

## TITLE PAGE

### **‘Us girls won’t put one another away’: Relations among Melbourne’s Prostitute Pickpockets, 1860-1920**

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#### Abstract:

Larceny from the person, or pickpocketing, was the most common form of indictable crime committed by female offenders in turn-of-the-century Melbourne. It was an offence particularly likely to appear within the criminal careers of recidivist female offenders. Female pickpocketing, however, was notoriously difficult to prosecute. The usual differences found in trial outcomes for men and women were exacerbated by the specific contexts in which such robberies occurred, that is in the context of solicitation or sex work. This not only meant victims were reluctant to prosecute, but that women’s offending often took place within criminal subcultures that fostered interpersonal relationships between women that served to support them throughout the commission of the crime and during the trial process.

#### Keywords:

Theft; prostitution; female friendship; criminal subcultures; co-offending.

#### Biography:

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## **‘Us girls won’t put one another away’: Relations among Melbourne’s Prostitute Pickpockets, 1860-1920**

In 1876 a salacious short story appeared in the Melbourne tabloid *Lee’s Pictorial Weekly Budget*, also known as the *Police News*. The newspaper was primarily concerned with relaying the week’s criminal occurrences; its fiction drew on similar subject matter. The two-part story ‘Three Maids’ told the tale of Emily, Mary and Julia, three friends and frequenters of a Collingwood dancing saloon. The story opens with Julia, lover of a thief known as ‘Davy the Gun’, unsuccessfully trying to convince him to marry her, as she is pregnant. Mary meanwhile tells her working-class sweetheart that she will not marry him, as she is determined to take Emily’s advice and hold out for a rich man. Emily ends up taking both girls to a hotel where she promises that men give out notes and ‘shout slashing suppers’ for ‘half a dozen kisses or so, very little more’.<sup>1</sup>

When the women arrive at the hotel, they discover that a wealthy ‘new chum’ from the country is being teased for having been robbed by some other women he met at the establishment the night before. He tells the trio he does not mind the loss of money so much as that of his dead sister’s prayer book, which had been in the purse. Emily advises Julia to console the man, then pretends to discover the missing purse under another woman’s hair-piece. Emily informs the new chum that it would be dangerous to accuse the woman, and he takes Julia off to celebrate the return of the prayer book. After this, Emily congratulates herself that she got Julia ‘off well’ as she will now be able to foist her child on the new man; it turns out that Emily had the purse all along from another female friend who had given it to her to fence. Emily

reflects that she has done ‘her best’ for her two friends. Mary has met a rich squatter at the hotel; she lives with him for a month before being cast off.<sup>2</sup>

Aside from titillating readers by providing a glimpse of Melbourne’s seamier social scene, the intent of ‘Three Maids’ was obviously to offer a moral about the dangers of women preferring the transitory pleasures of the ‘flash’ underworld to the more stable comforts provided by reliable working-class men. However, the story also offers other, perhaps unintended, insights about the subculture it depicts. It reinforces the findings of Australian, American and English scholars about the way that prostitution elided and blurred with other sexual exchanges in turn-of-the-century recreational scenes.<sup>3</sup> The tale also supports the presumption that female theft was common within such contexts, and contributed significantly to the ‘dark figure’ of unreported crime due to many victims being too scared or ashamed to prosecute.<sup>4</sup>

Furthermore, something that has received little sustained attention in existing scholarship on crime or prostitution, but that is emphasised in ‘Three Maids’, is the importance of women’s relationships with each other within underclass milieus. The author, like most of his contemporaries, suggests that such relationships were ultimately destructive and corrupting.<sup>5</sup> Yet it is implied that Emily genuinely believes she has helped both Julia and Mary, if only to what she thinks is the best of working-class women’s limited options at the time. The story thus intimates the existence of important informal networks of support among prostitutes, ones that also facilitated women’s property crimes. This accords with an analysis of women’s involvement in pickpocketing in Melbourne between 1860 and 1920, which reveals that it overwhelmingly occurred within the context of prostitution and with help from other women.

Historical scholarship on women's involvement in crime has been growing since the 1970s, but work on theft has received less scrutiny than other areas of female crime.<sup>6</sup> Moreover, when female criminals have received attention it is their relationships with men that have primarily been focused on, rather than their relations with each other. The only major historical monograph on female offending in the Australian context, Judith Allen's *Sex and Secrets*, focuses specifically on men's roles in women's crimes, whether as law-makers and law-enforcers tasked with controlling female criminality, or as facilitators of female crime by creating the conditions that encouraged activities such as abortion, infanticide, baby-farming or prostitution.<sup>7</sup> Many studies have focused on similar issues; such gender relations are of course vitally important to understanding the context in which crimes occurred. There has been less recognition though of the potential significance and complexities of female offenders' relations with each other. Scholars of prostitution have been more inclined to take note of the importance of female relations, at least in passing.<sup>8</sup> However, they have made limited use of archival data on pickpocketing, which as this study shows reveals the extent to which late-nineteenth- and early-twentieth-century prostitution occurred within a female subculture.

In her groundbreaking study of prostitution in Victorian England, Judith Walkowitz emphasised the importance of distinguishing between different forms of engagement with prostitution to avoid treating the term prostitute as a homogenous and predominant identity.<sup>9</sup> Many women practised prostitution clandestinely while remaining integrated members of working-class communities; even full-time prostitutes did not necessarily continue in the sex trade for extended periods, or participate in the criminal subcultures associated with it.<sup>10</sup> Scholars of prostitution in Australia – most notably Rae Frances – have delineated similar hierarchies among

local sex-workers.<sup>11</sup> Police themselves distinguished between ‘regular prostitutes’ and the ‘casuals’ who occasionally used sex-work as part of an array of economic makeshifts, particularly in periods of crisis such as the 1890s’ depression.<sup>12</sup> Such casual prostitutes – as well as ‘regulars’ at the upper end of the industry – usually operated independently.<sup>13</sup> Conversely, Frances states that one of the major compensations for women at the lower end of the trade was the ‘conviviality and comradeship of working with “mates”’.<sup>14</sup> Walkowitz likewise argues that although even full-time prostitutes were not as excluded from working-class life as some contemporaries believed, their ‘outcast’ status nevertheless encouraged them to band together, with the result that a ‘strong female subculture was a distinguishing feature of nineteenth-century prostitution’.<sup>15</sup>

This study primarily deals with women working at the lower end of the sex trade on a more or less regular basis, with the proviso that such women’s position within the industry was also likely to be fluid across time. My analysis of relations among female prostitute-pickpockets draws on two main sources, court and newspaper records. As many historians have observed, these sources are not unproblematic when it comes to trying to reveal a full and accurate understanding of criminal justice history.<sup>16</sup> In particular, they ignore a potentially large dark figure of unreported crime, an issue that J. M. Beattie found was particularly prevalent in cases of female pickpocketing due to the shame that public revelation could cast on male victims.<sup>17</sup> Nevertheless, if they do not indicate the true extent of women’s criminal offending, court records do reveal something of the types of situations in which offending occurred, and the typical outcomes that followed if the crime did result in prosecution. They thus provide a basis for evaluating the extent to which women assisted in each

other's crimes, and the effect this potentially had in helping women avoid or defeat prosecutions launched against them.

