LIVES OF THE MOST NOTORIOUS CRIMINALS:
POPULAR LITERATURE OF CRIME IN ENGLAND, 1675-1775

by

Andrea Katherine McKenzie

A thesis submitted in conformity with the requirements
for the degree of Doctor of Philosophy
Graduate Department of History
University of Toronto

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Abstract

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This dissertation provides the first comprehensive study of the vast body of criminal literature—ranging from individual "lives" and "Last Dying Confessions" of the condemned, to longer collections of trials and criminal biographies—which proliferated in England in the late seventeenth and early eighteenth century. Traditionally considered to "fall below the dignified historian's horizon line", significant only insofar as it constituted an antecedent to realist fiction the novel, this literature has only in the last decade or so attracted serious academic interest. However, recent studies have tended to use this material selectively, focusing on the extent to which it can be seen as a "fit" for the preoccupations and (largely subconscious) emotional requirements of its audience, telling us less about the "real" lives of criminals than the society which produced them. However, this thesis demonstrates not only the importance of distinguishing between the different genres of criminal literature and the way in which they changed over time, but of acknowledging the degree to which such texts were invested with multiple meanings. Indeed, both the inherent ambiguity of such literature and the seemingly insatiable public interest in the lives of early eighteenth-century criminals facilitated a certain freedom of expression on the part of the condemned—who were often able to shape or even appropriate the medium of the "Last Dying Confession" for their own ends.
Abstract cont.

This thesis argues that criminals themselves were willing to subscribe to a definition of crime as an individual failure of a moral order and as a product of universal human depravity—which, in the context of a world in which all people were rogues or sinners but where only a few were called upon to expiate their crimes, could be not only empowering but even faintly subversive. This relatively open forum was to close over the course of the eighteenth century as interest in the individual lives of "common" criminals waned and criminality was gradually redefined in environmental terms; however, for a brief period, the highwayman or petty pilferer was cast, not only as "Everyman", but as a principal actor in his/her own life.
Acknowledgements

In the course of researching and writing this thesis I have accumulated many debts, some more difficult to discharge than others. I must first of all thank my family—my parents and my sister—without whom this project, among other things, would have probably been impossible. I cannot adequately express my gratitude towards my mother and father for their generosity and emotional support. I am also grateful to the University of Toronto, the government of Ontario and the William Goodenough Foundation of Canada for providing much-needed financial assistance. I have been fortunate, also, in the many generous instructors at the University of Toronto who have employed me as a research or teaching assistant. For that matter, I am also thankful to the many students who over the years proved not only a joy to teach, but often provided me with insight into my own work, and—not least—helped remind me why I wanted to become a historian in the first place.

I cannot give enough thanks to Jennifer Francisco, Jan Hazelton, Kim Donaldson, Marion Harris and all the rest of the truly outstanding and always cheerful and kindhearted administrative staff at the Department of History. I am particularly grateful to the Centre of Criminology at the University of Toronto, which has provided something of a second home for me while I was completing my degree: the friendship and support of the staff, faculty, students and Junior Fellows at the Centre has meant more to me than I can say. I must thank in particular Monica Bristol, Rita Donelan, Tony Doob, Tom Findlay, Rosemary Gartner, Clifford Shearing, Philip Stenning, Carolyn Strange and Mariana Valverde. I owe thanks also to the staff and fellow residents of William Goodenough House, as well as to the members of the Institute of Historical Research, who helped make my stay in London such an enjoyable one. I am also grateful to the staff at the British Library, the Bodleian Library, the John Rylands Library, the Bishopsgate Reference Library, the Guildhall Library, the Corporation of London Record Office and the City of Westminster Archives. I am also much indebted to all those involved in compiling and microfilming both the Wing Early English Books and the Eighteenth-Century Short Title Catalogue: their work has helped make my own more manageable. Last but certainly not least, I am grateful to both the resources and the staff of the Fisher Rare Book Room and the John P. Robarts Library in Toronto. I would like to thank in particular Joan Links and the rest of the wonderful staff in Robarts’ Microtext Division, whom I cannot praise too highly for their efficiency and perhaps especially, their friendliness and good humour.

I owe deep gratitude towards the many professors who have freely shared not only their knowledge, but who have generously given both of their time and their encouragement. I must thank in particular Michael Finlayson, Richard Helmstadter, Susan Houston, Ann Kussmaul and Michael Treadwell. I would also like to thank Randall McGowan, John Money and Elaine Reynolds, who have kindly provided references. Donna Andrew has been particularly generous in matters both great and small—from teaching me how to use my e-mail account, to offering valuable insight and advice. The members of my committee have
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I am grateful to many people at the Centre of Criminology, the Department of History at York and at the University of Toronto, to many people both inside and outside of academe, whose support and friendship has helped sustain me during the last six years. Some who have offered the most material assistance include Megan Armstrong, Penny Bryden, Kelly Bueller, Sophie Carter, Michele Cauch, Phil Coogan, Myrna Dawson, Margaret Derry, Faith Eiboff, Paul Griffths, Kevin Haggerty, Matthew and Michelle Hendley, Tim Jenks, David Kimmel, Kim Kippen, Voula Marinos, Allison Kirk-Montgomery, Michelle Leung, Renisa Mawani, Shelley McKellar, Denise Smith, Jane Sprott, Sara Stratton, Kim Varma, Jessica Warner, Dan White and Jennifer Wood. In particular I must thank my best friend and kindest critic, Elaine Naylor; Allyson May and Greg Smith, colleagues who have become dear friends; and another colleague who has become so much more, Simon Devereaux. His support and encouragement—and, not least, affection—has brightened my darkest moments.

My most heartfelt thanks of all go out to John Beattie. Although I fear I have often tried his patience, and have sometimes neglected (to my own detriment) his advice, he has been, from beginning to end, a bottomless source of knowledge, gentle criticism, kindly encouragement and amazing good humour; in short, an ideal supervisor and a most treasured friend.
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Abbreviations

Works frequently cited in the notes have been identified by the following short titles. Others have been cited in full at the first occurrence in each chapter. Many of the longer titles cited in this work, but not included in this list of abbreviations, have been shortened slightly. Omissions are indicated by ellipses. Names of publishers of primary sources are omitted after 1800; unless otherwise noted, place of publication for primary sources is London.

**Annals of Newgate (1776)**

"The Rev. Mr. Villette, Ordinary of Newgate, and others". *The Annals of Newgate; or, Malefactor’s Register. Containing a Particular and circumstantial Account of the Lives, Transactions, and Trials of the most notorious Malefactors, who have suffered an ignominious Death for their Offences, viz. for Parricide, Murder, Treason, Robbery, Burglary, Piracy, Coining, Forgery and Rapes...4 vols. (J. Wenman, 1776).

**Beattie, Crime and the Courts**


**Bloody Register (1764)**

*The Bloody Register. A Select and Judicious Collection of the Most Remarkable Trials, for Murder, Treason, Rape, Sodomy, Highway, Robbery, Pyracy, House-Breaking, Perjury, Forgery, and other high Crimes and Misdemeanours. From the Year 1700, to the Year 1764 inclusive... 4 vols. (E. and M. Viney, 1764).*

**CLRO**

Corporation of London Record Office

**Compleat Collection of Remarkable Tryals (1718-20)**

N. B., *A Compleat Collection of Remarkable Tryals of the most Notorious Malefactors, at the Sessions-House in the Old Baily, for near Fifty Years past...Together with A particular Account of their Behaviour under Sentence of Death, and Dying-Speeches. Faithfully Collected from the Books of Tryals, and Papers of Mr. Smith, Mr. Allen, Mr. Wikes [sic], and Mr. Lorrain, Ordinaries of Newgate, from the first Printing of them, down to this present Time: And from other Authentick Narratives.* 4 vols. (J. Philips, 1718-1720).

**Elizabethan Underworld**

*The Elizabethan Underworld: A collection of Tudor and early Stuart tracts and ballads telling of the lives and misdoings of vagabonds, thieves, rogues and cozeners, and giving some account of the operation of the criminal law*, ed. A. V. Judges (1930).
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<tr>
<td><strong>English Rogue (1665-71)</strong></td>
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<tr>
<td>Richard Head and Francis Kirkman, *The English Rogue Described in the Life of Meriton Latroon a Witty</td>
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<tr>
<td>Extravagant Being a Complete History of the Most Eminent Cheats of Both Sexes* (1665-1671; repr. 3</td>
</tr>
<tr>
<td>vols. in 1, 1928). First volume by Head, second two by Kirkman.</td>
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<tr>
<td><strong>Faller, Turned to Account</strong></td>
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<tr>
<td>Lincoln Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeeth-</td>
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<tr>
<td><strong>Gatrell, Hanging Tree</strong></td>
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<tr>
<td><strong>Harris, &quot;Trials and Criminal Biographies&quot;</strong></td>
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<tr>
<td>Michael Harris, &quot;Trials and Criminal Biographies: A Case Study in Distribution&quot;, in *Sale and Distrui</td>
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<tr>
<td><strong>Johnson, History of the Pyrates (1724)</strong></td>
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<tr>
<td>Captain Charles Johnson, *A General History of the Robberies and Murders of the most notorious Pyrates,</td>
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<tr>
<td>and also their Policies, Discipline and Government, From their first Rise and Settlement in the Island</td>
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<td>of Providence, in 1717, to the present Year 1724. With the remarkable Actions and Adventures of the t</td>
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<td>wo Female Pyrates, Mary Read and Anne Bonny...[sometimes attributed to Daniel Defoe]* (Ch. Rivington,</td>
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<td>1724).</td>
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<td><strong>Johnson, General History of The Highwaymen (1734)</strong></td>
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<tr>
<td>Captain Charles Johnson,  *A General History of the Lives and Adventures of the Most Famous Highwaymen,</td>
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<tr>
<td>Murderers, Street Robbers &amp;c. To which is added, a Genuine Account of the Voyages and Plunders of the m</td>
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<td>ost Notorious Pyrates...*(J. Janeway, 1734).</td>
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<tr>
<td><strong>Knapp and Baldwin, Criminal Chronology (1809)</strong></td>
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<tr>
<td>Andrew Knapp and William Baldwin, &quot;Atts at law&quot;. *Criminal Chronology; or, the New Newgate Calendar;</td>
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<tr>
<td>being Interesting Memoirs of Notorious Characters, Who have been convicted of Outrages on the Laws of E</td>
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<tr>
<td>ngland, during the Seventeenth Century; and brought down to the Present Time, Chronologically Arranged...containing a number of interesting cases never before published: with Occasional Essays on Crimes and punishments... 4 vols. (1809).</td>
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Abbreviations cont.

Knapp and Baldwin, *Newgate Calendar* (1824)  

Linebaugh, "Ordinary of Newgate"  

Linebaugh, *London Hanged*  

*Lives of the Most Remarkable Criminals* (1735)  
The *Lives of the Most Remarkable Criminals who have been condemned and Executed; for Murder, Highway, House-Breakers, Street Robberies, Coining, or other Offences; From the Year 1720, to the Present Time...Collected from Original Papers and Authentick Memoirs*. 3 vols. (John Osborne, 1735).

Malefactor's Register (1779)  
The *Malefactor's Register; or, the Newgate and Tyburn Calendar. Containing the Authentic Lives, Trials, Accounts of Executions, and Dying Speeches, of the Most Notorious Violaters of the Laws of their Country; who have suffered Death, and other exemplary punishments, in England, Scotland and Ireland, from the Year 1700 to Lady-Day 1779...* 5 vols. (Alexander Hogg, 1779).

Newgate Calendar (1773)  

OA  
The *Ordinary of Newgate his Account of the Malefactors who were Executed at Tyburn...* (title occasionally varies somewhat). All Ordinary's *Accounts* and other competing publications (e.g., forgeries) published before 1701 are cited by a slightly abbreviated version of their title.

OBSP  
The *[Whole] Proceedings on the King's Commission of the Peace, and Oyer and Terminer, and Gaol-Delivery of Newgate, held for the City of London, and County of Middlesex, at Justice-Hall in the Old Bailey...*
<table>
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<tr>
<td>Rayner and Crook, <em>Complete Newgate Calendar</em> (1926)</td>
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<tr>
<td>Remarkable Trials (1765)</td>
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<tr>
<td><em>Remarkable Trials and Interesting Memoirs, of the Most noted CRIMINALS, Who have been convicted at the Assizes from Year 1740 to 1764. With an Account of their most memorable Exploits, Adventures, Confessions, and Dying Behaviour...2 vols.</em> (W. Nicholl, 1765).</td>
</tr>
<tr>
<td>Select Account of the Most Remarkable Convicts (1745)</td>
</tr>
<tr>
<td><em>A Select and Impartial Account of the Lives, Behaviour, and Dying Words, of the most Remarkable Convicts, from the Year 1700, down to the present Time, 2nd ed. 3 vols.</em> (J. Applebee, for Charles Marsh, 1745).</td>
</tr>
<tr>
<td>Select Trials (1734–5)</td>
</tr>
<tr>
<td><em>Select Trials for Murders, Robberies, Rapes, Sodomy, Coining, Frauds, and other Offences: At the Sessions-House in the Old Bailey. To which are Added, Genuine Accounts of the Lives, Behaviour, Confessions and Dying Speeches of the most Eminent Convicts...2 vols.</em> (J. Wilford, 1734–5).</td>
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<tr>
<td>Select Trials (1742)</td>
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<tr>
<td><em>Select Trials at the Sessions-House in the Old Bailey, for Murder, Robberies, Rapes, Sodomy, Coining, Frauds, Bigamy, and other Offences. To which are added, Genuine Accounts of the Lives, Behaviour, Confessions, and Dying Speeches of the most eminent Convicts...4 vols.</em> (Dublin: S. Powell, 1742 [Printed in London by John Applebee and sold by J. Hodges in London]).</td>
</tr>
<tr>
<td>Select Trials (1764)</td>
</tr>
<tr>
<td><em>Select Trials for Murder, Robbery, Burglary, Rapes, Sodomy, Coining, Forgery, Pyracy, and other Offences and Misdemeanours at the Sessions-House in the Old Bailey, to which are added Genuine Accounts of the Lives, Exploits, Behaviour, Confessions, and Dying-Speeches, of the most notorious Convicts...4 vols.</em> (J. Wilkie, 1764).</td>
</tr>
</tbody>
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Abbreviations cont.

Sharpe, "Last Dying Speeches"  

Captain Alexander Smith, *The History of the Lives of the most Noted Highway-men, Foot-pads, House-breakers, Shop-lifts and Cheats, Of both Sexes, in and about London, and other Places of Great-Britain, for above fifty Years last past. Wherein their most secret and barbarous Murders, unparalied'd Robberies, notorious Thefts, and unheard of Cheats, are expos'd to the Publick*, 2nd ed. 2 vols. (J. Morphew, 1714).

Smith, *Memoirs* (1726)  

*Tyburn Chronicle* (1768)  
The Tyburn Chronicle: or, Villainy Display'd in all its Branches. Containing an Authentic Account of the Lives, Adventures, Tryals, Executions, and last Dying Speeches of the Most Notorious Malefactors of all Denominations, who have suffered for Bigamy, Forgeries, Highway-Robberies, House-Breaking, Murders, Perjury, Piracy, Rapes, Riots, Sodom, Starving, Treason, and other the most enormous Crimes. The whole being the most Faithful Narrative ever yet Published of the various Executions, and other Punishments, in England, Scotland, and Ireland. From the Year 1700, to the present Time... 4 vols. (J. Cooke, 1768).

Note about dates and punctuation, etc., of original sources:

Dates falling before 1752 are given in Old Style; rather than taking the beginning of the calendar year to be 1 January, I have used the practice of many contemporaries, by assigning dates falling between 1 January and 25 March for both years; e.g., 5 February, 1721/2.

Some very minor adjustments have been made to original texts: for instance, I have rendered the common contemporary symbol for the pound sterling ("l.") as £; for the sake of clarity, I have occasionally substituted quotation marks for italics (contemporaries used both to denote quotations). Otherwise, spelling and punctuation conform to that of the original source.

The Attention of the Publick is naturally excited towards those, who, by violating the Laws of their Country, are become liable to Punishment...not only the Crime, but the Connexions and most Private History of the unfortunate Delinquents, are eagerly enquired into, and become the Subjects of every Conversation. To be ignorant of, or to have nothing new to offer upon these Topicks, almost excludes us from Society, in those Places especially, where a legal Scrutiny into the former happens to be made, or the Person and Family of the Criminals are known...

—The Authentic Trial, and Memoirs of Isaac Darkin...(1761)

People may not like to meet bandits, especially on a dark night, but a taste for reading about them seems to be universal.

—Eric Hobsbawm, Bandits (1969)

In Colonel Jacque—Daniel Defoe's 1722 pseudo-autobiography of a "Pick-Pocket" and soldier of fortune turned prosperous plantation-owner—the narrator expresses his surprise that the "Writings" of the "Stories" of "private mean Person[s]" like himself had become "so much the Fashion in England".¹ And indeed, while sensational tales of murder, monstrous births and the deeds and misdeeds of eminent citizens had long captivated the reading public, the late seventeenth and early eighteenth century witnessed a dramatic and unprecedented proliferation of "last dying confessions" and "lives" not only of murderers and other notable malefactors, but of small-time property offenders, whose crimes were often as episodic and petty as their social origins were humble or obscure.

Just as the perception that crime is dangerously on the rise is common to most societies in most periods, an interest in and a preoccupation with the lives of criminals seems equally universal. The modern age has not outgrown this fascination—after all, murders, rapes and even robberies continue to dominate headlines, and anxiety about the scale and the root causes of crime is if anything on the increase; however, for most people today, the criminal biography as a genre has taken a backseat to other forms of popular entertainment.

For, while the "true crime" section of most bookstores continues to be well-perused, it would seem that reading about the more lurid details of criminals' lives and crimes has become something of a guilty pleasure, indulged in mainly (or at least openly) by a few devotees of the deviant and the macabre.

Yet in England in the late seventeenth and early and mid-eighteenth century, criminal literature occupied a more central place in popular consciousness, and was produced on a scale which, relatively speaking, beggars comparison with any period before or since. Beginning in the mid-1670s, there was a veritable explosion of printed material dealing with the trials, executions and "lives" of criminals of all types and degrees, and addressed to a wide audience. By the early eighteenth century this seemingly insatiable public appetite for stories of sin and suffering, repentance and redemption on one hand, and for picaresque and largely irreverent tales of bold and dashing highwaymen on the other, was fed not only by regular serial publications reporting on trials at the Old Bailey, or the "Last Dying Confessions" of malefactors executed at Tyburn, but by longer pamphlets and compilations explicitly devoted to those criminals whose "lives" were touted as being particularly "remarkable" or "notorious".

The appeal of such literature can be explained at least in part in terms of its role as a purveyor of news to a public eager for reasonably factual, up-to-date information: the newspaper, although beginning to emerge in an early form in the mid-seventeenth century, did not come into its own until the 1690s in London (and considerably later elsewhere in England). Criminal literature could also function as a forum in which anxieties about crime

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could be expressed, and speculations as to its causes and possible cures debated. And, on another level, this fascination can be explained simply in terms of a natural human curiosity for all things strange, exotic and titillating. According to the author of a 1708 pamphlet on the life of the "Right Villanous John Hall", a "Famous and Notorious Robber", "Art as well as Nature must have some extraordinary Shape or Quality if it come up to the Pitch of Human Fancy, especially to please in this Fickle, Uncertain Age". In accordance with this "Rule", he claimed that

a Monster has the Ascendant of all its Fellow Creatures; for whoever gave a Groat to see the most Beautiful Woman in the World (that is, upon the mere Condition of obliging this sense alone), or any other Creature, tho' of never so regular or comely a Proportion? Yet had they been produced with Two Heads, Four Legs, or grown into Monsters, like the Lincolnshire Ox, or a Dutch Burgomaster's Wife, they would have been every Body's Ready Money.

