen, 1977); Keith Wrightson 'Two Concepts of Order: Justices, Constables and Jurymen in Seventeenth-Century

James Harbin and Thomas Mayo when they came looking for ‘insufficient & defective cards’ in 1640¹⁵⁷ while one Mr Edwards denied entrance to the master and wardens in 1701.¹⁵⁸ It is likely, though, that the cardmakers did a lot more searching than their court minutes record, for as well as dealing with illicitly produced domestic cards, they, along with the customs officials, had a hand in dealing with illegally imported cards. At a court of assistants held on 11 May 1648 it was agreed that ‘Mr Lawe, Mr Robinson, Mr Johnson Senior, Warden Skeath, Mr Pendleton & Mr ffyney shall Take a Journey into the Countreye to make Search & Seazures of prohibited and ffrench Cardes’ (there is no report of whether or not they found any), while three months later a meeting was dismissed ‘in Respect of some ffrench cardes seized on and lying at the Customes house’.¹⁵⁹ In 1655 the Company even decided to petition Oliver Cromwell about the ‘abuse of the Importation of fforaiyn Playing Cardes’ at Bristol.¹⁶⁰ From 1683 it was ordered that illegal foreign cards should be burned and it is likely that those seized in earlier times were also consigned to the flames.¹⁶¹ This is not to say, though, that English cardmakers always adhered to the rules; Edward Warman Jnr. sold Spanish and French cards sometime in the first quarter of the eighteenth century.¹⁶²

England’ in John Brewer and John Styles (eds.), *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (Hutchinson, London, 1980), p. 29. For searching, see the following examples and Wallis, ‘Controlling Commodities’, p. 85.

¹⁵⁷ TNA:PRO SP 16/448/14 (1640). I have not been able to find any descriptions of what a defective card might look like.

¹⁵⁸ GLMS 05963/2 CM2, 138v (April 1701). This was probably Robert Edwards.

¹⁵⁹ GLMS 05963/1 CM1, 16r (May 1648) & 22r (Aug. 1648). In light of Lawe’s use of French marks only two months later it is interesting that he was one of those appointed to help search for illegally imported French cards. For more on provincial searching see Ronald F. Homer, ‘The Pewterers’ Company’s Country Searches and the Company’s Regulation of Prices’ in Gadd and Wallis (eds.), *Guilds, Society & Economy in London 1450-1800*, pp. 101-114.

¹⁶⁰ GLMS 05963/1 CM1, 44r (Aug. 1655).

¹⁶¹ GLMS 05963/3 CM3, p. 103 (1683 Indenture).

¹⁶² Thorpe and Goodall, *Early London Cardmakers*, p. 64.

None of the documentation left by the Company of Makers of Playing Cards provides any explanation as to why production quotas for playing cards were necessary. It might be considered that having a specific quota was conducive to the Company fulfilling its obligation – as laid down in the 1628 charter – to ‘at all times ... make and work such sufficient quantities of playing Cards as shall serve and supply this Kingdome of England’, but this does not explain how or why particular quotas were decided upon.¹⁶³ Yet there is evidence to suggest that the master and wardens of the Company were responsible for determining how the total yearly production quota was allocated among individual cardmakers.¹⁶⁴ Clearly there were advantages to knowing in advance how many cards you were expected to produce over a given length of time, but, as Thorpe and Goodall have argued, the existence and allocation of production quotas hints to a desire among the leaders of the Company to curb overproduction, and hence competition, among its members.¹⁶⁵

In any case, in 1683 new quotas for the production of playing cards were formalised by an indenture.¹⁶⁶ At first glance this document seems fairly nondescript: but under detailed inspection it makes truly astonishing reading. The indenture permitted the Company of Makers of Playing Cards to produce up to 185 gross of packs of cards per week, except during December and January when that number was halved to 92½ gross, perhaps in an attempt to curb the excessive gaming associated with the Christmas period.¹⁶⁷ At all other times the King’s receiver could raise or lower the weekly quota provided that it did not exceed 185 gross or fall below 120 gross.¹⁶⁸

¹⁶³ GLMS 05963/3 CM3, p. 30, Article 37 (copy of 1628 charter).

¹⁶⁴ TNA: PRO E 214/722 (1637); GLMS 05963/3 CM3, p. 105 (1683 Indenture); Thorpe and Goodall, *Early London Cardmakers*, p. 27.

¹⁶⁵ Thorpe and Goodall, *Early London Cardmakers*, p. 27.

¹⁶⁶ GLMS 05963/3 CM3, pp. 104-105 (1683 Indenture).

¹⁶⁷ GLMS 05963/3 CM3, pp. 104-105 (1683 Indenture). The Christmas period was something of an open season for gaming. The Gaming Act of 1541 included clauses to allow certain social groups (labourers, artisans etc.) who were normally prohibited from gaming to do so at Christmas, while royal gaming at the Groom Porter’s (where the King’s private gaming tables were kept) attracted large crowds. For more on this see chapters 2 and 3, below.

¹⁶⁸ GLMS 05963/3 CM3, p. 105 (1683 Indenture).

Yet even working at the minimum production levels (and therefore 60 gross per week in December and January), the cardmakers would have made some 820,800 packs per year, while at the maximum their output could have reached a staggering 1,265,400 packs.¹⁶⁹ This was in the region of one pack of cards per five heads of population, or one pack per household, *per year*, and even if we take into account that some bought more than others – Charles I, for example, ordered 45 gross (6480 packs) of the highest quality cards in 1637 – it could hardly be said that the people of England wanted for playing cards.¹⁷⁰ The scale of production also necessitated new institutional machinery for the collection of the duty. In 1683 John Broderick, as agent for Thomas Keightley, took up the post of King’s receiver.¹⁷¹ Thenceforth, every gross of cards was to be sealed on ‘mondayer or saturdayes weekely’ and in 1684 an office was erected in Silver Street in Bloomsbury specifically for that purpose.¹⁷² And, as before, if cardmakers failed to pay the three-shilling duty the receiver or his officers were empowered to detain their playing cards until payment had been made in full.¹⁷³

Whether they would have liked it or not, the members of the Company must have been aware that their livelihoods were inextricably connected to the vogue for card games in the seventeenth and eighteenth centuries. But this also meant that changes in the legislation concerning gaming could have an effect on their trade. Such a situation arose in 1710. The court of assistants heard on 24 February ‘that a Bill was passed the House of Commons Intituled an Act for the better preventing Excessive and immoderate Gameing the purport whereof being wholly to prohibit all manner of

¹⁶⁹ Minimum: 43 weeks at 120 gross per week (43x120x144) + 9 weeks at 60 gross per week (9x60x144). Maximum: 43 weeks at 185 gross per week (43x185x144) + 9 weeks at 92.5 gross per week (9x92.5x144).

¹⁷⁰ Using population figures from E. A. Wrigley and R. Schofield, *The Population History of England 1541-1871* (Cambridge, 1989), pp. 528-29 and household statistics from N. L. Tranter, *Population and Society 1750-1940* (Longman, London and New York, 1985), p. 181. The example of Charles I is taken from Thorpe and Goodall, *Early London Cardmakers*, p. 21.

¹⁷¹ Thorpe and Goodall, *Early London Cardmakers*, p. 20. A Thomas Keightley is styled ‘Esqr’ in the 1686/7 quarterage listings: GLMS 05963/2 CM2, 67r.

¹⁷² GLMS 05963/3 CM3, p. 97 (1683 Indenture); facsimile of a 1684 advertisement in Thorpe and Goodall, *Early London Cardmakers*, p. 25.

¹⁷³ GLMS 05963/3 CM3, p. 29, Article 36 (copy of 1628 charter).

Playing at Cards in Publick houses, whereby the Trade must of necessity be greatly endamaged if not totally ruined'.¹⁷⁴ Thus galvanized into action, the Company agreed to 'use their uttmost Endeavour to prevent the passing of the said Bill in the House of Lords' and directly after the meeting 'all the Court of Assistants then present went up to the Parliament house to solícite the Company business'.¹⁷⁵ There is no record of whether the cardmakers were successful or not, but since the *Act for the Better Preventing of Excessive and Deceitful Gaming* released in November of the same year had no such clause pertaining to cardplay in alehouses, someone, if not the cardmakers themselves, had achieved a victory beneficial to the Company.¹⁷⁶

Unfortunately, the Gaming Act was but a drop in the ocean in comparison to the upheavals that were to occur later in 1711 in the form of the new 'Tax upon Playing-Cards'.¹⁷⁷ The Stamp Act of 1710 (in force from 11 June 1711) put 6*d* duty on each pack of cards 'made fit for Sale or Use in *Great Britain*'.¹⁷⁸ This was twenty-four times more than the cardmakers had previously been paying; for most of the seventeenth century the duty had stood at 3*s* per gross.¹⁷⁹ The Cardmakers were understandably anxious about this state of affairs and outlined their concerns in a petition to the House of Commons (which was later printed under the title *Reasons Humbly Offer'd to the House of Commons, by the Company of Cardmakers, Against the Tax upon Playing-Cards*):¹⁸⁰

¹⁷⁴ GLMS 05963/2 CM2, 182r (Feb. 1710).

¹⁷⁵ GLMS 05963/2 CM2, 182r (Feb. 1710).

¹⁷⁶ 9 Anne, c. 19 (1710).

¹⁷⁷ *Reasons Humbly Offer'd to the House of Commons, by the Company of Cardmakers, Against the Tax upon Playing-Cards* (London, 1711) and also GLMS 05963/2 CM2, 186r (May 1711).

¹⁷⁸ 9 Anne, c. 16 (1710).

¹⁷⁹ GLMS 05963/3 CM3, pp. 27-29, Article 35 (copy of 1628 charter). Pre 1711 duty: 3*s* (36*d*) per gross (144) = 36/144 = 0.25*d* per pack.

¹⁸⁰ *Reasons Humbly Offer'd to the House of Commons, by the Company of Cardmakers, Against the Tax upon Playing-Cards*.

The Cardmakrs in and about the City of London are about One hundred Master Workmen,¹⁸¹ And for some time past Paper having been double the price as formerly the Trade is much decayed.¹⁸²

The most they sell their Cards for to the Retailer (one sort wth another) is three half pence per pack, out of wch their profit is exceeding small¹⁸³

The Generality of the Cardmakrs are poor men & out of their Small gains can hardly maintain their families; and therefore to impose this Tax, will be a direct and infallible way to ruin them, their Stocks and abilities being So very mean that they now make hard shift to forbear the Retailers the Ordinary time of credit

Besides there is at present a Stock of Cards in the Retailers hands Sufficient for the Consumption of Two or Three years, and they will assuredly sell all the Old Stock before they take any at the new advanced rate; the Consequence whereof will be first That the Cardmakrs till that Stock be sold off can make no New ones Secondly That during that time they & their families must needs starve Lastly that until the Cardmakrs can make New ones No mony can accrue to the Publick by such Tax.¹⁸⁴

The cardmakers did seem to be confronted by a rather dire situation: as they pointed out in another petition, a gross of cards sold for 6s would now attract £3 12s in duty.¹⁸⁵ Yet it was not only the cardmakers who faced problems. Because playing card production was so high, the trades whose goods were used in the manufacture of cards also suffered, especially since many them also had to cope with new duty payments of their own. In 1711, the 'Merchants Importing Genoa paper, the Stationers, Haberdashers of small ware [and] the English Paper-Makers', wrote of 'The many Losses' they might suffer because of 'the great Imposition on Cards'.¹⁸⁶ Similarly, in *The Case of the Manufacturers of Paper the Stationers Printers, &c of*

¹⁸¹ A total of 106 persons (presumably masters and journeymen) were listed for quarterage in 1711/12: GLMS 05963/2 CM2, 188r.

¹⁸² Duty had first been levied on paper, vellum and parchment in 1694 and this comment probably refers to subsequent increases in the duty, rather than to an increase in the price of the paper itself.

¹⁸³ It is not clear if this is 3½d or 1½d.

¹⁸⁴ GLMS 05963/2 CM2, 186r (May 1711); *Reasons Humbly Offer'd to the House of Commons, by the Company of Cardmakers, Against the Tax upon Playing-Cards.*

¹⁸⁵ Reproduced in Thorpe and Goodall, *Early London Cardmakers*, p. 29. The calculations of the cardmakers do stand up to scrutiny.

¹⁸⁶ Reproduced in Thorpe and Goodall, *Early London Cardmakers*, p. 28. This petition is mentioned in *C. J.*, vol. 16 (1708-1711), 21 May 1711, p. 674.

this Kingdom it was pointed out that ‘the Consumption of those Sorts of Papers, particularly made in *England*, is in great measure prevented, by Three other Taxes, viz. on *Cards*, *Almanacks*, and on Printing Small Paper Pamphlets, &c’.¹⁸⁷ In another petition the paper makers argued that the ‘great’ duty on cards would be to the ‘great Detriment and Discouragement’ of their trade because ‘not above one Twentieth part had been made this year of what us’d to be’.¹⁸⁸ The paste-board makers were the only associated group not to mention cards in their petition, but then the increase in duty on paper, their basic material, was probably a more pressing concern for them.¹⁸⁹ In order to absorb the increase in duty, the cardmakers suggested that a pack of cards would have to retail at the comparatively expensive 12*d* a pack.¹⁹⁰ But what impact on the production of playing cards did the imposition of stamp duty actually have?

Stamp Duty and the Playing Card Trade

Although the Worshipful Company of Makers of Playing Cards still exists today, albeit primarily as a charitable organisation, it would be fair to say that it had its heyday as a regulatory body in the seventeenth and early eighteenth centuries. But even before the Company was incorporated in 1628, and perhaps as early as the end of the sixteenth century, ‘the gilds’ control of London crafts and industries had been seriously weakened by the rapid extension of the built-up areas around the square mile of the old City and by the growth of suburban production’.¹⁹¹ By the middle of the eighteenth century, then, the much increased physical size and population of London must have rendered regulation of the playing card industry extremely

¹⁸⁷ *The Case of the Manufactures of Paper the Stationers Printers, &c of this Kingdom* (London, 1711).

¹⁸⁸ *The Case of the Paper-Makers of Great Britain* (London, 1711). For details of how the Stamp Act of 1710 affected the paper-makers, see R. C. Jarvis, ‘The Paper-makers and the Excise in the 18th Century’, *The Library*, 5th Series, no. 14 (1959).

¹⁸⁹ *The Case of the Past-Board-Makers of the City of London* (London, 1711). One of the methods of making playing cards was to make them up on large boards, which were then cut to size.

¹⁹⁰ Thorpe and Goodall, *Early London Cardmakers*, p. 29. Evidence about the retail price of playing cards is very rare. To put the 12*d* into perspective, Tim Hitchcock and Robert Shoemaker suggest that ‘in normal times a loaf of bread could be purchased for a penny’: ‘Wages and the Cost of Living’, *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 13 June 2006).

¹⁹¹ Kellett, ‘The Breakdown of Gild and Corporation Control’, p. 381.

difficult. One might imagine that these factors had a particular impact on the cost – both in time and money – of conducting searches; as Kellett has noted, by the 1710s ‘it was ... usual to find the cost of the search only half covered by the fines’.¹⁹² This might also help to explain why ‘the duty of enforcing the gilds’ monopoly had, by the early 18th century, devolved very largely upon individuals ... who were prepared from indignation, malice or the prospect of reward to bring proceedings against unfreemen’.¹⁹³ This may or may not have been true of the Company of Makers of Playing Cards, for, perhaps tellingly, the Company’s third court minute book covering 1726-85 contains little disciplinary material.

Indeed, those few cases that were recorded in the third minute book suggest that the Company of Makers of Playing Cards was struggling to enforce its ordinances. Between 1737 and 1738, for example, John and Francis Tustian ignored ‘severall ffines’ imposed when they were found to have counterfeited the marks of John Hart.¹⁹⁴ In 1742 Thomas Hill refused to pay fines for duplicating other makers’ marks and stated that ‘he had nothing to do with the Company’.¹⁹⁵ When the master tried to compel Hill to pay, he found that there were insufficient legal grounds for the Company to insist on members’ marks being inviolable.¹⁹⁶ This situation, in combination with a new system of collecting stamp duty on cards (see below) which did not use individual makers’ marks to identify the maker for tax purposes, meant that ‘the use of private makers’ marks had virtually died out by the second half of the 18th century’.¹⁹⁷

¹⁹² Kellett, ‘The Breakdown of Guild and Corporation Control’, p. 387. Here, Kellett is referring to searching in general (though he cites the example of the Company of Coopers on p. 387, n. 2).

¹⁹³ Kellett, ‘The Breakdown of Guild and Corporation Control’, p. 385.

¹⁹⁴ GLMS 05963/3 CM3, unfolioed (April 1737-Jan. 1738).

¹⁹⁵ Quoted in Thorpe and Goodall, *Early London Cardmakers*, p. 72.

¹⁹⁶ Thorpe and Goodall, *Early London Cardmakers*, p. 72. Wallis notes similar problems of legal authority in the Stationers’ Company in the early seventeenth century: ‘Controlling Commodities’, pp. 90-91. On legal challenges to companies’ authority more generally, see Kellett, ‘The Breakdown of Guild and Corporation Control’, esp. pp. 383-84.

¹⁹⁷ Thorpe and Goodall, *Early London Cardmakers*, p. 21.

Yet none of this is to say that cardmaking itself was in decline. Although the halcyon days of the late seventeenth century may have been gone, trade probably remained at a healthy level for much of the period 1712-75, as Figure 5 shows.

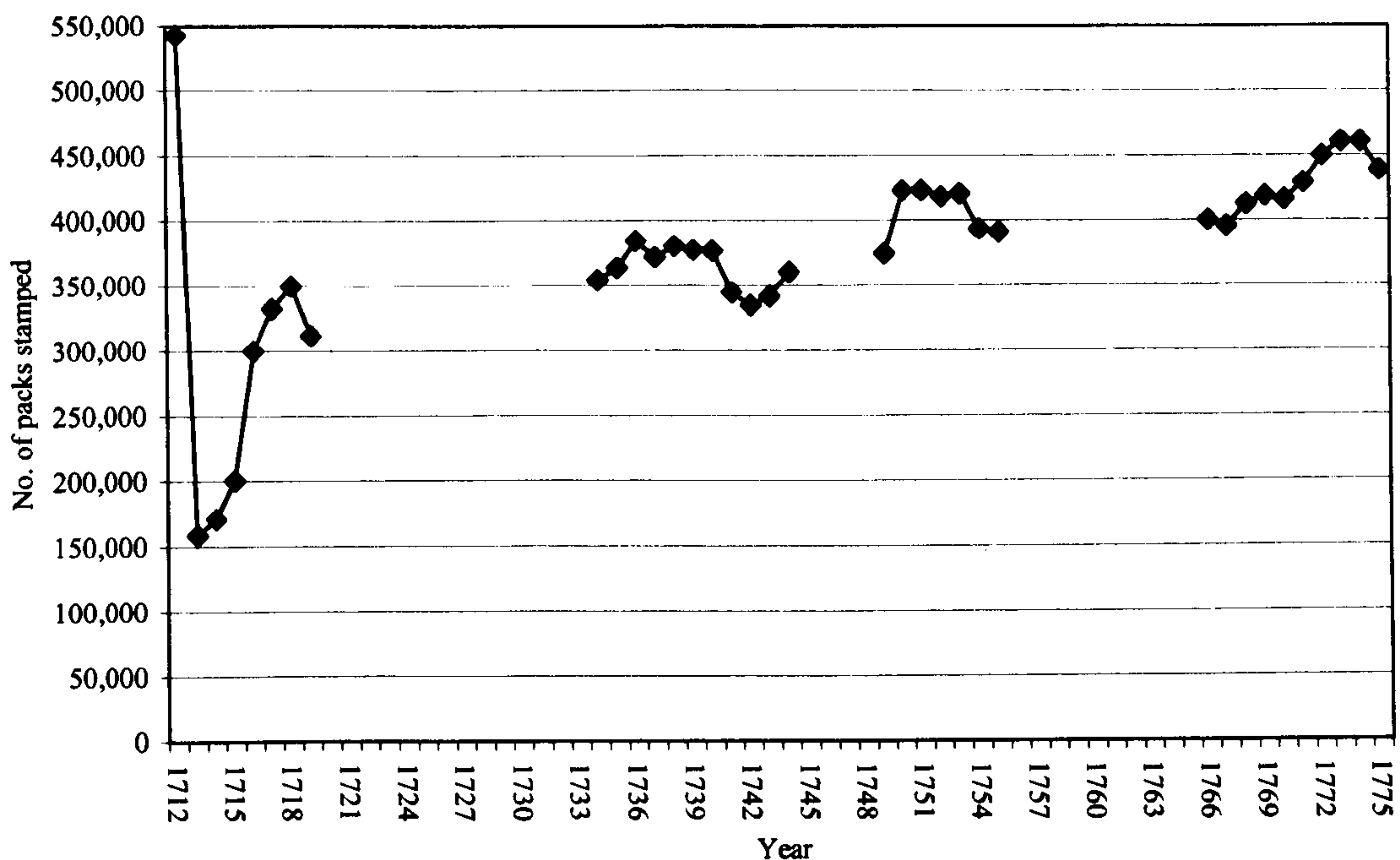


Figure 5: Packs of Playing Cards Stamped for Duty, 1712-75¹⁹⁸

Until 1 August 1712, stock in hand could be sealed at a reduced rate of $\frac{1}{2}d$ per pack and this duty accounted for 480,895 of the 542,727 packs sealed and stamped for duty in 1712, which appears as the initial peak on the graph. Put into context this was roughly one pack per ten heads of population stamped in one year.¹⁹⁹ Immediately thereafter the number of packs stamped for duty fell to fewer than 200,000. This is the lowest point on the graph between 1711 and 1775 and represents the increase in duty really biting for the first time. However, demand must have remained high because only five years later 350,000 packs were stamped for duty. By the 1730s

¹⁹⁸ 1712-1718 is calculated from data in Shaw, *Calendar of Treasury Books*, vols. 26-32 (1712-18). 1719 is calculated from data in 6 Geo. I, c. 21 (1719). 1734-44 is calculated from data in TNA:PRO: T 1/ 316 no. 27a, 19 March 1744. 1749-55 is calculated from data in *C. J.*, vol. 27 (1754-57), p. 467. 1766-75 is calculated from data in *C. J.*, vol. 35 (1774-76), p. 712.

¹⁹⁹ Population estimates in this paragraph are taken from Wrigley and Schofield, *The Population History of England*, pp. 528-29.

numbers had crept up a little further and remained fairly stable until the mid 1750s, peaking at 420,362 packs in 1753, or one pack per fourteen people. An additional duty of 6*d* per pack was imposed in 1756 (taking the total duty per pack of cards up to 12*d*) and although this might have had a detrimental effect on playing card production in the short term, it appears to have had little long term impact: between 1766 and 1775 there were regularly over 400,000 packs stamped per year.²⁰⁰ Yet based on the data I have, which admittedly is incomplete, it does seem clear that the imposition of stamp duty on playing cards did cause a downturn in their production: from 1711 to the end of my study the yearly totals of packs stamped never exceeded 600,000, let alone one million.

That having been said, it should be pointed out that all figures given are probably *minimum* values since the numbers of packs do not take into account those which, by accident or design, evaded the receivers of duty and other government officials (more on which later). And although cards might have been fairly ephemeral objects – some, for instance, were used for noting down addresses and other snippets of information – we must remember that the calculations I have made, and the data on which they are based, give yearly totals.²⁰¹ In short, many of the packs from the previous year would have survived to the next, meaning that the actual numbers of packs of cards in circulation, not including those which escaped the official record, must have been much greater than even the one million-plus yearly totals would imply. This strongly suggests both that cards were easy to come by and that there was a high demand for playing cards throughout the period, the primary use of which was for gaming.

Before proceeding further it should be mentioned that the Stamp Act also imposed duty on dice. Evidence about dice production is difficult to find, especially before 1711. For this reason, and because there were roughly 245 times more packs of cards than pairs of dice stamped for duty between 1712 and 1775,²⁰² the focus of my

²⁰⁰ The additional duty was imposed by 29 Geo. II, c. 13 (1756). Calculations for 1766-75 are based on data in *C. J.*, vol. 35 (1774-76), p. 712.

²⁰¹ See for instance TNA:PRO HCA 65/23 and TNA:PRO HCA 65/43/2.

²⁰² Calculated from data in the sources cited in notes 198 & 200.

analysis will remain on playing cards. This, though, should not obscure the fact that dice games, and hazard in particular, remained very popular until at least the middle of the eighteenth century. The discrepancy between numbers of cards and dice might be explained, at least in part, by the fact that dice were not only more durable, but also more expensive, than playing cards; indeed, at 5s per pair, the duty on dice was ten times greater than that on cards.

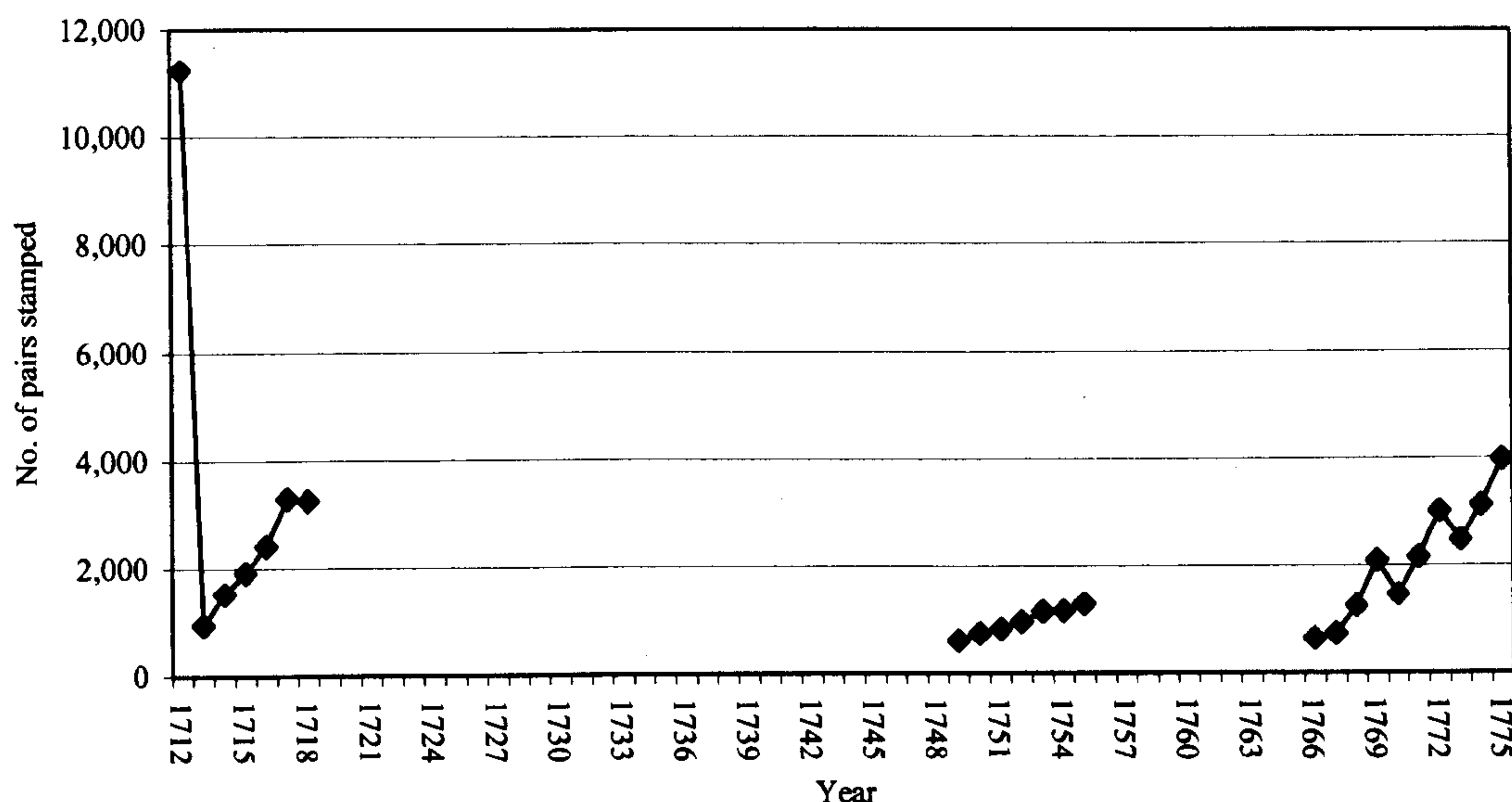


Figure 6: Pairs of Dice Stamped for Duty, 1712-75²⁰³

Collecting Stamp Duty

Stamp duty was not an eighteenth-century innovation and its antecedents can be found in the 1660s when charges were imposed ‘on a very wide range of legal instruments and proceedings’ by 22 & 23 Charles II, c. 9.²⁰⁴ The same legislation also extended the existing half crown duty on recognisances to alehouse licensees. Yet due to difficulties with the system of collection and problems with the farmers of

²⁰³ 1712-1718 is calculated from data in Shaw, *Calendar of Treasury Books*, vols. 26-32 (1712-1718); 1749-55 is calculated from data in *C. J.*, vol. 27 (1754-57), p. 467; 1766-75 is calculated from data in *C. J.*, vol. 35 (1774-76), p. 712.

²⁰⁴ Edward Hughes, ‘The English Stamp Duties, 1664-1764’, *The English Historical Review*, vol. 56, no. 222 (April 1941), p. 235.

the duty, the imposition on proceedings at law lasted only nine years, expiring on 1 May 1680. But this was not the end of the matter and by 1694 ‘the duties were re-enacted, save for important exceptions, in somewhat severer form’.²⁰⁵ Like many of the financial innovations of this period, they were initially intended to support the Nine Years War, but ‘before the reign was out they had been doubled and the term extended’.²⁰⁶ By the same Act, the Treasury was empowered to appoint commissioners, and they in turn, inferior officers. It was the job of the commissioners to supply the stamped paper and parchment that was necessary for the production of the plethora of legal documents covered by the Act. It was, though, the closing years of Queen Anne’s reign which ‘saw novel and far-reaching extensions of the duties’ including: shipping debentures, bills of lading, almanacs and calendars, licenses for retailing wine, beer and ale, books, newspapers, pamphlets and advertisements and, of course, cards and dice.²⁰⁷

When John Montagu, solicitor to the stamp office, began in 1706 a special enquiry into certain ‘abuses’ that had been committed at the Westminster courts it is probable that he anticipated uncovering evidence of some stamp duty fraud.²⁰⁸ What he cannot have expected was the scale of the problem. Hughes explains, ‘some 3079 discoveries were quickly made, the details of which were truly alarming – 100,639 unstamped plaints or actions requiring 1s. stamps, 30,979 special bails at 2s. each’ and so on, ‘making a grand total of £14,390 lost to the revenue’.²⁰⁹ To make matters worse ‘the commissioners were convinced that the frauds so far discovered were “only a small proportion of the whole”’²¹⁰ and were accordingly forced to indemnify the attorneys involved from the penalties for their ‘mistakes’, provided that they paid all arrears.²¹¹ In fact, the attorneys might have paid nothing, for in 1709 there was

²⁰⁵ Hughes, ‘The English Stamp Duties’, p. 242.

²⁰⁶ Hughes, ‘The English Stamp Duties’, p. 242.

²⁰⁷ Hughes, ‘The English Stamp Duties’, p. 245.

²⁰⁸ Hughes, ‘The English Stamp Duties’, p. 249.

²⁰⁹ Hughes, ‘The English Stamp Duties’, p. 249.

²¹⁰ Hughes, ‘The English Stamp Duties’, p. 249.

²¹¹ Hughes, ‘The English Stamp Duties’, p. 241.

still no agreement on whether or not it was the duty of the stamp commissioners, or the attorneys themselves, to undertake the gargantuan task of searching through all the relevant legal documents to determine what was owed to the Crown.²¹² This did not bode well for the collection of stamp duty on cards and dice.

To reiterate briefly, from 11 June 1711 each pack of cards and pair of dice produced were subject to stamp duty of 6*d* and 5*s*, respectively. The one saving grace for card and dice makers alike was that until 1 August 1712 stock in hand could be sealed at a reduced rate of ½*d* for cards and 6*d* for dice. Under the terms of the 1711 Act, it was not permitted for cards to be removed from their makers' premises without first being stamped and sealed. Makers of playing cards and dice had to 'give Notice in Writing of the usual Place where they make them' under penalty of £50. Every twenty-eight days, makers had to enter on oath before the commissioners of the stamp duties 'all the Cards and Dice which they have made in that Time' and every six weeks pay the duties to the receiver general of the stamps, 'under the Penalty of 20*l*. for every Default in making the Entry, and double the Duty for Nonpayment'.²¹³

The fines for non-payment of the duty were no doubt intended to be prohibitive, but it was not long before various card and dice makers had fallen into arrears, as Figure 7 illustrates.

²¹² See Hughes, 'The English Stamp Duties', pp. 248-50.

²¹³ Giles Jacob, *The Laws of Taxation. Being, a Concise Treatise of all the Acts of Parliament Now in Force ... Relating to the Taxes of England* (London, 1721), pp. 25-26.

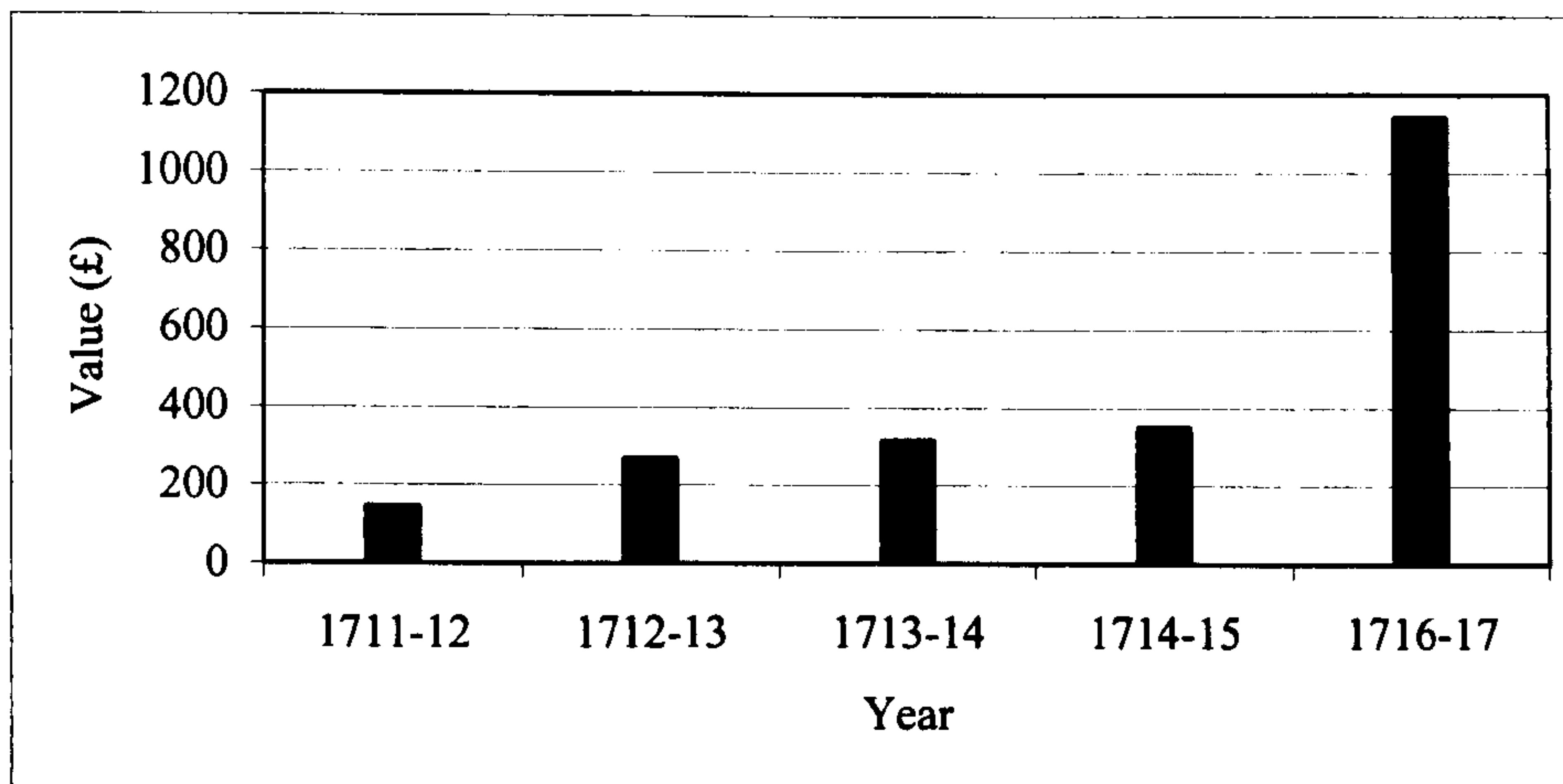


Figure 7: Stamp Duty Arrears, Cards and Dice, 1711-17²¹⁴

Many of those owing money, moreover, were repeat offenders and were listed as owing duty in at least three years. These included the cardmakers Archibald Vans, Thomas Cope, Richard Tustian, Thomas Hearne, James Pemberton, Nathaniel Tilson and Gabriel Pink and the dicemakers Henry Ladyman, Thomas Crawford and Edmond Aspinal. Six of the cardmakers had, or did, serve as masters of the Company,²¹⁵ while Henry Ladyman had been one of the original searchers and surveyors.²¹⁶ As Wallis has pointed out, experts were often used in the search role and so the case of Ladyman might not have been an isolated example of what, to the modern eye, would appear to be a rather flagrant conflict of interest.²¹⁷

To begin with, stamps took the form of official labels already embossed at the stamp office for the practical reason that the embossing device was too heavy to transport. The downside was that ‘Initially this was probably a small piece of paper, all too easily removed for illicit reuse’ and so, in about 1720, a ‘large officially-printed and embossed label, designed to cover the back and ends of the wrapped pack, and impossible to remove undamaged’ was adopted by the stamp office.²¹⁸ The cards

²¹⁴ Calculated from data in Shaw, *Calendar of Treasury Books*, vols. 26-32 (1712-18). There are no data for the year 1715-16.

²¹⁵ See GLMS 05963/3 CM2.

²¹⁶ TNA:PRO IR 72/38 p. 143.

²¹⁷ Wallis, ‘Controlling Commodities’, p. 90.

²¹⁸ Rickards, *Encyclopedia of Ephemera*, p. 241. For an examination of the stamps used see John Berry, *Taxation on Playing-Cards in England from 1711 to 1960*, IPCS Papers no. 3 (Jan. 2001) (The

themselves came to be stamped when it was realised that once the label had been removed there was no sign that the duty had been paid.²¹⁹ Various handstamps were used to mark individual cards and by 1722 it was common practice for the stamp to be made on the ace of spades.²²⁰ Dice were required to be die-stamped with the impression of a crown, and may also have been sold in sealed wrappers.²²¹ Counterfeiting stamp office devices was not something to be done lightly for, like many types of forgery, it could carry the death penalty.²²²

Although much of the institutional framework must have been already in place, the Stamp Act further centralised the process of collecting duty on cards and dice. Yet, as might be expected, this was not without some teething problems. In November 1711, many of the officers were ‘in great Want of their Salarys’ and two months later there were still problems.²²³ By July 1712 there were calls for a larger stamp office, without which it would ‘be Impossible to Dispatch the Business of the sd New Dutys’.²²⁴ The ‘increase in business’, moreover, called for specialist officers whose appointment no doubt further eroded the influence of the Company of Makers of Playing Cards.²²⁵ In 1711 Major Carpender was appointed ‘Clerk for the Entrys of all Cards and Dice and keeping and giving out Stamp’d Labells and other necessarys to

International Playing-Card Society, Colchester, 2001). This is a guide for collectors rather than a history of the subject.

²¹⁹ Rickards, *Encyclopedia of Ephemera*, p. 241; Berry, *Taxation on Playing-Cards*, pp. 18-19.

²²⁰ Rickards, *Encyclopedia of Ephemera*, p. 241. Berry, *Taxation on Playing-Cards*, p. 10. This is why the design of the ace of spades is different from that of the other aces.

²²¹ Rickards, *Encyclopedia of Ephemera*, p. 119.

²²² Rickards, *Encyclopedia of Ephemera*, p. 119. For counterfeiting money (‘coining’) see J. Styles ‘“Our traitorous money makers”: the Yorkshire Coiners and the Law, 1760-83’ in Brewer and Styles (eds.), *An Ungovernable People*; M. Gaskill, *Crime and Mentalities in Early Modern England* (CUP, Cambridge, 2000), chs. 4 & 5; D. W. Jones, *War and Economy in the Age of William III and Marlborough* (OUP, Oxford, 1998), chs. 1 & 7; T. Wales, ‘Thief-Takers and their Clients in later Stuart London’ in P. Griffiths and M. S. R. Jenner (eds.), *Londinopolis* (MUP, Manchester, 2000), pp. 67-84; C. Wennerlind, ‘The Death Penalty as Monetary Policy: the Practice and Punishment of Monetary Crime, 1690-1830’, *History of Political Economy*, vol. 36, no. 1 (2004), 131-62. And on forgery see Donna T. Andrew and Randall McGowen, *The Perreaus and Mrs. Rudd: Forgery and Betrayal in Eighteenth-Century London* (University of California Press, London and Berkeley, 2001).

²²³ TNA:PRO IR 72/38 pp. 153-55 & 159.

²²⁴ TNA:PRO IR 72/38 p. 169.

²²⁵ TNA:PRO IR 72/38 p. 169.

the Officers'.²²⁶ It was suggested initially that there should be six of these officers, but in the end eight were appointed as searchers and surveyors of cards and dice.²²⁷ Carpenter was to be paid £50 per annum and the searchers and surveyors £40 each.²²⁸ In 1709 there were 107 cardmakers listed for quarterly membership payments in the records of the Company of Makers of Playing Cards, thirty-seven of whom were masters.²²⁹ This should not have been an unmanageable number for the eight searchers and surveyors to deal with, but when we consider that by early 1714 five of the original eight had been replaced, and some of them more than once, a rather less favourable picture is created.²³⁰

Enforcing the Stamp Act

As might be expected, and particularly in the early days of the Stamp Act, some cardmakers challenged, or at least tried to obtain clarification about, the payment of stamp duty. One such cardmaker was Richard Tustian who, on 25 July 1711, wrote a petition to the Lord High Treasurer. In it he stated that he 'hath alwayes had considerable quantities of cards ready wrought and painted in Order to be cut and made up into Packs as ... occasions required, and at the time of the ... duty ... had a great quantity of such Cards, wch were made a long time before the Act was intended'.²³¹ Tustian argued that had he known about the Act in advance, he would have 'made ... up' the cards and so only been liable for the duty on stock in hand, rather than the full payment. Yet this was a trickier, and more fundamental, issue that it first appeared; did uncut boards of cards count as playing cards? After some deliberation the commissioners of the stamp duty – at that time Robert Poole,

²²⁶ TNA:PRO IR 72/38 p. 169.

²²⁷ TNA:PRO IR 72/38 p. 129; TNA:PRO IR 72/38 p. 143. The eight were: John Barnet, Thomas Weston, Nicholas Chambers, Evan Jenkins, Thomas Williams, Peter Cockin, John Foden and Henry Ladyman.

²²⁸ TNA:PRO IR 72/38 p. 129; TNA:PRO IR 72/38 p. 143.

²²⁹ GLMS 05963/2, 179v-181r (1710).

²³⁰ TNA:PRO IR 72/38 p. 129 (1711); TNA:PRO IR 72/38 p. 143 (1711); TNA:PRO IR 72/38 p. 431 (1714). The remaining three were Nicholas Chambers, Thomas Williams and Peter Cockin.

²³¹ TNA:PRO T 1/137 no. 3 (1711).

Edward Lloyd, Philip Masty, Richard Martin and Richard Steele – ²³² decided that while the boards were not themselves cards, any cut from them and ‘made fit for sale or use’ since the commencement of the Stamp Act would indeed be liable for duty.²³³ The petition, moreover, alerted the commissioners to a loophole in the Stamp Act, namely that:

... if such Boards as before described be not lyable to the Duty before cut into Cards, and may be removed and disposed of without paying the Duty or being lyable to the Penalty they may be easily cut into Cards and made into Packs by any Retaler (not skilled in the making of Cards) which we apprehend to be of Dangerous Consequences to the Duty.²³⁴

The solution, suggested the commissioners, would be to prevent the removal of any work related to cards from the makers’ premises. Not only had Tustian’s petition failed, but he had also inadvertently prompted the commissioners to consider a further tightening up of the law.

Gabriel Bell found the commissioners more accommodating. Bell, ‘Living at a great distance from London’ sent 212 dozen cards to the City by sea.²³⁵ The ship left the port of Stockton on 10 July 1712, but due to ‘contrary winds & stress of weather’ did not arrive until the ‘middle of the month of August’ by which time it was too late for his goods to meet the 1 August deadline for being stamped as stock in hand.²³⁶ The commissioners found Bell’s petition to be ‘true’, and the Lord Treasurer concurred; the cards were thus stamped at the stock in hand rate.²³⁷ There is much of interest in Bell’s petition, but unfortunately it raises more questions than it answers. Did Bell, a grocer from Yarm, intend to sell his cards in London once they had been stamped?

²³² There were six commissioners, appointed by the Treasury and paid a salary of £300 each (I have yet to put a name to the sixth). Edward Hughes states that Steele ‘had either resigned or been dismissed’ in 1711 (‘The English Stamp Duties’, p. 244) but he is clearly named in TNA:PRO T54/22, p. 137v, dated 26 Feb. 1712/13. This was the same Richard Steele of *Tatler* and *Spectator* fame.

²³³ TNA:PRO T 1/137 no. 3a (1711).

²³⁴ TNA:PRO T 1/137 no. 3 (1711).

²³⁵ TNA:PRO T 54/22, p. 137r.

²³⁶ TNA:PRO T 54/22, p. 137r. The Port of Stockton is on Teeside.

²³⁷ TNA:PRO T 54/22, p. 137v.

Or was he just sending them to the capital because regional inspectors were not authorised to stamp cards at the reduced, stock in hand, rate? If the latter were true, Bell's actions would suggest not only that he was concerned he might be caught if he did not get his cards properly stamped, but also that the savings he made were enough to outweigh the cost and time of shipping his cards to London. In any case, Bell appears to have done his utmost to adhere to conditions set out in the Stamp Act and it was perhaps his willingness to do so that persuaded the commissioners to view his petition favourably.

Petitions such as those of Tustian and Bell, which were penned at a time when the strictures of the Stamp Act were, to at least some extent, still being tested, became increasingly uncommon as time went on. Yet a steady trickle of petitions remained throughout the period under consideration. One of the more complex cases involved the cardmaker Archibald Vans, who in 1718 'sold to the Bpp of Derry's Buttler 14 Gross of Cards and unadvisedly etred into Bonds for their exportation to Ireland'.²³⁸ A recurring problem was the re-landing of cards after bonds had been given for their exportation and the commissioners investigated Vans because they were not convinced he had paid the correct duty.²³⁹ Unfortunately their report on Vans' case has not survived, but it is interesting, nonetheless, that a London-based card maker supplied cards to Ireland, not to mention that they were destined for the family of a bishop. Most petitions, though, were concerned with simpler regulatory business. In 1736, for example, Thomas Sanders contested a fine of £30 for selling three packs of unstamped cards on the grounds that it was 'done thro the ignorance of his wife'.²⁴⁰ When prosecuted for a similar offence in 1741, John Price also blamed a family

²³⁸ TNA:PRO T 4/9, p. 400. The bishop referred to may have been either Dr St George Ashe (in office from 19 June 1717 to 27 Feb.1718) or his successor Dr William Nicolson: see Hermann J. Real, 'Ashe, St George (1658–1718)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/750>, accessed 18 June 2006] and D. W. Hayton, 'Nicolson, William (1655–1727)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/20186>, accessed 18 June 2006]. 14 gross was 2016 packs.

²³⁹ TNA:PRO T 4/9, p. 400. On problems with export duty see *Report from the Committee Appointed to Enquire into the Illicit Practices used in Defrauding the Revenue*, 24 Dec. 1783, in *Reports from Committees of the House of Commons*, vol. XI (HMSO, 1803), p. 234.

²⁴⁰ TNA:PRO T 4/11, p. 72.

member when he explained that without his ‘privity’ his young son had sold ‘some old Cards which were in ... [his] Sherp’.²⁴¹

The stamp officials that the cardmakers were most likely to encounter on a day-to-day basis were the aforementioned team of eight searchers and surveyors, who were expected to undertake a broad range of regulatory business associated with the stamp duty on cards and dice. The searchers and surveyors had powers to enter the premises of cardmakers and ‘take an Account of the Cards and Dice made, under the Penalty of 10l’.²⁴² If it was found that cards and dice had been removed before being sealed, those responsible faced forfeiture of their merchandise and ‘treble the Value’ in fines.²⁴³ It would seem, though, that the searchers and surveyors were not above suspicion of wrongdoing. In 1714 an entry in the stamp office minute book stated that ‘Officers Sent to the Cardmakers to seal and stamp the Cards may be suppos’d to be guilty in marking more Cards than the Duty is paid for’²⁴⁴ and was accompanied by a reminder ‘That it is Felony for our Officers to use the Stamps they are intrusted with to defraud the Dutys’.²⁴⁵ I have not seen any further evidence to suggest that the searchers and surveyors were guilty of these practices, but it must have been tempting; many cardmakers were really struggling with the new duty payments and at least some of them would probably have jumped at the chance to save some money, even if this meant bribing the searchers and surveyors.

In light of the amount of cards that were in circulation it is not surprising that fraud occurred. We must remember, though, that counterfeiting stamps or seals was considered to be a very serious crime – Anthony Walraven was sentenced to death for forging stamps on dice in 1724, as was John Merry in the same year.²⁴⁶ In October 1715 John Seal was tried at the Old Bailey for ‘directing and ordering the

²⁴¹ TNA:PRO T 4/11, p. 179. ‘Privity’ in the sense of privy to/knowledge of.

²⁴² Jacob, *The Laws of Taxation*, p. 25.

²⁴³ Jacob, *The Laws of Taxation*, p. 25.

²⁴⁴ TNA:PRO IR 72/38, p. 207.

²⁴⁵ TNA:PRO IR 72/38, pp. 207-208.

²⁴⁶ Rickards, *Encyclopedia of Ephemera*, p. 119; *OBP*, July 1724, John Merry (t17240708-67). The cases of Walraven and Merry do not appear to be connected.

forging a counterfeit Stamp, in Imitation of the King's Stamp upon Cards, in order to deprive the King's Majesty of the Duty of 6 d. per Pack'.²⁴⁷ Seal did not do the work himself, but instead paid someone referred to as 'Street' to make the stamp for him. Seal offered Street a crown for the stamp, but the latter refused to accept any more than 3s 6d in payment.²⁴⁸ This was surprising, for Street's work was good and when the counterfeit stamp was compared with a genuine one, it was found to be 'an exact Imitation'.²⁴⁹

At the same time that Seal was being tried at the Old Bailey, the commissioners of the stamp duty placed a half-page advertisement in the *Weekly Packet* that gave detailed descriptions of two counterfeiters who were still at large. These were Mary Richardson, 'a short little Woman, with a thin freckled Face, dark brown Hair, about 40 Years old', and John Word, alias Wearg, 'a lusty Man about 40 Years old, stoops in the Shoulders, formerly kept a Colour-shop, and now or lately us'd to put Studs into Tobacco-Boxes, Canes, &c'.²⁵⁰ Word was alleged to have made a fraudulent stamp; Richardson was accused of using this to mark cards before selling them. To entice informers, a £10 reward was offered for their capture. The advertisement also warned that anyone found selling unsealed cards or packs with counterfeit stamps would be fined £5 per pack and, in the case of the latter offence, to be prosecuted for felony.

In comparison to Thomas Hill, though, Seal and Richardson were amateurs. Indicted for 'feloniously counterfeiting and resembling upon a certain Paper and Thread inclosing a Pack of playing Cards, the Impression of a Seal, Stamp, and Mark', Hill was tried at the Old Bailey in December 1743. When Hill's garret was searched stamp officers found 'a Rolling-Press, two flat Stones, one with some Pink-coloured Paint upon it, and a Stone they call a Muller; a Grate to set a Pan of Charcoal upon, to warm the Plate over; red Paint mixed and unmixed; Oil, Whiting, &c. such as they

²⁴⁷ *OBP*, Oct. 1715, John Seal (t17151012-16).

²⁴⁸ *OBP*, Oct. 1715, John Seal (t17151012-16).

²⁴⁹ *OBP*, Oct. 1715, John Seal (t17151012-16).

²⁵⁰ *Weekly Packet*, no. 170, Oct. 1715.

use in the Office for making the Labels'.²⁵¹ Unfortunately for Hill his 'Day-Book' was also discovered and on examination it revealed that he had 'sold and delivered to Persons upon Credit, 901 Doz. which is 10812 Packs of Cards, since September last', but had only 'entered at the Stamp-Office in that Time 7678 Packs (So that he has sold 3134 Packs more than he has paid the Duty for, besides what he has sold for ready Money)'.²⁵² This was damning evidence, but it was to get worse for Hill when the prosecution called Mr Pyne as a witness. This was because Pyne, the King's engraver to the stamp office, was able to testify at length to the differences between the counterfeit and the official stamps:

The first [difference] ... is, that in the Harp, which is the Arms of Ireland: In one Quarter of the King's Arms in the Stamp of the Office there are but five Strings, in this there are seven or eight, but they are so blind that one runs into the other. The next ... is, that from the Buckle of the Garter to the end of the Strap is a considerable deal longer in this than in the Stamp of the Office; and there are four more Stubs or Holes in this for the Tongue of the Buckle to go in, than in the Stamp of the Office. The next ... is, the Arch of the Crown on the Top of the Garter is more arched, and brought down to the Middle of the Cross of the Crown more in this than in the Stamp of the Office ...²⁵³

When Pyne concluded 'I am thoroughly satisfied they are not the Marks of the Office' the case against Hill was sealed. There was, though, a final twist in the tale. Hill had worked for the master cardmaker Richard Tustian, and it appears that Tustian was complicit in the fraud, for he deposed, 'I sold a great many Cards with the counterfeit Stamp – I believe four or five thousand – We used more of the Stamp-Office Labels than we did of the Counterfeits'.²⁵⁴ Indeed, it had been Tustian who had financed the rolling press after Hill had apparently told him that 'he had a Scheme in his head, that would turn to my Profit and his own'.²⁵⁵ Tustian perhaps turned informer to save himself, but this did not make it any less of a surprise for

²⁵¹ *OBP*, Dec. 1743, Thomas Hill (t17431207-69).

²⁵² *OBP*, Dec. 1743, Thomas Hill (t17431207-69). 3134 packs would have incurred duty of just over £78.

²⁵³ *OBP*, Dec. 1743, Thomas Hill (t17431207-69). Pyne's actual description is more than double the length of what I have included here, and he also goes into further detail in response to questions from Hill.

²⁵⁴ *OBP*, Dec. 1743, Thomas Hill (t17431207-69).

²⁵⁵ *OBP*, Dec. 1743, Thomas Hill (t17431207-69).

Hill; writing from Newgate gaol in November 1743 Hill pleaded ‘the thoughts of you making yourself an Evidence against me, give me more Concern than being in this most miserable place’.²⁵⁶

On the one hand, one must assume that the mark of the best forgers was not getting caught. But on the other, and although many cardmakers would have had training similar to Hill’s and access to the same equipment (but perhaps not to the funding that Tustian provided), I think it unlikely that there can have been many counterfeiters of stamps that worked on as large a scale as Hill.²⁵⁷ ‘Nothing is a more proper object of taxation than cards, but no duty is so open to frauds’ intoned a parliamentary report from the 1750s,²⁵⁸ but for every operation as sophisticated as Hill’s, there must have been many simpler frauds; removing stamps with warm water so that they could be re-used was not uncommon.²⁵⁹ Almost a third of Hill’s cards were not properly stamped and therefore if even only a small number of counterfeiters like him were at work, the number of packs of cards evading duty quickly adds up. And while I am not suggesting we should inflate the numbers given in Figure 5 by as much as a third, we should keep in mind that the number of packs of cards produced exceeded – and possibly quite substantially – the number of packs stamped for duty.

Conclusion

In this chapter we have seen the various ways in which the Crown attempted to profit, via monopolies, legislation, or both, from an extremely popular commodity and, in the earlier part of the period, the efforts that were made to balance the concerns of domestic producers with those of the importers. The failure to strike a satisfactory balance led ultimately to the creation of the Company of Makers of

²⁵⁶ *OBP*, Dec. 1743, Thomas Hill (t17431207-69). Hill’s letter seems to have been edited before it appeared in the *Proceedings*. Although Hill was found guilty and sentenced to death the jury ‘begged the Favour of the Court to recommend him to his Majesty’s Mercy’.

²⁵⁷ There are some parallels here with skilled coiners: see, for instance, Gaskill, *Crime and Mentalities*, chs. 4 & 5.

²⁵⁸ Hughes, ‘The English Stamp Duties’, p. 263.

²⁵⁹ See comments about this practice in *OBP*, Dec. 1743, Thomas Hill (t17431207-69).

Playing Cards, a company which had for over a century considerable influence over the trade and remained cohesive in spite of national crises, the increasing urban population, and even the Stamp Act. Because the Company made payments to the Crown in return for restrictions on imports, the case of the cardmakers affords insights into the interaction between the Company and external authorities, both on a large and a small scale. Additionally, and although the relationship between the Crown and the Company was not an equal one, the Crown was keen to maintain its income from the playing card trade and this meant that the cardmakers had a useful bargaining chip.

At the local level, the relationship between Squibb and the Company members was an interesting one. Squibb's racketeering, which was enabled by his official position, brought him into conflict with at least some of the cardmakers. But he also cooperated with the Company, as records of his searches show. External, though associated, officials like Squibb gave the Company more regulatory bite than it might otherwise have had. The cardmakers were perfectly capable of governing themselves, however. Like many companies, their organisational system incorporated flexibility, discretion and compromise, and although it is difficult to determine the true efficacy of the Company in regulatory matters, offenders were tolerated as well as punished. The relationship between the cardmakers and the government was changed in 1711 because the imposition of the new duty, and its centralized collection, shifted power from the Company to government officials who were involved increasingly in regulatory business. Admittedly, the searchers and surveyors did require cooperation from the cardmakers, but unlike Squibb and the receivers, the stamp officials were a separate entity from the Company. Yet despite these changes it is easy to see the parallels between the regulation of the trade, whether by Squibb, the Company, the receivers, or the stamp office, and broader approaches to law and order; the regulation and definition of appropriate behaviour perhaps outweighed the desire to punish offenders out of hand.²⁶⁰ This is not to say, though, that shifts did not occur and after 1711 there appears to have been a change of emphasis from general regulation to combating duty fraud, which was undoubtedly linked to the Stamp Act.

²⁶⁰ See Wallis, 'Controlling Commodities', p. 86.

During the seventeenth century a number of commentators had advanced arguments which criticised playing at cards and dice, but commended cardmaking. These included the Lord Chief Justice Sir John Popham – who had articulated in a judgement of 1603 that the making of playing cards entailed ‘labour and pains’ and, like all trades, prevented idleness by creating employment, which allowed people to provide for themselves and their families – and, in 1660, the then Church of Ireland bishop, Jeremy Taylor.²⁶¹ The rector of Rotherhithe, Thomas Gataker (1574-1654), had also touched upon the subject in his influential *Of the Nature and Vse of Lots* of 1619.²⁶² To Gataker’s mind those ‘whose trades & professions are imployed in whole or in part in making, prouiding, selling, & vttering such instruments or other furniture as are vsed commonly in Game, as ... Dice-caruers, and Card-makers, and Haberdashers of small wares’ lived ‘lawfully’.²⁶³ Perhaps these arguments were persuasive, for even in the face of the numerous printed indictments of gaming that appeared throughout the period 1560-1760 (which will be discussed in chapter four), no direct constraints appear to have been put on the production of playing cards. Indeed, little reasoning is given for the quotas other than that they were a ‘convenient’ number.²⁶⁴

The official remit of the cardmakers, as described in their charter, was steeped in terms which figured cards as a necessity; they were to ‘at all times ... make and work such sufficient quantities of playing Cards as shall serve and supply this Kingdome of England ... soe as there shall at noe time be any want of that Commodity when our people should have use thereof’.²⁶⁵ But regardless of any arguments that supported the trade of cardmaking there had to be at least a tacit acknowledgement of for what playing cards were used. It was, after all, not just the making of cards that supported the trade, but also their sale and use. This point is made all the more pertinent when

²⁶¹ Popham, as recorded in 11 Co. R. 84 ‘The Case of Monopolies’ (1603); Jeremy Taylor, *Ductor Dubitantium, or, The Rule of Conscience in all Her Generall Measures Serving as a Great Instrument for the Determination of Cases of Conscience* (London, 1660), pp. 468-69.

²⁶² Thomas Gataker, *Of the Nature and Vse of Lots a Treatise Historicall and Theologicall* (London, 1619). I will discuss Gataker in more detail in chapter 4.

²⁶³ Gataker, *Of the Nature and Vse of Lots*, p. 250.

²⁶⁴ TNA:PRO SP 16/408/2 (1638).

²⁶⁵ GLMS 05963/3 CM3, p. 30, Article 37 (copy of 1628 charter).

we consider again the great quantities in which playing cards were produced: over a million packs per year in the late seventeenth and early eighteenth centuries and even after the increased duty often in excess of 400,000 packs yearly. Even allowing for wear and tear, the possibility that new packs were used for each game in organised gaming houses and among elite players (a practice for which I have seen no evidence), and large individual orders, this was a vast number of playing cards. The huge demand for cards was fuelled by gaming; that a company whose members numbered around one hundred could supply this demand was impressive.

In light of the magnitude of the task of stamping and sealing so many playing cards, not to mention the difficulties of implementing a process of centralised stamp duty collection, it is surprising neither that the resources of the stamp office were stretched, nor that fraud occurred. But despite the difficulties of enforcement and evasion, there were various good reasons for charging stamp duty on cards and dice: among others, demand was high, production was concentrated in London and both items were used for recreation rather than sustenance.²⁶⁶ The government, furthermore, could not tax the turnover from gaming but, through stamp duty, it could now tax its instruments.

Yet there may have been a non-financial motive for taxing cards so heavily. Many statutory provisions against gaming existed, and these were especially geared towards restricting play among the lower orders of society. But as chapter two will illustrate, the statutes were very difficult to enforce and anti-gaming initiatives were often sporadic, short-lived and, when they did occur, reliant on the efforts of zealous public officials. In light of these difficulties, it may have been believed that other measures were required. Indeed, as early as 1638 a government official responsible for a lengthy and highly detailed report into the state of cardmaking in England suggested that increasing the price of cards through tax would provide ‘a good remedy against the imoderate use of gaming especiallie amongst the ordenarie and meaner sorte of people’.²⁶⁷ This outcome was certainly one that the cardmakers feared, for in 1711, when petitioning against the stamp duty, they argued that more

²⁶⁶ TNA:PRO SP 16/451/110 (1640).

²⁶⁷ TNA:PRO SP 16/408/2 (1638).

expensive cards would hinder play among the 'Common sort' while leaving comparatively untouched those who chanced 'many pounds at a game'.²⁶⁸ But just maybe this was the point, and the duty on cards and dice was intended to do more quietly, and perhaps more effectively, what the various gaming acts could not: stop so many people playing at cards and at dice.

²⁶⁸ Thorpe and Goodall, *Early London Cardmakers*, p. 29.

Chapter Two POLICING GAMING

Introduction

Cards and dice may have been readily available in early modern England; but this did not mean that gaming was always legal. Many people appeared before the courts charged with playing unlawful games or keeping gaming houses, and legislation was developed to deal with new games and new situations. This chapter focuses on the regulation and policing of gaming. It examines patterns of prosecutions and the overlapping chronologies of legislative change and anti-gaming initiatives, as well as considering the effectiveness of the measures against gaming and assessing how much of a problem gaming posed to those charged with maintaining law and order.

For the purposes of this chapter it might be helpful to think of gaming as a ‘victimless’ crime, defined by Robert Shoemaker as an offence ‘which directly harmed no one individual, but indirectly could be said to harm the whole community’.¹ It will become apparent that this is not an exact fit where gaming is concerned – when, for instance, an individual played excessively or for more than he could afford there could be potentially serious consequences – but it is a useful way of distinguishing this type of misdemeanour from theft and other more serious offences.² Despite the plethora of research on early modern crime, gaming offences have received little attention. David Miers and H. A. Street have examined the legal framework,³ but Robert Shoemaker and Marjorie McIntosh are the only scholars who have investigated the nuts and bolts of actually prosecuting gaming offences (and then only as part of larger works on crime).⁴ Because gaming was so prevalent, it is hoped that this case study will allow some more general conclusions to be made about attempts to suppress, especially among the lower orders of society, vice, petty

¹ Shoemaker, *Prosecution and Punishment*, p. 6.

² The status of gaming as a ‘victimless’ crime will be discussed in more detail below.

³ Miers provides one of the best short analyses in his *Regulating Commercial Gambling*, ch. 1. Street’s hefty *Law of Gaming* is eminently useful, but very much a legal text.

⁴ Shoemaker, *Prosecution and Punishment*; Marjorie McIntosh, *Controlling Misbehaviour in England, 1370-1600* (CUP, Cambridge, 1998).

crime and the raft of activities that might be termed ‘popular recreations’ in early modern England. This chapter comprises four sections: an analysis of the legislation; an investigation of how the laws were enforced; a discussion of the relationship between gaming and other types of crime; and a close examination of two attempts to suppress gaming houses.

Gaming Legislation: History and Development

H. A. Street began his analysis of the English gaming laws with the following proposition:

Any remarks introductory to the law of gaming will be incomplete without averment that at common law all games were lawful. An attitude of scepticism towards this axiom constitutes perhaps the most notable among the several heresies appearing in these pages; but apart from this question, and from the admitted illegality of a gaming house at common law, it is safe to say that the law of gaming is the creature of statute.⁵

I cite this here because it both summarises a contentious issue – that is, the position of games at common (case, or originally, unwritten law; that part of the law not embedded in legislation) law – and emphasises the importance of statute law on which most of this section will focus.⁶ The gaming statutes have a long and complex history and are, to some extent, a series of palimpsests – the 1744 Act, for instance, cannot be interpreted without the Act of 1738, or the Act of 1710 without that of 1664, and so forth – and this is exactly why a detailed overview is required if we are to understand their development. But before proceeding, two things need to be mentioned. Firstly, there were no private acts between 1541 and 1760 that were concerned with gaming; all of the gaming acts were public acts. Secondly, unless it has been noted otherwise, neither the extant *Journals of The House of Commons* and *Journals of The House of Lords* nor any associated sources I have consulted (such as the *Parliamentary Diary* of Sir Richard Cocks) mention who advanced the gaming

⁵ Street, *Law of Gaming*, p. v.

⁶ This statement does oversimplify the position of games at common law but since Street spends at least 50 pages on the topic and, to all intents and purposes, only succeeds in qualifying his earlier conclusion, I felt that an involved discussion would not be of particular benefit to this chapter.

bills that were later to become acts even though, in many cases, the progression of these bills through the Commons and Lords has been recorded.⁷

In 1388 it was enacted that servants and labourers (that is, those who were dependant on their wages) should have bows and arrows and cease playing tennis, football, coits, dice, casting of stone kailes, 'and other such *importune* games'.⁸ The practice of archery was still seen as essential to England's military strength while the Peasants' Revolt had left a legacy of anxiety about groups of poor people gathering together; these factors, suggests McIntosh, go some way towards explaining the timing and content of the Act, which should perhaps also be viewed in the context of the vagrancy legislation of the same year.⁹ The issue of archery resurfaced in 1541 but concerns about gaming among the poor remained embedded, albeit in different guises, in four centuries of subsequent gaming legislation.

The legislation of 1388 was subject to minor revisions in 1409 but more substantial were those of 1477, which applied the content of the statute to all social groupings, extended the list of prohibited indoor activities and lifted the restrictions on outdoor games. Furthermore, a distinction was made between those who allowed unlawful games in their house, and those who played them. Punishments were severe: three years' imprisonment and a £20 fine for each breach of the statute for the more serious offence, and two years' imprisonment and a £10 fine for those caught playing games.¹⁰ In light of the harsh punishments and the all-encompassing social scope, it is perhaps unsurprising that many of the key clauses of the 1477 statute were repealed less than twenty years later.¹¹ Thus in 1495 the social focus was once again

⁷ Sir Richard Cocks, *The Parliamentary Diary of Sir Richard Cocks, 1698-1702*, ed. D. W. Hayton (Clarendon Press, Oxford, 1996). Although there were no changes to the gaming legislation in the period it covers, Joan Kent's article 'Attitudes of members of the House of Commons to the Regulation of "Personal Conduct" in Late Elizabethan England' (*Bulletin of the IHR*, vol. 46 (1973), 41-71) makes a number of interesting points about the interplay between social, economic, political and moral factors influencing the Commons' attitudes to attempts to legislate on matters of personal conduct.

⁸ 12 Rich. 2, c. 6 (1388).

⁹ McIntosh, *Controlling Misbehaviour*, p. 98.

¹⁰ 17 Edw. 4, c. 3 (1477).

¹¹ 11 Hen. 7, c. 2 & c. 17 (1495).

narrowed to servants, labourers and apprentices, some exception was made for the Christmas period, and punishments were reduced to a spell in the stocks and/or much smaller fines. Tennis and bowls, however, were returned to the list of prohibited indoor games. Not only was the legal position on games variable, but there was also no clear policy about the number and nature of the games that were lawful.¹² Although the Unlawful Games Act of 1541 would provide greater fixity, some ambiguity always persisted because the position of games at common law remained loosely defined.¹³

Save from a little further tinkering in 1511 and 1514, the gaming legislation remained largely unchanged until the Unlawful Games Act of 1541. Perhaps as a result of the tensions between England and France, concerns about archery, which had been absent from the later fifteenth-century statutes, came to the fore once again and the Act of 1541 was introduced by, and ostensibly made at the behest of, the 'Bowyers, Fletchers, Stringers and Arrowhead-makers'.¹⁴ 'Several new devised games' were believed to be the cause of the 'decay' of archery; indeed, two of the twenty-four sections of the Act were concerned with the negative effects of 'unlawful' games on archery and a further eight with specific measures to regenerate the practice of archery.¹⁵ Whether games were actually responsible for the perceived decline in the nation's capacity for archery is unclear, but in any case the 1541 Act inextricably linked these factors together and conveyed a definite sense of urgency about rectifying the situation. Roger Ascham expressed many of the same concerns in his *Toxophilus*, which was printed in 1545, but had probably been written in 1541;¹⁶ Ascham certainly believed that gaming had had a detrimental effect on the practice of archery.¹⁷

¹² See also Street, *Law of Gaming*, p. 6.

¹³ See for instance Street, *Law of Gaming*, p. 5, in which he asserts that the legislation of 1388 was 'declaratory, and not in derogation, of the common law'.

¹⁴ 33 Hen. 8, c. 9, s. 1 (1541).

¹⁵ 33 Hen. 8, c. 9, s. 1 (1541).

¹⁶ Roger Ascham, *Toxophilus*, ed. Peter E. Medine (Medieval and Renaissance Texts and Studies, vol. 244, Arizona Centre for Medieval and Renaissance Studies, Tempe, Arizona, 2002), Introduction, p. 1.

¹⁷ Ascham, *Toxophilus*, pp. 63-69

The remaining sections of the Unlawful Games Act laid out the ways in which gaming would be controlled and restricted. Of these, sections eleven and sixteen were of most importance, for they underpinned the rest of the Act and much of the subsequent gaming legislation:

[11] That no Manner of Person or Persons, of what Degree, Quality or Condition soever he or they be ... by himself, Factor, Deputy, Servant or other Person shall for his or their Gain, Lucre or Living, keep, have, hold, occupy, exercise or maintain, any common House, Alley or Place of bowling, coyting, cloysh-cayls, half bowl, tennis, dicing table or carding, or any other Manner of Game prohibited by any Estatute heretofore made, or any unlawful new game now invented or made, or any other new unlawful Game hereafter to be invented, found, had or made (2) upon Pain to forfeit and pay for every Day keeping, having or maintaining, or suffering any such Game to be had, kept, executed, played or maintained within any such House, Garden, Alley or other Place, contrary to the Form and Effect of this Estatute, forty Shillings.¹⁸

&

[16] That no Manner of Artificer or Craftsman of any Handicraft or Occupation, Husbandman, Apprentice, Labourer, Servant at Husbandry, Journeyman, or Servant of Artificer, mariners, Fishermen, Watermen, or any Serving-man shall ... play at the Tables, Tennis, Dice, Cards, Bowls, Clash, Coyting, Logating, or any other unlawful Game out of Christmas, under the Pain of xx. s. to be forfeit for every Time.¹⁹

Gaming, then, was not by itself illegal at law; what rendered it so were the circumstances in which it took place. Yet in spite of this, section eleven does not give a statutory (i.e. defined by statute) definition of a gaming house, but rather provides statutory methods of recognising one: a place in which games were played became a gaming house when the keeper of the premises profited from exercising on those premises any of the games that were listed in the statute. And once it was established that a place was a gaming house, those 'using' or 'haunting' it could be fined 6s 8d.²⁰ But things were not quite so straightforward, for the definition of a common gaming house, that is, a gaming house as defined by common law, was not the same as that

¹⁸ 33 Hen. 8, c. 9, s. 11 (1541).