Between 1860 and 1920, 2,287 women were tried at Melbourne's General Sessions or Supreme Court sittings, of whom 542 or 23.7 per cent were charged with stealing from the person, making it the most common crime with which women brought to Melbourne's upper courts were tried. Information on the number of women tried by these courts is taken from Victoria's criminal trial brief registers, which recorded such information as the name of a defendant and any co-accused, the place of trial, verdict, sentence, a list of witnesses, the judge's name, details of bail and sometimes whether the accused had legal representation or launched an appeal.<sup>18</sup> Additional information about different cases has been sourced from depositions or from the National Library of Australia's online newspaper collection.<sup>19</sup> Data drawn from Victoria's female prison registers are also occasionally used to supplement women's life histories and demographic profile.<sup>20</sup> Together these sources offer the best available information about what occurred at trial, and during crimes themselves, thereby revealing the significance of women's relationships with each other at both stages of this process. This scrutiny suggests that mutual assistance among women co-conspirators not only points to the existence of a female criminal subculture, but that this contributed to the low conviction rate of female pickpockets, confirming the importance in historical analysis of considering relations within as well as between genders.

### **Sisters in solidarity?**

Although not as numerous or cohesive as the criminal class imagined by middle-class contemporaries, Melbourne did possess a clear underworld subculture. While not all prostitutes participated in this subculture, female prison records demonstrate

that for some sex-workers the cycle of offending and incarceration was more or less a way of life. Victoria's prison registers show that women with prostitution-related convictions, such as soliciting or residing in a brothel, were likely to offend across extended periods, with almost a third amassing convictions over more than a decade, compared to only around a tenth of female prisoners overall. Women convicted of larceny from the person showed similar trends.<sup>21</sup> The association between prostitution and pickpocketing was well-known to contemporaries, particularly when it came to well-known Melbourne vice districts such as Romeo Lane or 'Bilking' Square, so-named because of the high number of men 'bilked' of their money there.<sup>22</sup> The trade remained fairly centralised even during the 1890s as police dispersed this prostitution traffic from the city centre into the neighbouring suburbs of Carlton and Fitzroy, but became more fragmented at the end of the war as crackdowns pushed prostitution further afield.<sup>23</sup> For most of the study period then, the congregation of criminal women into particular neighbourhoods probably acted to strengthen bonds between them.

While the men and women depicted in the 'Three Maids' story were fictional, the characters represented were not without a basis in reality. In 1897, labourer Edward Murray became a victim of one such character when he approached prostitute Lily Walker in a hotel, and offered her drinks and half a sovereign if she would tell him the names of two women who had pickpocketed him at the hotel three days before.<sup>24</sup> According to Walker's own statement, she refused Murray's offer by declaring 'us girls won't put one another away'. She later went on to rob Murray herself, passing the money to four or five women standing nearby, who told Walker to run for it, some pulling her away, while others knocked Murray to the ground.

Walker's grand declaration, as well as the efforts of other women to help her escape, suggests a sense of solidarity amongst the city's criminal women. Even if it was mere braggadocio, Walker's reference to 'us girls' implies self-identification with a deviant group, and moreover one that was gendered in its attachments. This is not to say that men were not also part of Melbourne's criminal subcultures, or associated with the city's female pickpockets. As Clive Emsley documents, contemporaries believed that most women of the so-called criminal classes, particularly prostitute-pickpockets, worked for or were romantically involved with male thieves of the ilk of 'Davy the Gun'.<sup>25</sup> Police records reveal narratives of women stealing and selling sex to support men. In 1911, for instance, Constable Hickling reported that Maud Rouse *alias* Corn Beef Maud, whose husband was in gaol in England, had most recently been supporting a man named Strickland with her illicit earnings until he had to go off shearing. 'As was usual with this class of woman', Hickling stated, Maud's activities were usually overseen by some man, who was almost always a thief.<sup>26</sup>

Nineteenth-century commentators also often described robberies of prostitutes' clients taking place at the behest of male 'bullies' or 'pimps', influencing early crime historians to contend that women usually only participated in thefts as the accomplices of male thieves.<sup>27</sup> However, more recent historiography has challenged the image of women in the past as 'dependent criminals'.<sup>28</sup> This accords with the findings presented here regarding women tried for larceny from the person in Melbourne between 1860 and 1920, of whom only 48 or 8.9 per cent were indicted alongside exclusively male co-accused. A further 32, or 5.9 per cent, were committed for trial alongside both male and female co-accused (see Table 1). Accordingly, only around fifteen per cent of pickpocketing occurred in a context where women might nominally be assumed to have been passive accomplices to men; it is possible that

women were the active parties even in such cases. Another interpretation might be that women accused of committing thefts in partnership with men were more likely to face the more serious charge of robbery, which accounted for 92 or 4 per cent of women tried in Melbourne during this period. While the proportion of male co-accused among these women was higher, it still comprised only 35 or 38 per cent of women tried for robbery.

It is further possible that some of the 270 women (49.8 per cent) tried as solo defendants in larceny from the person cases had been induced to theft by their husbands or romantic partners and that the men were simply not charged because they took no active role in the theft itself. It is perhaps worthy of note that women with pickpocketing convictions were more likely to be listed as married in Victoria's prison registers than other female prisoners; sometimes their husbands were also serving sentences at Pentridge.<sup>29</sup> However, the marital statistics of the prison registers are misleading, as they do not indicate if women were separated from their husbands; some clearly were, such as pickpocket Margaret Noonan, whose three children had to be sent to industrial schools when she was imprisoned as her husband had deserted her.<sup>30</sup>

Desertion was a significant socio-economic problem in Victoria in the nineteenth century.<sup>31</sup> Sometimes it represented a permanent separation, other times it was a product of the colonial economy, with men of the labouring classes often travelling to rural regions or new frontiers to seek opportunities as miners or farm workers, perhaps intermittently sending money home, but otherwise leaving their wives to fend for themselves. This appears to have been the case with Lily Walker, who during a vagrancy hearing in 1903, revealed that her husband had left her for the mining fields of Western Australia, but periodically sent her small sums of money,

helping her defeat the charge brought against her by police.<sup>32</sup> Relationship impermanence seems a common feature in the lives of underclass women, a factor that may have made bonds with other women all the more important.<sup>33</sup> (This may prompt speculation of a romantic dimension to some such attachments; while this is entirely possible, lesbian relationships in particular left few traces in the historical record.<sup>34</sup>)

The statistics themselves suggest the significance of relationships between women. Women appeared co-accused alongside each other in 35.4 per cent of larceny from the person cases, as well as 26.1 per cent of robbery cases. Qualitative analysis of the cases suggests that among women who were tried as solo defendants, there were also many who had been given assistance at some stage in the process by women who simply had not been charged, or who had been charged but not committed for trial by the magistrates' court. This should not be taken as evidence that the ideals of sisterhood espoused by Lily Walker was a lived experience among all or most criminal women. Co-offending was primarily influenced by a number of more practical considerations; women's high rate of co-offending together when it came to pickpocketing was driven by prosaic factors that meant other women were more likely to be in a position to co-offend with them. Yet these circumstances themselves suggest, if not sisterhood, than at least the existence of a strong female subculture.

### **A female subculture**

The high rate of female co-offending was undoubtedly due to most pickpocketing occurring in the context of prostitution. Men were the victims of 95.9 per cent of female pickpockets prosecuted, most robbed either while they were being

solicited (26.9 per cent), or during or after a sexual exchange took place (61.4 per cent) (see Table 2). Around 7.6 per cent of larceny from the person cases committed for trial occurred within known brothels, while a further 10.9 per cent occurred in boarding or assignation houses, and 15.1 per cent at the defendant's residence (see Table 2). Moreover, the criminal histories of Victoria's female prisoners reveal that women with pickpocketing convictions were more than twice as likely to also have convictions for soliciting or brothel-keeping. Pickpocketing similarly almost doubled the likelihood that an offender would have at least one alias identity listed in the prison register.