"'Tis", he adds, "the same with Books"; and, concluding with a rhetorical flourish, suggests asking Shelton (a prominent London bookseller) "which is most apt to stick upon his hands, Sodom with a Title Page, or some Mysterious Piece of Divinity that wants his incomparable [sic] Orthodoxy to shove it off"?

But it would seem that the lives of those who occupy the margins of society and who transgress conventional and legal standards of behaviour appeal on a still deeper level—eliciting in readers not only a sneaking sympathy but even a certain envy, which the details of criminals' lives serve, simultaneously, both to stimulate and to assuage. Much like the celebrities of today who grace the covers of supermarket tabloids, the late seventeenth- and eighteenth-century criminals who form the subject of this study may have enjoyed both a kind of fame and a degree of freedom beyond the grasp of their readers, but ultimately paid the

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3Memoirs of the Right Villanous John Hall, The Late Famous and Notorious Robber, penn'd from his own Mouth some time before his Death..., 4th ed. (H. Hills, 1708), 2.
price—although not in the form of a string of broken marriages or box-office failures, but by ending their lives at the gallows.

The sorts of figures who, by functioning as objects of emulation or vilification, are best suited to being appropriated either as the vehicles for vicarious wish-fulfilment on one hand, or as exemplars of bad behaviour who conveniently validate and confirm the moral choices of their audiences on the other, have clearly shifted over time. Today the flighty movie star or errant politician or royal has, by and large, supplanted the criminal in popular culture as a kind of trope illustrating the dangers of hubris; after all, such celebrities are all too often undone by aspiring to have too much—too much power, or fame, or sex, or money, or even freedom. The early modern highwayman or murderer similarly tempted fate by indulging those vicious tendencies to which all men and women were prone, but which all were exhortedeand expected—to struggle against.

While today we tend to regard criminality of a more serious variety (i.e., involving violent or sexual offences) as a species of deviance, and those who commit lesser infractions (i.e., against property) as products of a particular economic or social environment, in the seventeenth and eighteenth centuries it was widely believed that all men and women were inherently sinful, and thus at least potentially criminals as well. The early eighteenth-century robber or murderer served as a metaphor for the frailty and inherent depravity of human nature—in essence, a sort of "Everyman" (or "Everywoman"), whose offences were different, not in kind, but only in degree, from those of the rest of mankind.

I would argue, then, that unlike his or her modern counterpart, the late seventeenth- and early eighteenth-century criminal was a figure with whom audiences could readily identify. It was after all customary for the condemned criminal about to mount the scaffold—from the most paltry thief to the most notorious murderer—to caution spectators to take
warning from his (or sometimes, her) fate, and to refrain from the ill courses that had brought him to the "Fatal Tree" to "die a publick Shame". Whether the condemned was applauded or hissed, pitied or despised, he or she served as a graphic and all too-public reminder of what could befall those who allowed themselves to succumb to their passions and indulge their idle and vicious inclinations.

In mid-eighteenth-century England, the public appetite for details of criminals' lives seemed insatiable; it was, in the words of one contemporary pamphleteer, "a Life-writing Age": even compilations of trial accounts cashed in on the "Custom, and the Humour of the Times" by appending short biographies of criminals (reprinted from the Ordinary's Account) to those accounts of trials which ended in the conviction and execution of the criminal in question.4 The popularity of such criminal lives seems to have peaked in the second third of the eighteenth century, with the publication of several longer collections of criminal biographies, drawn largely—although not exclusively—from the Ordinary of Newgate's Account.5

Yet, by the later eighteenth century, public interest in the "lives" and the "last dying words" of criminals was clearly on the wane. Newspapers reported briefly on only the most remarkable crimes, and while longer pamphlets (generally priced out of the range of a truly popular audience) continued to be published, they tended to deal only with the crimes and indiscretions of the "better sort"—the aristocratic bigamist or adulteress, the occasional genteel highwayman, and the gentleman forger in particular. While interest in murderers (especially

4Memoirs of the Life of William Henry Cranston, Esq... (J. Bouquet, 1752). 1; Colonel Jacque, 307.

5For instance, Lives of the Most Remarkable Criminals (1735) and Select Account of the Most Remarkable Convicts (1745). The first seems to have been drawn from original records and interviews with contemporaries (it is possible that the anonymous author was either a court clerk or some other sort of official associated with the administration of the law), while the second consists largely of material reprinted from the Ordinary's Account.
"respectable" or upper-class murderers) would continue, increasingly, pamphlets and newspapers alike shifted their attention to offenders of a more eminent stamp, rather than those whose crimes as well as their social origins were by definition "common". And while the street-robbers, housebreakers and prostitute-pickpockets who had dominated the pages of earlier accounts continued to live on in various later eighteenth-century Newgate Calendars, their lives were repackaged and effectively refurbished for a class of readers who viewed them as exotic relics of a "gross and brutal" and "bloodthirsty" age long since thankfully consigned to the proverbial dustbin of history. And, as for the common criminals who were executed in the later eighteenth century, their detailed "lives" and "confessions" were no longer solicited by newspapers or pamphlets addressed to a wide audience. Crude broadsheets purporting to offer the "Last Dying Speeches" of such small-time offenders, generally without either a date or an imprint and priced at a penny or halfpence, continued to be hawked at executions or sold by criers in the streets; however, by the late 1760s, the "private mean Person" who ended his or her life at the gallows had become the property not of the general public, but of the ballad-sellers and the working-class audience to which they catered—and from whose ranks the common criminal was believed to have been recruited.

This thesis, then, is an attempt to chart the rise of this vast body of criminal literature from its beginnings in the 1670s to its relatively sudden decline in the second half of the eighteenth century. How can we explain the immense initial popularity of such "lives" and "Last Dying Confessions", and why did they fall so precipitously from favour less than thirty


7 For more on this literature, see Leslie Shepard, The History of Street Literature (Newton Abbot, 1973), and The Broadside Ballad (London, 1962), and Robert Collison, The Story of Street Literature: Forerunner of the Popular Press (London, 1973); for a more recent study of these "plebeian texts" (that is, street-ballads and late-eighteenth and early nineteenth-century broadsides), see Gatrell, Hanging Tree, especially Chapters 4 & 5.
years after their heyday? What can such accounts, and the public’s response to them, tell us about the larger society which produced and read them? Finally, did interest in the "popular" literature of crime die out because the audience for such material had changed, or because attitudes had, or both?

ii. "The Sport and Ridicule of vain, idle Fellows in Coffee-Houses": the Audience for the "Popular" Literature of Crime

However, before I proceed farther in a discussion of the popular literature of crime in the late seventeenth and early and mid-eighteenth century, it is first necessary to define what exactly is meant, in this context, by "popular". I am not implying that the audience for such material was exclusively, or even primarily plebeian; rather, I am using the term to denote a wide, non-specialist readership—or, to borrow the definition provided by David Cohen in his recent study of early American crime literature—"an extensive, in some cases massive, audience of readers, not confined to (although generally not excluding) the wealthy, the classically educated, or the professionally trained".8

Indeed, the trend in recent studies of popular literature seems to have been towards acknowledging the difficulty of identifying its target audience as either learned or truly "popular": as Tessa Watt has argued, the idea that the broadsides and chapbooks were aimed at and consumed by a definable social group may be a myth. The audience presupposed within the cheap print itself appears to be inclusive rather than exclusive, addressed both as "readers", as "hearers"; as substantial householders expected to employ labourers, and as couples "whose whole stock could hardly purchase a wedding

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8 Pillars of Salt, Monuments of Grace: New England Crime Literature and the Origins of American Popular Culture, 1674-1860 (New York, 1993), ix. Similarly, Françoise du Sorbier, while arguing that criminal literature of the eighteenth century can be seen as "popular in the sense that it had the largest possible readership" (my translation), she distinguishes between the plebeian audience for chapbooks (which were, in her view, inherently conservative in tone), and the more affluent readership of longer pamphlets and the criminal novel, such as those written by Defoe (which were more subversive) ("La Biographie Criminelle Anglaise", in Dix-Huitième Siècle, 18 [1986], 161).
Yet for many years, it was simply assumed that not only chapbooks, but most pamphlets and broadsides were aimed at a humble (or rather, a "vulgar") audience.\(^9\) In part, this was predicated on the belief that such material (unlike longer publications) was by definition "crude" and ephemeral—despite the fact that many eighteenth-century pamphlets were expensive, and explicitly directed towards an educated audience; and that, moreover, most late seventeenth- and early eighteenth-century newspapers and periodicals were printed on broadsides.\(^11\)

Not only the format, but the subject matter of early modern criminal literature seems to have aroused a kind of knee-jerk contempt from later commentators and antiquarians: it was commonplace for nineteenth- and early twentieth-century writers to characterise the late seventeenth- and early eighteenth-century sources upon which later *Newgate Calendars* were based as "remarkably crude productions", or "catch-penny sheets" that "possessed a remarkable attraction for vast multitudes of the population", but whose "crudity and grotesqueness...limited their sale to the most vulgar".\(^12\) Many contemporaries, too,

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\(^11\) While the term "broadside" (or broadsheet, a synonym) has come to have almost a pejorative connotation, it simply means a sheet of paper printed on one or both sides (most broadsides of my period took the form of half-folio sheets, printed on both sides of the paper and often folded to make up three or four pages of text). Pamphlets were usually defined as any work longer than six pages.

\(^12\) Charles Tibbits, *Trials from the Newgate Calendar* (London, 1908 [?]), iii. This later eighteenth- and nineteenth-century characterisation of earlier criminal literature will be taken up at greater length in my concluding chapter.
remarked on the growing audience for broadsides and pamphlets with an astonishment bordering on dismay. In 1765, one author claimed that "in this land of liberty, of general wealth, curiosity, and idleness...there is scarce a human creature so poor that it cannot afford to buy or hire a Paper or a Pamphlet, or so busy that it cannot find leisure to read it". This apparent democratisation of print was seen by many as not so much as an indication of "progress" as of the increasing idleness of the lower orders who, like Hogarth’s Thomas Idle, preferred to read broadsheets glorifying the deeds of criminals than to attend to their work. According to one 1729 newspaper, "Authors have one sure Comfort"; that is, "none can write so low" as to be unable "to find Readers": while their masters and mistresses diverted themselves with "dull Plays and long Romances, /Down in the Kitchen, honest Dick and Doll, /Are studying Collonel Jack and Flanders Moll".

Indeed, most criminal literature of the period in discussion here was priced between two and six pence: hardly a prohibitive sum, and one which would have been at least theoretically within the reach of many, if not most, working-class budgets. And although some of the more elaborately illustrated pamphlets dealing with the lives of criminals cost as much as a shilling, most criminal literature was modestly priced. Similarly, while many longer collections of trials or "lives" were expensive if bought in their entirety, the general practice in the early and mid-eighteenth century seems to have been to issue most book-length publications in instalments, each priced from around two to six pence.

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14 The Flying-Post: Or, Weekly Medley (1 March 1728/9).

15 For more on this practice, see R.M. Wiles, Serial Publication in England before 1750 (Cambridge [England], 1956).
Yet, it is significant that notices often ran in publications such as the Old Bailey Sessions Paper, ostensibly addressed to the "Gentlemen who preserve Setts of them"—that is, those who bought the individual numbers separately, and later paid to have them bound into volumes. For even if most people could probably afford to buy late seventeenth- and early eighteenth-century criminal "lives" and "Last Dying Confessions", this does not mean that their audience was necessarily "popular" in the strict sense of the word. Indeed, the editor of a recent collection of eighteenth-century criminal biographies has gone so far as to claim that "the core of the readership for crime literature came from the same broad social group as those who published it: the tradespeople, lawyers, clergy, doctors and so forth who composed the middling classes".

It may be worth noting that while the tone of late seventeenth- and early eighteenth-century criminal accounts varied widely—ranging from Captain Alexander Smith's ribald and largely fictitious 1713 collection of highwaymen "lives", to the intensely penitential "Last Dying Speeches and Confessions" recorded by the Ordinary of Newgate, to the salacious realism of "quasi-official" publications such as the Old Bailey Sessions Paper—it would seem that the whole body of this literature (not excluding various individual pamphlets or longer compilations of trials and "lives") catered to roughly the same audience. Even the most

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16OBSP (25-30 June 1752).


18The legal historian John Langbein has referred to the Old Bailey Sessions Papers (or the OBSP), as "quasi-official" publications (in "The Criminal Trial before the Lawyers", in *University of Chicago Law Review* 45, [1978], 263-316, and "Shaping the Eighteenth-Century Criminal Trial: A View from the Ryder Sources", in *University of Chicago Law Review*, 50 [1983], 1-136). Given that both publications were at least nominally within the control of the city of London, I would also identify the Ordinary of Newgate's *Account* as a "quasi-official", or at least "semi-official" source. For more on the OBSP and the *Account*, see Chapters IV and V.
irreverent collections of highwaymen "lives" were routinely advertised in the Ordinary of Newgate's *Account*, the *Select Trials*, or the Sessions Paper (upon which the latter were based), and vice versa. And while it was customary for the publications of the period to claim exclusive possession of the "true", "full" and "genuine" confessions and "lives" of criminals (all the while dismissing similar professions on the part of rivals) criminal accounts not only tended to run similar, even identical advertisements—including those for competing publications—but they often shared a similar format and even the same imprint. And the notices that ran in criminal accounts also cropped up in contemporary newspapers, which were, moreover, printed and sold by many of the very same publishers and booksellers.°

A good case in point is John Applebee, who printed and sold the Ordinary of Newgate's *Account* for some twenty-five years, published numerous individual criminal biographies (many believed to have been written by Daniel Defoe), and several collections of trials and "lives", but is perhaps best known for his *Original Weekly Journal*, a newspaper which dealt quite extensively with crime and other sensational subjects (and which, also, frequently

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°I should point out that "publisher" is used here in the modern sense; i.e., the person or persons responsible for making books available for sale. Criminal "lives" tended for the most part to bear an imprint simply informing the reader "by" (or occasionally "for") whom the publication was printed; occasionally (but with more frequency as the eighteenth century progresses), the imprint reads, "printed and sold by" a particular individual. However, this does not necessarily identify the publisher as either a printer or a bookseller. In fact, while the market in criminal "lives" seems to have been dominated by small-scale booksellers and particularly printers (the most obvious example of the latter being John Applebee, whose name will crop up frequently in this study), over the course of the late seventeenth and early-eighteenth century, individuals known as "trade publishers" became increasingly prominent in the production and distribution of more inexpensive and ephemeral publications. The "trade publisher" occupied a social rank somewhere between that of the bookbinder and the bookseller, and undertook the printing and distribution of a work on behalf of copyright-owners who preferred to remain anonymous. See Michael Treadwell, "London Trade Publishers 1675-1750", from *The Library*, 6th ser., IV: (1982), and "On False and Misleading Imprints in the London Book Trade, 1660-1750", in *Fakes and Frauds: Varieties of Deception in Print and Manuscript*, ed. Robin Myers and Michael Harris (Winchester, 1989).
employed Defoe as a journalist). 20

While it seems likely, then, that the primary audience for criminal literature was much the same as that for contemporary newspapers, the authors and publishers of criminal "lives" were seldom specific about their intended readership. The Ordinary of Newgate was of course careful to stress that all men and women could profit from the lessons his "melancholony Paper" so liberally dispensed, while the editors of the various collections of Select Trials published in the early and mid-eighteenth-century were equally insistent that "these trials" were not only "necessary" to those in the legal profession, but also "useful and entertaining to the generality of Readers". 21 At the same time, the authors of many criminal "lives" seemed anxious to reassure the public that such literature was not, as it might perhaps appear, too frivolous or vulgar for the reader of more discriminating taste. While the anonymous author of one 1735 collection of criminal biographies "presume[d]" that the "Bulk" of his "Readers" were "those in a meaner State", he did see fit to add that "I flatter myself, that however contemptible the Lives of the Highwaymen &c. may seem in the eyes of those who affect great wisdom, and put on the Appearance of much Learning, yet it will not be without its Uses amongst the middling Sort of People". 22 Not unlike the modern American tabloids which many people are willing to read in a check-out line, but few are as

20 Although Applebee was without a doubt the most active eighteenth-century publisher of criminal literature, relatively little is known of his life. According to Horace Bleackley, Applebee's Journal was a whig newspaper (Horace Bleackley and S.M. Ellis, Jack Sheppard [Edinburgh and London, 1933], 127); according to one 1723 list of printing-houses, however, Applebee is classed as a "High-Flyer"(this and several other lists are reproduced in Michael Treadwell's very useful article, "Lists of Master Printers: The Size of the London Printing Trade, 1639-1723", in Robin Myers and Michael Harris, ed., Aspects of Printing from 1600 [Oxford, 1987], 165)). For more on Applebee, especially as printer of the Ordinary's Account, see Michael Harris', "Trials and Criminal Biographies", which also offers a very good summary of the publishing history of criminal literature in late seventeenth- and early eighteenth-century London.

21 This is taken from an advertisement for Select Trials (1742), found in The Ordinary of Newgate, His Account of the Behaviour, Confession, and Dying Words of Thomas Pinks (J. Applebee, May 1742), 19.

22 Lives of the Most Remarkable Criminals (1735), 1:37; 1:ii.
willing to purchase (or admit to purchasing), such literature may well have been read
furtively, or even ironically, by those who "put on" an "Appearance" of sophistication; yet it
seems it was read nonetheless. Indeed it would appear that many of the "better" (or at least
better-off) sorts found criminal literature to be highly diverting fare: at least one "Penitent"
refused to give an account of his life to the Ordinary of Newgate on the grounds that "he had
not a Mind to be the Sport and Ridicule of vain, idle Fellows in Coffee-Houses; who only
laugh at unfortunate dying men, who are frightened into a Confession of their private
Sins..." 23

iii. Literacy in England, c. 1675-1750

If the editors and publishers of late seventeenth- and early eighteenth-century criminal
biographies catered to a broad, inclusive readership, and neither the price or the tone of such
literature was particularly exclusive, there remained a large segment of the population which
was, one would imagine, effectively excluded from this audience; that is, those who could
not read. Recent scholars of literacy and popular culture have however warned against
projecting our modern notions of reading as a private, inherently individualistic, even
"anarchic" act onto a past in which "the experience of print for many ordinary people may
have been a public and communal one, in which any clear boundaries between oral and
literature culture would have been blurred". 24 Oral and literate traditions have increasingly

23 The Life and Penitent Death of John Mausgridge, gent...Penn'd from his own Accont [sic] of himself, and approv'd of by him, before his Death...(H. Hills, 1708), 2. Captain Alexander Smith makes a similar reference to the "vain Idle Fellows" who laughed at the confessions of condemned criminals (Lives of the Highway-men [1714], 1:v). It seems reasonable to assume that the "vain Idle Fellows" who frequented coffee-houses would have belonged to the middle or upper ranks of society, although at least one scholar has argued for the "democratic character" of such "Penny Universities" (see Aytoun Ellis, The Penny Universities: A History of the Coffee-Houses [London, 1956], xv).

been seen as not only overlapping, but even symbiotic:25 moreover, as historians such as David Cressy and David Vincent have pointed out, not only is it misleading to view those who were illiterate as labouring under a grave handicap excluding them from participation in a larger culture, but those who could not read found other entries into the world of print.26

According to Jonathan Barry,

Long before the reading clubs of the nineteenth-century worker, groups had clubbed together to obtain such literature or paid for it indirectly in the price of a drink in an alehouse, tavern or coffee-house. In such places all types of items from ballads to newspapers would be available to read or hear read (or sung) out loud. Equally important was the potential to hear or see such items for free in the streets or on the village green, as ballad-singers hawked their wares or items were shared around or pinned up.27

It is certainly possible that much criminal literature was read aloud: one early Ordinary's Account was prefaced with the notice that "this Sheet is made publick, as a Seamark to all that read or hear it [my emphasis], that they may avoid those fatal Rocks of sin, on which these unhappy persons [the condemned] lamentably Shipwreckt".28 However, the criminal biographies and collections of "lives" that form the subject of this study were not

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25This notion of "two-way traffic" between oral and literate culture (or the "big" and "little" traditions) has long been recognised by cultural historians (Peter Burke, Popular Culture in Early Modern Europe [New York, 1978], 24); for a more recent discussion, see R.A. Houston, Literacy in Early Modern Europe: Culture and Education 1500-1800 (London, 1988), 223.