¹⁹ 33 Hen. 8, c. 9, s. 16 (1541).

²⁰ 33 Hen. 8, c. 9, s. 12 (1541).

in the 1541 Act.²¹ Indeed, all common gaming houses were nuisances, and so prosecutable, but their classification as such was predicated on how many people were using them; by implication it was the act of a large number of people congregating to play a game which caused the nuisance, and it was this in turn which designated the premises as a common gaming house.²²

The dual classification of the gaming house gave the courts and the agents of law enforcement a range of ways of pursuing prosecutions which could be adapted to different situations. Section sixteen, however, remained crucial because the social and occupational groups it prohibited from gaming encompassed the majority of the English population. In short, this meant that anyone who fell into those categories listed in section sixteen could be prosecuted wherever they played at unlawful games; it would, therefore, have been unnecessary in many cases to mobilise the more cumbersome gaming-house legislation against them.²³ Where alehouses were concerned there were still further methods of prosecution because from 1552 one of the conditions of the recognizances into which licensed alehouse keepers entered was that they did not allow unlawful games to be played in their alehouse.

Although the licensing provisions of the Ale Houses Act of 1552 were entirely commensurate with the Unlawful Games Act of 1541, they did not go unchallenged. In his *The Justice of the Peace and Parish Officer*, which first appeared in 1755 and in multiple editions thereafter, Richard Burn referred to a case of 1606 in which it had been argued:

... if the guests in an inn or tavern, call for a pair of dice or tables, and for their recreation play with them ... or the like, these are not within this statute; for altho' the games be used in any inn, tavern, or other house, yet if the house be not kept for gaiming, lucre, or gain, but they play only for recreation, and for no gain to the owner of the house, this is not within the

²¹ I have yet to see a historian note this difference.

²² For more detail see Street, *Law of Gaming*, especially pp. 1-49.

²³ As well as the Christmas period, there were some other exceptions: see chapter 3, below.

statute, nor is such person that plays in such house that is not kept for lucre or gain, within the penalty of that law.²⁴

That this argument was printed in justicing handbooks gives it a degree of credibility: these were, after all, practical guides for those whose responsibility it was to enforce the laws. William Mack, indicted at the Middlesex sessions for gaming offences in 1719, also knew about this supposed loophole for he stated that he ‘Ignorantly was Imployed by Thomas Johnson to look after a Play board and *never receiued any benefitt thereby*’ [my italics].²⁵ It is not recorded if his petition was successful, but one might suspect not: many of those appearing in the courts were charged with keeping unlawful games in their house and so it would seem that the provisions of alehouse licenses and/or the Unlawful Games Act took precedence over any other legal arguments to the contrary.²⁶ Tantalisingly, section thirteen of the 1541 Act implies that it was at that time possible to obtain a licence to keep a ‘House of Gaming’, but, unfortunately, there is little by way of further explanation and I have seen no other references to this (though see my discussion of the Groom Porter in chapter three). In any case, section thirteen was repealed in 1555 and this marked the beginning of a century-long hiatus in the development of the gaming legislation.²⁷

It was almost a certainty that gaming would attract the attention of the Lord Protector, but although Oliver Cromwell’s attempts to close down alehouses and the like might have temporarily impacted on the gaming habits of especially the lower orders, it was not until 1657 that alterations were made to the extant gaming laws.²⁸ As part of measures to reign in the ‘ungodly practises’ of those ‘divers lewd and

²⁴ Richard Burn, *The Justice of the Peace and Parish Officer*, (3rd edn., London, 1756), p. 334. Burn cites Dalton’s *Countray Justice* as the source, but I have been unable to find this case in any of the editions of the *Countray Justice* I have looked at.

²⁵ LMA: MJ/SP/1719/Sept/14.

²⁶ It is possible, though, that the opposite was true; if there did exist a common (but probably erroneous) belief among those on both sides of the law that certain situations were exempt from the gaming statutes, the provisions relating to those situations were unlikely to have been enforced or adhered to.

²⁷ 2 & 3 Ph. & M., c. 9 (1555).

²⁸ There was for instance a particular crackdown on alehouses in Coventry by Major-General Whalley which was supported by the Presbyterian mayor Robert Beake: Peter Clark, *The English Alehouse: a Social History 1200-1830* (Longman, London, 1983), p. 177.

dissolute Persons ... [who] live at very high Rates and great Expences, having no visible Estate, Profession or Calling',²⁹ anyone convicted of playing at 'Cards, Dice, Tables, Tennis, Bowles ... Shovel-board, Cock-fighting ... Horse-races, or any Game or Games' was liable to be fined double any amount they had won: gaming may not have been illegal *per se* but its appeal must have been limited when winning was effectively outlawed.³⁰ Winnings, moreover, were not limited to money and 'all Judgements, Statutes, Recognizances, Mortgages, Bonds, Bills, Promises, Covenants, Decrees and other Assurances and Engagements whatsoever ... plaid for, or lost' were made void. G. B. Tatham observed 'though the measures passed between the sixteenth year of Charles I's reign and the 12th year of Charles II's were at the Restoration naturally regarded as invalid, the principle of some was embodied in later acts' and this was indeed the case for some elements of the gaming legislation: both the restrictions on what could be played for and the focus on those with 'no visible Estate, Profession or Calling' anticipated post-Restoration developments.³¹ The provisions relating to winning can likewise be seen, albeit in a less draconian form, as the antecedents of the limits that were later to be imposed on the amount that could be played for in a session.

The 'frenetic resurgence'³² of gaming under Charles II was met with by the Gaming Act of 1664, which limited to £100 the amount that could be played for at any 'one Time or Meeting' and revived the Cromwellian proscriptions pertaining to the use of bonds and suchlike as stakes.³³ It also made all forms of winning by cheating punishable and gave the losing party the right to sue the winner for three times the amount lost. While the anti-cheating legislation had a universal application, the £100 limit was, in practice, only going to affect certain social groupings and can therefore be considered as an early attempt to control (as oppose to restrict) play among the

²⁹ *An Act for Punishing of such Persons as Live at High Rate and have no Visible Estate, Profession or Calling answerable thereunto* (26 June 1657).

³⁰ *An Act for Punishing of such Persons as Live at High Rate and have no Visible Estate, Profession or Calling answerable thereunto*.

³¹ Review of C. H. Firth and R. S. Rait, *Acts and Ordinances of the Interregnum, 1642-60*, G. B. Tatham, *The English Historical Review*, vol. 27, no. 105 (Jan. 1912), pp. 161-63.

³² Miers, *Regulating Commercial Gambling*, p. 24.

³³ 16 Cha. 2, c. 7 (1664).

wealthy. Following a speech by John Grobham Howe in November of 1698 in which he ‘railed against drunkenness and gaming’, the Commons requested a bill against gaming.³⁴ This, though, ‘perished in committee’ and a further gaming bill proposed in 1699 suffered a similar fate.³⁵

More successful was the ‘Bill for the better preventing of excessive and deceitful gaming’, which was passed in 1710.³⁶ This continued a number of the themes expressed in the Gaming Act of 1664; all non-monetary stakes were made void and, prompted by concerns about the unchecked transfer of land and inheritances at the gaming table, particular mention was given to lands, tenements and ‘Hereditaments’.³⁷ But the 1710 Act also contained other, important, extensions. Anyone maintaining themselves by gaming could now be bound over for good behaviour for twelve months, and if they could not find sufficient sureties, be committed to the ‘common Gaol’.³⁸ The penalty for winning money by fraudulent means was increased from three to five times the amount won, while the maximum amount that could be played for in a session was reduced from £100 to £10. Losses in excess of £10 could be recouped in the courts for three months after they had been incurred and once this time had elapsed any person could sue for three times the amount lost, to be divided between himself and the parish.³⁹ The latter clause was presumably designed to encourage informing as much as it was to punish gaming, but the former, argues Miers, was ‘not penal but remedial’ for it allowed the loser to “recover back what still properly continues to be his own money”.⁴⁰ This, though,

³⁴ Cocks, *Parliamentary Diary*, p. 35 (Nov. 1699).

³⁵ David Hayton, ‘Moral Reform and Country Politics in the Late Seventeenth-Century House of Commons’, *Past and Present*, no. 128 (Aug., 1990), p. 59. Neither Hayton nor the *Commons Journals* shed any light on why these bills failed.

³⁶ 9 Anne, c. 19 (1710).

³⁷ 9 Anne, c. 19, s. 1 (1710). See also Miers, *Regulating Commercial Gambling*, p. 28.

³⁸ 9 Anne, c. 19, s. 6 (1710).

³⁹ 9 Anne, c. 19, s. 2 (1710).

⁴⁰ Miers, *Regulating Commercial Gambling*, p. 29 (in the second part of the quote Miers is citing Sir William Blackstone, an eighteenth-century legal writer and judge).

does not appear to have reflected the view of the players for only forty-four such actions were heard between 1662 and 1843.⁴¹

The 1710 Act made more effective, and brought up to date, legislation in a period that had witnessed a boom in gaming. By the 1730s, however, it was clear that new measures were needed, not least because of the unabated popularity of gaming. As such, the Gaming Act of 1738 designated the card games ace of hearts, pharaoh (faro) and basset, and the dice game hazard, as lotteries.⁴² These were some of the most popular – and according to contemporaries, the best organised – games and their re-classification meant that anyone caught playing them could be prosecuted under pre-existing lottery legislation. Although it is unclear why this approach was taken, the text of the 1738 Act provides a hint; ‘Experience’ had proven ‘that the said good and wholesome Laws have not effectually answered the good Ends, Intents and Purposes, in and by the said Acts designed’ and so there may have been a loophole where Ace of Hearts and the others were concerned.⁴³ In any case it is likely that the tightening of the legislation was motivated at least in part by the contribution of these particular games to the ‘epidemic’ of cheating, which will be discussed further in chapter five.⁴⁴ Under the legislation of 1738 playing, or maintaining a place where ace of hearts, pharaoh, basset or hazard were played, was completely illegal and anyone who did so risked a £50 fine, or if they could not pay, up to six months imprisonment.⁴⁵

The problem with singling out certain games for censure was that names and practices could change; in this case the Act of 1738 resulted in the ‘instant popularity’ of a new dice game called passage.⁴⁶ Learning from their mistake, the legislators responded in the following year by prohibiting ‘all and every other Game

⁴¹ Miers, *Regulating Commercial Gambling*, p. 29.

⁴² 12 Geo. 2, c. 28, s. 2 (1738).

⁴³ 12 Geo. 2, c. 28, s. 1 (1738).

⁴⁴ Miers, *Regulating Commercial Gambling*, p. 30.

⁴⁵ 12 Geo. 2, c. 28, s. 2, 3 & 8 (1738); (wording of s. 3) ‘all and every Person and Persons, who ... shall play, set at, stake or punt at either of the said Games...’.

⁴⁶ Miers, *Regulating Commercial Gambling*, pp. 30-31.

and Games invented or to be invented with one or more Die or Dice, or with any other Instrument, Engine, or Device in the Nature of Dice', with the exception of backgammon.⁴⁷ Parliament, though, had underestimated the inventiveness of the gaming community and so it was with an understandable tone of frustration that the Gaming Act of 1744 (in force from June 1745) prohibited roulette (also known as roly poly), a game that had grown popular since the ban on passage.⁴⁸ Having now truly learned their lesson, the legislators added some generic terminology to the 1744 Act to safeguard it against any games that might be developed in the future.

From 1744 anyone staking more than £10 'at any one time' or £20 'within the Space of twenty-four Hours' was liable to be indicted for the offence up to six months after it had been committed and, if convicted, fined five times the amount won or lost.⁴⁹ This was a significant extension for, unlike previous legislation, it affected both loser and winner. Informing was once again rewarded by a portion of the fine, whereas a person convicted of gaming could escape without punishment by 'discovering' other offenders, provided he had no previous convictions for gaming.⁵⁰ Interestingly, the 1744 Act also contained a clause to deal with two troublesome individuals.⁵¹ In the early 1740s Lady Mordington and Lady Casselis had made claims of 'privilege of Peerage ... in order to intimidate the peace officers from doing their duty in suppressing the public gaming houses kept by the said Ladies'.⁵² 'Lady Mordington's' was indeed a known gaming house and receives a number of mentions by name (which in itself is quite unusual) in the *Old Bailey Proceedings*.⁵³

⁴⁷ 13 Geo. 2, c. 19, s. 9 (1739). Also excepted were games played at the backgammon table.

⁴⁸ 18 Geo. 2, c. 34, s. 1 & 2 (1744). Roulette could be prosecuted under the same terms as Ace of Hearts &c.

⁴⁹ 18 Geo. 2, c. 34, s. 8 (1744).

⁵⁰ 18 Geo. 2, c. 34, s. 9 (1744). It is not clear what is meant by 'discovering' in this context; it could refer to either actively informing or turning evidence.

⁵¹ Confusingly, some sources refer to 18 Geo. 2, c. 34 as the Gaming Act of 1744, others refer to it as the Gaming Act of 1745: these are in fact the same.

⁵² Ashton, *History of Gambling*, p. 60.

⁵³ *OBP*, May 1745, Henry Simms (t17450530-27) 'the Lady Mordington's gaming-house'; *OBP*, Feb. 1744, Thomas Wyton (t17440223-19) 'at my Lady Mordington's, who keeps a gaming table'; *OBP*, Dec. 1743, Joseph Leath (t17431207-17) 'he said he had lost a hundred Pounds the Night before at my Lady Mordington's' & 'he was induced to commit the Fact by falling into bad Company at my Lady Mordington's'; *OBP*, Dec. 1746, Samson Hendrick (17461205-14) 'I think they call it Lady

Yet this may have been because the proprietress made no attempt to conceal her gaming house; she even declared it to the House of Lords, writing in 1744 ‘I, Dame Mary, Baroness of Mordington, do hold a house in the Great Piazza, Covent Garden ... where all persons of credit are at liberty to frequent and play ... and demand all of those privileges that belong to me, as a Peeress of Great Britain’.⁵⁴ The Lords, though, were not convinced by her argument and section seven of the 1744 Act duly nullified any claims to parliamentary privilege vis-à-vis gaming prosecutions.⁵⁵ In theory this change in the law probably affected many elite players of games, but as we shall see it was not always easy to find magistrates stout enough of heart to prosecute them.

The gaming laws remained largely unchanged until the 1840s, the decade in which Parliament established a select committee on gaming. But this is far beyond the scope of my thesis. In this introductory section, then, I hope to have captured some of the complexity of the laws relating to gaming. Emphasis has been laid on the 1541 Act because it, in combination with the relevant corpus of common law, appears to have been the basis on which most of those accused of gaming, or keeping gaming houses, were prosecuted. Yet it is clear that subsequent gaming statutes, while building on those of 1541, were reflexive to the development of new games, and indeed to the growth of gaming in general. How these statutes were enforced will be the subject of the next section.

Gaming, Crime and the Courts

The Early Modern Legal System

In 1652 Thomas Ward was presented at the York quarter sessions and fined forty shillings for ‘entertaining disorderly company in the night & useing unlawful

Mordington’s, a Gaming house’. There is also a reference to ‘Black Mary’s Hole’ in *OBP*, Oct. 1744, Thomas Wells, Theophilus Watson, Joshua Barnes, Thomas Kirby, Ann Duck (t17441017-6).

⁵⁴ *L. J.*, vol. 26 (1745), p. 492.

⁵⁵ 18 Geo. 2, c. 34, s. 7 (1744).

games'.⁵⁶ The case of Ward, and others like him, raises a number of issues about what might be called the policing of gaming: by what processes did those charged with gaming offences appear in court, were many people prosecuted, and how effective were the measures designed to combat unlawful games? Any answers to these questions, though, must be informed by an understanding of the early modern legal system and an acknowledgement that an 'individual set of circumstances' lay behind each and every case.⁵⁷ England was well supplied with courts but those that will feature most frequently in this chapter are the quarter sessions, which dealt with petty to moderately serious offences, misdemeanours, regulatory offences and administrative business.⁵⁸ Propping up the system of law enforcement was the unpaid petty constable, chosen for a year from among his peers. Constables had a number of roles – enforcing adherence to statutes, maintaining order and protecting the King's peace were some of their more important – but since they were ordinary members of their own communities they remained 'subject to the prejudices, the strengths and weaknesses of their society'.⁵⁹ Yet even at the best of times, the suppression of crime, and especially petty crime, in early modern England was in no small part due to 'a willingness by neighbours to mind each others' business';⁶⁰ in the case of victimless crimes such as gaming, the authorities were particularly reliant on the information they received.

Constables were intended to be at the 'sharp end' of law enforcement, but when their role involved the suppression of victimless offences they must have been well aware that efficiency was 'very likely to turn every tongue, if not every hand' against them.⁶¹ Even so, constables and other parish officials were supposed to actively seek

⁵⁶ Y[ork] C[ity] A[rchives]: F7, p. 329.

⁵⁷ J. A. Sharpe, *Crime in Early Modern England 1550-1750*, (Longman, London and New York, 1984), p. 73.

⁵⁸ While 'quarter sessions' is often abbreviated to 'sessions', the latter designation always applies to Middlesex as its sessions were not held quarterly.

⁵⁹ Keith Wrightson, 'Two Concepts of Order: Justices, Constables and Jurymen in 17th Century England' in J. Brewer and J. Styles (eds.), *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (Hutchinson, London, 1980), p. 26.

⁶⁰ Sharpe, *Crime in Early Modern England*, p. 86.

⁶¹ J. M. Beattie, *Policing and Punishment in London, 1660-1750: Urban Crime and the Limits of Terror* (OUP, Oxford, 2001), p. 123; Wrightson, 'Two concepts of order', p. 29.

out and suppress gaming. Their responsibilities in this respect were reiterated periodically in proclamations; in December of 1672, for example, a proclamation by the Lord Mayor of London urged 'all publick Officers' to ensure that no persons kept or repaired to gaming houses.⁶² Charges to grand juries might serve a similar purpose; gaming houses were mentioned in many charges, but those given by Whitlock Bulstrode in 1722 and Henry Fielding in 1749 paid particular attention to their suppression.⁶³ Similarly, justices of the peace (JPs) might pass on orders to constables; in 1701 JPs at the City sessions 'ordered constables and watchmen ... to prevent drinking or gaming in public houses after 10 p.m. on winter evenings or 11 p.m. in the summer'.⁶⁴ Furthermore, and in the same way that they were ordered to return to the sessions lists of people who kept unlicensed or disorderly alehouses, it appears that constables were sometimes directed to include the names of any persons who were suspected of gaming or keeping gaming houses.⁶⁵ This might have been how a group of Shoreditch victuallers came to be indicted, particularly as they were pardoned only after their premises had been ostensibly subject to 'strict search and enquiry' by the parish constable, churchwardens and overseers of the poor.⁶⁶ Similarly thorough was the constable who visited William Dawson's coffee house in 1718.⁶⁷ When 'askd if he had any tables or Instruments of Gaming', Dawson replied that 'he had only one pair of Tables which he found in his house when he bought the Goods thereof altogether', but insisted that they were never used 'for the purpose of Gaming'.⁶⁸ This may have been true, but it was not the most convincing of

⁶² LMA: CLA/048/PS/01/53.

⁶³ Whitlock Bulstrode to the Grand Jury of Middlesex, Oct. 1722 and Henry Fielding to the Grand Jury at the Sessions of the Peace for the City and Westminster, June 1749, in G. Lamoine (ed.), *Charges to the Grand Jury 1689-1803*, Camden Fourth Series, vol. 43 (The Royal Historical Society, 1992).

⁶⁴ Beattie, *Policing and Punishment*, p. 170

⁶⁵ For examples of constables' presentments see LMA: COL/WD/02/038 and J. W. Willis Bund (ed.), *Calendar of the Quarter Sessions Papers 1591-1643*, 2 vols., Worcestershire Historical Society (1899-1900), vol. II, pp. 564-74.

⁶⁶ LMA: MJ/SP/1708/Jan./6-9.

⁶⁷ LMA: WJ/SP/1718/Oct./1. This coffeehouse is not mentioned in Bryant Lillywhite's compendium, *London Coffee Houses* (George Allen and Unwin Ltd., London, 1963).

⁶⁸ LMA: WJ/SP/1718/Oct./1.

explanations and Dawson found himself presented at the Westminster sessions, and later indicted, for 'keeping a Disorderly Gaming house'.⁶⁹

Constables, though, were not alone in their efforts to enforce the gaming statutes, for JPs had, among their many other powers, the authority to suppress gaming.⁷⁰ A solitary JP could commit to 'ward' anyone he discovered keeping a gaming house until they found sureties 'not to keep such houses any more', fine them 40s, and 'commit without Bail any Person playing there, till he enter into a Recognizance not to play any more'.⁷¹ Such mechanisms may have been designed to expedite gaming prosecutions because, in virtually all of the cases I have seen, a conviction for gaming usually resulted in a fine and very rarely in corporal punishment.⁷² Fines generally ranged from 6s 8d to £40 (but forfeited recognizances could be more costly) and although the most important determining factor was whether the accused was a player or a proprietor, there was often some degree of 'compromise between the severity of the offence and the practical ability of the offender to pay'.⁷³ The seriousness of being fined should not be underestimated because if an offender was unable to pay it, or could not find sufficient sureties in the case of a recognizance, they could be sent to gaol. For a poor prisoner, the conditions in a gaol like Newgate would have been terrible.⁷⁴

⁶⁹ LMA: WJ/SP/1718/Oct./1.

⁷⁰ Beattie, *Policing and Punishment*, p. 170. For a list of JPs' powers see Sharpe, *Crime in Early Modern England*, pp. 28-29.

⁷¹ Burn, *The Justice of the Peace and Parish Officer*, p. 335; William Nelson, *The Office and Authority of a Justice of Peace* (London, 1704), p. 360. These powers derived from 33 Hen. 8, c. 9 (1541).

⁷² Although covering an earlier period (1370-1600) Marjorie McIntosh found much the same thing in the courts she surveyed: *Controlling Misbehaviour*, p. 106. A small number of people convicted of gaming offences were sent to the houses of correction: see Shoemaker, *Prosecution and Punishment*, Tables 3.4 & 3.5, pp. 56-59.

⁷³ McIntosh, *Controlling Misbehaviour*, p. 106.

⁷⁴ See for example Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Allen Lane, London, 1991), p. 29.

The Role of Informers in Prosecuting Gaming Offences

Regardless of how well constables and JPs did their jobs, policing gaming was difficult because in most cases there was no wronged party, and consequently little motivation to prosecute. Despite, then, the periodic kicks from above that were issued to constables, and the concerted campaigns against gaming that I will discuss later, it is likely, nonetheless, that informers brought many of those prosecuted for gaming to the attention of the authorities. Informers, as Jessica Warner explains, 'played a central role in the legal system of early modern England. In the absence of prosecutions initiated and financed by the state, informers were employed to help enforce a variety of unpopular laws, receiving, in most instances, direct compensation from the individuals whom they successfully prosecuted'.⁷⁵ As Elton and Beresford have shown, informers had been used to bring prosecutions for a range of economic offences from at least the early sixteenth century and it seems that it was from these origins that their role in enforcing a wider variety of laws developed.⁷⁶ We will see that such a system was not without its problems, but as Langbein has argued, it remained preferable in the eyes of early modern legislators to creating an 'expensive, centrally-directed professional prosecutorial corps'.⁷⁷

The Unlawful Games Act of 1541 allowed informers to be paid a portion of the fine levied on those convicted of gaming offences. The Act does not stipulate what that portion was, but Elton notes that 'the law commonly offered half the appointed fine to the informer for his pains'.⁷⁸ Thus in 1615 Bartholomew Benson informed upon nineteen men for keeping unlawful games in their houses, while in 1616 Henry

⁷⁵ Jessica Warner, Frank Ivis and Andree Demers, 'A Predatory Social Structure: Informers in Westminster, 1737-1741', *Journal of Interdisciplinary History*, vol. 30, no. 4 (Spring 2000), p. 617. See also Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (CUP, Cambridge, 2000), p. 165

⁷⁶ G. R. Elton, 'Informing for Profit: A Sidelight on Tudor Methods of Law-Enforcement', *Cambridge Historical Journal*, vol. 11, no. 2 (1954), 149-67; M. W. Beresford, 'The Common Informer, the Penal Statutes and Economic Regulation', *The Economic History Review*, New Series, vol. 10, no. 2 (1957), 221-38.

⁷⁷ John Langbein, 'The Origins of Public Prosecution at Common Law', *The American Journal of Legal History*, vol. 17, no. 4 (Oct. 1973), p. 335.

⁷⁸ Elton, 'Informing for Profit', p. 150. See also Nelson, *The Office and Authority of a Justice of Peace*, p. 360.

Theodricke gave information at the Middlesex sessions against no less than twenty-nine perpetrators of illegal gaming.⁷⁹ In January 1638, John Raie, John Payne, Edmund Osbalston, Robert Jarman and John Vangolere forfeited recognizances of £40 each after a Westminster court was informed that they kept common gaming houses.⁸⁰ John Norrison, appearing before the York quarter sessions in 1692 for keeping unlawful games in his alehouse, was dealt with slightly differently: rather than being fined, he was ‘suppress’d from keeping Ale’.⁸¹

McIntosh has argued that even ‘the leaders of England’s smaller communities were only prepared to implement laws about gaming when those leisure-time activities banned by statute constituted a problem within their own particular communities’:⁸² in light of this and the examples of Norrison et al., it is not difficult to see how those who informed about victimless crimes came to be ‘disliked by a very broad section of the public’.⁸³ Beattie, moreover, contends that thief-takers, hardly themselves paragons of virtue, ‘were not invariably regarded with the disdain and hostility that was visited on informers who made it a practice to report victimless offences’.⁸⁴ Hostility to informers often derived from the behaviour of those who sought to profit from informing. Indeed, according to Shoemaker, ‘Allegations were frequently made that ... informers were corrupt, often extorting money from people in return for not reporting their offences’ and one might imagine that gaming houses, like unlicensed alehouses and other ‘places of entertainment’, were a prominent target: informers might even have been paid ‘regular contributions’ to keep quiet.⁸⁵ Although it should be emphasised that some of those giving information to the authorities did have genuine concerns about gaming and vice in their locality (more on which later), the

⁷⁹ William Le Hardy (ed.), *Middlesex Sessions Records (New Series) 1612-1618* (4 vols., London, 1935-1941), vol. III, pp. 158 & 49.

⁸⁰ LMA: WJ/SR/NS/51/180-84 tr.

⁸¹ YCA: F9 64r & YCA: F10 9v.

⁸² McIntosh, *Controlling Misbehaviour*, p. 99.

⁸³ Beattie, *Policing and Punishment*, p. 234.

⁸⁴ Beattie, *Policing and Punishment*, p. 228.

⁸⁵ Shoemaker, *Prosecution and Punishment*, p. 243; Sir Leon Radzinowicz, *A History of English Criminal Law and its Administration from 1750*, (5 vols., Stevens, London, 1948-86), vol. 2, pp. 150-51.

rich pickings that could be had by those willing to inform on their peers somewhat undermined the dictum that it was every man's 'duty ... to give Notice to the Magistrate of whatever falls within his Observation'.⁸⁶

From 1738 informers could stand to gain as much as £166 13s 4d 'for the conviction of persons who publicly or privately offered opportunities for any illegal game or lottery'.⁸⁷ This was a large sum of money and cannot, I think, have been paid out very often; in all likelihood this piece of legislation was designed to combat illegal lotteries rather than carding and dicing. But this may not be the whole story, for in 1738 the card games pharaoh (faro), ace of hearts and basset, and the dice game hazard, became statutorily defined as lotteries.⁸⁸ These were some of the most popular games and, among the elites, were played for very high stakes; anecdotal evidence hints that faro banks, in particular, were becoming increasingly well organised by the 1730s.⁸⁹ From 1756 more modest financial rewards of between 10s and £2 10s were offered for information leading to the conviction of any publicans who allowed labourers, servants or journeyman to play at cards, dice or other games for money on their premises, an offence for which Thomas Hutchinson was fined in 1778.⁹⁰ Common informers, then, were especially useful at a time when there was no professional police force – like thief-takers they filled a 'void' – but offering remuneration for information was not without its problems since prosecuting for profit had obvious implications for the partiality of the informer.⁹¹

⁸⁶ Anon, *A Discourse upon Informations and Informers* (London, 1765?), p. 10.

⁸⁷ See Radzinowicz, *A History of English Criminal Law*, vol. 2, p. 142 & notes 22-25.

⁸⁸ 12 Geo. 2, c. 28 (1738).

⁸⁹ See for instance, Anon, *The Whole Art and Mystery of Modern Gaming Fully Expos'd and Detected* (London, 1726), p. 59.

⁹⁰ Radzinowicz, *A History of English Criminal Law*, vol. 2, p. 142 & notes 22-25. Hutchinson's conviction was later quashed after it emerged that the prosecution had made a clerical error by dating the offence two years too early: MJ/SP/1778/10/100 (i-iii).

⁹¹ Tim Wales, 'Thief-Takers and their Clients in later Stuart London' in Griffiths and Jenner (eds.), *Londinopolis* (MUP, Manchester, 2000), p. 68. See also Gaskill, *Crime and Mentalities*, pp. 165-66.

Documents

I have already made some use of legal records and these are an important source in the rest of the chapter and elsewhere in the thesis. I will discuss some of the technicalities of different types of documents in a moment, but first a few points need to be made about legal records more generally. Put briefly, it has to be appreciated that legal records are not objective accounts of fact. Formal legal documents, such as recognizances and indictments, were the product of a system – and those working within it – which had conventions, procedures and formulas.⁹² Moreover, the ‘whim of individual justices (and their clerks)’ could have a marked effect on what was recorded.⁹³ The deposition provides a good example of the care with which legal records should be treated. Sharpe points out that the deposition – ‘essentially the verbatim evidence noted by an examining magistrate or equivalent officer’ – probably ‘provides us with most of what we will ever know about the qualitative aspects of early modern English crime’.⁹⁴ Depositions are the subject of a careful and detailed analysis by Malcolm Gaskill in the introduction to his *Crime and Mentalities in Early Modern England*.⁹⁵ And although Gaskill emphasises the value of this type of pre-trial document, he also cautions:

Nevertheless, depositions still raise concern, especially over how faithfully they reflect plebeian voices. Linguistics teach that no text can be taken at face value, least of all written records of speech given that speech is hesitant and repetitive. “What appears as direct testimony in a judicial text”, David Sabeau reminds us, may well be a paragraph redaction of something that took quite a long time to say”. Depositions also fail to record tone and gesture likely to have affected meaning. Moreover, language and power are closely connected, and in many cases transcription distorted testimony to produce what Ladurie called an “unequal dialogue”.⁹⁶

⁹² See, for instance, J. S. Cockburn on assize records: ‘Early Modern Assize Records as Historical Evidence’, *Journal of the Society of Archivists*, no. 5 (1975), 215-31.

⁹³ Robert Shoemaker, ‘The Decline of Public Insult in London’, *Past and Present*, no. 169 (Nov. 2000), p. 104.

⁹⁴ Sharpe, *Crime in Early Modern England*, pp. 35 & 36.

⁹⁵ Gaskill, *Crime and Mentalities*, pp. 23-25.

⁹⁶ Gaskill, *Crime and Mentalities*, p. 24.

I cite this here because it is an important reminder that the content of depositions, which were arguably the *least* filtered type of legal document, was still influenced by many factors.

Depositions do provide some very valuable information about gaming in early modern England. But these are few in number, for depositions were often destroyed because they were not required to be kept by the authorities. As a result, but as might be expected from the formal records of a petty offence, much of the legal evidence concerning gaming is short and repetitive: the oft used phrase ‘unlawful games’ does not, after all, necessitate the recording of further details. For the most part, this is true of those recognizances which were issued to players of unlawful games or keepers of gaming houses, which was the most common way in which gaming entered the legal record. Recognizances, which can be found in sessions rolls (bundles of papers which contain the official documentation of the judicial procedure as kept by the Clerk of the Peace) and noted in various minute books, were bonds which were forfeited if the person bound over failed to adhere to certain specified conditions.⁹⁷ Two sureties, each of whom would be bound for half the amount of the principal, would usually join the defendant on the recognizance and, as Shoemaker argues, ‘Justices possessed considerable discretion in issuing recognizances, as to both the manner in which they were issued and the range of offenders who could be bound over’.⁹⁸ Although some procedural points about the use and application of recognizances have been debated,⁹⁹ it can be said that recognizances had two main purposes. The first was to bind people over to appear in court, as both witnesses and defendants: in 1723, for example, Thomas Whitfield was bound for £20 to appear at the York quarter sessions to give evidence against George Barwick for keeping a gaming table.¹⁰⁰ The second was the use of the recognizance against petty offenders

⁹⁷ Recognizances, and indeed all of the other documents mentioned, can often be found in sessions papers, that is, series of loose papers relating to the judicial business in court.

⁹⁸ Shoemaker, *Prosecution and Punishment*, p. 25.

⁹⁹ See Norma Landau, ‘Appearance at the Quarter Sessions of Eighteenth-Century Middlesex’, *London Journal*, vol. 23, no. 2 (1998), 30-51 and also her ‘Indictment for Fun and Profit: A Prosecutor’s Reward at Eighteenth-Century Quarter Sessions’, *Law and History Review*, vol. 17, no. 3 (Autumn 1999), 507-536.

¹⁰⁰ YCA: F12 129v.

who could be bound over to keep the peace and/or for good behaviour; this was how Thomas Foster, from York, came to be bound for £100 not to ‘play at or use any unlawfull Games against the form of the Statute within the said City or County of the same City’.¹⁰¹ Recognizances ‘enabled the justices to bind over people suspected of committing (or of being inclined to commit) virtually any offence that could possibly be characterized as criminal’, and were thus an extremely useful tool for dealing with gaming, not to mention a very wide range of other offences.¹⁰²

In cases of theft and other interpersonal petty crime, it was normally the plaintiff who decided whether or not they would file an indictment against the accused.¹⁰³ Indictments brought by private individuals as a result of gaming disputes were, however, problematic, for as well as the usual dissuasives of cost and time, the plaintiff would have no other option than to admit to gaming, which was an activity that he may have been prohibited by law from doing.¹⁰⁴ In consequence, informers or zealous public officials might prosecute indictments for victimless offences.¹⁰⁵ In such cases, a formal charge against the person alleged to have committed the offence was presented to a grand jury who heard testimony from the plaintiff and any prosecution witnesses before deciding if it was a ‘true bill’, or *ignoramus* (‘we do not know’). In the case of the former, the charge became an indictment. If the defendant pleaded not guilty (and the indictment was ‘traversed’) the trial would usually be postponed until the next session. Verdicts on traverses were decided by a petty jury after hearing from both plaintiff and defendant.

I also make substantial use of the published *Proceedings* of the Old Bailey, which are now available at the excellent www.oldbaileyonline.org. The Old Bailey, in London, had jurisdiction over the City of London and the County of Middlesex and tried those

¹⁰¹ YCA: F15 63v.

¹⁰² Shoemaker, *Prosecution and Punishment*, p. 26.

¹⁰³ Although they can normally be found in the sessions rolls, indictments could also be noted in court books and were sometimes copied into specific indictment books.

¹⁰⁴ This was slightly different in cases of cheating; see chapter 5, below. For a comparison of the number of offences prosecuted by indictments and recognizances, see Shoemaker, *Prosecution and Punishment*, pp. 58-59.

¹⁰⁵ See below and also Shoemaker, *Prosecution and Punishment*, pp. 66-68.

accused of the most severe crimes, namely, felonies and some of the more serious misdemeanour offences. Although it will be shown that gaming disputes were a contributing factor to some very serious crimes, it should be pointed out that gaming offences were not generally serious enough to be tried at the Old Bailey. Most references in the trial records to carding and dicing thus appear as incidental details in witness testimony.

The *Proceedings* were originally intended for a popular audience, something which is reflected in the title of their precursor *News from Newgate: or an Exact and True Accompt of the most Remarkable Tryals of several Notorious Malefactors ... in the Old Baily*.¹⁰⁶ The first edition of the *Proceedings* to include all of the trials at a single session was published in October 1678. Two months later 'a particularly detailed account was published with a more objective tone'.¹⁰⁷ In January 1679 'the Court of Aldermen in London ordered that accounts of proceedings at the Old Bailey could only be published with the approval of the Lord Mayor and the other justices present'.¹⁰⁸ At the same time 'a more or less standard title was adopted: *The Proceedings of the King's Commission of the Peace and Oyer and Terminer, and Gaol-Delivery of Newgate, held for the City of London and the County of Middlesex, at Justice-Hall, in the Old Bailey*'.¹⁰⁹

Editions of the *Proceedings* survive for 'the vast majority of sessions between 1678 and 1714' but 'between 1699 and 1714 editions are missing for two-thirds of the sessions'.¹¹⁰ From the 1680s 'most trials seem to have been reported' but there are occasionally years for which no *Proceedings* survive.¹¹¹ The detail given in the *Proceedings* can vary considerably, but from 1729 there is greater inclusion of verbatim testimony and this is especially true of the more sensational trials. The Old

¹⁰⁶ Tim Hitchcock and Robert Shoemaker, 'Publishing History of the *Proceedings*', *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 12 Feb. 2008).

¹⁰⁷ Hitchcock and Shoemaker, 'Publishing History of the *Proceedings*' (12. Feb. 2008).

¹⁰⁸ Hitchcock and Shoemaker, 'Publishing History of the *Proceedings*' (12. Feb. 2008).

¹⁰⁹ Hitchcock and Shoemaker, 'Publishing History of the *Proceedings*' (12. Feb. 2008).

¹¹⁰ Hitchcock and Shoemaker, 'Publishing History of the *Proceedings*' (12. Feb. 2008).

¹¹¹ Hitchcock and Shoemaker, 'Publishing History of the *Proceedings*' (12. Feb. 2008).

Bailey courthouse was a public place, with many paying spectators of varying social status. Thus there seems much sense in the assertion that ‘the reputation of the *Proceedings* would have quickly suffered if the accounts had been unreliable. Their authenticity was one of their strongest selling points, and a comparison of the text of the *Proceedings* with other manuscript and published accounts of the same trials confirms that they accurately report what was said in court’.¹¹² But this is not to say that the *Proceedings* contain every detail from the trials. They were, after all, a commercial enterprise and limitations on space and considerations of reader preferences for sensational, entertaining, violent or sexual crimes meant that accounts of such offences predominated. Accordingly, more mundane trials therefore received less detailed reportage. Witness testimony, for example, was often omitted, summarized or edited to reduce bulk and avoid repetition.

Gaming Statistics

Unfortunately, counting gaming prosecutions (and by this I mean all gaming offences that came to court, not just successful prosecutions) is not as easy as the preceding paragraphs might suggest. Every study of crime must acknowledge the existence of a ‘dark figure’, that is, the unknown total of crimes that are never officially recorded or reported. In addition to this, there are breaks in runs of records that all historians of crime have to deal with. It would, moreover, have made a lot of sense if gaming offences were dealt with by less formal methods, especially summary conviction by one or more justices of the peace, and these left little or no documentation.

Had this been a thesis on gaming and crime it would have demanded a systematic statistical analysis of gaming prosecutions across the period under consideration. Yet when we consider that ‘records of approximately 140,000 recognizances, 50,000 indictments, and 30,000 commitments to houses of correction’ relating to the business conducted at the Middlesex and Westminster sessions, 1660-1725, have

¹¹² Tim Hitchcock and Robert Shoemaker, ‘The Value of the *Proceedings* as a Historical Source’, *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 12 Feb. 2008). See also the introduction to *London Journal*, vol. 30, no. 1 (2005), special issue, ‘Tales from the Old Bailey’, edited by Tim Hitchcock and Robert Shoemaker.

survived, it is clear that this task would have been much too great for one chapter.¹¹³ Even if I had adopted a sampling strategy similar to that of Robert Shoemaker – who, in his *Prosecution and Punishment*, took seven sample years and then subjected these years to further sampling – there would still have been many thousands of records to examine.¹¹⁴ Furthermore, since I am counting a single type of offence that was prosecuted only sporadically, it is very possible that any sample years chosen may have had no prosecutions for gaming.¹¹⁵

Yet this is not to say that statistical material has been disregarded. Using the typescript transcripts of the Westminster sessions rolls 1619-38, I gathered the data on gaming offences that are displayed in Figure 8.¹¹⁶ Comprehensive printed sessional material was available for Middlesex 1612-18 and from this I derived the data on which Figure 9 is based.¹¹⁷ Figure 10 shows the number of prosecuted gaming offences that were calculated by Shoemaker in his *Prosecution and Punishment: Petty Crime and the Law in London and Rural Middlesex, c. 1660-1725*. It has been possible in some of the sources on which the following graphs are based to differentiate between different types of gaming offences. Vague and/or variable terminology, minimal or unspecific detail, and inconsistencies in punishments render this an inexact science.¹¹⁸ But even so, the three necessarily broad categories I have used – gaming, keeping a gaming house/keeping unlawful

¹¹³ Shoemaker, *Prosecution and Punishment*, p. 17.

¹¹⁴ For Shoemaker's method, see *Prosecution and Punishment*, p. 17 and esp. Appendix 1, 'Sampling Procedure and Significance', pp. 320-21.

¹¹⁵ This is borne out by the York and Westminster material, below.

¹¹⁶ The typescript transcripts comprise some 4000 pages in ten A4 binders and cover WJ/SR/NS/1-56 (1619-38). Both the transcripts and the originals are held at the London Metropolitan Archives.

¹¹⁷ I refer here to the four volume *Middlesex Sessions Records (New Series)*, edited by William Le Hardy. It is a full calendar of the sessions rolls (and some other associated documents) for the period 1612-18 and 'makes mention of every record preserved' (Introduction, vol. I, p. iv).

¹¹⁸ Judicial discretion played an important role in the early modern legal system and therefore it should be considered that in some cases people may have been prosecuted for gaming (a less serious offence) when they had in fact been keeping gaming houses. Additionally, and as I have mentioned earlier in this chapter, proving that someone had profited from keeping a gaming house was probably more difficult than proving that they had engaged in illegal gaming.

games in house, and cheating – do help to clarify when prosecutions were for more, or less, serious gaming offences.¹¹⁹

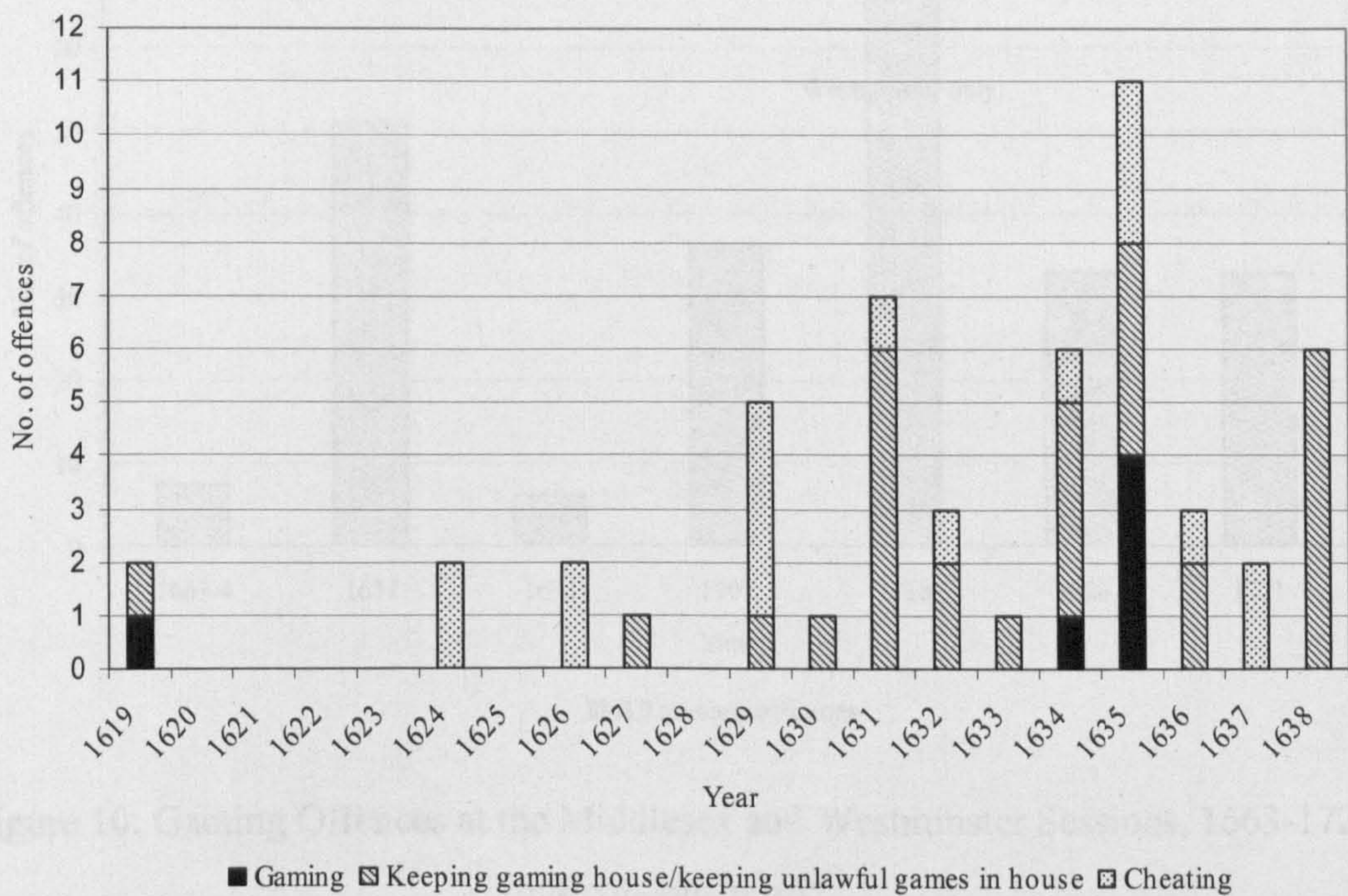


Figure 8: Gaming Offences at the Westminster Sessions, 1619-38

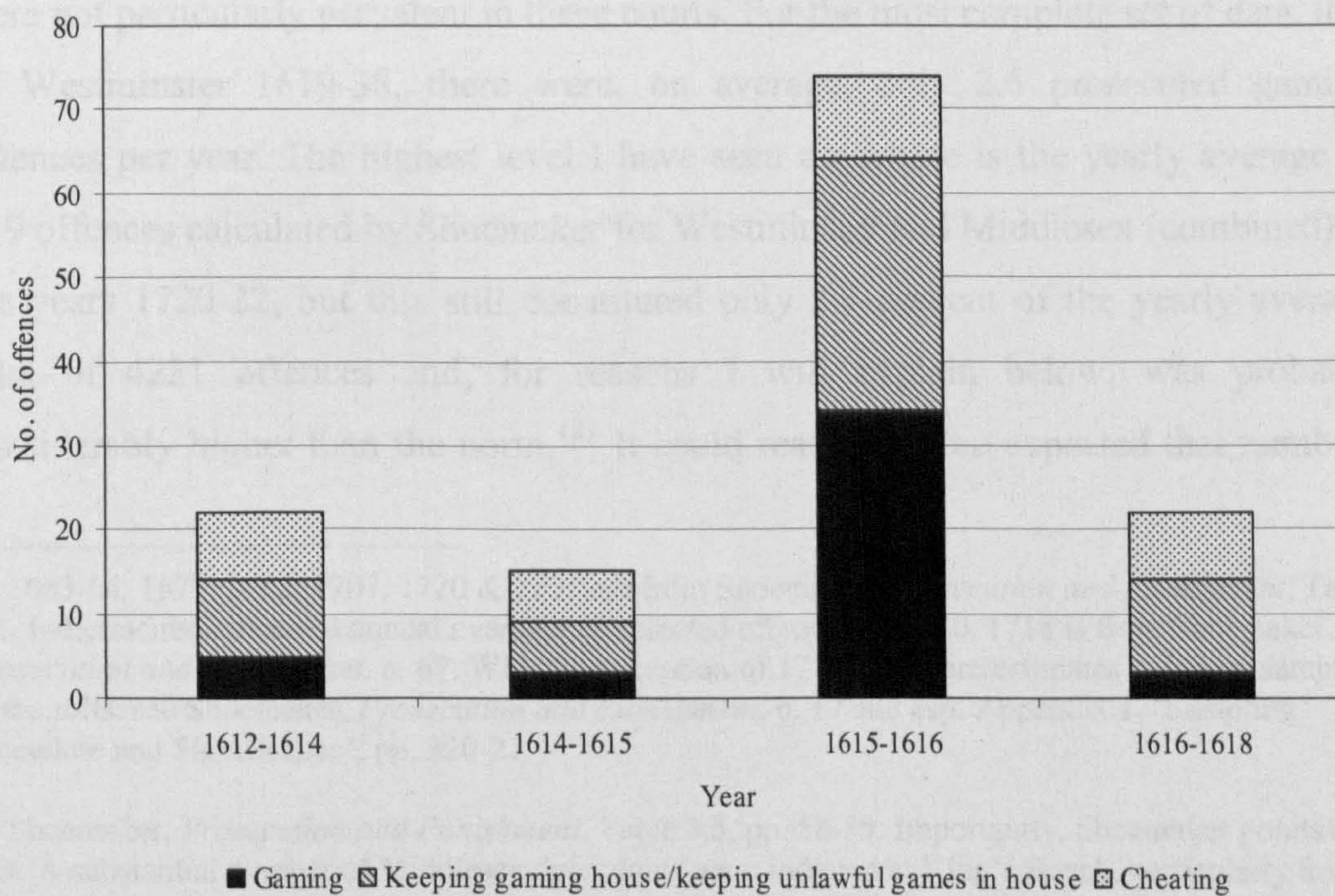


Figure 9: Gaming Offences at the Middlesex Sessions, 1612-18

¹¹⁹ Cheating will be discussed in chapter 5.

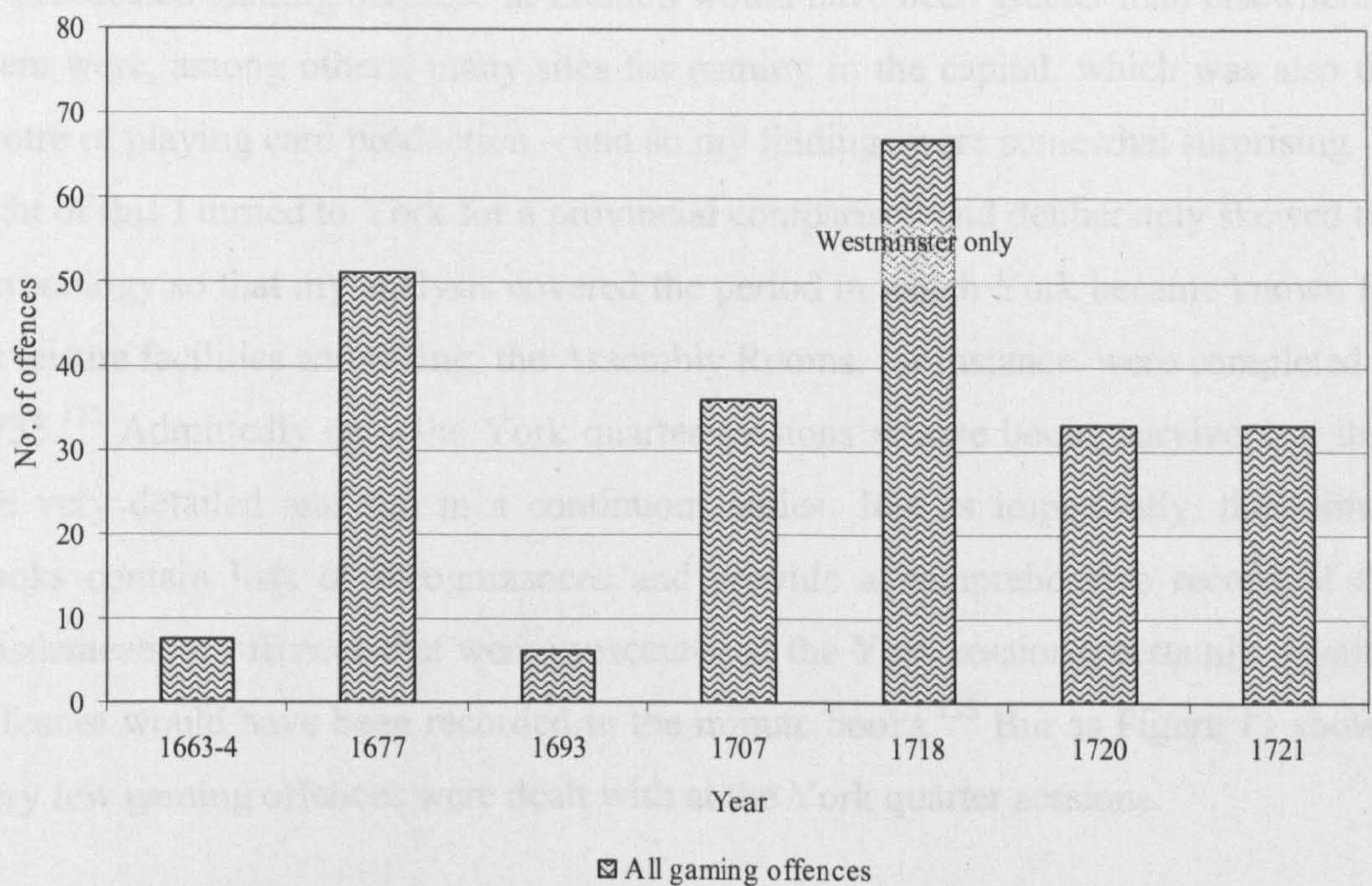


Figure 10: Gaming Offences at the Middlesex and Westminster Sessions, 1663-1721 (indictments only)¹²⁰

Even allowing for the aforementioned vagaries of record survival and forms of prosecution which left no documentation, it is quickly apparent that gaming offences were not particularly prevalent in these courts. For the most complete set of data, that of Westminster 1619-38, there were, on average, only 2.6 prosecuted gaming offences per year. The highest level I have seen anywhere is the yearly average of 119 offences calculated by Shoemaker for Westminster and Middlesex (combined) in the years 1720-22, but this still constituted only 2.7 percent of the yearly average total of 4221 offences and, for reasons I will explain below, was probably considerably higher than the norm.¹²¹ It could reasonably be expected that numbers

¹²⁰ 1663-64, 1677, 1693, 1707, 1720 & 1721 are from Shoemaker, *Prosecution and Punishment*, Table 6.2 'Indictments: estimated annual averages of selected offences', p. 130. 1718 is from Shoemaker, *Prosecution and Punishment*, p. 67. With the exception of 1718, these are estimates based on samples of the rolls: see Shoemaker, *Prosecution and Punishment*, p. 17 and esp. Appendix 1, 'Sampling Procedure and Significance', pp. 320-21.

¹²¹ Shoemaker, *Prosecution and Punishment*, Table 3.5, pp. 58-59. Importantly, Shoemaker points out that 'A substantial number of Middlesex defendants were indicted at King's Bench, particularly for assault, riot, highway offences, and keeping gaming houses and disorderly alehouses' (*Prosecution and Punishment*, p. 22): in other words, they would not show up in surveys of the Middlesex records. He continues, 'Only with gaming houses and riot ... did the number of defendants indicted at King's Bench approach or exceed the number of those indicted at sessions, and when recognizances to appear at quarter sessions are added to the calculation it is clear that far more cases of each offence were

of prosecuted gaming offences in London would have been greater than elsewhere – there were, among others, many sites for gaming in the capital, which was also the centre of playing card production – and so my findings were somewhat surprising. In light of this I turned to York for a provincial comparison and deliberately skewed the chronology so that my analysis covered the period in which York became known for its leisure facilities and racing; the Assembly Rooms, for instance, were completed in 1735.¹²² Admittedly only the York quarter sessions minute books survive, but they are very detailed and run in a continuous series. Just as importantly, the minute books contain lists of recognizances and provide a comprehensive record of the misdemeanour offences that were prosecuted at the York sessions; certainly, gaming offences would have been recorded in the minute books.¹²³ But as Figure 11 shows, very few gaming offences were dealt with at the York quarter sessions.

heard at sessions than at King's Bench' (*Prosecution and Punishment*, p. 22). On the one hand, an analysis of King's Bench records might augment the totals in Figure 10. But on the other, and even if those totals were doubled, it is still clear that a) gaming offences only comprised a small percentage of total prosecuted offences and b) levels of prosecutions for gaming offences were low.

¹²² For an introduction to the York Assembly Rooms see <http://www.yorkconservationtrust.org/properties/AssemblyRooms/AssemblyRooms.html> (11 Oct. 06).

¹²³ The minute books consulted here cover the period 1686-1771 (although I stopped at 1760) and comprise some 3000 manuscript folios in thirteen volumes (F9-F20). They are held at the York City Archives and, despite their detail, remain comparatively unworked.

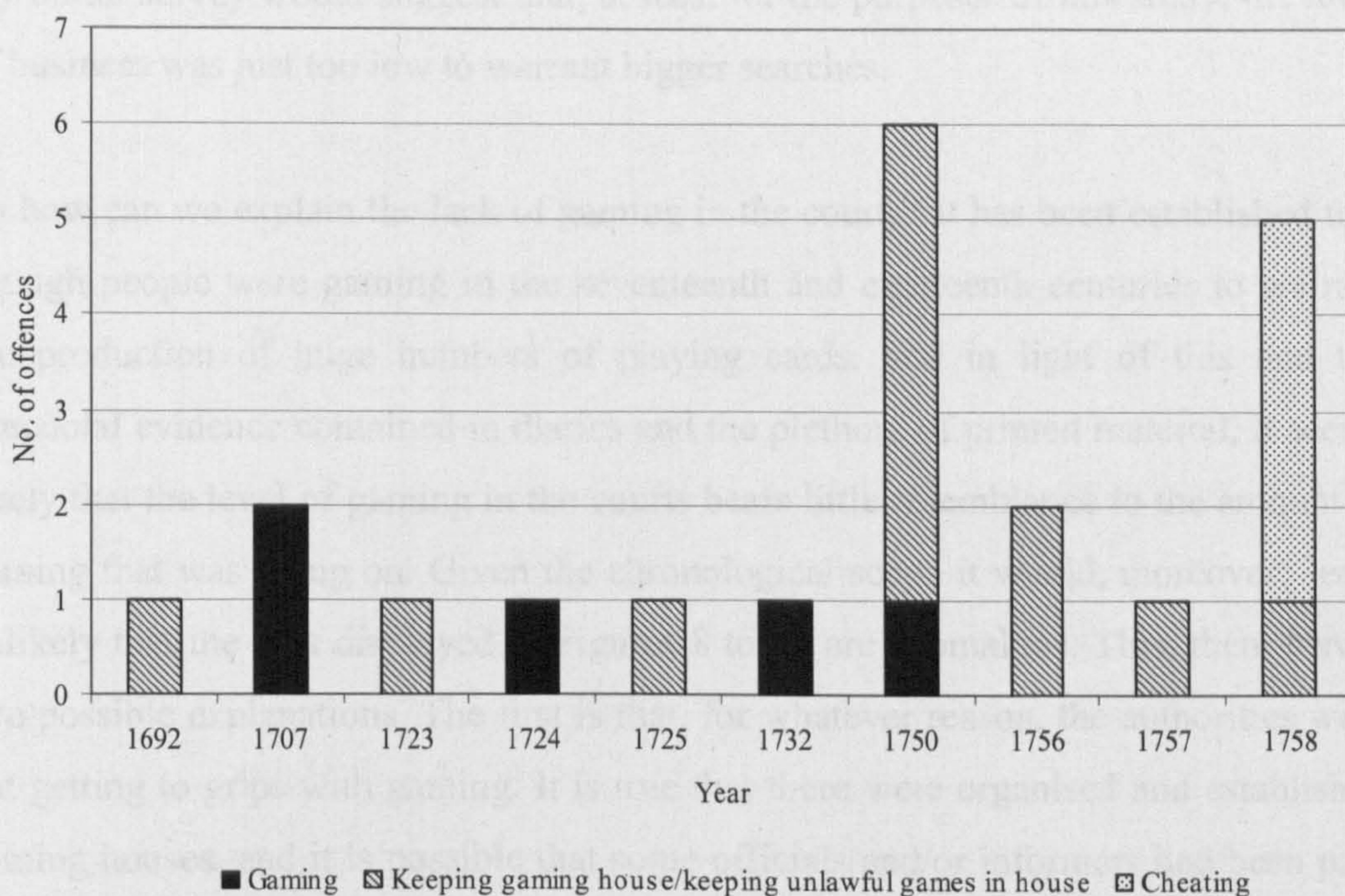


Figure 11: Gaming Offences at the York (City and Ainsty) Quarter Sessions, 1692-1758¹²⁴

This, though, may not have been unusual. At the Worcestershire quarter sessions only 22 offences were recorded between 1592 and 1633,¹²⁵ and in the swathe of courts analysed by Marjorie McIntosh in the periods 1560-79 and 1580-99, only 24.7 percent (40 out of 166 courts) in the former period and 26.1 percent (46 out of 176 courts) in the latter, reported any gaming.¹²⁶ In fact, this impression is conveyed by all of the printed legal records I have consulted (listed in full in the bibliography under the heading ‘Transcripts and Calendars of Legal Material’) and there is similarly scant evidence of gaming in the *Calendar of State Papers Domestic*. There are of course other legal records in which evidence of gaming might be found,¹²⁷ but

¹²⁴ Because of the long time span covered in this graph, I have only included years in which gaming offences are recorded: if a year is not on the graph, no gaming offences appear in the minute book for that year.

¹²⁵ This figure was derived from J. W. Willis Bund (ed.), *Calendar of the Quarter Sessions Papers 1591-1643*, 2 vols., Worcestershire Historical Society (1899-1900), which is a full calendar of the surviving sessional material.

¹²⁶ McIntosh, *Controlling Misbehaviour*, Appendix 3.1, p. 239.

¹²⁷ See in particular my comments about the King’s Bench in note 121, above

my initial survey would suggest that, at least for the purposes of this study, the level of business was just too low to warrant bigger searches.

So how can we explain the lack of gaming in the courts? It has been established that enough people were gaming in the seventeenth and eighteenth centuries to warrant the production of huge numbers of playing cards, and in light of this and the anecdotal evidence contained in diaries and the plethora of printed material, it seems likely that the level of gaming in the courts bears little resemblance to the amount of gaming that was going on. Given the chronological scope it would, moreover, seem unlikely that the data displayed in Figures 8 to 11 are anomalous. This, then, leaves two possible explanations. The first is that, for whatever reason, the authorities were not getting to grips with gaming. It is true that there were organised and established gaming houses, and it is possible that some officials and/or informers had been paid off. A reliance on informers, moreover, meant that much gaming probably passed under the radar of all but the most diligent parish officials. Yet in spite of these factors, this explanation is not entirely convincing because the peaks of prosecution indicate that the authorities were both equipped to deal with gaming offences and capable of rigorous enforcement of the relevant statutes. Furthermore, and this point will be reinforced by the case studies at the end of the chapter, Figures 8, 9 and 11 show clearly that many prosecutions were for the more serious offence of keeping a gaming house.¹²⁸ So a second explanation remains; that in spite of anti-gaming polemic and the ever-tightening legislation, gaming (as opposed, perhaps, to keeping a gaming house) was not usually a significant enough problem, from either the perspective of law enforcement or public order, to force the authorities to tackle it proactively. In light of the initiatives which will be described below, this is plausible indeed.

¹²⁸ This tallies with Shoemaker's findings: of 41 recognizances over his five sample years (1663-64, 1677, 1693, 1707, and 1720-22) which dealt with gaming offences, 11 were for keeping gaming houses. I am very grateful to Professor Shoemaker for allowing me to make use of these unpublished statistics.

The Reforming Societies

Shoemaker argues persuasively that ‘victimless offences were usually prosecuted by public officials or public-spirited informers, often in organized campaigns’.¹²⁹ These ‘could substantially affect the overall distribution and level of prosecuted offences’ and gaming offences, it seems, were no exception.¹³⁰ This was particularly true of concerted campaigns against gaming houses; in 1718 27 percent of all indictments at the Westminster sessions were for keeping unlawful games.¹³¹ Such influences on the pattern of prosecutions are particularly pertinent to the years following the Revolution of 1688/9 because at this time ‘a powerful movement for the reformation of manners was generated in the metropolis and engaged the support of William and Mary and then Queen Anne’.¹³² This was not the first reformation of manners – indeed it could be considered one of ‘a series of episodes ... of moral activism’¹³³ of which the puritan campaigns of the 1650s was another – but this particular string of campaigns against vice, immorality and crime was novel for two reasons: first, its longevity (c. 1690-1738) and second, because ‘its supporters were for the first time organized into independent societies which not only lobbied for better enforcement of the laws but also assumed (to a certain extent) the duties of parish officers, systematically informing against and prosecuting large numbers of offenders themselves’.¹³⁴

The societies’ remit was quite broad. Initially, they targeted ‘*Prophanation of the Lord’s-Day, Drunkenness, Prophane Swearing and Cursing*’, as well as ‘*all other Lewd, Enormous, and Disorderly Practices*’, which included prostitution and

¹²⁹ Shoemaker, *Prosecution and Punishment*, p. 67.

¹³⁰ Shoemaker, *Prosecution and Punishment*, p. 67.

¹³¹ Shoemaker, *Prosecution and Punishment*, pp. 67-68.

¹³² Beattie, *Policing and Punishment*, p. 123.

¹³³ Martin Ingram, ‘Reformation of Manners in Early Modern England’ in Paul Griffiths, Adam Fox and Steve Hindle (eds.) *The Experience of Authority in Early Modern England* (Palgrave Macmillan, Basingstoke, 1996), p. 56. See also Ronald Hutton, *The Rise and Fall of Merry England: The Ritual Year 1400-1700* (OUP, Oxford, 1994), ch. 4.

¹³⁴ Shoemaker, *Prosecution and Punishment*, p. 239.

gaming.¹³⁵ The suggestion that ‘Gaming was a subject of anxiety both as a vice in itself and as a vehicle for fraud and deceit’ may go some way towards explaining why the reformers had an interest in prosecuting gaming; indeed, this statement resonates with the evidence presented in the rest of this chapter and with the contemporary arguments about the morality of gaming that are examined at length in chapter four.¹³⁶

The reforming societies produced annual reports that charted their progress. Using these and other sources, it has been possible to plot in Figures 12 and 13 the number of gaming prosecutions initiated by the societies for the reformation of manners in the early eighteenth century. Since ‘Many of the indictments prosecuted by the societies were filed not at sessions but at King’s Bench’, these may serve to augment our previous totals.¹³⁷

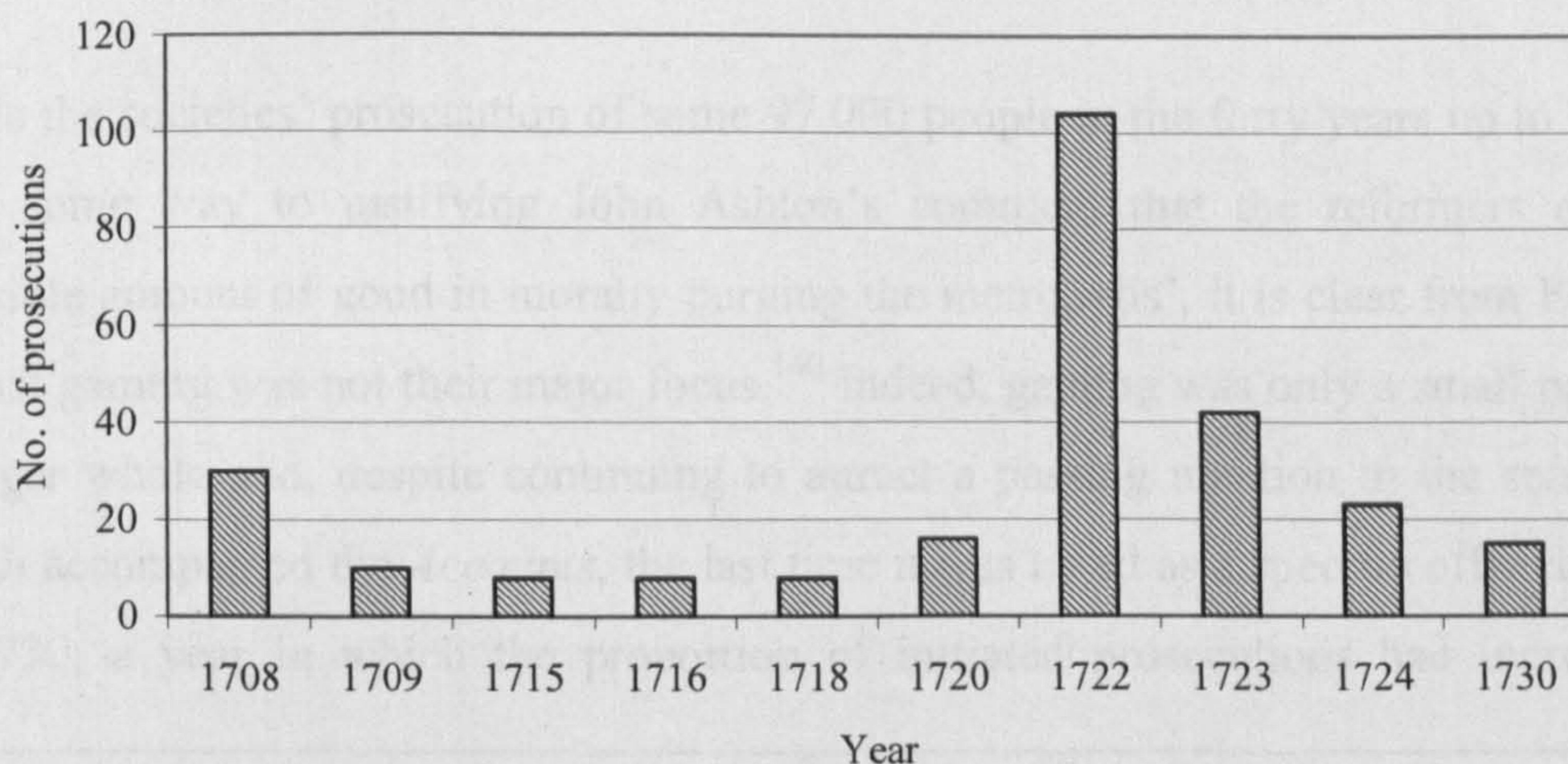


Figure 12: Prosecutions for Gaming Initiated by the Societies for the Reformation of Manners, 1708-1730¹³⁸

¹³⁵ Anon, *An Account of the Societies for Reformation of Manners, in England and Ireland. With a Persuasive to ... be Zealous and Diligent in Promoting the Execution of the Laws Against Prophaneness and Debauchery* (London, 1701), ‘The Queens Letter’ (no pagination).

¹³⁶ Hayton, ‘Moral Reform and Country Politics’, p. 58.

¹³⁷ Shoemaker, *Prosecution and Punishment*, p. 244 & n. 33.