When Lily Walker *alias* Lillian Miller was first arrested for pickpocketing at 17 years old in 1885, newspapers were already describing her as a 'notorious character', a coded reference to her participation in the sex trade.<sup>35</sup> Of course, not all female pickpockets were prostitutes or members of a criminal subculture, nor did one necessarily imply the other. In fact, the most common reported occupation for pickpockets, as among female prisoners generally, was that of servant. However, it is questionable to what extent this information can be trusted; Lily Walker's prison record lists her as a dressmaker, but her criminal record suggests she lived almost entirely by prostitution and theft.<sup>36</sup>

The association between pickpocketing and prostitution meant thefts occurred within a culture built upon female reciprocity. Women who solicited on the streets were dependent on each other for security. Most women did not solicit alone, instead approaching men at bars or other venues in pairs or groups, or occupying the pavement in clusters as they waited for a likely target.<sup>37</sup> The police took note of which women worked the streets together. In 1895 Melbourne police reported that Bridget Kirkland and Alice Smith are 'always to be found in that quarter [Elizabeth Street]

every evening and are usually together being companions'.<sup>38</sup> Similarly, in 1890 Jennie Cook and Margaret Leishman were described as 'continuous companions in the streets'.<sup>39</sup>

Remaining together on the streets enabled women to act as each other's lookouts while they conducted business with men in alleyways or vacant lots, shouting a warning at the approach of police.<sup>40</sup> Women also shared more general knowledge of police activity with companions, relaying information to each other about police progress along the beat or recent arrests in the neighbourhood.<sup>41</sup> Prostitutes relied on colleagues for other information. During the 1879 contagious diseases inquiry, Sergeant Dalton disclosed that when women contracted venereal disease they went to their 'pals' for advice on treatment.<sup>42</sup> Investigations of alleged procuring activity likewise disclosed incidents of women giving younger females advice about varied topics, including intercourse, contraception, avoiding police and the location and charges of assignation-houses.<sup>43</sup>

Prostitutes relied on other women too for physical resources. Even outside of formalised brothels, prostitutes often tended to live together for financial or safety reasons.<sup>44</sup> Sharing material possessions, particularly clothing, was common. In 1895, Melbourne prostitute Catherine Turner asked Mary Ann Dunn if she could borrow her jacket 'for luck' prior to heading out to solicit trade.<sup>45</sup> When they were 'in luck' and had a client who required a bed, street-walkers looked to other women for temporary accommodation at assignation-houses. Most frequented specific assignation-houses where the management and other women knew them. Some establishments even seem to have required unknown women to be vouched for by existing 'members'.<sup>46</sup> In other instances where women had 'hooked' a client they were forced to visit several places before finding an available room.<sup>47</sup> It therefore

behaved women to be on good terms with keepers at a range of assignation-houses, as well as their colleagues at large.

Criminal women's relationships with each other thus clearly served practical purposes. Yet the evidence from pickpocketing cases demonstrates that women also shared certain recreations afforded by their illegal lifestyles, operating in a space where the professional and social culture blurred. As the 'Three Maids' story indicates, prostitution during this period often involved more than a simple business-like exchange. Many colonial men worked in environments where they lacked female companionship for much of the year; at least 17.7 per cent of the victims of female pickpockets were farmers or rural workers, 6.6 per cent were sailors and 5.2 per cent were miners (see Table 2). Such visitors to Melbourne often treated women to drinks, meals, shopping expeditions and other outings, in addition to paying them for sex. Men often extended this largesse not just to one woman, but her co-workers. For example, in 1904 Cecilia Mason was invited by housemate May Jackson to join her on a pleasure trip to St Kilda beach with visiting farmer John Ryan, who had picked her up in Little Lonsdale Street that morning. The trio drank and walked along the pier, but events turned sour on the return journey after Ryan discovered the women had robbed him of several sovereigns.<sup>48</sup>

Others acted under duress in funding women's amusements. At hotels men found it difficult to refuse entreaties to 'shout', especially when confronted by women collectively. When John Reilly was accosted by three women in 1866 he tried to tell them he had no money for drinks, but after continued harassment eventually paid for some ale, later telling police that he had felt 'it was better to give them something' in the hope this would prevent them preying on him further.<sup>49</sup> Likewise, in 1885 Michael Heenan stated that after he willingly bought two rounds of drinks for some women at

a Melbourne hotel, they had tried to prevent him from leaving and subsequently followed him to another public-house, where they again demanded that he shout.<sup>50</sup> Feeling threatened, Heenan tried to hand his purse over to the barman for safekeeping, but the women snatched it from his hands and ran away.

Ploys portrayed in popular discourse as the means by which women were made vulnerable to seduction in places of amusement are revealed in criminal records as tools for the victimisation of men. While seduction narratives typically portrayed drunkenness facilitating women's descent into prostitution, the courts were far more likely to hear tales of women taking advantage of male over-indulgence in order to rob them.<sup>51</sup> Likewise, although drink spiking was depicted as a ruse typically employed against women by male seducers or procuresses, on a number of occasions it was actually men who reported to police that they believed their drinks had been tampered with by groups of women. In 1860 Hugh Wylie claimed that after meeting Fanny Branton at the theatre, he had gone drinking with her and two other women but had only drunk half a glass before he lost consciousness. When he came to, his money and watch were missing.<sup>52</sup> George Wilson, who was robbed in 1885 after shouting drinks for a group of four prostitutes at different hotels, similarly reported that a glass of brandy they had given him had smelled bad, like paint.<sup>53</sup>

Whereas men were thus often dupes or at least transient figures within this recreational scene, sociality with other women occurred as part of ongoing relationships. Sarah Jones and Kate Clancy robbed a man who had taken them to several hotels around Melbourne and an oyster supper in 1911; three years later, they did the same thing to another man who took them on a cab-ride to the seaside.<sup>54</sup> Such thefts underscore that although men participated in women's recreations, they were not exactly women's companions of choice. Instead, in a turn-around of the usual

rhetoric, male clients were perhaps regarded as a ‘necessary evil’, in one way or another providing the funding for indulgences that women enjoyed together.

Prostitute-pickpockets not only invited each other to partake in outings afforded to them by men, but used the proceeds of thefts to fund their own amusement sprees. Janet Dibben, a poet who was herself imprisoned in Melbourne for manslaughter during the 1880s, depicted women following up joint thefts with celebratory trips to the pub:

One calls him lovey, and another calls him her dear,

And when they get his money it is out they do clear.

When they make a haul this is what they do –

They spend it in the hotel, and the landlord knows that too.<sup>55</sup>

The police were also aware of such practices, tracing women to nearby pubs after thefts were committed.<sup>56</sup> Pub visits sometimes contributed to the evidence amassed against women. One of the most damning pieces of testimony against Cecilia Mason and May Jackson in 1904 was that shortly after leaving Ryan they had visited a pub together, where they paid for their drinks with stolen sovereigns.<sup>57</sup>

Police also sought evidence of women’s thefts at local clothing stores, as many followed up larcenies with collective shopping expeditions. After robbing a man they met at the Varieties theatre in 1869, Sarah Jane Silk, Jane Duncan and Jessie Kerr enjoyed a prolonged spree at the shops around Melbourne’s Bourke Street, acquiring two dresses, two mantles, two hats, three pairs of boots, a ring and a brooch.<sup>58</sup> As bright, appealing clothing was a means of attracting custom, prostitutes may have regarded such purchases as a professional investment. Buying goods that

could later be pawned was also a means of ridding themselves of identifiable bank notes before apprehension by police. However, such outings also offered criminal women a chance to indulge themselves in a manner they would not ordinarily be able to do. More than a fifth of pickpocketing cases resulted in hauls in excess of twenty pounds (see Table 2), which at the time was approximately half the annual wage for a domestic servant. By enhancing what sociologist Jack Katz refers to as the ‘sneaky thrill’ of illegal exploits, it thus seems likely that women’s sociality infused such episodes with a spirit of devilry and camaraderie that offered a further encouragement to such behaviour.<sup>59</sup>