26For a criticism of the equation of literacy with "progress", see David Cressy, "Literacy in Context: Meaning and Measurement in Early Modern England", in John Brewer and Roy Porter, ed., Consumption and the World of Goods (London, 1993); one of the major themes in David Vincent's work has been the way in which, in a pre-modern setting, literacy was only one of many "material[s] of cultural good", and reading was a "joint endeavour" in which members of the community shared their knowledge, much in the same way that they pooled other resources: the illiterate "worked alongside those who had access to wider bodies of knowledge and imagination. The literate blacksmith or miller, the occasional farm worker who was known to be a reader, formed a bridge between the worlds of the educated and the uneducated" (Literacy and Popular Culture: England 1750-1914 [Cambridge [England], 1989], 275: 12).


28The Behaviour, Confession, and Execution of the Twelve Prisoners that Suffered...at Tyburn... (Langley Curtiss, 22 January 1678/9), 1.
crude ephemera hawked by street-criers and ballad-singers, but were printed and sold by the same publishers and booksellers who produced and carried contemporary newspapers, sermons, and more properly "literary" material. While the illiterate and semi-literate were not necessarily denied access to such literature, it is most likely that they would have gleaned most of their information about crime and criminals from the earlier versions of the late eighteenth- and early nineteenth-century "flash-songs" and "execution broadsheets" discussed in a recent work by V.A.C. Gatrell. In any case, it seems reasonable to assume that the vast majority of those who purchased criminal literature were literate—which brings us to the problematic question of just how many people could read in late seventeenth- and early eighteenth-century England (and in particular, London, where the bulk of this literature was published).

In his 1749 novel Tom Jones, Henry Fielding tells a "short story" in order to "illustrate" the "pretty deep observation" that "very artful men sometimes miscarry by fancying others wiser...than they really are":

Three countrymen were pursuing a Wiltshire thief through Brentford. The simplest of them seeing the Wiltshire House written under a sign, advised his companions to enter it, for there most probably they would find their countryman. The second, who was wiser, laughed at this simplicity; but the third, who was wiser still, answered, "Let us go in, however, for he may think we should not suspect him of going amongst his own countrymen". They accordingly went in and searched the house, and by that means missed overtaking the thief, who was, at that time, but a little way before them; and who, as they all knew, but had never once reflected, could not read.

This is not to suggest that the historians of eighteenth-century literacy have been too clever for their own good—or even that some have erred in imagining their subjects to have been

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29Hanging Tree, chapters 4 and 5.

"wiser" than they really were. However, at least as far as establishing literacy rates is concerned, the average early modern Englishman or woman has remained a quarry every bit as elusive as Fielding's Wiltshire thief.

We do know that more men were literate than women; that more people in towns, particularly in London, could read than in more rural areas; and that there was a positive correlation between literacy and wealth and social rank. It is also generally agreed that literacy rates increased dramatically in England in the sixteenth and seventeenth centuries, and then slowed or even stabilised over the course of the eighteenth century. Yet while such trends seem reasonably straightforward, literacy rates themselves are notoriously difficult to estimate—both because of the paucity of evidence, and the problems of interpreting the data that do exist. Most studies have relied on counting signatures, particularly in those in marriage registers: according to Roger Schofield, "the ability to sign one's name gives a fairly 'middle-range' measure of literacy"—that is, say, "a measure based on the ability to sign...gives a fair indication of the number able to read fluently" (although this number should be doubled to give an indication of the number of people "with a rudimentary knowledge of reading"). The meaning of such statistics is in considerable dispute, however. At the risk of grossly oversimplifying a complex debate, scholars can be divided into two camps: that of the "optimists" (who believe that more people could read than could or would sign their names); and that of the "pessimists" (who argue that signatures accurately

31 Lawrence Stone has, however, seen the late seventeenth and the early eighteenth century as a time of "qualitative" if not "quantitative" advance for the "lower middle classes": "the achievement of the eighteenth century was to shift most of the lower middle classes from the ranks of the semi-literate, who could barely read, to those of the fully literate, who could both read and write with relative facility" ("Literacy and Education in England 1640-1900", Past & Present 42 [1969], 130).

represent, or even overstate the numbers of people who could be considered literate).  

Based on a synthesis of the findings of both schools, one recent historian has offered the following ("conservative") estimate: "it may be that about 50-60 percent of men and a somewhat smaller number of women had attained functional literacy by the middle of the eighteenth century"; although, as he points out, literacy rates in London were considerably higher than the national average.

Yet defining "functional literacy" is in itself no easy task. My own initial impression of the evidence of early eighteenth-century criminal literature (which has since shifted, as we shall see) was that working-class literacy was considerably more common than many historians have acknowledged. The Ordinary of Newgate's *Account* in particular indicates that a very large proportion of the criminals executed at Tyburn had received at least a rudimentary education at one of the many charity schools in London (established in the later seventeenth century through the efforts of the Society for the Promoting of Christian Knowledge). Complete illiteracy, it appeared, was rare enough to elicit astonishment (not to mention dismay) from the Ordinary of Newgate and other visiting ministers: we are told that John Lemon, alias Lament "was very ignorant, and could not so much as read"; that Francis Bailey, "a notorious highwayman" had had the misfortune of being "born of Parents of the lowest Degree... who were either incapable of giving him any Education, or took so little Care about it, that at the Time he went out into the World, he could neither write nor read";

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and that William Williams, or Thomas Williams, was "very Ignorant of any thing in Religion, and one that could not so much as read".\textsuperscript{35}

However, as the last example suggests, the criteria for literacy may have been much different from our own; after all, the Ordinary is shocked, not that William Williams is illiterate, but that he is "very Ignorant of any thing in Religion". This is in fact a common refrain, and one from which we may infer that "literacy" (at least in the eyes of the Ordinary) was based not on a convict's ability to read pamphlets or broadsides, but on whether or not he or she had received enough religious instruction to follow along in prayer-time. After all, "reading" in this context means praying. Many criminals who could not read a word may have passed as "functionally literate" if they had managed to memorise enough of the \textit{Book of Common Prayer}, although it would seem that all too few had spent their Sabbaths so profitably. John Price’s "incapacity of Reading" prevented him from "supply[ing] the Want of the minister’s Instructions when from Chappel" (i.e., without benefit of the Ordinary’s promptings), yet he "endeavoured to make up for it as well as he could, by attending constantly at Chappel, and...listening attentively at Sermon, by which means he constantly brought away a great part, and sometimes lost very little out of his Memory of what he heard there".\textsuperscript{36} The 1742 \textit{Prisoner’s Director} reminded those of the condemned who "read best" that they "ought in Duty to your Fellow-Prisoners" [or at least, "such of them as are grosly [sic] Ignorant and cannot read"] to read often to them such Psalms and Chapters in the Bible as are hereafter set down; and sometimes other good Books of Devotion".\textsuperscript{37} And indeed,

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35OA (J. Morphew, 20 May 1717), 4; \textit{Lives of the Most Remarkable Criminals} (1735), 2:122; OA (J. Downing, 22 March 1703/4), 2.


37Samuel Rossell, \textit{The Prisoner’s Director: Compiled for the Instruction and Comfort of Persons under Confinement}... (J. Applebee, 1742), 81; 77. Rossell was himself Ordinary of Newgate from 1746 to 1747.
\end{flushright}
there is frequent mention in the Ordinary's *Account* and similar publications of literate (or at least devout) criminals who, like Daniel Brooks, executed in 1725, "happened to be the only one amongst the Criminals who could read", and "so...with great diligence applied himself, to supply that Deficiency in his Fellow-Prisoners".  

To a large degree, literacy was perceived not so much as the ability to read (as we might define it) as an active, and public, participation in a larger religious culture. Illiteracy, then, was often equated with moral laxness--specifically with an inability or an unwillingness to submit to the discipline of the "Chappel" or the charity school. James Baker, "otherwise Stick in the Mud", was born "of mean Parents, who could not give him Education, and who himself was of such bad inclinations, that he would not go to publick Schools"; John Stephens' parents, on the other hand, "would have given him some education, but he hated the sight of a school, went only one quarter of a year to it, and could never attain the knowledge of his letters so, as to be able to read".

It would seem then, that literacy--like crime itself--was a choice. Those criminals who had (however briefly) attended a charity school, and who still could not read or write, were often characterised as victims of their own "obstinacy" or "roving temperaments".

William Bourn (alias Burn) was typical of many criminals in that "in his younger Years he was put to School, but was obstinate and would not learn, so that he had quite forgot any

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38*Lives of the Most Remarkable Criminals* (1735), 2:81. The Ordinary of Newgate informs us that the highwayman Humphrey Angier "took a deal of Pains...in reading to [Joseph Middleton] almost all Night, and in calling upon him to attend very early every Morning" (OA [J. Applebee, 9 September 1723], 1); and, of the four criminals executed the following hanging day, the three who could read "assured [the Ordinary] that they spent their whole time, as well Night as Day, reading to James White, who could neither Read nor Write, allowing very little time to themselves for Sleep" (OA [J. Applebee, 6 November 1723], 1).

39OA (J. Applebee, 19 December, 1733), 10; OA (T. Parker and C. Corbett, 1 August 1746), 48.
thing which he was taught, when at School and could not read".⁴⁰ The evidence of the Ordinary's Account and other contemporary criminal biographies suggests that while the majority of the condemned, particularly those from the London area, had received some sort of formal instruction (generally at a charity or a "publick" school), their education was for the most part very rudimentary and of short duration—seldom lasting more than a year or two. Also striking is the frequency with which criminals claimed, like John Dykes, that they had learned to read and even to write, but had "since by [their] Negligence forgot both"; or, like James Brown, that they had "read a little formerly, but disuse had effaced the Idea of every Letter of the Alphabet".⁴¹ Similarly, "Mary Cut and Come again", did not choose to apply herself to her studies, and what "little learning" she received from her stint at a charity school was "forgot...almost as soon as she had learnt it". Interestingly enough, "at her first setting out in the world", Mary "commenced ballad singer, which employed her when she had nothing worse to do".⁴²

These, and numerous other examples, suggest not only that the average charity-school education was very limited, but that few working-class people (even ballad singers) had either the opportunity or the inclination to keep up their reading skills. Not surprisingly, in a context where "reading" was often synonymous with learning the scriptures, illiteracy was seen as largely a function of an irreligious life. Charles Weaver, executed in 1723 for murder, was not unusual in that he "much lamented his having always liv'd in such a way

⁴⁰OA (John Applebee, 27 June 1726), 2.

⁴¹Select Trials (1742), 1:89; OA [T. Parker and C. Corbett, 1 June 1752], 77. In a recent article, Wyn Ford has suggested that, in early modern England, a large proportion of even those who had been taught their "letters" may have subsequently forgotten them through lack of opportunity, or incentive, to "exercise" the skill ("The Problem of Literacy in Early Modern England", in History 78 (1993), 36.

⁴²OA (M. Cooper, 7 June 1745), 8.
that he had wholly forgot to Write and Read, which incapacitated him for performing his Duty [at chapel].\textsuperscript{43} The evidence of criminal literature itself would suggest, then, that literacy rates among the working classes (who made up the bulk of those executed for property offences) were generally quite low, and contemporary standards of "functional literacy" (apparently based on the condemned's ability to make responses in prayer time), were even lower.

While admittedly such evidence is highly impressionistic, I would go so far as to suggest (as do "pessimists" such as Cressy) that even many of the malefactors who were willing or able to write a few words were probably not literate enough to form a significant audience for the criminal literature that is the subject of this study (although, as we shall see, this did not entirely preclude the criminal's collaboration or even active participation in the writing of his or her own life story or "Last Dying Confession"). One rather dramatic example may be useful in illustrating this point. Daniel Blake, brought before the magistrate John Fielding in 1763 on charges of murder, communicated a desire to confess to his crime in writing. According to William Marsden, Fielding's clerk,

\begin{quote}
he, being hand-cuff'd, said, if he would let these Things be taken off and give him the Use of Pen, Ink, and Paper, he would satisfy every Body. I gave him a Piece of Paper...He first put the Letter I, and, addressing himself to me, said, how do you spell Murder? It shocked me, it was an improper Thing for me to Dictate—Several Noblemen were there, and I think it was the Earl of Sandwich told him how to spell it; then he wrote the rest as it stands here; it is \textit{I murder'd the Man}. Sir John Fielding said, "this is not enough; \textit{I murder'd the Man}; what Man?"
\end{quote}

(To Fielding's credit, it should be noted that he later warned Blake that he was incriminating himself, or "putting a Halter about his own Neck", but that Blake persisted in his

\textsuperscript{43}OA (John Applebee, 8 April 1723), 3.
Criminal literature of the late seventeenth- and early eighteenth-century has traditionally been viewed as a vulgar and sensationalist "sub-genre" catering to a still more vulgar audience, and ephemeral both in its format and its social significance. There has been a tendency for scholars to follow the lead of disapproving late eighteenth- and early nineteenth-century commentators such as Francis Place, or that of Victorian and Edwardian antiquarians, in dismissing such accounts merely as the lurid and largely fabricated products of Grub Street hacks on one hand, or the pious (but equally unreliable) morality tales penned by contemporary clergymen such as the Ordinary of Newgate on the other. Yet since the 1960s, there has been a reaction against (to borrow the words of one literary critic) the kind of "useless and antiquated self-righteousness" which "despise[s] sub-culture as merely meaningless and degrading distraction for the masses". I would take this one step further: not only is it worthwhile studying such late seventeenth- and early eighteenth-century criminal biographies for what they can tell us about "popular" attitudes, but it is important to acknowledge that the "popular" audience for such literature represented a broad cross-section of society. I have suggested here that criminal literature of this period was aimed at a wide audience—those who produced and sold it did so in the hopes of making a profit, after all—but that its principal readership seems to have consisted mainly of the "middling" sorts who were

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44 Select Trials (1764), 4:246.

45 In his 1907 study of the "literature of roguery", F.W. Chandler characterises the "multitude of such tracts that flourished during the seventeenth and eighteenth centuries" as falling far beyond "the pale of art"—"written by the unliterary" and "corresponding to the criminal columns of the modern newspaper, and feeding the same tastes". Chandler describes the audience for not only pamphlets, but even "collected chronicles of crime, and elaborated fictions like those of Defoe" as well as pamphlets as "vulgar" in its social origin as well as in its tastes (The Literature of Roguery [Boston, 1907], 1:139; 1:164).

increasingly eager for printed material that provided a source of both news and entertainment. I would argue that this literature occupied an important, even central, place in early eighteenth-century culture, and thus provides us not only with a valuable source of information about the lives of early modern criminals, but can also help shed light on the attitudes and preoccupations of the wider society in which they lived.

iv. "The Dignified Historian's Horizon Line": The Historiography of the Literature of Crime

It is only in the last decade or so that the popular literature of crime in late seventeenth- and eighteenth-century England has attracted serious and sustained academic interest. Once perceived as "catering to the vulgar instincts of the vulgar many", and thus "fall[ing] below the dignified historian's line", such "lives" and "Last Dying Confessions" have, I have suggested, traditionally been of interest only to antiquarians; or, conversely, to various scholars (particularly students of Defoe) who have focused on such material as an antecedent to realist fiction or the novel, or as a primitive species of biography or autobiography.

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47Chandler, Literature of Roguery, 1:181. Other prominent antiquarians and early students of criminal literature include Victor Neuberg and Leslie Shepard (see works cited above), and Horace Bleackley (see Bleackley and S.M. Ellis. Jack Sheppard, [Edinburgh and London], 1933, and Bleackley, Some Distinguished Victims of the Scaffold [London, 1905], and The Hangmen of England: How They Hanged and Whom They Hanged [London, 1929]).

48See Ian Watt's seminal work, The Rise of the Novel: Studies in Defoe, Richardson and Fielding (London, 1963); Robert R. Singleton, "English Criminal Biography, 1651-1722", in Harvard Library Bulletin 18 (1970), 63-83; Richetti, Popular Fiction before Richardson; Michael McKeon, The Origins of the English Novel 1600-1740 (Baltimore, 1987). According to Lennard J. Davis, "there seems to have been something inherently novelistic about the criminal, or rather the form of the novel seems almost to demand a criminal content"; that is, "it would be impossible to imagine the genre of the novel" without an "outsider" such as the criminal, who "serves a double function as both examples to be avoided [in committing crimes] and examples to be imitated [in repenting for them]"(Factual Fictions: The Origins of the English Novel [New York, 1983], 126). While earlier studies of this nature tended to focus on the rise of "realism" (and the critical role of the middle class), more recent work has emphasised the early eighteenth-century emergence of a (largely middle-class) "interest in private life, the personal and the subjective" as well as "in 'narrative' in general"(J. Paul Hunter, Before Novels: The Cultural Contexts of Eighteenth-Century English Fiction [New York and London, 1990]. See also Michael Mascuch, Origins of the Individualist Self: Autobiography and Self-Identity in England, 1591-1791 (Cambridge [England], 1997).
But beginning in the late 1960s and early 1970s—in large part in response to Edward Thompson's stirring call to "rescue" from "the enormous condescension of posterity" those who had fallen through the cracks of English industrial society—social historians have increasingly turned their attention to those downtrodden, obscure and marginal figures hitherto overlooked in more traditional historical narratives.\(^{49}\) The connection between crime and eighteenth-century class conflict in particular was made more explicit with the publication of *Albion's Fatal Tree* in 1975.\(^{50}\) Whether inspired by, or in opposition to the authors' conviction that the study of the law (seen both as practice and "ideology") and the eighteenth-century criminal ("as part-hero, part dreadful moral exemplars") were "central to unlocking the meanings of eighteenth-century social history", a new interest in the primary sources dealing with the trials and lives of eighteenth-century criminals was born.\(^{51}\)

Many of these early studies appeared to focus on the value of such sources for historians. John Langbein has characterised the Old Bailey Sessions Papers as "sensationalist entertainment", but for all that, essentially reliable records—"Old Bailey trials were well-attended public spectacles, and word would soon have got round if the OBSP reporters had started fabricating. The pressures of the marketplace made for reasonable accuracy in what was reported". Langbein's main reservation about the OBSP is not what they reported, but what their "unfortunate...bleaching out of legal detail" left out.\(^{52}\) Michael Harris, in a largely descriptive but nonetheless valuable article on early eighteenth-century criminal

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\(^{51}\)Ibid., 13.