¹³⁸ Only some of the *Accounts* differentiate between types of gaming offences. Sources: 1708, 1709, 1715 & 1723, R. B. Shoemaker, ‘Reforming the City: the Reformation of Manners Campaign in London, 1690-1738’, in L. Davison, T. Hitchcock, T. Keirn & R. B. Shoemaker (eds.), *Stilling the Grumbling Hive* (St. Martins Press, New York, 1992), p. 105 (it should be pointed out that figures for

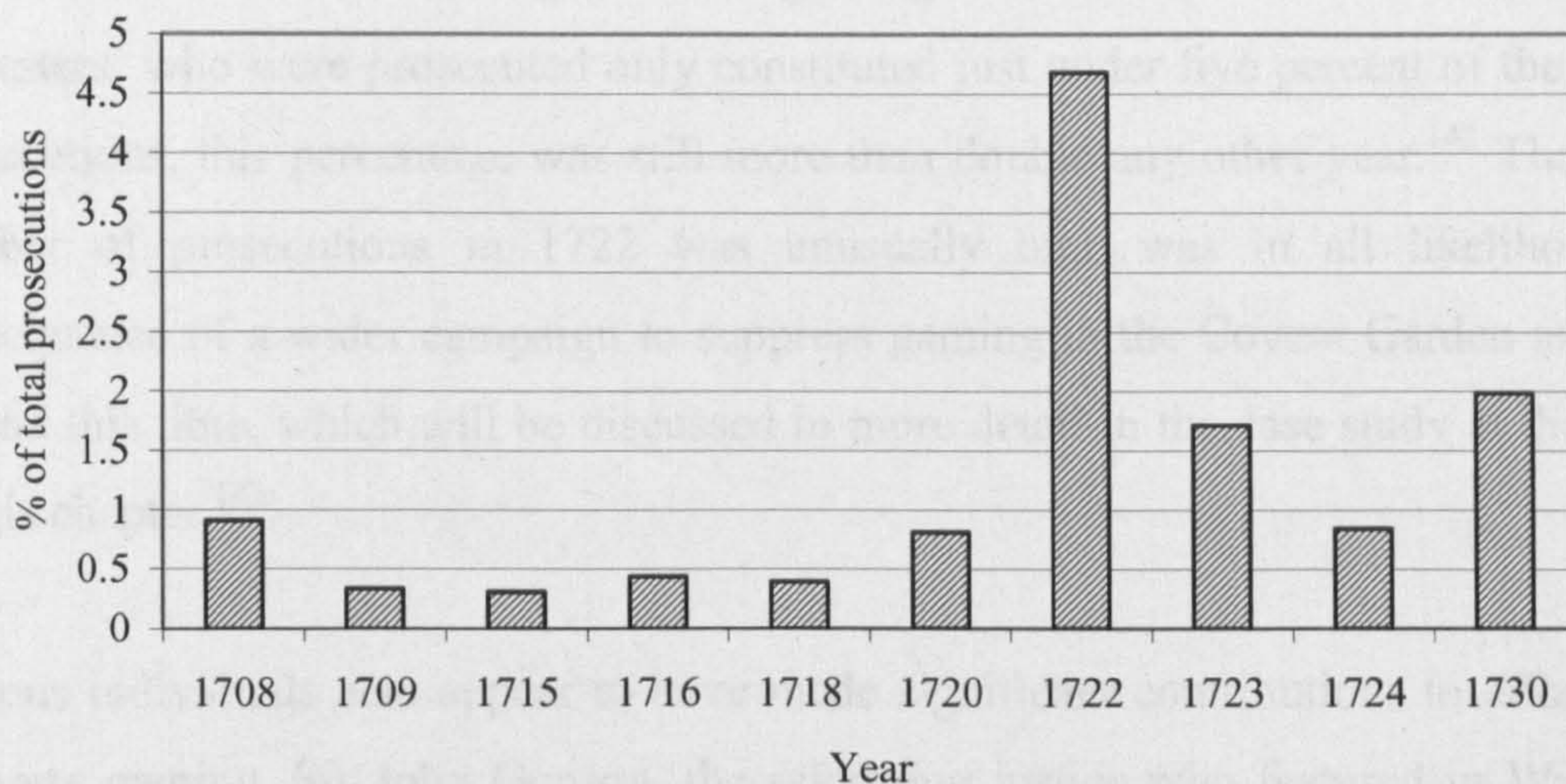


Figure 13: Prosecutions for Gaming Initiated by the Societies for the Reformation of Manners, 1708-1730 (expressed as a percentage of the total prosecutions initiated by the societies for the reformation of manners)¹³⁹

While the societies' prosecution of some 97,000 people in the forty years up to 1730 goes some way to justifying John Ashton's comment that the reformers did a 'sensible amount of good in morally purging the metropolis', it is clear from Figure 13 that gaming was not their major focus.¹⁴⁰ Indeed, gaming was only a small part of a larger whole and, despite continuing to attract a passing mention in the sermons which accompanied the *Accounts*, the last time it was listed as a specific offence was in 1730, a year in which the proportion of initiated prosecutions had increased

the other years also appear in Shoemaker, 'Reforming the City', but I had already taken these from the printed *Accounts*); 1716, George Ashe, *A Sermon Preached to the Society for Reformation of Manners, at St. Mary-le-Bow, on Monday, Dec. the 31st, MDCCXVI* (London, 1717); 1718, James Peller Malcolm, *Anecdotes of the Manners and Customs of London, During the Eighteenth Century* (Longman, Hurst, Rees, and Orme, London, 1810); 1720, John Heylyn, *A Sermon Preached to the Societies for Reformation of Manners, at St. Mary-le-Bow, on Monday, Dec. the 26th, MDCCXX* (London, 1721); 1722, Joseph Wilcocks, *The Righteous Magistrate, and the Virtuous Informer; a Sermon Preached before the Societies for Reformation of Manners, in the Parish-Church of St. Mary-le-Bow, on Monday, Dec. 31, 1722* (London, 1723); 1724, Edward Chandler, *A Sermon Preached to the Societies for Reformation of Manners, at St. Mary-le-Bow, on Monday, Jan. 4th, 1724* (London, 1724); 1730, Francis Hare, *A Sermon Preached to the Societies for Reformation of Manners, at St. Mary-le-Bow, on Tuesday Jan. the 5th, 1730* (London, 1731).

¹³⁹ Calculated from the sources listed in note 138.

¹⁴⁰ John Ashton, *Social Life in the Reign of Queen Anne: Taken from Original Sources* (Elibron Classics, 2005 [London, 1883]), p. 424; Hare, *A Sermon Preached to the Societies for Reformation of Manners*, p. 59.

marginally.¹⁴¹ The high level of prosecution in 1722 shown in Figure 12 was therefore unusual and although the 27 gaming house keepers and 77 ‘common gamesters’ who were prosecuted only constituted just under five percent of the total prosecutions, this percentage was still more than double any other year.¹⁴² That the number of prosecutions in 1722 was unusually high was in all likelihood a consequence of a wider campaign to suppress gaming in the Covent Garden area at around this time, which will be discussed in more detail in the case study at the end of this chapter.¹⁴³

Zealous individuals also appear to have made significant contributions to efforts to suppress gaming. Sir John Gonson, the reforming justice who featured in William Hogarth’s *A Harlot’s Progress* (1732), spearheaded a number of attacks on gaming houses in and around 1730.¹⁴⁴ Some of these were reported in the press: in 1729 ‘a notorious gaming house in the Hay-Market, called the Phoenix, was searched by virtue of a warrant under the hands and seals’ of Gonson and twenty gamesters were apprehended;¹⁴⁵ in 1730 ‘several Gamesters’ were apprehended at the Spread Eagle Chocolate house (Bridges Street, Covent Garden) under the auspices of Gonson,¹⁴⁶ and in January 1731, it was reported that Gonson took nine ‘gamesters’ at the New Phoenix.¹⁴⁷ Henry and John Fielding were very active in the early 1750s, seizing, for example, forty five gamesters in February 1751 and another thirty in June 1752.¹⁴⁸

¹⁴¹ Gaming was not listed in every account prior to 1730, but it was omitted every year thereafter up to the end of the *Accounts* in 1738. Gaming did make a reappearance in 1763, though it was lumped together with ‘profane Swearing’: John Wesley, *A Sermon Preached before the Society for the Reformation of Manners. On Sunday, Jan. 30, 1763* (London, 1778), p. 8.

¹⁴² There were a total of 2224 prosecutions in 1722; Wilcocks, *The Righteous Magistrate, and the Virtuous Informer, appended Account*. The actual percentage is 4.68.

¹⁴³ See also Shoemaker, ‘Reforming the City’, p. 113.

¹⁴⁴ Barry Wind, ‘Hogarth’s Fruitful Invention: Observations on Harlot’s Progress, Plate III’, *Journal of the Warburg and Courtauld Institutes*, vol. 52. (1989), pp. 267-69.

¹⁴⁵ *London Journal*, 29 March 1729 at <http://www.infopt.demon.co.uk/grub/gaming.htm> [accessed 14 Oct. 2006].

¹⁴⁶ *Grub Street Journal*, no. 11 (19 March 1730).

¹⁴⁷ *Grub Street Journal*, nos. 53 (7 Jan. 1731) & 55 (21 Jan. 1731). The ‘Phoenix’ and the ‘New Phoenix’ were the same establishment.

¹⁴⁸ *Gentleman’s Magazine*, Feb. 1751 (vol. 21, p. 87); *Gentleman’s Magazine*, June 1752 (vol. 22, p. 286).

We will return to the Fieldings in chapter four, but it is clear that they and others were concerned about the level of crime in London: as Shoemaker puts it, ‘the connection between vice and more serious crime is a common theme in the pamphlet literature of this period: serious crime, it was argued, was the inevitable result of irreligion, immorality, and idleness, especially among the poor’.¹⁴⁹ Gaming, too, was linked with more serious offences.

Gaming and Other Crime

Although often illegal in itself, gaming could be a catalyst for, or a contributing factor to, other crime; it is in this context that the characterisation of gaming as a ‘victimless’ offence must be re-examined. Carding and dicing provided opportunities for theft, allowed cheats to thrive (see chapter five) and were a flashpoint for violent disputes. Gaming houses, it was commonly believed, harboured highwaymen and other felons.

‘If you are eager upon your Cast’, warned Charles Cotton in 1674, ‘Rooks ... will pick your pocket, nim your gold or silver buttons off your Cloak or Coat; or ... draw your silver-hilted Sword out of your belt without discovery’.¹⁵⁰ In other words, gaming was distracting. In July 1624 Mark Pleasantes was playing dice for pewter at St. James’s fair and ‘having lost some mony looked for his pursse & missed the same’.¹⁵¹ Pleasantes challenged his playing companions, Thomas Lockey and Joseph Ayres, about the whereabouts of the purse and as a result Lockey gave Pleasantes ‘some mony’, but not the twelve shillings that had been in Pleasantes’ missing purse.¹⁵² In Skipton in 1676, Thomas Barber, James Shaw, Lawrence Rhoades, Lancelott Wall, George Atkinson and William Goodgion were all playing at cards and dice at Goodgion’s house.¹⁵³ At some point during the evening, Barber accused

¹⁴⁹ Shoemaker, ‘Reforming the City’, p. 108.

¹⁵⁰ Cotton, *Compleat Gamester*, pp. 7-8.

¹⁵¹ LMA: WJ/SR/NS/11/25.

¹⁵² LMA: WJ/SR/NS/11/24.

¹⁵³ W[est] Y[orkshire] A[rchive] S[ervice] W[akefield]: QS1/15/5/2/2 and WYASW: QS1/15/5/2/3.

Shaw of stealing a purse from him containing £13.¹⁵⁴ Rhoades, Wall and Burnett all denied seeing anyone take the purse or the money.¹⁵⁵ Elisabeth Barras, Goodgion's servant, said that she had seen Barber and Shaw playing at cards and that the stakes had been put in a hat which Shaw 'putt ... up in his Pockett'.¹⁵⁶ Atkinson, however, claimed that Barber had lost £10 to Shaw at cards. An already tangled situation was made more complicated when Barber found his purse the next morning (apparently in his own pocket, though 'how it came their', he did not know) missing only the £10 that he was alleged to have lost to Shaw.¹⁵⁷

To at least some extent, the opportunities for theft that were presented in these situations arose because the transfer of money via gaming was not always an entirely unambiguous process. Gaming, though, could provoke theft and there are many such examples in the *Proceedings* of the Old Bailey. William Lovegrove confessed 'that he had taken at *several* times 4 Guineas, 3 Guineas, 1 Guinea and half, 2 Guineas, and 17 s. in Silver, most of which he lost at the Gaming Table' [my italics] whereas Richard Hassell stole forty moidores and thirty-five guineas from his employer, of which he lost all but six moidores and one guinea at a gaming house.¹⁵⁸ These people not only lost their own money, but also stole from others who, crucially, may have had no interest in, or connections to, gaming. Thus it was in the efforts of some to pay off their debts or fund further play that gaming found new victims; before robbing John Wainright, Anthony Meagre exclaimed 'G-d D-m you we have been Gaming, and must have Money'.¹⁵⁹

Yet gaming was not only linked to theft. At the York quarter sessions in 1652 Thomas Ward, a vintner, was fined 40s 'for entertaining disorderly company in the

¹⁵⁴ WYASW: QS1/15/5/2/2.

¹⁵⁵ WYASW: QS1/15/5/3/1.

¹⁵⁶ WYASW: QS1/15/5/2/3.

¹⁵⁷ WYASW: QS1/15/5/2/2.

¹⁵⁸ *OBP*, July 1722, William Lovegrove (t17220704-42); *OBP*, Dec. 1742, Richard Hassell (t17421208-33). Although their value fluctuated, moidores were worth a similar amount to guineas, that is, around 22s.

¹⁵⁹ *OBP*, Anthony Meagre, Oct. 1728 (t17281016-13). Meagre used 'we' because he had an accomplice and not because he had been gaming with Wainright.

night and using unlawful games', while John Norrison, also at the York sessions, had his alehouse suppressed in 1692 after he was found guilty of suffering 'unlawfull Games in his house to the great disturbance of his neighbours & encouragment of disorderly persons frequenting the same'.¹⁶⁰ When Nicholas West was prosecuted at the Westminster sessions in 1635 for a similar offence, it was brought to the attention of the court that he had allowed one James Heyden to play at tables for nineteen hours.¹⁶¹ Likewise, William Musgrove was prosecuted in 1635 for 'suffering John Hopton, Thomas Tete, and Thomas Flood to tittle, game, and quarrel all night in his house'.¹⁶² In these cases, which also shed light on why gaming houses were designated as nuisances by the common law, gaming appears to have caused a public disturbance. But while Hopton, Tete and Flood had only quarrelled over gaming, others fell to violence.

In 1635, a gaming dispute between John Grey, Edmund Abbot and Henry Lowther led to an altercation in which both Grey and Lowther were wounded.¹⁶³ Neither of the parties died from their injuries, but gaming-related deaths were not as unusual as one might expect: as a very rough guide, 1.25 percent of the defendants in murder trials reported in the *Old Bailey Proceedings* between 1674 and 1760 said that the major cause for their actions was a gaming dispute.¹⁶⁴ Contemporaries did not need access to such statistics to know that passions could run high at the gaming table even when the amounts played for were small; Basil Price, for example, was killed in a duel resulting from an argument about half a crown.¹⁶⁵ Moreover, in 1710 legislation was passed which stipulated that those convicted of provoking or assaulting their fellows during gaming could be punished with a two-year prison

¹⁶⁰ YCA: F7 p. 329; YCA: F9 64r.

¹⁶¹ LMA: WJ/SR/NS/45/39 tr.

¹⁶² LMA: WJ/SR/NS/44/56 & 95 tr.

¹⁶³ LMA: WJ/SR/NS/44/ 90-92 tr.

¹⁶⁴ Source: surviving *OBP*, 1674-1760. My definition of 'major cause' is when a gaming dispute led directly to actions that resulted in the death of one of the players. There were 1037 murder *trials* (not sentences), 13 of which (by my definition) resulted from gaming disputes. Jonathan Walker provides a number of Venetian examples of links between gaming and violence in his 'Gambling and Venetian Noblemen c. 1500-1700', *Past and Present*, no. 162 (Feb. 1999), esp. section II.

¹⁶⁵ *Grub Street Journal*, no. 97 (11 Nov. 1731).

sentence and forfeiture of goods.¹⁶⁶ Whether this had any effect on gaming practices is debatable, but it does indicate that disputes related to gaming were perceived to be a problem. Cheating, of course, was a common cause of such disputes and this will be examined in more detail in chapter five.

Finally, gaming may have been linked to stamp duty fraud. Admittedly, this was not a causal link, but it does seem that the authorities believed that many of the unstamped packs of playing cards discussed in chapter one made their way to gaming houses. Accordingly, in 1714 three ‘inspectors of gameing houses’ were appointed at a salary of £10 each.¹⁶⁷ Their appointment bolstered the provisions of the Taxation Act of 1711, which had empowered ‘any Officer or officers ... appointed by the [Stamp] Commissioners ... to enter into any House or Place ... or into any publick Gaming-house, Room, or Place, and there to search and see ... whether the Cards or Dice ... used in Play ... be duly sealed, marked, and stamped’.¹⁶⁸ If the proprietor refused entry to the inspectors or any other tax officials, which was not unlikely given the problems encountered by JPs and constables, they could be fined £10.¹⁶⁹ The inspectors did not actually have any powers to suppress gaming *per se*, though confiscating cards with counterfeit stamps would no doubt have been an inconvenience to any players using them. And despite the lack of evidence in the records of both the Treasury and the Board of Stamps of the inspectors actually doing anything, it does appear that they did have some utility since their office was renewed periodically until at least the early 1730s.¹⁷⁰

Suppressing Gaming Houses: Two Case Studies

Before concluding this chapter, I would like to look more closely at two examples of attempts to suppress gaming houses in order to demonstrate how some of the themes

¹⁶⁶ 9 Anne, c. 19, s. 8 (1710).

¹⁶⁷ TNA:PRO IR 72/38 pp. 194-95 (1714).

¹⁶⁸ 10 Anne, c. 18, s. 169 (1711).

¹⁶⁹ 10 Anne, c. 18, s. 169 (1711).

¹⁷⁰ For example: TNA:PRO T29/24 A (1718) and T54/32 p. 39 (1733).

discussed above were played out at the local level. It is unusual to find detailed records about the suppression of gaming houses and so my choice of case studies was a somewhat arbitrary one; but fortunately their scenarios are quite different. The backdrop of the first is early eighteenth-century St. Leonard Shoreditch, an urban Middlesex parish that had a population of approximately 9,240 in 1708.¹⁷¹ The location of the second case study is Covent Garden, c. 1720-22.

In July 1706 seventeen victuallers were indicted at the Middlesex sessions for keeping gaming houses in the parish of St. Leonard Shoreditch.¹⁷² Yet only a year later, eight of them were again indicted for keeping gaming houses, as were five new offenders.¹⁷³ What is more, six of the accused did not even have victualling licenses (denoted by NL on the table below).¹⁷⁴

¹⁷¹ The population estimate is from Shoemaker, *Prosecution and Punishment*, pp. 327-29.

¹⁷² LMA: MJ/SP/1706/July/65.

¹⁷³ LMA: MJ/SP/1707/July/77.

¹⁷⁴ LMA: MJ/SP/1707/July/77.

<u>Indicted 1706</u>	<u>Indicted 1707</u>	<u>Pardoned 1708</u>
John Stark		
John Hurgin		
Edward Ashman		
John Thomas	John Thomas (NL)	John Thomas
John Clarke	John Clarke (NL)	John Clarke
Richard Turtle	Richard Turtle (NL)	
Roger Wroth		Roger Wroth
Jeremiah Wright	Jeremiah Wright	Jeremiah Wright
Thomas Cox	Thomas Cox	Thomas Cox
Robert Winington	Robert Winington (NL)	Robert Winington
Thomas Bayley		
Mary Mould		Mary Mould
Peter Chevaleere	Peter Cheveleer	
Richard May		
John Pritchard		John Pritchard
Richard Ballard	Richard Ballard	
Thomas Best	Thomas Best	
	Andrew Whitehead	Andrew Whitehead
	Arthur Grainger (NL)	
	Thomas Dew	Thomas Dew
	Abraham Crouch (NL)	Abraham Crouch
		Richard Sanderson

Table 1: Gaming in St. Leonard Shoreditch, 1706-1708

Because the aforementioned lists are virtually the only surviving documents connected to this case that I have been able to find, little can be said with any certainty about the nature of these gaming houses and how their proprietors came to be prosecuted. Given, however, that all of the accused were victuallers it is probable that these ‘gaming houses’ were drinking and victualling establishments in which people had been caught gaming by local officials or informers. Andrew Whitehead’s premises might have been the exception; he was denoted as having a ‘Groom porters Licence’, so it is possible that he was operating a specialist gaming establishment.¹⁷⁵

¹⁷⁵ LMA: MJ/SP/1707/July/77.

Peter Chevalier, it seems, had fallen foul of the clause in the 1541 Unlawful Games Act that defined anyone who profited from gaming as a gaming house keeper: in a separate petition, Chevalier explained that as a 'ffrench Protestant', he could not have known that 'it was against the laws' to set up a 'ffrench Billiard table' 'for a livelyhood'.¹⁷⁶ Despite it being common for women to be involved in the trade of victualling,¹⁷⁷ evidence of non-elite women keeping gaming houses is very rare and Mary Mould, along with Mary Finshe who was prosecuted in 1635 for keeping a shovelboard table and 'entertaining labouring men to play for ale', are the only such examples I have seen.¹⁷⁸

But despite the fact that a number of the accused were clearly persistent offenders, eleven of those indicted for keeping gaming houses (and one who did not appear on either list previously) were pardoned at the January sessions of 1708.¹⁷⁹ The text of the pardons is informative, for it reveals that they were only issued after the churchwardens, constable and overseers of the poor (all of whom signed the documents) had certified that 'the peticonrs ... named are very honest Industrious persons (tho but in mean Conditions) And that upon strict search and enquiry by us made we never found or heard of any disorders kept in their respective Houses'.¹⁸⁰ This makes for an interesting contrast. On the one hand, gaming in St. Leonard Shoreditch was policed quite diligently for at least this brief period of time, but on the other, there was a high degree of recalcitrance among the offenders. Thus there appears not only to have been a lack of concern about being censured for keeping gaming houses, but also a degree of tolerance on the part of the authorities in the way in which they dealt with transgressions. That our victuallers were pardoned after investigations by the churchwardens, constable and overseers of the poor might suggest that there was an element of friction between the parish officials and (possibly) the informers who had reported the gaming offences.

¹⁷⁶ LMA: MJ/SP/1708/Apr/32.

¹⁷⁷ See for instance Peter Earle, 'The Female Labour Market in London in the late Seventeenth and early Eighteenth Centuries', *Economic History Review*, 2nd ser., vol. XLII, no. 3 (1989), p. 341.

¹⁷⁸ LMA: WJ/SR/NS/35/129 tr.

¹⁷⁹ LMA: MJ/SP/1708/Jan/6-9.

¹⁸⁰ LMA: MJ/SP/1708/Jan/6-9.

The example of St. Leonard Shoreditch should not belie the fact that attempts to curb gaming could be met by stubborn resistance, as my second case study will demonstrate. In 1722 a pamphlet was printed with the title *An Account of the Endeavours that have been used to Suppress Gaming-Houses and of the Discouragements that have been met with*.¹⁸¹ There is little hint as to the identity of the author, but internal evidence would strongly suggest that *An Account of the Endeavours* was written by a magistrate since it contains details that only could have been known to someone who had attended the meetings it describes. Despite wandering into the territory of anti-gaming polemic and criminal biography, *An Account of the Endeavours* is a useful source for the purposes of this chapter because it charts in considerable detail campaigns against London gaming houses in 1720 and 1721. The details of a raid on Vanderman's gaming house in December 1721 were also recorded at some length in the *Old Bailey Proceedings*. This was because, as I will explain below, a riot caused by the raid ended with Edward Vaughan and Philip Cholmley being tried for murder and Charles Mac-cave, Edward Dun and Edward Galloway being prosecuted for their part in the riot.¹⁸² Since it was published in 1722, it is possible that part of *An Account of the Endeavours* was based on the trial reports in the *Proceedings*. Yet having compared and contrasted the different accounts I would argue that this is not the case, for although the details in the sources are complementary, there are salient points in the *Proceedings* that one would expect to see in *An Account of the Endeavours*, but which are not included, and vice versa.

We must remember that gaming houses were illegal institutions and ones which, it was widely believed, promoted gaming, encouraged vice and crime, and provided a refuge for criminals (see below). It is therefore no surprise that gaming houses attracted the attention of the reforming societies and, as I have already shown, the reformers contributed to the high levels of gaming prosecutions in the period 1718 to 1725. Often, however, the 'reformers encountered opposition from many quarters, and one of the most important sources of criticism and obstruction was justices of the

¹⁸¹ Anon, *An Account of the Endeavours that have been used to Suppress Gaming-Houses, and of the Discouragements that have been met with in a Letter to a Noble Lord* (London, 1722).

¹⁸² In two trials: *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43); *OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65). Shoemaker also mentions this episode in his 'The London "Mob" in the early Eighteenth Century', *Journal of British Studies*, vol. 26, no. 3 (July 1987), p. 284.

peace'.¹⁸³ The same was true of the societies' campaign against gaming houses in the 1720s.¹⁸⁴ But there is another side to this story, for, according to some sources, as many as thirty JPs were involved in the anti-gaming initiatives of 1720-21.¹⁸⁵ Perhaps where gaming houses were concerned, the objectives of the reformers (whose 'membership' included JPs) overlapped somewhat with those of the justices of the peace more generally. If this were the case, local factors undoubtedly played an important part: as Shoemaker notes, the attempts to curb gaming in Covent Garden in the 1720s 'were the result of a concerted campaign undertaken by the Middlesex and Westminster justices, in response to pressure from both the Lords Chief Justices and local inhabitants'.¹⁸⁶ In fact, a move against gaming had already been gathering momentum. In 1718 Whitlocke Bulstrode, a reforming JP, had made two charges to the Grand Jury of Middlesex in which he emphasised the importance of suppressing gaming houses, irrespective of whether they were frequented by 'ordinary Men, such as Day-labourers, Apprentices, Servants, and Handy-Craft Tradesmen' or 'Gentlemen of Quality, and Fortune; not to mention Noblemen'.¹⁸⁷ Thus a peculiar set of conditions increased concerns about gaming at this time, which were heightened further by frequent 'complaints that London was experiencing a crime wave'.¹⁸⁸

One might ask if the collapse of the South Sea scheme had a hand in determining the timing of the 1720-21 campaign against gaming houses.¹⁸⁹ Indeed, the blowing and

¹⁸³ See Shoemaker, *Prosecution and Punishment*, pp. 252-72.

¹⁸⁴ This was partly due to self interest: see below and Shoemaker, *Prosecution and Punishment*, pp. 265-66.

¹⁸⁵ See below and *An Account of the Endeavours*, p. 8.

¹⁸⁶ Shoemaker, 'Reforming the City', p. 113.

¹⁸⁷ Whitlocke Bulstrode, 'The Charge of Whitlocke Bulstrode, Esq; to the Grand Jury and Other Juries, of the County of Middlesex. At the General Quarter-Sessions of the Peace, held April 21st 1718' and 'The Second Charge of Whitlocke Bulstrode, Esq; to the Grand Jury and Other Juries, of the County of Middlesex. At the General Quarter-Sessions of the Peace, held the Ninth day of October, 1718', both in Lamoine (ed.), *Charges to the Grand Jury*. The quotation is from Bulstrode's second charge, p. 124.

¹⁸⁸ Shoemaker, *Prosecution and Punishment*, p. 15.

¹⁸⁹ There is a great deal of work on the South Sea Bubble. See, for example, Larry Neal, *The Rise of Financial Capitalism: International Capital Markets in the Age of Reason* (CUP, Cambridge, 1990); Julian Hoppit, 'The Myths of the South Sea Bubble', *Transactions of the Royal Historical Society*,

bursting of the Bubble caused a great deal of anxiety: it was believed that ‘it produced considerable social mobility by enriching many and impoverishing more still; and ... that its collapse led to widespread and profound economic dislocation’.¹⁹⁰ The first point had also been made about gaming and contemporary authors, like Jeremy Collier, had expressed concerns that losses at cards and at dice might lead to the random redistribution of property and wealth.¹⁹¹ But these arguments were by no means confined to the 1720s; Collier, for instance, was writing in 1713. Whitlocke Bulstrode’s comments about the need to suppress gaming houses similarly predated the South Sea Bubble. One exception, perhaps, was the publication in 1720 of Thomas Shepherd’s *A Discourse on Lots*.¹⁹² This work is closely examined in chapter 4; here, it suffices to say that Shepherd’s intention seems to have been to ‘address the perilous implications of discounting the determining role of providence in world events’ at a time when “‘the town ... [was] ... quite mad about the South Sea’”.¹⁹³ Yet even Shepherd did not make any direct connections between financial speculation and the suppression of gaming or gaming houses. Thus, while the South Sea Bubble may well have contributed to the background level of anxiety in London in the early 1720s, it had no discernible effect on the campaign against gaming houses.

Gaming houses in Covent Garden were certainly not an imagined problem. In November 1720, information was received against ‘Thirty Gaming-Houses, where Hazard-Tables, and Faroe-Banks are kept’.¹⁹⁴ The reference to ‘Hazard Tables’ and

Sixth Series, vol. 12 (2002), 141-65; Peter Temin and Hans-Joachim Voth, ‘Riding the South Sea Bubble’, *The American Economic Review*, vol. 94, no. 5 (Dec. 2004), 1654-68; Richard S. Dale, Johnnie E. V. Johnson and Leilei Tang, ‘Financial Markets can go Mad: Evidence of Irrational Behaviour during the South Sea Bubble’, *Economic History Review*, vol. 58, no. 2 (2005), 233-71.

¹⁹⁰ See examples in Hoppit, ‘The Myths of the South Sea Bubble’, pp. 145-46, quote at p. 145. That both of these things actually occurred (as opposed to contemporaries thinking they did) are two of the myths Hoppit explodes in this article.

¹⁹¹ Jeremy Collier, *An Essay upon Gaming, in a Dialogue between Callimachus and Dolomedes* (London, 1713), esp. pp. 10-12 & 30-31. This theme, and Collier’s *Essay upon Gaming*, is discussed in more detail in chapter 4 (in the section headed ‘Eighteenth-Century Ideas About Gaming’), below

¹⁹² Thomas Shepherd, *A Discourse on Lots, Shewing that all Use of Lots, in a Sportive Way, is Utterly Unlawful* (London, 1720).

¹⁹³ Justine Crump, ‘The Perils of Play: Eighteenth-Century Ideas about Gambling’ (unpublished paper, 2003), p. 7; Hoppit, ‘The Myths of the South Sea Bubble’, p. 145.

¹⁹⁴ *An Account of the Endeavours*, p. 6.

'Faroe Banks' (in the plural) would suggest that these were specialised gaming establishments. According to contemporary accounts, such gaming houses had a body of staff to rival that of a modern casino, including:

1. A *Commissioner*, always a proprietor, who looks in of a night; and the week's account is audited by him and two other proprietors.
2. A *Director*, who superintends the room.
3. An *Operator*, who deals the cards at a cheating game called Faroe.
4. Two *Crowpees*, who watch the cards and gather the money for the bank.
5. Two *Puffs*, who have money given them to decoy others to play.
6. A *Clerk*, who is a check upon the Puffs, to see that they sink none of the money given them to play with.
7. A *Squib* is a Puff of a lower rank, who serves at half salary while he is learning to deal.
8. A *Flasher*, to swear how often the bank has been stript.
9. A *Dunner*, who goes about to recover money lost at play.¹⁹⁵

Another ten 'employees' were listed and if it were true that there were thirty gaming houses in Covent Garden, approximately 600 people would have been employed by gaming houses in this area of London alone. Of course, such accounts are difficult to corroborate, but there is sufficient evidence to argue that by the 1720s there were some highly organised, and possibly quite large, gaming houses in and around Covent Garden.¹⁹⁶

The campaign against gaming houses began promisingly when fourteen people were apprehended 'at a common Gaming-House' in October 1720. But this was not destined to continue and on two subsequent occasions the 'gamesters' received advance 'notice' of raids on gaming houses and were therefore able 'to keep out of the way'.¹⁹⁷ Indeed, the gamesters continued to stay one step ahead of the justices, who 'found themselves discover'd in everything they said and did'.¹⁹⁸ The reasons for this came to light in late November when thirty JPs were informed that 'the

¹⁹⁵ *Grub Street Journal*, no. 54 (14 Jan. 1731). Similar descriptions can be found in Cotton, *Compleat Gamester*; Anon, *An Account of the Endeavours*; Anon, *The Whole Art and Mystery of Gaming Fully Expos'd and Detected* (London, 1726); and various others.

¹⁹⁶ Apparently, the gaming houses of Venice – *casini* and *ridotti* – were exhibiting 'a distinctive level of organization' by the early seventeenth century, though their clientele were primarily nobles: Walker, 'Gambling and Venetian Noblemen', pp. 36-37.

¹⁹⁷ *An Account of the Endeavours*, p. 7.

¹⁹⁸ *An Account of the Endeavours*, p. 11.

Gamesters had got the Constables so much in their Interest that no Warrant could be served on any *Gamester*, or in any *Gaming-House*'.¹⁹⁹ Similarly, one (unfortunately nameless) official was accused of 'making a considerable yearly Advantage by compounding Fines with the Keepers of *Gaming* and other disorderly-houses'.²⁰⁰ Such allegations must have been deeply worrying for the authorities, not to mention frustrating, since their failure to get to grips with gaming in this instance was a consequence of corruption, not negligence. But this conclusion perhaps oversimplifies the situation, for local rivalry between the Westminster court of burgesses and the Westminster quarter sessions, and the attempts of the former to protect its business from the latter, hampered the anti-gaming campaign of the early 1720s.²⁰¹ And perhaps as a result, when some gaming-house keepers were finally brought to the court of burgesses it transpired the jury rounded up by the bailiffs consisted of people that were 'daily imploy'd by those very Persons that were to be Prosecuted'.²⁰² Encouraged by this demonstration of judicial impotence, a group of 'Gamesters' arrested at the Bedford Head Tavern 'threatened the Justices with Actions, for disturbing them in their habitations, and their Occupations'.²⁰³

This was a rather ignominious end to the first major campaign against Covent Garden gaming houses. Yet the justices were not easily deterred and in the winter of 1721 they renewed their efforts. According to the author of *An Account of the Endeavours*, the timing can be explained in part by a concern among the justices that 'Several Bank Bills, taken from People on the High-Way' had been 'daily exchanged at the Gaming-Houses'.²⁰⁴ We have already seen some of the links that might be forged between gaming and crime and the belief that at least some gaming houses were 'frequented by Highway-men, House breakers and other Felons' was neither

¹⁹⁹ *An Account of the Endeavours*, p. 8.

²⁰⁰ *An Account of the Endeavours*, p. 10.

²⁰¹ Shoemaker, *Prosecution and Punishment*, pp. 265-66. The Westminster court of burgesses was established in 1585 and originally dealt with minor criminal and moral offences. Revenue was brought in from fines, hence the competition with the quarter sessions.

²⁰² *An Account of the Endeavours*, p. 10.

²⁰³ *An Account of the Endeavours*, p. 12.

²⁰⁴ *An Account of the Endeavours*, p. 13.

uncommon nor unfounded:²⁰⁵ one highwayman named 'Butler' was said to be at Vanderman's gaming house, and on other occasions highwaymen were apprehended in gaming houses.²⁰⁶ First on the list for legal censure was Vanderman's, 'a common Gaming House for 9 Years past' situated on Drury Lane, off Covent Garden.²⁰⁷ This particular establishment had attracted the attention of the authorities because a 'young gentleman' had been cheated there of £622 6d²⁰⁸ in one night by a trio of sharpers: Richard Mytton, Charles Walmsley, and [?] White, alias Barber, Dick the Packer, and the Country Gentlemen.²⁰⁹

Armed with a warrant signed by ten justices of the peace, a small number of constables arrived at Vanderman's on the night of 21 December to find around twenty people at play.²¹⁰ The constables entered through an open door, but the players quickly 'put out the Lights',²¹¹ closed an inner spiked hatch and, with swords drawn, forced the constables back towards the door. Gaming houses could, on occasion, be quite heavily fortified; the gaming tables at the Phoenix in the Haymarket were located in 'a ground room backwards, the passage to which is through the cellar of another house and ... secured with trebe[l] doors, and ... orderly men constantly walking about the door'.²¹² But returning to Vanderman's, once the constables had been forced out the 'Gamesters ... shut the Door, and from within

²⁰⁵ *An Account of the Endeavours*, p. 21.

²⁰⁶ 'Butler' is named in *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43) and *OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65). For other highwaymen see, for example, *OBP*, Feb. 1730, Francis Hackabout (t17300228-71).

²⁰⁷ *OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65).

²⁰⁸ *An Account of the Endeavours*, p. 15. In *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43), the sum is 'above 600 Pounds'.

²⁰⁹ Real names from *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43); aliases (but not their real names) given in *An Account of the Endeavours*, pp. 17-18. It is not clear to whom each alias belonged.

²¹⁰ *OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65).

²¹¹ *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43).

²¹² *Grub Street Journal*, no. 60 (25 Feb. 1731).

broke open the Window themselves, and from thence flung Brickbats, Drinking Pots, Piss-pots, and other Things' at the officers of the law.²¹³

Vandernan's, it seems, was not located in a particularly salubrious area and the passage outside was home to other gaming and 'disorderly' houses. The arrival of the constables was thus enough to cause a mob to gather, and heated exchanges between the groups, which included denunciations of the 'informing Dogs, Rogues and Ras[c]als', poured more fuel on the fire.²¹⁴ The close proximity of living in the capital and the propensity of Londoners to investigate disturbances meant that the spontaneous gathering of mobs was a feature of life in eighteenth-century London.²¹⁵ Indeed, the number of riots had 'increased dramatically' since the Restoration to the extent that in 1720 a riot that resulted in a criminal prosecution (so there were probably more) occurred on average every other day in London.²¹⁶ This, though, needs some qualification. In early modern England a riot occurred when 'three people gathered and broke the peace, or gathered with the intention of so doing', and thus petty disturbances could be conflated with larger incidents.²¹⁷ Yet there was no mistaking the affair at Vanderman's for an instance of interpersonal violence. In what was perhaps a unique example of a large-scale gaming riot, those present became embroiled in a very serious disturbance that may have involved as many as 200 people at its peak.²¹⁸

This was a job for the Riot Act, which had come into force on 1 August 1715. This piece of legislation was a 'direct result' of the disturbances following the Hanoverian succession and its provisions made it a useful instrument for dealing with almost any

²¹³ *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43).

²¹⁴ *OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65). The actual text reads 'Raseals', but since I have been unable to find any trace of this word anywhere else, I concluded that it was probably a misprint.

²¹⁵ See Shoemaker, 'London Mob', pp. 281-82.

²¹⁶ This is made very clear in R. B. Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (Hambledon and London, London, 2004), Chart 3, p. 112 and in Shoemaker, 'London Mob', p. 276.

²¹⁷ Sharpe, *Crime in Early Modern England*, p. 133; see also John Walter and Keith Wrightson, 'Dearth and the Social Order in Early Modern England', *Past and Present*, no. 71 (1976), p. 26.

²¹⁸ Shoemaker, 'London Mob', p. 281 and see also his comments on p. 295.

unlawful assembly or riot.²¹⁹ The Proclamation Against Riots ordered the crowd to disperse and once it had been read a group of twelve or more people who continued to act ‘unlawfully, riotously, and tumultuously’ for an hour or more became guilty of committing a non-clergyable felony, and therefore liable for capital punishment.²²⁰ Furthermore, after the one hour cut-off point had passed, those involved in dispersing the crowd were indemnified should any of the rioters be killed or injured in the process. The accounts of the events at Vanderman’s illustrate that those on both sides of the law were familiar with the Riot Act and all three sources concerned with the affair mention that the Proclamation Against Riots had been read. But when used outside Vanderman’s, it did not have the desired effect; instead, the mob ‘grew more outrageous’.²²¹ Indeed, the three men who would later be prosecuted for their part in the riot – Edward Galloway, Edward Dun and Charles Maccave – took little heed of the Proclamation; as Galloway put it, ‘a T - d of your Proclamation, I have heard it twice already but don’t value it’.²²²

The constables were in danger of being overwhelmed and so the watch were sent for. But they refused to come and soldiers were fetched instead.²²³ As a result, the constables were able to enter Vanderman’s and search for gamesters, ‘several’ of whom were hiding.²²⁴ However, the tables turned once again when two gamesters impersonating army officers dismissed the soldiers guarding the door.²²⁵

²¹⁹ John Stevenson, *Popular Disturbances in England 1700-1870* (Longman, London and New York, 1979), p. 22.

²²⁰ 1 Geo. I, c. 5 (1714, but in force from August 1715). The proclamation was worded as follows: ‘Our sovereign Lord the King chargeth and commandeth all persons, being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pains contained in the act made in the first year of King George, for preventing tumults and riotous assemblies. God save the King.’ For further details, see Stevenson, *Popular Disturbances*, pp. 5-7.

²²¹ *An Account of the Endeavours*, p. 23; *OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65).

²²² *An Account of the Endeavours*, p. 23; *OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65).

²²³ *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43).

²²⁴ *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43).

²²⁵ They are named as Burden and Ringrose in *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43) and *OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65). According to *An Account of the Endeavours*, p. 23 (which does not give their names), they were Irish students of law at the Temple. For a detailed analysis of men impersonating law officers in late

Consequently, the mob surged, one of the prisoners was rescued and the constables were attacked anew. Not wishing to 'stand there to be Kill'd', one of the remaining soldiers, John Hemlichen, fired his musket and wounded Henry Bowes in the stomach. When Bowes died from his injuries the following day, Edward Vaughan and Philip Cholmley were accused of murder on the grounds that they had ordered Hemlichen to fire.²²⁶ Vaughan and Cholmley – who, in the early 1720s, were 'the most active informers in the sessions records'²²⁷ – were subsequently tried at the Old Bailey (which is why there is such a detailed account of the riot), but both men were acquitted of Bowes's murder.²²⁸ Despite the darkness and melee outside Vanderman's, Edward Galloway was recognised by one of the JPs as playing a leading part in the riot and was fined £50, imprisoned for one year and ordered to find securities for his good behaviour for two years after his release. Edward Dun was identified by a witness and received the same punishment as Galloway. Charles Maccave was also identified by a witness, but the court heard that he had attempted to stab some of the constables and he was duly punished more severely than Dun and Galloway; Maccave was fined £100, imprisoned for five years, and bound over for good behaviour for a further four.²²⁹

The officers of the law who arrived at Vanderman's gaming house on 21 December cannot have been expecting such a degree of resistance. Indeed, the sources indicate that a number of factors exacerbated the situation at Vanderman's, namely, the large number of gamesters present, the presence (or so it was believed) of informers, and the location of Vanderman's in an area that was probably not going to welcome the

seventeenth and early eighteenth century Westminster (which was apparently the most common form of imposture prosecuted at the Westminster quarter sessions, c. 1685-1720), see Jennine Hurl-Eamon, 'The Westminster Impostors: Impersonating Law Enforcement in Early Eighteenth-Century London', *Eighteenth-Century Studies*, vol. 38, no. 3 (Spring 2005), 461-83.

²²⁶ *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43) and *An Account of the Endeavours*, p.26. Bowes, a box keeper at the gaming house, was not a particular target and the account of the incident reads as if anyone in the mob could have been shot.

²²⁷ Shoemaker, *Prosecution and Punishment*, p. 242. In one of the accounts, Vaughan is actually referred to as 'Justice Vaughan' (*OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65)), but elsewhere both Vaughan and Cholmley are described as informers (*OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43)).

²²⁸ *OBP*, Jan. 1722, Edward Vaughan, Philip Cholmley (t17220112-43). Oddly, Cholmley receives only a passing mention in the trial *Proceedings*, despite being jointly accused of the murder.

²²⁹ *OBP*, Feb. 1722, Charles Mac-cave, Edward Dun, Edward Galloway (t17220228-65).

sudden appearance of agents of law enforcement. On occasion, then, it would seem that gaming houses could pose a threat to public order. But although it might have been believed that a gaming house like Vandernan's was 'a *Nursery for Tyburn*',²³⁰ the situation only really got out of hand when the forces of law and order arrived at the scene. Undoubtedly there were some among the reformers who believed that any amount of effort, no matter how great, was worthwhile if it resulted in the suppression of gaming. Yet from a practical point of view, gaming houses which did not have a bad reputation were probably more trouble to shut down than they were to leave open: had it not have been for the wider campaign against Covent Garden gaming houses and the incident of cheating, Vandernan's might never have been troubled by the authorities. But even so, and although the incident at Vandernan's gaming house was atypical, it demonstrates that focused campaigns against gaming were required if the statutes were to be enforced. The riot, moreover, served to temporarily increase anxieties about gaming even further: in 1722 prosecutions of gaming offences were at their highest levels (as we have seen); in the same year, Whitlocke Bulstrode delivered an uncompromising anti-gaming message in a charge to the grand jury of Middlesex;²³¹ and by 1723 'The magistrates of Middlesex and Westminster were ... so anxious to suppress gaming-houses that ... twenty-six of them formed a society with this object and called themselves "The Convention"'.²³²

Conclusion

Put simply, the gaming laws had two main purposes, to inhibit gaming among the lower orders of society and to control play among the wealthy. This, then, was where the gaming statutes came in and, if we view it generously, the social biases inherent in them; money, after all, was required for gaming and many of those in the prohibited social groups cannot have had a great deal of disposable income. The

²³⁰ Cotton, *Compleat Gamester*, p. 6.

²³¹ Whitlocke Bulstrode, 'The Third Charge of Whitlocke Bulstrode, Esq; to the Grand Jury and Other Juries, of the County of Middlesex. At the General Quarter-Sessions of the Peace held the Fourth Day of October, 1722', in Lamoine (ed.), *Charges to the Grand Jury*.

²³² E. G. Dowdell, *A Hundred Years of Quarter Sessions: The Government of Middlesex from 1660 to 1760* (CUP, Cambridge, 1932), p. 31. According to the London Metropolitan Archives' catalogue, WJ/OC/001 contains a list of those justices who made up 'The Convention', but unfortunately the volume is unfit for consultation.

intention of the 1541 Act and subsequent legislation was, therefore, to restrict gaming ‘to a private, non-profit making, and occasional activity’, which accounted both for the focus on gaming houses, and the provisions for prosecuting gaming-house keepers.²³³ In theory, this was all well and good. But if the gaming laws were in practice ‘entirely ineffectual’ a different picture is created.²³⁴ Voiced in 1722 this opinion, though, would not be a fair assessment because the laws themselves, by the standards of their time, were innovative and capable of being easily adapted to deal with both a persistent and changeable problem.²³⁵

Enforcing the statutes was another matter. In legal terms at least, it could be argued that gaming was in most cases without victims. But if there was not a party who believed they had been wronged, where was the motivation to involve the courts? This, coupled with the fact that much gaming was fairly unobtrusive, accounted for the high reliance on informers. Prosecutions were only forthcoming when gaming caused a public disturbance or was linked with other crime, or when local campaigns – often led by individuals or groups – translated into concerted, yet usually short-lived, action. And, to return to the case of our Shoreditch victuallers, consistent recalcitrance might also have played a part, as it did in the tolerance (or not) of other petty offences.²³⁶ In these ways, then, both positive and negative factors (or a combination of the two) contributed to crackdowns on gaming. Despite contemporary arguments to the contrary, simply that gaming was going on does not, in many instances, seem to have been enough to warrant its suppression.

Organised gaming houses present a slightly different case for they brought together larger numbers of people in a venue whose main purpose was to propagate, and profit from, gaming. This showed a complete disregard for the legislation, provided a focal point for those anxious about vice, and must have gone some way towards realising concerns – present in both statute and common law – about idle, and

²³³ Miers, *Regulating Commercial Gambling*, p. 28.

²³⁴ *An Account of the Endeavours*, p. 26.

²³⁵ Adaptability can be seen in the close proximity of the amendments made in 1738, 1739 and 1744. See also Miers, *Regulating Commercial Gambling*, p. 28.

²³⁶ See for instance Sharpe, *Crime in Early Modern England*, pp. 79-80.

potentially disorderly, people gathering together to play games. However, other than in Bath, it is unlikely that there were many organised gaming houses outside London, and even in the capital one gets the impression that they were relatively few in number and localised to certain areas, particularly Covent Garden: in most cases when people were accused of keeping unlawful games these were little more than ale or victualling houses in which a few people had been caught gaming. In practice it is likely, moreover, that the gaming clubs of the wealthy remained largely untouched by the forces of law and order, not least because of the reluctance of reforming societies to prosecute their social betters.²³⁷

Yet even if gaming had been subject to tougher policing, the authorities may not have had the resources to do it. We must remember that in the late seventeenth century there was at least one pack of cards in circulation for every five heads of population. It may have taken 150 years, but gaming achieved this degree of ubiquity irrespective of any statutes or opposition from the authorities who, short of taking really drastic action, were left with little choice but to attempt to keep it in check the best they could. In spite (or possibly because) of its prevalence the problem posed by gaming was rarely serious enough to require that the law be rigorously enforced against it, so long as there were mechanisms in place which allowed enforcement when necessary. So although it remained illegal for large swathes of the English population, those men and women with a taste for gaming were allowed to follow their inclinations with few unwelcome interruptions.

²³⁷ See for example Shoemaker, *Prosecution and Punishment*, pp. 251-52.

Chapter Three

GAMING ENVIRONMENTS

Introduction

Armed with a firm grasp of gaming legislation and its likely application, we can now turn our attention from gaming houses to some of the other places in which cards, dice and other games were played in early modern England.¹ This, though, is not without its difficulties for almost wherever one looks, evidence can be found of games of chance being played. Having said that, gaming was not, and should not be treated as, trans-historical and homogenous.² Indeed, in addition to the gaming venue, factors including the time spent gaming and the time of day, the company an individual was in, the stakes hazarded, and the games played could all influence one another and contribute to the way in which the gaming experience was shaped and what it achieved. It is the combination of all of these that I consider to constitute the gaming environment.

Necessarily, then, this chapter is more an overview than an exhaustive study of different gaming environments. It focuses on places that were either commonly associated with or used for gaming, which were often, but by no means always, the same. Gaming houses are not considered in detail here because they have already been discussed at length. This chapter does engage with the gaming practices of the wealthy but, for the reasons cited in the introduction, it does not attempt any systematic treatment of elite gaming environments; spa towns and clubs are not examined and card parties are only considered briefly.

Using a broad range of sources including diaries, prescriptive literature, newspapers and periodicals, and legal records, the first half of this chapter investigates gaming at the Groom Porter's, in drinking and victualling establishments and in coffeehouses. As well as analysing gaming practices and the environments in which they occurred, I will argue that looking at gaming in different places can reveal a number of similarities between environments often thought of as being distinct from one

¹ I use 'place' in the physical sense, that is, to denote a building, establishment or area.

² This is one of my objections to the use of the word 'gambling' to describe gaming in this period.

another, coffeehouses and alehouses being one example. The second half of the chapter moves away from the well-publicised and prominent ‘public’ face of gaming discussed in the first. Instead, it probes the hitherto unexplored topic of gaming in the home, which I conceptualise as ‘domestic gaming’. Using diaries in particular, questions will be asked about the time spent at play, the character of domestic gaming practices, and the relationships between those playing. I will also introduce in this context a number of the themes that are developed more fully in chapter four. But as an initial step, it would be useful to review briefly those parts of the gaming legislation that are particularly relevant to the subject of gaming environments.

As we have seen in chapter two, much of the gaming legislation was concerned with defining where and in what circumstances gaming was illegal and I argued that the combination of the definitions of a gaming house in common and statute law were inclusive enough to facilitate the prosecution of a wide range of gaming offences. We might also remember that the Unlawful Games Act of 1541 had made it illegal for any ‘Manner of Artificer or Craftsman of any Handicraft or Occupation, Husbandman, Apprentice, Labourer, Servant at Husbandry, Journeyman, or Servant of Artificer, Mariners, Fishermen, Watermen, or any Serving-man’ to partake in gaming ‘out of *Christmas*’.³ Interestingly, though, the 1541 Act did allow servants to play with their masters if they were ‘commanded or licensed to do so’. But this clause did not apply to all; in an indication of the social distinctions inherent in the gaming laws, it was only noblemen with a ‘yearly Value of an hundred Pounds or above’ who could ‘license ... their Servants’ to play at ‘Cards, Dice, Tables, Bowls or Tennis, as well as amongst themselves as others repairing to the same House or Houses’ ‘within the Precinct of ... their houses, Gardens or Orchards’.⁴ It is difficult to discern how long these clauses remained current in law – the qualifying sum of £100, for example, would have extended these privileges to many more people in 1741 than it did in 1541 – but I would suggest that they were repealed in 1555 along with ‘all licences to keep Houses for unlawful games’.⁵ Royal palaces, it should be

³ 33 Hen. 8, c. 9, s. 16 (1541).

⁴ 33 Hen. 8, c. 9, s. 22 & 23 (1541).

⁵ 2 & 3 Ph. & M., c. 9 (1555).

noted, were exempt from all gaming legislation and the Groom Porter's also appears to have been subject to different rules.⁶

One reading of the gaming laws would be that they were designed exclusively to squeeze the gaming habits of the lower orders of society by targeting in particular the places that those persons at the bottom end of the social strata were arguably more likely to frequent. But this is not the whole story and it is worth emphasising that many of the aforementioned regulations and restrictions would apply in theory (but perhaps not in practice) to *any* establishment in which gaming was conducted, be that a coffeehouse, alehouse, tavern or inn. Conversely, it should be pointed out that in most cases the anti-gaming legislation did not penetrate the home, nor arguably was it intended to; this was one environment in which the gaming laws could potentially be circumvented.

The Groom Porter's

In early modern England, the Groom Porter or Groom Porter's (to denote a place) was synonymous with gaming.⁷ Yet despite being mentioned in numerous sources, few contain more than the most cursory of details about the Groom Porter; the latter is also true of the biographies of those Groom Porters who have attracted attention for their other achievements. It is, however, through these biographies that we know a little (and in some cases a lot) about some of the individuals who held the office (a fuller list of incumbents is provided in the appendix). Sir Nicholas Fortescue (d. 1549) and then Sir Miles Partridge (d. 1552) were Groom Porters in the 1540s: the latter was 'notorious as a gamester' and, earlier in his career, had apparently won from Henry VIII the bells of Jesus Chapel in St Paul's Churchyard (which Partridge had taken down and broken).⁸ Clement Cottrell was knighted in 1620, a year after

⁶ See, for example, 9 Anne, c. 19, s. 10 (1710) which states 'nothing in this Act shall extend to prevent or hinder any Person or Persons from gaming ... within any of her Majesty's Palaces of St. James or Whitehall, during such Time as her Majesty, her Heirs or Successors, shall be actually resident at either of the said two Palaces, or in any other Royal Palaces, where her Majesty, her Heirs or Successors, shall be actually resident'.

⁷ 'Groom Porter' may or may not be hyphenated and/or capitalised and can also be written as 'groome porter', and in earlier sources, 'grome porter'.

⁸ G. K. Fortescue, 'Fortescue, Sir Nicholas (1575?–1633)', rev. Stephen Wright, *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/9946>, accessed 29 Oct.

becoming Groom Porter, though both advancements were probably due to the patronage of George Villiers.⁹ Thomas Archer (1668-1743), who is usually more readily identified as an architect and courtier, was Groom Porter from 1705 to 1743.¹⁰ It is, though, Thomas Neale (1641-99), the ‘Lord of the Lotteries’, who is perhaps the best known of those who were Groom Porters.¹¹ Neale had married into a fortune of £80,000, was elected a fellow of the Royal Society in 1664, had acted as a JP in Hampshire, Middlesex and Kent, and had been a commissioner of the Royal Mint. Neale also appears to have been an active Groom Porter – he patented an anti-cheating device called ‘mathematicks’¹² and petitioned for the development of a new kind of gaming table – and it may have been that he brought his experience in this role to bear on his lottery projects.¹³

The Groom Porter was an officer of the English royal household, formerly of the Lord Steward’s department, whose original responsibility was to ensure that the King’s lodgings were ‘furnished with tables, chairs, stools, firing, rushes for strewing the floor’.¹⁴ By the early sixteenth century he was also required to ‘provide cards, dice, &c., and to decide disputes arising at dice, cards, bowling, &c.’¹⁵ From then on, the role of the Groom Porter became increasingly associated with gaming and, by the early seventeenth century, he was ‘permitted to keep, as a perquisite of his office,

2007] (note: this biography is of Fortescue’s son, also named Nicholas); A. F. Pollard, ‘Partridge, Sir Miles (d. 1552)’, rev. Barrett L. Beer, *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/21487>, accessed 29 Oct. 2007]

⁹ This can be deduced from Victor Stater, ‘Herbert, William, third earl of Pembroke (1580–1630)’, *Oxford Dictionary of National Biography*, OUP, Sept 2004; online edn., Oct. 2007 [<http://www.oxforddnb.com/view/article/13058>, accessed 26 Oct. 2007].

¹⁰ Andor Gomme, ‘Archer, Thomas (1668/9–1743)’, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/628>, accessed 26 Oct. 2007].

¹¹ Anon, *An Elegaic Essay upon the Decease of the Groom-Porter, and the Lotteries* (London, 1700), p. 2.

¹² *Calendar of State Papers Domestic: William and Mary, 1690-91*, vol. 2, p. 128.

¹³ See J. H. Thomas, ‘Thomas Neale, a Seventeenth-Century Projector’ (unpublished PhD thesis, University of Southampton, 1979), p. 270.

¹⁴ Henry Fitzalan (Earl of Arundel and Lord Chamberlain to Henry VIII from 1526 to 1530) quoted in Ashton, *History of Gambling*, p. 47. See also Francis Goose, Thomas Astle et al., *The Antiquarian Repertory*, vol. II (London, 1808), p. 201.

¹⁵ Fitzalan quoted in Ashton, *History of Gambling*, p. 47.

some gaming tables'.¹⁶ In fact, the responsibilities of the Groom Porter were much greater.¹⁷ In London, Westminster, and the 'suburbs' (including Southwark, St Catherine's, Lambeth, and Shoreditch) the Groom Porter was allowed to licence up to twenty-four bowling alleys and fourteen tennis courts.¹⁸ In the same areas he had the power 'to allow play att dice and Cards & other games in forty taverns or ordinaries' and could also suppress 'all places where bowling Diceing or other games are used ... not being kept by the said Gro porter or his deputies'.¹⁹ The Groom Porter and his deputies were also charged 'not to suffer cheating or deceit in the said Games, nor Aprentises or suspected persons to resort thereall to use said Games'.²⁰

It is probable that the Groom Porter retained his powers of 'granting Lycences to gameing howses' until at least the beginning of the eighteenth century,²¹ for in 1705 the *London Gazette* reported:

Whereas Her Majesty, by her Letters Patent to Thomas Archer, Esqre., constituting him Her Groom Porter, hath given full power to him and such Deputies as he shall appoint to supervise, regulate and authorize (by and under the Rules, Conditions, and Restrictions by the Law prescribed,) all manner of Gaming within this Kingdom. And, whereas, several of Her Majesty's Subjects, keeping Plays or Games in their Houses, have been lately abused, and had Moneys extorted from them by several ill disposed Persons, contrary to Law. These are, therefore, to give Notice, That no Person whatsoever, not producing his Authority from the said Groom Porter, under Seal of his Office, hath any Power to act anything under the said Patent. And, to the end that all such Persons offending as aforesaid, may be proceeded against according to Law, it is hereby desired, that Notice be given of all such Abuses to the said Groom Porter, or his Deputies, at his Office.²²

¹⁶ Miers, *Regulating Commercial Gambling*, p. 24.

¹⁷ TNA:PRO SP 14/90/38.

¹⁸ Salgado mentions in passing the Groom Porter's licensing role, but does not cite a source: *Elizabethan Underworld*, p. 36.

¹⁹ TNA:PRO SP 14/90/38.

²⁰ TNA:PRO SP 14/90/38.

²¹ TNA: PRO LC 5/201, p. 440, quoted in Thomas, 'Thomas Neale', p. 113.

²² *London Gazette*, 3-6 Dec. 1705 and repeated verbatim in 6-10 Dec. 1705. See also J. M. Beattie, *The English Court in the Reign of George I* (CUP, Cambridge, 1967), p. 210.

It is unclear why this was posted in the *London Gazette*, but it might have been intended as a reminder to both gaming house keepers and their clients about the gaming legislation, as well as a warning about impostors who were not actually affiliated to the Groom Porter.²³ But the power of the Groom Porter was not absolute – we may remember that at the Middlesex sessions in 1708 Andrew Whitehead was prosecuted for keeping a gaming house in spite of the fact that he had a ‘Groom Porter’s Licence’.²⁴ Similarly, one eighteenth-century author remarked:

I must observe to you that the Court of Requests and St. Mary le Bone are not privileg’d Places for Gaming, as the World imagines. The Learned in the Law are of the Opinion, that the Groom-Porter has no right to keep a Gaming-house in any Place except in the Court where the PRINCE resides, tho’ his Servants are hackney’d up and down the Countries every Year to Newmarket, Bath and Tunbridge-wells, as if they had a Licence for it.²⁵

The authority of the Groom Porter may have been contested at times, but if the accounts of his responsibilities are accurate he wielded more power in matters of gaming than any other individual in London. This, one might imagine, was not without its financial rewards; the revenue from licensing the aforementioned forty taverns, twenty four bowling alleys, and fourteen tennis courts, presumably on a yearly basis, must have been substantial.²⁶ This was on top of his annual salary, which by the last quarter of the seventeenth century was almost £600, and any additional revenue that his gaming tables may have generated.²⁷ Gifts from wealthy players added to the Groom Porter’s income; in January of 1692 ‘The king, according to custome, played on twelfe night at Groom Porters, and lost 200 guineas:

²³ For disguise and imposture as methods of cheating at gaming, see chapter 5, below.

²⁴ LMA: MJ/SP/1708/Apr/32; LMA: MJ/SP/1707/July/77.

²⁵ Anon, *The Whole Art and Mystery of Gaming Fully Expos’d and Detected* (London, 1726), p. 24. This refers to the exemption of royal residences from the gaming laws, as discussed above.

²⁶ See also William Page (ed.), *A History of the County of Middlesex*, vol. II, (London, 1911), pp. 283-292, which notes that in 1620 Clement Cotrell licensed in ‘London and Westminster and their suburbs twenty-four bowling alleys and fourteen tennis courts, besides taverns for dice and cards, and also a similar licence with respect to any other game thereafter to be invented’.

²⁷ C. E. Challis, ‘Neale, Thomas (1641–1699)’, *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/19829>, accessed 26 Oct. 2007]; Andor Gomme, ‘Archer, Thomas (1668/9–1743)’, *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/628>, accessed 26 Oct. 2007]. See also Beattie, *The English Court in the Reign of George I*, p. 210.

but playing afterwards again, won 100 guineas, and gave 150 to the Groom Porters'.²⁸

In the seventeenth century, at least, it is likely that the office of Groom Porter had some prestige attached to it; in 1619 William Herbert (1580-1630), third earl of Pembroke, clashed with George Villiers, then marquess Buckingham, over who was to be appointed as Groom Porter.²⁹ Yet by the second half of the eighteenth century the position may have been viewed a little differently. Indeed, at the risk of antagonising his kinsman and patron George Montagu Dunk, the second earl of Halifax, Frederick Montagu refused the vacant post of Groom Porter in 1764 because 'he was ambitious for a more businesslike office'.³⁰ Both Justine Crump and Phyllis Deutsch have argued that by the last quarter of the eighteenth century public attitudes towards prominent figures who gambled excessively – Charles James Fox is a notable example – were beginning to harden; it is conceivable that Frederick Montagu sensed this.³¹ George III, moreover, was not a disciple of gaming and in 1772 the *Annual Register* reported that the Groom Porter's had been shut down for good because 'Their Majesties ... [were] not ... accustomed to play at Hazard'.³²

During the reign of Henry VIII the 'Groom Porter's House' had apparently been the venue for 'excessive play' and,³³ with the exception of the Protectorate years, there is no reason to believe that this situation was to alter significantly until the dissolution

²⁸ Narcissus Luttrell, *A Brief Historical Relation of State Affairs from Sept. 1678 to April 1714* (6 vols., OUP, Oxford, 1857), vol. II, p. 333.

²⁹ Stater, 'Herbert, William'. Buckingham prevailed and Clement Cottrell took the office.

³⁰ Roland Thorne, 'Montagu, Frederick (1733–1800)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/19015>, accessed 26 Oct. 2007]. See also W. A. Speck, 'Dunk, George Montagu, second earl of Halifax (1716–1771)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept. 2004; online edn., May 2006 [<http://www.oxforddnb.com/view/article/8266>, accessed 28 Jan. 2008]

³¹ Justine Crump, 'The Perils of Play: Eighteenth-Century Ideas about Gambling' (unpublished paper, 2003); Phyllis Deutsch, 'Moral Trespass in Georgian London: Gaming, Gender, and Electoral Politics in the Age of George III', *The Historical Journal*, vol. 39, no. 3 (1996), 637-56. See also chapter 4, below.

³² *Annual Register*, 6 Jan. 1772, quoted in Ashton, *History of Gambling*, p. 49.

³³ Ashton, *History of Gambling*, p. 47.

of the office in the late eighteenth century.³⁴ The *Grub Street Journal*, for example, reported on 13 February 1731 that it was 'A few nights since a noble Duke won upwards of 10,000l. at the Groom-Porters'.³⁵ On 6 January 1662 John Evelyn remarked 'I came away when the Duke of Ormond had won about £1000',³⁶ but was later horrified by the 'deep and prodigious gaming at the Groom Porters', which saw 'vast heaps of gold squandered away' in January 1668.³⁷ At Christmas 1731, the *Gentleman's Magazine* reported that 'their Majesties &c. play'd at Hazard, for the benefit of the Groom Porter, and 'twas said the King won 600 Guineas, and the Queen 360 ... the Earl of Portmore and the Duke of Grafton, several thousands'.³⁸ A great deal of money must have changed hands at this time of year and, as Henry Fielding noted in 1741, 'All the Rooms were excessively crouded, and no body remembers to have seen so *large a variety*, (to speak in the Lottery Language) of *strange Faces* on the like Occasion'.³⁹ But even out of season play could run high and it has been suggested that 'no one sat down at the table with less than 200 guineas'.⁴⁰ As these examples show, Christmas was when the Groom Porter's really came to the fore or, as Ashton puts it, 'play at Court was lawful, and encouraged from Christmas to Epiphany, and this was the Groom Porter's legitimate time'.⁴¹ It seems that this seasonal gaming took precedence over much else, including court etiquette, for when it was announced 'His Majesty was out' play could continue

³⁴ Miers, for instance, contends that there was a 'frenetic resurgence' of gaming after the Restoration: *Regulating Commercial Gambling*, p. 24.

³⁵ *Grub Street Journal 1730-33*, ed. Bertrand A. Goldgar (4 vols., London, Pickering and Chatto, 2002), no. 59 (17 Feb., 1731). This also suggests that the 'noble Duke' was in fact the Duke of Bedford.

³⁶ John Evelyn, *The Diary of John Evelyn*, ed. E. S. de Beer, (6 vols. Clarendon Press, Oxford, 1955), 6 Jan. 1662.

³⁷ Evelyn, *Diary*, 8 Jan. 1668.

³⁸ *Gentleman's Magazine*, 5 Jan. 1731, quoted in Ashton, *History of Gambling*, p. 49.

³⁹ Henry Fielding quoted in Thomas Lockwood, 'New Facts and Writings from an Unknown Magazine by Henry Fielding, *The History of Our Own Times*', *The Review of English Studies*, New Series, vol. 35, no. 140 (Nov. 1984), p. 477.

⁴⁰ Gomme, 'Thomas Archer'.

⁴¹ Ashton, *History of Gambling*, p. 47.

without any of the usual court ceremony or formalities.⁴² It was only when 'His Majesty was at home', that normal protocol was resumed.⁴³

Yet it would be misleading to suggest that the Groom Porter's was only frequented by the elite groups of society. When Samuel Pepys visited the Groom Porter's on 1 January 1668 he witnessed 'dirty prentices', 'idle people' and disparate gamesters mixing with drunken gentlemen and remarked upon the 'cursing and swearing' that he heard.⁴⁴ He also wondered at how 'persons of the best quality do here sit down, and play with people of any, though meaner'.⁴⁵ Pepys's experience might have been skewed by the fact that, as has been mentioned, the legislation intended to prevent gaming among the lower orders of society did not apply at Christmas.⁴⁶ Defoe, though, does not appear to have been referring to the Christmas period when he observed 'there are Sharpers of different Stations and Denominations, from *Southwark Fair* to the *Groom Porters*. Shame, that gentlemen should suffer every Scoundrel to mix with them for Gaming sake'.⁴⁷ On some occasions, then, the Groom Porter's was the model for courtly and elite gaming whereas at other times it might be a haunt for 'dirty prentices': although gaming-related social mixing was not only associated with play at the Groom Porter's, few other venues can have witnessed such extremes.

Gaming Houses or Houses for Gaming? Public Houses and Ordinaries

I argued in chapter two that most gaming did not take place in specialised establishments; indeed, one gets the impression that public houses – which I use in this section as convenient shorthand for purveyors of alcoholic drinks, including

⁴² Ashton, *History of Gambling*, p. 47.

⁴³ Ashton, *History of Gambling*, p. 47.

⁴⁴ Samuel Pepys, *The Diary of Samuel Pepys*, transcribed and ed. Robert Latham and William Matthews (11 vols., London, 1970-83), 1 Jan. 1668.

⁴⁵ Pepys, *Diary*, 1 Jan. 1668.

⁴⁶ 33 Hen. 8, c. 9, s. 16 (1541).

⁴⁷ Daniel Defoe, *The Generous Projector ... Also to Save Many Persons from Destruction by Clearing the Streets of Shameless Strumpets, Suppressing Gaming-Tables, and Sunday Debauches* (London, 1731), p. 39.

alehouses, inns and taverns – were the venue for much carding and dicing. And if this were the case, the inhabitants of early modern England were certainly not short of places to play at cards, dice and other games. Given their ubiquity, there is surprisingly little secondary literature about alehouses and other drinking establishments in early modern England.⁴⁸ The main exception is Peter Clark's influential *The English Alehouse: A Social History*, which allows us to achieve a sound grasp of the basic hierarchy of drinking establishments. Inns were 'usually large, fashionable establishments offering wine, ale and beer, together with quite elaborate food and lodging to well-heeled travellers', taverns sold 'wine to the more prosperous' but were 'without the extensive accommodation of inns' and alehouses were 'normally smaller premises serving ale or beer (and later spirits)' which might also provide 'rather basic food and accommodation for the lower orders'.⁴⁹ The distinctions between inns, taverns and alehouses were recognised in both statute and common law.⁵⁰ Yet having said that, the tripartite classification was certainly not rigid and, as Clark shows, different establishments could vary greatly.

One of the difficulties of distinguishing between different gaming venues is that, regardless of the legal definitions that were analysed in chapter two, 'gaming house' seems in common parlance to have referred to any establishment in which people played at cards, dice or other games. This is compounded by the fact that 'people at the time were rather vague and haphazard in their use of victualling terms'.⁵¹ Where gaming is concerned it has to be conceded that different establishments have the

⁴⁸ Exceptions are Peter Clark, *The English Alehouse: A Social History 1200-1830* (Longman, London and New York, 1983) and also his 'The Alehouse and the Alternative Society', in D. H. Pennington and K. Thomas (eds.), *Puritans and Revolutionaries: Essays in Seventeenth-Century History Presented to Christopher Hill* (OUP, Oxford, 1978). Beat Kumin and B. Ann Tlusty (eds.), *The World of the Tavern* (Ashgate, Aldershot, 2002) is useful, while Beat Kumin's *Drinking Matters: Public Houses and Social Exchange in Early Modern Central Europe* (Palgrave Macmillan, Basingstoke, 2007) looks as though it will be essential reading for anyone interested in the history of drinking in early modern Europe.

⁴⁹ Clark, *The English Alehouse*, p. 5.

⁵⁰ See Judith Hunter, 'English Inns, Taverns, Alehouses and Brandy Shops: the Legislative Framework, 1495-1797', in Beat Kumin and B. Ann Tlusty (eds.), *The World of the Tavern* (Ashgate, Aldershot, 2002), pp. 65-82.

⁵¹ Clark, *The English Alehouse*, p. 5.

tendency to merge.⁵² In light of this, and though tempting, it should not be taken as a given that people gamed in public houses. Fortunately there is abundant evidence to illustrate that they did, from which a few examples should suffice. Legislation devised in the sixteenth century stipulated that alehouse-keepers should not allow unlawful games to be played on their premises and, as we have seen, records from various courts show that this legislation was often flaunted throughout our period.⁵³ William Coe (1662-1729), a member of the Suffolk gentry, occasionally ‘spent almost the whole day att play att the Ferry’ and the ‘whole day att play att the Cock’,⁵⁴ whereas George Hilton (1673-1725), a Westmorland gentleman, might often have been found playing cards at the ‘King’s Armes’.⁵⁵ Constantine Conwy, on trial at the Old Bailey for theft with violence, alleged that his victim had been playing cards with him ‘at the Mourning-Bush Tavern, at Aldersgate’ the day before the robbery occurred⁵⁶ and Dudley Ryder (1691-1756), who eventually rose to the position of Chief Justice, played at ‘whisk’ in a tavern until eleven o’clock at night.⁵⁷ It is even possible that alehouse-keepers supplied their customers with packs of cards,⁵⁸ though as we have seen in chapter one, they would have risked severe penalties if the cards in question were not properly stamped and sealed. Unfortunately, there is rarely any information about the social interaction between those playing games of chance in public houses over and above the kinds of accounts

⁵² For the erosion of distinctions between alehouses and taverns, see Clark, *The English Alehouse*, pp. 215 & 231.

⁵³ 5 & 6 Edw. 6, c. 25, s. 1 (1551).

⁵⁴ Matthew Storey (ed.), *Two East Anglian Diaries 1641-1729: Isaac Archer and William Coe*, Suffolk Record Society, vol. XXXVI (1993-4), Coe, *Diary*, 6 April 1700, p. 220 & 29 July 1697, p. 216 (noted hereafter as Archer, *Diary* or Coe, *Diary*).

⁵⁵ George Hilton, *The Rake’s Diary. The Journal of George Hilton*, ed. Anne Hillman (Curwen Archive Texts, 1994), 7 Nov. 1700, p. 20.