### **Female co-offending**

The shared professional and social world of prostitution meant other women were often on hand to assist in thefts or their aftermath. Women aided each other’s larcenies in a multitude of ways. Sometimes one woman would distract a man’s attention by acting sick or drunk, or pretending to recognise him as an acquaintance, while the other effected the theft.<sup>60</sup> Women deployed to keep watch while their friends completed a ‘transaction’ in open-air locations likewise created diversions by calling out that the police were coming, creating an excuse to run off before the man realised his purse was missing.<sup>61</sup> Other women worked together to separate male companions from each other in order to rob them both.<sup>62</sup>

Women likewise frequently entrusted their pickpocketed goods to other women so that they would not be found on their person or premises if police took them into custody. Juries were reluctant to convict in cases where stolen money had not been traced.<sup>63</sup> Police had to physically restrain arrested women from ‘joining hands’ with other females they passed on the way to the station to prevent them

handing off their takings.<sup>64</sup> The tracing of women's movements in the immediate aftermath of a theft often revealed that they had sought out female friends in nearby hotels or brothels.<sup>65</sup> In some instances charges seem to have been brought against a woman simply because she was known to be the bosom friend of the main suspect, and was thus presumed to have hidden the missing loot.<sup>66</sup> Women therefore warned each other if females they were known to associate with had been 'pinched', enabling some women to seek shelter with friends in neighbouring suburbs or take a trip into the country to prevent their own arrest.<sup>67</sup>

Women were also instrumental in helping each other escape once a man realised he had been robbed. Prostitutes forced to flee their own premises to hide from enraged clients sought refuge with female neighbours, remaining with them until the robbed man had left their house.<sup>68</sup> In street thefts, women were accused of grabbing hold of men or otherwise preventing them from pursuing their friends.<sup>69</sup> Although larceny from the person at law was meant to be a non-violent form of robbery, it is clear that many cases did involve violence. The weapons involved were usually improvised, with women using items such as stones, umbrellas or handbags, or else their own fists and feet, to try to force men to release themselves or their friends. That these crimes were not charged as robberies was probably due to a gender bias on the part of police when it came to instituting charges, as well as a reluctance by some men to describe the extent of the violence they suffered at the hands of women. (Moreover, larceny from the person was still liable to a potential ten-year sentence under the 1890 *Crimes Act*, although less than five per cent of convicted women in the sample received prison terms of more than three years.)

Criminal women's capacity for violence is a reminder that their subculture should not be romanticised, particularly as it was by no means uncommon for them to

turn their violence on each other. In 1901, for instance, Lily Walker was arrested for assault after horse whipping a constable who tried to break up a fight between her and another woman. Despite her stated commitment to the criminal code of silence, Walker tried to lay the blame for this assault on the other woman in court.<sup>70</sup>

### **Prosecuting prostitute-pickpockets**

The variety of diversionary tactics women employed on each other's behalf were apparently successful: although stealing from the person was the most common offence with which women were charged in Melbourne's higher courts, its conviction rate was one of the lowest. Women were convicted in just 39.3 per cent of cases (see Table 1). This was not only considerably less than the male conviction rate, but was one of the lowest rates of conviction for women generally. Of women tried for simple larceny, the next most common offence with which women were indicted in Melbourne, 45.6 per cent were convicted. The female conviction rates for stealing in a dwelling, robbery and burglary or breaking and entering were likewise 63.8, 57.6 and 59 per cent respectively.

The association between pickpocketing and prostitution likely influenced its low conviction rate. Newspapers typically reported pickpocketing cases in derisive terms, one paper describing a case in 1883 as 'the old, old story' of a 'fool and his money'.<sup>71</sup> Negative perceptions of male victims may have resulted in a high rate of jury nullification. Following the 1874 trial of two women for robbing a man in a brothel, Melbourne Gaol Superintendent John Castieau noted that while there was 'no doubt' of their guilt, they were acquitted after the judge, who 'seemed to think it served the loser right', summed up in the prisoners' favour.<sup>72</sup> Prosecutions of 12.9 per cent of women indicted for larceny from the person were simply abandoned, either

because the Crown did not expect to be able to make the case, or because the complainant failed to appear in court (see Table 1).

In addition to this culture of victim blaming, however, women's relationships with each other seem to have played a role in their ability to evade conviction. If nothing else, women clearly benefitted from appearing beside female co-accused, with just 30.7 per cent of women accused alongside other women convicted, compared to 39.3 per cent of women tried by themselves, and 54.2 per cent who were tried alongside men (see Table 1). This suggests that women co-accused alongside men were less likely to be given the benefit of the doubt by juries, probably because male involvement increased the perceived dangerousness of the crime and the legitimacy of its victim. It was likewise a more straightforward matter to prove the guilt of women who appeared as solo defendants, as when women were tried with female co-accused it raised the possibility that only one of them was actually responsible for theft. Perhaps women tried together also benefitted by pooling their resources and efforts in court, just as they did on the streets. In fact, whether women were tried as single or multiple defendants, they often relied on support from other women in mounting their defences.

The main form of support women likely provided to each other, and the one most difficult for historians to find concrete evidence of, was adherence to the code of silence described by Walker. The idea of criminals subscribing to such a code has a long history. The English proverb 'there is honour among thieves' dates to the early seventeenth century, but variations of the sentiment appear in the writings of Shakespeare and Cicero.<sup>73</sup> The currency of the concept seemingly reached its apotheosis in the nineteenth century as social investigators delineated the existence of

a criminal class indoctrinated from birth in an alternative system of morality, resting crucially upon the all-important code of silence.<sup>74</sup>

Female felons, however, were considered less likely to practice ‘honour’ than men.<sup>75</sup> Journalist Harry Furniss, in a 1923 work discussing criminal women of the Victorian period, proclaimed that ‘but for women a large proportion of [male] culprits would never be discovered’.<sup>76</sup> By the middle of the twentieth century the ‘code’ as a whole was perceived to be in decline, with sociologists discussing the emergence of the ‘new criminal’, opportunistic and self-indulgent, who they contrasted to the ‘ethical offender’ of old with clear commitments to certain values and to their fellows.<sup>77</sup> When late-twentieth-century scholars began to deny the historical existence of the criminal classes they questioned whether such ‘ethical offenders’ had ever existed, ascribing the code to a nineteenth-century romanticisation of criminal cohesiveness.<sup>78</sup> Yet studies of contemporary criminal organisations suggest that ‘honour among thieves’ and the code of silence continue to be touted by offenders themselves as accepted values around which their personal and community identities are constructed.<sup>79</sup>

Any perusal of court records shows that the code of silence was not always adhered to by those whose behaviour should presumably have been regulated by its tenets. Doubts exist even as to whether Lily Walker maintained the code she told police she had espoused when Edward Murray put his proposition to her.<sup>80</sup> While Walker claimed she gave Murray no information, Murray himself stated that after several drinks and much wheedling, Walker eventually fingered the Conroy sisters, a pair of notorious prostitutes, as his original assailants. By her own statement, Walker lingered in Murray’s company for some time before robbing him, which appears odd in light of her claim that she immediately rejected his offer. It is the nature of social

codes, however, that even those who accept the basic justness of their provisions do not always follow them. Whether or not she contravened it, what is ultimately important is that Walker's declaration that 'us girls won't put one another away' shows that she accepted the existence of the code as a construct by which she was bound through her community affiliations.

By providing a forum from which women like Walker articulated the code, courtrooms may moreover have contributed to its internalisation by others. Walker herself was doubtlessly aware that her words would be disseminated; her prior exploits as a prostitute-pickpocket meant she was well on her way to becoming a household name in the tabloid press. The desire to appear in a heroic light before her fellows, joined perhaps by fear of reprisals, likely influenced the passionate language she claimed to have used in turning down Murray's offer. While Walker's concern was probably how the publicity given to her actions during the 1897 trial would affect her personal reputation among her peers, her words could have reinforced the significance of the expectation of silence among them.