\(^{52}\)"The Criminal Trial before the Lawyers", 271; "Shaping the Eighteenth-Century Criminal Trial", 15.
biographies and trial accounts, focuses on the role of such material in satisfying an "apparently insatiable...public curiosity about the circumstances of a convict's life and the events surrounding his final exit", and sees the early eighteenth-century audience for criminal literature as unique in both its scale and its taste for not only sensationalism, but for "the sense of immediacy and reality" such accounts provided.\(^53\)

While Langbein and Harris have emphasised the "realism" of such literature primarily insofar as it constituted one of its major selling-points in the eyes of an audience eager for detailed (and often lurid) information about criminals' lives and crimes, Peter Linebaugh has focused on what criminal literature (specifically, the Ordinary of Newgate's *Account*) can tell us, not about the tastes of contemporary audiences, but about early eighteenth-century social and economic reality. Linebaugh has characterised the criminal biographies penned by the chaplain of Newgate as "records of the truth" which, despite having been filtered through the Ordinary's "moralistic blindness", nonetheless "provide a unique and inestimable source of knowledge of the poor people who were hanged [at Tyburn]".\(^54\) Implicit in Linebaugh's discussion of "the Ordinary's attempts to impose solemnity, silence and order and the condemned prisoners' often successful efforts to resist [him]," is the assumption that the Ordinary's *Account* is a "record of the truth" not least because therein can be discerned, writ large, the general outlines of early eighteenth-century class conflict.\(^55\)

In other recent studies, largely informed by the work of literary critics, scholars have operated on the assumption that the "function" of criminal accounts, like that of any other

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\(^53\)"Trials and Criminal Biographies", 15; 26.

\(^54\)"Ordinary of Newgate", 264; *London Hanged*, xix, xx.

\(^55\)"Ordinary of Newgate", 253. I will discuss this issue at greater length in Chapter IV.
"literary [genre,] is to mediate and explain intractable problems". For the most part, such studies have focused on the extent to which criminal literature can be seen as a "fit" for its particular religious and socio-cultural context; that is, more a commentary on the preconceptions and (often subconscious) intellectual and emotional requirements of its creators and audience than on the "real" lives and crimes of late seventeenth- and early eighteenth-century criminals. However, this is not to say that the role of the criminal himself (or herself) was altogether peripheral. Like Linebaugh, J.A. Sharpe has seen the practice of encouraging the condemned to deliver "Last Dying Confessions" as an "[attempt] by the authorities to exert ideological control, to reassert certain value of obedience and conformity"; unlike Linebaugh, however, Sharpe has seen most of these speeches as given voluntarily, and even as reflecting an "internalisation of obedience" to such social norms. According to Sharpe, the condemned were "the willing central participants in a theatre of punishment, which offered not merely a spectacle, but also a reinforcement of certain values", and who, by their public confessions of guilt and their expression "of true repentance for the same", helped "to assert the legitimacy of the power which had brought them to their sad end".

For while, as Peter Lake has pointed out, mid-seventeenth-century murder pamphlets

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57Peter Lake, for instance, has seen in seventeenth-century murder pamphlets "a certain fit between the attitudes revealed in the pamphlets and Protestant ideology, a fit or congruence which we can see in some, at least, of the pamphlets being self-consciously exploited by the author"("Deeds against Nature: Cheap Print, Protestantism and Murder in Early Seventeenth-Century England", in Kevin Sharpe and Peter Lake, ed., Culture and Politics in Early Stuart England (London, 1994), 282. Many other students of later criminal accounts see a similar "fit" between such literature and the needs of both its author and its audience, as we shall see.

58Sharpe, "Last Dying Speeches", 158; 159.

59Ibid., 156.
can be seen as "an inherently mixed genre both titillating and admonitory, moralised and exploitative, even at times pornographic" which "had been taken up and glossed in a number of providentialist, indeed predestinarian and Puritan, ways", there was a "fit" also between the needs of readers and those of the criminals themselves:

The felon gained from his conversion a certain charisma, a glow of spiritual potency... No longer were they condemned murderers, the objects of the obloquy, disgust and craning curiosity of the mob. Rather they became objects of interest, admiration, even awed wonder, living proof of the miracles of which God's free grace was capable... On their side of the bargain the godly gained a powerful confirmation of their own vision of true religion.\(^6^0\)

For the most part, however, recent studies of popular literature of crime in the late seventeenth- and early eighteenth-century have focused not so much on the participation of the criminal (whether in terms of his or her rejection or acceptance of contemporary hegemonic social norms), but on the role of the audience for such material in shaping its form and substance; as V.A.C. Gatrell has argued, "customers' tastes appear to have been determining".\(^6^1\) The latter, who views the audience for the late eighteenth- and early nineteenth-century execution sheets and street-ballads as "unambiguously" working-class, argues that "their ethical and sentimental messages accorded with plebeian expectations".\(^6^2\) Such "plebeian expectations" were met on one hand, by the ballads, or "flash-songs", which were "transgressive" in that they "confronted life's horrors without moralizing and sentimentality, and then refused to take them seriously";\(^6^3\) and on the other, by the


\(^{6^1}\) Gatrell, *Hanging Tree*, 168.

\(^{6^2}\) Ibid., 171.

\(^{6^3}\) Ibid., 123.
broadsides, which acted as "totemic artifacts" that not only allowed readers to make sense of "the ritually inflicted deaths" (i.e., executions), "set up by powerful, remote, and broadly unintelligible agencies" (i.e., the lawmakers and administrators who, with "sleazy insouciance" decided "who would live or die"), but enabled them "to be tamed and possessed".64

In contrast, Lincoln Faller, in what is without a doubt the most influential recent work on this subject, characterises the audience for late seventeenth- and early eighteenth-century criminal literature as that of a "self-doubting bourgeoisie"—those small tradesman, merchants and professionals who often served on juries and who made up a large proportion of the victims of property crime.65 For Faller, the significance of criminal biographies lies not in their reliability as "records of the truth", but rather in "the highly selective ways in which the real was represented".66 That is to say, such accounts acted as a kind of societal coping mechanism—a "means for addressing, allaying, ignoring, even obscuring the impact or import" of some of the "deeply troubling or at least deeply troublesome questions" criminals raised "within the larger culture".67 According to Faller

popular writers, and presumably their audiences, shaped the facts of actuality into patterns convenient (and useful) to their imaginations. Each was made to conform to a preexisting type, as certain features of their lives were emphasized, played down, or suppressed, and "facts" were often invented. Their individualities, variously compressed and expanded, were ultimately denied; like innumerable others, they were absorbed into either of two myths of crime.68

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64ibid., 175; 201.
65Faller, Turned to Account, 188.
66ibid., 3.
68Faller, Turned to Account, 2.
The first "myth" is best represented by the picaresque and semi-fictitious highwayman stories so popular in the late seventeenth and early eighteenth century. "The impulses behind this myth" were "fear...confusion, guilt, a even perhaps a sense of embarrassment"; after all, while these "generally frivolous, overtly romantic and often fantastic" stories were on their simplest level a form of escapism, they also served as a means of "palliating both thieves and their crimes" (i.e., by making them seem less "real", and thus less dangerous), while at the same time relieving any sense of guilt the reader might have in regard to "the increasingly troublesome business of hanging men merely for crimes against property".69

The second myth of crime was that of the "familiar murder"—a source not so much of guilt as of anxiety or fear. The function of the "life" or "Last Dying Confession" of the murderer was not to portray him or her as a romanticised, semi-fictional figure who relieved the guilt feelings of his audience by seeming indifferent to (or even above) their pity or contempt, but to reintegrate the offender back into society, and thus to heal the breach that his or her crime had caused. Faller argues that

the aim of the mythologizing process is to reconstruct the real along "happier" or at least more tolerable lines. This myth sought to limit the damage that crime—particularly heinous crime—could do not only to people’s sense of themselves and their God but to their sense of what it was that held (or might hold) society together. By focusing on solidities, and arranging them into significant patterns, it aimed at making criminals over into proper objects concern, which is to say at reconnecting them with their fellow human beings.70

Faller has been criticised for his reliance on "a neatly restricted typology" which glosses over some of the more ambiguous and contradictory features of late seventeenth- and early eighteenth-century criminal biographies. As Ian Bell has argued, such literature can be

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69Ibid., 3; Crime and Defoe, 6; Turned to Account, 171; 4.

70Faller, Turned to Account, 4.
seen not so much as "collaboration" as "a battleground" in which various and often opposing meanings and attitudes were "stabilis[ed] or destabilis[ed]", and "tensions and contradictions" were "replicated, intensified and made manifest". Indeed, as we shall see, criminal "lives" and "Last Dying Confessions" often provided a forum in which different and often contradictory voices and intentions can be detected, and in which conflicting ideas about the nature and root causes of crime were only very uneasily contained.

I would not dispute Faller's contention that criminal literature performed a "palliating" function—a way to make sense of the otherwise inexplicable on one hand, and to keep "comfortably at bay" the incipient guilt we might assume the "Bloody Code" aroused in the breasts of "a self-doubting bourgeoisie", on the other. In fact, it could be said that all literature acts in some sense as a coping mechanism—as a way to order "reality" and invest it with meaning or at least coherence. However, I would caution against the assumption that eighteenth-century audiences were animated (albeit subconsciously) by the same concerns and preoccupations that engross us today. I also have some reservations about viewing early modern society as somehow inherently more pathological or less self-aware than our own. Moreover, it would be wrong to see the authors (and even the subjects) of late seventeenth- and early eighteenth-century criminal literature as without conscious agendas of their own, and incapable of investing their work with multiple meanings or even with irony.

Faller's study, while raising important and valuable insights, nonetheless neglects not only change over time (that pet preoccupation of the historian), but also the degree to which criminal literature was produced within a historical context, and had at least a basis in "the

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72 See in particular Chapter VI and VII.

73 Faller, Turned to Account, 175.
real" (as he terms it). Criminal "lives" may have been scripted by larger societal cultural conventions, mediated by and filtered through their creators and modified to suit the desires and expectations of their audience, but (as I shall argue in the following chapter), "real" criminals were often allowed, or even solicited, to deliver their accounts "in their own words"; and, while doubtless many such "true" accounts were spurious, there were nonetheless numerous criminals who were fairly active in selling their "authentic" lives to enterprising Grub Street writers and publishers.

At the same time, it is important to differentiate between different genres of criminal literature. Highwayman tales, as Faller has pointed out, may have been more irreverent, more fanciful and more "frivolous" than were the "Last Dying Confessions" published by the Ordinary of Newgate; however, both drew from different literary and cultural traditions. Captain Alexander Smith's Lives of the Highwaymen (upon which Faller relies heavily in his discussion of the first "myth" of crime), was a compilation of various rogue and "cony-catching" stories, recycled from Elizabethan sources and attributed to a group of semi-mythical criminals executed many years previously. In contrast, the "semi-official" accounts of the trials at the Old Bailey, and of the "Last Dying Confessions" were more "firmly [fixed]...within the context of the 'real world'",74 not because they dealt primarily with "familiar murder" (most, in fact, were concerned with property crimes), but because such publications, under the auspices of the city of London, catered to the public's desire for the "full" and "genuine" accounts of the lives, trials, and dying speeches of offenders. Different publications had different agendas (and different selling-points): highwaymen "lives" drew satirical parallels between high life and low, illustrating their points with the most salacious

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74Faller, Turned to Account, 4.
and irreverent examples possible;\textsuperscript{75} the Ordinary's \textit{Account} delivered a moral message to its audience, while satisfying its thirst to know all the intimate details of criminals' lives; and, the Old Bailey Sessions Papers and the \textit{Select Trials} claimed to offer the public objective facts, or rather, the unvarnished (and deliciously unedited) testimony of those criminals brought to trial at the Old Bailey.

This thesis proposes to chart the variety and range of the criminal literature published in England (and particularly London) in the late seventeenth and early eighteenth century; to explore its changes over time; and finally, to address some of the larger issues and themes that arise from a close reading of such "lives" and "last dying confessions". What sort of conclusions can we draw about the meaning (or "function") of such literature, about the preoccupations and tastes of the audiences that read it, and of the larger socio-cultural context which shaped and defined it? And not least, what, if anything, can such accounts tell us about the "real" lives of the men and women who suffered at Tyburn (or elsewhere in England) in the late seventeenth and early and mid-eighteenth century?

In the following chapter, I will discuss the way criminal biographies were justified by their authors and publishers and marketed to a wide audience, and the not insignificant role which criminals themselves played in withholding or delivering their own "true" and "authentick" accounts. Chapters III through V will focus on the three major types of criminal literature: the picaresque, satirical and semi-fictive "rogue tradition" (exemplified by the highwaymen "lives" popularised by Captains Smith and Johnson); the more serious and pedantic "confessional tradition" (represented by the Ordinary of Newgate's \textit{Account}); and the

\textsuperscript{75}Criminal literature was not the only popular printed matter that used satire to attract readers; this was also quite common in English almanacs. See Bernard Capp, \textit{Astrology and the Popular Press: English Almanacs 1500-1800} (London and Boston, 1979), 109.
more "factual" (if often semi-pornographic) "legal tradition" (as seen in the Old Bailey Sessions Paper and the Select Trials). While I will not devote a separate chapter to individual pamphlets or the early and mid-eighteenth-century collections of criminal "lives", most of these fall into one of the three "traditions" outlined above, and will be discussed, when appropriate, either in the second or third part of this study.

The third part of the thesis will address some of the issues and themes arising from criminal literature in general, and will explore the ways in which "Last Dying Confessions" and criminal biographies (found both in the Ordinary's Account and other individual or collected volumes of "lives") grappled with the issue of criminality both as an individual transgression and as a major social problem. In Chapter VI, I will focus on the ways in which contemporaries defined or explained criminality as either a failure of a moral or supernatural order (i.e., succumbing to vice or to the blandishments of Satan); or variously, as a response to environmental conditions such as poverty or—as it were—a "dysfunctional" upbringing. Chapter VII will explore the strategies employed by condemned men and women to make a good end—whether this meant dying penitent, or "game", or simply "in peace with all the world"—and on the degree to which these criminals themselves, in their behaviour at the place of execution, or in their "last dying confessions" appeared to resist, dismiss, or subscribe to the values expressed or implicit in contemporary criminal accounts. And in Chapter VIII, I will turn my attention to the role of women in the literature of crime; for, while the previous sections deal with women as well as with men, it is perhaps necessary to specifically address the question of whether the theories of criminal causation discussed in Chapter VI applied to female offenders, and the extent to which strategies employed by the condemned to die well—described in Chapter VII—could and did vary along gender lines.

The final chapter will look at the later literature of crime, specifically The Newgate Calendar
and other related works, and speculate on the nature and causes of the shifting audience for criminal literature, and about changing attitudes about criminals and criminality in general.

I would like to conclude with a few remarks about the value of late seventeenth- and early eighteenth-century criminal accounts to historians and other scholars. As I have suggested here, many have seen the criminal biography in general as a less than reliable source of information about the "real" lives of criminals. To be sure, whether we see the "lives" and "Last Dying Speeches" of condemned criminals as "records of the truth" or as the inventions of unscrupulous Grub Street writers or of a larger society which chose to represent the "real" in palatable ways, they were stories in the same way that all life histories are stories. They were stories told by dying men and women who often shaped the conventional format of the "Last Dying Confession" or "life" to suit their own purposes, stories recorded and repackaged by clergymen and pamphleteers and ultimately appropriated by their audiences. Their reality may not have been our own; many, perhaps, were bald-faced forgeries; yet nonetheless they still have much to tell us about the context within which late seventeenth- and early eighteenth-century men and women—criminals and "respectable" citizens alike—framed their lives. As Defoe wrote in his preface to the life of Colonel Jacque, "it is [not] of the least Moment to enquire whether the Colonel hath told his own Story true or not; If he has made it a History or a Parable, it will be equally useful, and capable of doing Good, and in that it recommends it self without any other Introduction". 76

I hope that the criminal literature I will discuss in the following chapters will be, if not necessarily "capable of doing Good", at least "equally useful" in shedding some light on the world in which late seventeenth- and early eighteenth-century criminals lived and died.

76 Colonel Jacque, 2.
II. Making Crime Pay: Marketing (and Justifying) the Printed Literature of Crime

There are knaves in all trades but bookselling.
—*The English Rogue* (1671)

...I studied the Grub-street manner with great diligence, and at length became such a proficient, that my works were in great request among the most polite of the chairmen, draymen, hackney-coachmen, footmen and servant-maids...I have made many a good meal upon a monster; a rape has often afforded me great satisfaction; but a murder well-timed, was my never-failing resource.
—Tobias Smollett, *Roderick Random* (1748)

In late February of 1727/8 Martin Bellamy, a London street-robber and housebreaker (and "a Person", at least in his own estimation, "as famous" in his "Profession" as his "Predecessor" Jack Sheppard) was apprehended for the robbery of a silk-shop two weeks earlier. Shortly after being committed to New-Prison, Bellamy was approached by "a certain understrapping News Monger, who collects matters for one of the Dayly News Papers", and who "pretended to be employ'd by the Right Honourable the L--d T-----d, and Sir R----t W---ple, for the detection of Street Robbers." Bellamy would later claim to have been completely taken in by the latter's "natural Front of Assurance"; at any rate, he seems to have lost little time in delivering, in exchange for the promise of a free pardon and reward, "a particular Confession of the several Crimes he was guilty off [sic] and [a discovery of] his Accomplices".

But Bellamy was to receive neither reward nor pardon; for, contrary to his expectation, the next Morning the Publick were entertain'd in the Daily Journal, with an imperfect Recital of several Robberies and burglaries, committed by the said Bellamy, and Names of divers Persons who had been concern'd therein, even before the proper Method had been used to Apprehend them, in order to bring them to Justice, by which means they had timely notice to make their Escapes, to the no little prejudice of the Publick, in leaving such a Sett of profligate Villains at Liberty, to commit further
Depredations and Violencies.¹

If in an age of modern tabloid journalism such an incident fails to shock, it is equally unlikely to have raised many contemporary eyebrows. After all, Grub Street greed and Grub Street opportunism were proverbial:² as one late seventeenth-century "dying Penitent" lamented, "it is hard that for the Lucre of a Penny, a Man dares write so many Lies; but God forgive them that did it, for he would have writ the same upon his own Brother upon the like Occasion".³ Among the various writers and publishers of criminal "Lives", "Last Confessions" and "Dying Speeches", it seems to have been not merely commonplace, but common practice, to characterise rival publications as "catch-penny accounts...calculated for, and compiled by, the sons of Grubstreet, who daily palm their spurious works upon the public for authentic".⁴ Just as the pickpocket was notorious for plying his or her trade on hanging days, so in a sense did art imitate life: the writer of criminal biographies had "no other View than that of filling his own Pockets, by picking those of other People".⁵

It is not my purpose here to overturn this image of the late seventeenth- and early eighteenth-century writers of criminal literature as so many unscrupulous hacks out only to

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¹*The Life of Martin Bellamy...Necessary to be perus'd by all Persons, in order to prevent their being robb'd for the future. Dictated by himself in Newgate, and Publish'd at his Request, for the Benefit of the Publick* (John Applebee, 1727), 8-10.

²Grub Street (now Milton Street) was located near Moorfields (near or on the site of the present-day Barbican project). During the late seventeenth and early eighteenth century, it acquired the reputation of being home to professional or "hack" (i.e., from "hackney", meaning something—usually but not always horse-drawn carriage—let for hire) and therefore presumably also second-rate writers. See Pat Rogers, *Grub Street: Studies in a Subculture* (London, 1972).

³*The last Words of a Dying Penitent...written with his own Hand after Condemnation* (Randal Taylor, 1692), 26.

⁴*Bloody Register* (1764), 1:iii–iv.