⁵⁶ *OBP*, Jan. 1732, Constantine Conway, Samuel Quan (t17320114-38). For some other examples, see *OBP*, Jan. 1733, John Alexander Mears, alias Cromwit, alias Emerton, Michael Gore (t17330112-25) and *OBP*, January 1732, Daniel Tipping (t17320705-17).

⁵⁷ Dudley Ryder, *The Diary of Dudley Ryder 1715-1716*, ed. William Matthews (Methuen, London, 1939), 30 Dec. 1715, p. 158.

⁵⁸ Clark, *The English Alehouse*, p. 233; Tim Harris, *London Crowds in the Reign of Charles II: Politics and Propaganda from the Restoration to the Exclusion Crisis* (CUP, Cambridge, 1987), p. 108.

that appear in the legal records discussed in chapter two,⁵⁹ more details can, however, be gleaned from the accounts of domestic gaming that I will consider later in this chapter.

In terms of gaming, at least, the ordinary appears to have been a semi-specialised venue, perhaps occupying a position somewhere between ad hoc play in an alehouse and the eighteenth-century Covent Garden gaming houses described earlier. Indeed, the *Oxford English Dictionary* suggests that in our period the word ‘ordinary’ was ‘often used as synonymous with “gambling house”’. But this is not all, for Charles Cotton’s description of an ordinary – which was well-known among contemporary writers about gaming and, among historians, is the best known description of a gaming venue – made very strong links between gaming and ordinaries.⁶⁰ In the introduction to his *Compleat Gamester* of 1674, which was to be reprinted in different shapes and forms for another seventy years, Cotton explained:

An Ordinary is a handsom house, where every day, about the hour of twelve, a good Dinner is prepared by way of *Ordinary*, composed of variety of dishes, in season, well-drest, with all other accommodations fit for that purpose, whereby many Gentlemen of great Estates and good repute, make this place their resort, who after Dinner play a while for recreation, both moderately and commonly, without deserving reproof.⁶¹

This resonates with Pepys’ descriptions of ordinaries, though he does not mention gaming.⁶² But according to Cotton, it was at night when the ordinary was transformed into a gaming house proper. Play went on all night, and at multiple tables, ‘rooks’ mixed with ‘apprentices’ and ‘gentlemen’ (both of whom they tried to cheat),⁶³ and ‘every night almost some one or other, who either heated with Wine, or

⁵⁹ Phil Withington also points to this problem in ‘Company and Sociability in Early Modern England’, *Social History*, vol. 32, no. 2 (Aug. 2007).

⁶⁰ Editions of Cotton’s *Compleat Gamester* appeared in 1676, 1680, 1709, 1710, 1721, 1725 and 1726. It was absorbed into Richard Seymour’s *The Compleat Gamester* in 1734 (which itself had multiple editions). See chapter 4, below, for a detailed analysis of *The Compleat Gamester* and other gaming manuals.

⁶¹ Cotton, *Compleat Gamester*, p. 4.

⁶² Pepys, *Diary*, 7 Feb. 1663 and 4 July 1663.

⁶³ For more on cheating see chapter 5, below.

made choleric with the loss of his Money, raises a quarrel, swords are drawn, box and candlesticks thrown at one anothers head, Tables overthrown, and all the House in such a Garboyl, that it is the perfect Type of Hell'.⁶⁴ I look in detail at Cotton and the various incarnations of the *Compleat Gamester* in chapter four, but while his description of the ordinary is certainly colourful and taps into the vogue for gaming, the *Compleat Gamester* neither moralises about nor is critical of gaming (though it attacks those who cheated). In a sense, Cotton can be seen as fashioning the popular face of a gaming ordinary; it is exciting, to be sure, but it is almost certainly dangerous. The same characteristics are not usually quite so readily ascribed to coffeehouses.

Coffeehouses

In the introduction to *The Social Life of Coffee: The Emergence of the British Coffeehouse*, Brian Cowan comments 'Hard as it is to believe today, there was once a world without coffee'.⁶⁵ The same might be said of histories of the coffeehouse, for in, roughly speaking, the last decade, coffeehouses have increasingly attracted the attention of scholars.⁶⁶ As a result, the coffeehouse has now been examined from various angles and in a number of contexts, including: the way in which it was associated with politeness and civility;⁶⁷ its place in political culture;⁶⁸ and the ways

⁶⁴ Cotton, *Compleat Gamester*, p. 9. For similar descriptions see, Anon, *Leather-more: or Advice Concerning Gaming* (London 1668) and Anon, *The Nicker Nicked, or, The Cheats of Gaming Discovered* (London, 1669). There are various examples of gaming related violence in chapter 2, above.

⁶⁵ Brian Cowan, *The Social Life of Coffee: The Emergence of the British Coffeehouse* (Yale University Press, New Haven 2005).

⁶⁶ See for example: Cowan, *The Social Life of Coffee*, 'The Rise of the Coffeehouse Reconsidered', *The Historical Journal*, vol. 47, no. 1 (2004), 21-46 and 'The Social Life of Coffee: Commercial Culture and Metropolitan Society in Early Modern England, 1600-1720' (unpublished PhD thesis, Princeton University, 2000); Markman Ellis, *The Coffee-house: A Cultural History* (Weidenfeld & Nicholson, London, 2004); Lawrence Klein, 'The Polite Town. Shifting Possibilities of Urbaness, 1660-1715' in Tim Hitchcock and Heather Shore (eds.), *The Streets of London: From the Great Fire to the Great Stink* (Rivers Oram Press, London, 2003) and 'Coffeehouse Civility, 1660-1714: an Aspect of Post-Courtly Culture in England', *Huntington Library Quarterly*, vol. 59, no. 1 (1997), 30-72; Steven Pincus, "'Coffee politicians does create": Coffeehouses and Restoration Political Culture', *The Journal of Modern History*, vol. 67, no. 4 (Dec. 1995), 807-834.

⁶⁷ Klein, 'The Polite Town'.

⁶⁸ Pincus, "'Coffee politicians does create"'.

in which coffee drinking and coffeehouse society might shed light on the 'relation between the birth of consumer society and the rise of a public sphere'.⁶⁹

The first English coffeehouses appeared in the middle of the seventeenth century and were initially populated and popularised by the virtuosi.⁷⁰ This, according to Cowan, was 'crucial to establishing the propriety of the coffeehouse as a social institution'.⁷¹ From these roots, coffeehouses 'became assimilated into a broader world of urban hospitality and entertainment', and their client base accordingly became much broader.⁷² Coffeehouses were 'a decidedly urban phenomenon',⁷³ and by 1700 there were perhaps as many as 2000 in London.⁷⁴ Thus in addition to providing a venue for conversation among the virtuosi and the 'wits', coffeehouses developed as centres for, among other things, the exchange (and generation) of information, news and gossip;⁷⁵ some coffeehouses even became a distribution point for the post.⁷⁶ But while historians have demonstrated that coffeehouses 'were open to a wide variety of patrons of both high and low social status',⁷⁷ the tendency among scholars has been to deal with coffeehouses separately from other establishments and to contrast, rather than compare; as Cowan comments 'the coffeehouse carried an air of distinct gentility that set it apart from other common victuallers and public house keepers'.⁷⁸

⁶⁹ Cowan, *The Social Life of Coffee*, p. 2.

⁷⁰ What follows is a very brief overview of the development of coffeehouses in early modern England; Cowan's *The Social Life of Coffee* sets the standard for histories of the subject.

⁷¹ Cowan, 'The Social Life of Coffee', p. 4.

⁷² Cowan, 'The Social Life of Coffee', p. 5.

⁷³ Cowan, 'The Social Life of Coffee', p. 5.

⁷⁴ J. H. Plumb, 'The Commercialization of Leisure in Eighteenth-century England' in Neil McKendrick, John Brewer and J. H. Plumb (eds.), *The Birth of a Consumer Society* (Indiana University Press, Bloomington, 1982), pp. 269-70. This number has been contested: Ellis suggests that there may have been only 400-500 in 1700 (*The Coffee-house*, p. 172), while Cowan writes 'By the end of the seventeenth century, metropolitan London had at least several hundred coffeehouses, and perhaps more than one thousand. Estimates of the precise number are conflicting, and range from near three hundred to one thousand to two or even three thousand' (*The Social life of Coffee*, p. 154).

⁷⁵ See, for example, Pincus, 'Coffee politicians', p. 818.

⁷⁶ Cowan, 'The Social Life of Coffee', pp. 269-71.

⁷⁷ Cowan, 'The Social Life of Coffee', p. 4.

⁷⁸ Brian Cowan, 'The Rise of the Coffeehouse Reconsidered', *The Historical Journal*, vol. 47, no. 1 (2004), 21-46, p. 1.

Given, then, the large number of coffeehouses in London and their integration into urban society by the later seventeenth century, it would seem probable that they were used as a venue for gaming. Yet this has been almost completely overlooked in histories of the coffeehouse; to Pincus, coffeehouses were 'places that celebrated sober discourse rather than inebriated play',⁷⁹ while Cowan has argued that 'gambling' was an activity that did not 'fit well with the coffeehouse ideal'.⁸⁰ But this may not have been the case. Henry Prescott (1649-1719), an ecclesiastical administrator of upper middling social status, does not mention dice play in his diary other than when he visited a coffeehouse and observed 'Mr Byrom and Mr Griffith of Cleon enter upon Hazard at Dice, I admire and lament the Folly. Guineas are freely lost and most by Mr. Byrom'.⁸¹ Similarly, George Hilton played backgammon at 'Sir Roger's Coffee House' in the first two weeks of December 1700.⁸² Some of the best examples of gaming in coffeehouses, however, can be found in the London diary (covering 1717-21) of William Byrd. Byrd, the owner of a plantation in Virginia, was a man of considerable wealth and prestige and, judging by his diary, could be found in Will's coffeehouse on most nights, though he did patronise others such as Garraway's and St James's. During his visits it was usual for him to play cards, especially picquet.⁸³ Many entries in his diary include such details as 'After the play I went to Will's again and lost five pounds at picquet' or 'I ... lost a guinea on Colonel Cecil's head at picquet'.⁸⁴ Byrd also mentions gaming at a coffeehouse identified only as 'G-r-s T-s-r' and betting at Ozinda's Chocolate House.⁸⁵ It would

⁷⁹ Pincus, 'Coffee politicians', p. 815.

⁸⁰ Cowan, 'The Social Life of Coffee', p. 389.

⁸¹ Henry Prescott, *The Diary of Henry Prescott, LL.B, Deputy Registrar of Chester Diocese*, ed. John Addy, 3 vols., The Record Society of Lancashire and Cheshire, vol. 132 (1994), 29 March 1711, p. 305.

⁸² Hilton, *Diary*, p. 22.

⁸³ A game for two players using 32 cards.

⁸⁴ William Byrd, *The London Diary (1717-1721) and Other Writings*, ed. Louis B. Wright and Marion Tinling (Arno Press, New York, 1972), 28 March 1718, p. 98 & 2 April 1718, p. 101.

⁸⁵ See for example 21 April 1718, 13 May 1718, 31 May 1718, 19 June 1718 and 26 June 1718: Byrd, *London Diary*. Given the connection between insurance and coffeehouses, most famously Lloyds of London, and the existence of sources like White's betting book (unfortunately destroyed for my period), it is likely that betting was a common in at least some coffeehouses.

be impossible to quantify gaming at coffeehouses but in light of these examples it would not be unreasonable to argue that it was common practice; indeed, Cowan informs us that the vice chancellor of Cambridge University, who was responsible for issuing coffeehouse licenses in the city of Cambridge, 'added additional stipulations to his licenses', one of which was to prohibit unlawful gaming on the premises.⁸⁶

Clark has noted that in some cases coffeehouses competed with taverns for business and it is true that coffeehouses did provide an alternative venue for, and one might argue form of, sociability than might be found in public houses.⁸⁷ But it also seems plausible that some competition came from *similarities* between coffeehouses and other establishments. The social mixing that gaming was perceived to facilitate was frowned upon by contemporary commentators; we have already heard the objections of Pepys and Defoe, noted that 'rooks' associated with gentlemen at the ordinary and, in chapters four and five, we will see more of the same.⁸⁸ But coffeehouses were criticised in a similar way, and as Lawrence Klein informs us:

The critique had a number of frequently repeated planks. First, the coffeehouse allowed promiscuous association among people from very different rungs of the social ladder, from the artisan to the aristocrat ... More than once the coffeehouse was compared to Noah's ark, receiving "Animals of every sort" or both "the clean and the unclean."⁸⁹

In circumstances strikingly reminiscent of those observed by Defoe and others, one might discover that at the coffeehouse 'each man seems a Leveller, and ranks and files himself as he lists, without regard to degrees or order'.⁹⁰ And this was not always regarded as a good thing: the author of *A Character of Coffee and*

⁸⁶ Cowan, 'The Rise of the Coffeehouse Reconsidered', p. 28.

⁸⁷ See Clark, *The English Alehouse*, pp. 13-14 and also Ellis, *The Coffee-house*, pp. 57 & 172-73.

⁸⁸ See also Hope Donovan Cotton, 'Women and Risk; the Gambling Woman in Eighteenth-Century England' (unpublished PhD thesis, Auburn University, Alabama, 1998), p. 67 and Laura Smoller, 'Playing Cards and Popular Culture in Sixteenth-Century Nuremberg', *Sixteenth Century Journal*, vol. 17, no. 2 (Summer 1986), p. 213.

⁸⁹ Klein, 'Coffeehouse Civility, 1660-1714', p. 35. See also Pincus, 'Coffee politicians', p. 814.

⁹⁰ Anon, *The Character of a Coffee-house with the Symptomes of a Town-wit* (London, 1673).

Coffeeshouses was not entirely happy that 'Here is no respect of persons. Boldy therefore let any person, who comes to drink Coffee sit down in the very Chair, for here a Seat is to be given to no man. That great privilege of equality is only peculiar to the Golden Age, and to a Coffee-house'.⁹¹

While it is highly likely that the nature of the coffeehouse environment had an impact on the experience of gaming, I feel that it is somewhat artificial to deal with coffeehouses as a separate gaming venue simply on the basis that they were coffeehouses. Pincus contends 'That coffee and associated beverages were relatively inexpensive meant that coffeehouse sociability was available to those of quite humble status' and,⁹² as I have argued above, both coffeehouses and gaming houses could become something of a social melting pot. Similarly, both coffeehouse and alehouse keepers could be bound by recognisance to suppress the use of unlawful games on their premises; in the case of the former it was a condition of their license and in the latter, this condition might be added, as it was by our aforementioned Cambridge vice-chancellor.⁹³ Robert Shoemaker, moreover, has pointed to the ways in which 'many fights started in alehouses and coffee-houses'.⁹⁴ At Joe's coffeehouse, for instance, a dispute at the 'gaming table' led to swordplay and the death of a man in 'the Great Fields', while at an unnamed coffeehouse Robert Layton attacked John Thompson after Mrs Carser, the proprietress, complained that she 'did not suffer any Gaming in her House'.⁹⁵ The *Proceedings* of the Old Bailey reveal that by the later seventeenth century the inhabitants of London moved easily between coffeehouses, alehouses and taverns. In the trial of Matthew Coppinger, for example, a witness declared that:

⁹¹ M. P., *A Character of Coffee and Coffee-houses* by M.P. (London, 1661) pp. 5-6. So as not to remove this quote from its immediate context he continues 'However even here, a small portion of Wit, gilded over with an Estate, hath an influence. Mony! Thou art the Man, and Man but Dross to thee.'

⁹² Pincus, 'Coffee politicians', pp. 833-34

⁹³ 5 & 6 Edw. 6, c. 25, s. 1 (1551). See also Clark, *The English Alehouse*, p. 171.

⁹⁴ Robert Shoemaker, 'Public Spaces, Private Disputes? Fights and Insults on London's Streets, 1660-1800' in Hitchcock and Shore (eds.) *The Streets of London*, p. 62.

⁹⁵ *OBP*, Oct. 1699, G. Hart (t16991011-21); *OBP*, Oct. 1719, John Thompson (t17191014-23). On these occasions violence was the result of gaming in coffeehouses but, interestingly, Shoemaker points out that the desire of duellists for privacy meant that 'duels frequently took place in the private rooms of alehouses and coffee-houses': 'Public Spaces, Private Disputes?', p. 62.

... the Prisoner came to him to his house, and told him that there were two men at a Coffee-house hard by ... so he and Coppinger went out to a Tavern, and just as they were entering in at the Door, comes Brandon and Smith up to him ... and immediately seized him, and took him into the Tavern, and threatened him in a strange manner, with horrid Oaths and Execrations ... and they went and fetch'd Mrs. Powel, and then removed from the Tavern to an Alehouse ...⁹⁶

It would be wrong to argue that coffeehouses were exactly the same as alehouses or gaming houses, not to mention the fact that these categories are themselves anything but homogenous. As in most places, the nature of the environment might depend on the prevailing status and wealth (or not) of its clientele, as well as what transpired within it. Some coffeehouse gaming would have exhibited 'an air of distinct gentility':⁹⁷ it is unlikely, after all, that every coffeehouse was 'free to all Comers, so they have Humane shape'.⁹⁸ The same applies equally well to gaming houses.⁹⁹ Yet at other times, gaming cuts across boundaries of establishment, from the 'low' gaming at a 1½d ordinary, alehouse, illegal gaming house or 1d coffeehouse,¹⁰⁰ to high-stakes play at coffeehouses like Will's and the Groom Porter's at Christmas. And as I have endeavoured to show, these boundaries are far from clear.

Gaming in the Home

In the previous chapter and a half we have seen what might be considered the comparatively familiar and, to some extent, popularly conceived, face of gaming and the types of environment with which it was associated. The prominence, as opposed to pre-eminence, of gaming thus described, may go a long way towards accounting for the almost complete lack of research on gaming in the home. The one exception

⁹⁶ *OBP*, Feb. 1695, Matthew Coppinger (t16950220-35).

⁹⁷ Cowan, 'The Rise of the Coffeehouse Reconsidered', p. 1. See also Klein, 'The polite town' and Klein, 'Coffeehouse Civility'.

⁹⁸ Anon, *A Character of Coffee and Coffee-houses*, p. 1.

⁹⁹ See James E. Evans, "'A sceane of utmost vanity": the Spectacle of Gambling in Late Stuart Culture, *Studies in Eighteenth Century Culture*, vol. 31 (2002), 1-20, pp. 12-13.

¹⁰⁰ Prices are from Tim Hitchcock and Robert Shoemaker, 'Wages and the Cost of Living', *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 2 Sept. 2005).

is Hope Cotton's thesis on eighteenth-century gambling women – which does, at times, engage with gaming in the home¹⁰¹ – but other than this, and despite the current interest in the domestic interior and associated topics, there is little with which to work.¹⁰² Thus the interested reader is left to presume that either gaming in the home should be taken as a given or, conversely (and wrongly), that people just did not play in domestic surroundings. This omission is seemingly not due to a lack of source material, and while it needs to be made clear that much of this was derived from, or directed at, those of middling to upper social status, there is ample evidence on which an exploration of gaming in the home can be based.

I would like, then, to introduce the concept of 'domestic gaming'. This will be developed in what follows and particularly in the context of the experiences of a selection of diarists, but by way of an entrée, 'domestic gaming' refers to gaming conducted in the home in the company of one's spouse, friends, or regular acquaintances. Admittedly 'domestic' is itself not the most precise term but I take it to mean, after the *Oxford English Dictionary*, 'of or belonging to the home, house, or household; pertaining to one's place of residence', a definition which would also include resident servants and apprentices. It is extremely difficult to get to grips with the sort of low-key, recreational carding and dicing that generated few records, but must have constituted much gaming; domestic gaming provides one possible lens through which this type of play might be examined.

Gaming and the Passage of Time

In 1692 the author of *The Friendly Monitor* wrote 'every *Regular Family* has set hours of *Eating*, of *Praying*, of *Sleeping*, &c. and that a considerable Good of the Family depends on this *Discipline* and due Observation of this Order'.¹⁰³ Such sentiments would have no doubt been echoed by many a contemporary but the *Friendly Monitor* was not written in general terms; instead, it was discussing the

¹⁰¹ Hope Donovan Cotton, 'Women and Risk; the Gambling Woman in Eighteenth-Century England' (unpublished PhD thesis, Auburn University, Alabama, 1998).

¹⁰² Elite card parties do get mentioned slightly more often; see below.

¹⁰³ Anon, *The Friendly Monitor Laying Open the Crying Sins of Cursing, Swearing, Drinking, Gaming, Detraction, and Luxury or Immodesty* (London, 1692), p. 42.

disruption to the domestic rhythms of everyday family life that could be caused by gaming, and in this case, gaming that was conducted in the home. The *Friendly Monitor* was, in its own words, 'Piously intended for Correcting the Errors of this Vicious Age' and not only tackled the subject of gaming, but also those of cursing and swearing, drunkenness, detraction, and immodesty.¹⁰⁴ I examine moralising works about gaming in the next chapter, but in its broadly Protestant viewpoint and focus on the harm that gaming might cause to an individual, the *Friendly Monitor* was not unusual. The *Friendly Monitor* gently admonished and advised; it was not a scathing attack on gaming like those penned by Richard Baxter and John Kelsall.¹⁰⁵ Justine Crump has argued that 'eighteenth-century moral writings about gambling almost never condescend to describe the hum-drum reality of play as it must have happened in households, clubs, coffee houses or taverns' (which is indeed true) and suggests that critical literature 'in all likelihood ... had less immediate relevance to eighteenth-century practices of gambling than the cheap and prolific editions of game rules and funny stories which flourished alongside the moral condemnations of play'.¹⁰⁶ I would be wary about making such a claim, for the content of the *Friendly Monitor*, as we shall see, is remarkably in tune with many of the concerns seventeenth and eighteenth-century diarists held about their own gaming habits.¹⁰⁷

Diaries are very important to the historian of gaming because their focus is often different from that of proscriptive literature which, while useful in its own right, does not tend to contain a great deal of evidence about day-to-day playing practices and certainly not those which appear to have been common to the home. Having said that, it must be considered that our diarists were neither insulated from arguments against gaming nor unfamiliar with instructional and other gaming literature (all of which are discussed in chapter four). In other words, it is likely that they were exposed, at least to some degree, to both the vogue for gaming and the ideas of those

¹⁰⁴ *Friendly Monitor*, frontispiece.

¹⁰⁵ Richard Baxter's contributions to printed debates about gaming are considered at length in chapter 4, but see for instance his *A Christian Directory, or, A Summ of Practical Theologie and Cases of Conscience* (London, 1673); John Kelsall, *A Testimony Against Gaming* (London, 1682).

¹⁰⁶ Crump, 'The Perils of Play', pp. 3-4.

¹⁰⁷ See also the example of Samuel Jeake in chapter 4, below.

critical of it. More generally, it must be appreciated that diaries do not record everything that went on or events that were, for whatever reason, outside the ambit of the diary; not recording playing at cards is not the same as not playing at cards. Diaries were, moreover, subject to the whims, predilections and memory lapses of the diarist and, as Mark S. Dawson reminds us, the diarist is 'as much a complex projection of the texts' as the texts are a record of what the diarist actually did.¹⁰⁸ But when used with care, diaries can help historians to investigate the experiences of men and women in the past and,¹⁰⁹ in gaming terms, furnish the reader with an impression, or perhaps a snapshot, of early modern gaming experiences, or at the very least, what the diarists *thought* their experiences were.

One of the problems identified by the *Friendly Monitor* was that the 'Ill Hours' associated with gaming had the potential to upset the aforementioned routine of eating, praying and sleeping, a situation which would not have been unfamiliar to William Coe.¹¹⁰ Coe, a 'member of one of the wealthier gentry of Mildenhall, Suffolk',¹¹¹ was married with children, but he regularly sat up 'att play' until late at night or the early hours of the next morning. His diary illustrates that he was 'forever confessing and repenting' for his 'excessive drinking' and 'habitual gambling'¹¹² but this did not stop him from omitting family prayers because he was at play.¹¹³ On 3 July 1698 Coe made 'a solemn resolution' that he would 'never play after 9 a clock att night out of my owne house'.¹¹⁴ One might assume that this was to curb other excesses associated with gaming, perhaps drinking or playing for too high stakes, but, as the *Friendly Monitor* warned, this tactic did result in Coe playing at unsociable hours in his own home. And one might imagine that such late night

¹⁰⁸ Mark S. Dawson, 'Histories and Texts: Refiguring the Diary of Samuel Pepys', *The Historical Journal*, vol. 43, no. 2 (2000), 407-431, p. 430.

¹⁰⁹ See Naomi Tadmor, *Family and Friends in Eighteenth-Century England* (CUP, Cambridge, 2001), one of whose major sources is the diary of Thomas Turner.

¹¹⁰ *Friendly Monitor*, p. 44.

¹¹¹ Robert C. Monk, review of Storey (ed.), *Two East Anglian Diaries*, *Church History*, vol. 65, no. 3 (1996), p. 505.

¹¹² Storey (ed.), *Two East Anglian Diaries*, Introduction, p. 34.

¹¹³ Coe, *Diary*, see for example, p. 226, 234 & 239.

¹¹⁴ Coe, *Diary*, p. 217.

sessions could be disruptive; on 2 February 1715, for example, he was up until 4am.¹¹⁵

William Coe was by no means the only diarist to leave a record of instances when gaming went on late into the night. Thomas Turner (1727-93), a shopkeeper in East Hoathly, recalled that on 28 February 1754 he had ‘sat up all night with Mr. French, Tho. Fuller and Mr. Hutson ... and lost 2d’,¹¹⁶ while in early 1756 he was the first to leave Mr. Porter’s house, despite it already being ‘5 o’clock in the morning’.¹¹⁷ Similar ‘more-than-midnight-revels’ in February 1760 left Turner fatigued and concerned about the effects his loss of sleep might have on the ‘vigour’ with which he ran his business:¹¹⁸ it has, after all, been estimated that during the period in which Turner was writing eighty to ninety percent of people had gone to bed by midnight (which is not surprising when it is considered that c. 6am was the standard getting up time in 1750).¹¹⁹ In the same entry, Turner lamented; ‘can a tradesman gaming have any palliation? No! It is impossible, though it’s true we game more for to pass away the time than for thirst of gain, but what a way is it of spending that which is so valuable to mankind?’¹²⁰ In this particular comment, Turner could almost have been quoting the *Friendly Monitor* which had warned its readers that those men whose livelihoods depended ‘on their own Industry ... would become at length careless of their Business’ if they set ‘their Affections too earnestly on Gaming’.¹²¹ Unlike Turner, Coe was a man of leisure. Even so, his remark ‘I have spent whole nights and dayes att play, whereas I scarce ever spent one hour att prayers’, would, in the eyes of some, have gone a long way towards justifying the *Friendly Monitor*’s pointed suggestion that the upper echelons of society could make a ‘better Return to Heaven’

¹¹⁵ Coe, *Diary*, p. 239 and also p. 221 (until 1am).

¹¹⁶ Thomas Turner, *The Diary of Thomas Turner 1754-1765*, ed. David Vaisey (OUP, Oxford, 2000), 28 Feb. 1754, p. 1.

¹¹⁷ Turner, *Diary*, 26 Jan. 1756, p. 23.

¹¹⁸ Turner, *Diary*, 1 Feb. 1760, p. 199.

¹¹⁹ Hans-Joachim Voth, *Time and Work in England 1750-1830* (Clarendon Press, Oxford, 2000), pp. 67-70.

¹²⁰ Turner, *Diary*, 1 Feb. 1760, p. 200.

¹²¹ *Friendly Monitor*, p. 36.

than 'daily throwing away so many leisure Hours in no better employment than of *Cards and Dice*'.¹²² In making these comments, both Turner and Coe touched more generally on the concern of many contemporaries that gaming wasted valuable time, and indeed time which could be spent more constructively in other pursuits; this was also a prominent theme in the debates about gaming that are discussed in the next chapter.

The diarists to whom I have already referred (and indeed most of those who will be considered), had the tendency to give at least some indication of the time they expended on gaming. But before considering why they might have done so, I will provide a few examples. In November of 1706, Nicholas Blundell (1669-1737), a Lancashire Catholic gentleman, noted 'Cozen Ann Tildesley, Mrs Ellen Entwisle, my wife, &c: played at Cards most of the afternoone',¹²³ while in 1702 George Hilton made the resolution not to play 'above six howers at one time'.¹²⁴ It is unclear if Hilton adhered to this self-imposed restriction but it is worth noting that the Gaming Act of 1744 legislated against playing for more than £20 in twenty-four hours;¹²⁵ to play for six hours (or more) may not have been unusual. It is, though, the diary of William Coe that contains some of the best examples of a diarist showing awareness of the time he spent gaming.

As I have mentioned, Coe set himself a nine o'clock watershed after which he said would not play at cards outside of his own house. But on 11 July 1712 he noted in his diary that he 'Began a new sett of cards within 5 minutes of 9, so 'twas past 10 before I got home'.¹²⁶ On the one hand, it might be considered that Coe wavered from his nine o'clock deadline because he was enjoying himself and wanted to stay. But on the other, Coe's specificity can be read as being inherently contradictory: he

¹²² Coe, *Diary*, p. 211; *Friendly Monitor*, pp. 39-40.

¹²³ Nicholas Blundell, *The Great Diurnal of Nicholas Blundell of Little Crosby, Lancashire*, transcribed and annotated by Frank Tyrer and ed. J. J. Bagley, 3 vols., The Record Society of Lancashire and Cheshire, vol. 110 (1968); vol. 112 (1970); vol. 114 (1972). 7 Nov. 1706, vol. 1, p. 123.

¹²⁴ Hilton, *Diary*, 2 Feb. 1702, p. 28.

¹²⁵ 18 Geo. 2, c. 34, s. 8 (1744).

¹²⁶ Coe, *Diary*, p. 234.

knew what time it was in the absolute sense but by continuing to play he seems to have been experiencing a relativistic notion of time, which Gerda Reith argues is 'contingent on different states of consciousness'.¹²⁷ Some of Reith's remarks about time in relation to gambling are more applicable to the modern casino than they are to the type of domestic gaming I have discussed;¹²⁸ still, it would not be unreasonable to suggest that while gaming late into the evening Turner et al. might lose track of time, particularly when alcohol had been consumed. In this context, and despite the fact that watches were widely accessible by the mid-eighteenth century,¹²⁹ the evidence of our diarists supports the contention that 'The perception of time has an *active* and an *affective* component; how we experience it depends on what we "fill" it with, what we are doing, and how we feel about it'.¹³⁰

The active versus affective schema is indeed highly plausible when applied to a subject like gaming. But it also provides a timely reminder that diaries are highly complex texts and a good deal of caution is required when using them as source material. I would suggest that the relativistic notion of time, which Reith argues prevailed during gaming,¹³¹ may have represented 'lost' time to the diarists. The process of recording time spent gaming could therefore have had a dual function. On the one hand the process of recording may have been an attempt to reclaim this 'lost' time and, as Stuart Sherman suggests, 'to write it [time] as property in a diary, is to attain knowledge (and hence possession) of the self in time'.¹³² But on the other, the diary could be used to admonish the diarist because entries would necessarily have been made after the diarist had finished gaming and thus at a point when they were more acutely aware of the time they had spent at cards and the like. This comes through all the more clearly when we consider that both Turner and Hilton, when

¹²⁷ Gerda Reith, *The Age of Chance: Gambling in Western Culture* (Routledge, London, 1999), p. 138.

¹²⁸ See Reith, *Age of Chance*, pp. 138-43.

¹²⁹ Voth, *Time and Work*, pp. 47-48.

¹³⁰ Reith, *Age of Chance*, p. 139.

¹³¹ Reith, *Age of Chance*, pp. 138-43.

¹³² Stuart Sherman, *Telling Time: Clocks, Diaries, and English Diurnal Form, 1660-1785* (University of Chicago Press, Chicago, 1996), p. 107.

making their diary entries, use the excuse of good company to justify the time they spent gaming.¹³³

The Character of Gaming in the Household

The evidence presented so far demonstrates that people thought about, wrestled with, and reflected on the time they spent gaming; this is, once again, something that we will also see in chapter four. But those playing at cards, dice and other games did not do so alone and when they played in the home, it was most often with (and against) family and friends. I will now examine the relationship between the players and how their gaming practices influenced, and were influenced by, the surroundings in which gaming took place, which, in turn, raises questions about the social functions that gaming may have fulfilled.

At this juncture it should be pointed out that the eighteenth-century meanings of 'family' and 'friends' may have differed somewhat from the way in which they are understood today. It has been argued persuasively that the eighteenth-century 'family' did in fact refer to the household unit, or those 'people living under the same roof and under the authority of a householder'.¹³⁴ A spouse and children would be members of this 'household family' but so too would servants and apprentices, and if the householder was single, it may have been that there were no kinship links between the head of the household and the members of their 'family'.¹³⁵ The word 'relations' would usually denote blood or marriage-related kin, but the term 'friends' was more fluid and had 'a plurality of meanings that spanned kinship ties, sentimental relationships, economic ties, occupational connections, intellectual and spiritual attachments, sociable networks, and political alliances'.¹³⁶ Although my investigation is perhaps weighted more towards the 'what' than the 'whom', it is still

¹³³ Turner, *Diary*, 26 Jan. 1756, p. 23 and 26 Jan. 1758, p. 131. See also Hilton, *Diary*, 2 Feb. 1702, p. 28.

¹³⁴ Tadmor, *Family and Friends*, p. 22.

¹³⁵ Tadmor, *Family and Friends*, pp. 22-43. The term 'household family' is Tadmor's.

¹³⁶ Tadmor, *Family and Friends*, p. 167.

very useful that on many occasions diarists referred to their company in reasonably specific terms, especially when their spouse was concerned.

Thomas Turner regularly played cards, most often cribbage or brag, and usually for small sums of money – ranging from a few pence to not more than five shillings – although on at least one occasion he made a point of writing ‘we played for diversion, staking no money’.¹³⁷ Turner had a number of regular playing companions, most notably Thomas Davy, and therefore Turner’s gaming almost always took place in his own home or that of a friend.¹³⁸ As a shopkeeper one would expect that ‘Turner was greatly aware of the passage of time’, but it could be said that, although regulated, his timetable was often task orientated.¹³⁹ As such, during slower periods he would sometimes play cards simply to pass the time: on 31 May 1757 fifty games of cribbage with Thomas Davy were followed by the comment ‘A very melancholy time, nothing to do’.¹⁴⁰

In the case of Turner at least, there was a marked difference in character between play in the daytime and play in the ‘even’ or at night. Naomi Tadmor comments ‘People in East Hoathly exchanged hospitality with one another, and Thomas and Peggy Turner were invited to rounds of festive dinners often meeting with the same couples: the rector and his wife, the village butcher and his wife, the tallow chandler and his wife, the blacksmith and his wife, some farmers and their wives, and various others’.¹⁴¹ What Tadmor does not mention is that on many of these occasions eating and drinking was accompanied by card play. On 26 January 1756 Turner noted ‘being in liquor, my wife and I lost at brag between us near or quite 5s.’,¹⁴² while at

¹³⁷ Turner, *Diary*, 14 Sept. 1758, p. 163.

¹³⁸ On 3 Feb. 1757, Turner includes the following comment about Davy: ‘If any person should by accident or curiosity peruse my several memorandums, they may think it somewhat odd and profuse or extravagant in me to entertain one person so often, which undoubtedly would be so, were there no reason for it, but I think there is. First he is a very sober man and one who has read a great deal, by which I oftentimes learn something...’, p. 83.

¹³⁹ Tadmor, *Family and Friends*, p. 65.

¹⁴⁰ Turner, *Diary*, 31 May 1757, p. 99.

¹⁴¹ Tadmor, *Family and Friends*, p. 172.

¹⁴² Turner, *Diary*, 26 Jan. 1756, p. 23. See also 26 Jan. 1758, p. 131 and 7 March 1758, pp. 140-41.

Christmas 1758 he and his wife won '4½ d.' at brag, 'contrary to custom'.¹⁴³ Although Turner occasionally lamented his losses at cards,¹⁴⁴ the overall sense one gets of these occasions is that they were genial affairs with card games providing a medium for light-hearted social interaction among the group: on the whole Turner seemed to have thoroughly enjoyed this social round and despite the fact that there was no particular need for him to mention his card playing among friends, he does so on many an occasion. It is possible, therefore, that Turner wrote about his card playing in conjunction with hospitality in order to differentiate it from what he considered to be excessive play or that which occurred in gaming establishments. Indeed, despite the involvement of alcohol on some occasions, Thomas took pains to point out that the time was spent in 'innocent mirth' with 'no oaths nor imprecations sounding from side to side, as too often is the case at cards'¹⁴⁵ and it was not unusual for him to remark (sometimes with relief!) that 'we came home ... sober'.¹⁴⁶

As a Catholic Lancashire gentleman, Nicholas Blundell may have been of differing social status from Thomas Turner, but on the evidence of his *Great Diurnal*, the nature of their gaming practices was not dissimilar. Blundell played cards in his own home, and the homes of others, with his friends, his wife, and other couples. As with Turner, cards often attended food and drink, but unlike the scenario envisaged by the *Friendly Monitor* in which meals were disrupted¹⁴⁷ (or indeed the tales surrounding the invention of the sandwich during a gaming session),¹⁴⁸ meals would take priority with card playing fitting around them. On 10 September 1704 Nicholas noted 'Captain Robert Fazakerley Suped here and ... stayed & played at Cards', but in

¹⁴³ Turner, *Diary*, 5 Jan. 1758, p. 129.

¹⁴⁴ For example, Turner, *Diary*, 17 Nov. 1759, p. 193.

¹⁴⁵ Turner, *Diary*, 9 Jan. 1758, p. 130 and also 15 Nov. 1759, p. 193.

¹⁴⁶ For example, Turner, *Diary*, 24 Jan. 1760, p. 198.

¹⁴⁷ *Friendly Monitor*, p. 42.

¹⁴⁸ It is commonly held that John Montagu, 4th Earl of Sandwich, was inspired to invent the snack bearing his name when he did not wish to leave the gaming table to eat. Although it appears that Montagu did devise the sandwich N. A. M. Rodger offers the alternative explanation 'that he invented it to sustain himself at his desk, which seems plausible since we have ample evidence of the long hours he worked from an early start, in an age when dinner was the only substantial meal of the day, and the fashionable hour to dine was four o'clock.': N. A. M. Rodger *The Insatiable Earl: A Life of John Montagu, Fourth Earl of Sandwich* (London, Harper Collins, 1993), p. 79.

December he 'sat in the Dining Roome whilst others were playing at Cards after Dinner'.¹⁴⁹ In December 1706 Blundell observed 'Cozen Ann Tildesley, I, &c: played at cards', while on 20 January 1707 he 'Dined at Collonell Butlers, thence I went with him and Cozen Anne Tildesley to Scaresbrick where we played at Cards'.¹⁵⁰ Nicholas' wife was involved on a number of occasions, playing, for instance, with 'Mr Plumb ... &c' and 'at Whisk ... after supper';¹⁵¹ on 8 November 1713 Blundell commented 'Mr Thomas Walmesley, I and oure Wives played at Cards in the Evening'.¹⁵² This is not to say that Blundell did not play in solely male company (often at tables), but it does appear that much of his card playing was in mixed company, whether as host or guest. As a form of sociability, domestic gaming would probably have suited Nicholas because he had a general interest in cards, liked to learn new games¹⁵³ and was adept at many tricks, which he enjoyed showing to people.¹⁵⁴

It is perhaps unsurprising that cards, dice, and games at tables were played in the home and by men and women since, unlike many other pastimes, they required the minimum of equipment and preparation, and unlike outdoor pursuits, were uninterrupted by bad weather.¹⁵⁵ But having few requirements is not the same as having none. Under the auspices of gaming equipment, then, it would be worth considering the question of whether or not there was semi-separate space for gaming *within* the domicile. It may have been that there was; Nicholas Blundell once remarked 'I played at Cut in the Paintry with Joseph Blansheard ... Robert Massom

¹⁴⁹ Blundell, *Great Diurnal*, 10 Sept. 1704, vol. 1, p. 66; Blundell, *Great Diurnal*, 20 Dec. 1704, vol. 1, p. 73.

¹⁵⁰ Blundell, *Great Diurnal*, 27 Dec. 1706, vol. 1, p. 126; Blundell, *Great Diurnal*, 20 Jan. 1707, vol. 1, p. 128.

¹⁵¹ Blundell, *Great Diurnal*, 9 Sept. 1707, vol. 1, p. 149; Blundell, *Great Diurnal*, 9 Feb. 1708, vol. 1, p. 162. 'Whisk' was an alternative (and usually earlier) name for the card game whist

¹⁵² Blundell, *Great Diurnal*, 8 Nov. 1713, vol. 2, p. 79.

¹⁵³ See for instance Blundell, *Great Diurnal*, 14 July 1710: 'I began to learne of Dr Cawood to play at Picket' (a game played by two persons with a 32 card pack), vol. 1, p. 260.

¹⁵⁴ Blundell, *Great Diurnal*, 18, 24 & 25 June 1717, vol. 2, p. 202.

¹⁵⁵ But see my comments about the price of cards and dice in chapter 1.

&c',¹⁵⁶ and Henry Prescott, though less-specific, often mentioned that someone would 'go' to cards or tables even if they were not leaving the premises.¹⁵⁷ In a similar vein, Mark Overton et al. have suggested that 'By the mid-eighteenth-century ... the parlour was increasingly used as a dining and gaming room'.¹⁵⁸ Lorna Weatherill points out that in the late seventeenth century 'the parlour, formerly a best bedroom with some seating and storage, became a best living room', but also emphasises that this shift was incomplete and hybrid parlours were not unusual, particularly in smaller premises.¹⁵⁹ There are precious few references to where in the house people gamed but given the nature of domestic gaming it may have been that the parlour was a frontrunner among those of middling social status such as Thomas Turner. Nonetheless, Overton et al. argue that 'for many people the creation of a private, comfortable space was more important than having a public reception room in the form of a parlour'.¹⁶⁰ Clearly much depends on which of the numerous definitions of 'public' and 'private' one adopts, but in light of the fact that much domestic gaming was between close friends or family members it could be considered that in this case 'private' space could be reconciled with the more 'public' parlour under the framework of their being 'public to a limited extent: a social space restricted to a householder's family and close circle of intimate friends'.¹⁶¹

It is, however, unlikely that the aforementioned spaces would have been sufficiently luxurious, or at least suitably demonstrative of conspicuous consumption and status, to accommodate the gaming parties of the elites, which became increasingly popular during the eighteenth century and achieved public notoriety in the 'Faro's

¹⁵⁶ Blundell, *Great Diurnal*, 6 Jan. 1713, vol. 2, p. 46. Blundell also mentions sitting in the dining room while others played at cards (see above).

¹⁵⁷ Prescott, *Diary*, 15 Nov. 1712, vol. 2, p. 371; 12 April 1714, vol. 2, p. 382.

¹⁵⁸ Mark Overton, Jane Whittle, Darron Dean and Andrew Hann, *Production and Consumption in English Households, 1600-1750* (Routledge, London, 2004), p. 132. See also Hope Cotton, 'Women and Risk', p. 11.

¹⁵⁹ Lorna Weatherill, *Consumer Behaviour and Material Culture in Britain 1660-1760* (2nd edn., Routledge, London, 1996), pp. 11-13.

¹⁶⁰ Overton et al., *Production and Consumption*, p. 136.

¹⁶¹ Overton et al., *Production and Consumption*, p. 136.

Daughter's' scandal of the 1790s.¹⁶² Indeed, even those card parties that did not make the news might have had as many as ten tables (more on which later).¹⁶³ To facilitate, and perhaps as a result of, such parties it was also during the eighteenth century that gaming tables began to appear in the homes of the wealthy, such as the one depicted below.



Figure 14: An Eighteenth-Century Gaming Table, c. 1750
(34 inches high x 16¼ inches wide x 28¼ inches deep)¹⁶⁴

It would be difficult to say with any confidence where such tables were situated in the home, but wherever they were positioned it is probable that their design helped to mediate the gaming experience, or as Mimi Hellman argues:

¹⁶² See for instance Gillian Russell, "'Faro's Daughters': Female Gamesters, Politics, and the Discourse of Finance in 1790s Britain', *Eighteenth-Century Studies*, vol. 33, no. 4 (Summer 2000), 481-504.

¹⁶³ Hope Cotton, 'Women and Risk', pp. 70-73.

¹⁶⁴ The British Antique Dealers Association, <http://www.bada.org> [accessed 12 Nov. 2005].

Game tables were constructed without stretchers or lower shelves, and so could be set directly over the laps of the players. Thus installed, facing one another across the playing surface, individuals were brought into close, yet mediated proximity ... As they mapped their own patterns of choice and strategy onto the compliant object, they were also quite literally confined by it, their lower bodies immobilized beneath its surface and their gestures curtailed by an arrangement of carefully positioned markers, or a burning candle or a stemmed liqueur glass positioned near the elbow.¹⁶⁵

Some gaming tables did have candlestick stands at their corners and these, as well as lighting the table, would indeed have served to demarcate each player's space. As Hellman also points out, the design of gaming tables would at once both connect and separate the players,¹⁶⁶ an observation which is borne out by the fact that when gaming tables were designed to open, they would do so in such a way that the legs remained in the corners and therefore no player would be forced to have a table leg between their knees. It is likely, however, that purpose-built gaming tables were expensive items of 'best' furniture and thus beyond the means of many:¹⁶⁷ putting considerations of status and display aside for a moment, it was not as if most card and dice games actually demanded a special table.

The size of a house, its layout and the financial status of the owner could of course preclude such demarcation of space or the ownership of larger and more expensive items, but given my findings in chapter one it is likely, nonetheless, that large numbers of people owned at least some gaming paraphernalia, and especially playing cards. In 1627 the late James Collin of Little Glemham left 'all small boxes, counters, dice & cards' to William Baldwin,¹⁶⁸ Thomas Turner bought a pack of cards from John French in 1755,¹⁶⁹ and in 1711 'Gabriall Norris Wife' sent Nicholas Blundell's children 'a Pack of French Cards' as a present. George Hilton regularly

¹⁶⁵ Mimi Hellman, 'Furniture, Sociability and the Work of Leisure in Eighteenth Century France', *Eighteenth Century Studies*, vol. 32, no. 4 (1999), p. 424.

¹⁶⁶ Hellman, 'Furniture', p. 424

¹⁶⁷ Clive Edwards, *Turning Houses into Homes* (Ashgate, Aldershot, 2005), p. 77. This comment applies to 'best' furniture in general.

¹⁶⁸ Marion E. Allen (ed.), *Wills of the Archdeaconry of Suffolk 1625-1626*, Suffolk Records Society, vol. 37 (1995), p. 198.

¹⁶⁹ Turner, *Diary*, 19 Dec. 1755, p. 19.

played backgammon at home,¹⁷⁰ as did Nicholas Blundell and others,¹⁷¹ and this means that they must have owned boards, dice and counters: indeed Henry Prescott specifically mentioned ‘disposing’ his gaming board’.¹⁷² Illustrated cards might have added an extra dimension to play and, as one author commented, ‘Pictures of good Cheer’ would enhance the gaming experience by ‘adding Mirth and Jocularity’ to a ‘sociable and harmless Recreation’.¹⁷³ Moreover, packs carrying astronomical designs¹⁷⁴ or pictures relating to current affairs (such as those depicted in chapter one)¹⁷⁵ may themselves have been the subject of, or contributed to, conversation.¹⁷⁶ This is also the impression given by an advertisement that appeared in almost every edition of the *Weekly Packet* between October 1715 and March 1716:

¹⁷⁰ Hilton, *Diary*, for example, pp. 2-3.

¹⁷¹ The word ‘tables’, as used by Blundell and Prescott, was almost synonymous with backgammon at this time.

¹⁷² Prescott, *Diary*, 17 April 1690, vol.3, p. 801. I assume that in this context ‘disposing’ means, after the *Oxford English Dictionary*, ‘Arrangement, suitable or orderly placing’.

¹⁷³ Anon, *The Genteel House-Keepers Pastime*, p. 6.

¹⁷⁴ For example, Joseph Moxon, *The Use of the Astronomical Playing-Cards Teaching Any Ordinary Capacity by them to be Acquainted with all the Stars in Heaven, to Know their Place in Heaven, Colour, Nature, and Bigness* (London, 1692). This was a combination of a 50 page pamphlet and a pack of cards.

¹⁷⁵ See for instance the satirical South Sea Bubble playing cards published in London by Thomas Bowles (1689/90?-1767) in 1720.

¹⁷⁶ See Miers, *Regulating Commercial Gambling*, p. 23.

For the Improvement of the agreeable Diversion of Card-playing, there is publish'd thirteen entertaining Packs of Cards, curiously engraven on Copper-plates, (price 2 s. each Pack, except the Travelling Cards.)

1. The famous Mr. Winstanly's Travelling-Cards; representing all the Nations in the World, their Inhabitants curiously drawn in their respective Habits, capital Cities, Sea-Ports, and historical Observations of their Product, Religion, Trade, &c. 2. Royal-Cards; or, the glorious Victories, and most illustrious Actions in the Reign of her late Majesty Queen Anne. 3. Love-Cards; or, the Intrigues and Amusements of that Passion, merrily display'd. 4. Fortune-telling-Cards; pleasantly unfolding the good and bad Luck attending all the Accidents of Life. 5. Proverb-Cards; with improving pleasant Devices, suited to the wittiest English Proverbs. 6. Geographical-Cards; describing the whole Territories of Great Britain. 7. Mathematical-Cards; wherein all the Instruments are exactly delineated, and apply'd to their various Operations. 8. Arithmetical-Cards; teaching that useful Art after the most plain and easy Method. 9. Instructive-Cards for Children; teaching them to spell and read in a short Time. 10. Forest-Cards; curiously representing all Sorts of Birds and Beasts, finely painted, drawn to the Life. 11. Scholars-Cards; being an Explanation of the Festivals. 12. Carving-Cards; shewing the best Manner of cutting up all Sorts of wild and tame Fowl, Fish, and Flesh. 13. Pastime-Cards; consisting of Morals, Precepts, Fancies, and Tales. All Sold by J. Lenthall, Stationer, at the Tallot against St. Dunstan's Church, Fleet-street. Where may had Sheriffs Warrants.

Figure 15: An Advertisement for Playing Cards in the *Weekly Packet*, no. 178

(26 Nov.-3 Dec. 1715)

As before, these cards were advertised as being 'For the improvement of the agreeable diversion of card playing'; in other words, they were promoted as adding something extra to the experience of card playing. It is interesting to note the wide range of designs that were available from just one vendor, but, as mentioned in chapter one, illustrated packs were more expensive than standard packs because of the workmanship involved.

Indeed, 2s for a pack of cards was not cheap and it is likely that servants – those other members of the household-family who engaged in gaming – would have been content to use a standard 3d pack. From 1541 servants were prohibited by law from gaming outside the Christmas period, with the exception of those few years in the middle of the sixteenth century when servants could be licensed to play with their master and in their master's home. The *Friendly Monitor* had warned that if masters set their servants a bad example by gaming they would 'grow ill Husbands, Drinkers, Gamesters, Extravagant, and fall into all sorts of Vice', have 'frequent Occasions of Idleness', and be trained up 'in a method, fit for the learning of all manner of

Wickedness'.¹⁷⁷ Indeed, moralising literature, prescriptive pamphlets and newspapers alike considered that servants were one of the 'at risk' groups from gaming.¹⁷⁸ But in spite of such criticism, instances of servants and masters gaming together were certainly not unknown. Lady Anne Clifford (1590-1676) recalled in March 1617 'After Supper I play'd at Glecko with the Steward & as I often do after Dinner and Supper',¹⁷⁹ while Thomas Turner and Thomas Davy played cards with Mr Porter and his servants when they came to visit.¹⁸⁰ In light of such examples, and in the context of research pertaining to the variety of intimate roles played by servants,¹⁸¹ it would be fairly safe to say not only that servants gamed in the household, but also that carding or dicing between masters and servants could be seen as a demonstration of the close relationships that could sometimes be forged between employer and employee. But I also think it unlikely that many masters or mistresses would have knowingly consented to their servants gaming in the household, even if they accepted that it went on; Thomas Turner was probably more generous than most when he recorded no critical comment in his diary despite returning home to 'find Mr Porter's servants at cards' late at night.¹⁸²

Gaming Women

Although we have encountered a few female cardmakers and an even smaller number of women who kept gaming houses, women are most noticeable for their absence from many sources about gaming. That having been said, more information is available about gaming among elite eighteenth-century women; Hope Cotton has put this to good use in her thesis 'Women and Risk: the Gambling Woman in

¹⁷⁷ *Friendly Monitor*, p. 44.

¹⁷⁸ Compare, for instance, *The Friendly Monitor* with Cotton's *The Compleat Gamester*, p. 5 and the *Grub Street Journal*, no. 136 (10 Aug., 1732).

¹⁷⁹ Lady Anne Clifford, *The Diaries of Lady Anne Clifford*, ed. D. J. H. Clifford (Sutton Publishing, Stroud, 1998), 5 March 1617, p. 50. See also 19 March 1617, p. 51. 'Glecko' (also 'gleeko' or 'gleek') was a card game for 2 or 3 players.

¹⁸⁰ Turner, *Diary*, 2 Jan. 1756, p. 21.

¹⁸¹ See, for instance, Tim Meldrum, *Domestic Service and Gender 1660-1750* (Pearson, Harlow, 2000).

¹⁸² Turner, *Diary*, 21 Feb. 1754, p. 1. Thomas was, by his own admission, drunk on this occasion.

Eighteenth-Century England', which, to the best of my knowledge, is the only detailed study of its type.¹⁸³ Much more research needs to be done on the subject of gaming women, but whether sufficient evidence exists to conduct a study of the seventeenth century, or indeed of women of non-elite status, is another matter. But since a number of the examples I have already used in this chapter have shown that women did participate actively in gaming, it would seem sensible here to consider the subject in more detail.

I have shown that in some circumstances gaming was a recreational activity in which men and women, both as couples and in same-sex groups, could partake: Blundell recorded, for instance, 'Cozen Ann Tildesley, Mrs Ellen Entwisle, my Wife, &c: played at cards', while it was not unusual for Henry Prescott to note, for example, 'the Ladies [were] at Cards, the Men at Wine'¹⁸⁴ or 'I apply to Books and the women keep to their Cards late'.¹⁸⁵ Domestic gaming would have lent itself to the participation of married couples and in the case of Blundell and Turner, it may have been time husband and wife could spend together which was not governed by work or other duties. Tadmor contends 'Among Thomas Turner's "friends", his wife Peggy had a cardinal role. Over the years Turner used the language of friendship not only to reflect on his marriage, but also to negotiate some very difficult experiences'.¹⁸⁶ It is true that Turner's relationship with his wife was often strained, but it was not just the language of friendship that aided them, it was also her presence on the social round, both at dinner and at cards. Turner mentions playing *with* his wife on many occasions, perhaps as a team: is it too much to suggest that this domestic gaming may have represented 'quality' time they could spend together? Even William Byrd spent time playing cards and billiards with his wife Lucy, without incident, despite her apparently being a 'petulant, undisciplined, and spoiled girl' and him displaying an air of 'conscious superiority' toward her.¹⁸⁷

¹⁸³ Hope Donovan Cotton, 'Women and Risk; the Gambling Woman in Eighteenth-Century England' (unpublished PhD thesis, Auburn University, Alabama, 1998).

¹⁸⁴ Prescott, *Diary*, 16 Jan. 1710, vol. 1, p. 265.

¹⁸⁵ Prescott, *Diary*, 8 Jan. 1711, vol. 1, p. 293.

¹⁸⁶ Tadmor, *Family and Friends*, p. 192.

¹⁸⁷ Louis B. Wright and Marion Tinling, 'Introduction' in Louis B. Wright and Marion Tinling, (eds.) *The Secret Diary of William Byrd of Westover, 1709-1712*, (Arno Press, New York, 1972), p. xx.

The participation of women in domestic gaming makes for an interesting contrast with the accounts of gaming women that were penned by eighteenth-century commentators. It is, though, not quite true that ‘female gamesters’ (to borrow a contemporary term) had gone completely unnoticed by seventeenth-century authors. Charles Cotton’s *The Compleat Gamester*, which was first published in 1674, had included the following lines in the ‘explanation of the frontispiece’:

Lastly, observe the Women with what grace
They sit, and look their Partners in the face.
Who from their eyes shoot *Cupids* fiery Darts;
Thus make them lose at once their Game and Hearts.
Their white soft hands, (when e’re the Cards they cut)
Make the men wish to change the Game to *Putt*.
The Women knew their thoughts, then cry’d, Enough,
Lets leave off *Whist*, and go to *Putt*, or *Ruff*.
Ladies don’t trust your secrets in that hand,
Who can’t their own (to their great grief) command.
For this I will assure you, if you do,
In time you’ll lose your *Ruff* and *Honour* too.¹⁸⁸

In this extract a game of cards is also a game of seduction, which is unusual in the context of the work as a whole because it is arguably the only time that Cotton links these two themes.¹⁸⁹ Although the final line suggests that the female card player is vulnerable to seduction, and might lose her ‘honour’, it does need to be pointed out that ‘Ruff and Honours’, as Cotton informs the reader in the main text, was a card game (also known as ‘Slamm’).¹⁹⁰ Yet however we read this, Cotton’s comment on gaming women, which is one of only a small number of seventeenth-century printed

These observations are based on what Byrd wrote in his diary, for a longer assessment see ‘Introduction’ pp. xix-xxi. Wright and Tinling also mention an occasion on which Byrd cheated at cards to demonstrate his superior skill over Lucy but unfortunately this incident does not appear to have been included in the published *Diary*.

¹⁸⁸ Cotton, *Compleat Gamester*, ‘Explanation of the frontispiece’.

¹⁸⁹ Based on Cotton’s use of the phrase ‘enchanted witchery’ (*Compleat Gamester*, p. 1), Gillian Russell argues that ‘gambling itself was gendered as feminine’, but I am not convinced: “‘Faro’s Daughters’”, p. 485.

¹⁹⁰ Cotton, *Compleat Gamester*, p. 114.

references, was considerably more favourable than the treatment women would commonly receive at the pens of eighteenth-century commentators.¹⁹¹

In 1750 Erasmus Mumford observed 'the LADIES ... have taken great Pains to study [gaming], though utterly neglected by their Mothers and Grandmothers as a Science fit only for male Creatures'.¹⁹² As we have seen, this was not in fact the case and women had been playing at cards long before 1750. Yet Mumford's remark might help to explain why specific criticisms of gaming women only emerged in the eighteenth century, when attacks on gaming in general had existed from at least the later sixteenth century. The eighteenth century was witness to the growth of leisure towns, most notably Bath, and their development into centres of fashionable gaming:¹⁹³ with their highly visible assembly rooms and gaming tables women could actually be seen playing at cards, and by a wider audience than ever before.¹⁹⁴ People could comment on the so-called 'female gamesters' who had, until this point, been confined to comparatively private settings such as the home.¹⁹⁵ It was also in the eighteenth century that racquets and routs became popular in elite circles.¹⁹⁶ Hosted by noblewomen, Hope Cotton explains that a racquet was a card party with 'over ten tables', while a rout had between eight and ten (though in reality there was 'virtually no difference between racquets and routs').¹⁹⁷ And 'with the most fashionable games

¹⁹¹ Although she does not mention Charles Cotton's *Compleat Gamester* in this context, Hope Cotton draws our attention to *The Memoires of the Dutchess Mazarine*, published in London in 1676: 'Women and Risk', pp. 111-12.

¹⁹² Erasmus Mumford, *A Letter to the Club at White's* (London, 1750), p. 25.

¹⁹³ See, for example, *Grub Street Journal*, nos. 36 (10 Sept. 1730) & 111 (17 Feb. 1732); R. S. Neale, *Bath 1680-1850: A Social History* (Routledge & Kegan Paul, London, 1981), pp. 26-29; Sylvia McIntyre, 'Bath: the Rise of a Resort Town, 1660-1800', in Peter Clark (ed.), *Country Towns in Pre-Industrial England* (Leicester University Press, Leicester, 1981), pp. 236-38; Trevor Fawcett, *Bath Entertain'd: Amusements, Recreations & Gambling at the 18th-Century Spa* (Ruton, Bath, 1998), pp. 36-37.

¹⁹⁴ See Peter Borsay, *The English Urban Renaissance: Culture and Society in the Provincial Town, 1660-1770* (OUP, Oxford, 1989), p. 250.

¹⁹⁵ There are some exceptions; see for instance Hope Cotton, 'Women and Risk', pp. 71-73.

¹⁹⁶ See Hope Cotton, 'Women and Risk', ch. 2, *passim*.

¹⁹⁷ Hope Cotton, 'Women and Risk', pp. 69-70.

requiring at least four people', Hope Cotton argues that 'routs promised at least fifty players, and the number of attendees at a racquet could be upward of seventy'.¹⁹⁸

Female gamblers did not escape the notice of eighteenth-century commentators and, as Ashton remarks, 'Almost all writers of the time note and deplore the gambling propensity of Ladies'.¹⁹⁹ Probably the best known indictment of gaming women appeared in the *Guardian* of 29 July 1713, which noted: 'there is nothing that wears out a fine Face like the vigils of the Card-Table, and those cutting Passions which naturally attend them. Hollow Eyes, haggard Looks, and pale Complexions, are the natural Indications of a Female Gamester ... In short, I never knew a thorough-paced Female Gamester hold her Beauty two Winters together'.²⁰⁰ In fact, Tom Brown had made a similar comment about '*Gaming Ladies*' in 1700, when he observed that gaming 'discomposes ... their Minds, their Healths, their Beauty'.²⁰¹ Brown, though, declined to comment further because 'this Picture does not shew them to Advantage'.²⁰²

But loss of beauty was apparently not the worst a female gambler might suffer. Charles Cotton had suggested that the gaming woman might be prone to seduction, but some eighteenth-century writers took this theme further, and made it more sinister. Once again, the *Guardian* led the way:

All Play-debts must be paid in Specie, or by an Equivalent. The Man that plays beyond his Income pawns his Estate; the Woman must find out something else to mortgage when her Pin-money is gone: The Husband has his Lands to dispose of, the Wife her Person. Now when the Female Body is

¹⁹⁸ Hope Cotton, 'Women and Risk', p. 70.

¹⁹⁹ Ashton, *History of Gambling*, p. 54.

²⁰⁰ *Guardian*, no. 120, 29 July 1713 (vol. 2, p. 193 in the two volume bound set, first published in London in 1714). The *Guardian*'s description of the 'female gambler' was perhaps the best known: as well as being included in the numerous versions and editions of the *Guardian* and collected works by Steele, it was also reproduced in *The Pleasing Instructor* (London, 1756), pp. 146-47, which itself had three editions.

²⁰¹ Thomas Brown, *Amusements Serious and Comical, Calculated for the Meridian of London by Mr. Brown* (London, 1700), p. 105. This quote was part of three sentences on 'gaming ladies' which were included in all of the subsequent editions of *Amusements Serious and Comical* that I have seen.

²⁰² Brown, *Amusements Serious and Comical*, p. 105.

once *dipped*, if the Creditor be very importunate, I leave my Reader to consider the Consequences.²⁰³

Once a woman had exhausted her own income, and perhaps also that of her husband, she was, according to the *Guardian*, left in a situation in which she had to trade the use of her body for her debts; settling the matter with a duel was not an option for a woman. Writing in 1756, the author of the *Pleasing Instructor* drew even closer parallels between gaming and a loss of female sexual honour. He pointed to ‘the dreadful Inconveniencies of his taking a Gamester to Wife: Poverty, Disease, and probably Dishonour to his Bed’ and asserted ‘Her honour, her Chastity can no longer be called her own, when she commences Gamester’.²⁰⁴ William Hogarth’s *The Lady’s Last Stake* (1759) depicted a losing female gamester whose ‘last stake’ of the title was her body.²⁰⁵ Similar arguments, though put less coarsely than in the *Pleasing Instructor*, were hammered home in at least two printed sermons. Daniel Neal (1678-1743) observed ‘Gaming in a *Lady* has usually been attended with the Loss of Reputation, and sometimes with that which is still more valuable, the Loss of her Virtue and Honour’²⁰⁶ and John Brown (1715-66) warned that gaming women might lose ‘the Purity of Virgin Innocence’.²⁰⁷ Justine Crump, however, comments, ‘I have never come across any documented cases of such misdemeanours – though that is not to say these things might never have happened’.²⁰⁸ I, too, have not seen any examples of sexual favours being used to pay gaming debts, but then I would not

²⁰³ *Guardian*, no. 120, 29 July 1713 (pp. 193-94).

²⁰⁴ *The Pleasing Instructor*, p. 231 & 230. See also John Earle, *The World Display’d: or, Mankind Painted in their Proper Colours* (London, 1742), p. 141.

²⁰⁵ A recent description of *The Lady’s Last Stake* explains: ‘Here Hogarth returned to the themes of aristocratic vice and sexual subterfuge previously explored in *Marriage A-la-Mode*. The gestures of the couple resemble those in de Troy’s *Declaration of Love*, displayed nearby. The scene was inspired by Colley Cibber’s theatrical comedy, *The Lady’s Last Stake* (1708), and depicts a married aristocratic woman who, addicted to gambling, has just lost her fortune to an army officer. The soldier’s terms, according to Cibber’s play, are as follows: the two will play one more game, and if she wins, she will regain her fortune; if she loses, however, she will still have her goods returned but be obliged to take him as her lover.’ Hogarth exhibition, Tate Britain (7 Feb. to 29 April 2007) <http://www.tate.org.uk/britain/exhibitions/hogarth/rooms/room6.shtm> [accessed 31 July 2007].

²⁰⁶ Daniel Neal, *A Sermon Preach’d to the Societies for Reformation of Manners, at Salters-Hall; on Monday June 25. 1722* (London, 1722), p. 12.

²⁰⁷ John Brown, *On the Pursuit of False Pleasure, and the Mischiefs of Immoderate Gaming: a Sermon Preach’d at the Abbey-Church at Bath, ... on Sunday, April 22* (London, 1752), p. 10.

²⁰⁸ Crump, ‘Perils of Play’, p. 24.

necessarily expect to: this was hardly something that would be recorded, unless it resulted in an allegation of assault or a bastard child, and perhaps not even then. The difficulty was that 'Even if this [women using their 'favours' as a stake] does not actually happen, people will imagine that it has, given the disreputable character of gamblers, and a woman's reputation will be lost'.²⁰⁹ Perhaps, then, the 'lady gambler' who hanged herself at Bath in 1750, aged only twenty three, 'robed herself in maiden white' in order to make the point that although she had lost everything else at cards, she had retained her chastity.²¹⁰

The married female gamester was subject to further criticism. John Brown juxtaposed the gaming woman with the 'affectionate Wife, the tender Mother, the faithful and domestic Friend' and asked 'Can we wonder that the marry'd State should every day grow more hated, more dreadful? Can we wonder that the Maid should pass her Days in Neglect, and the Wife be discarded, as ruinous and intolerable?'²¹¹ If Brown was exaggerating for effect, he was no means the only one to do so. A contributor to the *Guardian* wrote: 'I am the Husband of one of these Female Gamesters, and a great Loser by it both in my Rest and my Pocket'.²¹² The *Guardian* continued the theme in the following article; the female gamester described was so focused on cards that she had no 'Affections' for her children, husband, or parents.²¹³ Having spent all night 'throwing away' her husband's estate, she would come home 'out of humour' and 'angry'.²¹⁴ The marital relationship would be soured and the 'poor' husband would not only bear 'the Expense but the Blame too'.²¹⁵ Even his sleep would be disturbed because 'the lost Games' would be 'play'd Over again in Bed ... to convince, him his Wife did not lose her Money like a

²⁰⁹ Dunkley, commenting on Barbeyrac, *Gambling*, p. 75.

²¹⁰ Ashton, *History of Gambling*, pp. 66-67.

²¹¹ Brown, *On the Pursuit of False Pleasure*, pp. 10-11. French moralists also noted that female gamesters might become estranged from their husbands: Dunkley, *Gambling*, pp. 74-75.

²¹² *Guardian*, no. 120, 29 July 1713 (p. 190).

²¹³ *Guardian*, no. 120, 29 July 1713 (p. 191).

²¹⁴ *Guardian*, no. 120, 29 July 1713 (p. 192).

²¹⁵ *Old Common Sense: Or, the Englishman's Journal*, no. 71, 10 June 1738.

Fool.²¹⁶ Samuel Richardson concurred in *The Rambler* of 19 February 1751.²¹⁷ A few years earlier, John Earle had warned that even ‘the most wealthy and best regulated family’ could not ‘hold out against the extravagancies of a woman that plays’²¹⁸ and Jeremy Collier had said much the same thing in 1713 when he talked of women who lost ‘hundreds of Guinea’s at a Sitting’.²¹⁹

Collier had perhaps alighted inadvertently on an important underlying issue: that gaming allowed women ‘to enjoy the unfeminine thrill of competition, engage in monetary transactions, and compete on equal terms with men’.²²⁰ These words are Peter Borsay’s, and while I would have to modify them with considerations about female ownership of property, and indeed some of those concerns raised by the *Guardian* and others about the limited means of recourse for a woman in debt, I would be inclined to agree with his general sentiments. Continuing this theme, G. J. Barker-Benfield asserts ‘Unmistakeably, “deep play” provided women the opportunity to be entirely themselves, a selfhood including the pursuit of “will”, from which the presence of men could be pleasurably, skillfully brushed off’, whereas Catherine Ingrassia argues that gaming was one of the ways in which women could ‘remove themselves from circulation within a sexual economy controlled by the variations in male affection and desire, to play an active role within a financial economy’.²²¹ Similarly, Hope Cotton contends ‘gambling on the market or on a faro hand was one of the easiest and certainly most lucrative ways women could gain economic access. It was in gambling spaces that women exercised their freedom to risk and thus to make their fortunes’.²²² Importantly, and although there

²¹⁶ *Old Common Sense: Or, the Englishman's Journal*, no. 71, 10 June 1738.

²¹⁷ Quoted in Hope Cotton, ‘Women and Risk’, p. 99.

²¹⁸ Earle, *The World Display'd*, p. 139.

²¹⁹ Collier, *An Essay upon Gaming* (London, 1713), p. 22.

²²⁰ Borsay, *English Urban Renaissance*, p. 250.

²²¹ G. J. Barker-Benfield, *The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain* (University of Chicago Press, Chicago, 1996), p. 199; Catherine Ingrassia, *Authorship, Commerce, and Gender in Early Eighteenth-Century England: A Culture of Paper Credit* (CUP, Cambridge, 1998), p. 35.

²²² Hope Cotton, ‘Women and Risk’, p. 92.

were 'big losers',²²³ the gaming woman was 'actively in charge, if not always in control, of her finances'.²²⁴ But, argues Cotton, women's participation in gambling was not just about economic agency; those women who hosted and attended racquets and routs created a space in which they gave 'themselves and other women the opportunity to become politically and economically engaged'.²²⁵ This was why some commentators attempted to 'silence the threat'²²⁶ of gambling women and when 'broader attacks upon the excesses of luxury' are added to the equation,²²⁷ I think we are some way towards understanding why attacks on female gamblers were, at times, so vitriolic.

Hope Cotton's arguments are persuasive, but the women she discusses are arguably those who were in the best position to achieve political, if not economic, agency irrespective of their involvement in gambling and this is reflected in her examples; the duchesses of Mazarine and Devonshire and others like them feature prominently. And while the criticisms of the *Guardian* (for example) were aimed more generally at gaming women, they were, arguably, engendered by gaming among the wealthy. The domestic gaming I have described was on a smaller scale in almost every way and much less prominent, which is not to say that it did not afford its participants some economic agency which they might struggle to achieve elsewhere, but rather explains why it attracted so little attention from contemporary commentators, whether critical or otherwise.

Conclusion

Cards, dice and other games were played in a wide range of places and by many different 'sorts' of people. Given their array of functions, it is unsurprising that drinking and victualling establishments – including ordinaries – appear to have been

²²³ Hope Cotton, 'Women and Risk', p. 99.

²²⁴ Hope Cotton, 'Women and Risk', p. 112.

²²⁵ Hope Cotton, 'Women and Risk', pp. 81-82.

²²⁶ Hope Cotton, 'Women and Risk', p. 13.

²²⁷ Crump, 'Perils of Play', pp. 21-22. See also Bob Harris, *Politics and the Nation: Britain in the Mid-Eighteenth Century* (OUP, Oxford, 2002), p. 287.

used for gaming throughout our period.²²⁸ I have also argued that with the arrival of coffeehouses in England in the 1650s and their proliferation in especially London by the early eighteenth century a new venue for gaming was conceived. The Groom Porter's had a long-established association with gaming, but, as I have shown in chapter two, it was joined in the early eighteenth century by other types of specialised gaming venues, such as the gaming houses that began to appear in Covent Garden.