Four years later when Lily Russell, like Walker a frequenter of Little Collins Street, was accused of robbing a man she similarly avowed her community allegiance by declaring 'I have not got your half sovereign but I know who has; I am not going to put anyone away; I would sooner do time myself'.<sup>81</sup> Others echoed Walker's sentiment of owing a particular duty to other women. When Eva Sutton was arrested over a theft in 1910 she maintained that she knew the location of the loot but 'would sooner do 12 months than bring another girl into trouble'.<sup>82</sup> The intent of Walker, Russell and Sutton in verbalising their dedication to the code may have relied less on sisterhood and more on concerns of group status. Nevertheless, their words expressed

a commitment to shielding others that played out regularly in Melbourne's courtrooms.

It is hard to quantify the prevalence or success of this practice, as such efforts presumably contributed to the 'dark figure' in criminal history of cases that were never brought to trial.<sup>83</sup> However, it is clear that while pickpocketing often occurred in situations where other women witnessed the crime, officials struggled to compel such evidence. For instance, in 1868 when the Crown Solicitor enquired in a case against two Melbourne prostitutes why another woman present at the time had not been subpoenaed as a witness, the police replied that she was a friend to the defendants who was originally charged herself as an accomplice, and would undoubtedly 'only do her utmost to break down the case'.<sup>84</sup>

Such silence was probably motivated by some degree of self-interest. Honouring the code, especially in relation to accomplices, entailed the practical benefit of helping oneself avoid conviction by preventing self-incrimination and encouraging others to adhere to the code. Furthermore, given the co-operative nature of enterprises within the female criminal economy, the enhanced reputations women gained by proving their solidity probably had practical benefits. Offenders might have reasoned that by taking the blame for joint thefts they not only increased the general willingness of others to work with them, but conferred an obligation on their partners. The mutual benefit to be derived by enabling one partner to safeguard a robbery's profits and continue earning while another served time probably influenced attempts by women when caught to dissuade accusers from implicating both parties.<sup>85</sup> It is notable that the women protected were often the younger individuals; this was perhaps due less to feelings of protectiveness or maternalism than recognition that

younger women's more favourable position in the sexual economy meant it was more advantageous for them to continue working.<sup>86</sup>

Women were also compelled to silence by more direct forms of coercion. Alice Costelloe, who witnessed Elizabeth Ah Kay and Alice Ballard drug and rob a man in 1875, deposed that Ballard had told her that if she said anything that got her 'pinched' she would 'knife her' when she got out.<sup>87</sup> Given the casual nature of violence within the community, such threats need not even have been explicitly stated in order to exert pressure on women. Purchasing the silence of others was also an established practice, with the number of cases in which female thieves provided gifts of money, drinks or clothing to associates suggesting such distributions were in themselves part of a code governing criminal women's obligations towards each other. Women referred to the pay-off they received for crimes of which they had knowledge or assisted in minor ways as getting their 'whack'.<sup>88</sup>

Some instances where women turned informer may in fact have resulted from women failing to meet other community expectations. For example, although Ann Merrick received a 'whack' from Elizabeth Thomas's larceny in 1865, her decision to turn witness against her was apparently due to the disrespectful attitude in which this was delivered. In court Merrick recounted that Thomas gave her a 'saucy answer' and threw four shillings sixpence at her when Merrick asked for details of the theft in a Melbourne pub.<sup>89</sup> Other women who felt they had not received a 'fair whack' also turned against their associates.<sup>90</sup> Others were simply pragmatists, denying knowledge until faced with conviction themselves. In 1875 Ann Cohen thus staunchly rebutted the allegation her friend Margaret Johnson had committed a theft until the cash was recovered and proved to have also passed through Cohen's hands; she then gave evidence against Johnson, with whom she was known to be 'very thick'.<sup>91</sup>

Nevertheless, that women sometimes broke the code of silence does not necessarily detract from its existence as an understood community ideal of behaviour, or the likelihood that the difficulty of prosecuting prostitute-pickpockets was at least partly the result of reticence by potential witnesses against them.

### **Defending women**

Accounts of women's trials suggest that the ethic of solidarity extended beyond the code of silence to command more active forms of support to associates. Just as they shared other resources, women often relied on each other for funds to meet their legal expenses.<sup>92</sup> A witness to Victoria's 1878 Contagious Diseases inquiry revealed that many prostitutes managed to pay the fines to avoid imprisonment by clubbing their money together.<sup>93</sup> Women's expectation that aid would be forthcoming is clear from their behaviour upon arrest. As Lily Walker was escorted to the lockup again in 1898 she called out for nearby women to come and post her bail, as did other female offenders in similar circumstances.<sup>94</sup> Perhaps significantly, court records reveal that pickpocketing defendants co-accused alongside other women were the ones most likely to be out on bail at the time of their trial (see Table 3).

Women may have also offered more illicit support to female associates. In 1905 prostitute Nellie Smith thus attempted to halt the prosecution of her friend Mary Lloyd by promising the complainant reimbursement of the money he had lost, as well as a night of free sexual services. She then offered the arresting constable a pound to drop the charge.<sup>95</sup> Other women acting on behalf of friends likewise attempted to bribe or threaten witnesses, or simply return stolen property to complainants.<sup>96</sup> Possibly the rate of abandoned prosecutions in pickpocketing cases were swelled by such tactics. Peter King has suggested that private resolutions between victim and

offender were common in theft cases in early-nineteenth-century England.<sup>97</sup> Such practices seemingly continued in late-nineteenth-century Victoria despite the responsibility of prosecution being moved from the hands of individual complainants to the Crown Solicitor's office.

Perhaps the main form of support women offered other women on trial for pickpocketing, apart from keeping silent, was speaking up in their defence. It was usually other women that female defendants called upon to offer an alibi or to corroborate an alternative version of events to that of the complainant. Such testimony was likely inspired by an intricate range of motivations, in addition to the basic desire to shield friends. For parties who were co-accused, maintaining a common story that threw doubt upon their guilt was obviously of benefit to all. Where women not accused gave corroborative testimony, appearing as defence witnesses was perhaps a means of ensuring defendants' silence about their own criminal activities.

There were a variety of defence tactics on which women accused of pickpocketing could draw. Female associates supported women's claims of mistaken identity, providing alibis to those who disavowed any acquaintance with robbed men.<sup>98</sup> Fellow brothel residents also joined defendants in casting aspersions on the complainant's version of events by questioning their sobriety on the occasion in question.<sup>99</sup> Others corroborated suggestions that the charges were the result of disagreements over fees owed for sexual services, alleging, for instance, that men had given up their watches in lieu of payment.<sup>100</sup> An additional benefit of the communal living situations of many prostitutes was hence that other women were able to offer testimony in support of a suspect's defensive strategy. At times the alibis or alternative versions of events women testified to on behalf of their friends may have

been true; although the implausibility of some suggests a general willingness to lie on the stand.