⁵*The Faithful Narrative; Or an Impartial Account of the Trial of Bartholomew Greenwood, Gent.* (Standen, 1740), iii.
"get a penny", and willing to "sacrifice" not only "truth", but the feelings of victims, criminals and their families "to their own private interest and avaricious disposition". In fact, although I will attempt to demonstrate that those who wrote and produced criminal accounts were not necessarily—or at least exclusively—motivated by financial concerns, I may do more to reinforce this stereotype than to dispel it. Nor is it my intention to assess the literary merit of the accounts such (to quote a recent scholar) "inept and unimaginative hacks ground out", or even to attempt to identify exactly who these men (and occasionally women) were. Rather, by focusing on the motivations professed by the writers and editors of criminal literature—as well as by the criminals themselves—I will address the question of how, and why, these "authentic" and "true" last dying confessions and speeches were justified, presented, and marketed to a wide audience. And in doing so, I hope to shed some light on a related, and rather more problematic, question: that is, can such publications be dismissed as merely the fabrications of unscrupulous Grub Street hacks or the pious (but hardly disinterested) inventions of the clergymen who attended the condemned in their last moments, or can they tell us anything about the "real" lives and preoccupations of late seventeenth- and early eighteenth-century criminals?

Although modern scholarship has seldom evinced quite the same degree of contempt for these so-called "sons of Grubstreet" as did contemporaries, it has been in its own way

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6Joseph Clarke ("a near Relation"), A Full Refutation of the Pretended Narrative of the Trial and Condemnation of Mary Edmundson (M. Cooper, 1759), 15.

7John J. Richetti, Popular Fiction before Richardson: Narrative Patterns 1700-1739 (Oxford, 1969), 30. Since most criminal literature was published anonymously or under a pseudonym, it is not known how many, if any, of the authors of criminal lives were women (however, for a discussion and "a provisional checklist" of publications by women in the seventeenth century in general, see Patricia Crawford, "Women's Published Writings, 1600-1700", in Mary Prior, ed., Women in English Society, 1500-1800 [London and New York, 1985], 211-274). It was certainly not unusual for widows or wives of booksellers, printers or "trade publishers" to be active in the industry. Among the most prominent in the field of crime publication were Elizabeth Mallet in the late seventeenth century, and Judith Walker and Mary Cooper in the early and mid-eighteenth century.
almost as dismissive. The academic preoccupation with the question of whether or not the press served as an expression of ruling-class ideology or an instrument of social control has tended to shift attention away from the "production" and towards the "consumption" of printed material. There has been a tendency—particularly among scholars influenced by the work of Michel Foucault—to view popular literature within the context of a "culture of consolation" created "for", and not "of" the people. Robert Mandrou, in his study of the "bibliothèque bleue" of Troyes, sees such literature as escapist at best, and "dépolitisante" at worst: "popular culture" constitutes, for Mandrou, a "form of alienation"—a kind of "obstacle" to or "brake" on the development of class consciousness. Similarly, Robert Muchembled has argued that print served as a vehicle for a "mass culture" which aimed to displace and supplant the genuine "folk culture" of the common people and thus alienate them from "the living roots of their traditional view of the world".

The logic underlying what I would characterise as (for want of a better term) this "social control" perspective has been challenged by such cultural historians as Roger Chartier, who has differed with Foucault in seeing that a reader may "appropriate" a text. Chartier proposes

a reformulation of the concept of appropriation that accentuates plural uses and diverse understandings and diverges from the meaning Michel Foucault gives appropriation when he holds "the social appropriation of discourse" to be one of the primary procedures for gaining control of discourses and putting them

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9Popular Culture and Elite Culture in France, 1400-1750. Trans. Lydia G. Cochrane. (Baton Rouge, 1985), 185. Peter Burke also argues that "in the long run, print undermined traditional oral culture", but clearly does not subscribe to the notion of social control (Popular Culture in Early Modern Europe, [New York, 1978], prologue).
beyond the reach of those who were denied access to them.\textsuperscript{10}

And it would seem that much of the recent work on popular literature of crime reflects a growing reaction against models of historical causation which would seem to deny individual (or working-class) agency. Criminal accounts have been seen, variously, as a kind of societal coping mechanism, or as potentially subversive material expressing an alternate or "transgressive" morality, or even, according to one historian, as true historical records of the "conflict of the Powerful and the Propertied against the weak and the Poor".\textsuperscript{11} In most cases it seems to be accepted that the "customer's tastes appear to have been determining"—that demand determined supply, not the other way around.\textsuperscript{12}

None of this is to dispute that the market catered, at least to some degree, to the expectations and desires of its audience. Nor would I be inclined to contradict Roger Chartier's contention that readers, far from being so many "wax tablets" passively waiting to be "legibly inscribed with the ideas and images forged by intellectual creators", did in fact mediate and appropriate any given text according to their own perceptions, past experience,

\textsuperscript{10}Forms and Meanings: Text, Performances, and Audiences from Codex to Computer (Philadelphia, 1995), 89. The ability of audiences or consumers to "appropriate" texts or material in ways that often work against attempts at either indoctrination or "social control" has become a dominant theme in cultural history. As Ann Bermingham has written in the introduction to a recent work on "the consumption of culture", "We need to explore the way in which individuals appropriate cultural form to their own individual ends, as tools to construct social selves; at times to comply with and other times to resist institutional and social coercions"(Ann Bermingham and John Brewer, ed., The Consumption of Culture 1600-1800: Image, Object and Text [London, 1995]), 14.

\textsuperscript{11}As a coping mechanism (i.e. as a way to resolve social anxiety about murderers or to relieve guilt about the execution of property offenders) see Faller, Turned to Account, as well as Gatrell The Hanging Tree, 157; as "transgressive" morality, see Gatrell, Hanging Tree, 109-148; for the Ordinary's Accounts as "records of the truth", see Linebaugh, London Hanged, ixx-xx.

\textsuperscript{12}Gatrell, Hanging Tree, 168. It should be pointed out that Gatrell is dealing with criminal literature of a later period—the late-eighteenth and early-nineteenth-century ballads and broadsides (or, "plebeian texts"), which "were unambiguously directed at humble people: we are safe in presuming that their ethical and sentimental messages accorded with pebeian expectations"(ibid., 171).
and present requirements. Rather, what I would like to do is to take his argument one step further, and see not only the act of reading criminal accounts but the act of writing even the most formulaic of them as an equally dynamic and significant process—and one which the condemned criminal himself (or herself) could not merely on occasion shape, but even appropriate for his or her own purposes.

Chartier has himself pointed out that texts leave "room for multiple readings" and "contradictory utilizations"; and I will attempt to demonstrate that the writers and publishers of criminal literature consciously or subconsciously justified their work in ambiguous and open-ended terms, as though in order to attract the largest readership possible. And in such a competitive (and ultimately, undiscriminating) market, writers were obliged not just to anticipate the desires and attitudes of the consumer, but also to allow—and at times perhaps even to encourage—a certain freedom of expression on the part of the criminal about to be hanged.

ii. The Market: Conventions and Constraints

After the lapse of the Licensing Act in 1695, no official form of pre-publication censorship existed in England. This relative freedom of the press frequently attracted the notice of foreign observers; as the French traveller Henri Misson remarked,

England is a Country abounding in printed Papers, which they call Pamphlets, wherein every Author makes bold to talk very freely upon Affairs of State, and to publish all manner of News. I do not say that every one does with Impunity


14Ibid., 42.

speak his own Thoughts, but I say, they take great Liberties. A Friend of mine affirm'd to me, that in the Reign of the late King Charles, he heard the Hawkers cry about the Streets a printed Sheet, advising that Prince to quit the Duchess of Portsmouth, or to expect most dreadful Consequences. The extreme Mildness of the Government gives Room for this Licentiousness.\textsuperscript{16}

While in theory criminal biographers could be sued for libel and for plagiarism, in practice only the most blatant cases were likely to be prosecuted. Most writers seemed to take the minimal precaution of striking out all but the first and last letters of the names of people who were being discussed in a potentially slanderous light, and of course there was always the longstanding tradition of attacking political figures and institutions indirectly through satire. As for plagiarism, it was so rampant (customary might be a more accurate term) that it seems that only a direct republication of one of the semi-official sources was likely to result in legal retaliation.\textsuperscript{17} Well into the eighteenth century there were forgeries of the Ordinary of Newgate's \textit{Account} published as though under the Ordinary's name, with only a slight variation in spelling (e.g., "Lorrane" instead of "Lorrain").

Nor would it appear even that publications questioning judicial proceedings or rulings were suppressed in a particularly rigorous fashion—at least if the experience of the London printer Dryden Leach is any example. The latter, who had in 1715 published an account "tending to extenuate" the "Guilt" of a recently executed criminal by the name of Foster Snow, was summoned "to attend" the Old Bailey for the "Offence" of "reflecting" highly on the justice" of its proceedings. But after Leach had made "his most humble Submission...asking Pardon of the Court for his Offence...the Court were graciously pleased

\textsuperscript{16}\textit{Henri Misson, M. Misson's Memoirs and Observations in his Travels over England} (1698; trans. by John Ozell 1719), 203-4.

\textsuperscript{17}Michael Harris has demonstrated that the printers of the OBSP were particularly jealous of their privileges, and that "re-publication of material from the \textit{Proceedings} led to swift action" ("Trials and Criminal Biographies", 13).
to dismiss him only with a Reprimand".¹⁸

Such a reprisal, if it can be called that, seems to have occurred only rarely in connection with the publication of criminal literature. And while overt criticism of the legal system may not have been permitted, it seems that almost anything else was. Criminal accounts may have elicited scorn or disapproval, but the practice of printing even the most lurid or explicit of them nevertheless went on relatively unchecked.¹⁹ In fact, if anyone were likely to draw attention to the controversial and potentially corruptive nature of criminal accounts, it was the authors of the accounts themselves. For while it was constantly asserted that "the utility of...Work of this Kind cannot but be acknowledged by every impartial Reader"; that there was no reason to waste the reader's time "in Excuses" for printing collections of criminal lives; and that "such publications were never yet reprobated by any of our most rigid guardians of religion or morality"; lengthy excuses and elaborate justifications almost inevitably follow any claim that the worth of such literature was so self-evident as to require no explanation.²⁰

If censorship were unlikely to have been a concern, why then did the authors of criminal accounts—already at least ostensibly insulated from public censure by the Augustan convention of writing anonymously or under a pseudonym—seem to feel obliged to justify the "utility" of their accounts? I would argue that such "excuses" served, in fact, as a kind of

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¹⁸Lives of the Most Remarkable Criminals, 2:91. The actual offending account can be found in Select Trials (1742), 2:275-7.

¹⁹This is not to deny changes in attitudes over time; certainly, as the eighteenth century progresses pornographic and violent passages become less and less common. Not only are details in rape cases, for example, increasingly glossed over or withheld, but among writers of criminal literature, there is an undeniable and general shift to a more sentimental and refined tone. However, even towards the end of my period, such writers continued to supply their readers with material that was still quite risqué, if considerably less graphic.

²⁰Annals of Newgate (1776), 1:iii; N. B., Compleat Collection of Remarkable Tryals, 1:iii; Anecdotes, Bon Mots, Traits, Stratagemis, and Biographical Sketches, of the Most Remarkable Highwaymen, Swindlers, and other Daring Adventurers (D. Brewman, 1797), iii.
advertising tactic not much more subtle than that, for instance, employed by one of Henry Mayhew's "strawers"; that is to say, a peddler of street literature who would offer to "sell any passer by in the streets a straw and to give the purchaser a paper which he dares not sell. Accordingly as he judges of the character of his audience, so he intimates that the paper is political, libellous, irreligious, or indecent".21

Criminal accounts were controversial in the early modern period for many of the same reasons that similar literature continues to be today; the notion that the reporting of criminals' misdeeds could spawn "copy-cat" crimes is not unique to the twentieth century. And controversy, then as now, was an effective form of publicity. John Gay's play, The Beggar's Opera, may well have owed its immense commercial success not so much to its satire of the Walpole administration as to its rakish highwayman hero who, in the final act, receives a last minute reprieve from the gallows. Apocryphal but persistent accounts of youthful highwaymen arrested with copies of The Beggar's Opera in their pockets, or of the seventeen-year-old who, "on quitting the theatre" where the play was performed, "laid out his last guinea in purchase of a pair of pistols, and stopped a gentleman on the highway", testify as much to The Beggar's Opera's enduring popularity as to its power to corrupt the young and impressionable.22

Nor indeed do writers of eighteenth-century crime literature seem inclined to duck the issue of whether or not their work could be put to bad use: "People of a sober and religious turn", one editor acknowledges, may well ask what use are the

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21Henry Mayhew, London Labour and the London Poor: Cyclopaedia of the Condition and Earnings of those that will work, those that cannot work, and those that will not work (London, 1851), 1:239.

Stories of Traitors, Murderers, Thieves, and villains of the blackest Grain [in reforming] the vitiated and corrupt Manners of the present Age? Will not the Memoirs of such abandoned Wretches have a quite contrary Effect, and be an Incitement, rather than a curb, to the Licentiousness of our Youth, already too much depraved, and, in general, more apt to follow the worst than the best Examples?

It was probably not lost on the reader that while this question is raised it is never satisfactorily resolved.23

iii. "Entertainment Joined with Instruction"

In theory, of course, criminal lives served as cautionary tales, with the criminals as role models in reverse. As one later collection of accounts explains, "the Study of Biography is universally allowed to convey the most useful Species of Knowledge; and it has been debated among the Learned, whether the History of a Man notoriously wicked, does not convey more useful Instruction than that of the most virtuous and exemplary". Indeed, it is often implied that the very "Degeneracy" of the age called for drastic measures:

"'tis...certain that Terror may have some Effect upon a Mind that is past all sense of Honour and Virtue".24

Another claim common to criminal accounts was that some familiarity with sin was necessary in order to resist temptation (although whether this was credited is another matter). Also, the more graphic the description of vice, the better: "Instruction, convey'd by Example, makes a more deep and lasting Impression in the Mind, than that deliver'd by Precept only. By Examples therefore we shall endeavour to dissuade Men from the Pursuit of vicious Courses".25 Thus one author defends the "Usefulness" of his "Book"

23Remarkable Trials (1765), 1:iii.


25Select Trials (1742), 1: i.
(incidentally, a favourite of Boswell's) with the following argument:

There is indeed an Objection often made to Books of this Nature, that young People are very apt to read them, and thereby come to know in a short Time more Wickedness, than perhaps they might have otherwise seen in all their Lives. But I dare answer for it, that this Book is so well guarded by proper Inferences and Reflections, that no young Man can possibly be the worse for reading it: He may indeed see, that the worst and wickedest of Men have their merry, that is to say, their mad Moments; but he will likewise see, and be forc'd to see the Effects of this Mirth, which shew it to be a real Madness. In a Word, an Hour's Reading will shew him more than his own Consideration would have pointed out in his whole Life; and why then should not such a Book be read?  

Once again, the question is left unresolved, but the important purpose has been answered: readers are assured of having at their fingertips a lifetime's worth of wickedness (and, in the space of an hour's reading, no less).

In fact, the greatest worry seems to be that of losing audiences by being too didactic.

One writer insists that

I would not have my Readers however imagine, that because I talk of rendering Books of this kind useful, that I have thrown out any Part of what may be stiled entertaining...but with this Caution always, that I have set the Entertainment of Vice forth in their proper Colours, lest young People might be led to take them for innocent Diversions...[and mistake] it as the Road to Pleasure, that which is indeed the Highway to the Gallows.

Just as a spoonful of sugar is supposed to make the medicine go down, so is entertainment seen as not only justifiable, but even necessary to any collection of criminal lives:

Entertainment, joined with Instruction, should be the great aim of all writers; and the author who consults not the methods by which to blend the useful with the agreeable, will find, to his sorrow, that he has laboured in vain. A book, in which amusement alone is consulted, is below the notice of a reasonable creature: and a mere dry system of argumentation, or a dull recital of uninteresting facts, will meet with the contempt of every reader.

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26Select Account of the most Remarkable Convicts (1745), 1:vii.

27Lives of the Most Remarkable Criminals (1735), 1:iii.

28Tyburn Chronicle (1768), 1:v.
It was even possible to read such accounts simply "for the sake of Amusement", while soaking up virtuous subliminal messages: "they may as it were imperceptibly convey Notions both profitable and just".  

Not all authors felt compelled even to pay lip-service to the notion of moral accountability to the audience. "It is not our Business", writes Captain Charles Johnson, "to prescribe to our Readers, if it were, they would mind us just as much as they pleas'd: We shall be careful every one who reads our Collection may be diverted, and as many as will may be instructed; which is all we can promise, and, we believe, all that can be expected". One author even interrupts a half-hearted attempt to reassure "some people" who "may perhaps fancy the reading such a Life dangerous" because "young People" may "make ill use of it", by asking, "what in our Age will they not make ill Use of?" This was, after all, a society which believed in individual responsibility.

If the principal justification for writing criminal lives was to deter saucy maidservants and idle apprentices from embarking on a course of vice (leading inevitably through the various and progressive stages of sabbath-breaking, oath-taking, company-keeping and so on to a shameful death at Tyburn) the next most frequently cited reason was to "expose the Frauds of Cheats and Sharpers" so "that the Honest and Unwary may be apprised of, and guard against the private, or violent Designs of those Plunderers". Such literature, it was argued, was required reading for "the honest trader [who] will be taught lessons of Prudence


31*The Life and Adventures of Gilbert Langley...Written by Himself in Maidstone Gaol, when under Condemnation, for a Robbery committed on the Highway* (John Applebee, 1740), ii.

32*Select Trials* (1742), 1:i.
and Forecast, and how to counteract and frustrate the villainous Attempts of these common Enemies of Society".33

And, repentance aside, it seems to have been considered the main duty of the criminal to inform the public about the ways in which he or she had duped, defrauded, and imposed upon his or her victims. It was, we are told, "For the Good of the Public...desired by this unhappy young Man Mr. [Robert] Ramsey, that all Maid Servants for the future, when they are washing their Doors or Steps, or when they go out of Errands, not to leave their Doors ajar, but take Care to shut them after them".34

However there was a distinct tendency for these kinds of "educational" criminal accounts to read less like public service announcements than long inventories of women seduced and abandoned and husbands robbed and cuckolded. The unrepentant tone and picaresque format of such publications is evident in titles such as the following one:

_A Genuine Narrative of all the Street Robberies Committed since October last, by James Dalton, and his Accomplices, Who are now in Newgate, to be try'd next Sessions, and against whom, Dalton (call'd their Captain) is admitted an Evidence._

_Showing_

_I. The Manner of their snatching of women's pockets; with Directions for the Sex in General how to wear them, so that they cannot be taken by any Robber whatsoever._

_II. The Method they took to rob the Coaches, and the many diverting Scenes they met with while they follow'd those dangerous Enterprizes._

_III. Some merry Stories of Dalton's biting the Women of the Town, his detecting and exposing the Mollies, and a Song which is sung at the Molly-Clubs; with other very pleasant and remarkable Adventures._35

_To which is added, A key to the Canting Language, occasionally made use of in this Narrative._

33*Remarkable Trials* (1765), vi.

34OA (John Applebee, 13 January 1741/2), Part II, 38.