Gaming is not a medium for a uniformity of experience but, in my comparison of public houses and coffeehouses in particular, I have attempted to show that the study of gaming can sometimes reveal the less obvious similarities between places which are often obscured by more obvious differences. Yet some broader themes have emerged during the course of this chapter and one of these is that gaming could be an escape; it was a way in which reality could be kept at bay for at least a short while. Admittedly, our diarists might socialise, attempt to advance personal suits, indulge in a bit of 'networking', or in the case of William Byrd, check up on some of his ships, during the time that they spent at the gaming table, but they would not be working in the conventional sense.²²⁹ Often, and with the exception of elite card parties, the games played outside the home were that bit more thrilling than those played within it. We might, for instance, recall that Henry Prescott witnessed hazard being played in a coffeehouse.²³⁰ Played with dice, hazard offered 'high event frequency, rapid payout, a wide range of odds and stakes, and a high degree of player participation'.²³¹ It was, therefore, a 'dangerous' game, which, like faro and basset, was proscribed by statute in 1738.²³² But it is important to keep in mind that though we have seen glimpses of gaming in specific places, many contemporary accounts fashion a fairly non-specific gaming house, an environment at once defined by the gaming which

²²⁸ See also Clark, *The English Alehouse*, p. 233.

²²⁹ Byrd, *London Diary*, 8 April 1718, p. 104.

²³⁰ Prescott, *Diary*, 29 March 1711, vol. 2, p. 305.

²³¹ David Miers, 'Eighteenth Century Gaming: Implications for Modern Casino Control', in James A. Inciardi and Charles E. Faupel (eds.), *History and Crime. Implications for Criminal Justice Policy* (Sage Publications, London, 1980), p. 172.

²³² Richard Seymour, *The Compleat Gamester* (London, 1734), p. 123; 12 Geo. 2, c. 28, s. 2, 3 & 8 (1738).

went on within it, and also defining of the character of that gaming. Cotton's description of the ordinary, as discussed above, could be almost anywhere: a scene from a tavern, alehouse, coffeehouse or gaming house.

Yet, however seductive, we should not focus on accounts like Cotton's at the expense of domestic gaming; if we do, we risk ignoring the experiences of probably a great many players and one of the few environments in which gaming women are prominent. The concept of 'domestic gaming' can be usefully employed to investigate the nature of gaming in the home, though the extant source material (and that which I have used), the social status of most diarists and the circumstances in which play took place do give domestic gaming a 'middle class' character. But this may not be too far off the mark; during the course of the eighteenth century there is the sense that domestic gaming was an acceptable and respectable pastime. Indeed, and as we will see again in chapter four, domestic gaming was not generally what commentators were concerned about – notwithstanding some anxiety about wasting time, late nights and monetary losses, it appears to have been, at least for some of our subjects, a sociable and fairly harmless recreation.²³³ This character, I would contend, was in large part due to play in the household ameliorating, or being perceived to ameliorate, the excesses and dangers associated with play in alehouses and the like. After all, games were played in the company of friends (in our sense of the word), an individual's spouse or regular acquaintances, and in familiar domestic surroundings which might also be used for eating, work, and prayer.

By being rooted in a familiar setting and conducted in the presence of familiar people, domestic gaming diluted 'the dream-like disassociation from their surroundings' that has been attributed to 'gamblers'.²³⁴ Admittedly Thomas Turner does give the impression that he and his wife got carried away by playing 'in liquor',²³⁵ but more significant is his comment 'I lost two games being very

²³³ See also the wording of 16 Cha. 2, c. 7, s. 1 (1664), which sanctioned 'all lawful Games and Exercises' on the condition that they were 'not otherwise used ... than as innocent and moderate Recreations'.

²³⁴ Reith, *Age of Chance*, p. 130.

²³⁵ Turner, *Diary*, 26 Jan. 1756, p. 23. See also 26 Jan. 1758, p. 131.

incapable to play, having just heard of a book debt of £40 I am like to lose'. Turner could not easily escape the pressures of the world beyond the gaming table.²³⁶ Yet this is not to say that the *ilinx*²³⁷ of excitement was absent from play in the home and the anticipation of the outcome and the break from everyday life may have temporarily distorted the real without being enough to circumvent it completely. And, it seems to me, gaming for small stakes by players of middling social status could have provided a unique medium for taking economic risk²³⁸ and perhaps even bettering one's fellows, but in circumstances that would not push a player beyond the boundaries of their comfort zone; in other words, they could engage in pleasurable risk-taking. Racquets and routs, though confined to the upper echelons of eighteenth-century society, provide a counterpoint to much of the domestic gaming I have described. Hope Cotton and others have argued that these card parties created a space in which women could exercise economic and political agency, but, and partly because of this, such parties attracted criticism from contemporary commentators, who also attacked 'female gamesters' more generally.

Finally, and in spite of the distinctions I have made between gaming inside and outside of the home, it needs to be emphasised that gaming is not reflective of a rigid public sphere/private sphere model, as two further examples will demonstrate. It has been argued that close contact across a gaming table, even in a busy place, might have allowed 'exclusivity of conversation among a small group sitting close to each other'.²³⁹ Similarly, some gaming houses by necessity would have been very private in order to avoid attracting the attention of the authorities. Conversely, domestic gaming among a number of couples may not have been very private; the same might be said about a racquet of seventy people at a noblewoman's house, particularly if that racquet was reported in the press. People were apt to mind one another's

²³⁶ Turner, *Diary*, 25 Feb. 1674, pp. 286-87.

²³⁷ Greek, 'whirlpool' or 'vertigo'. This concept is often found in sociological work on gambling.

²³⁸ See William E. Mitchell, 'The Defeat of Hierarchy: Gambling as Exchange in a Sepik Society', *American Ethnologist*, vol. 15, no. 4 (Nov. 1988), 638-57. This is an anthropological case study, but despite the chronological and contextual distance, I feel that the premise of conceptualising at least some gaming practices as an outlet for small-scale economic risk-taking is quite persuasive.

²³⁹ David Miers, 'A Social and Legal History of Gaming: From the Restoration to the Gaming Act 1845', in Thomas G. Watkin (ed.), *Legal Record and Historical Reality. Proceedings of the Eighth British Legal History Conference*, (The Hambledon Press, London, 1987), p. 110.

business in the early modern period and this proved detrimental to the Cambridgeshire clergyman Isaac Archer, who, two weeks after refusing – on moral grounds – to play cards at a wealthy parishioner’s house, was subject to various ‘slanders’ in his locality.²⁴⁰ But as we will see in the next chapter, Archer was by no means the only person to tackle the complicated issue of the morality of gaming.

²⁴⁰ Archer, *Diary*, 18 Jan. 1665, p. 111.

Chapter 4 GAMING IN PRINT

Introduction

The first three chapters have engaged with a number of different attitudes to gaming and the contexts in which they might be encountered. In this chapter I would like to examine ideas about gaming more overtly by looking at some of the printed debates and texts that had gaming as their focus. The long chronology and inclusion of both proscriptive and prescriptive works allows an examination of continuity and change in ideas about gaming in early modern England, as well as the ways in which those ideas might have 'fitted' into broader debates about, for example, recreation or the use of lots in decision-making processes. The chronology, not to mention the range of material that might be included in such an investigation, renders this task a difficult one. My general approach has been to integrate an investigation of a number of the most commonly held ideas about gaming, as exhibited in printed works, with a broader thematic framework. Even so, it would have been virtually impossible to cover in detail every subject and every nuance of almost two centuries of writing about gaming and therefore some filters have been used to narrow the scope of my investigation. I have confined my source material to prose works printed in English and, since numerous authors mention gaming in passing, I have concentrated on those authors who wrote specifically about gaming or devoted a portion of a larger work to the subject. Yet even with these filters in place, there were still hundreds of relevant works; many of these are not mentioned specifically here, but they have all played some part in what follows.

After some opening remarks about the nature of the sources used, this chapter begins by investigating the use of lots in games of chance. It then moves on to consider attitudes to gaming as a form of recreation, before analysing some of the most common criticisms of carding and dicing. I then look at the ways in which, in the eighteenth century, gaming began to be seen as a national problem. The rest of the chapter focuses on what might be thought of as prescriptive gaming literature, namely, the gaming manuals that began to be printed in the 1670s and continued to be produced until the end of the period covered by this study, and beyond.

Analyses of gaming from a religious and/or moral perspective constituted the majority of printed works about gaming published before the last quarter of the seventeenth century and were often proscriptive. During this period, almost all of the moralists considered are Protestant (and many are of the hotter sort) and a significant proportion are casuists. With the exception of Lambert Daneau, all are from the British Isles. Daneau is included because he wrote a lengthy treatise about gaming that was translated into English soon after it was first written.¹ Protestant casuistry – the application of guiding moral or ethical principles ‘to specific situations, or cases of conscience, to determine what is right or wrong moral conduct’² – developed on the continent, with English casuistry following in the 1570s. A thorny moral issue like gaming was ripe for such a method of examination and it duly generated a rich vein of casuistical literature, beginning with John Northbrooke’s *A Treatise wherein Dicing, Dauncing, Vaine Playes or Enterluds with Other Idle Pastimes ... Commonly vsed on the Sabboth Day, are Reproued by the Authoritie of the Word of God and Auntient Writers* of 1577.³ Moralising literature continued to be produced throughout our period and formed a large part of the corpus of printed work on gaming; but it does not tell the whole story and this is why gaming manuals are discussed at some length in the final section of this chapter.

My main focus is on the attitudes to and ideas about gaming that were expressed in print, rather than the circulation and readership of the works in question. This is partly due to the general difficulties of estimating readership, but, in this case, mainly because the scale of doing a book history for two hundred years worth of texts was prohibitive. These issues, though, have by no means been ignored and readership and circulation have been considered at junctures where they are particularly relevant. As far as has been practically possible, I have also detailed when works have been

¹ Lambert Daneau, *True and Christian Friendshippe... Together also with a right Excellent Inuectiue of the same Author, Against the Wicked Exercise of Diceplay, and Other Prophane Gaming*, trans. Thomas Newton (2nd edn., London, 1586), ch. 9, n. p. Daneau had written the original, Latin, version in 1579.

² D. R. Bellhouse, ‘Probability in the Sixteenth and Seventeenth Centuries: An Analysis of Puritan Casuistry’, *International Statistical Review*, vol. 56, no. 1(1988), p. 65.

³ John Northbrooke, *Spiritus est Vicarius Christi in Terra. A Treatise wherein Dicing, Dauncing, Vaine Playes or Enterluds with Other Idle Pastimes ... Commonly vsed on the Sabboth Day, are Reproued by the Authoritie of the Word of God and Auntient Writers* (London, 1577?). Hereafter referred to as Northbrooke, *Treatise*.

printed in more than one edition, or have drawn particularly heavily upon another. This is especially true of the gaming manuals section because in contrast to the moralising works, which were penned by many different authors but usually printed in only one edition, a small number of gaming manuals were published in many editions.

The issue of circulation is linked in a number of ways to the question of why ideas about gaming are important. To take one example, the objections moralists raised can be seen, albeit to varying degrees, in both the legislation and attempts to suppress gaming that were discussed in chapter two. It is, moreover, important to understand that moral and practical concerns about gaming often overlapped and were sometimes indistinguishable from one another; this is particularly true of the societies for the reformation of manners, whose efforts to suppress gaming were assessed earlier in the thesis. As will be shown throughout this chapter, attitudes towards gaming inform, penetrate, and make links between many of those topics discussed in the other chapters. But this is not all. Ideas about gaming, and the debates they generated, touch upon a number of much bigger areas such as the nature and permissibility of recreation, the development of ideas about chance and providence, and the development of early probability theory. And it is when looking at some of these wider issues that the long chronological span is again important.

To date, ideas about gaming in this period have been left largely unscrutinized, despite the abundance of primary source material. The footnotes to this chapter provide the best guide to the relevant secondary literature, but some general comments can be made here. Alessandro Arcangeli's *Recreation in the Renaissance*, is useful for its emphasis on ideas about recreation, but, as I pointed out in the main introduction, Arcangeli does not believe that gambling is a genuine form of recreation and so, for the most part, excludes it from his study.⁴ Justine Crump's paper 'The perils of play: Eighteenth-Century Ideas about Gambling' is a rare article-length treatment of the subject; David Miers and Gerda Reith, both of whom look at gaming in some detail, pay little attention to printed ideas about gaming in the early

⁴ Alessandro Arcangeli, *Recreation in the Renaissance: Attitudes towards Leisure and Pastimes in European Culture, c. 1425-1675* (Palgrave Macmillan, Basingstoke, 2003).

modern period, and especially those expressed by moralists.⁵ Jessica Richard's thesis, 'Arts of Play: The Gambling Culture of Eighteenth-Century Britain', is a detailed study of gambling as portrayed in eighteenth-century novels and, as we have seen in chapter three, Hope Donovan Cotton's 'Women and Risk' provides much information about eighteenth-century attitudes to gambling women. What early modern English gaming really needs is a study comparable in scope and depth to John Dunkley's *Gambling: A Social and Moral Problem in France*.⁶ What I am trying to get at here is that there has been virtually no systematic analysis of ideas about gaming and as such broad assumptions have been accepted on the basis of actually very little scholarship. At the most basic level, a reader of much of the secondary work could be left with the erroneous impression that early modern commentators did not think about gaming, let alone wrestle with it and engage in heated debate with one another. Neither would they realise that there were different strategies for criticising gaming, with varied tones and angles of attack, nor that gaming manuals even existed.

Gaming, Lots, Providence, and Early Probability

Around 1577, John Northbrooke (*fl.* 1567–1589), a Gloucestershire preacher, wrote; 'These Playes [games] that depende vpon chaunce, are those which we call Dice play, which kinde of Play is to be eschewed and auoyded of all men.'⁷ This formed part of one of the earliest printed arguments against gaming, which, it seems, Northbrooke was motivated to write by the prevalence of gaming he saw around him.⁸ Published as *A Treatise wherein Dicing, Dauncing, Vaine Playes or Enterluds with Other Idle Pastimes ... Commonly vsed on the Sabboth Day, are Reproued by*

⁵ Justine Crump, 'The Perils of Play: Eighteenth-Century Ideas about Gambling' (unpublished paper, 2003); Gerda Reith, *The Age of Chance: Gambling in Western Culture* (Routledge, London, 1999), pp. 81-83; Miers, *Regulating Commercial Gambling*, pp. 17-39, although it should be pointed out that this is less the case in his work on the nineteenth century onwards.

⁶ John Dunkley, *Gambling: A Social and Moral Problem in France, 1685-1792* (The Voltaire Foundation, Oxford, 1985). France is also well served by the work of Thomas Kavanagh, although it must be said that the main focus of both authors is the eighteenth century.

⁷ Northbrooke, *Treatise*, p. 86. For more on Northbrooke see Martha C. Skeeters, 'Northbrooke, John (*fl.* 1567–1589)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/20323>, accessed 2 March 2007].

⁸ Northbrooke, *Treatise*, 'To the Christian and Faithful Reader', n. p.

the Authoritie of the Word of God and Auntient Writers, Northbrooke's *Treatise* took the form of a dialogue between 'Age and Youth', in which the inexperienced 'youth' asked questions about the lawfulness, both spiritual and temporal, of gaming. Insofar as one was able to read, the format of the *Treatise* was clear and concise and the dialogue style not entirely unlike a catechism. Perhaps Northbrooke wished to re-educate his readers as well as chastise them, for one of the reasons he cited for the high incidence of gaming was 'the naughty, wanton and foolish bringing vp of children by their parents'.⁹ Yet the main pillar on which his denunciation of gaming rested was not social, but theological. It centred on the issue of the proper use of lots and, by extension, the debate about the extent to which, and how, God intervened in the natural order he had created.

Few historians of early modern England have examined the use of lots, whether in the context of decision-making, providence or gaming.¹⁰ There does seem to have been some interest in the mid 1980s, with articles by David Bellhouse, Barbara Donagan, and Margo Todd all appearing within five years of one another: together these still constitute the most significant body of work on sixteenth and seventeenth-century attitudes to the use of lots.¹¹ In this section I will bring together some of their ideas – Donagan and Todd are concerned with providence and chance, Bellhouse with early probability – and, using a range of contemporary literature, focus on the contentious issue of the use of lots in gaming. But as an initial step it would be helpful to introduce some of the ideas about decision-making that were apparent in post-Reformation English religious thought.

Alexandra Walsham's comprehensive *Providence in Early Modern England* shows just how complex this subject can be; any attempt to summarise here what the doctrine of providence meant in post-Reformation England almost inevitably risks

⁹ Northbrooke, *Treatise*, 'To the Christian and Faithful Reader', n. p.

¹⁰ Even Alexandra Walsham's exhaustive *Providence in Early Modern England* (OUP, Oxford, 1999), does not discuss lots. Similarly, Reith includes only a single sentence on the religious debate about the use of lots: *The Age of Chance*, pp. 82-83.

¹¹ Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries'; Barabara Donagan, 'Godly Choice: Puritan Decision-Making in Seventeenth-Century England', *Harvard Theological Review*, vol. 76, no. 3 (1983), 307-334; Margo Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge', *The Historical Journal*, vol. 29, no. 3 (1986), 697-711.

oversimplification.¹² But in general terms, it would be reasonable to suggest that Northbrooke and his contemporaries would have agreed with the statement that ‘nothing, however trivial, is left to chance; God orders not only the general movement of history, but each particular incident within it’.¹³ The difficulty was that man, in his fallen state, was unable to interpret these incidents and so guidance had to be sought in prayer, the Scriptures and the sermons of godly divines. All of these were extremely important to the decision-making process but, as Donagan has pointed out, prayer was not without complications and appeal to scripture was ‘less simple than it sounds’.¹⁴ The same point could almost certainly be made about sermons. Moreover, although many doubts could be allayed by these methods, there were some that could not. The Scriptures, after all, ‘did not address all cases of conscience, let alone offer guidance in deciding, for instance, which of two job offers to accept, or how to divide one’s property among one’s heirs ... or which road to take when one is lost’.¹⁵ The developing corpus of casuistical literature helped ‘anxious puritans’ to make difficult decisions, as might discussion with ‘clerical and lay mentors’.¹⁶ But uncertainties about the correct course of action would always remain, and hence ‘puritans felt compelled to look ... for other ways of discerning God’s will. They looked to the providentially ordered world around them for signs and judgements – “providences” as they called them’.¹⁷ One of these providences was lots.¹⁸

The word ‘Lot’ can be understood to mean ‘any randomizer such as cards or dice’, whereas ‘lottery’ refers in this context to ‘any outcome determined by

¹² Walsham, *Providence in Early Modern England*, esp. pp. 8-32.

¹³ Todd, ‘Providence, Chance and the New Science in Early Stuart Cambridge’, p. 700.

¹⁴ Donagan, ‘Godly Choice’, pp. 313-17. Quote at p. 315.

¹⁵ Todd, ‘Providence, Chance and the New Science in Early Stuart Cambridge’, p. 701.

¹⁶ Todd, ‘Providence, Chance and the New Science in Early Stuart Cambridge’, p. 701; Donagan, ‘Godly Choice’, p. 308.

¹⁷ Todd, ‘Providence, Chance and the New Science in Early Stuart Cambridge’, p. 701. See also Walsham, *Providence in Early Modern England*, pp. 19-20.

¹⁸ For other ‘types’ of providences see Walsham, *Providence in Early Modern England* and Donagan, ‘Godly Choice’.

randomization'.¹⁹ Northbrooke, like the English 'puritan mainstream',²⁰ believed that it was perfectly legitimate to refer decisions to a lottery when they concerned 'matters of great importaunce, and where his [God's] diuine will shoulde be extraordinariye knowne and vnderstoode. as in diuiding of goodes, choosing of Magistrates, and such lyke'.²¹ As Northbrooke's comment suggests, it was only permissible for serious matters to be decided by lottery. This was because lots were one of 'the principall witnesses of Gods power ... and gouerned immediately by his hande ... and prouidence'.²² Casting lots 'triflinglye' was to 'tempt God'²³ or, as Lorraine Daston puts it, to make 'a crank call to the deity'.²⁴ In some cases it might have been difficult to determine what constituted a 'crank call' and what did not: Donagan suggests that the popular practice of 'Opening the Bible at random and taking the text on which one's eye lighted as a divine direction', was 'objectionable' because it 'assimilated appeal to scripture to lottery'.²⁵ Furthermore, 'a randomly opened Bible on one occasion forbade the practice itself'.²⁶ In light of this example, it is not surprising that deliberately engaging in activities that courted chance, like casting dice, were well beyond the pale; as Northbrooke explained, such activities invoked the determining presence of God and thus constituted a vain attempt to make Him a 'seruaunt to ... Pastymes and Sportes'.²⁷ In this assertion Northbrooke echoed a long line of theologians who, 'since Augustine had condemned gambling as a "temptation of God", a profanation of God revealing his will by lot'.²⁸ So although the precedents of Northbrooke's argument were long-established, it may have been

¹⁹ Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries', p. 67.

²⁰ Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge', p. 704.

²¹ Northbrooke, *Treatise*, p. 107.

²² Northbrooke, *Treatise*, p. 107.

²³ Northbrooke, *Treatise*, p. 107.

²⁴ Lorraine Daston, *Classical Probability in the Enlightenment* (Princeton University Press, Princeton, 1988), p. 154.

²⁵ Donagan, 'Godly Choice', p. 317. See also her comments about 'the subtleties of discrimination' on p. 318.

²⁶ Donagan, 'Godly Choice', p. 317.

²⁷ Northbrooke, *Treatise*, p. 107.

²⁸ Daston, *Classical Probability*, p. 123.

that his concerns achieved a new and urgent resonance at a time when, as we have seen, carding and dicing appear to have been on the increase.

Northbrooke may have been one of the first to attack gaming, but he was by no means the only moralist to do so in the later sixteenth and early seventeenth centuries. In 1581, Thomas Wilcox (c. 1549-1608), 'one of the most sought after of puritan casuists',²⁹ published *A Glasse for Gamesters and Namelie for suche as Delight in Cards & Dise*, in which he advanced an argument about lots that was virtually identical to Northbrooke's.³⁰ Five years later, an anti-gaming treatise by the influential Calvinist theologian Lambert Daneau (1530-95) was appended to the English translation of his *True and Christian Friendshipp*. In 'A Discourse of Gaming', Daneau argued:

... we should not vse ... Lottes (wherein there resteth a singular argument and token of Gods diuine prouidence ...) in vaine, trifeling or phantasticall matter: but rather then and at such tyme onely, when as there falleth out some matter of great moment and waightie importaunce: wherein God himself (as an extraordinarie moderatour, Ruler and Vmpier) must interpose his doome, strike the stroake and decide the case ...³¹

This was a clear statement of why gaming, which necessitated the casting of lots 'rashlie and lightlie', was intrinsically evil.³² Yet there was a flicker of hesitation in Daneau's assertion that 'all such Games ... as merely consist vpon blind hazard and doubtfull chaunce, are flatly by vs (as vnlawful) reiected and condemned', for this seemed to imply that games not entirely dependent on lots might be viewed differently.³³ The 'Calvinist theologian and Church of England clergyman' Dudley

²⁹ Patrick Collinson, 'Wilcox, Thomas (c.1549–1608)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/29390>, accessed 29 March 2007].

³⁰ Thomas Wilcox, *A Glasse for Gamesters and Namelie for suche as Delight in Cards & Dise* (London, 1581), ch. 4. Although the author of *A Glasse for Gamesters* is noted only as 'T.W.', Bellhouse attributes it to Wilcox and I am inclined to agree: 'Probability in the Sixteenth and Seventeenth Centuries', p. 68. See also Patrick Collinson, 'Wilcox, Thomas'.

³¹ Daneau, *True and Christian Friendshipp*, 'A Discourse of Gaming', ch. 9, n. p.

³² Daneau, *True and Christian Friendshipp*, 'A Discourse of Gaming', ch. 9, n. p.

³³ Daneau, *True and Christian Friendshipp*, 'A Discourse of Gaming', ch. 5, n. p.

Fenner (1558-87), however, showed no signs of wavering.³⁴ For him, ‘the vse of a Lotte for recreation’ was ‘vnlawfull’, because ‘a Lotte is an especiall meanes whereby God hath ordained by him selfe from heaven, to end such cotroversies, as otherwise can not conuenientlie be ended’.³⁵

In 1593, James Balmford (b. c. 1556, d. after 1623), who was later to become rector of St Olave’s, Southwark, published *A Short and Plaine Dialogue Concerning the Vnlawfulnes of Playing at Cards or Tables, or any Other Game Consisting in Chance*.³⁶ Like Northbrooke, Balmford used a short dialogue, although this time between a ‘professor’ and a ‘preacher’, to present a plain and unambiguous critique of gaming.³⁷ A second, even more succinct, edition was published only a few years later.³⁸ In these texts, Balmford did not expend much ink on the issue of lots; it is likely that there was enough of a consensus that he did not have to. For him it was simple: all lots invoked the ‘speciall providence and determining presence’ of God and were to be used only for the resolution of serious controversies, which was the purpose for which they had been ‘sanctified’.³⁹ Man ‘pervert[ed]’ lots by using them for amusement or in play.⁴⁰

³⁴ Patrick Collinson, ‘Fenner, Dudley (c.1558–1587)’, *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008 [http://www.oxforddnb.com/view/article/9287, accessed 18 Feb 2008]

³⁵ Dudley Fenner, *A Short and Profitable Treatise, of Lavvfull and Vnlavvfull Recreations and of the right Vse and Abuse of those that are Lawefull. Written by M. Dudley Fenner, Preacher of the Word of God in Midlebrugh [sic]. 1587 (Middelburg, 1590)*, n. p.

³⁶ James Balmford, *A Short and Plaine Dialogue Concerning the Vnlawfulnes of Playing at Cards or Tables, or any Other Game Consisting in Chance Offered to the Religious Consideration of all such as make Conscience of all their Waies* (London, 1593), passim. For more on Balmford see Gary W. Jenkins, ‘Balmford, James (b. c.1556, d. after 1623)’, *Oxford Dictionary of National Biography*, OUP, 2004 [http://www.oxforddnb.com/view/article/1245, accessed 2 March 2007].

³⁷ Philip Stubbes used a similar format in his *Anatomie of Abuses*, which included a section on gaming: *The Anatomie of Abuses Contayning a Discouerie, or Briefe Summarie of such Notable Vices and Imperfections, as now Raigne in Many Christian Countreyes of the Worlde* (London, 1583), ‘Cards, Dice, Tables, Tennisse, Bowles, and other Exercyses, vsed Vnlawfully in Ailgna’, n. p.

³⁸ James Balmford, *To the Maior, Aldermen, and Inhabitants of N. That whiche heretofore I haue Propounded to you (Right Worshipfull and Beloued) in Teaching, I do now Publish to all Men by Printing, to wit, mine Opinion of the Vnlawfulnesse of Games Consisting in Chance* (London, 1600).

³⁹ Balmford, *A Short and Plaine Dialogue*, n. p.

⁴⁰ Balmford, *A Short and Plaine Dialogue*, n. p.

At the turn of the seventeenth century, few moralists would have challenged Balmford's position on lots. Posthumously published in 1606, *The Whole Treatise of the Cases of Conscience* was the work of the 'moderate puritan' William Perkins (1558-1602).⁴¹ Despite the 'moral laxity' of his undergraduate years at Cambridge,⁴² Perkins argued that games of 'meere-hazard', that is, those entirely dependent on chance, were lots.⁴³ Games such as dicing were therefore unlawful because 'the vse of a lot, is an act of religion, in which we referre vnto God, the determination of things of moment, that can no other way be determined'.⁴⁴ A lot, then, was 'a solemne act' and was not to be 'applied to sporting'.⁴⁵ It should be said that Perkins' position on gaming in general was not quite so absolute. This was because Perkins, unlike Balmford, differentiated between the aforesaid games of 'meere-hazard' and 'mixt' games 'which stand partly of hazard, and partly of witte, & in which hazard beginnes the game, and skil gets the victorie'.⁴⁶ Some games at cards and tables (although he does not say which) fell into this 'mixt' category, but perhaps more interesting is Perkins' suggestion that:

... the bare dealing of the cards is no more a lotte, then the dealing of an almes, when the Princes Almner⁴⁷ puts his hand into his pocket, and giues, for example, to one man sixe pence, to another twelue pence, to another two pence, what comes forth without any choice. Now this casuall distribution is not a lot, but onely a casuall action. And in a lot, there must be two things. The first is, a casuall act: the second, the applying of the foresaid act, to the determination of some particular and vncertaine euent. Now the dealing of the cards is a casuall act; but the determination of the vncertaine victorie, is not from the dealing of the cardes, in mixed games, but from the wit and skill, at least from the will of the players.⁴⁸

⁴¹ Michael Jenkins, 'Perkins, William (1558–1602)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/21973>, accessed 16 March 2007].

⁴² Jenkins, 'Perkins, William'.

⁴³ William Perkins, *The Whole Treatise of the Cases of Conscience* (Cambridge, 1606), p. 590.

⁴⁴ Perkins, *Whole Treatise*, p. 590.

⁴⁵ Perkins, *Whole Treatise*, p. 590.

⁴⁶ Perkins, *Whole Treatise*, p. 591. The distinction between games on these grounds is discussed in more detail below.

⁴⁷ Presumably 'the Prince's Almoner', that is, he who distributes alms on behalf of the prince.

⁴⁸ Perkins, *Whole Treatise*, pp. 591-92.

In reaching this conclusion Perkins was to pre-empt later debates about gaming. It was, though, another two decades before anyone was to sever the link that still remained between lots and games of ‘meere-hazard’.

Sometime in 1619 the rector of Rotherhithe, Thomas Gataker (1574-1654), preached a sermon on providence. This was apparently ‘so well received by Gataker’s decidedly puritan congregation that he was persuaded to publish it’⁴⁹ and the resulting *Of the Nature and Vse of Lots a Treatise Historicall and Theologicall* became Gataker’s first extant work.⁵⁰ In this, Gataker defined a lot as ‘a casualty or casuall euent purposely applied to the deciding of some doubt’.⁵¹ He made a break from previous writers by drawing a clear distinction between ‘casuall’ events and those lots appointed by God to a ‘speciall’ purpose, emphasising, ‘The casualtie of an euent doth not simply of it selfe make it a worke of Gods speciall or immediate prouidence.’⁵² In other words, Gataker found it ‘reasonable to conclude that the outcomes [of a randomized event] are determined by the regular, perhaps unknown, laws of nature’.⁵³ To take an example from the gaming table:

Neither can any man say certainly that there is ordinarily any speciall hand of God, in the shuffling and sorting of them, crossing the course of nature, or the naturall motion of the creature, and so causing those to ly higher and so neerer at hand, that would otherwise haue lien lower, and those to ly lower and so further from hand that would otherwise haue lien higher. So in the shuffling of Cards, the hand of him that shuffleth them is it that disposeth them, and that diuersly as he listeth either to stay or to continue that act of his. In the casting of dice the violence of the Caster causeth the Creature cast to moue, till either that force failing, or some opposite body hindring it, it cease to moue further, and so determine the chance.⁵⁴

⁴⁹ Todd, ‘Providence, Chance and the New Science in Early Stuart Cambridge’, p. 698.

⁵⁰ Thomas Gataker, *Of the Nature and Vse of Lots a Treatise Historicall and Theologicall; Written by Thomas Gataker B. of D. sometime Preacher at Lincolnes Inne, and now Pastor of Rotherhith* (London, 1619). For more on Gataker see Brett Usher, ‘Gataker, Thomas (1574–1654)’, *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/10445>, accessed 28 Feb 2007].

⁵¹ Gataker, *Of the Nature and Vse of Lots*, p. 4.

⁵² Gataker, *Of the Nature and Vse of Lots*, p. 22.

⁵³ Bellhouse, ‘Probability in the Sixteenth and Seventeenth Centuries’, p. 69.

⁵⁴ Gataker, *Of the Nature and Vse of Lots*, pp. 146–47.

Gataker, then, conceived of divine will as operating on a general rather than a particular level, which marked a significant shift. His belief that a lot was a non-providential chance event also enabled him to contend their proper use. Indeed, the 'great vncertainty' of a lot meant that it was 'fittest for such matters as are of *least* moment, and not fit to be vused in any weighty affaire' [my italics].⁵⁵ That the same lot could have variable results was surely proof that 'God must not determine the outcome' because if the 'outcome of the lot is variable then God must be fickle; but God is not fickle'.⁵⁶ Not only had Gataker turned on its head the argument that lots should only be used to decide serious matters, but he had also arrived at the conclusion that 'Lusorious Lots, and Games consisting of such are not simply or in that regard euill or vnwarrantable'.⁵⁷

Gataker's *Of the Nature and Vse of Lots* is of considerable significance to the history of gaming – though this has not often been recognised – because it undermined the theological basis of the argument that games using lots were impermissible exactly because they used lots.⁵⁸ *Of the Nature and Vse of Lots* 'brought an immediate flurry of angry objections, denunciations from other puritan pulpits and, in the universities, heated debates'.⁵⁹ Especial condemnation came from James Balmford who, in 1623, republished his 1593 denunciation of gaming, adding lengthy criticisms of Gataker's work.⁶⁰ The dispute between these two men was bitter and Balmford seems to have particularly resented that Gataker allegedly confuted him '*by name* in open pulpit'.⁶¹ Balmford had some support and Bellhouse notes that 'several others had urged him

⁵⁵ Gataker, *Of the Nature and Vse of Lots*, p. 129-30. See also p. 119 for a similar statement.

⁵⁶ Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries', p. 70.

⁵⁷ Gataker, *Of the Nature and Vse of Lots*, p. 127-28.

⁵⁸ Daston, for instance, gives a good summary of Gataker's position in *Of the Nature and Vse of Lots*, but does not discuss its importance: *Classical Probability*, pp. 154-55. Exceptions are Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge' and Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries'.

⁵⁹ Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge', p. 698.

⁶⁰ James Balmford, *A Modest Reply to Certaine Answeres, which Mr. Gataker B.D. in his Treatise of the Nature, & Vse of Lotts, giveth to Arguments in a Dialogue Concerning the Vnlawfulnes of Games Consisting in Chance and Aunsweres to his Reasons Allowing Lusorious Lotts, as not Evill in Themselves* (London, 1623).

⁶¹ Balmford, *A Modest Reply*, p. 26.

to reply to Gataker since he was the last surviving author among the group including Daneau, Perkins and Fenner who had written on ethical problems in the use of lots', although he does not say who these 'others' were.⁶² Balmford's *A Modest Reply* did not diverge from his earlier position and, for the most part, simply re-emphasised the examples he had used in his *A Short and Plaine Dialogue*. More serious, though, was Balmford's claim that, in Gataker, 'gamesters' had gained a 'learned ... *Patrone* of their gaming'.⁶³ This was certainly not Gataker's opinion – he was critical of gaming on other grounds (more on which later) – but it is easy to see how Gataker's opponents could exploit his position on lots by suggesting that it went some, or perhaps all, of the way towards legitimising gaming.

Gataker was quick to reply and, referring to the 'imbecillitie' of Balmford's arguments, published a lengthy rejoinder in which he restated his position robustly.⁶⁴ In truth, Gataker might not have been as confident as *A Iust Defence of Certaine Passages in a Former Treatise Concerning the Nature and Vse of Lots* suggests and, Todd informs us, 'by 1625 Gataker has been sufficiently battered by the opposition that he wrote to his former master at Sidney [Sussex College, Cambridge], Samuel Ward, to ask whether he had a leg on which to stand'.⁶⁵ Ward's response was to arrange a formal disputation at Sidney between Gataker and William Ames (1576–1633), which has been studied in detail by Margo Todd.⁶⁶ Ames had been an undergraduate at Christ's College, Cambridge, and proceeded to hold a fellowship at Christ's from 1601 to 1609.⁶⁷ Perkins had had a 'profound' influence on Ames, but the younger man was to exceed his former mentor's 'nonconformism by resisting the

⁶² Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries', p. 71.

⁶³ Balmford, *A Modest Reply*, p. 38.

⁶⁴ Thomas Gataker, *A Iust Defence of Certaine Passages in a Former Treatise Concerning the Nature and Vse of Lots, Against such Exceptions and Oppositions as have beene made thereunto to Mr. I.B.* (London, 1623).

⁶⁵ For much of what follows in this and the next paragraph, see Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge'.

⁶⁶ Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge'.

⁶⁷ Keith L. Sprunger, 'Ames, William (1576–1633)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/440>, accessed 16 March 2007].

wearing of the surplice and all ceremonialism'.⁶⁸ In December 1609, Ames preached a sermon in which he launched a scathing attack on the use of cards and dice. This allegedly included the comments "we might as well abuse the word or sacraments or oaths as play at cards" and "it is unlawful to jest [play] with lots, but cards by divers of the best writers are held to be lots, therefore it is unlawful to use them".⁶⁹ Unfortunately for Ames, Christ's had just appointed a new, conformist, card-playing master, Valentine Carey.⁷⁰ Neither Ames's 'notorious puritanism' nor his sermon sat well with Carey and he was brought before the vice-chancellor's court, which deprived him of his degrees and ecclesiastical position.⁷¹ After a very brief period as a city lecturer in Colchester, Ames left England for the Netherlands where he was ultimately to become a professor at the University of Franeker.

Ames, then, did not attend the Sidney disputation and it is unlikely Gataker appeared in person. It was based instead on correspondence between the two men and the works they had produced. Ames's argument did not diverge from that of his 1609 sermon: it was 'blasphemous to make a game of lots' and 'to play with pure contingencies' was 'an affront to that providence which speaks through them'.⁷² Gataker also held firm and Todd neatly sums up his position thus:

Even completely unpredictable events, Gataker concluded, may well have reasonable explanations in terms of the laws of nature (which, admittedly, God established). Our inability to predict them *need* not make them the vehicles of special providence.⁷³

⁶⁸ Sprunger, 'Ames, William'.

⁶⁹ Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge', p. 698, n. 4.

⁷⁰ See Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge', p. 698, n. 4 and Sprunger, 'Ames, William'.

⁷¹ Sprunger, 'Ames, William'.

⁷² Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge', p. 705. The phrase 'pure contingency' is reminiscent of Perkins' usage of the term 'meere-hazard'.

⁷³ Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge', p. 706.

The Sidney disputation decided in Gataker's favour, yet it is not known whether or not he knew this. But it may have been that he did, for in 1627 he published a slightly revised edition of *Of the Nature and Vse of Lots*.⁷⁴

Balmford probably died in the mid to late 1620s and so Gataker was to have the last word in that particular debate.⁷⁵ Ames, however, restated his position in his *De Conscientia* of 1630,⁷⁶ to which Gataker apparently replied in 1638.⁷⁷ John Downe (1570?-1631), a former fellow of Emmanuel College, Cambridge, and the rector of Instow in Devon, was to produce one of the first works to favour Gataker's view of lots. In *A Defence of the Lawfulness of Lots in Gaming* (which was published posthumously in 1633), Downe argued that 'Lots both Mixt and Meer are lawfull even in the lightest matters: and consequently that cards and dice, and tables, and all other Games of the like nature, are lawfull, and may be vused for recreation'.⁷⁸ Gataker's 'opinion on the nature of lots eventually was commonly accepted' and so, by the late 1630s, only a trickle of debate about lots remained.⁷⁹ In 1646 John Philpot condemned games of chance on the grounds that they were 'carried by fortune or lot',⁸⁰ while Thomas Vincent (1634-1678), the nonconformist author of *God's Terrible Voice in the City*,⁸¹ preached in 1667 that 'Lottery being a sacred thing

⁷⁴ Thomas Gataker, *Of the Nature and Vse of Lots* (London, 1627).

⁷⁵ The date of Balmford's death is unknown but Jenkins notes 'no reference to him has been found after 1623': 'Balmford, James'.

⁷⁶ See Thomas Wood, 'The Seventeenth Century English Casuists on Betting and Gambling', *Church Quarterly Review*, no. 149 (1950), pp. 168-70.

⁷⁷ See Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries', p. 71. Bellhouse, referring to Keith L. Sprunger's *The Learned Doctor William Ames* (Urbana University Press, 1972), notes that Gataker might have delayed publication until after Ames's death because 'even in exile Ames was a highly influential Puritan theologian': 'Probability in the Sixteenth and Seventeenth Centuries', p. 71.

⁷⁸ John Downe, *Certain Treatises of the Late Reverend and Learned Divine, Mr John Downe, Rector of the Church of Instow in Devonshire, Bachelour of Divinity, and sometimes Fellow of Emanuell Colledge in Cambridge. Published at the Instance of his Friends* (London, 1633), *A Defence of the Lawfulness of Lots in Gaming*, p. 3.

⁷⁹ Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries', p. 72.

⁸⁰ John Philpot, *A Prospective-Glasse for Gamesters* (London, 1646). I have been unable to find any biographical information about Philpot, but this does appear to be his only extant printed work.

⁸¹ Thomas Vincent, *God's Terrible Voice in the City* (London, 1667).

should not be made use of in Games'.⁸² It can be inferred from Richard Baxter's *Christian Directory* of 1673 that his perspective on the proper use of lots was one of the many reasons he objected to gaming.⁸³ Baxter (1615-91), an ejected minister and prolific religious writer, was, however, prepared to sanction the use of lots in "cases of necessity, where judgement faileth".⁸⁴ Moreover, the 'practice of divination by lot ... was practiced sporadically by some Christian groups including the Wesleys into the eighteenth century'.⁸⁵

Detailed theological objections to gaming as a misuse of lots in the post-Gataker period were therefore few and far between. One exception was the Church of Scotland minister James Durham's (1622-58) *A Practical Exposition of the X. Commandements with a Resolution of Several Momentous Questions and Cases of Conscience*. Published in London in 1675, but written sometime before his death in 1658, it included a thorough indictment of the way in which lots were used in games of chance.⁸⁶ Durham contended that cards and dice 'run on Lottery (having that for the very foundation of them) and have an immediate dependance on providence for the issue of them'.⁸⁷ Gaming, therefore, was 'against the end of Lots, which is to divide or decide where there is Controversie, and so it interverteth their end, and becometh sinful'.⁸⁸ Like the pre-Gataker clutch of authors, Durham believed that lots were to be reserved for the resolution of serious matters, so much so, that he included a guide to ensure they were used with due reverence:

⁸² Thomas Vincent, *Words of Advice to Young Men Delivered in Two Sermons at Two Conventions of Young Men, the one Decemb. 25, 1666, the Other Decemb. 25, 1667* (London, 1668), p. 98. For a later example with similar sentiments see Thomas Manton, *A Fourth Volume Containing One Hundred and Fifty Sermons on Several Texts of Scripture in Two Parts* (London, 1693), p. 67.

⁸³ Richard Baxter, *A Christian Directory, or, A Summ of Practical Theologie and Cases of Conscience* (London, 1673), p. 462. All references are to the 1673 edition unless otherwise stated. Baxter wrote at some length about gaming and his opinions will be discussed in more detail later in this chapter.

⁸⁴ Elisabeth Sommer, 'Gambling with God: The Use of the Lot by the Moravian Brethren in the Eighteenth Century', *Journal of the History of Ideas*, vol. 59, no. 2 (April 1998), p. 270.

⁸⁵ Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries', p. 72. See also Sommer, 'Gambling with God', *passim*.

⁸⁶ James Durham, *A Practical Exposition of the X. Commandements with a Resolution of Several Momentous Questions and Cases of Conscience* (London 1675), especially pp. 171-74

⁸⁷ Durham, *A Practical Exposition*, p. 171.

⁸⁸ Durham, *A Practical Exposition*, p. 171.

Before the *Lot* we should look to and follow Gods call and depend on him in it. 2. In the time of *Lotting*, we should act reverently. 3. After the *Lot* we should reverence the Lord, and submit to the event of it as to his mind, even though our frame has not been so right.⁸⁹

It seems that Durham had been influenced by earlier debates about lots, even if his final analysis was not entirely consistent. On the one hand he argued that in games of chance there was ‘little dependance on God for the event that is in them’⁹⁰ and conceded that in certain games (it is implicit that he meant outdoor games and sports) ‘Chance may now and then occasionally occur, yet that is but accidental’.⁹¹ Yet on the other, and while acknowledging that that some card games ‘may in the compleat frame of them require some skill, how to manage such throws or such particular Cards when a man hath gotten them’, he insisted that they remained ‘lotting-Games’ that were governed by ‘immediat providence’.⁹² In any case, because lots were an ‘Ordinance of God’, their abuse in games of chance was both ‘Vile and Contemptible’.⁹³ Yet for others, like the Church of England clergyman Anthony Horneck (1641-1697), the issue of lots no longer had much to offer. When, in 1684, Horneck wrote ‘if it be said, that in Lots there is either a tacit or express imploring of a Divine determination; I answer, that in some Lots there hath been such a thing practised, but that therefore the same must be practised in all Lots whatsoever, is absurd to imagine’, there was a definite sense that he felt this debate to be all but obsolete.⁹⁴

Even the inauguration of the state lottery in 1694 did not seem to generate any new printed discussions about the religious implications of the use of lots in games of chance, although if the example of Samuel Jeake (1652-99) is anything to go by, the

⁸⁹ Durham, *A Practical Exposition*, p. 174.

⁹⁰ Durham, *A Practical Exposition*, p. 172.

⁹¹ Durham, *A Practical Exposition*, p. 173.

⁹² Durham, *A Practical Exposition*, p. 173.

⁹³ Durham, *A Practical Exposition*, p. 173.

⁹⁴ Anthony Horneck, *Delight and Judgment: or, a Prospect of the Great Day of Judgment and its Power to Damp, and Imbitter Sensual Delights, Sports, and Recreations* (London, 1684), p. 145. This was in the context of a passage about recreation.

lottery might have re-ignited some interest in the older works.⁹⁵ Jeake was a merchant and astrologer, with ‘strong puritan principles’.⁹⁶ In his diary entry of 13 April 1694, Jeake recalls how he came to decide to invest in the Million Adventure. Reasoning ‘And this being not a Lusory but a Civil Lot: & the putting the Act in Execution (when once made) being now become necessary for the support of the Government in the War against France’, Jeake ‘concluded this might be lawfull’.⁹⁷ Although Jeake had already made his decision, he still looked for reassurance, writing:

I purposely bought Gataker’s book of the Nature & Use of Lotts, which I carefully read over & considered after I came home. All whose Allegations for the lawfulness of Lusorious & needless Lots did not at all alter my Judgment, Dr. Ames in his Marrow of Divinity & Cases of Conscience speaking more sense in 2 or 3 pages against them; than Gataker in all his Book can for them.⁹⁸

Jeake favoured Ames over Gataker, but it seems that the work of the latter had stood the test of time for *Of the Nature and Vse of Lots* was cited by the French jurist Jean Barbeyrac (1674-1744) in his *Discours sur la Nature du Sort* of 1713, which was later included in the second edition of the influential *Traité du Jeu*.⁹⁹

Despite remaining ‘an utter Enemy to the practice of all Lusory Lots’, Jeake nonetheless became one of the first subscribers to the Adventure, with a stake of £100.¹⁰⁰ It was, however, a less happy financial enterprise which might have

⁹⁵ Samuel Jeake, *An Astrological Diary of the Seventeenth Century: Samuel Jeake of Rye 1652-1699*, ed. with an introduction by Michael Hunter and Annabel Gregory (Clarendon Press, Oxford, 2002).

⁹⁶ Michael Hunter, ‘Jeake, Samuel (1652–1699)’, *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/14675>, accessed 23 May 2007]

⁹⁷ Jeake, *An Astrological Diary*, p. 232 (13 April 1694).

⁹⁸ Jeake, *An Astrological Diary*, p. 232 (13 April 1694).

⁹⁹ Dunkley, *Gambling*, pp. 101-119 and esp. pp. 105, 109 and 111. By the eighteenth century lots were not as contentious an issue as they had been in Gataker’s time and Dunkley notes ‘when Barbeyrac considers the question of the misuse of lots ... it is mainly in order to show that it is not really a relevant problem’: *Gambling*, p. 105. The second edition of the *Traité du Jeu* appeared in 1737.

¹⁰⁰ Jeake, *An Astrological Diary*, p. 232 (13 April 1694). For a detailed analysis of Jeake’s investment in the national debt, see Anne Murphy, ‘Dealing with Uncertainty: Managing Personal Investment in the Early English National Debt’, *History*, vol. 91, issue 302 (April 2006), 200-217.

prompted the dissenting minister Thomas Shepherd to go into print on the subject of lots. Writing in the immediate aftermath of the South Sea Bubble, he prefaced *A Discourse on Lots* with the comment ‘I ... took the Opportunity of enlarging a little upon Lots; apprehending that the Abuse of them was rising up into a National sin. It is indeed an unfair Way of getting Money, which brings Poverty on the Credulous and Meaner sort of People’.¹⁰¹ For Shepherd, a lot was ‘a special, particular, and solemn Appeal to God, and supposes the Determining Presence of God’,¹⁰² used for ‘the Setting the Minds of Men, any Ways in Doubt, or Suspence touching his Will; when there is not a full and clear Declaration made of it in his Written Word’.¹⁰³ Lots were to be used only for the determination of ‘great and weighty Matters; either weighty in itself, or in the Consequences’: any other usage was no better than ‘Playing with the Glorious and fearful Name, The Lord Thy God’.¹⁰⁴ Yet although cards, dice and ‘all those Games, that fall under this Lusory, or Sporting Lot’¹⁰⁵ were outlawed by Shepherd he, like Jeake, was prepared to sanction ‘State Lotteries’, because their purpose was not ‘vain and wanton’, but rather for ‘the Necessary Support of the Government’.¹⁰⁶ Justine Crump suggests that Shepherd’s *Discourse* was intended ‘to address the perilous implications of discounting the determining role of providence in world events’ at a time when ‘speculative mania’ and the collapse of the South Sea Bubble had ‘gripped the nation’.¹⁰⁷ I would be tempted to agree for, in the period under consideration, Shepherd’s is the last sustained theological objection to the (mis)use of lots in gaming that I have been able to find.

In this section we have seen that cards and dice were viewed as a lottery (in the sense that they were randomizers) and, because of this, gaming was seen by some to constitute a frivolous use of lots. This was important because from the later sixteenth

¹⁰¹ Thomas Shepherd, *A Discourse on Lots, Shewing that all Use of Lots, in a Sportive Way, is Utterly Unlawful. Preach’d March 6. 1719/20* (London, 1720), preface.

¹⁰² Shepherd, *A Discourse on Lots*, p. 9.

¹⁰³ Shepherd, *A Discourse on Lots*, p. 8.

¹⁰⁴ Shepherd, *A Discourse on Lots*, p. 14.

¹⁰⁵ Shepherd, *A Discourse on Lots*, p. 14.

¹⁰⁶ Shepherd, *A Discourse on Lots*, p. 15.

¹⁰⁷ Crump, ‘The Perils of Play’, p. 7.

to the early seventeenth centuries in particular, it was believed that lots were a God-given decision making device, which invoked the determining presence of God, and were therefore only to be used for the resolution of the most serious matters. Thomas Gataker, however, posited a different opinion when, in essence, he argued that there existed a non-providential class of chance events (though God, of course, knew the outcome of these events). This meant that each cast of the dice or turn of the cards did not invoke the determining presence of God. Gataker was heavily criticised for this view, which was perhaps unsurprising since it did seem to remove a major theological objection to gaming. Yet in spite of this it was Gataker's argument that came to be widely accepted, and reasonably quickly. It must be emphasised that Gataker was no proponent of gaming, but I wonder if his arguments were influenced by the growth of card playing in the early decades of the seventeenth century; indeed, when some 337,000 packs of cards were being produced per year, it must have been increasingly difficult to make a convincing case that each and every deal of the cards was a direct appeal to God.¹⁰⁸

Before leaving the subject of lots and gaming, a few points need to be made about probability. The work of Lorraine Daston and Ian Hacking more than adequately covers the period after 1660 and it is not my intention to rehearse this here, but rather to make some observations about the earlier years.¹⁰⁹ The beginning of probability calculus is generally dated from the Pascal-Fermat correspondence of 1654, but prior to this there were 'some sporadic appearances in published or unpublished form of probability calculations for certain games of chance'.¹¹⁰ Bellhouse identifies some of these in the casuistical literature discussed in this chapter and concludes 'in Ames' and perhaps Daneau's work the concept of equally likely outcomes is present and has an influence on their thoughts'.¹¹¹ Moreover, in Gataker's writings there are 'hints

¹⁰⁸ On this point also see Dunkley, *Gambling*, pp. 105-106.

¹⁰⁹ Daston, *Classical Probability*; Ian Hacking, *The Emergence of Probability* (CUP, Cambridge, 1975).

¹¹⁰ Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries', p. 63. On pre-1654 probability calculus see also Bellhouse and Franklin, 'The Language of Chance', F. N. David, *Games, Gods and Gambling: A History of Probability and Statistical Ideas* (Dover Publications, 1998 [reprint of the 1962 edn.]), and David Bellhouse, 'Probability Prior to Pascal' in C. C. Heyde and E. Seneta (eds.), *Statisticians of the Centuries* (Springer, New York and London, 2001), pp. 3-7.

¹¹¹ Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries', p. 72.

that he was aware of a very elementary theory of probability' because 'he notes that in repeated trials it is unlikely that the same outcome will always occur'.¹¹² Gataker does not relate this directly to cards or dice, but even so, his was a little different from the "propensity" attitude towards dice' that Hacking suggests was adopted by 'students of chance' before 1660, for in the propensity schema, dice were conceived as 'having various tendencies to fall in various ways'.¹¹³

The propensity approach was taken by the renowned Italian physician and mathematician Girolamo Cardano (1501-1576) in *De Ludo Aleae*, 'the first book about games of chance' (but which was not printed until 1663).¹¹⁴ Cardano, an inveterate gambler who 'on one occasion ... sold his furniture and his wife's possessions in order to get money to indulge his passion for gaming',¹¹⁵ based his calculations on the number of throws it would take to realise all possible outcomes of a die, which he termed a full 'circuit'. Hence on a fair die, a circuit would be completed after six throws. 'Of course', explains Daston, 'this is literally false, and Cardano readily acknowledged that in practice more than six throws may be required to turn up all six faces. In this and all other similar cases, he explained the discrepancy between calculation and actual outcome by "luck"'.¹¹⁶ For Cardano, 'luck' was a reality and, although this was not the same distinction as Gataker was later to make in his 'separation of chance from providence',¹¹⁷ there can be seen some early antecedents for congruence between thinkers who had reached similar conclusions by different routes. Gaming, though, was the common denominator: Cardano's 'long observation' was a product of his love of diceplay and the casuists'

¹¹² Bellhouse, 'Probability in the Sixteenth and Seventeenth Centuries', p. 72, referring to Gataker, *On the Nature and Use of Lots*, p. 159.

¹¹³ Hacking, *The Emergence of Probability*, p. 56.

¹¹⁴ Hacking, *The Emergence of Probability*, p. 54.

¹¹⁵ F.N. David 'Studies in the History of Probability and Statistics I. Dicing and Gaming (A Note on the History of Probability)', *Biometrika*, vol. 42, no. 1/2. (June 1955), 1-15, p. 10.

¹¹⁶ Daston, *Classical Probability*, p. 36.

¹¹⁷ Todd, 'Providence, Chance and the New Science in Early Stuart Cambridge', p. 708.

theological investigation of lots and chance events had been inspired, at least in part, by their dislike of gaming.¹¹⁸

Gaming and Recreation

Ideas about Recreation in Early Modern England

Gaming was, and still is, often thought of as a recreational activity (although it is seldom this straightforward). To understand better some of the ways in which moralists conceived of gaming, it is necessary therefore to consider the issue of recreation in early modern England. Alessandro Arcangeli argues that ‘an orientation towards ... the praise of moderate recreation ... was deeply rooted in Western culture’, and a recent article by Elaine McKay has a similar outlook.¹¹⁹ Both of these authors, it should be noted, are concerned with recreation in the sense of sports, games, and pastimes rather than the types of popular festivities that have been documented so comprehensively by Ronald Hutton; this is why their remarks are of particular relevance here.¹²⁰ Arcangeli does not try to define recreation, but instead suggests that his study is ‘a cultural history of what past civilizations meant by and thought about recreation, with undoubted, indeed necessary, connections with actual practices, but nonetheless focused on linguistic and mental structures.’¹²¹ McKay, on the other hand, concentrates on the definition of recreation in early modern England and, in doing so, makes a valuable contribution to an understudied area. Taking as her starting point Robert Malcolmson’s elision of the terms ‘recreation’, ‘diversion’

¹¹⁸ Hacking, *The Emergence of Probability*, p. 53.

¹¹⁹ Arcangeli, *Recreation in the Renaissance*, p. 14; Elaine McKay, “‘For refreshment and preserving health’: the Definition and Function of Recreation in Early Modern England”, *Historical Research*, Online Early Articles (Feb. 2007).

¹²⁰ Ronald Hutton, *The Rise and Fall of Merry England: The Ritual Year 1400-1700* (OUP, Oxford, 1994). This distinction is complicated by the fact that festivals and celebrations might have occasioned the playing of sports and games; see for example, William Le Hardy (ed.), *Calendar to the Sessions Books and Sessions Minute Books*, Hertfordshire County Records, vols. 5-8 (1928-35), vol. 8, p. 344.

¹²¹ Arcangeli, *Recreation in the Renaissance*, p. 2.

and 'sport', McKay draws on diarists' uses of the language of recreation to argue that different terms did in fact have different meaning for those using them.¹²²

The 'six key words' highlighted by McKay as being 'commonly used by English diarists of the period in recreational contexts' are: 'recreation', 'sport', 'refreshment', 'diversion', 'exercise' and 'entertain'.¹²³ 'Leisure', 'pastime' and 'play' were only used infrequently, whereas 'recreation' was by far the most common.¹²⁴ McKay contends that 'the two principal terms which may have had an underlying, deeper meaning' for her diarists were 'recreation' and 'refreshment', which also had 'a close association in the minds of many diarists'.¹²⁵ For the most part, this would seem to be borne out by the printed sources I have analysed: in the examples that follow both terms can be seen being used regularly, and often together. Baxter, though, uses the terms 'sport' and 'recreation' as interchangeable synonyms and 'leisure' (albeit much less frequently) to mean both 'occasion for' ('When they are idle, they are at leisure for lustful thoughts')¹²⁶ and 'free time' ('they cannot through their poverty have leisure any other day').¹²⁷ He also uses the term 'pastime' vaguely, but usually as distinct from 'sports' and 'gaming', and often interchangeably with 'games'.¹²⁸ Although this varied vocabulary is supportive of McKay's diary-based claims about the different meanings of recreation in early modern England, Baxter rarely gives a clear sense of why he differentiates between different terms. One factor that should not be ignored completely, however, is that in a lengthy treatise, as opposed to a

¹²² Robert Malcolmson, *Popular Recreations in English Society 1700-1850* (CUP, Cambridge, 1973), p. 4; McKay, 'The Definition and Function of Recreation', p. 2.

¹²³ McKay, 'The Definition and Function of Recreation', p. 5.

¹²⁴ McKay, 'The Definition and Function of Recreation', p. 6.

¹²⁵ McKay, 'The Definition and Function of Recreation', p. 6.

¹²⁶ For example, Richard Baxter, *The Life of Faith in Three Parts* (London, 1670), p. 489. For more on 'leisure' see Peter Burke, 'The Invention of Leisure in Early Modern Europe', *Past and Present*, no. 146 (1995), 136-50, J. L. Marfany, 'The Invention of Leisure in early Modern Europe', *Past and Present*, no. 156 (1997), 174-91 and Burke's reply, also in *Past and Present* 156, 192-97.

¹²⁷ Richard Baxter, *The Divine Appointment of the Lords Day* (London, 1671), p.118 and a similar usage in *A Treatise of Self-Denial* (London, 1675), p. 163

¹²⁸ Baxter, *A Treatise of Self-Denial*, pp. 159-65. On the recreational vocabulary of French moralists, see Dunkley, *Gambling*, pp. 63-64.

diary, an author like Baxter might simply have been looking for synonyms for 'recreation'.

Although I have focused on writers who discussed gaming, their opinions are, for the most part, more widely representative; there was agreement among many moralists that some form of recreation was both permissible and necessary and 'reformers of various kinds ... did not deny the value of recreation in general'.¹²⁹ Northbrooke approved the use of 'certaine moderate and actiue pastimes, for exercise and recreations sake',¹³⁰ while Wilcox considered 'I think it not evill that sometymes a Christian man plaie and refreshe hyselve provided alwaie that suche recreation and delight, bee in thinges lawfull and honest, & that also with moderation or measure'.¹³¹ Balmford asserted simply 'recreation (no doubt) is lawfull'¹³² and Perkins mused 'Rest from labour, with the refreshing of bodie and mind, is necessarie ... And if rest be lawfull, then is recreation also lawfull'.¹³³ For Richard Allestree (1621/2-1681), the author of the 'publishing sensation' that was *The Whole Duty of Man*, recreation was likewise necessary, but only 'sometimes'.¹³⁴

Daneau, however, had taken a harder line, arguing that 'sporting, pastime, playe and daliaunce' were akin to idleness and hence unchristian. His willingness to condemn recreation in general may have derived from the idea that 'had man remained in a state of original innocence, he would have found no need for the distractions ... which, in his sinful state, he has come to need'.¹³⁵ But despite surviving until at least the late seventeenth century, the fall from Grace argument, of which Jean Baptiste

¹²⁹ Burke, 'The Invention of Leisure in Early Modern Europe', pp. 148-49.

¹³⁰ Northbrooke, *Treatise*, p. 77.

¹³¹ Wilcox, *A Glasse for Gamesters*, ch. 3, n. p.

¹³² Balmford, *A Modest Reply*, p. 16.

¹³³ Perkins, *Whole Treatise*, p. 584.

¹³⁴ John Spurr, 'Allestree, Richard (1621/2-1681)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/395>, accessed 29 March 2007]; Richard Allestree, *The Whole Duty of Man Laid Down in a Plain Way for the Use of the Meanest Reader* (London, 1659), p. 199.

¹³⁵ Dunkley, *Gambling*, p. 63. See also Arcangeli, *Recreation in the Renaissance*, pp. 11-12.

Thiers (1636-1703) was a notable proponent,¹³⁶ was nonetheless unusual in writings on recreation. Even Daneau conceded:

... it is euery wise mans parte to recreate and refresh his minde and bodie, being ouerweared with studies, accumbred with cares, and cloyed with labours, by laying aside (for a while) his earnest and serious businesse, and to betake him selfe to some comely and decent recreation: whereby he may (as it were) breathe a while from his burthen, to the intent afterwarde with the fresher courage and liuelier minde to renewe his former toyle, and giue the lustier onset vpon his intermitted businesse.¹³⁷

Recreation was 'a pause between bouts of work', which could be used to 'refreshe ... Spirites dulled or overwhelmed with some labours or studies'.¹³⁸ William Annand (1633-1689), then vicar of Leighton Buzzard, defined recreation in 1661 as 'a refreshing of the mind', while for the clergyman and ejected minister Thomas Gouge (1605-1681), 'the main ends of Sports and Recreations' were 'for the refreshing of our minds or bodies, that we may thereby bee the better enabled for the honouring of God in the discharge of the duties of our place and calling'.¹³⁹ Gouge also emphasised the need to use recreations proportionately; they were 'as sauces to your meat, to sharpen your appetite unto the duties of your Calling, and not to glut your selves with them'.¹⁴⁰

In 1693 John Locke (1632-1704) observed that '*Recreation* is not being idle (as every one may observe) but easing the wearied part by change of Business'.¹⁴¹ He illustrated this point with the example of hunting, 'which is yet known to be the constant Recreation of Men of the greatest Condition', but nonetheless entailed

¹³⁶ Dunkley, *Gambling*, p. 63.

¹³⁷ Daneau, *True and Christian Friendshipp*, 'A Discourse of Gaming', ch. 1, n. p.

¹³⁸ Burke, 'Invention of leisure', pp. 149-50; Wilcox, *A Glasse for Gamesters*, ch. 3, n. p.

¹³⁹ William Annand, *Fides Catholica, or, The Doctrine of the Catholick Church in Eighteen Grand Ordinances* (London, 1661), p. 238; Thomas Gouge, *Christian Directions, Shewing how to Walk with God all the Day Long* (London, 1661), pp. 32-33. Gouge was ejected in 1662.

¹⁴⁰ Gouge, *Christian Directions*, p. 33. This analogy was quite common and was also used, for instance, by Baxter: *A Treatise of Self-Denial* (London, 1675), pp. 164-65.

¹⁴¹ John Locke, *Some Thoughts Concerning Education* (London, 1693), p. 245.

‘early rising, hard riding, heat, cold and Hunger’.¹⁴² Similarly, ‘*Delving* [and] *Planting*’ might involve hard work, but if they were a change from a man’s business, or something in which he found ‘delight’, they still qualified as a ‘*Diversion*’.¹⁴³ For Richard Baxter, however, the nature of the recreation had to fit the business or activity from which an individual was taking a break. In his *Christian Directory* of 1673, Baxter considered that ‘some *sport* and *recreation* is *lawful*, yea *needful*, and therefore a *duty* to some men’.¹⁴⁴ He did not elaborate on what he meant by ‘some men’, but he did define what he believed to be a ‘lawful’ recreation:

*Lawful sport or recreation is the use of some Natural thing or action, not forbidden us, for the exhilarating of the natural spirits by the fantasie, and due exercise of the natural parts, thereby to fit the body and mind for ordinary duty to God. It is some delightful exercise.*¹⁴⁵

This, as we have seen, was not unusual. Where Baxter differed from, or at least was more specific than, some of the other moralists was in his assertion that the type of recreation should be dependant on one’s ‘calling’ or business. He reasoned:

For it is either your *Bodys* or your *Minds* that need most the recreations: Either you are *sedentary persons*, or have a *Calling of Bodily Labour*: If you are *sedentary persons* (as Students, Scribes, and divers others) then it is your *Bodys* that have most need of *exercise* and *recreation*, and *Labour* is fitter for you than *sport*; or at least a *stirring labouring sport*: But if you are *hard Labourers*, [you] need *Rest* for your *Bodys* and recreation for your *minds*
¹⁴⁶
 ...

This reflected Baxter’s opinion that recreation should be focused on *either mind or body* – depending on which needed it – in order to ensure that recreation was refreshing and not tiring. The result would be a person who could carry out their duties to the best of their ability which, as many had argued, was the ultimate purpose of recreation. ‘Sedentary persons’ were advised that ‘walking, or riding, or

¹⁴² Locke, *Some Thoughts Concerning Education*, p. 245.

¹⁴³ Locke, *Some Thoughts Concerning Education*, p. 245.

¹⁴⁴ Baxter, *A Christian Directory*, p. 460.

¹⁴⁵ Baxter, *A Christian Directory*, p. 460.

¹⁴⁶ Baxter, *A Christian Directory*, p. 462. He repeats this point in *The Divine Appointment of the Lords Day Proved as a Separated Day for Holy Worship* (London, 1671), p. 119.

shooting, or some honest bodily labour' were the most appropriate forms of recreation whereas labourers, it was suggested, might engage in religious contemplation, reading, walking, spending time with their family, and conversing with 'with good, and wise, and chearful men, about things that are both pleasing and edifying'.¹⁴⁷ All of these activities, Baxter emphasised, were preferable to playing at cards and at dice. Like McKay's diarists, then, the moralists I have examined here justified recreation 'by its rejuvenation of the mind, spirit, or body'.¹⁴⁸ Or to borrow a contemporary analogy, a bow kept in continual tension would ultimately be weakened.¹⁴⁹

Gaming, Recreation and a 'conspiring of vices'¹⁵⁰

In sum, 'Those diversions which helped to refresh the mind and body, to prepare them for higher ends, were regarded as worthy and legitimate; but when recreation was enjoyed as an end in itself, it served to divert men's attention from more significant concerns, blunt their sense of holy ideals, and draw them away from the labour of their callings'.¹⁵¹ Hence virtually all of our commentators laid down guidelines that stipulated when recreation was permissible, and the forms it should take: it was this which led them to consider the subject of gaming. But could games of *chance*, irrespective of the spirit or circumstances in which they were played, ever be a legitimate form of recreation?

For those who subscribed to the view that lots were 'gouerned immediately by his [God's] hande ... and prouidence',¹⁵² the answer to this question had to be a resounding 'no': as we have seen, games of chance abused a God-given device

¹⁴⁷ Baxter, *A Christian Directory*, p. 462.

¹⁴⁸ McKay, 'The Definition and Function of Recreation', p. 4.

¹⁴⁹ For instance, Northbrooke, *Treatise*, p. 23; Perkins, *Whole Treatise*, p. 584. For more on the bow analogy see Arcangeli, *Recreation in the Renaissance*, pp. 12-13.

¹⁵⁰ Anon, *A Timely Advice. Or, a Treatise of Play, and Gaming wherin is Shewed how far forth it is Lawfull to Use such Play: and how Dangerous and Hurtfull by Excesse to Abuse It* (London, 1640), p. 44.

¹⁵¹ Malcolmsen, *Popular Recreations*, p. 10.

¹⁵² Northbrooke, *Treatise*, p. 107.

intended for the resolution of serious matters and were sinful because they called for divine intervention in frivolous pastimes. Yet many of the moralists who condemned gaming on these grounds still felt compelled to draw up a hierarchy of acceptability and, by doing so, seemed to recognise that people were still going to play games of chance. Dicing was 'wholly' dependent on chance whereas cards and tables were 'somewhat' dependent on chance; therefore, argued Balmford, if dice are wholly evil, cards and tables are somewhat evil.¹⁵³ Although this distinction was not uncommon, games at tables usually attracted the least criticism because they involved some skill and strategy: the roll of the dice was governed by chance, but how a player moved their counters and so forth was not. As already mentioned, Perkins claimed that a similar distinction applied to card games. In practice, though, this might have been contentious as many card games did in fact require very little skill and were hence almost entirely dependent on the hand one was dealt.¹⁵⁴ Cheating might effectively eliminate the element of chance, but this behaviour was of course condemned by theologians of all denominations.¹⁵⁵

Attempts to rank cards, dice and tables can be seen as part of a wider tripartite classification of games according to the role played by skill, chance, or a mixture of the two.¹⁵⁶ In reality, though, most indoor games fell into the morally problematic second or third categories; as Arcangeli points out, 'Chess – a traditionally aristocratic pastime, with its strong links to military training and aristocratic values – usually exemplified (and could often exhaust) the list of games of skill.'¹⁵⁷ Even so, for Gataker and others who admitted either the existence of a class of non-providential chance events, or that mixed games were not impermissible, gaming was

¹⁵³ Balmford, *A Short and Plaine Dialogue*, n. p.

¹⁵⁴ Perkins, *Whole Treatise*, pp. 590-92.

¹⁵⁵ Cheating, chance and probability will be discussed in more detail in chapter 5.

¹⁵⁶ The skill/chance distinction still continues to be contested, especially in relation to poker. See for instance the *Independent*, 'Is poker a game of skill or chance? One pub landlord bets his freedom on skill', 10 July 2006.

¹⁵⁷ Arcangeli, *Recreation in the Renaissance*, p. 111.

not unlawful *per se*. 'Evil' consequences arose 'not from the nature of the game, but either from the immoderate and inordinate use or rather abuse of it'.¹⁵⁸

For most moralists, the problem was not with recreation itself, but the form that it might take. For recreation to qualify as 'moderate and sober', certain conditions had to be fulfilled and various types of behaviour avoided.¹⁵⁹ Activities which were believed to lead participants into sin, or those which left an individual too physically or mentally tired to carry out their duties to the best of their ability, were condemned.¹⁶⁰ Yet, as we shall see, moralists' analyses of the permissibility of gaming frequently culminated in them offering qualified permission – that is, conditions were specified under which play *might* be acceptable – rather than wholesale condemnation. In many cases gaming was denounced not in its own right but because it was thought to be conducive to a number of different vices, some of which were believed to be so embedded in the activity that they were impossible for a player to avoid. The precise reasons for any critique might vary from author to author and it must be emphasised that the degree to which gaming was tolerated or criticised could vary quite significantly. It is, moreover, possible to detect in the concerns of commentators some broader shifts over time. Yet having said that, some themes were more prominent than others. Discussions of idleness and covetousness were almost guaranteed to appear in anti-gaming invective. Swearing, too, was frequently identified as accompanying gaming. Since many of these vices were condemned widely in their own right, I will concentrate on how and why they came to be associated with gaming and, in turn, the impact that association had on debates about the acceptability of gaming. But first a few words about gaming on the Sabbath.

Given the pervasiveness of gaming, the difficulties of enforcing the laws against it, and the propensity of large numbers of the English population to partake in other irreligious activities on the Sabbath, it is not entirely surprising that people did play

¹⁵⁸ Gataker, *Of the Nature and Use of Lots*, p. 182.

¹⁵⁹ Gataker, *Of the Nature and Use of Lots*, p. 231.