It is clear too that the ‘code of silence’ did not prevent women joining each other in implicating others outside their social circle. Sometimes this meant implicating other women, although this often involved defendants and their witnesses simply alluding to the presence of other women who had the opportunity to commit the theft, but who they refused to name or claimed not to know. Another favourite target of prostitutes accused of jointly robbing customers was raising the possibility that another male customer, or even the victim’s friends, could have committed the theft.<sup>101</sup> After William O’Brien called for police to come to a Carlton brothel in 1895 because his friend had been robbed, the three prostitutes he accused were so convincing in their counter-narrative – and the robbed man so drunk – that the police arrested O’Brien himself. When the women were eventually brought before the court, the confused nature of events helped to secure their acquittal.<sup>102</sup>

Other female accomplices defended themselves by sacrificing male associates.<sup>103</sup> When Florence Martin and Susan Pettit were charged in 1881 with stealing sixty-six pounds from James McNamara O’Keefe, they claimed to have been put up to it by a man who introduced them to O’Keefe and afterwards took the bulk of the money. In contrast to the oaths of silence sworn by Walker and others, Martin declared that she ‘would not have touched the man’s money if it wasn’t for the speeler [*sic*]’ and ‘wouldn’t take a sentence without putting him in it’.<sup>104</sup> That a duty to protect male accomplices was seldom voiced by women suggests that relationships with other women were of special significance, perhaps all the more so because of the role these relationships could play in helping women avoid convictions.

## Conclusion

This article has tried to demonstrate the centrality of women's relationships with each other to acts of larceny from the person, the main form of serious criminal offending in which Melbourne women engaged during the late nineteenth and early twentieth century. After 1920 the rate of female pickpocketing would greatly decline in Victoria, just as it did elsewhere, overtaken by shoplifting as the main form of female theft.<sup>105</sup> The prostitution industry would also become less female-centred as the rise of organised crime and police crackdowns on street solicitation forced women into male-controlled brothels.<sup>106</sup> Social and economic changes also meant that prostitution was increasingly becoming a more straightforward business transaction, reducing participation in a recreational scene that may have encouraged homosocial bonding.

Between 1860 and 1920, however, the occurrence of female pickpocketing largely within the context of prostitution meant it took place in a female-centred subculture, one reliant on co-operation from other women. These contacts and rapport were instrumental in the notorious difficulties attached to the successful prosecution of women in larceny from the person cases. It is hoped that this draws attention to the often overlooked or marginalised topic of women's relationships with each other, an issue of importance to both criminal justice history and historical scholarship more generally.

<i>Co-accused sex</i>	<i>Guilty</i>	<i>Not Guilty</i>	<i>Prosecution Abandoned</i>	<i>Total</i>
Solo defendants	106 (39.3%)	131 (48.5%)	33 (12.2%)	270
Female co-accused	59 (30.7%)	104 (54.2%)	29 (15.1%)	192
Male co-accused	26 (54.2%)	17 (35.4%)	5 (10.4%)	48

Female and male co-accused	22 (68.8%)	7 (21.9%)	3 (9.4%)	32
Total	213 (39.3%)	259 (47.8%)	70 (12.9%)	542

**Table 2. Context of crime among female defendants indicted for larceny from the person, Melbourne, 1860-1920**

<i>Factor</i>	<i>Variable</i>	<i>Number of defendants</i>	<i>Percent</i>
Victim sex	Male	520	95.9
	Female	22	4.1
Victim occupation	Farmer/rural worker	96	17.7
	Labourer	64	11.8
	Sailor	36	6.6
	Traveller	32	5.9
	Miner	28	5.2
	Skilled trade	48	8.9
	Professional/merchant	35	6.5
	Other occupation	88	16.2
	Unknown occupation	111	20.5
Victim-defendant relationship	Solicitation	146	26.9
	Sexual relationship	333	61.4
	Other relationship	34	6.3
	No relationship	23	4.3
	Unknown relationship	6	1.1
Value of money or goods stolen	Under 5 pounds	150	27.7
	5-10 pounds	104	19.2
	10-20 pounds	107	19.7
	Over 20 pounds	124	22.9
	Unknown value	57	10.5
Location of theft	Street	202	37.3
	Brothel	41	7.6
	Defendant residence	82	15.1
	Boarding or assignation house	59	10.9
	Hotel	54	10
	Other location	42	7.7
	Unknown location	62	11.4

**Table 3. Bail by co-accused sex among female defendants indicted for larceny from the person, Melbourne, 1860-1920**

<i>Co-accused sex</i>	<i>Bail</i>	<i>No Bail</i>	<i>Bail Status Unknown</i>
Solo defendants	125 (46.3%)	127 (47%)	18 (6.7%)
Female co-accused	104 (54.2%)	82 (42.7%)	6 (3.1%)
Male co-accused	9 (18.8%)	38 (79.2%)	1 (2.1%)
Female and male co-accused	1 (3.1%)	29 (90.6%)	2 (6.3%)

Total	239 (44.1%)	275 (50.9%)	27 (5%)
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<sup>1</sup> Fossicking Tom (7 October 1876) 'Three Maids: part I, Emily, Julia and Little Mary,' *Lee's Pictorial Weekly Budget*, p. 1.

<sup>2</sup> Fossicking Tom (25 November 1876) 'Three Maids: part II,' *Lee's Pictorial Weekly Budget*, p. 1.

<sup>3</sup> Raelene Frances (2007) *Selling Sex: a hidden history of prostitution* (Sydney: University of New South Wales Press); Mara L. Keire (2010) *For Business and Pleasure: red-light districts and the regulation of vice in the United States, 1890-1933* (Baltimore: Johns Hopkins University Press); Julia Laite (2012) *Common Prostitutes and Ordinary Citizens: commercial sex in London, 1885-1960* (Houndmills; New York: Palgrave Macmillan).

<sup>4</sup> Clive Emsley (1996) *Crime and Society in England 1750-1900*, second ed. (London and New York: Longman), p. 100; Deirdre E. P. Palk (2001) Gender, Crime and Discretion in the English Criminal Justice System 1780s to 1830s, PhD thesis, University of Leicester, p. 129.

<sup>5</sup> Alana Jayne Piper (2016) "'Woman's Special Enemy': female enmity in criminal discourse during the long nineteenth century," *Journal of Social History* 49, no. 3, pp. 671-692.

<sup>6</sup> Shani D'Cruze and Louise A. Jackson (2009) *Women, Crime and Justice in England since 1660* (Houndsmills, Basingstoke, Hampshire; New York: Palgrave Macmillan), pp. 30-46.

<sup>7</sup> Judith A. Allen (1990) *Sex and Secrets: crimes involving Australian women since 1880* (Melbourne: Oxford University Press).

<sup>8</sup> Judith R. Walkowitz (1980) *Prostitution and Victorian Society: women, class, and the State* (Cambridge: Cambridge University Press), pp. 25-26; Ruth Rosen (1982) *The Lost Sisterhood: prostitution in America, 1900-1918* (Baltimore: John Hopkins University), pp. 102-103; Frances, *Selling Sex*, 140.

<sup>9</sup> Walkowitz, *Prostitution and Victorian Society*, 14.

<sup>10</sup> *Ibid.*, 15.

<sup>11</sup> Frances, *Selling Sex*, 126. See also: Kay Daniels ed., (1984) *So Much Hard Work: Women and Prostitution in Australian History* (Sydney: Fontana Books).

<sup>12</sup> Frances, *Selling Sex*, 128.

<sup>13</sup> *Ibid.*, 137.

<sup>14</sup> *Ibid.*, 140.

<sup>15</sup> Walkowitz, *Prostitution and Victorian Society*, 25.

<sup>16</sup> Barry S. Godfrey, Paul Lawrence and Chris A. Williams (2008) *History and Crime* (London: Sage), p. 27.

<sup>17</sup> J. M. Beattie (1975) 'The Criminality of Women in Eighteenth-Century England,' *Journal of Social History* 8, no. 4, pp. 94-95.

<sup>18</sup> Criminal Trial Brief Register I and II, VPRS 3523 and VPRS 3524, Public Records Office Victoria (hereafter PROV).

<sup>19</sup> Criminal Trial Briefs, VPRS 30/P0, PROV; National Library of Australia, <http://trove.nla.gov.au/newspaper>, accessed 2010-2016.

<sup>20</sup> Central Register of Female Prisoners, VPRS 516/P0, PROV.