35"To Bite. To over-reach, or impose; also to steal.—Cant"; "Molly. A Miss Molly; an effeminate fellow; a sodomite" (from the _1811 Dictionary of the Vulgar Tongue. A Dictionary of Buckish Slang, University Wit, and Pickpocket Eloquence_ (1811; repr. with a forward by Robert Cromie, Northfield, 1971).
Taken from the Mouth of James Dalton.\textsuperscript{36}

While most accounts prove to be more titillating than informative, sometimes the reader is offered very specific advice:

The only Method that I know, to prevent Horses being stolen, is to send to Birmingham for some of their Case-hardened Locks, which are made on Purpose; no Thief or other person can get the said Lock off the Horse's Fetlock without the Key. They must be lined with Leather to prevent their galling the Horse if he has any Spirit. If any Thief steals him over Night, in the Morning when they see the Lock on him they will turn him up, for the said Lock cannot be filed off, nor broke; and the Expences of it will be but two Shillings each Lock. It must not be put on too tight, neither be too big.\textsuperscript{37}

And as to whether this was inserted in the interests of public welfare or as a paid advertisement for a Birmingham locksmith is something at which we can only guess.

Clearly, such literature could be seen as a double-edged sword; if on one hand it exposed the tricks likely to be employed by thieves, it might on the other prove just as useful as a kind of "how-to manual" for crime. When Captain Alexander Smith, the pseudonymous author of several collections of highwayman lives, claims that he has "at the Request of several worthy, and very honest Gentlemen", published "a Second Volume, or Inventory of other Mens Faults" not "with an Intention the World should imitate them, but that the Reader should be deterr'd by them from committing the like crimes, and make his Advantage of their Misfortunes", it is hard to take him at his word--especially as he goes on to offer detailed instructions on how Nan Harris, a notorious shoplift, stole rings from jewellers' shops "by the means of a little Ale held in a Spoon over the fire, 'till it congeal'd thick like a Syrup, so rubbing some of it on the Palm of her Hand, any light Thing would stick to it, without the

\textsuperscript{36}J. Roberts, 1728.

\textsuperscript{37}The Discoveries of John Poulter, alias Baxter...being a full Account of all the Robberies he has committed, and the surprizing Tricks and Frauds he has practised for the Space of five Years last past, in different Parts of England, Written Wholly by Himself, 9th ed. (R. Goadby, 1754), 21.
least Suspicion at all". From the life of Nan Harris could also be gleaned tips for successfully "pleading the belly" by using "the old Stratagem of drinking new Ale very plentifully, to make her swell, cramming a Pillow under her Petticoat to make her look big; and having Matrons of her own Profession ready at hand, who, right or wrong, bring in their wicked Companions quick with Child". But Smith is careful to add (presumably in order to demonstrate that the truth will always out), that "at the end of 9 Months (all which While she was not wanting to make her self pregnant, if all the Men in the Jayl could do it, but they work'd in vain) she was call'd down to her former Judgment, and hang'd".

Shoplifting tips of a less colourful but perhaps more practical nature are proffered by one Charles Speckman, who describes his method of robbing a milliner's shop:

I fixed my eyes on a particular piece [of lace]; pretending to have a bad cold, took my handkerchief out to wipe my nose, laid it down on this piece of lace, which repeating again, I took the lace up with my handkerchief, and put it in my pocket, and then...marched gravely off, without the least suspicion.

Speckman would also, "for the sake of variety," visit "dyers and scourers shops," asking the hapless staff if his "cloaths were done". He would then walk off with a dirty suit of his own choosing, after explaining that his servant had mistakenly brought it to be cleaned and that it was still fit to be worn. And, if the inclusion of such stories is of dubious value, it is difficult to know what to make of a 1773 account of William Cox, which includes a diagram

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38 A woman condemned to death would be granted a stay of execution if she could convince a "jury of matrons" that she was pregnant. In theory, the woman was to be hanged after delivering the baby, but in practice it seemed she was more likely to have her sentence commuted, if not actually receive a full pardon after the birth of the child. See Beattie, Crime and the Courts, 430-1.


40 The Life, Travels, Exploits, Frauds and Robberies, of Charles Speckman, alias Brown, who was Executed at Tyburn, on Wednesday the 23rd of November, 1763...written by HIMSELF, whilst under Sentence of Death in Newgate (J. Fuller, 1763), 8; 9; this account is signed by Speckman and three witnesses, all attesting to the claim that Speckman was the genuine author.
of the skeleton key the latter supposedly used in his robberies.\textsuperscript{41}

\textit{iv. Confession is Good for the Soul (and for Sales)}

Perhaps no crime publication of the period better exemplifies the tension between instruction and entertainment than that of \textit{The Ordinary of Newgate, His Account of the Behaviour, Confession and Last Dying Speeches of the Condemned Criminals...Executed at Tyburn}. The Ordinary may well have been, in the words of one 1679 pamphlet, obliged both by "his place" as prison chaplain and his "ready inclinations to Christian charity" to bring the prisoners consigned to his spiritual care to a "sincere and hearty Repentance"; however, his "inclinations" were anything but disinterested: the prisoner's "free, full and ingenuous Confession" constituted not only his or her "first step" towards repentance, but a source of income for the Ordinary—who enjoyed, as one of the most important perquisites of his position, the right to market the last dying speeches and biographical sketches of the criminals executed at Tyburn.\textsuperscript{42}

In the words of one mid-century clergyman, it was a "disagreeable and irksome" as well as an indispensable duty annexed to the office of the Ordinary [of Newgate]...to persuade criminals to confess the several forgeries, robberies, thefts, burglaries and other injuries done...without being exposed to be accused and abused by an obdurate criminal, as being impertinently curious and officious to collect materials only to fill up his account.\textsuperscript{43}

\textsuperscript{41}The Genuine Life of William Cox (T. Axtell, 1773), 13.

\textsuperscript{42}The Behaviour and Execution of Robert Green and Lawrence Hill...who Suffered at Tyburn on Friday, February 21, 1678/9...(L.C., 1679), 5. For the most part, malefactors condemned at the Old Bailey were held at Newgate (and thus under the Ordinary's jurisdiction) and hanged at Tyburn, although there were exceptions (for instance, pirates were hanged at Execution Dock, while some criminals were executed at or near the scene of their crimes for greater dramatic effect).

\textsuperscript{43}A Genuine Account of the Remarkable Life and Transactions of John Rice...Paul Lewis...and Hannah Dagoe...Written by a Gentleman who attended them before their Execution (T. Trueman, 1763), 8.
For indeed criminals (as well as other contemporaries), frequently questioned the Ordinary's motives in soliciting their confessions. In 1724 Jack Sheppard was to complain that "the several Divines who visited him" (not least of whom was the Ordinary himself) were "all Ginger-bread Fellows", who "came rather out of Curiosity, than Charity; and to form Papers and Ballads out of his Behaviour". Some forty years later Charles Speckman, another notable criminal, went so far as to claim that the Ordinary, Stephen Roe, refused to administer the sacrament to him "under pretence of [my] not being prepared, but in reality, to get from me an account of my life and transactions". Far from finding the Ordinary's "presence...agreeable to them as a Christian pastor should be", Speckman and his fellow prisoners "looked upon him as come for nothing but his own advantage; and rather to disturb them with insignificant and impertinent questions, than, to take care of their poor souls". It should be pointed out, however, that Speckman's animus towards both the Ordinary and his "wretched paper" (which, according to him, contained "nothing but absurdity and contradiction") seemed based less on the Ordinary's lack of spiritual charity than on his refusal to, in exchange for a more "authorised" account, "[give] me one farthing, or his charity extended so far towards me, as to furnish me with a little food to keep soul and body together till the time of my death".

Needless to say, the editors of the Ordinary's Account were strenous in their professions that their aim was not profit, but ghostly instruction; according to one early

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44 I will discuss this at considerably more length in Chapter IV.

45 The History of the remarkable Life of John Sheppard, Containing A particular Account of his many Robberies and Escapes (John Applebee, 1724; reprinted in Horace Bleackley and S.M. Ellis, Jack Sheppard [Edinburgh and London], 1933), 155. "Ginger-bread", in this context, probably means "something showy and unsubstantial" (OED).

46 The Life, Travels, Exploits, Frauds and Robberies, of Charles Speckman...(J. Fuller, 1763), 53; 56; 49.
Account, the "one main Reason which Induces us to publish this Melancholy Account...is to
deter others from such rash and lawless Enterprises, as must inevitably end in their Ruin and
Disgrace".47 But as far as other "Reasons" are concerned, the editors, especially in the late
seventeenth century—a period where many competing publications vied for control of the
market for "Last Dying Speeches" of the criminals hanged at Tyburn—are often singularly
unconvincing. It was common, especially in the 1680s, for these publications to open with a
longwinded tirade against "false accounts", coupled with fervent assurances of their own
authenticity.48 Certainly, it is difficult not to suspect a more pecuniary motive at work when,
in 1684, a notice at the end of the Ordinary's Account claims that reading "pretended
confessions" could result in serious social and spiritual "Inconveniency":

Some Criminals [sic] who have Dyed Pententiary's, have several times been
Misrepresented to have been hardned [sic] in a State of Sinning, of whose
Happiness after their Death, the Ordinary hath had (in Charity) a fairer
Prospect. Other Dying Criminals have been affirmed to be very Penitent, who
have been very insensible of particular Crimes for which they Suffer'd, and in
a manner persisted in the Denyal of the Perpetration of them. So that it was
very difficult for any to Judge Positively, as some Pamphleteers did, of the
truth of their Repentance; however by publishing false Accounts of that
Nature, some possibly have been Induced to delay their Repentance to a Dying
Hour, and to imagine that so serious a Work may soon be Effected.49

Paul Lorrain (Ordinary from 1700-1719) seems to have made a point of referring to
the Account as "my melancholy Paper"; an unhappy duty (and thankless chore), not a
welcome source of revenue. Lorrain repeatedly characterises breaks in the paper due to
pardons and reprieves as "happy interruption[s]", and often piously concludes his Account

47The Behaviour, Confession and Execution, of the Four Prisoners at Tyburn...(E. Mallet, July 1685), 1.
The Ordinary at this time was Samuel Smith.

48The genuine Ordinary's Reports are actually quite identifiable, as they (for obvious reasons) devote
considerably more attention to the Ordinary's sermon to the condemned prisoners. Competing publications
often omit the sermon altogether.

49A True Account of the Prisoners Executed at Tyburn...(George Croom, May 1684), 2.
"heartily wish[ing]" it "may prove to the Reformation of others". Yet Lorrain was nothing if not a savvy businessman. As Michael Harris has remarked, Lorrain explicitly denied any connection with the advertisements following the Account:

if any be (as I hear some Persons are) offended at such Advertisements as they may meet with, and do not like, in these Papers, I must plainly tell 'em, That therein they do me great injustice; for I have nothing to do with whatever comes in after my name.

Nonetheless, attached to this very Account are advertisements not only for chocolate, water purported to cure "the itch", and Captain Alexander Smith's Lives of the Highway-men, but also Lorrain's own prayer-book, A Guide to Salvation.

During Lorrain's tenure as Ordinary, the Account changed printers frequently, and apparently not always under the most amicable of circumstances. In one rival account published in October 1707, Lorrain's disgruntled former printer Dryden Leach (the same who was later reprimanded at the Old Bailey), provides us with his side of the story:

As I have not taken the Ordinary's Title, I humbly presume there can be no just Reflection upon me either by encroaching on his Prerogative or otherwise...What I now do is only to do my self Justice, and let the World know the Reasons that have induced me to make this publication. I always very honestly paid Mr. Lorrain every Sessions for the Copy of the Speech, which he told me was a perquisite to his Place, but here being now a seeming Probability of an extraordinary Execution, he apply'd (or whether there was application made to him, I don't know) himself to another, who not long before had proffer'd Mr. Lorrain [sic] more money in hand if he would let him have the Paper; which was Prevalent with him (tho I am sure I owe him nothing) that he told me in plain Terms, That truly he must take him that would pay him best, by this he excluded me: And now whether this is a Practice becoming a Clergyman or a Tradesman, I leave to the judicious part

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50OA (J. Morphew, May 1712), 1; OA (J. Morphew, Dec. 1710), 1; OA (J. Downing, Sept., 1704), 2.

51Harris, "Trials and Criminal Biographies", 18; OA (J. Morphew, April 1714), 6.

52I have counted at least seven different printer/publishers during the period Lorrain was Ordinary: Elizabeth Mallet; J. Downing; Dryden Leach; T. Bradyl (sold by Benjamin Bragg); J. Morphew; S. Briscoe; J. Jefferies (sold by J. Morphew); Samuel Briscoe; Boreham.
of Mankind, to make their own just Reflections.\textsuperscript{53}

Nor did the Ordinary of Newgate have a monopoly on unclergyman-like behaviour. In 1751 the rector of St George the Martyr, the Reverend Leonard Howard, could not resist cashing in on the Kennington-Common execution of two men convicted for their part in a particularly appalling rape-murder—a case rendered even more notorious because an innocent man had been hanged for the crime. Yet Howard is almost shrill in his denunciation of

the Publication of Dying Speeches, &c. thinking it of very little Service to take up the Time of Men, and Trouble, and lay a Sort of Tax upon the World, by acquainting them with the wicked and filthy Transactions of poor profligate Wretches, whose Punishments are a sufficient Example to avoid them, and which to publish in their genuine and vulgar Deformity may be detrimental; there are cant Terms made use of by those Wretches, and some Archenesses practis’d in their Villainies, which the Description of may make wrong Impressions on weak Minds. Temptations to Wickedness comes too Soon, without such Helps and Informations. People cannot be too long in an innocent Ignorance, if I may so call it, of Lewdness and wicked Cunning. I shall perform my Office to such Malefactors whilst they live, to the best of my poor Capacity; but I am persuaded the Press will be seldom set by my Order for any of their Accounts, Speeches, Births, Parentages or Education.

Howard, however, concludes on this rather lame, not to mention incongruous, note:

After what I have said, the Publication of these sheets may appear somewhat strange and unaccountable, but the event is so very extraordinary that occasioned it, and the World has been so long desirous of Satisfaction, as to the Innocence or Guilt of Richard Coleman, who suffered for the Act of these inhuman Wretches, that I could not avoid this Opportunity of clearing up a Matter so long doubtful, and which the Hand of Providence has so wonderfully brought to Light.

But Howard does not content himself with "clearing up" the "Matter so long doubtful" (a task which involves, incidentally, a minute recital of the details of a grisly gang-rape); in fact, he goes on to regale the audience with an account of the highwayman Matthias Keys, described

\textsuperscript{53}A True Account of the Behaviour, Confession, and Last Dying Speech of John Herman Bryan (Dryden Leach, Oct. 1707), 2.
variously as "our hero" and as "a great Favourite" with "the Ladies".54

It might have been possible to see this pamphlet as the product of Howard's publisher or bookseller, or perhaps of a journalist he had employed, if not for the testimony of yet another disgruntled crime writer, who, in a preface "to the candid Reader", claimed he had "apply'd" repeatedly "to Howard for the account of the unhappy men". Apparently, Howard had told him "that he believed [the confession] would come to too much Money for me to purchase, but withal said, if I could give as much as another, I should have it". The author goes on to complain that after "shuffling with me from time to time" so that he "would have neglected all other opportunities" (i.e., to come up with an account on his own), Howard informed him

that he was apply'd to by Mr. Jones in behalf of Mr. Nicholson, (but he was the last person above any body, that he should chuse to have any concern with) and that those who would give the most Money for it, should have it. I told him I would give him as much as any other, and am very positive I bid him a Guinea more than he has taken; he would not come to any conclusion, and bid me attend him a night; but that afternoon he gave his very trifling account to Mr. Nicholson.55

v. Marketing the "Truth"

Clearly it was a competitive market, and one in which there was money to be made. Yet no matter how transparent their motives in claiming exclusive possession of a criminal's "true" account may have been, most writers continued to insist on their commitment to correct the "falsehoods and Calumny...palm[ed]" onto the world by spurious accounts", and

54A True and Impartial Account of the Behaviour, Confession and Dying Words of the Four Malefactors, who were executed at Kennington-Common, on Friday, September 6, 1751. Published with the Approbation and Consent of the Reverend Leonard Howard, D.D. Rector of St. George the Martyr, in Southwark, who attended them whilst under Sentence of Death, and in their last Moments (J. Nicholson, 1751), 8; 14.

55A True and Genuine Account of the Confession (whilst under Sentence of Death) of Thomas Jones, and James Welch, for the Barbarous Rape and Murder of Sarah Green, as Taken from the Mouth of Nicholls (the Evidence against them) and by them attested to be the Truth (before several People) (J. Gaylord, 1751), 3. See also Harris, "Trials and Criminal Biographies", 23.
"to guide, in some Measure, the Credulity of those who indifferently believe every Thing they read or hear". And as long as there was a public demand for the "truth", the press could not be faulted for trying to provide it.

Pamphleteers and publishers certainly did not stint on such adjectives as "genuine", "authentick" and especially "true"; and while the claims made in a title such as The True and Genuine Account of the Life and Actions of the Late Jonathan Wild; Not made up of Fiction and Fable But taken from his own Mouth, and collected from Papers of his Own Writing, may have been a bit extravagant, they were certainly not uncommon. Efforts to prove the authenticity of accounts ranged from the seemingly ingenuous to the highly ingenious.

One late seventeenth-century pamphleteer bemoans the fact that "the often Examples of men falling [sic] by Justice, and their pretended Speeches printed, before they suffer, are so common, that we have scarce the encouragement to present the world with one which is real". (However, this author cannot resist adding that, his "Account being true, it needs no long preamble to create a Belief"). Other accounts boast more concrete proofs of their authenticity; one mid-eighteenth-century publication claims to offer "the very Truth" that the

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56 Samuel Foote, The Genuine Memoirs of the Life of Sir John Dinley Goodere; Bart. Who was Murdered by the Contrivance of his own Brother (T. Cooper, 1741), 3.

57 John Applebee, 1725. This has been attributed to Defoe, who often worked as a journalist for Applebee. However, the "checklist" of works attributed to Defoe by John Robert Moore, A Checklist of the Writings of Daniel Defoe (1971)—has been since taken to task by P.N. Furbank and W.R. Owens, The Canonisation of Daniel Defoe (New Haven, 1988), who note that "the Defoe 'canon' is a remarkably strange and not very satisfactory construction. It contains, indeed, as odd and as great an assortment of texts as, perhaps, has ever been attributed to one author, and for the larger part these texts have been ascribed on internal evidence alone"(1). In a later work by these authors, a list of "De-attributeions" is drawn up (see Defoe De-Attributions: A Critique of J.R. Moore's Checklist [London, 1994]). This caveat should be kept in mind whenever I refer to a work "sometimes attributed to Defoe."

58 For a discussion of "authentication", including that which was sometimes "taken to extremes", see Harris, Trials and Criminal Biographies", 23-4.

59 A Full and True Account of the Tryal, Condemnation, and execution with the Last Dying Words of Augustin King (D. Mallet, March 1697/8).
author "can prove to be such by many original and incontestable Papers and Evidences in our own Hands which it is impossible for any others to be possess'd of". And indeed the author footnotes various references and even supplies copies of documents such as wills or court records.  

It also was a common practice for the criminal to attach to the account a sworn statement, signed and witnessed, attesting to its authenticity. And while I have already quoted the title of one "Genuine Narrative" of the life of James Dalton, it was not the only "genuine" account then current, as this passage would indicate:

Things of this Nature being generally pyrated, or false and spurious Ones imposed upon the Publick, I thought it proper to let the World know, that this is the true and exact Account of my Life, which I have done to the utmost of my Memory; And notwithstanding several Persons, since my Condemnation have been with me, endeavouring to obtain it from me, I solemnly declare that I have deliver'd it to none, or any part of it, except to Mr. Robert Walker, and for which I have received full Satisfaction.

It seems to have been a fairly common custom for the condemned prisoners themselves, as a part of their "dying speech", to endorse their "true confession" and to warn the spectators against being imposed upon by imitations. In 1722, for instance, Thomas Wilson enjoined the crowd to give "no Credit to any spurious Accounts which might be published of him, because whatever he thought might be necessary for them to know, he had digested in a Paper which he had delivered the Sunday before he died, in order to be communicated to the Publick".