¹⁶⁰ Gouge, for instance, argued against games 'such as bring danger to men, as of old was fighting with Beasts, and now Matches at Foot-bal, fighting at Cudgels': *Christian Directions*, p. 21.

cards and dice on the Lord's day.¹⁶¹ Indeed, for the poor in particular,¹⁶² this was 'the only day of the week usually free for leisure pursuits'.¹⁶³ But because 'for Puritans the Sabbath was fully the Lord's day, not a day which allowed for any kinds of worldly activities', the proper use of it had been hotly contested.¹⁶⁴ Sabbatarianism – the belief that the Sabbath should be devoted to 'worship and pious works'¹⁶⁵ – had first achieved parliamentary support in the 1580s in spite of opposition from Elizabeth I, who disliked sabbatarian meddling in religious matters.¹⁶⁶ James I had initially shown a degree of sympathy to the sabbatarian cause, though he later signed a declaration in which he 'declared that strict sabbatarianism would leave people idle, unhealthy, and disaffected'.¹⁶⁷ Charles I consented to a sabbatarian bill shortly after he acceded to the throne, but by 1633 had reissued James I's 'Declaration of Sports' which acknowledged the worth of allowing healthy exercise on Sundays.

The 'Book of Sports', as the Declaration later became known, 'offended not merely "puritans" but many conformist, even conservative, laity, who were concerned about threats to order and morality'.¹⁶⁸ Yet, as Hutton reminds us, 'the declaration was full of loopholes. Clergy did not have to certify that they had read the book to an audience ... They were also free to read it and then preach against its implications immediately afterwards'.¹⁶⁹ In 1640, the Book of Sports was 'swept away' by the Long Parliament and during the 1640s and 1650s pastimes and sports were subject to

¹⁶¹ See, for example: J. W. Willis Bund (ed.), *Calendar of the Quarter Sessions Papers 1591-1643*, Worcestershire Historical Society (2 vols., 1899-1900), vol. I, pp. 274 & 318; S. C. Ratcliff and H. C. Johnson (eds.), *Quarter Sessions Order Books 1625-1674*, Warwick County Records, vols. 1-5 (1935-39), vol. III, p. 137; W. H. Frere, and W. P. M. Kennedy (eds.), *Visitation Articles and Injunctions of the Period of the Reformation*, 3 vols. (Alcuin Club Collections XIV, 1910); Christopher Haigh, 'Puritan Evangelism in the Reign of Elizabeth I', *The English Historical Review*, vol. 92, no. 362. (Jan. 1977), pp. 51-53.

¹⁶² See Baxter, *The Divine Appointment of the Lords Day*, p. 118.

¹⁶³ Hutton, *Rise and Fall*, p. 78.

¹⁶⁴ Malcolmson, *Popular Recreations*, p. 8.

¹⁶⁵ Hutton, *Rise and Fall*, p. 78.

¹⁶⁶ For what follows in this paragraph, see Hutton, *Rise and Fall*, pp. 154-99.

¹⁶⁷ Hutton, *Rise and Fall*, p. 168.

¹⁶⁸ Hutton, *Rise and Fall*, pp. 196-97.

¹⁶⁹ Hutton, *Rise and Fall*, p. 196.

further censure.¹⁷⁰ The Restoration changed the situation and although sabbatarian bills continued to be introduced in the commons until the 1670s,¹⁷¹ the use of the Sabbath appears to have become less of a current issue by the later seventeenth century.

Gaming literature has similar contours. In 1583, for example, the pamphleteer Philip Stubbes (b. c. 1555, d. in or after 1610) had insisted ‘These [dice, cards, tables, bowls, tennis] be no Sabaothlike exercyses for any Christian man to follow any day at all, much lesse vppon the Sabaoth daye’.¹⁷² In 1619, Gataker stressed that it was ‘sacriledge ... to follow game on the Sabbath; at such time as wee should bee plying the seruice and worship of God’.¹⁷³ The last lengthy mediation on the evils of Sunday gaming, however, is contained within Richard Baxter’s 1671 treatise *The Divine Appointment of the Lords Day Proved as a Separated Day for Holy Worship*, which, as the title suggests, was composed of hard-line sabbatarian arguments about the ungodliness of Sunday recreations and games.

This is not to say, though, that gaming on the Sabbath was no longer a concern; by the early eighteenth century the societies for the reformation of manners, for example, were prosecuting people for gaming, and also for trading, on the Sabbath.¹⁷⁴ Indeed, the reforming Church of England clergyman Josiah Woodward (1657-1712) described gaming on the Sabbath as ‘unquestionably evil’.¹⁷⁵ This comment appeared in Woodward’s *A Disswasive from Gaming*, which was published posthumously in 1718; the decision to publish at that time may well have been linked to the crackdowns on gaming that were described in chapter two.

¹⁷⁰ Hutton, *Rise and Fall*, p. 200.

¹⁷¹ Hutton, *Rise and Fall*, p. 231.

¹⁷² Stubbes, *The Anatomie of Abuses*, ‘Cards, Dice, Tables, Tennisse, Bowles, and other Exercyses, vsed Vnlawfully in Ailgna’, n. p.

¹⁷³ Gataker, *Of the Nature and Vse of Lots*, p. 248 (from the context in which he makes this statement, it is clear that by ‘game’ Gataker means games of chance and not hunting).

¹⁷⁴ For more on the societies for the reformation of manners, see chapter 2, above.

¹⁷⁵ Josiah Woodward, *A Disswasive from Gaming. By a Minister of the Church of England* (London, 1718), p. 4. Other editions of this work appeared in 1726, 1780 and 1785.

Gaming, though, was a problematic activity at the best of times; the day of the week on which it was conducted was not the root of the problem. The purpose of recreation was refreshment, but this was certainly not supposed to interfere with 'industrious employment' or 'conscientious labour'.¹⁷⁶ While recreation could be a break from work, gaming quickly became a distraction or diversion. As Dunkley puts it, 'The danger of *divertissements* was that they were not restful but tiring, trivial and perniciously addictive. They were literally a turning aside from serious work rather than a useful interruption of it'.¹⁷⁷ Furthermore, and as we have seen in chapter three, time could pass without the players realising how long they had spent at play. The amount of time spent at gaming was an issue of particular importance because 'time was precious and not to be trifled away on unprofitable activities. Idleness, as a corollary, was one of the most serious sins'.¹⁷⁸

But was gaming akin to idleness? Northbrooke thought so, noting unhappily 'There cannot be a more playne figure of Idlennesse, than Diceplaying is', while Baxter argued that sitting at cards or dice actually increased the need for exercise since these activities neither stirred the body nor helped the concentration.¹⁷⁹ In these contexts gaming was equated with idleness because it was 'no maner of exercise of the bodie'.¹⁸⁰ Conversely, Northbrooke was in favour of exercise in what might be called the classical tradition; 'wrestling, shooting in long Bowes, Crossebowes, handgunnes, ryding, trayning vp men in the knowledge of martiall and warrelike affaires and exercises, knowledge to handle weapons, to leap and vault, running, swimming' and even tennis, which had been legislated against at various times.¹⁸¹ Similarly, Philpot and Perkins approved of 'Shooting in the long bow, Shooting in

¹⁷⁶ Malcolmson, *Popular Recreations*, p. 10.

¹⁷⁷ Dunkley, *Gambling*, p. 64. A number of contemporary writers refer to people being 'addicted' to gaming or use language that suggests addiction: this may be a subject for future investigation.

¹⁷⁸ Malcolmson, *Popular Recreations*, p. 10.

¹⁷⁹ Northbrooke, *Treatise*, p. 88; Baxter, *A Christian Directory*, p. 462.

¹⁸⁰ Northbrooke, *Treatise*, p. 88. See also Daneau, *True and Christian Friendshippe*, 'A Discourse of Gaming', ch. 9, n. p., Gouge, *Christian Directions*, pp. 32-33 and Thomas Vincent, *Words of Advice to Young Men Delivered in Two Sermons* (London, 1668), p. 98.

¹⁸¹ Northbrooke, *Treatise*, pp. 78-79. Tennis was legislated against at various times from the fourteenth century onwards, and was one of the games named in the Unlawful Games Act of 1541.

the Caleever, Running, Wrastling, Fencing'.¹⁸² Samuel Clarke (1599-1682), an ejected minister and author of, among other biographies, *The Lives of Thirty-Two English Divines*,¹⁸³ suggested that exercises 'should be chosen that bring a publick utility, as the hunting of such beasts as are an annoiance to the Countrey, as Foxes, Badgers, Wolves, &c. Or the use of military pastimes'.¹⁸⁴ In fact, we may remember that many of these arguments had been anticipated in the Unlawful Games Act of 1541, which had suggested that the popularity of certain games was responsible for a decline in England's martial ability and made connections between gaming and idleness, especially among the poor.¹⁸⁵ The latter concern, as both McIntosh and Ingram have pointed out, was endemic in late medieval and early modern England.¹⁸⁶ It is, therefore, surprising that the moralists, many of whom found a place for moderate recreation, did not tend to go into much detail above and beyond their general points about the moderate use of recreation as to why gaming in particular should lead to idleness. If they thought the link was obvious, it is less so to the historian. Different authors disagree on the direction of the chain of causality: Northbrooke, for instance, argued that gaming led to idleness whereas the author of a *Timely Advice* maintained that the opposite was true.¹⁸⁷ This is not to say, though, that there was a shortage of strong opinions on the matter: the Quaker leader William Penn (1644-1718) remarked 'They who are addicted to *Gaming*, are the most Idle and Useless people', while Baxter opined 'But an *idle* Time-wasting sensual sporter, every one should look on with pity as a miserable wretch'.¹⁸⁸

¹⁸² Philpot, *A Prospective-Glasse*, p. 1; quote is from Perkins, *Whole Treatise*, p. 589. The 'caleever' was a type of firearm.

¹⁸³ Samuel Clarke, *The Lives of Thirty-Two English Divines* (London, 1677).

¹⁸⁴ Samuel Clarke, *Medulla Theologiae, or, The Marrow of Divinity Contained in Sundry Questions and Cases of Conscience* (London, 1659), p. 190.

¹⁸⁵ 33 Hen. 8, c. 9 (1541). The Unlawful Games Act is discussed fully in chapter 2, above.

¹⁸⁶ Marjorie McIntosh, *Controlling Misbehaviour in England, 1370-1600* (CUP, Cambridge, 1998); Martin Ingram, 'Reformation of Manners in Early Modern England' in Griffiths, Fox and Hindle (eds.), *The Experience of Authority in Early Modern England* (Palgrave Macmillan, Basingstoke, 1996).

¹⁸⁷ Northbrooke, *Treatise*, p. 88; Anon, *A Timely Advice*, p. 30.

¹⁸⁸ Penn, *An Address to Protestants upon the Present Conjuncture* (London, 1679), p. 24; Baxter, *A Christian Directory*, p. 465.

If, however, we think of idleness as the misuse of time, moralists can be seen to provide guidelines, both general and specific, about when gaming could be used as a recreational activity. Gataker considered that anyone who neglected their principal concern, that is, what 'our Sauour ... would haue them to seeke principally and in the first place', could be accused of misusing their time.¹⁸⁹ In this way both recreations and 'other worldly occasions' such as 'buying ... and selling, and building and planting, and eating and drinking, and wiuing and wedding, and husbandry and tillage' might become 'sinnes against that iniunction of redeeming the time, when they shall take vp the due time of other necessarie duties'.¹⁹⁰ The key point for Gataker was that activities should be done 'seasonably'; it was, for instance, a sin 'for a seruant to be reading on a good booke, yea on the Bible it selfe, when he should be seruing in his Masters supper'.¹⁹¹ Baxter would have agreed: if a 'sport' was 'unseasonable' it was 'unlawful'.¹⁹²

More specifically, gaming was neither to be used 'as an ordinary imployment',¹⁹³ nor was it permissible to 'sit at cards and tables within doores, or be in the bouling alley abroad, when other affaires of great consequence' needed attention.¹⁹⁴ Perkins also reminded his readers that 'Recreations must be profitable to our selues, and others; and they must tend also to the glorie of God'.¹⁹⁵ Yet even if the amount of time spent in gaming was a matter of individual conscience, players had to keep in mind that some day they would be called to account for their time on earth; if the hours they had spent at cards or dice had been 'stolen from God', they would be punished for it.¹⁹⁶ Thomas Vincent pleaded 'Throw not away your time with the Dye, you can never recover what you lose', while Baxter simply could not understand how a

¹⁸⁹ Gataker, *Of the Nature and Vse of Lots* (1619), p. 187.

¹⁹⁰ Gataker, *Of the Nature and Vse of Lots* (1619), p. 187.

¹⁹¹ Gataker, *Of the Nature and Vse of Lots* (1619), p. 188.

¹⁹² Baxter, *A Christian Directory*, p. 461.

¹⁹³ Gataker, *Of the Nature and Vse of Lots* (1619), p. 239.

¹⁹⁴ Gataker, *Of the Nature and Vse of Lots* (1619), p. 247.

¹⁹⁵ Perkins, *Whole Treatise*, p. 593.

¹⁹⁶ Gataker, *Of the Nature and Vse of Lots*, p. 248.

person could justify playing at cards when the time could be spent 'making ready, and getting assurance of his peace with God'.¹⁹⁷ And although he was probably writing from a rather different perspective from that of Baxter, the author of the *Pleasing Instructor* was bemused by those who spent 'a dozen Hours together in shuffling and dividing a Pack of Cards, with no other Conversation but what is made up of a few Game Phrases, and no other Ideas but those of black or red Spots ranged together in different Figures' and then complained 'that Life is short'.¹⁹⁸

Writing in 1756, 'Philanthropos' took pains to emphasise exactly how short life was. Based on the premise that a person usually spent twelve hours of each day sleeping, eating and drinking, the author explained:

... there will then remain about twelve hours more for the duties of religion and of our secular callings. Out of which the stanch advocates for Cards, must have three or four hours every evening for gratifying their passion for play; and therefore they may be said to consume a fourth part of their precious time ... Accordingly, a man who spendeth forty years in such a course, may be said to consume near ten years of the said term, in a trifling, if not in a pernicious diversion.¹⁹⁹

This was a powerful indictment of gaming and by adopting something of a quantitative approach (at least in this extract) 'Philanthropos' provided his readers with a clear reminder of why it was best to avoid gaming altogether. Anthony Horneck, too, advised 'he that abstains from Cards and Dice, most certainly doth not sin, and who would not take the surest side of the Hedg', but conceded that gaming might be 'lawful' if it was restricted to 'very little time', and certainly not more than 'an hour or two'.²⁰⁰ Woodward, however, warned that even if limits were adhered to (which he believed was unlikely), 'Games of *Cards* and *Dice*, will be very likely to devour *much Time*, wherever they are allowed'.²⁰¹ It is difficult to assess how

¹⁹⁷ Baxter, *A Christian Directory*, p. 463; Thomas Vincent, *Words of Advice to Young Men Delivered in Two Sermons* (London, 1668), p. 98.

¹⁹⁸ Anon, *The Pleasing Instructor: or, Entertaining Moralist* (London, 1756), p. 8.

¹⁹⁹ Philanthropos, *A Plain and Candid Address to all Lovers of the Game at Cards* (London, 1756), p. 3.

²⁰⁰ Horneck, *Delight and Judgment*, pp. 142-43.

²⁰¹ Woodward, *A Disswasive from Gaming*, p. 5. See also Penn, *An Address to Protestants*, p. 24.

persuasive such arguments were, but they were pervasive: as I demonstrated in chapter three there are many clear examples of individual soul-searching and heartfelt resolutions to spend less time at play, even if they were not always observed rigorously. Thus Arcangeli's contention that 'religious concern over the most appropriate use of time' may not have 'ordinarily brought people to reject the most common forms of recreation' dismisses the issue too easily.²⁰²

'Filthie lucre'²⁰³

Gaming – and in this section on money it is worth broadening our scope to include betting and wagering since many of the points are applicable to all three activities – was a recreational activity that involved money more than any other.²⁰⁴ This gave the moralists a whole new set of problems to deal with which were more specific to gaming than perhaps some of the points about idleness and the use of time had been. Daneau described diceplay as the most 'wicked' and 'detestable' form of usury because 'without any lending and without any labour' players could achieve 'excessiue gayne and vnmeasurable encrease' that was out of all proportion to the amount ventured.²⁰⁵ 'The questions of when and if money can be lent at interest for a guaranteed return', considers Jones, 'is one of the oldest moral and economic problems in Western Civilization'.²⁰⁶ A usurer 'lent not merely for gain, but for certain and assured gain; he took no risk', whereas interest 'was the gain that accrued to a man for his interest in a transaction'.²⁰⁷ Historically Christians had 'condemned

²⁰² Arcangeli, *Recreation in the Renaissance*, p. 71.

²⁰³ Daneau, *True and Christian Friendshipp*, 'A Discourse of Gaming', ch. 2, n. p.

²⁰⁴ Recreational activities like going to an alehouse or coffeehouse might necessitate buying some form of beverage, but once this transaction had been completed, money played no further part.

²⁰⁵ Daneau, *True and Christian Friendshipp*, 'A Discourse of Gaming', ch. 9, n. p.

²⁰⁶ Norman Jones, 'Usury', EH.Net Encyclopedia, edited by Robert Whaples, 1 Sept. 2004. <http://eh.net/encyclopedia/article/jones.usury> [accessed 18 July 2007]. This article is an excellent short introduction to the history of usury. More detailed treatments of the subject can be found in Norman Jones, *God and the Moneylenders: Usury and the Law in Early Modern England* (Blackwell, Oxford, 1989), Eric Kerridge, *Usury, Interest and the Reformation* (Ashgate, Aldershot, 2002) and Charles H. George, 'Early Calvinist Opinion on Usury, 1600-1640', *Journal of the History of Ideas*, vol. 18, no. 4 (Oct. 1957), 455-74.

²⁰⁷ Eric Kerridge, *Trade and Banking in Early Modern England* (Manchester University Press, Manchester, 1988), p. 34.

usury as ungodly, immoral, unproductive, and a grave impediment to economic advance',²⁰⁸ but by the early seventeenth century attitudes had begun to change and usury became a matter for 'exhortation and the private conscience but had essentially escaped from legal regulation'.²⁰⁹ This is not to say that usurers were welcomed, but it might explain why Daneau, and also Perkins – two of the earliest authors cited – seem to be alone in making an explicit link between gaming and usury.²¹⁰ Yet even then, such links are a little curious. Gaming could hardly be said to be a practice that provided a guaranteed return, let alone one that was without risk, even if, as Perkins pointed out, any possible monetary gain could be achieved faster than through usury.²¹¹ More generally, though, gaming was problematic because it was a way of gaining money – and potentially a lot of money – without working for it. This idea resonates with my earlier discussions of gaming and idleness, and became quite common in critiques of gaming. In 1673 Obadiah Walker (1616-99) denounced 'the trade of gaming' as requiring 'no stock, no tools, no learning'; in 1713 Jeremy Collier (1650-1726) – the nonjuring clergyman and author of the 'influential' *A Short View of the Immorality and Profaneness of the English Stage* –²¹² made a similar point in his *An Essay upon Gaming*; and in 1720 Samuel Bradford (1652-1731), then bishop of Carlisle, preached a sermon in which he emphasised that gaming stood 'in opposition to *gathering by labour or industry*'.²¹³

²⁰⁸ Kerridge, *Trade and Banking*, p. 34. See also comments by Diarmaid MacCulloch in *Reformation: Europe's House Divided 1490-1700* (Penguin, London, 2003), p. 8.

²⁰⁹ Ingram, 'Reformation of Manners', p. 71. On this issue see also Jones, 'Usury', Craig Muldrew, "'Hard Food for Midas": Cash and Its Social Value in Early Modern England', *Past and Present*, no. 170. (Feb. 2001), p. 116 and Natasha Glaisyer, 'Calculating Credibility: Print Culture, Trust and Economic Figures in early Eighteenth-Century England', *Economic History Review*, vol. 60, no. 4 (Nov. 2007), pp. 687-88.

²¹⁰ William Perkins, *A Golden Chaine: or the Description of Theologie Containing the Order of the Causes of Salvation and Damnation, According to Gods Word* (Cambridge, 1600), p. 91. Various editions of this work had appeared in the 1590s.

²¹¹ Perkins, *Golden Chaine*, p. 91.

²¹² Eric Salmon, 'Collier, Jeremy (1650–1726)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/5917>, accessed 22 Feb 2008]

²¹³ Obadiah Walker, *Of Education, Especially of Young Gentlemen in Two Parts* (London, 1673), p. 59; Jeremy Collier, *An Essay upon Gaming, in a Dialogue between Callimachus and Dolomedes* (London, 1713), pp. 8-9; Samuel Bradford, *The Honest and the Dishonest Ways of Getting Wealth. A Sermon Preach'd in the Parish-Church of St. Mary le Bow, on Sunday, Nov. 20. 1720* (London, 1720), pp. 19 & 22.

But because games of chance were so often played for money, most moralists focused their discussions of the financial aspect of gaming on covetousness. Defined by one contemporary as ‘the eager and inordinate Desire of acquiring more Riches than is either necessary, or convenient’,²¹⁴ covetousness was one of the ‘master sins’, which posed an ‘ever-present danger’ to Christians.²¹⁵ This point of view was common among late sixteenth to mid-seventeenth-century religious writers, yet, as Breen points out, even Puritan divines of this period ‘claimed that not *all* hope for gain had to be crushed’, as long as men moderated their ‘desire of wealth’.²¹⁶ Michaelsen, however, identifies a subtle shift in the Puritan writings of the later seventeenth century. Although ‘the religious person’ was still called upon to ‘avoid avarice and covetousness’, Michaelsen suggests that later Puritans such as Baxter ‘approached the concept of the calling in such a fashion as to give increased autonomy to man’s natural desires and abilities, and increased sanctification to the accumulations of the worldly vocation’.²¹⁷ But even if attitudes to the accumulation of wealth were gradually changing – and one should take into account Paul Seaver’s cautionary comments – the pursuit of riches as an end in itself continued to be of considerable concern to moralists.²¹⁸

It is easy to understand why gaming was believed to encourage covetousness. At first glance, and in many cases after further examination, it seems that one of the main reasons for playing at cards and at dice was to win money. This was compounded by the fact that, in the minds of most moralists (the gamesters might have begged to differ), that money had been obtained without any work. Gaming, moreover, was also believed to promote the characteristics described in the other part of the

²¹⁴ Presbyterian of the Church of England. *The Fatal Consequences of Gaming and Stock-Jobbing. A Sermon Preach’d in the city of London, on Sunday, Nov. 6. M.DCC.XX* (London, 1720), p. 7.

²¹⁵ Robert S. Michaelsen, ‘Changes in the Puritan Concept of Calling or Vocation’, *The New England Quarterly*, vol. 26, no. 3. (Sept. 1953), p. 321.

²¹⁶ T. H. Breen, ‘The Non-Existent Controversy: Puritan and Anglican Attitudes on Work and Wealth, 1600-1640’, *Church History*, vol. 35, no. 3. (Sept. 1966), 273-87 at p. 285.

²¹⁷ Michaelsen, ‘Changes in the Puritan Concept of Calling’, p. 334.

²¹⁸ Paul Seaver, ‘The Puritan Work Ethic Revisited’, *The Journal of British Studies*, vol. 19, no. 2. (Spring 1980), 35-53, esp. p. 53. For mid to late eighteenth-century concerns about covetousness, see James Raven, *Judging New Wealth: Popular Publishing and Responses to Commerce in England, 1750-1800* (OUP, Oxford, 2001 reprint), p. 189.

definition of covetousness, that is, the ‘Inordinate and culpable desire of possessing that which belongs to another’.²¹⁹ As one author put it in 1756, ‘Love of Gaming is nothing more than the Love of other People’s Money’.²²⁰

But was the involvement of a financial transaction enough in itself to make gaming sinful? Northbrooke argued ‘If there be mony layde downe, it is impossible that they shoulde play without couetousnesse and desire to win’ and Wilcox, too, considered that to stake money led inevitably to greed and ‘Insatiable couetousnesse’.²²¹ Balmford simply stated ‘I am perswaded it is not lawfull to play for any money’ and Stubbes would have probably agreed.²²² Samuel Clarke intimated ‘the gain is more hurtfull then the losse: for it enflames Covetousnesse’, which amounted to a complete condemnation of play for money: who, after all, was going to play to lose?²²³ Anticipating the question ‘Is it lawful to play at Cards or Dice for money?’, Baxter replied, ‘The greatest doubt is, Whether the Games be lawful, many learned Divines being for the Negative, and many for the Affirmative; And those that are for the Affirmative lay down so many necessities or conditions to prove them lawful, as I scarce ever yet saw meet together’.²²⁴

The issue of the permissibility of playing at cards, dice and other games for money was not straightforward and the English casuist Jeremy Taylor (bap. 1613, d. 1667), onetime chaplain to Archbishop Laud and Church of Ireland bishop of Down and Connor from 1661 to 1667, spent some time working through the problem. ‘The gaining of money’, he reasoned, ‘can have no influence into the game to make it the

²¹⁹ *Oxford English Dictionary*, ‘covetousness’.

²²⁰ Anon, *The Pleasing Instructor: or, Entertaining Moralist* (London, 1756), p. 227.

²²¹ Northbrooke, *Treatise*, p. 97; Wilcox, *A Glasse for Gamesters*, ch. 4, n. p.

²²² Balmford, *A Short and Plaine Dialogue*, n. p.; Stubbes, *The Anatomie of Abuses*, ‘Cards, Dice, Tables, Tennisse, Bowles, and other Exercyses, vused Vnlawfully in Ailgna’, n. p.

²²³ Clarke, *The Marrow of Divinity*, p. 191.

²²⁴ Baxter, *A Christian Directory*, part IV (‘Christian Politicks’), p. 149 (note: part IV is paginated separately from the rest of the work and hence starts at page 1).

more recreative, unlesse covetousnesse hold the box'.²²⁵ If money was needed to generate interest among the players the game was 'no divertisement': if money was 'all the sport', covetousness was 'all the design'.²²⁶ Taylor's most definitive statement on the subject is as follows:

Money is the way to abuse them all: and cards and dice, if there be no money at stake, will make as good sport and please the mind ... and are as innocent as push-pin. For if we consider it rightly, from hence is taken the great objection against cards and tables, because men at these venture their money, and expose their money to hazard for no good end, and therefore tempt God; and certainly to doe so is unlawfull, and that for the reason alleged: but when we play onely for recreation, we expose nothing of *considerable interest* to hazard, and therefore it cannot be a criminal tempting of God, as it is in gaming for money ...²²⁷ [my italics]

In Taylor's opinion, playing for money turned an innocent recreation into an unlawful one, but his reference to 'nothing of considerable interest' could be interpreted to mean that small stakes were permitted. Perkins similarly condemned the intention of winning another's money, but allowed that in certain circumstances it might be acceptable to play for small stakes.²²⁸ Others concurred: Ames did not completely outlaw play for money, but included so many qualifications that it would have been almost untenable to do so; John Preston (1587-1628) argued 'gaming with an intent to get and gaine money or wealth ... is ... unlawfull', but sidestepped the main issue by declining to discuss 'whether playing for trifles, to put life into the game be lawfull';²²⁹ and Allestree counselled 'we must not let our covetousness have

²²⁵ Jeremy Taylor, *Ductor Dubitantium, or, The Rule of Conscience in all Her Generall Measures Serving as a Great Instrument for the Determination of Cases of Conscience* (London, 1660), bk. 4, ch. 1, p. 474.

²²⁶ Taylor, *Ductor Dubitantium*, bk. 4, ch. 1, p. 475. Almost identical arguments were advanced in the eighteenth century by Philanthropos (*A Plain and Candid Address*, p. 7), Collier (*An Essay upon Gaming*, p. 13) and Thomas McDonnell (*The Eighth Commandment Considered in its Full Extent; and Particularly, as Applicable to the Present Reigning Spirit of Gameing: a Sermon* (Dublin, 1760), pp. 18-19).

²²⁷ Taylor, *Ductor Dubitantium*, bk. 4, ch. 1, p. 476.

²²⁸ See Wood, 'The Seventeenth Century English Casuists', p. 167.

²²⁹ John Preston, *Foure Godly and Learned Treatises* (London, 1633), p. 33. Jonathan D. Moore notes 'Preston shows himself to have been definitely the "hotter sort of Protestant": 'Preston, John (1587-1628)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/22727>, accessed 29 March 2007].

any thing to do in our recreations; if we play at any Game, let the end of our doing it be meerly to recreate our selves, not to win money; and to that purpose be sure never to play for any considerable matter'.²³⁰ Gataker probably summed up the opinions of many when he sensibly advised that 'playing for nothing' was the best way to avoid 'couetous affections'.²³¹

The reluctance of many moralists to wholly proscribe playing games for money can also be seen elsewhere in their discussions of gaming. Despite launching blistering attacks on dicing, Daneau had allowed that 'winnings gayned by play' could be used to provide 'a Banquet, or good cheare for the whole Companie'.²³² This concession seems surprising but Daneau was not the only author to suggest that gaming might be permissible if the winnings were to be used in a prescribed way. One of Ames's numerous caveats was that winnings should be "applied to a common good",²³³ while Taylor suggested that it was acceptable to use small stakes 'to serve the ends of some little hospitable entertainment'.²³⁴ In that they seem to be promoting gaming as a form of sociability, such statements resonate with some of the situations described in chapter three, but it was important to strike a balance; Northbrooke had been dismayed that a man who 'loyter[d] and liue[d] idlely vpon other mens labours' and sat 'al day and night at Cards and Dice' could be 'named a good companion'.²³⁵ It was, moreover, of utmost importance that the stakes should be small and, crucially, no more than either player could afford to lose. This was mentioned by Perkins, Ames and Gataker, while Taylor and Bradford made a point of distinguishing between 'trifling' and 'considerable' sums:²³⁶ it was both folly to risk ruin by betting large amounts and unchristian 'to consume abundant riches, and wilfully in vanitie

²³⁰ Allestree, *The Whole Duty of Man*, p. 201.

²³¹ Gataker, *Of the Nature and Vse of Lots* (1619), pp. 191-92.

²³² Daneau, *True and Christian Friendshipp*, 'A Discourse of Gaming', ch. 4, n. p.

²³³ Wood, 'The Seventeenth Century English Casuists', p. 162.

²³⁴ Taylor, *Ductor Dubitantium*, bk. 4, ch. 1, p. 475.

²³⁵ Northbrooke, *Treatise*. For more on Northbrooke see Martha C. Skeeters, 'Northbrooke, John (fl. 1567-1589)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/20323>, accessed 2 March 2007].

²³⁶ Taylor, *Ductor Dubitantium*, bk. 4, ch. 1, p. 475; Bradford, *The Honest and the Dishonest Ways of Getting Wealth*, p. 19.

to cast away huge Sumes of Money'.²³⁷ Pointing to the material consequences of gaming as well as the spiritual was perhaps a good strategy since many players must have felt the squeeze of losses themselves, or at least witnessed the misfortunes of others.

To remove the 'greedy desire of lucre and gain'²³⁸ and to ensure that 'Play be vused as play; for pleasure, not for profit; for game not for gaine',²³⁹ Gataker had suggested that any winnings should be split equally between winner and loser. Yet there was not much consensus about the status of money won at play. Ames maintained that a gaming contract was not in itself unlawful, although "an eager intention of gain" and some other conditions made it "vicious",²⁴⁰ and Jeremy Taylor had a similar opinion.²⁴¹ Some moralists, however, believed that gaming might be akin to stealing because it involved the possession of another man's goods through morally dubious means. Gouge stressed that 'when men Play meerly to get mony ... it is not by God given him, because he cometh not to it by lawful means, but is rather as *stolen goods*, over which Gods curse hangeth'.²⁴² If, then, the game was 'unlawful', any monetary gains had the same status, but in instances when play was not 'meerly to get mony', gaming might be permitted. In *A Christian Directory*, Baxter likewise emphasised the importance of the intention of the player; he allowed wagers when they were 'laid for sport, and not for Covetousness', so long as 'no more be laid than is suitable to the sport, and the loser doth well and willingly pay'.²⁴³ Uniquely, Baxter also advised that if a person was unwilling to pay what they owed, it would in most cases be wrong to 'take it, or get it by Law against his will', because this would 'turn a sport to covetousness'.²⁴⁴

²³⁷ Daneau, *True and Christian Friendshipp*, 'A Discourse of Gaming', ch. 2, n. p.

²³⁸ Gataker, *Of the Nature and Vse of Lots* (1619), p. 249.

²³⁹ Gataker, *Of the Nature and Vse of Lots* (1619), p. 250.

²⁴⁰ Wood, 'The Seventeenth Century English Casuists', p. 170. See also Daneau, *True and Christian Friendshipp*, 'A Discourse of Gaming', ch. 2, n. p.

²⁴¹ Taylor, *Ductor Dubitantium*, bk. 4, ch. 1, p. 477.

²⁴² Gouge, *Christian Directions*, p. 33.

²⁴³ Baxter, *A Christian Directory*, part IV ('Christian Politicks'), p. 149.

²⁴⁴ Baxter, *A Christian Directory*, part IV ('Christian Politicks'), p. 149.

Gataker thought that it was the responsibility of individual players to make 'choise of such to play with as we know able well to spare it' (which, incidentally, was also good advice for those wishing to avoid being cheated).²⁴⁵ But even if players did choose their companions wisely and bet only negligible amounts, could they play with a clear conscience? Taylor thought not, asking: 'But concerning the losse of our money, let a man pretend what he please, that he plaies for no more then he is willing to loose; it is certain, he is not to be believ'd: for if that summe be so indifferent to him, why is not he easy to be tempted to give such a summe to the poor?'²⁴⁶ Wilcox, too, suggested that money lost or won at gaming would be better used in charitable works, for the benefit of players' families or even for educating 'many poore children'.²⁴⁷ Clarke protested that gaming 'dried up' the 'Fountain of Charity ... and the streams of charitable deeds' while Gouge considered that money spent at play was 'purloyneth ... from Church, Commonwealth, and poor'.²⁴⁸ Such arguments were not easy to counter and Taylor concluded 'he sins that plays at cards or dice or any other game for money'.²⁴⁹

Arguments about covetousness were particularly applicable to gaming over most other forms of recreation. Yet anything short of a complete ban on playing for money sat uneasily with condemnations of covetousness; no better example of this is needed than that of an anonymous author who claimed in 1640 that playing for 'gaine' was acceptable, as long as it was not conducted in a spirit of covetousness.²⁵⁰ In light of their often compelling arguments about gaming and covetousness, it would have been reasonable to expect the moralists to forbid all play for money, irrespective of the stakes involved. But on the whole, they did not. Instead, qualified permission was offered, but usually with so many restrictions that any reader could not fail to see that

²⁴⁵ Gataker, *Of the Nature and Vse of Lots* (1619), pp. 191-92. See also Gouge, *Christian Directions*, p. 34.

²⁴⁶ Taylor, *Ductor Dubitantium*, bk. 4, ch. 1, p. 475.

²⁴⁷ Wilcox, *A Glasse for Gamesters*, ch. 4, n. p.

²⁴⁸ Clarke, *Medulla Theologiae*; p. 191; Gouge, *Christian Directions*, p. 33.

²⁴⁹ Taylor, *Ductor Dubitantium*, bk. 4, ch. 1, p. 476.

²⁵⁰ Anon, *A Timely Advice*, pp. 18-19. He later noted that gaming breached the tenth commandment: *Timely Advice*, p. 41.

playing at cards and at dice for money was to be strongly discouraged, if not avoided altogether. In the eyes of the moralists, the latter course of action would probably have been preferable, for gaming was believed to encourage a number of other vices.

Swearing and the other 'Hand-maids' to Gaming²⁵¹

In 1721 William Fleetwood (1656-1723), who had 'gained a reputation as a whig clergyman' early in his career and later became bishop of Ely,²⁵² preached a sermon in which he insisted 'You must, if given to Swearing, above all things, avoid drinking and Gaming'.²⁵³ By making this assertion, Fleetwood echoed the sentiments of virtually every moralist to write about gaming from the time of Northbrooke. But what did he mean by 'swearing', and why should gaming be conducive to it? In the context of early modern England, swearing can be understood to mean 'the action of taking an oath', and in our case, 'the uttering of a profane oath; the use of profane language'.²⁵⁴ The third commandment had instructed 'thou shalt not take the name of the Lord thy God in vain' and, as John Spurr argues, 'The rules governing oaths and their obligation in Protestant England were plain, undisputed, severe and fundamentally scriptural': an oath bound the swearer by the "'authority and virtue of God's word'".²⁵⁵ During the course of the seventeenth century in particular, a wide range of laws had been passed against swearing and cursing.²⁵⁶ Indeed, it was this body of legislation that the societies for the reformation of manners were able to use in their campaigns against cursing and swearing during the first third of the

²⁵¹ Philpot, *A Prospective-Glasse*, p. 2.

²⁵² Stuart Handley, 'Fleetwood, William (1656–1723)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008
[<http://www.oxforddnb.com/view/article/9691>, accessed 18 Feb 2008]

²⁵³ William Fleetwood, *A Sermon upon Swearing* (London, 1721), p. 24.

²⁵⁴ *Oxford English Dictionary*

²⁵⁵ John Spurr, "'The Strongest Bond of Conscience": Oaths and the Limits of Tolerance in Early Modern England' in Harald E. Braun and Edward Vallance (eds.), *Contexts of Conscience in Early Modern Europe, 1500-1700* (Palgrave Macmillan, Basingstoke, 2004), p. 156.

²⁵⁶ For detail of the legislation, see Tony Macenery, *Swearing in English: Bad Language, Purity and Power from 1586 to the Present* (Routledge, Abingdon, 2006), p. 100. What Macenery does not mention is that offenders were most commonly punished by summary conviction with a fine: Shoemaker, *Prosecution and Punishment*, p. 61.

eighteenth century,²⁵⁷ which, in the words of Shoemaker, reflected ‘the reformers’ attempts to encourage religiosity by defending important Christian symbols’.²⁵⁸

Tony Macenery reminds us that ‘while profligate swearing in the seventeenth century may have been a cause of offence, it was distinct from obscene language, which was much closer to what one may term modern swearing’.²⁵⁹ I have not seen any records that include direct quotation of swearing during gaming, but it would seem likely that what Fleetwood and the others were referring to was a combination of exclamations that took the Lord’s name in vain – in other words ‘to use the sacred name of God, lightly and commonly, to vain and idle Purposes, when it is needless, and insignificant’ – with the use of profane oaths.²⁶⁰ This latter term did not just include swearing by the name of God, as Fleetwood explained:

People may Swear, without using the name of God; and consequently may offend against this Commandment, without taking the name of the Lord their God in vain, in the literal Sense. And therefore, pray Remember, that you satisfie not yourselves, with any such idle distinction; nor think you do not Swear, when you do not pronounce the Sacred Name of God, tho’ you swear by any thing else.²⁶¹

There was, though, a ‘great difference of Oaths; all are bad, but some are much worse than others, and look as if they were more studied, and deliberately Wicked, and as if they came from Hell’.²⁶² If the superlatives used by many of the commentators are anything to go by, it would seem that gaming oaths were some of the worst.²⁶³ But before discussing this issue further, a proviso is needed. Although the moralists tend to deal with gaming as a single entity, it is fairly clear from the

²⁵⁷ See Macenery, *Swearing in English*, p. 106, and Shoemaker, *Prosecution and Punishment*, passim., but esp. ch. 9.

²⁵⁸ Shoemaker, *Prosecution and Punishment*, p. 248.

²⁵⁹ Macenery, *Swearing in English*, p. 61.

²⁶⁰ Fleetwood, *A Sermon upon Swearing*, p. 5.

²⁶¹ Fleetwood, *A Sermon upon Swearing*, p. 9.

²⁶² Fleetwood, *A Sermon upon Swearing*, p. 9.

²⁶³ See for instance Thomas Vincent, *God’s Terrible Voice in the City* (London, 1667), p. 143 and Penn, *An Address to Protestants*, p. 25.

points they make about swearing and other undesirable behaviour that their anxieties were focused on the popular perception of gaming – that is, in alehouses and the like – as opposed to domestic gaming. To take one example, Stubbes only mentioned swearing in connection with gaming houses.²⁶⁴

But why was gaming seen to promote swearing and cursing? Contemporaries identified two interlinked reasons. Firstly, gaming was widely believed to cause great ‘disquietnes of minde’²⁶⁵ (this was a theme in both moral writings and other works such as Cotton’s *Compleat Gamester*, even if the language used was slightly different),²⁶⁶ which all too often manifested itself in ‘terrible blasphemings and swearings’.²⁶⁷ Secondly, players had the tendency to ‘curse, ban and sweare at the Cards or Dice’, or indeed their companions.²⁶⁸ Although both were particularly true of those who had lost their money, swearing had apparently become so much a part of gaming that Philpot was moved to observe ‘they are not Gamesters, if they have not a fit of Swearing’.²⁶⁹ Many others would have agreed.

Gataker’s perspective, though, was a little different. Since swearing could arise from many different activities, there was no good reason to single out gaming as a particular cause of this behaviour. He pointed out that chess was just as likely to result in swearing because ‘it is not so much the game it selfe ordinarily ... that maketh men thus ouershoot themselues, as the wasting of their wealth, and losse of money’.²⁷⁰ The general point was sound. Still, the juxtaposition of carding and dicing with the ‘philosophers’ game’ was perhaps naïve, for few would have been convinced that this was comparing like with like, especially when authors such as

²⁶⁴ Stubbes, *The Anatomie of Abuses*, ‘Cards, Dice, Tables, Tennisse, Bowles, and other Exercyses, vsed Vnlawfully in Ailgna’, n. p.

²⁶⁵ Wilcox, *A Glasse for Gamesters*, ch. 4, n. p. See also Robert Burton, *The Anatomy of Melancholy* (London, 1621), p. 160.

²⁶⁶ Northbrooke, *Treatise*, p. 88.

²⁶⁷ See, for instance, Cotton’s description which begins ‘Gaming is an enchanting witchery...’: *Compleat Gamester*, p. 1.

²⁶⁸ Philpot, *A Prospective-Glasse*, p. 5.

²⁶⁹ Philpot, *A Prospective-Glasse*, p. 5.

²⁷⁰ Gataker, *Of the Nature and Vse of Lots* (1619), p. 182.

Philpot had argued that ‘gamesters ... crucifie[d]’ Jesus by swearing.²⁷¹ Gataker’s conception of chance, however, with its attendant separation of ‘the worke of the Creator’ from ‘the act of the Creature’,²⁷² went some way towards acquitting those accused of cursing chance (in any of its manifest forms) from charges of blasphemy. It was of course wrong to call on God’s providence ‘to further our play’,²⁷³ but to curse bad luck had ‘no tang or taint at all of impiety’.²⁷⁴ In summing up, Gataker once again distinguished between the game and the actions of the players; some might swear while playing cards and dice but ‘the best’ would not be tempted to do so.²⁷⁵ This is not to say, though, that Gataker condoned swearing or that his arguments diluted (as opposed to modified) future condemnations of gaming-related swearing and cursing. Gouge dictated ‘Hee that cannot moderate his Passion, nor rule his Tongue at Play, is not fit for it’; Penn argued ‘The *Last* Mischief that belongs to *Gaming* (which I shall mention at this time) is the *Horrid* OATHS and *Passionate Imprecations* used by the generality of *Gamesters*’; and Fleetwood advised ‘whoever would avoid Swearing and taking the name of God in vain, must be sure to avoid Gaming, tho’ it be for little matters’.²⁷⁶

Moralists highlighted other ‘inconveueniences’ that they believed were connected to gaming, but, and although they did not say so much, these were almost exclusively a product of where the games were played. Stubbes, for example, described gaming houses as ‘the slaughter howses ... of the Deuill; wherin he butchereth Christen mens soules infinit waies’, because they were privy to ‘swearing, tearing, and blaspheminge of the Name of GOD ... stinkinge Whordome, Thefte, Robberie, Deceipt, Fraude, Cosenage, fighting Quareling, and sometymes Murder ... pride

²⁷¹ Philpot, *A Prospective-Glasse*, p. 6.

²⁷² Gataker, *Of the Nature and Vse of Lots* (1619), p. 184.

²⁷³ Gataker, *Of the Nature and Vse of Lots* (1619), p. 261.

²⁷⁴ Gataker, *Of the Nature and Vse of Lots* (1619), p. 184.

²⁷⁵ Gataker, *Of the Nature and Vse of Lots* (1619), p. 184.

²⁷⁶ Gouge, *Christian directions*, p. 34; Penn, *An Address to Protestants*, p. 25; Fleetwood, *A Sermon upon Swearing*, p. 25.

rapine, drunkns, beggerye'.²⁷⁷ Both the length of Stubbes' list, and the vitriol with which it was delivered, went unsurpassed, but he was not alone his opinions.²⁷⁸ We have seen in chapter two that violence and theft might attend gaming, and we will see in chapter five that the same was true of cheating. John Philpot structured his criticism of gaming around a number of 'Hand-maids', which included drunkenness, lying, 'beggery', and 'theevery'.²⁷⁹ Drunkenness was a result of spending long periods at play in alehouses and other drinking establishments, begging came when a player had lost their money, and theft quickly followed. Lying was 'a fashion' among gamesters, pursued 'by every one of them'.²⁸⁰ In a rather confused passage Philpot also equates gaming with adultery, but he does not make it clear why these activities should be linked.²⁸¹ A reader may not have agreed with all of Philpot's criticisms even if they had found truth in some of them, but one can see why concentrating on vice, as opposed to abstract theology, might be seen to be effective in mobilising opinion against gaming. Too much of a focus on vice, though, risked sensationalising gaming: this might have been why few moralists strayed, except briefly, from well-reasoned and often erudite arguments about covetousness and the proper use of time. This was perhaps also a safer approach, for when a godly man wrote authoritatively on gaming houses, a reader was almost bound to ask 'how did he know?'

The need for recreation was accepted by most moralists, provided that it refreshed the body and/or mind and was done at an appropriate ('seasonable') time and not for longer than was necessary. Most moralists (though not those who believed that carding and dicing abused lots) also conceded that gaming could be an acceptable recreation as long as it adhered to the general conditions governing the permissibility of recreation. There was, however, some debate about whether gaming was akin to idleness and this led various authors to reflect on how much time, if any at all, should

²⁷⁷ Stubbes, *The Anatomie of Abuses*, 'Cards, Dice, Tables, Tennisse, Bowles, and other Exercyses, vsed Vnlawfully in Ailgna', n. p.

²⁷⁸ See also, Northbrooke, *Treatise*, p. 110; Wilcox, *A Glasse for Gamesters*, ch. 4, n. p.; Walker, *Of Education*, p. 59; Joseph Wilcocks (1673-1756), *The Righteous Magistrate, and the Virtuous Informer; a Sermon Preached before the Societies for Reformation of Manners* (London, 1723), p. 19.

²⁷⁹ Philpot, *A Prospective-Glasse*, p. 8.

²⁸⁰ Philpot, *A Prospective-Glasse*, p. 4.

²⁸¹ Philpot, *A Prospective-Glasse*, p. 8.

be spent on gaming. Play for money was strongly discouraged because it encouraged covetousness and diverted money away from more worthy causes, but play for small stakes might be permissible in certain circumstances, provided that the players could afford it. Moralists commonly expressed concerns about certain behaviour that they believed gaming was conducive to; swearing was most often singled out, but so too were the more general consequences that might arise when gaming agitated a player's mind. While in general terms gaming was discouraged, few of the moralising works that have been examined proscribed gaming completely; instead, it was more common for permission, albeit often heavily qualified, to be offered.

'There is a strange spirit of Gaming run through the whole World': Eighteenth-Century Ideas About Gaming²⁸²

It would be wrong to say that the dawn of the eighteenth century marked a major change in ideas about gaming, for much continuity remained. Yet from around the 1720s and 1730s, and certainly by the middle of the century, some themes emerge that were absent from earlier discourses about gaming. In a sermon of 1756, in which he urged people to 'turn from their iniquities, and amend their ways', John Cradock (1707/8-1778) lamented 'What a spirit of gaming is there in the nation (the great bane of it) at this hour?'²⁸³ He may have been referring to the escalating hostilities with France (Cradock's sermon was published shortly before the outbreak of the Seven Years War), but it was clear nonetheless that Cradock saw gaming as damaging to the nation. Yet prior to the middle of the eighteenth century, few moralists had even begun to make the jump from debating the consequences of gaming for the individual player (which remained common) to those ways in which gaming might have larger scale or far-reaching consequences. There were some antecedents of this argument in the 1720s; Joseph Denham, for example, called upon reformers to lay an 'Axe to the Root of the Tree, fruitful of every Thing that is

²⁸² Whitlocke Bulstrode, 'The Third Charge of Whitlocke Bulstrode, Esq; to the Grand Jury and Other Juries, of the County of Middlesex. At the General Quarter-Sessions of the Peace held the Fourth Day of October, 1722', in G. Lamoine (ed.), *Charges to the Grand Jury 1689-1803*, Royal Historical Society, Camden Fourth Series, vol. 43 (1992), p. 173.

²⁸³ John Cradock, *A Sermon Preached in the Parish Church of St. Paul, Covent Garden, on Friday, Feb. 6, 1756* (London, 1756), pp. 6 & 21.

destructive of the Happiness of human Society'.²⁸⁴ But although the beginnings of a shift in thinking about gaming can be seen in Denham's statement, it was still quite different from the sentiments of Cradock or indeed of John Taylor who described gaming as a 'National' sin in a sermon preached before the House of Commons.²⁸⁵

Of course, one might argue that, by addressing the behaviour of individuals, moral writers hoped ultimately to reform the evils of society at large – the campaigns of the societies for the reformation of manners to prosecute individuals in order to promote a general reformation of manners, would be a prominent example – but this was not the same as saying that gaming was a cause of damage to the nation. Anyone familiar with the 1541 Unlawful Games Act, or indeed Roger Ascham's *Toxophilus* of 1545 (see chapter two), might also point out that these sixteenth-century sources express concerns about the detrimental effects of gaming on a national scale. This would be true, but such worries, I would contend, had faded by the early seventeenth century: it was not until the middle of the eighteenth century that fears about the negative impact of gaming on the state of the nation were again expressed, and, as Justine Crump has shown, not until the last quarter of the century that they were articulated in any considerable detail.²⁸⁶

In response, perhaps, to the post-Restoration increase in gaming, seventeenth-century commentators had emphasised that losses at cards and dice could be ruinous to an individual and his family. By the early decades of the eighteenth century, however, one gets the sense that anxieties about the consequences of losses had become more acute. For instance, in his *An Essay Upon Gaming* Jeremy Collier provided details (but without naming names) of people supposedly ruined by gaming as, unusually, did the reforming magistrate Whitlocke Bulstrode in a charge to the Middlesex grand jury in 1718.²⁸⁷ Losing, though, was only part of the problem: eighteenth-century

²⁸⁴ Joseph Denham, *A Sermon Preach'd to the Societies for Reformation of Manners, ... on Monday, June 29, 1724* (London, 1724), p. 16.

²⁸⁵ John Taylor, *A Sermon Preached before the Honourable House of Commons at St. Margaret's Westminster, upon Friday the 11th day of Feb. 1757* (London, 1757), pp. 19-20.

²⁸⁶ Crump, 'Perils of Play', passim.

²⁸⁷ Collier, *Essay upon Gaming*, pp. 25-26; Whitlocke Bulstrode, 'The Second Charge of Whitlocke Bulstrode, Esq; to the Grand Jury and Other Juries, of the County of Middlesex. At the General Quarter-Sessions of the Peace, held the Ninth day of October, 1718', in Lamoine (ed.), *Charges to the*

moralists also expressed an interest in who was winning, as exemplified in the following passage from Collier's *An Essay Upon Gaming*. Defending his practices, Dolomedes, a professional gamester, argues:

... you'll find wealth and Condition depend mostly upon Chance ... For to go to the Bottom, even Peoples coming luckily into the World seems a great Contingency; it depends on the Marriage of their Parents, or rather on the Marriages of all their Ancestors; and what is it which brings about these Engagements for Life? Oftentimes nothing but a causal Visit, some random Conversation, and forty other things, which never came under Foresight or Design.²⁸⁸

After developing his argument with a number of examples, Dolomedes concludes, 'If, as you see, a Man has his Estate by Chance, why should not my Chance take it away from him?'²⁸⁹ Later in the text, he returns to the same point, but voices it even more strongly: 'This Misfortune [losses at gaming] is nothing but shifting of Property, and putting the Prize into a new Hand: And is not this both a common and reasonable Remove? Why should Wealth be always lodg'd in the same Family? Why should not the Generality of Mankind come in for their Turn of Plenty and Figure?'²⁹⁰ Elucidated thus, Dolomedes's comments about the transfer of property and wealth from established families to sharpers are quite subversive: there may be a touch of satire in Collier's approach, but the point he is making is clear.

It was perhaps no coincidence that only three years earlier the Gaming Act of 1710 had from May 1711 made 'utterly void' 'all notes, bonds, judgements, mortgages, or other securities or conveyances whatsoever'.²⁹¹ This, Miers suggests, 'represented the efforts of the wealthy to protect their inheritances from being freely negotiable

Grand Jury, p. 125. It is interesting to note that in spite the comments of Collier et al., none of the evidence presented in Craig Muldrew's *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (Macmillan, Basingstoke, 1998) would suggest that there was any increase in debt litigation at this time; in fact, in the areas Muldrew studied there was a decline as the eighteenth century progressed (see especially *Economy of Obligation*, Figure 8.10, p. 238).

²⁸⁸ Collier, *Essay upon Gaming*, pp. 10-11.

²⁸⁹ Collier, *Essay upon Gaming*, p. 12.

²⁹⁰ Collier, *Essay upon Gaming*, pp. 30-31.

²⁹¹ 9 Anne, c. 19 (1710).

across the gaming table – and beyond’.²⁹² The gentleman losing to the professional gamester, often as a result of sharp practices, was a common device in early eighteenth-century discourses about gaming, as well as being a reality. But – and this is a theme to which I will return in chapter five – the sharper was not always easy to spot, for as Crump explains, ‘Most essentially, gambling seemed to threaten signification. Was one rich, or poor? All might change on the turn of a card or an unfavourable report from the colonies. Were your fellow players noblemen or sharpers? A laced coat was no longer conclusive’.²⁹³

Thus there were concerns about the difficulties of determining with whom one was playing – which was why many authors advised their readers to play only with people they knew – as well as fears of what ‘elite players might suffer at the hands of petty criminals’.²⁹⁴ As I have shown in chapter three, worries about mixing between those of different social status during gaming developed around the 1660s and persisted, unabated, into the eighteenth century. Neal, for instance, observed in 1722 ‘you may ... see not only Gentlemen of the first Quality, but Merchants and Tradesmen, mixing themselves with Men of desperate Fortunes, and throwing the Dice for their Estates’, while a contributor to the *Weekly Miscellany* noted in 1738 ‘I cannot for my Life see how a Man of Quality, sitting Day after Day, and Night after Night at a Quadrille, or Gaming Table, rises above the lowest Mechanic with his Joint stool, Chalk, and All-fours, unless in having a cleaner Room, and risking larger Sums’.²⁹⁵ Anxieties about social mixing can only have been heightened by authors like Collier who warned of the ‘levelling’ effect that the transfer of wealth via gaming might have.²⁹⁶ This was accentuated because Collier had equated wealth with power and ‘dominion’: figured thus the ‘random and meaningless redistribution of

²⁹² Miers, *Regulating Commercial Gambling*, p. 28.

²⁹³ Crump, ‘Perils of play’, p. 27.

²⁹⁴ Crump, ‘Perils of Play’, pp. 24-25.

²⁹⁵ Daniel Neal, *A Sermon Preach'd to the Societies for Reformation of Manners, at Salters-Hall; on Monday June 25. 1722* (London, 1722), p. 12; *Weekly Miscellany*, pp. 480-81. For more examples, see chapter 3, above.

²⁹⁶ Collier, *Essay upon Gaming*, p. 31

wealth' at the gaming table 'apparently threatened to subvert the ascendancy of the ruling classes'.²⁹⁷

Yet by the middle of the eighteenth century it seems that at least some commentators were no longer interested in the gaming habits of the rich. In 1751 the author of *The Vices of the Cities of London and Westminster* remarked:

I leave the Immorality of this Passion [gaming], to be settled and inculcated by Divines, I shall only here observe as a Politician, that the Public is mostly concerned to prevent this Passion from taking Possession of the trading, industrious, and labouring Part of the Community; for as to the Nobility and Gentry, it is of very little Consequence what they do in this Respect, it being of very little Importance, whether five thousand a Year is in Possession of a Lord, or divided amongst a hundred Sharpers.²⁹⁸

This statement contained none of the earlier concerns about the wealthy losing their money to sharpers (although it suggested that this still happened). But it did exhibit grave concerns about gaming among the 'trading, industrious, and labouring Part of the Community'. While this was hardly new, some of the reasons for it, and the way in which they were articulated, may have been. Henry Fielding had made a direct connection between gaming and crime in section three of his *An Enquiry into the Causes of the Late Increase in Robbers* of 1751 and had seen it first hand in his efforts to close down London gaming houses.²⁹⁹ A year later, Charles Jones, William Barnard and John Brown all drew similarly close parallels between gaming and crime, although Jones was the only one to go into much detail.³⁰⁰ Henry Fielding's opinions about gaming and crime were echoed by his brother John in both the

²⁹⁷ Crump, 'Perils of play', p. 16, although she does concede in note 37 on the same page 'It is quite hard to find documented evidence of the rich and powerful absolutely ruined by gambling'.

²⁹⁸ Citizen of London, *The Vices of the Cities of London and Westminster. Trac'd from their Original* (Dublin, 1751), p. 24. Similar sentiments are expressed in Henry Fielding, *A Charge Delivered to the Grand Jury at the Sessions of the Peace held for the City and Liberty of Westminster, &c. on Thursday the 29th of June, 1749*, in Lamoine (ed.), *Charges to the Grand Jury*, p. 340.

²⁹⁹ For some examples of Fielding's involvement in anti-gaming campaigns see chapter 2, above.

³⁰⁰ Charles Jones, *Some Methods Proposed Towards Putting a Stop to the Flagrant Crimes of Murder, Robbery, and Perjury* (London, 1752), esp. pp 21-25; William Barnard, *A Sermon Preached at Christ-Church, Dublin, on the 10th day of May, 1752* (Dublin, 1752), p. 8; John Brown, *On the Pursuit of False Pleasure, and the Mischiefs of Immoderate Gaming: a Sermon Preach'd at the Abbey-Church at Bath, ... on Sunday, April 22* (London, 1752), pp. 11-12.

Gentleman's Magazine and *An Account of the Origin and Effects of a Police Set on Foot by His Grace the Duke of Newcastle in the Year 1753*.³⁰¹ One might argue that commentary linking gaming and crime had existed long before the 1750s: various guides included advice on how to avoid thieves and sharpers, and I have provided a number of examples of gaming-related crime in chapter two. But what was distinctive about Henry and John Fielding's perspective was that gaming *caused* other types of crime and, crucially, was therefore damaging to society as a whole as well as to the individual.

During the first half of the eighteenth century it began to be acknowledged that the detrimental effects of gaming had the potential to reach much further than the individual player. Glimpses of a similar trend could be seen in two other areas; trade and politics. We have seen examples in which a propensity for gaming was believed to compromise an individual's business, but in 1722, for example, Daniel Neal warned merchants and tradesmen that by gaming they 'very often' played away 'the Labour of the Husbandman, and the Bread of the honest Shopkeeper so that when they fall, they bury a great many poor industrious Families in their Ruin'.³⁰² In 1760, Thomas McDonnell alighted on the same problem when he argued that gaming led to 'Failures of Trade' because it robbed of money 'tradesfolk and those we deal with for the common Necessaries of Life, not to mention the Ornaments and Luxuries of it'.³⁰³ At least where gaming was concerned, such arguments remained undeveloped for the duration of my study. The same can be said of the attacks on the gaming habits of politicians that would frequently be directed at, for example, Charles James Fox in the 1770s.³⁰⁴ Although William Penn had in passing made an association

³⁰¹ *Gentleman's Magazine*, vol. 26 (1756), pp. 564-67; John Fielding, *An Account of the Origin and Effects of a Police Set on Foot by His Grace the Duke of Newcastle in the Year 1753* (London, 1758), esp. pp. 28-35 (William Robert Irwin, 'An Attack on John Fielding', *Modern Language Notes*, vol. 56, no. 7. (Nov. 1941), 523-25, refers to Fielding's *Account* as 'self-congratulatory', p. 523). For more on John Fielding's involvement in law enforcement, see John Styles, 'Sir John Fielding and the Problem of Criminal Investigation in Eighteenth-Century England', *Transactions of the Royal Historical Society*, 5th Series, vol. 33, (1983), 127-49.

³⁰² Neal, *A Sermon Preach'd to the Societies for Reformation of Manners*, p. 13.

³⁰³ McDonnell, *The Eighth Commandment Considered in its Full Extent*, p. 21.

³⁰⁴ See especially Phyllis Deutsch, 'Moral Trespass in Georgian London: Gaming, Gender, and Electoral Politics in the Age of George III', *The Historical Journal*, vol. 39, no. 3 (Sept. 1996), 637-56.

between gaming and bad government in 1679 – almost a century before such ideas became prevalent – the earliest sustained critique of gaming politicians I have seen appeared in 1750 in the form of Erasmus Mumford’s satirical *A Letter to the Club at White’s*.³⁰⁵ In the *Letter* Mumford derided the hypocrisy of the politicians who approved laws against gaming and then played excessively themselves, and suggested that gaming might have an adverse effect on their performance in the House.

Gaming Instruction

From the publication of Northbrooke’s *Treatise* in 1577, moralising works had constituted the great majority of all printed texts about gaming. But this was to change in the last quarter of the seventeenth century when there began to be produced, for the first time, guides that instructed their readers how to play at cards, dice and other games. To date, gaming manuals have attracted very little attention: my discussion here is the longest by some distance, while the accompanying footnotes provide a fuller bibliography than any of the individual secondary works cited. This section will look at some of the most important gaming manuals (although guides which focus on cheating will be considered in chapter five) and will attempt to convey a sense of what they were about, the types of games they included, and the tone in which they were written. I will not describe how to play individual games unless it is necessary and I will concentrate on cards and dice even though some of the guides consulted cover a more comprehensive range of games and pastimes. Charles Cotton will be considered first, then Richard Seymour, and finally Edmond Hoyle.

Guides to chess had existed since the fifteenth century but probably the earliest work approaching the ‘how to’ mould for cards or dice was Gilbert Walker’s *A Manifest*

³⁰⁵ Penn, *An Address to Protestants*, p. 24; Erasmus Mumford, *A Letter to the Club at White’s* (London, 1750). White’s was originally a chocolate house on St James’s Street. Destroyed by fire in 1733 in re-opened in 1736 and quickly became known for its betting and gambling: Ashton, *History of Gambling*, p. 90.

Detection of the Most Vyle and Detestable Use of Dice Play of 1552.³⁰⁶ This, as the name suggests, was about how to avoid being cheated at dice and I will return to it the final chapter; the same goes for Robert Greene's *A Notable Discouery of Coosenage* (1591). As far as I can tell, little in the way of gaming instruction was published for almost eighty years, that is, until the anonymously authored *Leather-more: or Advice Concerning Gaming* appeared in 1668. But this was only eleven pages long and concerned primarily with describing cheating techniques and the goings on in an ordinary.³⁰⁷ Thus the first proper – in the sense that it actually contained instructions and rules for games – printed gaming manual was Charles Cotton's *The Compleat Gamester, or, Instructions how to Play at Billiards, Trucks, Bowls, and Chess Together with all Manner of Usual and most Gentile Games either on Cards or Dice: to which is Added the Arts and Mysteries of Riding, Racing, Archery, and Cock-Fighting*, first published in 1674.³⁰⁸ Although I will not dispute the attribution to Cotton, it ought to be mentioned that he apparently did not own the work in his lifetime³⁰⁹ and it was not until 1734, in the preface to Richard Seymour's *Compleat Gamester*, that it was acknowledged 'The *Second* and *Third* Parts of this Treatise, were originally written by *Charles Cotton, Esq;* some Years since'.³¹⁰

Cotton (1630-87), a poet and translator, found most acclaim for 'his translation of Montaigne's *Essays* (three volumes, 1685-86), which immediately supplanted that by John Florio (1603) and was still being reprinted well into the twentieth century'.³¹¹ *The Compleat Gamester* was not Cotton's only instruction manual: he published a

³⁰⁶ For example, *De Ludo Scachorum*, translated into English by William Caxton from a French version by Jean de Vignay (for more details see the ESTC catalogue entry) (Bruges, 1474); Gilbert Walker, *A Manifest Detection of the moste Vyle and Detestable Vse of Diceplay* (London, c. 1552).

³⁰⁷ Anon, *Leather-more: or Advice Concerning Gaming* (London, 1668). On the frontispiece it is described as the 'second edition', but I have been unable to find any earlier editions. A version of *Leather-more* with the same name, but described as the 'third edition', was published in 1711.

³⁰⁸ Charles Cotton, *The Compleat Gamester, or, Instructions how to Play at Billiards, Trucks, Bowls, and Chess Together with all Manner of Usual and most Gentile Games either on Cards or Dice: to which is Added the Arts and Mysteries of Riding, Racing, Archery, and Cock-Fighting* (London, 1674). All references are to the 1674 edition unless otherwise stated.

³⁰⁹ Paul Hartle, 'Cotton, Charles (1630–1687)', *Oxford Dictionary of National Biography*, OUP, Sept 2004; online edn., May 2006 [<http://www.oxforddnb.com/view/article/6410>, accessed 30 July 2007].

³¹⁰ Richard Seymour, *The Compleat Gamester* (London, 1734), preface, viii.

³¹¹ Hartle, 'Cotton, Charles'.

treatise entitled *The Planters Manual* in 1675³¹² and a year later contributed a section on fly-fishing to his friend Isaac Walton's *The Compleat Angler*.³¹³ The introduction to *The Compleat Gamester* reproduces verbatim large parts of the aforementioned *Leather-more*, which predated it by six years.³¹⁴ But in spite of this (and there remains the possibility that Cotton wrote *Leather-more*), *The Compleat Gamester* can be said to have provided the blueprint for six decades of gaming manuals. It was reprinted in its own right in 1676, 1680, 1709, 1710, 1721, 1725 and 1726, before being absorbed into Richard Seymour's *The Compleat Gamester* in 1734.³¹⁵

In his 'Epistle to the Reader' Cotton explains the purpose of his treatise and his motivation for writing it:

It is not (I'll assure you) any private interest of my own that caus'd me to adventure on this subject, but the delight and benefit of every individual person; Delight to such who will pass away their spare minuts in harmless recreation if not abus'd; and Profit to all, who by inspecting all manner of Games may observe the cheats and abuses, and so be arm'd against the injuries may accrue thereby.

Although Cotton extols the virtues of recreation, he does not do the same for gaming. Instead, he emphasises 'Mistake me not, it is not my intention to make Gamesters by this Collection, but to inform all in part how to avoid being cheated by them' and includes the caveat 'If I am imperfect in my discoveries, impute it to my being no profest Gamester'. In this section at least, Cotton appears to be making a distinction between 'gamesters', whom he later expresses a 'hatred for', and those who play for 'harmless recreation'. He ends the epistle with some general advice:

³¹² Charles Cotton, *The Planters Manual: being Instructions for the Raising, Planting, and Cultivating all sorts of Fruit-Trees, whether Stone-Fruits or Pepin-Fruits, with their Natures and Seasons* (London, 1675).

³¹³ See Robert Charles Bell, *Board and Table Games from Many Civilizations* (Dover Publications, New York, 1979), p. 182. For a detailed study of *The Compleat Angler*, see Jonquil Bevan, *Izaak Walton's 'The Compleat Angler': The Art of Recreation* (Harvester Press, Brighton, 1988). Cotton's contribution was also published in its own right as *The Compleat Angler. Being Instructions how to Angle for a Trout or Grayling in a Clear Stream. Part. II* (London, 1676).

³¹⁴ See also comments by Julian Marshall, 'Cotton's and Seymour's "Gamesters"', *Notes and Queries* 6th Series, vol. 9 (1884), pp. 321-22.

³¹⁵ As I will show below, all subsequent versions of Seymour's *Compleat Gamester* contained large parts of Cotton's work.

To conclude, let me advise you, if you play (when your business will permit) let not a covetous desire of winning another's money engage you to the losing your own; which will not only disturb your mind, but by the disreputation of being a Gamester, if you lose not your estate, you will certainly lose your credit and good name, than which there is nothing more valuable.³¹⁶

This statement might seem more at home in some of the moralising works discussed earlier than in a manual about gaming. The same, though, could not be said of Cotton's detailed description of an ordinary.

'Of Gaming in general; or an Ordinary described', which forms the introduction to *The Compleat Gamester*, has usually been the first port of call for anyone wanting a sound bite about gaming in early modern England. This is perhaps unsurprising since it provides a vivid and unusually detailed description of an ordinary. The content of 'Of Gaming in general; or an Ordinary described' has been discussed in part in chapter three, but some additional points can be made here. Like the epistle it does not paint gaming in a particularly good light. Anyone visiting an ordinary, according to Cotton, was likely to get cheated, stolen from, or involved in a violent incident. His description, however, is vivid and exciting; the ordinary is both dangerous and alluring. There is something of this flair in the rest of the book, especially when the subject turns to cheating, but Cotton uses it only to add a little colour to his narrative and instructions: the information he provides takes priority.

The Compleat Gamester is clear and very readable. Cotton divides it into three sections – 'principal games at cards', 'games within the tables' and 'games without the tables' – but in fact there are at least five divisions: billiards, trucks, bowling and chess; card games; 'games within the tables' (those which used some kind of board, such as backgammon); 'games without the tables' (mostly dice games); and riding, racing, archery, and cockfighting. Card games are most thoroughly examined and take up twenty of the thirty-eight chapters. Cotton generally begins by stating which cards are used in that particular game (some did not use a fifty-two card pack) and how many people could play it. He sometimes includes a little history or nuggets of information: all fours, for instance, was apparently 'very much play'd in *Kent*, and very well it may, since from thence it drew its first original'; five cards was 'an Irish

³¹⁶ Cotton, *Compleat Gamester*, 'The Epistle to the Reader', n. p.

game'; and post and pair was popular in the west of England.³¹⁷ Cotton then continues to explain the deal, how play was to start (in, for example, costly colours, the eldest went first), which (if any) suits were trumps, and other technical matters.³¹⁸ Some games derived from, or were variations on, another and in these cases it would be necessary to know the parent game.³¹⁹ The level of detail provided by Cotton was usually, but not always, dependant on the complexity of the game.

In addition to his instructions, Cotton noted that players of certain games were particularly prone to being cheated, or losing large sums of money (in some cases these were connected). Cotton prefaced his description of the game putt, for instance, with the statement 'Putt is the ordinary rooking [cheating] Game of every place, and seems by the few Cards that are dealt to have no great difficulty in the play, but I am sure there is much craft and cunning in it; of which I shall show as much as I understand'.³²⁰ Yet by stating that his knowledge is not complete, I would suggest that Cotton is attempting to distance himself from the cheats he describes. The same is true of his comments about lanterloo, and particularly of the assertion 'There are other Cheats to be performed, which I shall omit, since it is not my business to teach you how to cheat, but so to play as not to be cheated'.³²¹ Cotton also makes it clear that his methods are not foolproof and, to a certain extent, suggests that if a player decides to play a game after he has warned against it, it is entirely their own fault if they lose. This is particularly true of dice games, such as inn and inn and especially hazard, about which Cotton is scathing: the latter is described as a 'time-spending-money-wasting Game'.³²² Interestingly, though, in his description of inn and inn he provides a rare (in the context of this work) anecdote about a sharper who won a

³¹⁷ Cotton, *Compleat Gamester*, pp. 111, 123, 150.

³¹⁸ Cotton, *Compleat Gamester*, p. 125.

³¹⁹ See, for instance, Cotton's description of Plain Dealing: *Compleat Gamester*, p. 142.

³²⁰ Cotton, *Compleat Gamester*, p. 131.

³²¹ Cotton, *Compleat Gamester*, p. 146.

³²² Cotton, *Compleat Gamester*, p. 173.

fortune and then gave up playing so as not to destitute himself in the same way he had ruined 'many worthy Families'.³²³

One might ask if it is possible to learn card, dice and other games *just* from this. For certain games, *The Compleat Gamester* could give a player some grounding in the basics and, depending on the complexity of a game, perhaps also the ability to play it, or at least the ability to pick it up more quickly. But no matter how good the manual, many of these games required 'observation and practice', and sometimes 'a great deal of skill' before they could be mastered: this was emphasised by Cotton on a number of occasions.³²⁴ Strictly speaking, the snippets of information about the origin of some games were of no technical use to players, but this is not to say that they would not have been of interest. They might also have allowed a player, for whatever reason, to appear more experienced than they actually were. Moreover, and this is a point applicable to all of the gaming manuals discussed, the provision of background information served to demonstrate the depth of Cotton's knowledge and his experience; both of these components, as Natasha Glaisyer and Sara Pennell have argued, were crucial if an author wanted to establish effectively his or her expertise.³²⁵ The few tips – given Cotton's statement in the epistle one might have expected more – about avoiding cheating may have been of some use to the novice but were perhaps included as warnings about the dangers of playing certain games. As detailed earlier, *The Compleat Gamester* was reprinted many times. But although the format and layout changed somewhat the content remained remarkably constant.³²⁶ True, basset was added from 1709 and the 1725 and 1726 editions included a supplement on card tricks, but anyone familiar with the 1674 work would have had no problem recognising its descendants. That so few additions were

³²³ Cotton, *Compleat Gamester*, pp. 164-67, quote at p. 167.