<sup>21</sup> Alana Piper and Vicky Nagy (forthcoming 2017) 'Versatile Offending and the Criminal Careers of Female Prisoners in Victoria, Australia, 1860-1920,' *Journal of Interdisciplinary History*.

<sup>22</sup> Frances, *Selling Sex*, 132.

<sup>23</sup> Chris McConville (1985) 'From "Criminal Class" to "Underworld",' in Graeme Davison, David Dunstan and Chris McConville (Eds) *The Outcasts of Melbourne: Essays in Social History* (Sydney: Allen & Unwin), p. 82.

<sup>24</sup> Regina v. Lillie Walker, 1897/425, Unit 1114, VPRS 30/P0, PROV.

<sup>25</sup> Emsley, *Crime and Society in England 1750-1900*, p. 100.

<sup>26</sup> Complaint re street thief and prostituted named Maud Rouse or Corn Beef Maud, 1911/6040, Unit 431, VPRS 807, PROV.

<sup>27</sup> J.J. Tobias (1972) *Urban Crime in Victorian England* (New York: Schocken Books), p. 92.

<sup>28</sup> Garthine Walker (2003) *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press), pp. 160-172; L. Mara Dodge (2002) *Whores and Thieves of the Worst Kind: a study of women, crime, and prisons, 1835-2000* (DeKalb: Northern Illinois University Press),

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- p. 122; Gwenda Morgan and Peter Rushton (1998) *Rogues, Thieves, and the Rule of Law: The Problem of Law Enforcement in North-East England, 1718-1800* (London: UCL Press), pp. 81-83.
- <sup>29</sup> See prisoner IDs 5211, 5239, 5896, 5924, 6060, 6249, Central Register of Female Prisoners, VPRS 516/P0, PROV.
- <sup>30</sup> Prisoner ID 6198, Central Register of Female Prisoners, VPRS 516/P0, PROV.
- <sup>31</sup> Christina Twomey (2002) *Deserted and Destitute: motherhood, wife desertion and colonial welfare* (Kew: Australian Scholarly Press).
- <sup>32</sup> *Geelong Advertiser*, 15 July 1903, p. 1.
- <sup>33</sup> Alana Jayne Piper (2015) “‘I’ll have no man’”: Female families in Melbourne’s criminal subcultures, 1860-1920,’ *Journal of Australian Studies* 39, no. 4, pp. 444-460.
- <sup>34</sup> Lucy Chesser (2008) “‘What They Were Doing with Their Clothes Off I Don’t Know’”: Homophobia, Lesbian History and Responses to ‘Lesbian-Like Relationships, 1860s-1890s,’ in Shirleene Robinson (Ed) *Hophobia: An Australian History*, edited by (Sydney: Federation Press), pp. 39-62.
- <sup>35</sup> *Age* (Melbourne), 27 November 1885, p. 6.
- <sup>36</sup> Prisoner ID 6604, Central Register of Female Prisoners, VPRS 516/P0, PROV.
- <sup>37</sup> Frances, *Selling Sex*, p. 140.
- <sup>38</sup> Regina v. Bridget Kirkland and Alice Smith, 1895/168, Unit 1016, VPRS 30/P0, PROV.
- <sup>39</sup> Regina v. Jennie Cook and Margaret Leishman, 1890/16, Unit 1016, VPRS 30/P0, PROV.
- <sup>40</sup> Rex v. Bella Conroy, 1902/292, Unit 1291, VPRS 30/P0, PROV.
- <sup>41</sup> Regina v. Sarah Harris and Elizabeth Wilson, 1871/10, Unit 397, VPRS 30/P0, PROV.
- <sup>42</sup> ‘Report from the Select Committee Upon a Bill for the Prevention of Contagious Diseases,’ (hereafter Contagious Diseases Report) (1878) *Victoria Parliamentary Papers*, vol. 1 (Melbourne: Government Printer), p. 15.
- <sup>43</sup> Rex v. Annie Robertson, 1911/387, Unit 1590, VPRS 30/P0, PROV; Regina v. Amy Cramer, 1893/548a, Unit 905, VPRS 30/P0, PROV; Regina v. Bessie Keating, 1895/304, Unit 1027, VPRS 30/P0, PROV.
- <sup>44</sup> Philip Bentley (1993) ‘Edifices of Venereal Renown and Gilded Palaces of Sin’: Madame Brussels, a life on the margins in mid to late nineteenth century Melbourne, Honours thesis, Monash University, p. 37.
- <sup>45</sup> Regina v. Josephine King and Catherine Turner, 1895/262, Unit 1023, VPRS 30/P0, PROV.
- <sup>46</sup> *Truth* (Melbourne), 8 October 1910, p. 7.
- <sup>47</sup> Regina v. Jane Walker and William Hudson, 1875/19, Unit 464, VPRS 30/P0, PROV.
- <sup>48</sup> Regina v. Cecilia Mason and May Jackson, 1904/312, Unit 1362, VPRS 30/P0, PROV.
- <sup>49</sup> Regina v. Ellen Gosnell, Ellen Sheban and Ann Elliot, 1866/15, Unit 308, VPRS 30/P0, PROV.
- <sup>50</sup> Regina v. Elizabeth Williams and Margaret Wilkinson, 1885/17, Unit 651, VPRS 30/P0, PROV.
- <sup>51</sup> *Truth* (Brisbane), 14 July 1912, 4.
- <sup>52</sup> Regina v. Hannah Aspinall and Catherine Drew, 1860/22, Unit 316, VPRS 30/P0, PROV.
- <sup>53</sup> Regina v. Elizabeth Smith and Emma Williams, 1885/3, Unit 645, VPRS 30/P0, PROV; Regina v. Minnie Edwards and Catherine Curran, 1895/54, Unit 1043, VPRS 30/P0, PROV.
- <sup>54</sup> Rex v. Sarah Jones and Kate Clancy, 1911/473, Unit 1594, VPRS 30/P0, PROV; Rex v. Kate Clancy and Sarah Jones, 1914/44, Unit 1678, VPRS 30/P0, PROV.
- <sup>55</sup> Janet Dibben (1904) *Songs and Recitations: written and composed from experience by a lady that has travelled* (St Kilda: Hubbard and McMichael), p. 15.
- <sup>56</sup> Regina v. Sarah Williams and Catherine Lawrence, 1865/8, Unit 293, VPRS 30/P0, PROV.
- <sup>57</sup> Regina v. Cecilia Mason and May Jackson, 1904/312, Unit 1362, VPRS 30/P0, PROV.
- <sup>58</sup> Regina v. Sarah Jane Silk, Jane Duncan and Jessie Kerr, 1869/5, Unit 360, VPRS 30/P0, PROV.
- <sup>59</sup> Jack Katz (1988) *Seductions of Crime: moral and sensual attractions in doing evil* (New York: Basic Books,), p. 64.
- <sup>60</sup> Regina v. Ellen Vail and Mary Cribb, 1890/16, Unit 809, VPRS 30/P0, PROV; Rex v. Maud Wilson and Eva Davidson, 1912/76, Unit 1607, VPRS 30/P0, PROV.
- <sup>61</sup> Regina v. Dinah Peck, 1885/10, Unit 655, VPRS 30/P0, PROV; Rex v. Bella Conroy, 1902/292, Unit 1291, VPRS 30/P0, PROV.
- <sup>62</sup> Regina v. Bessie Hamilton and Maria Walsh, 1890/3, Unit 794, VPRS 30/P0, PROV.
- <sup>63</sup> Regina v. Hannah Aspinall and Catherine Drew, 1860/22, Unit 316, VPRS 30/P0, PROV; Regina v. Jane Wright, 1885/9, Unit 647, VPRS 30/P0, PROV; Regina v. Catherine Powell and Emma Williams, 1885/24, Unit 649, VPRS 30/P0, PROV; Rex v. Kate Byron and Mary Mullinger, 1915/91, Unit 1719, VPRS 30/P0, PROV.
- <sup>64</sup> Rex v. May Lloyd, 1905/538, Unit 1407, VPRS 30/P0, PROV.
- <sup>65</sup> Regina v. Jane Wright, 1885/9, Unit 647, VPRS 30/P0, PROV.