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60 The Authentick Tryals of John Swan, and Elizabeth Jeffryes, for the murder of Mr. Joseph Jeffryes of Walthamstow in Essex: with the Tryals of Miss Mary Blandy, for the Murder of her own Father. To which are added, the Particulars relating to those horrid Murders; the Behaviour and Dying Speeches of the Criminals; and whatever else is to be relied on as a true History of those memorable Offenders (R. Walker, 1752), iii.

61 The Life and Actions of James Dalton, (the noted Street-Robber)...As taken from his own Mouth in his Cell in Newgate (R. Walker, 1728), iii-iv.

The criminal also seems to have been subjected to a certain amount of pressure by pamphleteers or publishers to whom he or she had granted interviews; as James Guthrie, the Ordinary of Newgate reports,

A Friend of George Richardson's came up to the Cart [drawing him to the gallows], and desir'd him to take notice to the People, that no body had any Confessions, but what he had given him; this he did not do, perhaps being conscious that he had told me several things before, and therefore he was in the right not to tell a Lye.63

Nor it seems did some crime writers scruple at tampering with their sources in order to lend them the stamp of authenticity. For instance, the writer of a modern study of the highwayman Dick Turpin has pointed out that, while a contemporary newspaper report describing Turpin's "undaunted courage" at his execution informs us that "after speaking a few words to the topsman, he threw himself off the ladder, and expired in about five minutes"; another account, "which includes a section based on this report, was unable to reconcile Turpin confessing a great number of robberies with the few words he spoke to the topsman, and changed the duration of their conversation to half an hour, thus paving the way for the inclusion of the lengthy confession now discredited".64

Some criminal biographers used a less direct advertising tactic; for instance, that of apologising for the lengths to which their dedication to accuracy has taken them:

Expect neither Eloquence nor Elegance in this Performance; for we have contented ourselves with doing no more than faithfully communicating to the Publick the Narrative left, by this unhappy Criminal, in our Hands for that Purpose; without any further Addition or Embellishment than was absolutely necessary to render it fit for the Press.

The author goes on to inform the reader that "if any should doubt the Authenticity of the

63OA (John Applebee, October 1733), 18.

Facts herein related, we can only say, that the curious may, if they please, see the original Manuscript as wrote by [the criminal], and delivered to us". 65

Other writers go so far as to insinuate that they (unlike less scrupulous rivals) are willing to sacrifice profit in the interests of truth. As one pamphleteer sniffs, "Had I assumed the Liberty of charging Mac-Gregor with Robberies that he was never guilty of, 'tis possible it might have been more for the Bookseller's Advantage; for the many are better pleased with the Pageantry of Falsehood, than the simple Attire of Truth." 66 And another writer laments, "It is something strange...that the World should be so fond of a formal Chimney-corner Tale, that they had rather a Story should be made merry than true." 67

But notwithstanding such complaints, it seems evident that "truth" was not only stranger than fiction, but more lucrative as well. It certainly allowed the writer considerable latitude in terms of recounting the more lurid highlights of a criminal's career. These accounts sometimes verged on the pornographic, as was the case with The Life of Mr. John Stanley, published by the ubiquitous John Applebee. The author, who refers to himself as "an Historian...engag'd to discover the Truth", diligently catalogues ("for the Information and Instruction of especially young People") Stanley's numerous sexual conquests--"the Consequences chiefly of his airy Temper". 68

And it seems safe to assume that part of the appeal of more "factual" publications,

65 From the preliminary advertisement "to the Gentle Reader", from Memoirs of the Life and Remarkable Exploits of the Noted Dennis Neale, alias John Clark, Otherwise called the Second Turpin...The whole written by HIMSELF, while under Sentence of Death in Newgate (T. Parker, 1754).

66 The Highland Rogue; or, the Memorable Actions of the Celebrated Robert Mac-gregor, commonly called Rob-Roy (J. Billingsley, 1723), vi-vii. Its main target is Captain Alexander Smith, the pseudonymous author of several very popular volumes of highwaymen stories. It has also been attributed to Daniel Defoe.

67 The True and Genuine Account of...the late Jonathan Wild (John Applebee, 1725), iii.

68 The Life of Mr. John Stanley (John Applebee, 1723), 26; 11.
such as the Old Bailey Sessions Papers, rested on their inclusion of the unexpurgated and often colourful testimony of prostitutes and pickpockets—not to mention the moments of comic relief sometimes occasioned by interchanges between blatantly perjured witnesses and sarcastic judges. The Sessions Papers were the principal source for various collections of *Select Trials*, a popular form of eighteenth-century crime literature. The latter, ostensibly intended as reference material for those in the legal profession (although "useful and entertaining to the generality of Readers"), were different from most other criminal literature in that they included trials both for less serious crimes and those that ended in acquittals.

Offenses which tended either to have low conviction rates (such as rape or sodomy) as well as some which could be non-capital, (notably, "stealing from the person", an offence confined almost exclusively to prostitutes stealing from clients, and which also tended to have a very high acquittal rate) featured largely in such collections, and probably not solely because therein "the Reader" could "find several curious Points in law debated and resolved."

Nor were those in charge of printing and selling the Sessions Papers themselves—at least during the first half of the eighteenth century—indifferent to commercial considerations, as Michael Harris has pointed out. The latter has discussed an episode where, in "a saleable variation on the usual rather flat depositions", the "verbatim comments of an

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69For a discussion of the "quasi-official" nature of the OBSP, as well as its role as sensationalist entertainment for "a nonlawyer readership", see John Langbein, "Shaping the Eighteenth-Century Criminal Trial: A View from the Ryder Sources", *The University of Chicago Law Review* 50 (1983), 4: 14-16.

70This is taken from an advertisement for *Select Trials* (1742), found in *The Ordinary of Newgate, His Account of the Behaviour, Confession, and Dying Words of Thomas Pinks* (J. Applebee, May 1742), 19.

71*Remarkable Trials* (1765), vii.

72Harris, "Trials and Criminal Biographies", 9-15.
apparently drunken Irishman were given phonetic expression".\textsuperscript{73} Both the printer and the shorthand writer were reprimanded by the Court of Common Council for "the lewd and indecent manner of printing the last Sessions paper", and subsequently the publishers of the \textit{Proceedings} showed a more acceptable caution. Later in the 1720s when a witness with a stammer was reported verbatim a notice was inserted at the end of the case that "The Reason for writing the Trial directly as it was spoken is, that others may provide themselves with proper Terms of Speech before they appear at such a Court of Judicature and not to please the vulgar part of the Town with Buffoonry, this not being a Paper of Entertainment".\textsuperscript{74}

Obviously, the practice of recording accents, dialect or particularly colourful language served purposes other than simply that of amusement—it conjured up a visual image of the person described, and allowed, or even obliged, the reader to place him or her in a particular cultural, ethnic or socio-economic context. Clearly, the rendition of the Irish prosecutor’s accent in the example Michael Harris has referred to was intended as a joke, and as a particularly racist joke at that. The defendant (who was afterwards acquitted) was a prostitute whom the prosecutor had accompanied to her lodgings. The latter admitted to paying a shilling to the landlady for a bed, but insisted that he had had no "Design to be concern’d with [the accused]" (a claim, needless to say, not much credited by the Court).

Sho when I had paid for te Bed itself, te Preeshioner was after makhing shit upon te Bed with her, and sho tumbled together, but I wash after shitting in the Chair; and then she was after coming to shit in my Lap; but I would not let her shit there, and sho she shit beside me.\textsuperscript{75}

And while the prosecutor goes on for some time in the same vein (in fact, the tone

\textsuperscript{73}Ibid., 10.

\textsuperscript{74}Ibid., 10-11. Harris quotes from the OBSP (5-8 July 1727).

\textsuperscript{75}OBSP (7-10 April 1725).
deteriorates), I will not belabour the point.\textsuperscript{76} In any case, the real point seems to be that the question of whether or not the Sessions Papers were to be taken solely as a guide to the proper Terms of Speech" appropriate to "a Court of Judicature" was one ultimately left to the discretion of the reader.

\textit{vi. Setting the Record Straight}

It would of course be a mistake to be too cynical, not only about the reading tastes of eighteenth-century audiences, but about the motives which led people to sell their accounts to the press, or to have them printed at their own expense. For even if larger and more professional publications dominated the market, printers were always at the disposal of those who could afford their services, and, as we have seen, criminals of sufficient notoriety had little trouble selling their stories. Just how much editorial control such individuals had over their "last dying speeches" is another matter as, in theory at least, they were supposed to be printed posthumously.\textsuperscript{77}

Financial considerations clearly played a large part in determining whether condemned criminals would sell their accounts, and to whom. For if accommodations at Newgate were

\textsuperscript{76}Peter Linebaugh, who has argued for "the distinct presence of an Irish mutualism" in eighteenth-century England, which was "reinforced and protected by its language", has seen this episode as evidence of the "power" the Irish language had "to frighten English speakers". It was this fear, and not their "lewd and indecent manner of printing" the trial, Linebaugh implies, that led to the printer and shorthand writer of the Sessions Papers being reprimanded (\textit{London Hanged}, 291-2).

\textsuperscript{77}However it seems that accounts were sometimes published early in order to get a leg up on the competition. This was a charge frequently levelled against the Ordinary of Newgate; according to Dryden Leach, "if I rightly take Meaning of the Title of Mr. Ordinary's Paper, it ought to contain very little else besides what they say at the Place of execution, when 'tis very well known, I have not only been with Mr. Lorrain in Newgate, with the last dying Speech (as it was call'd) in my Pocket, but have had the Copy for Mr. Lorrain 2 Days before the execution very frequently." (\textit{A True Account of the Behaviour, Confession, and Last Dying Speech of John Herman Bryan} [Dryden Leach, October 1707], 2). Occasionally it seems that the criminal himself requested the account to be published early, as in the case of Matthew Mooney, who "was very desirous of having the Account of his dying Behaviour publish'd before his Execution; and being answer'd, it was impossible; reply'd it was very common in Dublin," (\textit{OA} [Applebee, 22 November, 1742], see also Linebaugh, "Ordinary of Newgate", 258-9).
among the most unpleasant in London, they were equally among the most expensive—not to mention the fact that most prisoners would have needed money to defray funeral expenses, as well as to contribute to the maintenance of their families. Nor were even the relatives or acquaintances of criminals or victims always averse to cashing in on their misfortunes; one mid-eighteenth-century pamphlet recounts the story of a mother who, after her daughter had apparently been murdered by being thrown out of a window, exhibited the body to passers-by "for penny gratuities."

Yet even so it would be unwise to dismiss out of hand the importance contemporaries genuinely seemed to place on the value of confession—which, for the condemned, served both as a means of making peace with God and reparations to society. And certainly a very large proportion of criminals seemed to be sincerely motivated by a desire to absolve family members of any guilt in connection with the crimes for which they were to suffer. Some criminals claimed to be inspired by a more generalised sense of civic duty; for instance, William Howard, who

particularly desired [his account] might be published in this Paper; and that the Publick might be informed, that he did request the same, not out of any Pride he took in the Repetition thereof; but on the contrary, that innocent Persons might not lye under the Imputation of having committed them, by reason (as

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78Traditionally, prisoners were charged an unofficial entrance fee, called "garnish," and paid what amounted to room and board. The quality of either depended on the money the prisoner had to spend on bedding, food and drink, not to mention the occasional bribe. Quarters at Newgate ranged from the reasonably tolerable Press Yard to what was eloquently referred to the "Hole". Privileges such as "easement of irons" could also be purchased at an extra cost. For more on conditions in Newgate during this period, see W.J. Sheehan, "Finding Solace in Eighteenth-Century Newgate", in J.S. Cockburn, ed., Crime in England 1550-1800 (London, 1977), 229-245.

79The Affecting Case of the Unfortunate Thomas Daniels...drawn up and authenticated by the said Daniels himself; and faithfully prepared for the Press, by an Impartial Hand (E. Cabe, 1761), 20.

80See for instance, A Genuine Account of the Life and Actions of William Cannicott...For the Murder of his Wife...(Judith Walker, 1756). Cannicott's main objective seems to be to exonerate his mistress of any involvement in the murder; it was very common for criminals to use their confessions to exonerate parents or other "Friends" of any reponsiblity for their misfortunes (see Chapter VII).
he said) some other Persons were suspected for divers of them.\footnote{OA (John Applebee, October 1735), 9.}

Occasionally the argument was made that by recording particularly cruel and shocking crimes, one could prevent them from recurring in the future. Such at least was the rationale used by John Wingrave, a constable who wrote "A Narrative of the Horrid Cruelties Inflicted by Elizabeth Brownrigg upon the Body of Mary Clifford". (Brownrigg had mistreated several young and orphaned female apprentices to such an extent that one barely survived, and another died of the injuries she had sustained). Wingrave is anxious to differentiate his account from other more sensational (as well as "false") reports then in circulation:

If I had been desirous to excite the wonder and astonishment rather than to engage the indignation and abhorrence of my readers, I might perhaps have effected the former with less labour than the latter; but as the unworthiness of the motives would have determined such an attempt to be disingenuous, I claim no merit from declining it.

Rather, Wingrave suggests that his purpose in printing the account is so that "the remembrance of [the crime will] be kept alive in every breast, and be made serveable to the causes of virtue and humanity, to the utter extinction of all hardness of heart, and contempt of God's word and commandment!" It may have been somewhat optimistic on Wingrave's part to hope that the "remembrance" of young girls being flogged stark naked would have a morally edifying effect on readers. However, in all fairness to the author, his account is much less lurid than most others printed on the subject of Elizabeth Brownrigg; nor, unlike some rival publications, does it include graphic illustrations. It is perhaps not entirely insignificant that Wingrave chose to put his name (as well as a fairly precise occupational description) to the account—a practice rather rare among criminal biographers, and one which
could perhaps indicate he had it printed in the interests of somehow furthering his career. 82

The business of writing accounts of malefactors' lives could also provide a public forum in which people could air their private grievances. After all it was always possible to enlist the services of a writer who would "this Way, or that Way...form a specious Tale to clear up the Characters which they would render Bright, or to blacken those who they would Misrepresent". 83 This seems to have been the case with a pamphlet printed for "Captain" Charles Newy, a victim (or so he would have us believe) of a prosecution for bigamy "Hatched, Contrived, and Maliciously Carried on" by his sister-in-law, "Mrs. Margaret Dewey, Widdow". Newy makes it clear that he has been forced to take up the pen in self-defence, for

even as I am not oblig'd to Suffer all the Dirt that can be raked out of the Kennells, and Common-Shoars to be Plastered on my Face, without lifting up a Hand to wipe it off, even so I ought not to suffer this Harmony of Lyes and Defamation to pass Currant, without either Contradiction or Controal. 84

This pamphlet met with a speedy response, presumably from Newy's sister-in-law, who writes

If any Person may be said to be Born without Brains, this pretended Captain is certainly the Man, or else he would never have taken so much pains to create Mischief to himself as he has done. He might have gone on marrying to the end of the Chapter, and lied to Eternity about his Quality, Estate, Reputation, Valour, and the rest of his Cheats, had he not attacked people in the tenderest points...I see if he can but get off the Dirt that's plaster'd on his Face, he cares not where he throws it.

82 John Wingrave ("One of the Constables of the Ward of Farringdon Without"), A Narrative of the Horrid Cruelties Inflicted by Elizabeth Brownrigg Upon the Body of Mary Clifford ("Printed for the Author," 1767), 34; 29.

83 The Secret History of the Secret History of the White Staff, Purse and Mitre...Written by a Person of Honour (S. Keiner, 1715), 6 [sometimes attributed to Daniel Defoe].

84 Captain Charles Newy's Case, Impartially Laid Open: Or, a True and Full Narrative of the Clandestine Proceedings against [sic] Him, As it was Hatched, Contrived, and Maliciously Carried on by Mrs. Margaret Dewey, Widdow (printed "for the Author", 1700), 1.
The author ends the account with the following notice to the public:

Whereas the Life and Conversation of Charles Newey is now Writing; To the end it may be Compleat, all Gentlemen or others, that know any of his Tricks, or have any stories concerning him are desir’d either to bring or send them to the Sign of the White-Horse in Holbourn, near Turn-stile.85

Criminal accounts could also serve as pretexts for expressing editorial opinions of various kinds—although it is not always clear whether or not these opinions (especially the more provocative ones) were themselves pretexts for trying to make a profit. In a 1670 "History" of the highwayman Claude Du Vall, the author delivers an anti-French message in tongue-in-cheek style; he sets out to refute the claim that Du Vall was born, not in Normandy, but in Smock-Alley without Bishopsgate; that his Father was a Cook, and sold boiled Beef and Pottage: but this report is as false as it is defamatory and malicious; and 'tis easie to disprove it several ways: I will urge a Demonstrative Argument against it. If he had been born there he had been no Frenchman, but if he had not been a Frenchman, 'tis absolutely impossible he should have been so much beloved in his Life, and lamented at his Death by the English Ladies.

The author goes on to malign the French national character—so devoid of "good nature" as to be "strangers both to the name and thing"; and concludes by expressing the hope that his account will cure English women "of this French Disease, of this inordinate Appetite for...Mushromes, of this dangerous Doting upon Strangers", and so "that the next French man that is hang'd, may not cause an uproar in this Imperial City".86

85 The Life and Conversation of the Pretended Captain Charles Newey, Together with some Remarks upon a Scurrilous and Scandalous Pamphlet, called Newey's Case (printed "for the Author", 1700), 3; 16. Of course, this particular pamphlet war may have been entirely staged; certainly, the similarity between the names of the parties involved, Newy and Dewey (as well as in the inconsistency of the spelling of Newey/Newy), are not likely to be coincidental. While they could be pseudonyms, they could also indicate that the entire affair is a fictional one.

86 The Memoires of Monsieur Du Vall: Containing the History of his Life and Death (Henry Brome, 1670), 2; 12. An "inordinate Appetite for...Mushromes" probably refers to a taste for unusual delicacies, although the image is such that it could denote those of the erotic as well as the exotic kind.
Other accounts confined their hostility to specific individuals. It seems to have been common for criminals who had been too closely hounded by the Ordinary for their confessions to retaliate by giving their stories to other printers. One early eighteenth-century "Life", ostensibly printed "For the Benefit of the Poor", seems to have been motivated less by philanthropy than by the spirit of revenge:

I hope it may not here be taken amiss, to acquaint the Reader, that he told the author of this, He had given no Account of Himself to the Ordinary of Newgate; and the Reason he said, why he was not willing to give him any proper Satisfaction, as to his Life and Conversation, tho' often importun'd by him, was this, That he had not a Mind to be the Sport and Ridicule of vain, idle Fellows in Coffee-Houses; who only laugh at unfortunate dying Men, who are frighted into a Confession of their private Sins; which he was satisfy'd in his conscience, he was oblig'd to confess to none but his Heavenly Father, who knew the Secrets of his Heart.87

In a later account the highwayman James Carrick advises the reader to disregard "whatever the Ordinary may take upon him to set forth after my Death", for, "maugre [despite] all the Interruptions I have met with from the Ordinary by his unseasonable Questions," and "notwithstanding all his Importunities to be apprized of my most intimate Secrets", the Ordinary (Thomas Purney) was apparently unsuccessful in gaining access to them. "As for any thing that may be set down in the Ordinary's Paper after my Death...I must request of his Readers not to give credit to what he shall publish concerning me, if it shall be in contradiction to what I have here related".88

We cannot be sure how much of Carrick's hostility against the Ordinary was genuine, and how much was manufactured by the printer or bookseller; certainly any publisher worth

87*The Life and Penitent Death of John Mausgridge, Gent., Who was Executed for the Murder of Captain Cope. Penn'd from his own Account [sic] of himself, and approv'd of by him, before his Death* (H. Hills, "For the Benefit of the Poor", 1708), 2.