³²⁴ Cotton, *Compleat Gamester*, p. 154. These observations refer to Irish (a game at tables), but see also those about Wit and Reason (a card game), p. 138, and other comments throughout.

³²⁵ Natasha Glaisyer and Sara Pennell, 'Introduction', in Natasha Glaisyer and Sara Pennell (eds.), *Didactic Literature in England 1500-1800* (Ashgate, Aldershot, 2003), p. 9.

³²⁶ The largest alteration took place in the edition of 1721 in which the internal divisions were re-ordered and riding, racing, archery, cockfighting and bowling were grouped together under the heading of 'The Gentleman's Diversion'.

necessary is a testament to both the wide scope of the original *Compleat Gamester* and its continued appeal.

Richard Seymour's *The Court Gamester: or Full and Easy Instructions for Playing the Games now in Vogue, after the best Method; as they are Play'd at Court, and in the Assemblies, viz. Ombre, Picquet, and the Royal Game of Chess. Wherein the Frauds of Play are detected, and the Laws of each Game annex'd, to prevent Disputes* went through five editions between 1719 and 1732.³²⁷ Unfortunately I have been unable to find out anything about Seymour and others also appear to have struggled; a contributor to *Notes and Queries* asks 'But was there such a person? Was he not the creation of some fraudulent bookseller, invented to cover the labour of some garreteer of the period?'³²⁸ Seymour was no doubt eager to tap into the general interest in, especially fashionable, gaming, but I would suggest that a more specific purpose of *The Court Gamester* was to teach members of non-elite, yet aspiring, social groups how to play the games it describes.³²⁹ Lawrence Klein has argued that 1660-1730 was 'the period during which "politeness" rose to prominence in English society' and, as a result, 'politeness was marketed in books to an audience wider than the gentry and pseudo gentry'.³³⁰ By the early eighteenth century, the literate 'middling sorts' constituted at 'at least a fifth' of London's population and 'ranged from a *haute bourgeoisie* of great merchants and successful professionals down to self-employed artisans and educated white collar workers on salaries'.³³¹ Accordingly, 'politeness would have come in handy to different segments of the London middling population in different ways'³³² and there was thus 'quite a

³²⁷ Richard Seymour, *The Court Gamester...* (London, 1719, 1720, 1722, 1728, and 1732). Quotations are from the first edition (1719) unless otherwise stated.

³²⁸ Philo Biographiensis, *Notes and Queries*, 10th Series, vol. 9 (Feb. 1908), p. 153.

³²⁹ See also comments by Jessica Richard, "'Games of Chance": *Belinda*, Education, and Empire' in Christopher J. Fauske and Heidi Kaufman (eds.), *An Uncomfortable Authority: Maria Edgeworth and Her Contexts* (Associated University Presses, New Jersey, 2004), p. 198.

³³⁰ Lawrence Klein, 'Politeness for Plebes: Consumption and Social Identity in Early Eighteenth-Century England', in Ann Bermingham and John Brewer (eds.), *The Consumption of Culture: Word, Image, and Object in the Seventeenth and Eighteenth Centuries* (Routledge, London and New York, 1995), p. 363.

³³¹ Klein, 'Politeness for Plebes', p. 371.

³³² Klein, 'Politeness for Plebes', p. 371.

common readership for 'some sorts of polite material'.³³³ Yet Klein does not argue that 'most people' would actually have learned 'how to behave in polite places' by reading the books he describes, but rather that 'the rules of polite practice in behaviour and conversation were a matter of concern and curiosity, which their appearance in books could address'.³³⁴ I will consider below whether people could have learned games from Seymour's manuals; but when we discover that Seymour wrote *The Court Gamester* because 'Gameing is become so much the Fashion among the Beau Monde, that He, who in Company should appear ignorant of the Games in Vogue, would be reckon'd low bred, and hardly fit for Conversation', the latter part of Klein's statement rings very true.³³⁵

The Court Gamester is an instruction manual and, in respect of ombre and picquet, Seymour states that his aim is to cover all of the 'Branches' of the games as fully as possible.³³⁶ He also suggests that 'This Essay is wrote in Favour of those who have no Notion at all of the Game; and to these we Conceive Nothing can be made too plain'.³³⁷ Importantly, the reader will also find (and this is no empty claim) 'that we never speak of a Thing a second Time, but where it has not been sufficiently explain'd before'.³³⁸ Of course, 'those with some Notion of the Game' would 'soon' become 'Masters' by reading Seymour's guide.³³⁹ In the event of disputes, rules of the games are included in *The Court Gamester*, as is a handy glossary. In contrast to the card games he discusses, Seymour admits that he has only provided the basics for chess. This was because 'any Person that once sees the Men plac'd upon the Board, may learn to play', but the complexity of the game meant that it 'require[d] a sutable Genius, and good Observation.'³⁴⁰

³³³ Klein, 'Politeness for Plebes', p. 371.

³³⁴ Klein, 'Politeness for Plebes', p. 375.

³³⁵ Seymour, *The Court Gamester*, preface, iii-iv.

³³⁶ Seymour, *The Court Gamester*, preface, v.

³³⁷ Seymour, *The Court Gamester*, preface, v-vi.

³³⁸ Seymour, *The Court Gamester*, preface, vi.

³³⁹ Seymour, *The Court Gamester*, preface, vi.

³⁴⁰ Seymour, *The Court Gamester*, preface, ix.

The layout of *The Court Gamester* is clear, section headings are made obvious, and there is a logical progression of chapters. Seymour supports his points with practical examples and the rules section is equally useful: one might imagine a player reaching for a copy of Seymour to settle a disputed technical point. Allied to this is his explanation of what should happen if a mistake is made, for example, if one player is dealt too many cards.³⁴¹ Because Seymour devotes over one hundred pages to only two card games the result is a much more detailed guide than Cotton's and one by which even 'a Person of a very common Capacity' might have been able to learn how to play competently.³⁴² Seymour also provides some background to the games; ombre, he explains, 'owes its Invention to the Spaniards, and has in it a great deal of the Gravity peculiar to that Nation'.³⁴³ Interestingly, in this edition of *The Court Gamester* Seymour does not investigate the 'Frauds of Play' that are mentioned in the subtitle of the work.

It was, in fact, not until the fourth edition (1728) that Seymour did include a short postscript on common cheating methods.³⁴⁴ But even then he appears to have attempted to distance himself from this subject matter by citing the source of his knowledge as the anonymously authored *The Whole Art and Mystery of Modern Gaming, fully Exposed and Detected* (1726).³⁴⁵ Seymour also includes in the 1728 edition a section on quadrille, which would suggest that this game had grown in popularity in the ten years since the publication of the first edition. The final edition of *The Court Gamester*, published in 1732, is much longer than its predecessors. It includes a virtually identical copy of the text from the 1728 edition followed by a new section containing a treatise entitled *The Knowledge of Play ... Translated from the Latin Original of John Rizzetti, with Improvements by Richard Seymour, Esq.*³⁴⁶

³⁴¹ For this example, see Seymour, *The Court Gamester*, pp. 84-85.

³⁴² Seymour, *The Court Gamester*, preface, iv.

³⁴³ Seymour, *The Court Gamester*, p. 1.

³⁴⁴ Seymour, *The Court Gamester* (London, 1728).

³⁴⁵ Anon, *The Whole Art and Mystery of Modern Gaming, Fully Exposed and Detected* (London, 1726). For more on this text, see chapter 5, below.

³⁴⁶ This was the Venetian mathematician and natural philosopher, Giovanni Rizzetti (1675-1751). *The Knowledge of Play, Written for Public Benefit, and the Entertainment of all Fair Players. ...*

This was a detailed treatise about probability in two parts: the first is intended to demonstrate ‘that Fortune has not that Power in Play which is commonly ascribed to her’, while the second engages in considerable detail with the theories of the mathematician Daniel Bernoulli (1700-1782). The interplay between gaming and probability (more on which in chapter five) was not unusual, indeed it was entirely commensurate with the interest in probability at the time.³⁴⁷ But even so, the specialist knowledge that would have been required to understand Rizzetti’s treatise sat somewhat uncomfortably in an instruction manual about gaming that purported to be designed for the novice. The same, perhaps, could not be said of Swift and Pope’s *The Journal of a Gaming Lady of Quality*, which rounded off the 1732 edition of *The Court Gamester*.

In 1734 Seymour published a wider-ranging gaming manual entitled *The Compleat Gamester*.³⁴⁸ This was arranged in three parts. The first covered ombre (and its derivatives, especially quadrille),³⁴⁹ picquet, basset, and chess, and was very similar to the 1728 edition of *The Court Gamester*. The second part was essentially a copy of the card games section (excluding those Seymour discussed in Part I) from Cotton’s *Compleat Gamester*. The third part drew heavily on the ‘tables’ sections of Cotton’s work. Seymour, though, included much more on cheating than Cotton ever had. Finally, a postscript warned about the dangers of faro, a game which various sources suggest was very common around this time. In 1739 a new edition of Seymour’s *Compleat Gamester* appeared.³⁵⁰ It had been extended and had new subject headings: ‘The Court Gamester’, ‘The City Gamester’, and ‘The Gentleman’s Diversion’. ‘The Court Gamester’ was the same as Part I of the 1734 addition, except that the postscript about faro was now incorporated into the main text, again suggesting the continued popularity of this particular game. The rest of the 1734 edition was

Translated from the Latin Original of John Rizzetti, with Improvements by Richard Seymour had been published in its own right in London in 1729.

³⁴⁷ See also Daston, *Classical Probability*, pp. 157-60 and Ronald Paulson, *Popular and Polite Art in the Age of Hogarth and Fielding* (University of Notre Dame Press, Notre Dame and London, 1979), p. 93.

³⁴⁸ Richard Seymour, *The Compleat Gamester* (London, 1734).

³⁴⁹ ‘Ombre’ and ‘hombre’ were the same game; different authors used different spellings.

³⁵⁰ Richard Seymour, *The Compleat Gamester* (London, 1739).

arranged under the heading of 'The City Gamester'. The 'Gentleman's Diversion' was new to the 1739 edition of Seymour's *Compleat Gamester*, but was almost identical to that contained in the 1721 edition of Cotton's *Compleat Gamester*. A seventh and eighth edition of Seymour's *Compleat Gamester* were published in 1750 and 1754, respectively; these were almost identical to the 1739 edition. By the mid-eighteenth century, however, a new author had become the authority on gaming.

The name of Edmond Hoyle (1671/2-1769) is still synonymous with card games, and especially whist.³⁵¹ Bell suggests that Hoyle was first introduced to the game in the 1730s when he was part of a group of gentlemen, including the first Lord Folkestone, who frequented the Crown Coffeehouse in Bedford Row. These men 'began to study the game seriously' and the 'vulgar "Whisk"', which 'in the eighteenth century was the game of the tavern and the servants' hall', became 'the genteel "Whist"'.³⁵² In the 1740s Hoyle gave lessons on whist playing and in 1741 circulated a manuscript copy of his handbook to some of his pupils.³⁵³ In 1742 this appeared in print as *A Short Treatise on the Game of Whist*.³⁵⁴ It must have been eagerly anticipated, for Hoyle apparently received £1000 from the publisher.³⁵⁵

Jessica Richard comments 'Hoyle was the first to grasp fully the possible market in gaming instruction', and I would have to agree.³⁵⁶ The *Short Treatise* went through some fourteen editions in Hoyle's lifetime and the interest his book generated must

³⁵¹ Despite the popularity of his works on card games, it would appear that not a great deal is known about Hoyle: Julian Marshall's contributions to *Notes and Queries* in the late nineteenth century (see note 362, below) appear to be the basis for much that has been written about him.

³⁵² Bell, *Board and Table Games*, p. 187.

³⁵³ See Hoyle, *A Short Treatise on the Game of Whist* (London, 1742a), p. 74.

³⁵⁴ The title was anything but short: *A Short Treatise on the Game of Whist, Containing the Laws of the Game; and also some Rules whereby a Beginner may, with due Attention to them, Attain to Playing it well. Calculations for those who will Bet the Odds on any Point of the Score of the Game the Playing and Depending. Cases Stated, to Shew what may be Effected by a Good Player in Critical Parts of the Game. References to Cases viz. at the End of the Rule you are Directed how to find them. Calculations Directing with Moral Certainty, how to Play Well any Hand or Game, by Shewing the Chances of your Partner's having 1 2 or 3 Certain Cards. With Variety of Cases in the Appendix* (London, 1742a).

³⁵⁵ H. R. Tedder, 'Hoyle, Edmond (1671/2-1769)', rev. Heather Shore, *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/14012>, accessed 2 Aug 2007].

³⁵⁶ Richard, 'Games of Chance', p. 198.

have had would-be whist players queuing up for lessons, for which he was said to charge one guinea a time.³⁵⁷ Printed in 1742, the first edition of the *Short Treatise* was expensive, costing one guinea.³⁵⁸ This led to ‘many piracies’ and the second edition (1743) was duly reduced in price to two shillings and sold ‘in a neat pocket size’.³⁵⁹ Up until the fourteenth edition, Hoyle apparently endeavoured to sign every genuine copy of the *Short Treatise*.³⁶⁰ Authors did this for two reasons: to show that the work was genuine and, as Natasha Glaisyer has argued, to denote that the information within was authentic.³⁶¹ Glaisyer’s argument is particularly pertinent to the case of Hoyle because he was already known for his whist lessons. The issue of authorial credibility also resonates with Cotton’s attempts to distance himself from the gamblers he describes and the genteel tone of the earlier editions of Seymour’s *Court Gamester*.

There are too many editions and reprints of Hoyle’s *Treatise* to look at individual editions in detail,³⁶² particularly because after the success of his treatise on whist Hoyle quickly branched out: his first guide to backgammon was printed in 1743 and guides to picquet (which also included ‘Some Rules and Observations for Playing well at Chess’) and quadrille followed in 1744.³⁶³ All of these were reprinted at least once. The same year also saw the publication of a supplementary work entitled *An*

³⁵⁷ Richard quotes this price, but does not cite a source: ‘Games of Chance’, p. 198

³⁵⁸ All of the secondary sources agree that the price of the first edition (which I refer to as 1742a) was one guinea yet there is a 1742 edition (which I refer to as 1742b) that has the price of one shilling printed on the front.

³⁵⁹ Tedder, ‘Hoyle, Edmond’. Marshall suggests that the copies which state they were first published in Bath are pirated versions: *Notes and Queries*, 7th Series, vol. 8 (1889), p. 4. The price of two shillings was in line with Seymour’s manuals, some of which bore the price ‘1s 6d stitched, 2s bound’.

³⁶⁰ Bell, *Board and Table Games*, p. 188. Hoyle would have been in his early eighties by the time the fourteenth edition was published so it is no surprise he stopped signing it by hand.

³⁶¹ Glaisyer, ‘Calculating Credibility’, passim. (and see p. 704 for a mention of Hoyle).

³⁶² Julian Marshall carried out a bibliographical survey in *Notes and Queries*, ‘Books on gaming’: *Notes and Queries*, 7th Series, vol. 7 (1889), pp. 461-62 & 481-82; *Notes and Queries*, 7th Series, vol. 8 (1889), pp. 3, 42-43, 83-84, 144-45, 201-202, 262-64, 343-44, 404-405 & 482-83; *Notes and Queries*, 7th Series, vol. 9 (1890), pp. 24-25 & 142-44.

³⁶³ *A Short Treatise on the Game of Back-Gammon* (London, 1743); *A Short Treatise on the Game of Piquet* (London, 1744); *A Short Treatise on the Game of Quadrille* (London, 1744). In 1751 Hoyle published *A Short Treatise of the Game of Brag* (London, 1751).

*Artificial Memory, or, an Easy Method of Assisting the Memory of those that Play at the Game of Whist.*³⁶⁴ In this, Hoyle described ways of arranging hands of cards, instructing, for instance, ‘Place of every Suit in your Hand, the Worst of it to the left Hand, and the Best (in order) to the Right’.³⁶⁵ This was combined with Hoyle’s other works on games and, of course, his treatise on whist and printed in 1745 with the title *The Polite Gamester: Containing Short Treatises on the Games of Whist, Quadrille, Back-Gammon, Piquet and Chess.*³⁶⁶ A similarly titled work was published in London in 1748 and in the same year another variant appeared, entitled *The Accurate Gamester’s Companion.*³⁶⁷ Various further editions and versions continued to be printed throughout the eighteenth century. Hoyle’s fame even crossed the Channel; *Le jeu de whist de M. Hoyle* was published in 1763.³⁶⁸

Hoyle’s *Treatise* was a true instruction manual, and more than one author has commented that he ‘was the first to write scientifically on whist, or indeed any card game’.³⁶⁹ His writing style is clear, engaging and easy to follow. Examples were key to Hoyle’s method of instruction; as Ronald Paulson puts it, ‘teaching the game was a matter of individual cases, preference of example over precept, of act over principle, and of face-to-face teaching by example over the written book itself’.³⁷⁰ The sections on whist, in particular, were highly detailed and, as new editions appeared, they were improved and refined with the addition of new cases and plays: it would indeed seem that Hoyle ‘profited by the experience of the best players of the

³⁶⁴ Edmond Hoyle, *An Artificial Memory, or, an Easy Method of Assisting the Memory of those that Play at the Game of Whist* (London, 1744).

³⁶⁵ Hoyle, *An Artificial Memory*, p. 5.

³⁶⁶ Edmond Hoyle, *The Polite Gamester: Containing Short Treatises on the Games of Whist, Quadrille, Back-Gammon, Piquet and Chess. Together with an Artificial Memory* (Dublin, 1745).

³⁶⁷ Edmond Hoyle, *Mr. Hoyle’s Treatises of Whist, Quadrille, Piquet, Chess, and Back-Gammon*. (London, 1748); Edmond Hoyle, *The Accurate Gamester’s Companion: Containing Infallible Rules for Playing the Game of Whist ... To which are Added; The Games of Quadrille, Piquet, Chess and Back-Gammon ... Likewise a Dictionary for Whist And an Artificial Memory* (London, 1748).

³⁶⁸ Tedder, ‘Hoyle, Edmond’.

³⁶⁹ Tedder, ‘Hoyle, Edmond’. See also Bell, *Board and Table Games*, p. 189 and Julian Marshall, ‘Books on Gaming’, *Notes and Queries*, 7th Series, vol. 7 (1889), p. 481.

³⁷⁰ Paulson, *Popular and Polite Art*, p. 94.

day'.³⁷¹ We have seen that it was common to discuss cheating methods in gaming manuals and, as Seymour and others had shown, whist was not exempt from fraudulent practices.³⁷² Yet unlike his predecessors Hoyle does not discuss cheating at all. This, I would suggest, is because Hoyle stresses the importance of knowledge, observation, calculation and memory: when playing whist you beat your opponent by virtue of your greater skill. This idea is highlighted in a prefatory letter to Hoyle's *Treatise*, by 'a gentleman at Bath'. 'One night' the gentleman explained, 'I lost a considerable Sum of Money ... and yet I could not perceive that the Cards run extraordinary cross against me; so that I could not but conclude I was beat by superior Skill'. Since he was convinced that his misfortune was not a result of 'unfair Play', the gentleman continued to try and work out what he had done wrong and in doing so 'found that there was a Treatise on the Game of *Whist* lately dispersed among a few Hands at a *Guinea Price*'. After reading it he realised immediately that he had 'heretofore been but a Bungler at this Game'.³⁷³

Not all were convinced by Hoyle's methods. Both his lessons and treatises were satirised in *The Humours of Whist* of 1743, in which the enthusiastic but hapless Sir Calculation Puzzle becomes so confused by Professor Whiston's complex calculations that he always loses.³⁷⁴ In 1751 a lengthy letter in the *Royal Magazine* addressed to 'mr Hoyle' opened with the line 'Permit me to address you with that reverence and obsequious deportment, which is due to the author of a book more read and studied than the Bible'.³⁷⁵ But although Hoyle had his critics, he may have started a new trend: Jessica Richard cites a London newspaper of 1753 which reported '[t]here is a new kind of tutor lately introduced into some Families of Fashion in this Kingdom principally to complete the education of the Young Ladies, namely a Gaming Master; who attends his Hour as regularly as the Music, Dancing,

³⁷¹ Tedder, 'Hoyle, Edmond'.

³⁷² One of these was 'piping' at whist in which players used hand and finger gestures to communicate covertly with one another or people watching the game; see chapter 5, below.

³⁷³ The letter first appears in Hoyle, *A Short Treatise on the Game of Whist* (London, 1742b).

³⁷⁴ Anon, *The Humours of Whist. A Dramatic Satire, as Acted every Day at White's and Other Coffee-Houses and Assemblies* (London, 1743).

³⁷⁵ *Royal Magazine*, Jan.-March 1751, pp. 189-91.

and French Master; in order to instruct young Misses in Principles of the fashionable Accomplishment of Card playing'.³⁷⁶

One of the most important things about the gaming manuals is that they demonstrate very clearly that there was a culture of interest in gaming that was not based around criticism of the activity. Indeed, the fact that they were reprinted so many times is strongly indicative of a sustained and high demand for 'how to' guides which can really only have been fuelled by the vogue for gaming. There is no better example of this than the almost immediate production of illicit copies of Hoyle's *Short Treatise on Whist* and the subsequent decision to sell the second edition at a fraction of the price of the first. It could be argued that Hoyle's treatises were different from Cotton's and Seymour's. After all, Hoyle eliminated the gaming anecdotes and the sections on cheating and instead emphasised calculation and memory in an attempt, perhaps, to distance himself from the more dangerous games such as faro and hazard. Yet Hoyle showed how to bet on whist and the other games he described and neither Cotton nor Seymour had ever de-emphasised the importance of observation and practice; if they had, we might never have been treated to their gaming manuals. Perhaps, then, Hoyle thought he was writing for a different audience, a 'polite' middle class group who would not frequent gaming houses and ordinaries and who could trust their playing companions. But even if that was his intention, it did not mean that Hoyle was exempt from criticism: he may have written about games more 'scientifically' than his predecessors but he still profited from the fashion for, and interest in, gaming, and in doing so engaged with a subject which, we must remember, continued to attract criticism from many quarters.

Conclusion

Until the 1670s the great majority of work about gaming was penned by moralists and was therefore largely condemnatory of carding and dicing. Early discussions of gaming, especially between 1577 and the 1620s, were coloured by attitudes to the use of lots and the ways in which moralists perceived that gaming abused a God-given decision-making device that should only be used for the resolution of the most

³⁷⁶ Richard, 'Games of Chance', p. 198.

serious matters. Some writers, such as William Perkins, made a partial distinction between games on the basis of the degree to which they involved skill, as opposed to chance, but this did not result in gaming being any less criticised. In 1619 Thomas Gataker's *Of the Nature and Vse of Lots* put forward a new set of ideas about lots. By asserting that there existed a non-providential class of chance events, Gataker undermined earlier arguments against the use of lots in gaming. *Of the Nature and Vse of Lots* generated much heated debate, especially in the decade following its publication, but by the mid-seventeenth century Gataker's perspective had become commonly accepted. With the exception of isolated revivals by James Durham in 1675 and Thomas Shepherd in 1720, the debate about lots appears to have been virtually obsolete by the mid to late seventeenth century, although the example of Samuel Jeake shows that people did still give the matter some consideration. While they were probably not conscious of it, it is possible to detect some early awareness of probability in the early casuist thinking about providence and the use of lots.

Beginning with Northbrooke, and irrespective of their opinions about lots, moralists embarked upon detailed examinations of the permissibility and acceptability of gaming. Their ideas were often informed by, and contributed to, discourses about recreation in early modern England, a subject on which there was some general consensus: recreation was acceptable and necessary as long as it was refreshing and did not interfere with 'conscientious work'.³⁷⁷ Perhaps surprisingly, my research shows that most moralists accepted that gaming could be a permissible form of recreation providing that certain conditions were adhered to; in other words, they offered qualified permission. Moralists differed on exactly how far they allowed gaming, and under what conditions, but there was a fair amount of congruence between them. All were agreed that gaming on the Sabbath was unacceptable, and although this particular point had largely disappeared from anti-gaming rhetoric by the end of the seventeenth century, one would suspect that most would have taken this as a given. Two themes stand out in the moralists' risk assessments of gaming: idleness and covetousness.

³⁷⁷ Malcolmson, *Popular Recreations*, p. 10.

Gaming, it was believed, could quickly become a time-consuming diversion rather than a useful break from work and moralists took pains to emphasise that gaming had to be done seasonably. Many, though, like Baxter, found it hard to accept that people indulged in gaming when they could be bettering themselves or devoting their time to prayer and other religious activities. Closely allied to this was the point that since people would ultimately have to redeem the time they had spent on earth they should spend as little as possible of it, and preferably none at all, in gaming. Such arguments resonate with the examples of personal soul-searching about the use – and waste – of time that were discussed in chapter three. The other major theme, covetousness, was relevant to gaming more than any other form of recreation because games of chance were so often played for money. The earliest arguments about gaming drew some parallels between it and usury, but these were short-lived: it was in any case doubtful if gaming was actually akin to usury because players of cards and dice risked their capital for no guaranteed return.

Gaming encouraged players to try and win one another's money; indeed, if this was 'all the design'³⁷⁸ or if gaming was dull when money was not used, players were guilty of covetousness. To help their readers avoid this serious sin, many moralists provided detailed, but sometimes conflicting, guidelines about when play for money was acceptable. And although very few authors proscribed completely play for money, most made it clear that this would be the safest course of action. That financial losses at the gaming table were believed to cause anger and anguish was the main reason why moralists so often associated carding and dicing with swearing, a subject which received some detailed consideration, especially from William Fleetwood. Other forms of undesirable or sinful behaviour were also identified as accompanying gaming – particularly in gaming houses – and these usually included drunkenness, deceit and violence. In making such associations, the moralists overlapped not only with guides to gaming, but also the cheating literature that will be discussed in chapter five, though it must be said that moralising works usually contained considerably less detail than, for instance, the introduction to Cotton's *Compleat Gamester*. This, I would suggest, was because their authors wished to

³⁷⁸ Taylor, *Ductor Dubitantium*, bk. 4, ch. 1, p. 475.

avoid the dangers of sensationalising gaming and compromising their own moral credibility by displaying too intimate a knowledge of, for example, gaming houses.

Arguments about the consequences and dangers of gaming continued to be advanced throughout the first half of the eighteenth century, but often in less detail than they had been in the seventeenth century. Ideas about the use and misuse of time remained largely intact while those about vice perhaps became more prominent. Although it cannot be dated exactly, there also appears to have been a subtle shift that laid less emphasis on covetousness and more on the consequences of losing one's money. The latter point was linked to growing eighteenth-century concerns about to whom elite players in particular were losing their money. Worries that wealth and property were winding up in the hands of sharpers, and the potential consequences this might have for the social order if left unchecked, can be seen in such works as Collier's *An Essay Upon Gaming*, as well as in contemporary legislation. Yet by the middle of the century, it would seem that these fears had lessened; authors such as Henry Fielding exhibited a marked lack of concern about the gaming habits of the wealthy. At the same time, Fielding and others were pointing to the relationship between gaming and crime, but in a different way from before: gaming was now being identified as a social problem which caused crime among the lower orders of society. This broader view of the dangers of gaming may have been connected to the critiques that began to emerge around the middle of the eighteenth century which hinted at the political and, to a lesser extent, the economic impact of gaming on the nation. These ideas, though, were not to become fully developed until the last quarter of the eighteenth century. And while too close a parallel should not be drawn, it is interesting to note that probably the last time similar arguments had been advanced was in the sixteenth century, when gaming was said to be damaging to the nation because it threatened the practice of archery.

Although gaming was condemned by many different hands and for a number of different reasons, it was very rarely proscribed completely. The reason for providing detailed guidelines, then, was to ensure that gaming was pursued in strict moderation. Yet this should not obscure the fact that many of the moralists appear to have believed that gaming could be a legitimate form of recreation so long as their, often numerous, conditions were fulfilled. To make the broad statement that moralists from

the mid-sixteenth to the mid-eighteenth centuries were critical of gaming would be at once correct and incorrect: the overall sense, of course, is that many writers were unhappy about gaming and saw it as a dangerous pastime which was conducive to sin and iniquity. But when their arguments are examined in detail it is apparent that those people who played only occasionally and for short periods of time, as a break from more serious duties, for negligible stakes, and without the covetous desire to win another's money (which was believed to be the most difficult to avoid), would have escaped censure.

It would have been interesting to see what the moralists made of the gaming manuals that started to appear in the last quarter of the seventeenth century, but unfortunately none of them commented on these. In one sense, it would not be completely unreasonable to suggest that both the casuistical literature and the gaming manuals had a similar purpose; both provided their readers with guidelines and instructions about how to do gaming, albeit from different perspectives. Additionally, Charles Cotton was quite critical of gaming in his preface to *The Compleat Gamester*, a work that was for many decades *the* gaming manual. Yet this is where the similarities end. In contrast to moralising works, guides to gaming did not, in most cases, spend much time discussing the nature of that pastime (at least overtly). All of the gaming manuals I have discussed, moreover, were intended to instruct their readers how to play a wide variety of card, dice and other games, most of which would have been played for money. The earlier manuals also discuss what might be termed loosely as other elements of 'gaming culture'; what to watch out for in a gaming house and how to avoid cheating, for example. This was not the sort of play to which the moralists would have extended qualified permission. Hoyle's treatises were a little different. On the one hand, Hoyle showed the best ways and methods of betting on whist and other games, and, in doing so, stressed the role of money in gaming. But on the other, his matter-of-fact tone, emphasis on skill and practice, and excision of any mention of cheating could be seen as an attempt by Hoyle to sanitise gaming. This, I suggest, would suit those middling, domestic players whom we saw in chapter three.

The existence and multiple reprints of the gaming manuals not only demonstrate that there was a lot of interest in gaming that was not based around criticism, but also attest to the continued popularity of the activity. Whether it would have been

possible to learn how to play competently from the pre-Hoyle examples is subject to some doubt, but this is not to say that the main purpose of the 'how to' guides was not to teach people games. Indeed, while some manuals were written colourfully, they were, for the most part, not really entertaining enough to be read in their own right for they contained a lot of humdrum turn-by-turn information about how to play the games described. And in any case, if people wanted rollicking stories about gamesters they had much better specimens in the form of works like Theophilus Lucas's *Memoirs of the Lives, Intrigues, and Comical Adventures of the Most Famous Gamesters and Celebrated Sharpers* or Tobias Smollet's novels.

This chapter has argued that much of the printed writing on gaming c. 1570-1760, and especially c. 1570-1670, was motivated and underpinned by the belief that gaming had a propensity to lead people into sin, but it has also shown that if gaming was conducted in accordance with certain guidelines it could be a permissible activity. I have attempted to show that there were some broader shifts in thinking about gaming which took place over the two centuries under consideration. Firstly, there was by the middle of the seventeenth century a move away from arguments about the theological implications of the use of lots in gaming. Secondly, by the middle of the eighteenth century concerns were beginning to be voiced about the wider, possibly national, consequences of gaming, and not just those for the individual player. Thirdly, and lastly, from around 1670 writers began to engage with gaming in a way they had not done so before by producing manuals which catered for the growing fashion for and interest in gaming. Some of these manuals, however, also discussed cheating, and it is to this topic that I will now turn.

Chapter Five CHEATING

Introduction

Cardinal Mazarin called it ‘correcting chance’ and Elizabeth I ‘habitually played with loaded dice’.¹ Throughout the early modern period the English courts prosecuted men for cheating their fellows and printed pamphlets warned their readers about elaborate gaming ruses. The ‘contagion of cheating’ was apparently ‘universal’² and in ‘all Games whatsoever’ there were reputed to be more ‘numerous Frauds ... than any Person knows of’.³ Cheating must have accompanied card and dice games since their inception. But as these games achieved ever-greater popularity during the course of the seventeenth and eighteenth centuries, contemporary authors and legislators alike expressed concerns that cheating was also increasing dramatically. And given that so many people were gaming in early modern England it would not be unreasonable to argue that issues arising from accusations of cheating must have been negotiated and contested on a daily basis.

Yet in spite of this, and the fact that cheating in our period has been described as ‘ubiquitous’ and of ‘epidemic proportions’, there is very little secondary literature about cheating at gaming.⁴ Indicative of this trend are two recent collections – *Rogues and Early Modern English Culture* and *Shell Games: Studies in Scams, Frauds, and Deceits (1300-1650)* – which between them have essays on virtually

¹ Vincent Cronin, *Louis XIV* (Reprint Society, London, 1965), p. 75; Lawrence Stone, *The Crisis of the Aristocracy, 1558-1641* (OUP, Oxford, 1965), p. 260.

² The version I use throughout is Gilbert Walker, *A Manifest Detection of the Most Vyle and Detestable use of Dice Play* (London, dated on the ESTC as c. 1555), hereafter abbreviated to *A Manifest Detection of Diceplay*. It first appeared in 1552: see Arthur F. Kinney (ed.) *Rogues, Vagabonds & Sturdy Beggars* (The University of Massachusetts Press, MA, 1990), p. 61.

³ Anon, *The Whole Art and Mystery of Modern Gaming Fully Expos'd and Detected* (London, 1726), p. 106.

⁴ M. M. McDowell, ‘A Cursory View of Cheating at whist in the Eighteenth Century’, *Harvard Library Bulletin*, vol. 22 no. 2 (1974), p. 171; David Miers, ‘Eighteenth Century Gaming: Implications for Modern Casino Control’, in James A. Inciardi and Charles E. Faupel (eds.), *History and Crime. Implications for Criminal Justice Policy* (Sage Publications, London, 1980), p. 174.

every conceivable aspect of roguery apart from cheating at games.⁵ Jessica Richard's thesis 'Arts of Play: The Gambling Culture of Eighteenth-Century Britain' is, then, a notable exception since its longest chapter is concerned with representations of cheating at cards and at dice in eighteenth-century literature.⁶ Although Richard's treatment of cheating is not without some problems – she begins with the assumption that 'When people gamble, someone is almost always cheating' and does not say from where a number of her historical examples are taken – Richard's analysis contains much of interest.⁷ James Johnson provides us with a detailed case study of a Venetian sharper, which will be discussed in more detail later; David Bellhouse considers the interplay (or not, as he argues) between cheating and probability; and M. M. McDowell draws our attention to cheating at whist.⁸

There are, though, a greater range of texts which are relevant to some of the broader issues raised by cheating. Works, for instance, by Alex Shepard and Robert Shoemaker have much to say about reputation and honour, Paolo Pugliatti looks in detail at rogue and cony-catching literature, Jennine Hurl-Eamon considers disguise, and so on.⁹ It should also be remembered that cheating at games was only one of the countless forms of deception that could be found being perpetrated in early modern England. As we have seen earlier in this thesis, the forgery of stamps, seals, and

⁵ Craig Dionne and Steve Mentz (eds.), *Rogues and Early Modern English Culture* (University of Michigan Press, Ann Arbor (MI), 2004); Mark Crane, Richard Raiswell and Margaret Reeves (eds.), *Shell Games: Studies in Scams, Frauds, and Deceits (1300-1650)* (Centre for Reformation and Renaissance Studies, Toronto, 2004).

⁶ Jessica Richard, 'Arts of Play: the Gambling Culture of Eighteenth-Century Britain' (unpublished PhD thesis, Princeton University, 2002).

⁷ Richard, 'Arts of Play', ch. 1 'Cheaters' Paradises: Probable, Providential Picaresques'. For examples of the problems I refer to here see pp. 29 & 33-36, respectively.

⁸ James H. Johnson, 'Deceit and Sincerity in Early Modern Venice', *Eighteenth-Century Studies*, vol. 38, no. 3 (2005), 399-415; David Bellhouse, 'The Role of Roguery in the History of Probability', *Statistical Science*, vol. 8, no. 3 (1993), 410-20; McDowell, 'A Cursory View of Cheating at Whist'. Jonathan Walker also mentions cheating at various points in his 'Gambling and Venetian Noblemen c. 1500-1700', *Past and Present*, no. 162 (Feb. 1999), 28-69.

⁹ Alexandra Shepard, *Meanings of Manhood in Early Modern England* (OUP, Oxford, 2003); Robert Shoemaker, 'The Taming of the Duel: Masculinity, Honour and Ritual Violence in London, 1660-1800', *Historical Journal*, vol. 45, no. 3 (2002), 525-45; Robert Shoemaker, 'Male Honour and the Decline of Public Violence in Eighteenth-Century London', *Social History*, vol. 26, no. 2 (2001), 190-208; Paola Pugliatti, *Beggary and Theatre in Early Modern England* (Ashgate, Aldershot, 2003), esp. chs. 6-9; Jennine Hurl-Eamon, 'The Westminster Impostors: Impersonating Law Enforcement in Early Eighteenth-Century London', *Eighteenth-Century Studies*, vol. 38, no. 3 (Spring 2005), 461-83.

playing card makers' marks was not uncommon. A brief survey of, for example, the minute books of the Westminster court of burgesses reveals cases in which people were prosecuted for using false or short weights and measures.¹⁰ The work of John Styles, Malcolm Gaskill, D. W. Jones, and myself has revealed some of the intricacies of coining and the pervasiveness of counterfeit and clipped money in the seventeenth and eighteenth centuries.¹¹ These are just a few of many topics that might register somewhere on the spectrum of cheating in early modern England and any one of them could be discussed at more length than it is possible to do here, although I will attempt to bring in comparisons from at least some of these other areas where appropriate.

The two main bodies of source material on which this chapter is based are legal records and printed pamphlets about cheating. The issues pertaining to the use of legal records and the situations and processes by which they were commonly created were discussed in chapter two, and later in this chapter I examine in a similar way the cheating pamphlets and the genres on which they draw. With a subject like cheating, I get the sense that it can be difficult to escape the assumption that legal records somehow provide a more 'real' account of cheating in early modern England than do the pamphlets: but despite the fact that I discuss the legal framework and cases first, and then move on to focus more closely on the pamphlets in my discussion of cheating techniques, this is not the impression I hope to give. There are some methodological difficulties reconciling the sources used in this chapter, but, as we shall see, there are many similar themes and frames of reference among them; therefore, I have tried to use the sources complementarily whenever possible.

This chapter is structured in two main sections: cheating, crime and the law, and cheating techniques. It revisits some of the themes of earlier chapters but it also

¹⁰ Westminster City Archives WCB3 (Westminster court of burgesses' minute book, 1705-1709). On weights and measures see also Julian Hoppit, 'Reforming Britain's Weights and Measures, 1660-1824', *The English Historical Review*, vol. 108, no. 426 (Jan. 1993), 82-104.

¹¹ John Styles "'Our traitorous money makers": the Yorkshire Coiners and the Law, 1760-83' in J. Brewer and J. Styles (eds.), *An Ungovernable People: The English and their Law in the Seventeenth and Eighteenth Centuries* (London, 1980), 172-249; Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge, 2000) chs. 4 & 5; D. W. Jones, *War and Economy in the Age of William III and Marlborough* (Oxford, 1998) chs. 1 & 7; Nicholas Tosney, 'Women and "False Coining" in Early Modern London', *The London Journal*, vol. 32, no. 2 (July 2007), 103-123.

shows that cheating at gaming is pertinent to a number of broader topics, including the wider implications (especially for a person's reputation) of being cheated or accused of cheating and the criteria by which contemporaries assessed their companions. But first an explanation is needed of three terms that will be used throughout this chapter.

'Gamesters', 'Sharper', and 'Cheats'

The word 'gamester' was not usually associated with those who cheated. Instead, and in the majority of cases, it was a generic term which referred to anyone who engaged in gaming. In some cases, calling a person a 'gamester' might imply that they were skilled at gaming or played a lot; in 1732 the *Grub Street Journal* noted that the late William Croombie had been 'an ingenious and fair gamester'.¹² In gaming terms it would be fairly accurate to describe a sharper as a gamester who used fraudulent methods although, as McDowell reminds us, sharpeners were not necessarily all that sharp and could on occasion be 'as clumsy as their victims'.¹³ 'Sharper' could also be used to refer to those professional gamesters who made their living from gaming, which, incidentally, was made illegal in 1710.¹⁴ Neither of these definitions are mutually exclusive and, as this chapter progresses, it will become apparent that while the general meanings ascribed to the word 'sharper' hold, the behaviour said to constitute 'sharp practice' was open to some debate.

The evidence on which this chapter is based suggests that the verb 'cheat' would have been understood by contemporaries in much the same way as it is defined in the *Oxford English Dictionary*, that is, 'To defraud; to deprive of by deceit ... To deceive, impose upon, trick ... To deal fraudulently, practise deceit'. Derivatives of the word 'cozen' – which are common across the range of sources – can be understood in the same way; to cheat (out of) or defraud, (usually) by deceit. Of

¹² *Grub Street Journal*, no. 157 (28 Dec. 1732).

¹³ McDowell, 'A Cursory View of Cheating at Whist', p. 166.

¹⁴ 9 Anne, c. 19, s. 6 (1710), stipulated that persons who could not prove they did not maintain themselves by gaming had to find sureties for good behaviour for 12 months, or be committed to gaol. This legislation was anticipated in 1657 by 'An act for punishing of such Persons as live at High Rate and have no visible Estate, Profession or Calling answerable thereunto'.

these derivatives ‘cozening’ was probably used the most frequently in the sense of one player accusing another of ‘cozening’ them of a specified amount of money at cards, or, more generally ‘cozening’ them at cards; in 1617, for example, Theobald Butler was prosecuted at the Middlesex sessions for ‘cozening one Belton of £15 at decoy’, which was a card game.¹⁵ What was actually believed to constitute cheating at cards, dice, and other games is much more difficult to pin down. A possible starting point is the legal status of cheating.

Cheating and the Law

H. A. Street suggests that a body of common law precedents pertaining to cheating at games first began to accrue in the later sixteenth century. Crucially, cheating was ‘indictable at common law only if [it was] ... of such a character as to affect the public, and such that common prudence will not afford protection against it; or in pursuance of conspiracy’.¹⁶ The opinions of two eighteenth-century jurists help to clarify what this meant in practice. On the one hand, Chief Justice Sir John Holt argued, ‘we are not to indict one man for making a fool of another’, but on the other, Lord Mansfield explained ‘The offence that is indictable must be such a one as affects the public. As if a man uses false weights ... for these are deceptions that common care and prudence are not sufficient to guard against. So if there be conspiracy to cheat; for ordinary care and caution is no guard against this’.¹⁷ Deceptions involving, for instance, false dice or marked cards would thus be indictable at common law because they could not be detected by ‘common care and prudence’. In 1631 a new, and important, precedent was set at the King’s Bench when Holyday attempted to prosecute Oxenbridge for ‘trespass of assault, battery, wounding, and evil-intreating’.¹⁸ The court heard that Holyday ‘came to the house of Sir Nicholas Carew ... to find any whome he might, by playing with false dice,

¹⁵ William Le Hardy (ed.), *Middlesex Sessions Records (New Series) 1612-1618* (4 vols., London, 1935-41), vol. 4, p. 107.

¹⁶ Street, *Law of Gaming*, p. 234.

¹⁷ Both quoted in Street, *Law of Gaming*, p. 234.

¹⁸ *Holyday v. Oxenbridge*, Cro. Car. 234, 79 Eng. Rep. 805 (K.B. 1631). Although this is a comparatively well-known gaming case, I have been unable to find a source that contains details of either Holyday’s or Oxenbridge’s full name.

despoil of his money; where finding the defendant and one William Arnold in such play unexpert, desired them to play with him'.¹⁹ During the course of the game Oxenbridge realised 'that he was deceived by the ... false art of cheating with false dice' and when Holyday moved to leave, Oxenbridge apprehended him and brought him before Sir Nicholas Carew, who was at home at the time and happened to be a justice of the peace. Holyday was convicted of cheating (apparently at the Surrey sessions), but took his case to the King's Bench on the grounds that 'one cannot without an officer, for any cause, and that upon his own suspicion only, arrest or stay any person unless in felony, especially in his own case'. The court, though, was not convinced and ruled against Holyday:

For it is shewn that he was a common cheater, and that he cozened with false dice, and therefore the defendant led him to a justice of the peace, being in the same house: and it appears ... that there was good cause of staying him, for he is afterwards indicted and convicted of that offence; and it is *pro bono publico* to stay such offenders.²⁰

In other words, the court held that a private individual did not need a warrant to arrest 'a common cheater', provided that there 'was good cause', and, more generally, that it was in the interest of the public good that cheats should be stayed. At least in theory, Holyday versus Oxenbridge made it easier for an individual to apprehend a suspected cheat.

Although the dates of a number of the legal records cited below show that people could be, and were, prosecuted for cheating under common law, cheating at games was not proscribed by statute until the *Act against Deceitful, Disorderly, and Excessive Gaming* was passed in 1664.²¹ The Act made illegal 'Any Fraud, Shift, Cousenage, Circumvention, Deceit, or unlawful Device, or ill Practice whatsoever', at 'Cards, Dice, Tables, Tennis, Bowles, Kittles, Shovel-board; or in or by Cock-

¹⁹ This was Sir Nicholas Carew of Beddington: see Edward Wedlake Brayley et al., *The History of Surrey* (1844), vol. 4, part 1, p. 55, which explains; Sir Francis Carew 'died, unmarried, on the 16th of May 1711 ... having bequeathed this and other estates to Sir Nicholas Throckmorton, the youngest son of his sister Anne, whom he had adopted; and who, in consequence, assumed the name and arms of Carew. He died in 1644'.

²⁰ *Holyday v. Oxenbridge*, Cro. Car. 234, 79 Eng. Rep. 805 (K. B. 1631).

²¹ Street, *Law of Gaming*, pp. 234-36; 16 Cha. 2, c. 7 (1664).

fightings, Horse-races, Dog-matches, Foot-races, or other Pastimes, Game or Games'.²² Those found guilty of breaking this statute were to forfeit 'treble' their winnings. In 1710 the penalty was increased: malefactors were now liable for five times the amount they had won by fraudulent practices and were to 'be deemed infamous and suffer such Corporal Punishment as in cases of wilful Perjury'.²³ Both the Act of 1664 and that of 1710 contained provisions allowing a losing player to claim back his losses from the winner if the stakes had exceeded a statutory prescribed maximum amount and it is likely that these limits on stakes – £100 in 1664, £10 in 1710 – were designed to work in tandem with the laws prohibiting cheating.²⁴ Wide-ranging anti-gaming legislation had existed long before 1664 so the fact that cheating was not proscribed by statute until this date might suggest that it was perceived by the legislators to be a newly pressing problem; moreover, more people playing meant greater opportunities for cheating and being cheated.

That a law existed does not mean that it was used: but fortunately legal records of prosecutions of cheats do survive. This statement, however, requires some qualification. As I have shown, gaming offences were not very prevalent in the courts. Recorded court cases of cheating, then, are rarer still. The nature of the offence might have had some additional bearing on this: since large swathes of the population were prevented from gaming it is likely that many of those who were cheated had broken the law by playing in the first place and therefore could not expect much sympathy from the authorities. Moreover, it must have been difficult to prove that you had been cheated of your money, as opposed to having lost it during the normal course of the game;²⁵ additionally, it is probable that some players never realised that they had been cheated.²⁶ There is also the possibility, as some of the examples cited later in this chapter will suggest, that going to law was not considered sufficient redress for being cheated. The cases presented below are, for the most part,

²²16 Cha. 2, c. 7, s. 2 (1664).

²³ 9 Anne, c. 19, s. 5 (1710). That is, a spell in the pillory.

²⁴ See also Miers, *Regulating Commercial Gambling*, pp. 27-28.

²⁵ See my comments about gaming and theft in chapter 2, and the Skipton example in particular.

²⁶ This is what happens to one of Gilbert Walker's 'interlocutors' until he is enlightened by a more worldly character: *A Manifest Detection of Dice Play*, n. p.

derived from the same sources as those used in chapter two – an assortment of sessions material and the Old Bailey *Proceedings* – and as such the caveats about legal records that were noted earlier apply equally well here. Aside from those cases for which a deposition has survived, details are often scant; but because this chapter is an attempt to find out more about the nature of cheating, as opposed to an exercise in counting cheating prosecutions, I have, where it was available, noted in brackets the occupational or social status that was ascribed to the accused. Such descriptions, however, must be used with a great deal of caution: they are notoriously unreliable and there has been debate about whether they should be used at all.²⁷

A number of cheats were prosecuted at the Middlesex sessions in the early seventeenth century, as the following examples illustrate. In 1613 Robert Fuller (gentleman) was charged with cozening his apprentice at false dice and John Gray (yeoman) cheated John Compton of £4 2s, also with false dice.²⁸ Two years later, John Collisone (locksmith) and Edmund Potter (gentleman) were accused of ‘cozening Thomas Ward, a simple country man, of 7s. in money at the game called decoy’.²⁹ Early in 1616 Bartholomew Hopkins and John Partridge, ‘who lay in wait in the highways and common places in divers places to defraud honest travellers of their goods and money by false arts and games’ were indicted for:

... lying in wait in the highway at Ratcliffe, and attempting to deceive William Kynnoe, Duncan Cattoe and Thomas Mall as they were travelling in that highway; by reason of which arts and practises the said Hopkins and Partridge led the said Kynnoe, Cattoe and Mall to the house of Ralph Heyborne at Ratcliffe aforesaid, and together with their associates seduced them to play at cards whereat they obtained falsely £6 15s. 2d. from the said Kynnoe, Cattoe and Mall.³⁰

²⁷ See, for instance, J. A. Sharpe, *Crime in Early Modern England 1550-1750* (Longman, London and New York, 1984), p. 37.

²⁸ Le Hardy, *Middlesex Sessions Records*, vol. 1, pp. 103 & 228.

²⁹ Le Hardy, *Middlesex Session Records*, vol. 3, p. 80.

³⁰ Le Hardy, *Middlesex Session Records*, vol. 3, p. 182. Hopkins was fined £10 and sent to the House of Correction; Partridge, still at large, was outlawed on 16 April 1618. Decoy was a card game.

In 1617, John Chapman (tailor) was accused of 'cozening a countryman of 18s. at dice'.³¹ In 1629 William Pomeroy, Richard Buller (both gentlemen), John Kelly (described as both 'gentleman' and 'yeoman') and Christopher Henly (described as both 'yeoman' and 'victualler'), were indicted for 'cheating and deceiving Mathew Plowman, Lord Salisbury's page' of £40 'by means of false dice' at a game called 'most at three throws with three dice'.³²

Between 1619 and 1638 approximately fifteen people were prosecuted at the Westminster sessions for cheating while gaming.³³ For the most part, it seems that Westminster cheats were up to much the same tricks as their Middlesex counterparts: Francis Johnson (yeoman), for example, was found guilty of cheating Richard Day of £10 at dice and fined six shillings in 1634, while John Clare (vintner), William Bacon (gentleman), Francis Austen (gentleman), and John Dawson (yeoman) were fined £50 each for 'defrauding' Hugh Davies of £8 at 'tecke-tacke'.³⁴ In two cases, however, documents have survived which allow a fuller picture to be created. In 1626 Henry Coates and John Bell (both yeomen) were accused of cheating Thomas Bradberry of thirty shillings at a game called 'my Card before thie Card'.³⁵ When they were examined by Peter Heywood, a Westminster justice of the peace, both men gave similar versions of the following account. Coates and Bell had met a 'conteriman', who may have been from Lancaster, and invited him to 'goa drinke a pote of beire or alle'.³⁶ The visitor agreed and they went into a 'privat' room in a nearby alehouse.³⁷ Coates had about his person a pack of cards 'and asked the other

³¹ Le Hardy, *Middlesex Session Records*, vol. 4, p. 297.

³² LMA: MJ/SP/NS/24/75, 76, 78 & 113.

³³ This figure was derived from the typescript transcripts of the Westminster sessions rolls, although I have looked at the available original documents for all of the cheating cases. The transcripts comprise some 4000 pages in ten A4 binders and cover WJ/SR/NS/1-56 (1619-38). Both the transcripts and the originals are held at the London Metropolitan Archives.

³⁴ LMA: WJ/SR/NS/41/207 tr; LMA: WJ/SR/NS/46/189 tr. 'Tecke-tacke' (Tick-tack) was a game at tables not dissimilar to backgammon.

³⁵ LMA: WJ/SR/NS/15/111.

³⁶ LMA: WJ/SR/NS/15/153.

³⁷ LMA: WJ/SR/NS/15/153.

tow [sic] whether the wold play for a potte of alle'.³⁸ Later, when they had progressed to playing for money, Bell won three shillings from Coates and thirty shillings from Bradberry, possibly by using marked cards.³⁹ It is unclear what happened next, for the accounts end, but Bell and Coates were indicted for cheating Bradberry of the thirty shillings. Perhaps surprisingly, both of the accused pleaded guilty – which would suggest that there was some strong evidence against them – and each received a fifty shilling fine and a spell in the pillory.⁴⁰

In 1637 the Westminster JP George Hulbert heard information against Nicholas Savage (victualler) and John Proofe (yeoman).⁴¹ Complaining that he had been cheated by Proofe, John Firbesse deposed that around ten o'clock one morning 'hee mett with three or iiii men that were strangers nere unto the pall mall and after some talk betweene them John Proofe and hee fell to play at dice ... for money and ... the said Proofe wonne of him one Rex doller and vi d in money'.⁴² At this point Firbesse appears not to have been suspicious of Proofe for he went with him 'and the rest' to the 'white lion at Pickadilla'. There they played at dice again, and Proofe won from Firbesse 'xix dollars more wth false dice'.⁴³ The odds were stacked against Firbesse from the outset because during the game Nicholas Savage, who was 'familiar with the said Proofe' and the other men, 'kept the door and woud not suffer him [Firbesse] to go forth till he had lost his money'. Proofe then left, but not before he had used some of his winnings to pay Margret Bedwell, 'mistress of the said white lion', sixteen pence 'for beers and victualls'. Firbesse, it seems, had been unfortunate

³⁸ LMA: WJ/SR/NS/15/153.

³⁹ At one point the cards are described as 'painted', which is not conclusive but suggests that they might have been marked in some way.

⁴⁰ LMA: WJ/SR/NS/15/111. However LMA: WJ/SR/NS/16/21 states that the fine imposed was considerably larger, namely, £6 13s 4d.

⁴¹ LMA: WJ/SR/NS/47/20.

⁴² The rex doller (or dollar) was a Dutch silver coin. In 1626 a committee appointed to investigate the 'Proposition delivered by some Officers of the Mint, for inhauncing his Majesties moneys of Gold and Silver' concluded that one rex doller was worth 4s 5d (the officers of the Mint had stated that its value was 5s 2d): William A. Shaw (ed.), *Select Tracts and Documents Illustrative of English Monetary History 1626-1730* (Frank Cass & Co Ltd, London, 1935 [Wilson & Milne, London, 1896]), pp. 30-31.

⁴³ It is recorded elsewhere that the game was called 'most at two throwes': LMA: WJ/SR/NS/47/184.

enough to be targeted by a group of experienced sharpers; Nicholas Savage was reputed to be ‘a common harbinger of the said Proofs and other cheaters and ... hath diverse tymes been questioned ... for cheating and Cozeninge’.⁴⁴ It is not known what became of Savage, but Proofs was found guilty of cheating Firbesse and fined £5.⁴⁵

Moving further afield, information was given to Sir Dudley Cullum on at least two occasions about a duo of sharpers operating from the Bell Inn in early eighteenth-century Bury St Edmunds.⁴⁶ The informants (who were also the victims) Robert Jackson and Robert Crouch gave similar accounts of how they had been tricked. Jackson, for instance, ‘was decoyed into ... the Bell by a person whom he never saw before and soon after came in another person as grate a stranger to him’.⁴⁷ The two strangers then played at cards ‘and one of thm seemed to loose a grate sum of money to the other’.⁴⁸ Unable to pay his debts, the losing player persuaded Jackson to lend him ‘eleven pounds sixteen shillings and sixpence’, promising that it would be repaid later that day after he had collected a debt from a friend.⁴⁹ Of course, neither the friend nor the debt existed – it was ruse to give Jackson the slip. By the time Jackson had realised what had happened, the other sharper had also made good his escape.

In 1737 a Doncaster jury heard that Joseph Thompson (labourer), Samuel Turner (baker), James Hatfield (cutler), Richard Brownhill (labourer), Benjamin Ayre (cutler), and William Bradbury (labourer) ‘unlawfully and unjustly did defraud and cheat one William Room of ... ten pounds and Ten shillings’ at a card game called Whisk.⁵⁰ All of the defendants were bound over to appear ‘at the next general

⁴⁴ This was according to Thomas Heylock, whose information follows Firbesse’s statement: LMA: WJ/SR/NS/47/20.

⁴⁵ LMA: WJ/SR/NS/47/184.

⁴⁶ TNA:PRO SP 34/18/10 & 11. See also TNA: SP 34/18/12 for another similar example, this time in Kendal.

⁴⁷ TNA:PRO SP 34/18/10.

⁴⁸ TNA:PRO SP 34/18/10.

⁴⁹ Crouch lost £10 10s in this fashion.

⁵⁰ W[est] Y[orkshire] A[rchive] S[ervice] W[akefield]: QS4/28 (Indictment Book April 1735-April 1738), 187r.

Quarter Sessions of the peace to be holden at Pontefract',⁵¹ but a marginal note states 'all of them found not guilty at Sheffield 1738'.⁵² And finally, at the City of York sessions in 1758 Richard Whittle (barber), John Calvert (joiner), Christopher Fawcett (sword cutler), and William Linton were ordered to appear before the court for 'fraudulently winning money of Aaron Abraham' at cribbage.⁵³

Without knowing more about the particular circumstances of the individuals involved in these cases it would be impossible to comment on the financial impact of their losses to cheats. Yet having said that, I have seen a small number of instances when the monetary value of the stakes was much higher. We saw in chapter two that the cheating of a young gentleman of £622 was a contributing factor to the ill-fated campaign against Covent Garden gaming houses in 1721, while in 1740 Thomas Lyell, John Roberts, and Lawrence Sidney were prosecuted at the Old Bailey for 'winning ... upwards of £390 by false and loaded Dice'.⁵⁴ Frauds of this size were not confined to the eighteenth century: in 1640, Gilbert Welles petitioned the House of Lords to complain that Thomas Westrup had cheated him of £530 'with false Dice'. And although the Lords referred the case back to the assize judges, they were sufficiently concerned to 'appoint a Committee to examine the Abuses that have been committed by cheating with false Dice, and other such like unlawful Games'.⁵⁵

What, though, can these legal records tell us about cheating? It is immediately apparent that people were cheated at dice, at cards, and at tables, although at least in the records I have looked at, the last of these was less common. It is also clear that both technical cheats (such as false dice) and confidence tricks were used, and sometimes in combination with one another. This links to a third point, that in many of the cases I have discussed there were multiple defendants; in other words, cheats

⁵¹ WYASW: QS4/28 (Indictment Book April 1735-April 1738), 188r.

⁵² WYASW: QS4/28 (Indictment Book April 1735-April 1738), 187r.

⁵³ Y[ork] C[ity] A[rchives]: F20, 48r, 52v & 53v. For cheating at cribbage see also *OBP*, Jan. 1748, Matthew Lemmon (t17480115-40).

⁵⁴ *OBP*, April 1740, Thomas Lyell, John Roberts, Lawrence Sidney (o17400416-3).

⁵⁵ *L. J.* vol. 4 (1628-42), p. 158 (10 Feb. 1640). There is no record of this report being returned to the House.

often had accomplices. Yet, importantly, this also tells us that the inhabitants of early modern England were prepared to play games for money not only with individuals, but also with groups of people, that they did not know – a case in point is John Firbesse's statement that 'hee mett with three or iiii men that were strangers'.⁵⁶ Lastly, and while it must be re-emphasised that any inferences drawn from occupational or status descriptions must be tentative, the majority of the defendants in at least these cheating cases were not from the lowest rungs of the social ladder.

Commenting on the records of the Middlesex sessions, William Le Hardy suggests 'Cheating at cards or at other unlawful games was fairly common and in many cases the victim was a man up from the country. One may imagine that such persons would, of necessity, be carrying a certain amount of money on them, and not being versed in the methods of the more cunning cockney, were easy prey'.⁵⁷ The gullible countryman was an early modern 'type' – and one which appeared in Robert Greene's *A Notable Discovery of Coosenage* (1591), discussed below – but there were, nonetheless, a number of cases at both the Middlesex (as Le Hardy points out) and Westminster sessions in which the cheated party was described as a 'countryman'.⁵⁸ The inhabitants of London might have been more familiar with gaming, and especially in the earlier part of our period, playing cards, than their country counterparts, but there is insufficient evidence to ascertain if the occupants of the metropolis had more gaming savvy than visitors to the capital.

Cheating appears to have been punished most frequently by fines of varying sizes, though there are instances when the guilty party was sent to the House of Correction or put in the pillory. While these punishments were by no means to be taken lightly, it is clear that someone who was found guilty of obtaining money by cheating at dice or at cards was treated much more leniently than if they had been convicted of

⁵⁶ LMA: WJ/SR/NS/47/20.

⁵⁷ Le Hardy, *Middlesex Session Records*, vol. 1, p. xxi.

⁵⁸ Robert Greene, *A Notable Discovery of Coosenage* (London, 1591) in Kinney, *Rogues, Vagabonds & Sturdy Beggars*, pp. 157-86. Later works also purported to inform visitors from the country about what they could expect in London. One such example that contains material about cheating at games is the anonymously authored *The Tricks of the Town Laid Open: or, a Companion for Country Gentlemen* (London, 1747).

stealing the same amount. Indeed, had they been treated as thieves, the great majority of the defendants in the cases I have cited would have been facing a prosecution for grand larceny and the possibility of receiving capital punishment. That this was not the case would suggest that, at least in legal terms, cheating was not considered to be theft; perhaps the distinction was made because the victim very often (but not always) played willingly with those who would later cheat him.

Neither cheating, nor accusing someone of cheating, was something to be done lightly. When in 1683 Henry Conway called John Griffeth a 'cheat' during a game of dice they fought a duel in Lambs-Conduit Field: both were wounded, Griffeth died and Conway was found guilty of manslaughter.⁵⁹ In 1715 John Jones collapsed and died on the gaming table after Thomas Harvey responded angrily to an allegation that he had been cheating and stabbed him in the eye with a cane.⁶⁰ Job Dixon was killed when he and Richard Teeling fell to 'boxing' in 1725; the fight had started when Teeling saw Dixon communicating with an accomplice during a game of cards.⁶¹ Later in the eighteenth century, one Captain Roche apparently put an abrupt end to a sharper's career when he 'nailed' the man's hand to a table with a fork.⁶²

These assaults took place during, or in the immediate aftermath of, a game and might, at least in part, be attributable to the extremes of emotion and passion which contemporaries believed were caused by gaming in general and losing in particular. But the reactions of those involved also suggest that there was more at stake than money. Robert Shoemaker has argued that 'Men, as the superior gender, were expected to confirm their status by physically defending their integrity and reputation against all challenges. They could not allow themselves to be verbally insulted or

⁵⁹ *OBP*, April 1683, Henry Conway (t16830418a-8). See also *OBP*, April 1683, Mr Conway (u16830418a-8), which gives the place of the incident as 'Southampton Buildings near Tatnam Court'.

⁶⁰ *OBP*, July 1715, Thomas Harvey (t17150713-42). Both of these cases reinforce Robert Shoemaker's comment that 'Narratives of the events leading to violent attacks typically describe how a dispute began with raised voices and provoking words, and led (inexorably, by implication) to violence': 'Male Honour and the Decline of Public Violence', p. 194.

⁶¹ *OBP*, June 1725, Richard Teeling (17260630-26).

⁶² Andrew Steinmetz, *The Gaming Table* (2 vols., IndyPublish, Boston, Massachusetts, 2003 [London, 1870]), vol. 2, p. 16. Steinmetz does not give the date of this incident, but his preceding examples would suggest that it took place sometime in the mid to late eighteenth century.

physically jostled without responding'.⁶³ Being accused of cheating, it seems, was a serious slur on a person's reputation and had to be defended accordingly; as Alex Shepard suggests, 'violent gestures' might be 'used to restore honour which had been plundered by verbal abuse'.⁶⁴ This would seem to be borne out by the case of William Scarlet, who was tried at the Old Bailey in 1684 for killing Henry Dickenson. At Scarlet's trial it was deposed:

... a Difference had hapned between them six Weeks before, by reason of false Dice; by which, Dickenson alledged to have been wronged at Play, either by Mr. Scarlet, or some of his Companions; and that Mr. Dickenson had thereupon reported Scarlet to be a Sharper, and advised all his Friends to have a care of coming into his Company ...⁶⁵

Exactly what had happened is not entirely clear: Scarlet was found guilty not of murder, but of manslaughter, seemingly because 'Several Witnesses were on each side, disagreeing very much in circumstances'.⁶⁶ But even taking into account that there might have been a skirmish between the two men at the time of the initial allegation of cheating (the records are unclear), it seems very apparent that the fatal attack was motivated by Dickenson's advice to his 'friends' that they should avoid Scarlet because he was a 'sharper'.

As well as being conceived of as a general insult, or attack, on a person's reputation and integrity, I would like to suggest that an accusation of cheating at gaming had some more specific implications for the accused. Gaming, as we have seen, could be an important element of socialising and sociability.⁶⁷ But if people believed a player to be a cheat, they would probably not want to play with him; as a result that player might be excluded from a particular social network. Thus, irrespective of the circles one moved in, having a reputation as a cheat had the potential to be both embarrassing and damaging: moreover, for those 'professional' gamblers and

⁶³ Shoemaker, 'Male Honour and the Decline of Public Violence', p. 193.

⁶⁴ Shepard, *Meanings of Manhood*, p. 144. See also Walker, 'Gambling and Venetian Noblemen', pp. 50 & 53.

⁶⁵ *OBP*, Jan. 1684, William Scarlet (t16840116-1).

⁶⁶ *OBP*, Jan. 1684, William Scarlet (t16840116-1).

⁶⁷ On this point, see also Walker, 'Gambling and Venetian Noblemen', pp. 55-57.

sharper who made their living from gaming, such a reputation must have been crippling. Rochford Fitzgerald even found his courtroom testimony undermined when a witness testified that he had ‘heard him [Fitzgerald] called a Gamester and Sharper’.⁶⁸

Falling victim to a cheat also had consequences, however. In addition to any financial losses suffered, being cheated had the potential to be highly embarrassing socially. The author of *The Tricks of the Town Laid Open* explained; ‘If they [the sharper] believe he [the victim] has too much regard for his Reputation ... or perhaps will be unwilling that the Town should know he has been a *Bubble*, then they stick to him in Earnest, so deep, it may be, that he must be forc’d to cut off a Limb of his Estate to get out of their Clutches’.⁶⁹ A sharper, as well as taking his victim’s money, was in effect also declaring loudly ‘I think you are foolish enough to be taken in by my tricks’. This insult was implicit in the actions of every cheat, irrespective of whether or not he was successful, and early modern English gamesters knew it; as one author commented, a man who took the affronts of a sharper ‘tamely’ could ‘never expect to go to that *Gaming-house* again without being pull’d by the Nose, or kick’d and cane’d’.⁷⁰

Craig Muldrew has argued that in early modern England ‘householders sought to construct and preserve their reputations for religious virtue, belief and honesty in order to bolster the credit of their households so that they could be trusted’.⁷¹ Gaming, as we have seen, did not always sit well with these values, but being known as a cheat, it must be considered, had the potential to seriously damage one’s credit. This is particularly pertinent since, as Muldrew explains, ‘The stress on trust as a

⁶⁸ *OBP*, May 1740, Rochford Fitzgerald (t17400522-11). The charge was forgery and if the *Proceedings* are to be believed, Fitzgerald defended himself skilfully. Even so he was probably fortunate to be acquitted for the court also heard that he had been indicted for cheating John Conther at cards of a promissory note of ‘£30 and £3 and upwards in Money’ only a month earlier: *OBP*, April 1740, Rochford Fitzgerald (o17400416-4).

⁶⁹ Gentleman at London, *The Tricks of the Town Laid Open*, p. 53.

⁷⁰ Theophilus Lucas, *Memoirs of the Lives, Intrigues, and Comical Adventures of the most Famous Gamesters and Celebrated Sharpers* (London, 1714), pp. 6-7.

⁷¹ Craig Muldrew, *The Economy of Obligation: The Culture of Credit and Social Relations in Early Modern England* (Macmillan, Basingstoke, 1998), pp. 148-49.

necessary social bond meant that increasingly a good reputation for honesty and reliability in obligations was of great social importance. As credit networks became more complicated, and more obligations broken, it became important before entering into a contract to be able to make judgements about other people's honesty'.⁷² In a similar vein, when analysing the court records of the University of Cambridge Alexandra Shepard found that 'Men's reputations were most frequently attacked through questioning their economic integrity in terms of plain dealing, reliability, and personal worth'.⁷³ Shepard also contends that one of the reasons men were willing to go to court over such insults was because they 'destroyed trust and jeopardized inclusion in credit networks'.⁷⁴ Indeed, 'reputation was vital to contemporaries because it was with credit that they did most of their business'.⁷⁵ For merchants, reputation was especially important and, as John Smail has pointed out, 'Trading by credit inevitably hinges on reputation, but merchants, who conducted trade beyond the confines of a physical community, had to be particularly active in creating and maintaining a reputation, since it existed within a much less tangible social context'.⁷⁶ Merchants, moreover, took 'great pains' to limit their risks by inquiring into the reputations of those with whom they traded.⁷⁷ In light of these arguments, and since gaming was an activity which involved the exchange of money, sometimes on credit, it would not be unreasonable to suggest that someone who had acquired a reputation as a cheat or a sharper at the gaming table might find that reputation impinging on other areas of their life: few, after all, would choose to deal with a reputed cheat if they could possibly avoid it.

But, it seems to me, if someone chose not to extend credit to or do business with a cheat, they might also think twice about dealing with someone who had been

⁷² Muldrew, *Economy of Obligation*, p. 148.

⁷³ Shepard, *Meanings of Manhood*, p. 164 and also Figure 7, 'Categories of insult against Cambridge townsmen, 1581-1649', p. 166.

⁷⁴ Shepard, *Meanings of Manhood*, p. 160.

⁷⁵ Muldrew, *Economy of Obligation*, p. 149. On this point see also Keith Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain, 1470-1750* (Penguin, 2002), pp. 300-303.

⁷⁶ John Smail, 'Credit, Risk, and Honor in Eighteenth-Century Commerce', *Journal of British Studies*, vol. 44 no. 3 (2005) at p. 451.

⁷⁷ Smail, 'Credit, Risk, and Honor', p. 446. See also Muldrew, *Economy of Obligation*, pp. 185-96.

cheated. The primary reason for establishing that a potential debtor had a good reputation was to maximise your chances of getting your money back, and the reason for building and defending a good reputation was so that potential creditors would feel confident that they could get their money back from you. Being cheated at the gaming table, I would suggest, cast doubt on a man's ability to manage his financial affairs; if he could not avoid being duped at cards how could he be expected to run a business effectively or pay his creditors on time? That he could do these things was of great importance because 'The more reliable both parties were in paying debts, delivering goods or in performing services, the more secure chains of credit became and the greater the chance of general profit, future material security and general ease of life for all entangled in them'.⁷⁸ It is perhaps no coincidence that the word 'bubble' was used by Cotton and others to denote the naïve or foolish victim of a sharper many years before it became connected with the financial 'bubbles' of the later seventeenth and early eighteenth centuries.⁷⁹

In light of the potential damage that a cheat could do, it is likely that even those victims of cheats who achieved redress – whether legal or otherwise – would have preferred it if the incident had never happened. Yet there were several guides available that sought to enlighten their readers about a range of different cheating techniques.

Cheating Techniques

As has been mentioned, except in those cases when depositions have survived or in instances when cheating resulted in a more serious offence being committed, legal records tend only to contain the most basic details about the alleged incident. Similarly, generic terms, of which 'false dice' is one example, shed little light on a much wider range of frauds. Various cheating techniques, however, were discussed in much more detail in printed pamphlets about cheating at dice, cards and other games. A handful of these appeared in the sixteenth century but it was not until the

⁷⁸ Muldrew, *Economy of Obligation*, p. 148.

⁷⁹ See, for example, Anon, *The Nicker Nicked: or, the Cheats of Gaming Discovered* (London, 1668), p. 6; Cotton, *Compleat Gamester*, p. 17.

later seventeenth century and the emergence of gaming manuals that a greater range of titles about cheating began to be produced.