- <sup>66</sup> Regina v. Jennie Cook and Margaret Leishman, 1890/16, Unit 789, VPRS 30/P0, PROV; Regina v. Bridget Kirkland and Alice Smith, 1895/168, Unit 1016, VPRS 30/P0, PROV.
- <sup>67</sup> Regina v. Sarah Harris and Elizabeth Wilson, 1871/10, Unit 397, VPRS 30/P0, PROV.
- <sup>68</sup> Regina v. Ann Walsh, Rebecca Cook and Eliza Anderson, 1863/18, Unit 273, VPRS 30/P0, PROV.
- <sup>69</sup> Regina v. Mary Andrews, 1899/398, Unit 1191, VPRS 30/P0, PROV; Regina v. Caroline Collison and Margaret Kerwin, 1895/221, Unit 1020, VPRS 30/P0, PROV; Rex v. Minnie Murray, 1905/104, Unit 1382, VPRS 30/P0, PROV.
- <sup>70</sup> *Age* (Melbourne), 5 March 1901, p. 7.
- <sup>71</sup> *Mercury and Weekly Courier*, 22 September 1883, p. 3.
- <sup>72</sup> J. B. Castieau (17 February 1874) The diaries of John Buckley Castieau, MS 2218, National Library of Australia.
- <sup>73</sup> John Simpson, Jennifer Speake (Ed.) (2009) *The Oxford Dictionary of Proverbs* (Oxford: Oxford University Press), p. 216.
- <sup>74</sup> Henry Mayhew (1861) *London Labour and the London Poor* vol. 4 (London: Griffin, Bohn and Company), p. 29.
- <sup>75</sup> Hume Nisbet (1891) *A Colonial Tramp* vol. 1 (London: Ward and Downey), p. 230.
- <sup>76</sup> Harry Furniss (1923) *Some Victorian Women: good, bad, and indifferent* (London: John Lane), p. 206.
- <sup>77</sup> John Irwin and Lewis Yablonsky (1965) 'The New Criminal: a view of the contemporary offender,' *British Journal of Criminology* 5, no. 2, p. 184.
- <sup>78</sup> For a critique of this scholarship, see Heather Shore (2007) "'Undiscovered Country": Towards a History of the Criminal "Underworld",' *Crimes and Misdemeanours* 1, no. 1: pp. 41-68.
- <sup>79</sup> Katri K. Sieberg (2005) *Criminal Dilemmas: understanding and preventing crime* (Berlin: Springer), pp. 112-113.
- <sup>80</sup> Regina v. Lillie Walker, 1897/425, Unit 1114, VPRS 30/P0, PROV.
- <sup>81</sup> Rex v. Lily Russell, 1901/2, Unit 1238, VPRS 30/P0, PROV.
- <sup>82</sup> Rex v. Eva Sutton, 1910/406, Unit 1555, VPRS 30/P0, PROV.
- <sup>83</sup> V. A. C. Gatrell (1980) 'The Decline of Theft and Violence in Victorian and Edwardian England,' *Crime and the Law: The Social History of Crime in Western Europe since 1500*, V. A. C. Gatrell, Bruce Lenman and Geoffrey Parker (Ed.) (London: Europa), p. 251.
- <sup>84</sup> Regina v. Kate Ford and Margaret Collier, 1868/22, Unit 341, VPRS 30/P0, PROV.
- <sup>85</sup> Regina v. Bessie Hamilton, 1890/25, Unit 789, VPRS 30/P0, PROV; Regina v. Louisa Ridley and Marion Trainor, 1894/381, Unit 985, VPRS 30/P0, PROV.
- <sup>86</sup> Allen, *Sex and Secrets*, 23; Frances, *Selling Sex*, 153.
- <sup>87</sup> Regina v. Elizabeth Ah Kay and Alice Ballard, 1875/3, Unit 472, VPRS 30/P0, PROV.
- <sup>88</sup> Regina v. Ann Walsh, Rebecca Cook and Eliza Anderson, 1863/18, Unit 273, VPRS 30/P0, PROV; Regina v. Elizabeth Thomas, 1865/5, Unit 288, VPRS 30/P0, PROV.
- <sup>89</sup> Regina v. Elizabeth Thomas, 1865/5, Unit 288, VPRS 30/P0, PROV.
- <sup>90</sup> Unit 360, Regina v. Sarah Jane Silk, Jane Duncan and Jessie Kerr, 1869/5, VPRS 30/P0, PROV; Regina v. Mary Horan, 1880/9, Unit 559, VPRS 30/P0, PROV; Regina v. Edward Ryan and Catherine Phoenix, 1880/7, Unit 557, VPRS 30/P0, PROV.
- <sup>91</sup> Regina v. Margaret Johnson, 1875/5, Unit 475, VPRS 30/P0, PROV.
- <sup>92</sup> Frances, *Selling Sex*, p. 166.
- <sup>93</sup> 'Contagious Diseases Report,' p. 12; 'Report of the Inspector-General for the Year 1890,' (1891) *Victoria Parliamentary Papers*, vol. 3 (Melbourne: Government Printer), p. 5.
- <sup>94</sup> Regina v. Lily Walker, 1898/302, Unit 1144, VPRS 30/P0, PROV.
- <sup>95</sup> Rex v. Mary Lloyd, 1905/538, Unit 1407, VPRS 30/P0, PROV.
- <sup>96</sup> Regina v. Emma Davies, Catherine Willmott and Ellen Hogan, 1885/3, Unit 655, VPRS 30/P0, PROV.
- <sup>97</sup> Peter King (2000) *Crime, Justice and Discretion in England 1740-1820* (Oxford: Oxford University Press), pp. 17-46.
- <sup>98</sup> Regina v. Kate Byron, 1899/235, Unit 1180, VPRS 30/P0, PROV; Regina v. Millie Quock Shing, 1905/326, Unit 1396, VPRS 30/P0, PROV.
- <sup>99</sup> Regina v. Caroline Collison and Margaret Kerwin, 1895/221, Unit 1020, VPRS 30/P0, PROV.
- <sup>100</sup> Regina v. Margaret Welsh, 1860/3, Unit 318, VPRS 30/P0, PROV; Regina v. Louisa King and John McDonald, 1865/22, Unit 289, VPRS 30/P0, PROV; Regina v. Ada Capewell, 1895/301, Unit 1026, VPRS 30/P0, PROV; Rex v. Kate Melville, 1902/14, Unit 1275, VPRS 30/P0, PROV.
- <sup>101</sup> Rex v. Elizabeth Wilson and Margaret Dougan, 1915/555, Unit 1751, VPRS 30/P0, PROV.

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<sup>102</sup> Regina v. Annie Wilson, Ada Benson and Nellie Gwynne, 1895/150, Unit 1014, VPRS 30/P0, PROV.

<sup>103</sup> John Parsons (1906) *Thirty-Six Years Amongst Criminals* (St Kilda: Wellman and Co.), p. 37.

<sup>104</sup> Regina v. Florence Martin and Susan Pettit, 1881/10, Unit 571, VPRS 30/P0, PROV.

<sup>105</sup> D'Cruze and Jackson, *Women, Crime and Justice in England since 1660*, 32.

<sup>106</sup> Chris McConville, (1980) 'The Location of Melbourne's Prostitutes, 1870-1920,' *Australian Historical Studies* 19, no. 74, pp. 86-97.