Although Roger Ascham included a brief description of cheating at dice in his *Toxophilus* of 1545,⁸⁰ the earliest printed work to focus on gaming cheats was *A Manifest Detection of the Most Vyle and Detestable use of Dice Play*, first printed in 1552 and attributed to Gilbert Walker. Walker explains that his 'booke' was 'devised as a meane too shewe and set foorth such naughtye practises as hathe bene, and bee peradventure yet vused in houses of Deceplaye'.⁸¹ It takes the form of a dialogue between R. and M., in which R is a young man who tells a story of a recent acquaintance he has made with a 'gentilman' and M is an older, more experienced, person who quickly realises that R. has in fact been ensnared by a disguised sharper. M. attempts to persuade R. of the danger that he is in and the younger man eventually agrees that he has been misled, declaring: 'Yes doubt ye not thereof but that this talke hathe wrought alreedy such effectes in me that though I liue a c. [i.e. 100] yeres. I shall not lightly fall into the chetors snares'. Excepting a very small number of minor alterations, *A Manifest Detection of Diceplay* was reproduced in 1597 as *Mihil Mumchance, his Discoverie of the Art of Cheating in False Dyce Play, and other Vnlawfull Games with a Discourse of the Figging Craft*.⁸² Robert Greene appears to have been influenced by *A Manifest Detection of Diceplay*,⁸³ although *A Notable Discovery of Coosenage* is the only gaming-orientated pamphlet among his various other cony-catching works.⁸⁴ In the gaming sections of *A Notable Discovery of Coosenage* Greene describes a number of scenarios in which a group of three or four sharpers – the cony-catchers – combine confidence tricks and manipulation to

⁸⁰ Roger Ascham, *Toxophilus* (1545), ed. Peter E. Medine (Medieval and Renaissance Texts and Studies, vol. 244, Arizona Centre for Medieval and Renaissance Studies, Tempe, Arizona, 2002), pp. 66-67.

⁸¹ Walker, *A Manifest Detection of Diceplay*, n. p.

⁸² Anon, *Mihil Mumchance, his Discoverie of the Art of Cheating in False Dyce Play, and Other Vnlawfull Games with a Discourse of the Figging Craft* (London, 1597). For the differences between this and the original see Kinney, *Rogues, Vagabonds & Sturdy Beggars*, p. 62.

⁸³ See also Lori H. Newcomb 'Greene, Robert (bap. 1558, d. 1592)', *Oxford Dictionary of National Biography* (OUP, 2004) [<http://www.oxforddnb.com/view/article/11418>, accessed 1 Oct. 2007].

⁸⁴ Greene appears to have been the first author to use the terms 'conny-catcher' and 'conny-catching' to describe those who set out to systematically cheat and deceive others. I will use the derivation 'cony' when not quoting from another source.

persuade a 'countryman' to play at cards for money, before using marked cards and sleight of hand to defraud him of it.⁸⁵

Although the focus of this chapter is on cheating at games, a few comments do need to be made about the genres of writing to which the work of Walker and Greene could be considered to belong. As well as being the first treatise on cheating at gaming, *A Manifest Detection of Diceplay* is also said to be the first example of the 'distinctly English tradition of conny-catching pamphlets', which Paola Pugliatti argues should not be conflated with rogue pamphlets.⁸⁶ Amongst other features, she distinguishes between the two types on the grounds of the setting and the social status of the protagonists: the rogue pamphlets are located in 'the countryside, the small village, the highway, the barn, the country alehouse, the market and the fair; while in the case of the conny-catching pamphlets it was the great crowded scene of the metropolis'; the rogue pamphlets involve beggars and vagrants, while the 'social composition' of the cony catchers 'is not easy to define'.⁸⁷ Using this classification, *A Manifest Detection of Diceplay* fits squarely within the cony-catching camp.

I discussed in the previous chapter the development in the later seventeenth century of guides to gaming, such as Charles Cotton's *Compleat Gamester*. At around the same time, and in a similar mould (though they were usually much shorter in length), guides began to appear that focused on cheating. Pamphlets such as *The Nicker Nicked: or, the Cheats of Gaming Discovered* (1668), and *The Whole Art and Mystery of Modern Gaming Fully Expos'd and Detected* (1726)⁸⁸ purported to teach their readers how to detect frauds and avoid being cheated while emphasising that

⁸⁵ Greene does refer to dice, but only briefly: *A Notable Discovery of Coosenage in Kinney, Rogues, Vagabonds & Sturdy Beggars*, p. 165.

⁸⁶ Pugliatti, *Beggary and Theatre*, pp. 128 & 125, respectively.

⁸⁷ Pugliatti, *Beggary and Theatre*, p. 127.

⁸⁸ Anon, *Leather-more: or Advice concerning Gaming* (London, 1667); Anon, *The Nicker Nicked: or, the Cheats of Gaming Discovered* (London, 1668); Anon, *The Whole Art and Mystery of Modern Gaming Fully Expos'd and Detected* (London, 1726). Some further examples of the genre are: J. S., *City and Country Recreation: or, Wit and Merriment Rightly Calculated* (London, 1705); S. H. Misodolus, *Do No Right, Take No Wrong; Keep what you Have, Get what you Can: or the Way of the World Display'd; in Several Profitable Essays* (London, 1711); Gentleman at London, *The Tricks of the Town Laid Open: or, a Companion for Country Gentlemen* (London, 1747).

their design was *not* to teach people how to cheat.⁸⁹ Yet this is not how many of these guides read: the tone and content of *The Whole Art and Mystery of Modern Gaming Fully Expos'd and Detected*, for example, is unmistakably that of an instruction manual in the fraudulent arts. In many cases, too, the authors – unlike those of mainstream gaming manuals – explained that their knowledge of cheating was derived from experience, either through close observation or direct interlocution; indeed, some said that they were reformed gamesters.⁹⁰ Thus the authors of cheating pamphlets have – perhaps intentionally – a somewhat ambiguous relationship with both their readers and their subject matter in that it can be difficult to tell whether they mean to detect or instruct.

The cheating pamphlets which began to be produced from around the 1670s are quite different from Walker's *A Manifest Detection of Dice Play* and Greene's *A Notable Discovery of Coosenage*, for the later works tend to have discrete sections on particular cheating techniques rather than a developed detective/instruction narrative running through the whole, or large sections, of the text. This is not to say that the late seventeenth and eighteenth-century pamphlets do not include anecdotal examples, a characteristic which Jessica Richard uses to support her argument that 'gambling was picaresque'.⁹¹ Acknowledging that she uses 'the term "picaresque"... somewhat more loosely than perhaps scholars of the genre would approve',⁹² Richard figures picaresque as connoting 'as episodic tale featuring a rogue-hero, that is not unified and forwarded by a dominant over-arching plot-line or a retrospective

⁸⁹ See, for example, Cotton, *Compleat Gamester*, p. 146; Lucas, *Memoirs*, preface; and, implicitly, Anon, *The Whole Art and Mystery of Modern Gaming Fully Expos'd and Detected*, pp. iii-v.

⁹⁰ Theophilus Lucas, for instance, says that he suffered losses of £2000 at the hands of sharpers (*Memoirs*, preface), while the anonymous author of *The Whole Art and Mystery* (p. 2) implies that a similar thing had happened to him.

⁹¹ Richard, 'Arts of Play', for example, p. 30.

⁹² Richard, 'Arts of Play', p. 53. Commenting on cony-catching pamphlets and rogue pamphlets c. 1550-1620, Pugliatti draws our attention to the 'generally – although uncritically – accepted view ... that both the rogue pamphlets and the conny-catching pamphlets are connected with the picaresque novel' and argues 'it is true that all these texts deal with the world of petty crime and that there are elements which transmigrated from one sub-genre to the other; but while certain themes and motives coincide, the genre conventions are entirely different' (*Beggary and Theatre*, p. 128). This may be true, but, for the reasons I list in this paragraph, I feel that Richard's broad definition of picaresque is a useful way of looking at some of the seventeenth- and eighteenth-century cheating pamphlets.

narrator'.⁹³ She explains further 'First, it [gambling] was subject to roguery' and 'Second, the *experience* of play was picaresque. Every game was a new story, a new episode in a narrative whose ending the player doesn't know'.⁹⁴ Unfortunately, because of the sources Richard uses she cannot help but figure gambling as picaresque and even Hoyle's *A Short Treatise on Whist* is read as 'a successful presentation of the mathematics of probability as picaresque'.⁹⁵ Yet this does not mean that an element of the picaresque – as conceived broadly by Richard – cannot be seen in some of the cheating pamphlets and, more prominently, in works like Theophilus Lucas' *Memoirs of the Lives, Intrigues, and Comical Adventures of the Most Famous Gamesters and Celebrated Sharpers* of 1714.

Although it is important to appreciate the factors which may have influenced the content and tone of the cheating pamphlets, it is not my intention in this chapter to enter into any sort of debate about what literary genre they fall into,⁹⁶ and neither is it my aim to discuss in any more detail than I have done so already the literary structure of such pamphlets.⁹⁷ However, it must be kept in mind that, like the gaming manuals that were discussed in chapter four, the later seventeenth and eighteenth-century cheating pamphlets in particular were both a product of and contributor to the vogue for gaming. But because of this, they also are a valuable source of information about the techniques that early modern sharpers were believed to use.

There were a range of different dice frauds and, if Gilbert Walker is to be believed, at least fourteen types of 'false dice'.⁹⁸ A cheat which recurs time and again is that of

⁹³ Richard, 'Arts of Play', p. 53.

⁹⁴ Richard, 'Arts of Play', p. 30.

⁹⁵ Richard, 'Arts of Play', p. 31. Richard's main sources include: Cotton's *Compleat Gamester*; Lucas' *Memoirs*; Tobias Smollett's *Roderick Random* (1748); and Henry Fielding's *Amelia* (1751). The same comment would also apply to Richard's contention that the eighteenth century was 'a cheaters' paradise': 'Arts of Play', p. 4.

⁹⁶ To take one example, Craig Dionne's essay, 'Fashioning Outlaws: The Early Modern Rogue and Urban Culture' in Dionne and Mentz (eds.), *Rogues and Early Modern English Culture*, does not make clear distinctions between rogue and cony-catching pamphlets (Pugliatti comments on this and a number of other works in *Beggary and Theatre*, p. 125, n. 1).

⁹⁷ For an analysis of the literary techniques used by both Walker and Greene in their cony-catching pamphlets see Pugliatti, *Beggary and Theatre*, ch. 9.

⁹⁸ Walker, *A Manifest Detection of Dice Play*, 'The names of Dyce'.

loading (also termed 'cogging' or 'scooping') the dice with lead or quicksilver (mercury) in order to make them fall in a particular way.⁹⁹ Flat and barr dice had much the same purpose; minute differences in the sizes of the faces meant that the former always fell high, while the latter fell low. These were more sophisticated than loaded dice because they were apparently custom-made by a dice maker, rather than modified by the cheat, and were consequently harder to detect.¹⁰⁰ Walker noted in 1552 that false dice could be procured at two prisons, the King's Bench and the Marshalsea, 'yet Bird in Holburn is the finest workman'.¹⁰¹ According to Charles Cotton, false dice were still in demand over a century later:

Some ... are so admirably skilful in making a Bale of Dice to run what you would have them, that your Gamesters think they never give enough for their purchase if they prove right. They are sold in many places about the Town; price current (by the help of a friend) eight shillings, whereas an ordinary Bale is sold for six pence.¹⁰²

If this were true, it is possible that there was a black market in false dice. After 1711, however, dice were subject to stamp duty and had to be stamped to show that it had been paid. This may have had some impact on the production of false dice, but then, equally, it may not: it is not clear if the stamp officers exercised any kind of quality control on dice, and even if they had, false dice would be difficult to detect. Furthermore, we have seen in chapter one that many packs of playing cards evaded the stamp officers, and, in any case, the author of *The Whole Art and Mystery* suggests that stamps on dice could be forged by skilled practitioners.¹⁰³

More audacious cheats might use chain or linked dice, 'So called from their being made fast together so nicely, with a Horse-hair or Wire Stain'd to the colour of the

⁹⁹ See Cotton, *Compleat Gamester*, p. 13; Misodolus, *Do No Right, Take No Wrong*, p. 38; and Anon, *The Whole Art and Mystery*, p. 31.

¹⁰⁰ Anon, *The Whole Art and Mystery*, pp. 31-33.

¹⁰¹ *A Manifest Detection of Dice Play*, n. p.

¹⁰² Cotton, *Compleat Gamester*, p. 13. Cotton's insertion of the phrase 'by the help of a friend' at once distances himself from this practice and qualifies his knowledge.

¹⁰³ Anon, *The Whole Art and Mystery*, p. 32.

Ivory, that it is very difficult to discover it at any little distance from you, more especially by candlelight',¹⁰⁴ while skilled sharpers could employ sleight of hand to manipulate or see into a dice box.¹⁰⁵ This cheat could be enhanced by the use of one of a number of different types of fraudulent dice boxes – one author even commented that a particularly cunning specimen had become increasingly uncommon after the inventor had died.¹⁰⁶ It is probable that dice boxes were most common in gaming houses and, in a game like hazard, these would be handled by an agent of the house. Players of hazard were warned on numerous occasions, and by various authors, that they were likely to be cheated.¹⁰⁷ It can be ascertained that this was because hazard was fast-paced (one could lose a lot of money quickly without noticing that anything was wrong) and almost totally reliant on chance.

As well as alerting their readers to different types of dice fraud, some authors also included advice on how to test for false dice. Rolling the dice a few times to see if anything untoward happened or listening carefully to the noise a dice box made were both simple and sensible and could be done discretely.¹⁰⁸ One has to wonder, though, about the practicality, and wisdom, of carrying out some of the other tests, one of which utilised a pail of water '14 or 15 Inches deep'.¹⁰⁹ It was, after all, of the utmost importance that any checks carried out were as inconspicuous as possible since, as we have seen, the suggestion that someone had been cheating could be enough to provoke a violent reaction. Yet even diligent players might be fooled if the same dice were not used for a whole game: when dice were 'accidentally' thrown off the table, warns the author of *The Nicker Nicked*, a player, sometimes with the aid of an

¹⁰⁴ Anon, *The Whole Art and Mystery*, p. 33.

¹⁰⁵ Anon, *The Whole Art and Mystery*, pp. 36-44.

¹⁰⁶ Anon, *The Whole Art and Mystery*, p. 40. See also Cotton on false dice boxes, *Compleat Gamester*, pp. 14-16.

¹⁰⁷ See, for example, Cotton, *Compleat Gamester*, p. 173; Misodolus, *Do No Right, Take No Wrong*, p. 40; Anon, *The Whole Art and Mystery*, pp. 19-53; and Gentleman at London, *The Tricks of the Town Laid Open*, p. 50.

¹⁰⁸ Anon, *The Whole Art and Mystery*, p. 29.

¹⁰⁹ Anon, *The Whole Art and Mystery*, pp. 48-49.

accomplice, had an opportunity to replace fair pairs with false (or vice-versa), especially in a dimly lit gaming house.¹¹⁰

In his *Compleat Gamester* Charles Cotton emphasised that many card games required ‘observation and practice’, and sometimes ‘a great deal of skill’.¹¹¹ Yet this observation applied just as much, if not more, to cheating at cards. Sharpers had to learn, and then practice, the ‘art and mystery’ of their craft and Cotton reports that:

A friend of mine wondring at the many slights a noted Gamster had to deceive, and how neatly and undiscoverably he managed his tricks, wondring withall he could not do the like himself, since he had the same Theory of them all, and knew how they were done; O young man, replied the Gamester, there is nothing to be attain'd without pains; wherefore had you been as laborious as my self in the practice hereof, and had sweated at it as many cold winter mornings in your shirt as I have done in mine, undoubtedly you would have arrived at the same perfection.¹¹²

Technical skill, dexterity, and a well-developed sleight of hand were crucial because they enabled a sharper to conceal and substitute cards as well as to operate various cheats such as the bend or the slick. In the former, the best cards were marked with minute bends at the corners, while the latter made use of a pack in which the fronts of certain cards – usually the aces and court cards – had been smoothed so that they might be cut in an advantageous place.¹¹³ In 1751 James Pattle, ‘a notorious gambler’, was prosecuted ‘for defrauding a countryman of 76 guineas’. Pattle may have been using a trick known as the brief, which utilised cards of slightly different widths, for it was reported that ‘two packs of [cards] ... were found on him, so contriv’d that taking them by the sides they cut high, and endways they cut low’.¹¹⁴ I have not seen any evidence to suggest that makers of playing cards produced false packs, but one might imagine that if they did, these would have been more difficult to detect than those which were modified later.

¹¹⁰ *The Nicker Nicked*, p. 6. See also Steinmetz, *The Gaming Table*, vol. 2, p. 17.

¹¹¹ Cotton, *Compleat Gamester*, p. 154.

¹¹² Cotton, *Compleat Gamester*, pp. 16-17.

¹¹³ Cotton, *Compleat Gamester*, pp. 119-20 & 133-34.

¹¹⁴ *Gentleman's Magazine*, July 1750 (vol. 20), p. 239. See also Cotton, *Compleat Gamester*, pp. 118 & 133-34.

Cards, though, were probably easier to tamper with than dice. As McDowell points out, 'it was not before the early nineteenth century that England had other than plain white backs for its playing cards. Thus it was that any accidental stain, crease or bend would mark a card, so that a sharper, or anyone with careful observation, could, in a few rounds, distinguish any number of cards in the deck by their ever so slightly differentiated appearance ... Pin-pricks, creases, bends could all be unnoticeably applied to an unmarked deck during the course of an evening'.¹¹⁵ The playing cards I have seen are indeed plain on the reverse and, in most cases, are at least a little grubby, but it is impossible to tell how clean (or not) they might have been at the time they were used. As Figure 16 shows, cards could also be marked with clear water and Indian ink, but this, unlike the addition of marks during a game, could be prevented by using a new, sealed, pack for each game.¹¹⁶

It cannot be deny'd, that to know the Aces, Kings, Queens and Knaves, which I may justly call the Commanding Officers, is the principal Part of *Picket* and all other Games at Cards, especially if any Card wanted or desired can be secured at pleasure. First then I will shew you how the Cards are to be mark'd.

1. *Aces* with one Spot at opposite Corners, thus :



2. The *Kings* with two Spots, thus :



3. The *Queens* with one Spot travers'd, thus :



4. The *Knaves* with two Spots, thus :



Figure 16: 'Mark'd Cards'¹¹⁷

¹¹⁵ McDowell, 'A Cursory View of Cheating at Whist', p. 165. See also Richard, 'Arts of Play', p. 35.

¹¹⁶ On marked cards see Anon, *The Whole Art and Mystery*, pp. 104-105; Cotton, *Compleat Gamester*, p. 134; and Misodolus, *Do No Right, Take No Wrong*, p. 68.

¹¹⁷ Anon, *The Whole Art and Mystery*, p. 104.

The point of many of these tricks was to enable a sharper to know what cards his opponent held. Card telegraphy, or 'piping at whist', had the same purpose.¹¹⁸ First, an accomplice of the sharper (or sharpeners) would position himself so that he could see the other player's cards. He would then use a series of seemingly innocent pre-arranged gestures to telegraph the information to his confederate, a practice which was depicted in Caravaggio's *The Cardsharps* (c. 1596) and Valentin de Boulogne's *Soldiers Playing Cards and Dice (The Cheats)* (c. 1620-22).¹¹⁹ This was almost the equivalent of playing with a mirror behind you (itself a trick which was not unknown) and someone so disadvantaged could not hope to win.¹²⁰ Because card telegraphy and marked cards were detectable to the alert untrained eye, players were warned that sharpeners might endeavour 'to put about the bottle' before the game began.¹²¹

Yet even if a player were sober, they might not have been able to discern the true identity of those with whom they were playing.¹²² Jennine Hurl-Eamon comments 'Imposture is a common theme in seventeenth and eighteenth-century England. Stories and plays abound of people adopting different disguises and identities. Dozens of contemporary pamphlets describe great pretenders, who were able to impersonate men of substantial wealth while disguising their own humble origins'.¹²³ Indeed, the inexperienced protagonist of *A Manifest Detection of Diceplay* was fooled into believing he was playing with a gentleman because the sharper was 'fayre dressed in Silkes, golde, & Iewels, with iii. or iiii. seruaunts in gaye lyueryes, all

¹¹⁸ Various authors mention 'piping' at whist, that is, using various combinations of fingers on a pipe to communicate information, but see also Steinmetz, *The Gaming Table*, vol. 2, pp. 21-22 and George Wither, *The Knave of Clubs* (London, 1643), pp. 3-5 for some other sets of gestures.

¹¹⁹ Caravaggio (Michelangelo Merisi, 1573-1610), *The Cardsharps*, c. 1596; Valentin de Boulogne (1591-1632), *Soldiers Playing Cards and Dice (The Cheats)*, c. 1620-22 and also his *Card-Sharpers*, c. 1620.

¹²⁰ For tricks utilising mirrors see Lucas, *Memoirs*, pp. 66-67 and Gamini Salgado, *The Elizabethan Underworld* (J. M. Dent & Sons Ltd., London, 1977), p. 38.

¹²¹ Steinmetz, *The Gaming Table*, vol. 2, p. 19.

¹²² See also Justine Crump, 'The Perils of Play: Eighteenth-Century Ideas about Gambling', p. 27.

¹²³ Hurl-Eamon, 'The Westminster Impostors', p. 461. See also Salgado, *Elizabethan Underworld*, p. 18.

brodered with sundry colours attending vpon him'.¹²⁴ The cheat's house, too, was part of the deception for R. recalled seeing 'diuers wel trimmed chambers, the worst of them appareled with verdures, some with rich cloth of Arras, all with beds, Chayres, and Cusshins of Silke, and Gold, of sundry colours sutably wrought'.¹²⁵ Later authors warned their readers about 'The more subtile and gentiler sort of Rooks ... you shall not distinguish by their outward demeanor from persons of condition',¹²⁶ while Hurl-Eamon draws our attention to the pamphlet accounts in which 'people ... were deceived by "wit and Breeding, and a hundred other genteel qualities", "a Magisterial Behaviour" ... "and some other Mimick Deportments", into mistaking a commoner for a gentleman'.¹²⁷

It is perhaps debateable how often such frauds occurred, but there is evidence to suggest that they did on occasion. Hurl-Eamon has shown that the most common form of imposture prosecuted at the Westminster quarter sessions, c. 1685-1720, was that of men impersonating law officers,¹²⁸ but there are also some extant references to disguised gaming cheats. Henry Fielding noted in 1751 that 'Sharppers of the lowest Kind have ... found Admission to their Superiours, upon no other Pretence or Merit than that of a laced Coat',¹²⁹ while according to both the Old Bailey *Proceedings* and other printed accounts, one early eighteenth-century Covent Garden sharper's disguise had earned him the nickname 'The Country Gentleman'.¹³⁰ Especially in light of my comments about the problems of having a reputation for cheating, there would seem to be much sense in Jeremy's Collier's contention that

¹²⁴ Walker, *A Manifest Detection of Diceplay*, n. p.

¹²⁵ Walker, *A Manifest Detection of Diceplay*, n. p.

¹²⁶ Anon, *The Nicker Nicked*, pp. 6-7. For similar comments see Cotton, *Compleat Gamester*, p. 12; Misodolus, *Do No Right, Take No Wrong*, p. 44 & pp. 51-53; and Gentleman at London, *The Tricks of the Town Laid Open*, p. 52.

¹²⁷ Hurl-Eamon, 'The Westminster Impostors', p. 470.

¹²⁸ Hurl-Eamon, 'The Westminster Impostors'.

¹²⁹ Henry Fielding, *An Enquiry in to the Causes of the Late Increase of Robbers, &c.* (1751), in Malvin R. Zirker (ed.), *Henry Fielding. An Enquiry in to the Causes of the Late Increase of Robbers and Related Writings* (Clarendon Press, Oxford, 1988), p. 93.

¹³⁰ See my account of the riot at Vanderman's gaming house in chapter 2, above.

successful sharpers might have to don disguises exactly because of their notoriety.¹³¹ For a more detailed example we can turn to James Johnson's study of Tomaso Gerachi, a common sharper who insinuated himself into the gaming circles of eighteenth-century Venetian high society by disguising himself as a noble.¹³² When he was eventually apprehended and prosecuted, Gerachi received an extraordinarily harsh sentence: life imprisonment 'in an unlit underground cell'.¹³³

Johnson concludes that Gerachi's disguise had been an 'ignoble affront to patrician honour' at 'a time when noble identity was under scrutiny', and that this was reflected in the severity of his punishment.¹³⁴ However, he also proposes an intriguing alternative explanation, namely, that the true nobles knew that Gerachi was an impostor, but because he 'had style, money, and an appetite for the game' they 'played along for the sport of it'.¹³⁵ Venetian law stipulated that masks had to be worn in eighteenth-century Venice's public gambling halls. And even though such masks 'rarely actually hid one's identity' they 'protected the noble ranks and preserved the social order by extending temporary equality to all, irrespective of social position. Better a fictive sameness than public humiliation'.¹³⁶ Perhaps, then, it was 'the discovery that Gerachi was a card shark that prompted such extraordinary outrage among his accusers': not only had they been cheated, but they had been cheated by a commoner, brazenly and face-to-face.¹³⁷

Although I have yet to see any English sources which would allow as detailed a reconstruction as Johnson's, his study certainly provides an interesting comparison with the few English examples of accounts of disguised sharpers that we do have. Yet it also raises two questions that are worth keeping in mind: was losing to

¹³¹ Jeremy Collier, *An Essay upon Gaming* (London, 1713), pp. 32-33.

¹³² James H. Johnson, 'Deceit and Sincerity in Early Modern Venice', *Eighteenth-Century Studies*, vol. 38, no. 3 (2005), 399-415.

¹³³ Johnson, 'Deceit and Sincerity', p. 413.

¹³⁴ Johnson, 'Deceit and Sincerity', p. 413.

¹³⁵ Johnson, 'Deceit and Sincerity', p. 413.

¹³⁶ Johnson, 'Deceit and Sincerity', p. 408.

¹³⁷ Johnson, 'Deceit and Sincerity', p. 412.

someone of comparable social status less humiliating than losing to an inferior and, as a corollary, was believing that you had lost fairly less frustrating than realising you had been duped by a cheat? One might wonder, moreover, if it were possible for a player to claim compensation if they played with – and lost – to someone who did not use any sharp practices but was not who they said they were. If the impostor was from one of the social or occupational groups that were prohibited from gaming he could, it is supposed, be prosecuted that way but unless the statutorily defined limit for stakes had been exceeded, it is unlikely that the losing player would have been entitled to any compensation.¹³⁸ In any case, it was assumed that a disguised sharper would cheat: the point of the enterprise, after all, was to infiltrate high stakes games and attract wealthy players, so that he had the opportunity to cheat people with a lot of money to lose.¹³⁹ Yet the link between disguise and cheating at cards and at dice should not be overstated, for we have seen much evidence in this thesis to suggest that gaming, and gaming houses in particular, were conducive to some degree of mixing between those of differing social status; a disguise, while perhaps useful, was not always a pre-requisite for gaining access to wealthy players. Moreover, it might be speculated that some sharpers were *actually* of high social status, while, if anecdotes about the loss of vast fortunes and estates are to be believed, it is plausible that a gentleman who had recently lost his money and inheritance might retain his bearing, demeanour and trappings even if he was now living the life of a sharper.¹⁴⁰

Thus far, this chapter has focused on individual sharpers or small groups of cheats. There is, though, some evidence to suggest that gaming houses perpetrated fraud on a larger scale. Almost all of the descriptions I have seen of these establishments mention their use of puffs – employees masquerading as punters who had ‘money given to them in order to decoy others to play’.¹⁴¹ But this might have been only one of many frauds. In 1751, Henry Fielding raided a large gaming house. When the

¹³⁸ Catharine MacMillan comments ‘Before the nineteenth century there was no recognition of a doctrine of mistake of identity as such’: ‘Rogues, Swindlers and Cheats: The Development of Mistake of Identity in English Contract Law’, *Cambridge Law Journal*, vol. 64, no. 3 (Nov. 2005), p. 713.

¹³⁹ See also Hurl-Eamon, ‘The Westminster Impostors’, p. 470.

¹⁴⁰ See also Salgado, *Elizabethan Underworld*, p. 31.

¹⁴¹ For various descriptions of puffs see Ashton, *History of Gambling*, p. 59; *Grub Street Journal*, no. 54; and Anon, *The Whole Art and Mystery*, p. 60.

gaming tables were 'broken to pieces' each of them was found to contain '2 iron rollers, and 2 private springs', which could be operated secretly.¹⁴² There could be multiple layers of deception in a gaming house: the establishment might be cheating its customers by employing puffs and using false tables and dice boxes, but at the same time 'freelance' sharpers might have been operating their own schemes against individual customers, the house, and, if Jeremy Collier's *An Essay Upon Gaming* is to be believed, each other.¹⁴³

If gaming houses did provide a haven for cheats, they present something of a paradox because unless a fraud was perpetrated by, or on behalf of, the house, it would presumably be damaging to business. In a similar vein, almost all cheating and gaming pamphlets warned their readers about the perils of playing in ordinaries and gaming houses. But although London had a large and quite transient population, and gaming houses were illegal institutions, one might imagine that a gaming house with a reputation for cheating might lose out to its competitors, especially since so many of the seemingly organised gaming houses were situated in, or close to, Covent Garden. Just as sharpers made their living by gaming, it could be argued that organised gaming houses operated as businesses with the objective of making a profit.¹⁴⁴ This, however, could be achieved without cheating, and while it is impossible to know if those running gaming houses had any knowledge of probability, it can be discerned that some games, even when they were played fairly, gave the house an advantage. Faro, a card game that originated in France and became very popular in England around the beginning of the eighteenth century and remained so throughout our period, is one example. Up to twenty players laid bets on cards of their choice (the suit was irrelevant) and in each turn the dealer drew two cards.¹⁴⁵ If a player had bet on the first card he would lose, if he had bet on the second he would double his stake, and if he had bet on neither his money would

¹⁴² *Gentleman's Magazine*, Feb. 1751 (vol. 21), p. 87. I say 'large' because there were at least 3 gaming tables and 45 gamesters were apprehended (more may have been playing).

¹⁴³ Collier, *An Essay upon Gaming*, pp. 32-33.

¹⁴⁴ See also Reith, *Age of Chance*, p. 72.

¹⁴⁵ Although focused on late nineteenth and early twentieth-century American faro practices, David W. Maurer, 'The Argot of the Faro Bank', *American Speech*, vol. 18, no. 1 (Feb. 1943), 3-11, provides some useful information about the game.

remain on the table. If both cards drawn were the same, the house took half the money that was bet on them. This was only a small advantage in favour of the house but it was, nonetheless, an advantage that was built into the game. A slim advantage, though, could be augmented greatly by a cheating dealer:¹⁴⁶ perhaps the key to running a successful gaming house was combining some cheating with fair games that would favour the house in the long term, but would allow people to win, or at least be seen to be winning, on a day-to-day basis.¹⁴⁷

As an organised gaming venue, it might have been expected that the Groom Porter's would have been associated with cheating as much as gaming houses were. Defoe certainly thought that this was the case, but others noted that the Groom Porter's was in fact one of the better places to play.¹⁴⁸ The author of *The Whole Art and Mystery* declared that 'The Groom-Porters Dice are much the fairest' and went as far as to say 'You are not safe [from cheats] at any Place (the Groom-Porters excepted)'.¹⁴⁹ Similarly, hazard, which was notorious for having odds which greatly favoured the house, was 'certainly play'd nearest an Equality at the Groom-Porters of any Place'.¹⁵⁰ It would be misleading to suggest that the Groom Porter's was some kind of gaming utopia but the fact that his officers were ostensibly there to 'observe true play at each table and to give new dice' may have helped to reduce cheating.¹⁵¹ The Groom Porter had the crucial role of supervising gaming, maintaining and providing the necessary equipment, and adjudicating disputes: ultimately the office-holder had to be able 'to manage play' and so when Thomas Neale's son claimed the post, concerns were voiced because he was considered 'unqualified for the place'.¹⁵²

¹⁴⁶ Maurer, 'The Argot of the Faro Bank', *passim*.

¹⁴⁷ See Anon, *The Whole Art and Mystery*, p. 59, 'The Annual Expences of a Faro Bank'.

¹⁴⁸ Daniel Defoe, *An Essay upon Projects* (London, 1697), p. 174.

¹⁴⁹ Anon, *The Whole Art and Mystery*, pp. 23 & 26.

¹⁵⁰ Anon, *The Whole Art and Mystery*, p. 23.

¹⁵¹ Pepys, *Diary*, 1 Jan. 1668.

¹⁵² C. E. Challis, 'Neale, Thomas (1641–1699)', *Oxford Dictionary of National Biography*, OUP, 2004 [<http://www.oxforddnb.com/view/article/19829>, accessed 26 Oct. 2007].

It would be difficult to argue that most of the methods described thus far were anything other than cheating. Yet there were many grey areas where cheating was concerned. Whether, for instance, feigning ineptitude until a crucial moment¹⁵³ or getting an opponent drunk¹⁵⁴ were considered cheating probably depended on the perspective of the player left holding the money. 'Setting' an opponent, that is lending them money they had already lost so that they might accumulate even greater debts, was another dubious practice. Daniel Defoe castigated those who used it as 'a Crew of Sharpers' but while setting was probably most lucrative when accompanied by fraud, it did not necessitate cheating to be effective.¹⁵⁵ That what was believed to be cheating was open to some debate is illustrated neatly by a prefatory letter to the first edition of Edmond Hoyle's *A Short Treatise on Whist* (1742). The author of the letter, ostensibly 'a gentleman at Bath', recalls how he had developed a talent for whist after reading, of course, Hoyle's *Treatise*. But this was not as blatant an advertisement as it might first appear for the gentleman then found himself with an unresolved dilemma, namely that:

For tho' a man of superior Skill in these Amusements, that takes an Advantage of an ignorant Player, cannot, according to the common Acceptation of the Word, be deemed a *Sharper*, yet, when he pursues that Advantage, after he has found out the Weakness of his Antagonist, it must be confessed, that if he is not a Sharper, he is at least, very near a-kin to one.¹⁵⁶

Given that the importance of skill was emphasised in many gaming manuals, and especially in Hoyle's numerous treatises on card games, the sentiments of the 'gentleman at Bath' are surprising. Yet although this is the only example I have seen of an argument that questions more generally the use of superior skill in a game, it introduces a different way of looking at the status of other types of specialist knowledge that could be applied to gaming.

¹⁵³ Steinmetz, *The Gaming Table*, vol. 2, pp. 3-8.

¹⁵⁴ Steinmetz, *The Gaming Table*, vol. 2, pp. 19 & 31.

¹⁵⁵ Daniel Defoe, *The Generous Projector ... Also to Save Many Persons from Destruction by Clearing the Streets of Shameless Strumpets, Suppressing Gaming-Tables, and Sunday Debauches* (London, 1731), p. 40. He suggested that 'setting' should be made a 'Felony, without Benefit of Clergy'.

¹⁵⁶ Hoyle, *A Short Treatise on the Game of Whist* (London, 1742b), iv.

In spite of the fact that ‘many of the early probabilists, beginning with Pascal, Fermat and Huygens, analyzed games of chance through probability’,¹⁵⁷ both Daston and Bellhouse have suggested that cheating was conducive neither to the development of probability theory nor the application of that theory to gaming.¹⁵⁸ Take, for instance, the roll of a single six-sided die. In normal circumstances there is an equal chance of turning up any of the numbers on each throw. But a cheating technique, such as weighting one side of the die, would distort the outcome in a way that would never conform to basic predictions based on probability (though a player with no understanding of probability whatsoever may well have become suspicious if he kept losing in the same way).¹⁵⁹ It is also worth entertaining Richard’s contention that the fear of being cheated focused a player’s attention so exclusively on the individual game, or throw, at hand that they did not think about how many times they had won and lost during the course of a gaming session.¹⁶⁰ Yet even if the game were fair, players may have come to the conclusion that probability calculations were of limited use since they could only suggest what *might* happen next and not predict what *would* occur.

Thus it was not until the first quarter of the eighteenth century that ‘probability calculations and statements in the gambling literature began to appear regularly’.¹⁶¹ The 1732 edition of Richard Seymour’s *Court Gamester* had appended to it Seymour’s translation of Giovanni Rizzetti’s *The Knowledge of Play*, while the author of *The Whole Art and Mystery of Modern Gaming* applies probability theory to hazard and faro and calculates the odds of winning at different points in the games.¹⁶² There are other such examples but I would be inclined to agree with

¹⁵⁷ Bellhouse, ‘The Role of Roguery in the History of Probability’, p. 410.

¹⁵⁸ Daston, *Classical Probability*, pp. 14 & 157-58; Bellhouse, ‘The Role of Roguery in the History of Probability’, *passim*.; and Richard, ‘Arts of Play’, pp. 32-33.

¹⁵⁹ Salgado comments that it was essential for a sharper to have ‘the strong-mindedness to resist winning too often’: *Elizabethan Underworld*, p. 35.

¹⁶⁰ Richard, ‘Arts of Play’, p. 36. This has some resonance with my comments in chapter 3 about players losing track of time.

¹⁶¹ Bellhouse, ‘The Role of Roguery in the History of Probability’, p. 416.

¹⁶² Richard Seymour, *The Court Gamester: or Full and Easy Instructions for Playing the Games now in Vogue, after the best Method; as they are Play’d at Court, and in the Assemblies* (London, 1732)

Bellhouse that it was Hoyle who meshed together probability and gaming in a systematic, not to mention popular, format for the first time.¹⁶³ Aimed at ‘those who underst[oo]d Vulgar Arithmetick only’, Hoyle provided ‘*strategies* for play drawn from mathematical probability theory’.¹⁶⁴ As we have seen in chapter four, both Hoyle and others who posited ‘scientific’ methods for playing games came in for some criticism but we should not infer from this that such methods were never used. But to return to my initial question, were these considered to be cheating? On the one hand, Beau Hewit, a character in Theophilus Lucas’s *Memoirs of the Lives, Intrigues, and Comical Adventures of the most Famous Gamesters and Celebrated Sharpers* lost heavily after trying to employ ‘that ... Blockhead’ Christiaan Huygens’s ‘Rules of calculating chances’, and went back to the ‘more profitable’ methods of ‘slipping Cards, or cogging a Dye’.¹⁶⁵ But on the other, Hewit, like those reading Hoyle, learnt or attempted to learn probability calculations in order to give them an edge over opponents who lacked equivalent knowledge. When combined with card-counting, ‘simple calculations using probability’ could, moreover, be ‘useful in developing strategies of play’, which might give a player what was considered by someone who was not versed in this method to be an unfair advantage.¹⁶⁶ Taking this one step further, Hoyle’s technique of ‘Artificial Memory’ was a means by which a whist player could, by arranging and re-arranging his hand, ‘remember’ how many trumps remained in the game and other important details.¹⁶⁷ Yet as McDowell points out, ‘anyone of moderate intelligence, by observing his opponent meticulously arranging and re-arranging his hand after the play of every trick, and with reference to Hoyle’s system, could determine with accuracy just what cards the forgetful player held’.¹⁶⁸

(see also my comments on this text in chapter 4, above); Anon, *The Whole Art and Mystery*, pp. 14-26.

¹⁶³ Bellhouse, ‘The Role of Roguery in the History of Probability’, pp. 411 & 416-17.

¹⁶⁴ Hoyle, *An Essay Towards Making the Doctrine of Chances Easy to those who Understand Vulgar Arithmetick only* (London, 1752); Richard, ‘Arts of Play’, p. 40.

¹⁶⁵ Lucas, *Memoirs*, pp. 284-85.

¹⁶⁶ Bellhouse, ‘The Role of Roguery in the History of Probability’, p. 414.

¹⁶⁷ Edmond Hoyle, *An Artificial Memory, or, an Easy Method of Assisting the Memory of those that Play at the Game of Whist* (London, 1744). Further editions were published in their own right or appended to Hoyle’s numerous treatises on card games.

¹⁶⁸ McDowell, ‘A Cursory View of Cheating at Whist’, pp. 170-71.

That 'artificial memory' had the potential to be both advantageous and disadvantageous to a player, possibly at the same time, demonstrates just how difficult it can be to assess how a particular gaming technique was perceived by those using it. This is further complicated by the fact that if a player was obviously using a method like 'artificial memory', it might tempt their opponent to cheat even if they had come to the table with no intention of doing so: as one anonymous contributor to the *Gentleman's Magazine* of 1755 put it, 'Hoyle tutored me in several games at cards, and under the name of guarding me from being cheated, insensibly gave me a taste for sharpening'.¹⁶⁹

Conclusion

Cheating is a complex and fluid subject, the nature of which is contingent on differing circumstances, people, perspectives, environments and games. As such, and perhaps more so than any other aspect of gaming, it can be difficult to do more than scratch the surface of cheating without being privy to, for example, the subtle gestures used among sharpers or the tone of voice adopted by a player who thought that they had been cheated. Yet there is sufficient evidence and enough agreement between sources to make some general conclusions about cheating at cards and at dice.

For the most part, it seems that contemporaries did not attempt to define what fair gaming was, but rather what constituted cheating; we may remember that Gilbert Walker listed fourteen different types of false dice, but he did not describe fair dice. However, and though cheats were prosecuted successfully, defining cheating remained a difficult task. The statutory definition of 1664 was very broad and, as we have seen, exactly what constituted a 'Fraud, Shift, Cousenage, Circumvention, Deceit, or unlawful Device, or ill Practice' might be open to some debate. The two main approaches to cheating under common law were a little more specific, but provided a slightly different focus. The first strand, that cheating was unlawful when damaging to the public, should be viewed in the context of false weights and

¹⁶⁹ McDowell, 'A Cursory View of Cheating at Whist', p. 169, quoting from the *Gentleman's Magazine*, vol. 25 (Feb. 1755), p. 75.

measures and deception more generally, although it should be kept in mind that the Holyday versus Oxenbridge judgement did make it clear that apprehending gaming cheats was in the interest of the public good. The second strand, that cheating was unlawful if 'common prudence will not afford protection against it', could perhaps be applied more specifically to cheating at cards and at dice.¹⁷⁰ A theme in virtually all of the sources is that, time and again, people were willing to play at cards, dice and other games with groups of strangers. Some, it seems, went completely willingly, others after (sometimes considerable and persistent) persuasion, and a few were kept against their will. But in many cases, excepting the last, could these individuals by playing with people they had just met, for not insignificant amounts of money, really be said to be exercising 'common prudence'?

This may sound a little judgemental, but it is not intended to be: rather, I think it goes some way towards explaining why, legally at least, cheats were dealt with much more leniently than those accused of stealing money. Greene gives the same impression, for when he wrote about a man who was 'cozened at Cards', he also commented 'his loss was voluntary'.¹⁷¹ Yet if many of our sources are to be believed, common prudence would not be sufficient for a player to detect the frauds used against them. Sharpers used a wide range of different confidence and technical tricks to dupe their victims and a good sleight of hand or cunningly loaded dice would be difficult to spot, just as it might be difficult to discern the true intentions of seemingly affable companions. Disguise might add to the deception and provide another layer for even the observant player to penetrate. Elaborate ruses, however, were perhaps not the norm, for the more complex a deception, the more likely it was that something could go wrong.

I have argued that being accused of cheating was not only a serious insult in its own right, but also one that could have wider implications. Indeed, having a reputation as a cheat might lead to exclusion from gaming related sociability, and therefore exclusion from the associated social networks. Since the 'establishment and

¹⁷⁰ Street, *Law of Gaming*, p. 234.

¹⁷¹ Greene, *A Notable Discouery of Coosenage in Kinney, Rogues, Vagabonds & Sturdy Beggars*, p. 173.

maintenance of “credit”, in the sense of reputation, was essential to the establishment and maintenance of financial credit’,¹⁷² it is my contention that having a reputation as a gaming cheat might have had a detrimental effect on an individual’s ability to do business and attract credit. This economic impact may have been accentuated because gaming, like business, involved financial transactions. It was important, therefore, for an individual to defend his reputation from the slur that an accusation of cheating represented, particularly, perhaps, when that slur was circulated publicly; this, it is proposed, accounted for some of the violent gaming disputes described here and earlier chapters.¹⁷³ Being cheated had potentially similar effects to being accused of cheating for, as I have suggested and irrespective of how much money had been lost, the victim of a cheat might be labelled a ‘fool’ or a ‘bubble’. Thus however a person became associated with cheating, they risked injury to their reputation and/or pocket. Yet, at least on the evidence of this initial survey, few people attempted to prosecute sharpers in court. The usual hindrances of time and expense should be factored in here, but there were a number of other disincentives to going to court: the victim might have been playing illegally; cheating was difficult to prove; and anyone bringing a prosecution would have had to admit publicly that they had been cheated. It is also possible that the legal route was not seen as sufficient redress for being cheated, particularly since the penalties for cheating were not severe.

The complexity of assessing cheating is highlighted when we look at issues pertaining to superior skill and/or the possession of specialist knowledge that could be applied directly to gaming. That these appear to have been contentious in certain circumstances conflicts in part with the advice in many gaming manuals that observation and practice, especially at cards, could bring greater success. Card-counting, an ability to calculate probable outcomes, and methods of memorising cards did not, though, automatically bestow an advantage on one player and might, conceivably, prove to be a disadvantage. Concerns about what might be described more broadly as ‘gamesmanship’ only seem to have come to the fore in situations when not all of the players had equivalent knowledge. This would indicate that the real issue was ensuring that the balance of the game was not tipped in favour of any

¹⁷² Wrightson, *Earthly Necessities*, p. 301.

¹⁷³ See, for instance, the case of William Scarlet, discussed above.

particular participant; in a sense, playing with someone who was too skilled was as unappealing as playing with a cheat. Unease about the development of gaming strategies based on superior skill and specialist knowledge may also have been linked to a fear that such techniques might lead a player to investigate other methods that were fraudulent, or tempt them to go further and cheat outright.

It would be impossible to quantify how much and how often cheating at cards and dice occurred in early modern England, but contemporaries thought that a lot of cheating was going on. Did, then, people expect to encounter cheats when they played at cards and dice? At first glance, the answer to this would seem contingent largely on the context. I have not seen, and I would be surprised to see, any instances of cheating among those involved in domestic gaming since the players were often friends and knew each other well: that aside, it was in these circumstances that an incident of cheating had the potential to inflict most damage on a person's reputation. Yet much of the evidence presented in this chapter also shows that people willingly played at cards and at dice in gaming and drinking establishments with complete strangers and recently-made acquaintances; this was in spite of oft-repeated and possibly widespread warnings to the contrary. Even so, the importance ascribed to knowing one's playing companions should not be underestimated. Greene describes how cheats would gather information about a potential victim so that they could insinuate themselves into the man's company by pretending that they had met him before, or knew his friends:¹⁷⁴ this is a perfect example of familiarity being conducive to a player trusting those with whom he was gaming. Moreover, if a player knew, or at least thought he knew, his gaming companions he might be more inclined to play since he would be able to identify and locate the perpetrator of any fraud that did occur. Sharpers needed to operate in such a way that they retained a significant degree of anonymity, and the easiest way to do this was to target transients with whom they were unlikely to meet again.

Another form of fraud – coining – has some relevance here because it has been argued that at certain times clipped and diminished coins were widely accepted in

¹⁷⁴ Greene, *A Notable Discovery of Coosenage in Kinney, Rogues, Vagabonds & Sturdy Beggars*, esp. pp. 167-68.

transactions as long as all parties were prepared to use them and the local economy was not compromised.¹⁷⁵ Moreover, when coin was in short supply, as it often was, the use of clipped money was actually necessary because it ‘staved off monetary stringency and the collapse of internal spending’.¹⁷⁶ But could cheating have become so common that it became either an ‘accepted’ or necessary part of gaming? My impression is that it could not. Gaming, after all, was not contingent on cheating for its perpetuation, even if the two were closely linked. Cheating, furthermore, was always to the detriment of one, and sometimes all, of the players involved. Finally, and as we have seen, being cheated or accused of cheating was far from desirable.

Yet having said all this, we cannot say with certainty that all early modern gamblers did not want sharpers to at least try and cheat them. To be sure, this was risky, but that was exactly the point. Being vigilant for cheats could have been part of the thrill, part, even, of the game, in a similar way that one might go to a Covent Garden gaming house or the Groom Porter’s to play faro or hazard for high stakes in possibly dubious company. Cheating may not have been quite as rife as the opening remarks to this chapter might suggest, but when there were so many people gaming in early modern England, there must have been many an opportunity for a cheat to prosper.

¹⁷⁵ Gaskill, *Crime and Mentalities*, ch. 5; Styles “‘Our traitorous money makers’: the Yorkshire Coiners and the Law, 1760-83’.

¹⁷⁶ Jones, *War and Economy*, pp. 247-48.

CONCLUSION

In the introduction I suggested that 'gaming' could be defined loosely as the playing of a game for stakes hazarded by the players, especially cards and dice. Although this description would have been recognisable to contemporaries, such broad definitions were often in practice not specific enough; there was, it seems, a need in early modern England to define what type of activity gaming was. Thus in different contexts and at different times, and on both a micro and a macro scale, the nature of gaming, and whether it was condemned or condoned, was negotiated and contested.

The purpose of much of the legislation was to define the circumstances in which gaming was illegal. This was accomplished by identifying which games were unlawful, stipulating where gaming was unlawful, and specifying for whom gaming was unlawful. Given how inclusive these proscriptive measures were, it would not be unreasonable to suggest that much of the gaming conducted in early modern England was carried out illegally. In the sense that it was breaking the law, gaming was often a criminal activity. Yet in spite of those instances when gaming was prosecuted rigorously, the evidence suggests that gaming in itself was not generally conceived of as a crime; instead, it was the circumstances in which it took place that were a cause of concern. Furthermore, what was defined by statute had to be interpreted by those charged with enforcing the laws and one might imagine that there were many grey areas when deciding, for example, if a place qualified as a gaming house or whether those playing at cards, dice and other games were from one of the social or occupational groups prohibited from doing so. And although it is true that the legislative framework established in 1541 endured throughout our period and beyond, it is important to remember that what constituted illegal gaming was subject to at least some redefinition between 1541 and 1760. As time went on, clauses were added to govern ever more closely specific aspects of gaming, while an increasing number of games were prohibited outright. Change, moreover, could be rapid; a wealthy gentleman playing hazard in 1737 was abiding by the law, but in 1738 he would have been breaking it.¹

¹ 12 Geo. 2, c. 28, s. 2, 3 & 8 (1738).

Gaming was not only scrutinised through a legislative lens in early modern England. In their efforts to provide guidance about the circumstances in which it was permissible to play at cards and at dice, moralists explored the essence of gaming itself. Early authors were doubtful if any games of chance should be permitted; but by the 1640s it was generally agreed that such games could be. Moralists examined closely the nature of recreation and assessed whether gaming could be deemed a recreational activity in the sense that it was refreshing or a useful break from work. They appraised the degree to which gaming wasted time and money, incited covetousness and encouraged idleness. And although gaming was discouraged by all moralists and condemned by many, most offered some form of qualified permission. The extent to which that permission was granted or denied can be seen as the culmination of a meticulous reasoning process in which moralists attempted to determine what type of activity gaming was. Detailed moral commentary of this sort may have had its origins in the 1570s, but the idea that gaming affected both the individual player and society more broadly, which developed during the course of the eighteenth century, has proved to be remarkably persistent. In 1756, John Cradock identified the 'spirit of gaming' as the 'great bane' of the nation; today, the idea that Britain is becoming, or has become, a 'nation of gamblers' is a commonplace.²

I have argued that a number of factors influenced the experience and practice of gaming in early modern England. Of these, the place in which gaming was conducted was perhaps the most important, for it could exert much influence on the people a player mixed with, the types of games played and, in some cases, the likelihood that a player might be cheated or experience violence. Yet this could work in both directions. The company one was in might determine the gaming venue, as might a desire to partake in certain games or play in a more, or indeed less, dangerous environment. Moreover, since the gaming venue featured prominently in legislation, and in some cases determined the vigour with which that legislation was enforced, the choice of where to play at cards and at dice could have a substantial impact on a player's chances of being disturbed by officers of the law. This was especially true of

² John Cradock, *A Sermon Preached in the Parish Church of St. Paul, Covent Garden, on Friday, Feb. 6, 1756* (London, 1756), p. 21; cf. the Gambling Commission, press release, 31 Aug. 2007, available at <http://www.gamblingcommission.gov.uk/Client/mediadetail.asp?mediaid=223>

organised gaming houses, which, in addition to being difficult to close down, were seen as openly propagating illegal gaming.

With all of these points in mind, it is unsurprising that the gaming environment appears to have had much influence on the way in which gaming was perceived. Domestic gaming, as described in chapter three, seems to have been considered by most people to be an 'agreeable Diversion' and even on the few occasions when play in the home was broached by moralising works such as *The Friendly Monitor*, it received little criticism.³ Domestic gaming was a way in which people could participate in pleasurable risk-taking by playing for small stakes in a 'safe' environment, without coming into contact with some of the more unsavoury characters and behaviour that might accompany gaming elsewhere. Playing card games in the home among family and friends was probably common practice by the middle of the eighteenth century, particularly, perhaps, as a 'middle class' form of sociability. The same could not be said of elite card parties, but since racquets and routs were often held in the homes of their wealthy hostesses, card parties should serve as a reminder that compartmentalising different 'types' of gaming is problematic. Gaming environments had many facets and we should be careful not to over-generalise. Two things, though, are fairly clear. Firstly, it can be inferred from even those sources that portray gaming favourably that the greatest danger lay in playing at cards and at dice with strangers in gaming houses. Secondly, although there were similarities and differences among different gaming environments, these environments could both shape, and be shaped by, the experience of gaming.

At various points in this thesis, and most overtly in chapter two, I have considered efforts to regulate gaming in early modern England, from the level of the individual through to much broader initiatives such as legislation and government taxation policy. David Miers has suggested that certain legislative efforts, especially those which restricted the types of stakes that could be hazarded and the amount of money played for in a session, were designed to protect wealthy players.⁴ Neither of these constraints would have had any impact on gaming among the poor, for the cut-off

³ *Weekly Packet*, no. 178 (26 Nov.-3 Dec. 1715).

⁴ Miers, *Regulating Commercial Gambling*, esp. pp. 29-31.

points were too high, but the question of player protection – which, admittedly, is a modern term and, perhaps, more of a modern than an early modern concept – is an interesting one. Legislation that banned so-called ‘dangerous’ games, illegalised cheating and made it an offence to provoke an opponent, could be said to have had just as much of a player protection element as the more socially exclusive measures identified by Miers. But looking at legislation alone is too narrow. After all, the focus of many of the moralising works examined in chapter four was to set out conditions in which gaming was permissible and these, it could be argued, were there to protect a player’s spiritual and material welfare. Ostensibly the main purpose of pamphlets about cheating was to explain and reveal common gaming frauds so that players might protect themselves from the consequences of being cheated. Conversely, I would contend that an element of player protection can be seen in the lenient punishment of cheats, for the law seemed to recognize that a player accepted some degree of risk by choosing to play at cards and at dice. Combining proscription and protection was perhaps a more flexible way of dealing with gaming than proscription alone would have allowed. This is not to say, though, that gaming was not a cause of violence, destitution and other problems and nor is it to argue that it was unimportant to have a robust legislative and enforcement framework which could be mobilised when necessary.

Since people participated in gaming both before 1541 and after 1760, my focus on this particular period might be questioned. In fact, the evidence presented in this thesis in combination with its long chronological span reveals quite clearly that the two hundred years under consideration constitute an absolutely crucial period in the history of gaming. The Unlawful Games Act of 1541 laid the foundations for over three centuries of subsequent gaming legislation; it was, moreover, the first act to have a significant focus on gaming rather than games. It was in early modern England that ideas about gaming were discussed in print for the first time, and while this was undoubtedly contingent on the growth of print and the development of Protestant casuistry, it does not change the fact that the debates among moralists left some long-lasting impressions and in certain cases altered permanently the way in which gaming was thought about. Perhaps most important, though, is that it was during our period that playing cards were for the first time widely available – over one million packs of cards were being produced per year by the 1680s. If this had not

been the case, gaming almost certainly would not have become as prevalent as it did. That cards were so readily available was due in no small part to the development of the English playing card trade during the seventeenth century and the ability of the playing card makers to produce their wares in such large quantities that playing card making began to have an effect on the fortunes of other trades.

Although I have focused on the production of playing cards, it might be considered that a substantial part of this thesis is about the various ways in which cards were consumed. We now know much about consumption and consumerism in the seventeenth and, especially, eighteenth centuries; however playing cards are not easy to fit into the wider historiography.⁵ Cards were not necessities, as contemporaries recognised. But with the exception of the more expensive ‘historical’, ‘geographical’ and ‘astronomical’ packs, it would be inaccurate to describe them as either the ‘decencies or luxuries’ on which most studies of consumption have concentrated.⁶ Moreover, cards were neither novel nor exotic (at least not by the late sixteenth century) and it was only in the period *before* the middle of the seventeenth century that large quantities of cards were manufactured abroad and shipped into England.

An ‘element in defining identity’, conspicuous consumption, social emulation, and to ‘mark out taste and judgement’ are just some of the explanations that have been offered for why in the eighteenth century people ‘consume[d] more, new or particular types of goods’.⁷ In light of the evidence presented in chapters 3 and 4, it would seem reasonable that such factors might also have influenced the consumption of certain modes – most likely polite and elite – of gaming. Playing cards, of course, facilitated gaming, and this was the reason that most of them were bought. The cards themselves, however, were inexpensive (especially before 1711) and probably not

⁵ For a recent historiographical overview, see Jon Stobart, Andrew Hann and Victoria Morgan, *Spaces of Consumption: Leisure and Shopping in the English Town, c. 1680-1830* (Routledge, London and New York, 2007), pp. 1-25.

⁶ Maxine Berg, *Luxury and Pleasure in Eighteenth-Century Britain* (OUP, Oxford, 2005), p. 10.

⁷ Quotes are from Stobart, Hann and Morgan, *Spaces of Consumption*, pp. 11, 10 & 9 (in that order). There is not space here to elaborate on these themes. For some introductory discussions see, for example: Stobart, Hann and Morgan, *Space of Consumption*, esp. pp. 8-13; Berg, *Luxury and Pleasure*, esp. pp. 11-16; Keith Wrightson, *Earthly Necessities: Economic Lives in Early Modern Britain, 1470-1750* (Penguin, 2002), pp. 298-300; Sarah Pennell, ‘Consumption and Consumerism in Early Modern England’, *The Historical Journal*, vol. 42, no. 2 (Jun. 1999), 549-564.

very durable. Yet they were produced – and so one must assume bought and used – in huge quantities and penetrated all levels of early modern English society, which lends weight to the assertion that ‘a “consumer society” ... already prevailed in the seventeenth century’.⁸ But there is more to it than this. Indeed, the reason that so many packs of playing cards were produced was not just because gaming was so popular; it was also because cards were ephemeral items, which might only have been used once and, at most, a few times.⁹ In fact, and along with tobacco pipes,¹⁰ playing cards must have been one of the first mass produced and disposable, but non-necessary, items.

In the context of consumerism, that people were prepared to buy essentially ‘throwaway’ items in large quantities is highly suggestive. But I wonder if this also ties in with the issue of the commercialisation of gaming. J. H. Plumb argued that the ‘commercialization of leisure ... can be discerned in the 1690s, and by 1750 and 1760 leisure was becoming an industry with great potentiality for growth’.¹¹ Gaming has similar contours. The mass production of playing cards in the second half of the seventeenth century has already been discussed. The imposition of stamp duty on cards and dice in 1711 – which increased the tax levied on each pack of cards by a massive 2300 percent – was the first systematic attempt by the government to raise revenue from gaming. By the 1720s, highly organised gaming houses had emerged in London, which, if the accounts are to be believed, had specialist staff, different levels of management and multiple gaming tables. The authors of gaming manuals can be seen as trying, often successfully, to tap into the vogue for gaming in order to profit commercially from it. This, it seems, was especially true of Hoyle, who, in his treatises on whist, also made one of the earliest attempts to market ‘polite’ gaming.

⁸ Berg, *Luxury and Pleasure*, p. 9. See also Stobart, Hann and Morgan, *Spaces of Consumption*, pp. 8-9.

⁹ On some of the difficulties associated with the analysis of ephemeral items, see Pennell, ‘Consumption and Consumerism’, p. 561.

¹⁰ Jan De Vries suggests ‘These [tobacco] pipes, cheap but fragile, may have been the first genuine “throwaway” consumer item, the Bic lighter of their time’: *The Industrious Revolution: Consumer Behavior and the Household Economy, 1650 to the Present* (CUP, Cambridge, 2008), p. 157.

¹¹ J. H. Plumb, ‘The Commercialization of Leisure in Eighteenth-century England’ in Neil McKendrick, John Brewer and J. H. Plumb (eds.), *The Birth of a Consumer Society* (Indiana University Press, Bloomington, 1982), p. 265. Twenty-five years on, I would agree with Stobart, Hann and Morgan’s statement that ‘the relationships between [eighteenth-century] leisure practices and consumption remain largely unexplored’: *Spaces of Consumption*, p. 2.

All of these elements point to the commercialisation of gaming. Yet although early modern England might have been well on the way to becoming the 'one vast casino' that it was said to be by the later eighteenth century, arrival at this point was due to the continued rise of horseracing, betting, and gaming clubs *as well as* the unremitting popularity of the carding and dicing I have described.¹²

It is perhaps easier to show that gaming was prevalent than to explain why. In certain circumstances there might have been some pressure to play at cards, dice or other games and, although I have not discussed it in this study, there is also the issue of addiction. But on the whole it would be fair to say that gaming was a voluntary activity. There can be no definitive explanation for its popularity, but the evidence presented in this thesis can be used to make some suggestions. Gaming came in numerous shapes and forms; if skill was at one end of the spectrum and chance at the other, there were card and dice games at every point between them. This not only gave players a huge range of choice, but also made gaming very accessible. The markings on dice and cards, moreover, were largely standardised by, and probably before, the early seventeenth century, and so it would be reasonable to suggest that a player could become familiar with the objects of gaming fairly quickly. Gaming required only the minimum of equipment and, as we have seen, playing cards reached an unprecedented level of availability during our period. Cards and dice were also small, light, easily carried and, if necessary, easily concealed.

The variety of card and dice games was crucial to their popularity, for it meant that they could 'fit' almost any situation or environment and accompany or encourage different types of sociability – in these ways gaming was capable of achieving 'pan-class appeal'.¹³ Additionally, the amount of money played for could be easily adjusted and many games could be contracted or expanded to fill the time available; we may remember that Thomas Turner played fifty games of cribbage with a friend to help pass a slow period at work. Yet irrespective of the size of the stakes, playing for money had the potential for gain and, as I suggested in chapter three, gaming was

¹² G. O. Trevelyan, *The Early History of Charles James Fox* (Kessinger Publishing, 2003 [London, 1881]), p. 77.

¹³ Miers, *Regulating Commercial Gambling*, p. 21.

a way in which players could experience the thrill, or at least the anticipation, of winning: as Thomas Kavanagh puts it, 'Gambling ... held the power to infuse the humdrum reality of everyday life with real excitement'.¹⁴ There is also much evidence to suggest that losing players might keep playing for as long as they were able in the hope that they might win back their money.

Some of the broader points already mentioned are pertinent when reflecting on why gaming was so widespread in early modern England. Although most moralists advised against gaming, many did not proscribe it completely; this may have had some bearing on the decision-making processes of those people who thought hard and sought guidance about their gaming practices. In a similar vein, and though gaming was technically illegal for many players, I have argued that the majority of these probably did not conceive of carding and dicing as criminal activities. Furthermore, if they were caught – and this is a big 'if' given my finding in chapter two – the consequences, though by no means insignificant, were not usually severe. Finally, it may have been that there was by the eighteenth century a 'fever of gambling activity' that extended to betting, banking and investment, insurance, and lotteries, as well as to what I have defined as 'gaming'.¹⁵

The contribution of gaming to this late seventeenth- and eighteenth-century 'thirst for risk' has not been addressed in the historiography of attitudes to risk in early modern England.¹⁶ However, as a starting point we can use the parallels that have been drawn between lotteries and gaming;¹⁷ between life insurance and gambling;¹⁸ and

¹⁴ Thomas M. Kavanagh, 'The Libertine's Bluff: Cards and Culture in Eighteenth-Century France', *Eighteenth-Century Studies*, vol. 33, no. 4 (2000), p. 507.

¹⁵ Gerda Reith, *The Age of Chance* (Routledge, London, 1999), p. 65.

¹⁶ Geoffrey Clark, *Betting on Lives: The Culture of Life Insurance in England, 1695-1775* (Manchester University Press, Manchester, 1999), p. 40; Lorraine Daston, *Classical Probability in the Enlightenment* (Princeton University Press, Princeton, 1988). It is generally agreed that there was a great deal of gambling, speculation and risk-taking activity going on in this period. See, for example: Reith, *Age of Chance*, pp. 58, 59, 63 & 64; Daston, *Classical Probability*, pp. 123, 165 & 168; Richard S. Dale, Johnnie E. V. Johnson and Leilei Tang, 'Financial Markets can go Mad: Evidence of Irrational Behaviour during the South Sea Bubble', *Economic History Review*, vol. 58, no. 2 (2005), p. 260; Natasha Glaisyer, *The Culture of Commerce in England, 1660-1720* (The Boydell Press, Woodbridge, 2006), p. 6.

¹⁷ Daston, *Classical Probability*, in chapter 3.4.

¹⁸ See especially Clark, *Betting on Lives*, chapter 2 and Daston, *Classical Probability*, pp. 140-41.

between lotteries and the South Sea Bubble.¹⁹ It was feared that lotteries ‘inflamed avarice’, encouraged vice, destroyed ‘the link between work and gain’, and ‘defrauded the poor of what little they had’.²⁰ That many poor people played the lottery also caused unease ‘about the social consequences should one of these penniless players actually win the grand prize’.²¹ All of these concerns sound somewhat familiar; indeed, and as we have seen, they were virtually identical to those that were raised about gaming. Thus, although ‘Lottery fever struck only at the end of the seventeenth century’,²² it would seem that the foundations for anti-lottery polemic had been laid in earlier debates about the permissibility of carding and dicing.²³ The same point can be made about early modern attitudes to the use of lots: Clark and Daston’s discussions of life insurance and lotteries, respectively, highlight the contributions of authors, like Gataker, who were prompted to write by the carding and dicing they saw all around them.²⁴

Geoffrey Clark has shown that insurance, and especially life insurance, ‘evolved to a considerable extent from the activities of gamblers’.²⁵ Likewise, for Lorraine Daston, ‘Gamblers and insurers (particularly life insurers) were often the same people; insurance offices doubled as betting centres; and stacks of learned tomes ... spelled out the structural similarity of the two approaches’.²⁶ But Clark takes this argument a step further, asserting that:

Since in so many instances insurance services attracted a risk-loving clientele intent on profiting on their policies, the growth of insurance in the eighteenth

¹⁹ Dale, Johnson and Tang, ‘Financial Markets’, pp. 260 & 263.

²⁰ See Daston, *Classical Probability*, pp. 149-50 (quotes are also from these pages). For similar comments, see Reith, *Age of Chance*, p. 57.

²¹ Daston, *Classical Probability*, p. 149.

²² Daston, *Classical Probability*, p. 141.

²³ This point is also borne out by a number of the examples Daston uses: *Classical Probability*, chapter 3.4.1, *passim*.

²⁴ Clark, *Betting on Lives*, pp. 34-35; Daston, *Classical Probability*, for example, p. 155.

²⁵ Clark, *Betting on Lives*, especially chapter 2 (quote at p. 3).

²⁶ Daston, *Classical Probability*, pp. 163-64.

century cannot be said to have reflected a more pronounced social aversion to risk. It was the contrary: the business of insurance ... actually stimulated the speculative passions as much as it depressed risk-taking in the service of a prudential ideal.²⁷

Reith, too, has claimed that 'speculation actually encouraged play at games of chance'.²⁸ A similar relationship (though one which might be interpreted as working in the opposite direction) has been identified by Dale, Johnson and Tang. They argue that 'the successive South Sea subscription issues may have been viewed in a similar manner to successive lottery draws';²⁹ moreover, to cultivate the 'thirst for excitement and gambling [that] had been stimulated by ... successful lotteries', 'the subscription issues were designed to mimic previous lotteries'.³⁰ All of these comments emphasise that in early modern England close links existed among a whole host of practices that might be described as gambling, speculation, or both. It has already been suggested that debates about gaming anticipated and influenced objections to late seventeenth- and eighteenth- century speculation and gambling; but I think that this argument can be carried further. The popularity and prevalence of gaming certainly predated, and arguably exceeded, that of many other gambling activities. Could it have been that carding and dicing gradually familiarised the inhabitants of early modern England with voluntary financial risk-taking? If this were the case, the pervasiveness of gaming should be seen as a key factor in the development of a climate in which risk was 'not only tolerated, but relished'.³¹

By providing for the first time sufficient evidence to prove that gaming was ubiquitous in early modern England, this thesis has revealed how large numbers of people, from various social and occupational backgrounds, spent their time and money. Gaming provides insights into attitudes about recreation and shows the capacity of early modern legislators to come up with surprisingly innovative ways of dealing with a hugely popular, yet often illegal, activity. It gives us a fresh

²⁷ Clark, *Betting on Lives*, p. 4 and see also p. 102.

²⁸ Reith, *Age of Chance*, p. 62;

²⁹ Dale, Johnson and Tang, 'Financial Markets', p. 260.

³⁰ Dale, Johnson and Tang, 'Financial Markets', pp. 260 & 263.

³¹ Daston, *Classical Probability*, p. 168. And see note 16, above.

perspective on the difficulties of enforcing the law and collecting taxes as well as showing that a legitimate industry could be supported by an illicit activity. Gaming sheds much light on attitudes to risk in early modern England; this study, after all, has been concerned with an activity in which people hazarded money on uncertain outcomes and played in most cases with cash – not on credit – at times when, by all accounts, there was a shortage of coin. And on many occasions they were prepared to do this with strangers. The inhabitants of early modern England did not just play at cards and at dice: they thought about gaming, wrote about it, tried to suppress it, promoted it, condemned it, and made a living from it. They played in the home and almost everywhere else, bought huge numbers of playing cards and gambled their livelihoods on the turn of a card and the cast of a die. That gaming touched the lives of so many people in so many different ways is exactly why it matters in the history of early modern England.

APPENDIX

Groom Porters, c. 1520-1760¹

Note: there was only one Groom Porter at any one time.

Name	Date Office Held	Name	Date Office Held
Thomas Sacsebe	1520s	Sir Richard Hubert	Appointed c. 1630
William Oxenbridge	1530s	Thomas Neale	1678-99
Thomas Sakevild	1530s	William Rowley	Appointed 1700
Edward Birch	Late 1530s	Thomas Archer	1705-1743
Sir Nicholas Fortescue	1540s	Charles FitzRoy	Appointed 1743
Sir Miles Partridge	Late 1540s	Robert Wood	1764-66
Edward Lewkenor	During the reigns of Edward VI & Mary I		
Edward, then Francis, then Thomas Cornwallis	During the reign of Elizabeth		
Sir Thomas Cornwallis (possibly succeeded by his son Henry Cornwallis)	Appointed c. 1605		
Clement Cottrell (Cotterell)	Appointed 1619		

¹ Main sources: TNA: PRO C 1/574/3; TNA:PRO C 1/864/78; TNA:PRO C 1/1026/36-39; TNA:PRO SP 36/61 f. 69; TNA:PRO SP 14/90/38; *Calendar of State Papers Domestic: James I, 1603-1610*, 21 March 1605; William Page (ed.), *A History of the County of Middlesex*, vol. II, (London, 1911), pp. 283-92; *H. J.*, vol. 4, 1 March 1641; Anon, *An Elegaic Essay upon the Decease of the Groom-Porter, and the Lotteries* (London, 1700); J. C. Sainty (ed.) *Office Holders in Modern Britain*, vol. II, (IHR, London, 1973); *London Gazette*, 3-6 Dec. 1705; David Edwards, 'Jenison, Thomas (c.1525-1587)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008 [<http://www.oxforddnb.com/view/article/14721>, accessed 8 Jan 2008]; G. K. Fortescue, 'Fortescue, Sir Nicholas (1575?-1633)', rev. Stephen Wright, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/9946>, accessed 29 Oct 2007]; A. F. Pollard, 'Partridge, Sir Miles (d. 1552)', rev. Barrett L. Beer, *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/21487>, accessed 29 Oct 2007]; John William Bridgen, 'Lewkenor, Sir Edward (1542-1605)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/74412>, accessed 8 Jan 2008]; Victor Stater, 'Herbert, William, third earl of Pembroke (1580-1630)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Oct 2007 [<http://www.oxforddnb.com/view/article/13058>, accessed 26 Oct 2007]; C. E. Challis, 'Neale, Thomas (1641-1699)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/19829>, accessed 26 Oct 2007]; Andor Gomme, 'Archer, Thomas (1668/9-1743)', *Oxford Dictionary of National Biography*, Oxford University Press, 2004 [<http://www.oxforddnb.com/view/article/628>, accessed 26 Oct 2007]; D. M. White, 'Wood, Robert (1716/17-1771)', *Oxford Dictionary of National Biography*, Oxford University Press, Sept 2004; online edn, Jan 2008 [<http://www.oxforddnb.com/view/article/29891>, accessed 8 Jan 2008].

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t16891009-12	t17161105-5	t17250224-51	t17320114-38
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t16931012-40	t17180110-63	t17260302-36	t17330112-25
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t17040426-25	t17191014-23	t17300228-29	t17360610-1

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