88*A Compleat and True Account of all the Robberies Committed by James Carrick, John Malhoni, and their Accomplices...*(J. Peele, 1722), 1; 23; 1; 24.
his or her salt would tend to play up and enlarge upon any tension existing between the
condemned and the Ordinary (or any other competitor, for that matter). Yet there seems no
doubt that much of the energy of the convicted criminal was directed towards setting the
record straight. James Dalton doubtless spoke for many when he said "he would not be
displeased at his being blamed for what he did, but could not endure to bear the Blame for
what he had not done". 89

In fact, one of the principal reasons given by the criminals themselves for having their
"lives" printed was to prevent or to refute what had been written in unauthorised accounts.
Frequently little time is lost in communicating this intention, as with the 1694 broadsheet entitled

_The Confession of the Four High-Way-Men; As it was written by one of them, and Allowed by the Rest the 14th of this Instant April (being the Day before their Appointed Execution)...This being desired to be made Publick by the Persons themselves, to prevent false Reports of them when they are Dead._ 90

Many criminals felt compelled to give their accounts, not merely in order to "undeceive the
Town" or even to "confute the Scoundrel-like Author[s]" of spurious reports, but to protect
the reputation of spouses and other family members. This at least was the argument made by
the convicted murderer James Hall, whose own confession was prefaced with the claim that
"Nothing but the Scandalous Imputation of the Author (of the Pamphlet, or Libel, call it what
you please)" of an unauthorised biography just published, "should have prompted me to have
given [an] account of my Family". 91

Such "False Reports" and "Libels", however, were inevitable—at least according to

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89 _Select Trials_ (1742), 3:165.

90 D.M., 1694.

91 _The Ordinary of Newgate, His Account of the Behaviour, Confession, and Dying Words, of James Hall_ (John Applebee, 14 September 1741), 8.
this 1722 dying speech, attributed by one scholar of the literature of crime to Jonathan Swift:

I know it is the constant Custom that those who come to [the Gallows] should have Speeches made for them and Cry'd about in their own Hearing as they are carry'd to Execution; and truly they are such Speeches that although our Fraternity be an Ignorant Illiterate People, they would make a Man ashamed to have such Nonsense and false English charged upon him, even when he is going to the Gallows: They contain a pretended Account of our Birth and Family, of the Facts for which we are to Die, of our sincere Repentance, and a Declaration of our Religion; I cannot expect to avoid the same Treatment with my Predecessors. However having had an Education One or Two Degrees better than those of my Rank and Profession, I have been considering ever since my Commitment, what it might be proper for me to deliver upon this Occasion. 92

And, if you couldn't beat them, the only sensible thing left to do was to join them.

This seems at least to have been the conclusion of John Alexander Emerton, who delivered his account according to the custom of those

who are Condemn'd by the Laws of their Country, to yield up their Lives as an Atonement for the Facts they have Committed, and are convicted of; to give some Account of the course of Life, that they have led, and make a relation of the Crimes they have been Guilty of. I have further observed that when some have departed Silent, and willing that the World should take no Notice of them, there are those who have made it their Business for the sake of filling a sheet of Paper, to say something either True or False, concerning those Persons of whom they have had no knowledge, and of whose Affairs they have been altogether Ignorant. 93

vii. The value of a "free, full and ingenuous Confession"

There was doubtless much truth in the complaint so often voiced by criminals that they were compelled to give an account of their lives to silence, or at least refute, the many unauthorised and exaggerated reports which tended to cast them and their families in a very

92 "When Ebenezer Elliston [sic] was executed [in Dublin] for a street robbery (May 2, 1722), Jonathan Swift wrote a "Last Speech and Dying Confession" purporting to be his, expressly to frighten wrongdoers into virtue" (F.W. Chandler, The Literature of Roguery [Boston, 1907], 2:157); The Last Speech and Dying Words of Ebenezer Elliston...Publish'd at his Desire for the Common Good (Dublin, 1722).

93 OA (J. Applebee, January 1732/3), 22.
unflattering light. Yet this claim of having to set the record straight was also one of the stock phrases of the criminal biographer, and one with which he or she could seldom afford to part. Such a claim, like others that I have discussed—that of providing an example to youth, or a warning to the public of the devices employed by criminals to defraud them, or a means of protecting the innocent while exposing the guilty, for example—served both as a kind of moral insulation and a means of denigrating the competition.

It can be argued that the formula persists today, albeit in a different form: popular interest in crime (and here I use "popular" in the more modern, inclusive sense of the word) is accommodated either by on-the-spot news coverage (which satisfies the public's "right to know"), or, for instance, by after-the-fact television programmes (aimed ostensibly at identifying and apprehending fugitives). Both methods are supposed to serve a necessary social function while generating income for those in the industry; or, to paraphrase Mandeville, private profits, public benefits. And, as for those writers of criminal accounts who were indifferent to material considerations (however rare such paragons of virtue may have been on Grub Street), they too had little choice but to conform to a set of literary and market conventions which catered to the lowest common denominator of both audience and competitors.

Obviously, some people had more power than others. Those who had money could express themselves with a freedom denied to those who had little or none. And while the condemned criminal by definition was in a position of considerable disadvantage, some had more bargaining power than others: the highwayman or murderer could often afford not only to dictate his (or, more rarely, her) account, but the terms upon which he would sell it, and to whom; while few people on the other hand would be interested in the account of a small-time footpad or petty pilferer.
But it can be argued that, given the public thirst for criminal accounts and the alacrity with which the press churned them out, no one had either the time or the inclination to be particularly discriminating. In a market where most authors and publishers were intent simply on pumping out a maximum of words in a minimum of time, nobody’s point of view was likely to be ignored or suppressed (although this certainly did not preclude sarcastic editorial commentary). Thus, in a limited way, the printing of criminal lives both reflected and facilitated a certain freedom of expression. Of course such freedom had a price, and could be seen as nothing short of oppressive to those criminals and their families (as well as their victims) who wished to maintain relative privacy and anonymity.

Certainly, Martin Bellamy was not the only convicted criminal who railed against the unscrupulous methods employed by the more enterprising of Grub Street writers. While awaiting his trial in 1726 for killing a man in a duel, Major John Oneby "entertained the Spectators with Vollies of Oaths and Curses, which he plentifully poured out upon the Printers of some Grub-Street Papers". It would seem that the specific object of Oneby’s ire, the writer of a particularly unflattering account of his life, had the temerity to visit the latter in Newgate—ostensibly to "[acquaint] him that a Paper of that Nature was in the Press by some other Hand, and that he would use his utmost Endeavours to get the same suppressed, lest such a Thing should interrupt the Major’s Measures for Mercy". Oneby, however, was not so easily duped—immediately suspecting that his visitor was none other than the author of the offending pamphlet, and that, moreover, the latter only "wanted Matter to fill up his Paper, and came with this Pretence, in hopes of hearing or seeing something that

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94 A True and Faithful Narrative of the Life and Actions of John Oneby, Esq; Commonly called Major Oneby... (J. Roberts [1726]), 20; 24.
might answer his Purpose". Oneby fell into such "a terrible Fury" that the turnkeys had to physically prevent him from assaulting his visitor. The Captain spent his last days on earth fulminating against the pamphleteer, reading "the last Paragraph" of the account while "bestow[ing] many horrible Curses on the Author in the hearing of the Minister [the Ordinary]", and devising "divers"—if fruitless—"Stratagems to decoy the Fellow to the Prison, that he might give him the Discipline of the Gaol". "Three Days before his Death, he declared...that there was one Thing he desired before he left the World; and being ask'd what it was, he answer'd, It was to take his Leave of this Person with a Bull's Pizzle [a whip]".

It is hardly surprising then that some criminals, preferring not to expose themselves or their relations, flatly refused to divulge any information at all about themselves. The Ordinary of Newgate frequently complained of the "obstinacy" of criminals who not only refused to deliver their confessions, but who, like John Pagon, executed in 1747, "chose not" even "to own his Birth, Parentage, or Education". One of Pagon's fellow-sufferers, Mary Allen,

was resolved to give no Account of herself, she said, because she would have no Speeches made about her when she was dead. She said also it was Grief enough to her Parents that she suffered such an ignominious Death, and she did not choose to say any thing to be repeated after her Death to add to their Afflictions for her unhappy End.

Yet there were some criminals who were not only willing to recount past crimes and misdeeds, but who even seemed positively to glory in them. One criminal chronicler, writing in 1735, complained of the "ridiculous Spirit of vain Glory" and the "vain Inclination" on the

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95 Select Trials (1742), 2:322.

96 A True and Faithful Narrative of the Life and Actions of John Oneby..., 24-25. While Oneby was convicted and sentenced to hang, he committed suicide in Newgate shortly before he was to be executed.

97 OA (T. Parker and C. Corbett, 17 June 1747), 6; 10. I will discuss this at further length in Chapter VII.
part of "especially the younger Criminals...to be much talked of". While awaiting execution in Newgate in 1726, the street-robber Edward Burnworth was said to have "diverted himself in sketching his own Picture in several Forms"—an illustration which, after "being Engraved in Copper, was placed as the Frontispiece of a six Penny Book which was published of his Life". It is unclear whether Burnworth actively solicited a publisher, or how much money, if any, he received for his self-portrait; however, we are told that several years later, another "Foot-Pad", Stephen Burnet, alias Barnet, alias Barnham,
employed his Time in his Cell, in composing a Song to celebrate the glorious Actions of himself and his Companions. This was Work he very much valued himself upon; and sending for the Person who usually Prints the Dying Speeches [Applebee], he desired it might be inserted, but it containing excitements to their Companions to go on in the same Trade, in the strongest Terms he was capable of framing them in; his Design was frustrated, and they were not published.

Whether to procure, as Speckman presumably did, enough money for "a little food to keep soul and body together", or simply to "set the record straight", some criminals seemed both willing and able to sell their stories to the highest bidder. Indeed, few criminals could have been wholly unaware of the value of "a free, full and ingenuous Confession" to the Ordinary or other visiting "Divines" on one hand, or to enterprising Grub Street writers on the other. In 1763, the condemned highwayman Paul Lewis scandalised the various clergymen who attended him by singing verses from The Beggar's Opera, "strutting" through the chapel "boasting" of his exploits, and, "in a word...shock[ing] every one who were

99Ibid., 2:179.
100Ibid., 3:82.
witnesses of...his behaviour and conversation".101 Yet, when Lewis was not "affect[ing] to be a real McHeath", he "hung out false colours" to the ministers attending him--acting (if only intermittently) the part of a true penitent in order to qualify for receiving the sacrament.

When the Ordinary of Newgate deemed him unfit, Lewis lost his temper, and "answered, Whether I am fit or no, what is that to him? d—n him, I shall lick him before I have done with him, if he don't give me the sacrament".102 Lewis then attempted to win over another clergyman (the author of the pamphlet), feigning contrition and promising him, in exchange for the sacrament, that "of his own accord he would write a full and true account of his own life, desiring I would publish it as he wrote it". Later Lewis informed the minister that "he would give a copy of his own account of himself to another clergymen...as well as to me".103 The clergyman author contented himself with expressing his hope that "it [Lewis's account] would be such as would deter others from following his steps, and not allure them". Lewis reassured the minister that he would "tell [his readers] that after the first fact he committed, he was ever in fear, and under apprehensions that every man he met, nay every bush he saw, was a thief-taker", and "[assure] them that since he fell into this way, in which he had long reigned, he never could be easy".104 There is no indication, however, that Lewis ever delivered this account to any of the attending clergymen; presumably, he continued to withhold it until he had first received the sacrament. Yet--and despite having hedged his bets--Lewis' behaviour was such that he was not granted his wish until shortly

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101 A Genuine Account of the Remarkable Life and Transactions of John Rice...Paul Lewis...and Hannah Dagoe...., 13-14; 20;

102 Ibid., 13; 15; 20.

103 Ibid., 18.

104 Ibid., 18-19.
before setting out for Tyburn.

Nonetheless, it is interesting that even then, despite the urging of the exasperated "Divines", Lewis still would not deliver a full confession—obstinately refusing to "betray his fellows"—i.e., name his accomplices.\footnote{Ibid., 29.} The Ordinary and other ministers were forced to "be content with general expressions of repentance for all that was past", rather than the more detailed confession they had originally hoped to elicit by threatening to withhold the sacrament from this "reprobate" and "profane scoffer at the scriptures".\footnote{Ibid., 30; 20; 16.} In the end, then—after stringing along at least three different clergymen with the promise of his life story—Lewis managed to obtain his end without compromising his principles.

This is not to imply that there was no middle ground between the scripted and almost hyperbolically penitent confession that Lewis pretended to be preparing, and the terse and formulaic "general expression of repentance" that he finally consented to give. And indeed some criminals may have been relatively successful in dictating the terms with which their accounts would be reported, capitalising perhaps on publishers' promises to reproduce criminals' "lives" in their "own Words". This seems to have been the case at least with Usher Gahagan, who in 1749 was supposed to have delivered his signed and witnessed confession to "the Printers of the Dying Speeches, with a strict Charge, neither to add to it or diminish from it".\footnote{OA (Dublin: John Exshaw [published by Thomas Parker in London] 20 February 1748/9), 17.}

Granted, even if some confessions were authenticated by the criminals themselves, and even if many others which were not were nonetheless more or less "true" or "authentick", these accounts were, to a large degree, formulaic statements scripted by the needs of their...
audiences and by the conventions of the time. Most scaffold speeches conformed closely to passages from the Bible and other devotional works, particularly that of *The Book of Common Prayer* (although this in no way suggests that they were not genuine; most of the condemned would have been only too familiar with such literature). Indeed, contemporaries, particularly the authors of rival publications, frequently made the claim that the last speeches of criminals were written either by the Ordinary of Newgate or by some "Dying-Speech-maker".108

Yet there were some criminals who not only managed to appropriate the medium for their own use, but even to impress it with their own imprimatur. Certainly, the following account of Joseph Shaw, hanged in 1738, is too self-serving to be the independent product of any "Dying-speech-maker". Shaw apparently felt that his confession could be best used as a means of settling a grudge against James Harrison, the evidence against him at his trial:

when I first got acquainted with him [Harrison], he was but just then come out of Newgate, almost naked, and swarming with Lice, but meeting with him at Phl. Lacy's, he begg'd of me to let him go out [robbing] with me, and I consented, and took him with me, very gratefully. I could have forgiven, if he had been taken, but he surrender'd himself voluntarily, and impeached me, when all the World could not have hurt me had he held his Tongue. I don't know but he may Live honest 'till he gets into another Company, for he's a meer Drone at the Business; he can't get a Farthing himself, but must have some body to get it for him.

Yet Shaw has more to communicate: he goes on to boast of his prowess at boxing, and of his having a "great many Wives...too many for one Man" (although he is careful to stress that "I never supported any of them, on the contrary have had many Pounds from them."+) And Shaw saves the best for last:

Before I have done, I must inform you that Kirk had a very curious silver chased watch concealed about him when he was taken, and I am inform'd the Gentleman that lost it would be glad to have it again. The Owner of it may have it again for 5 Guineas—'tis in pawn at present for 4, and if he thinks fit to

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have his Watch again, this Notice will be a Hint to him who to apply to hear of it.\footnote{109}

And what contemporaries would have seen as audacity, historians may well choose to interpret as agency. Of course, it may be a mistake to attribute too much significance to this use of a last dying confession to advertise a stolen watch. After all, Shaw was shortly to be hanged, with or without his finding fee of a guinea. Yet he had managed to say his piece: he was to be executed, but only after he had exposed the "meer Drone" who had betrayed him, and only after he informed the world of his many triumphs both in the bedroom and in the boxing-ring.

I have attempted to demonstrate here that late seventeenth- and early eighteenth-century criminal accounts were for the most part ambiguous, and intended—whether consciously or unconsciously—to be so. If they could be read at many different levels, and interpreted and appropriated in various ways by their readership, this was seldom without the complicity or at least the tacit consent of the authors and publishers themselves. And it was this sort of accommodating and undiscriminating ambiguity that the condemned criminal was occasionally able to turn to his or her own advantage.

It is at this point that I will return after a long detour to the story of Martin Bellamy. If anything, his example would seem to contradict the argument I have outlined above. Yet there is a twist to Bellamy's story I have so far neglected to mention; for, despite all of his vehement protests to the contrary, his claim of having been tricked into giving his confession to the journalist was not credited at his trial. Rather, Bellamy and the "understraping News Monger" were seen as being in cahoots:

\footnote{109}OA (J. Applebee, January 1737/8), 15; 16.
it [was] supposed that this Intelligence had been inserted [sic] in the before mention'd Paper, by Bellamy's Directions, before any Methods had been used for Apprehending the Persons therein named as his Accomplices, as a warning for them to make their Escapes; the Proceeding was resented, and instead of his being admitted as an Evidence against them...He was order'd to take his Tryal, for some of those very Facts he had Confess'd”.

But, as appealing as the idea may be, it seems highly unlikely that Bellamy leaked the names, not of one or two, but ten of his accomplices to the press (thus doing them the dubious favour of blowing their reputations and sentencing them to exile) "as a warning for them to make their Escapes", rather than to collect the reward money (which amounted to £100 per head). It is of course possible that Bellamy attempted to play a kind of double game in attempting to alert his accomplices while ensuring a pardon (as well as a hefty reward) for himself. The third, and admittedly the most likely possibility (as well as the version Bellamy himself was to maintain to the end) was that he had been, in true Grub Street tradition, hoodwinked and had by the "worthless Wretch" of a "News Monger" who was "the immediate Cause" of his "Death".

Unfortunately we will probably never know the truth one way or the other. What is significant, however, is that the little we do know about Martin Bellamy is what he himself chose to communicate in the account of his life he gave to John Applebee. And the fact that he chose to communicate anything to him is perhaps the most significant thing of all.

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110 The Life of Martin Bellamy, 20.

111 The Life of Martin Bellamy, 34-5.

112 The account of Bellamy’s trial in the Sessions Papers is very brief and omits altogether any mention of his confession (OBSP 28 February-5 March 1727/8). Nor is the newspaper article written by the "understraping News Monger" much more enlightening, consisting simply of a recital of Bellamy’s crimes and accomplices and concluding on this innocent note: “None of the Persons he had impeached are taken, which makes it supposed that he will not be try’d this Sessions, in order to his being a Means of taking the Persons above named” (The Daily Journal, 26 February 1727-8).
III. The Rogue Tradition: Lives of Highwaymen

Such is the unaccountable Impudence intail'd by a ROGUE making his exit at the tree, on [sic] a ROGUE that's surviving, that if you examine him concerning the Infamous Life he leads, he'll tell you, every Man robs in his own Way; and will not believe you (though ever so honest) an honester Man than himself.

—Captain Alexander Smith (1714)

All the World knows, that the same Methods now make a Highwayman, that some years ago would have got a C—m—ss—n.

—Lives of the Most Remarkable Criminals (1735)

Little Villains oft' submit to Fate,
That Great ones may enjoy the World in State.

—Samuel Garth; quoted in epigram on frontispiece of Captain Charles Johnson's *A General History of the Highwaymen* (1734)

In 1723 the author of *The History of the Lives of the most Noted Highway-men* was characterised by a rival pamphleteer in the following unequivocal terms:

What an Object of Contempt and Ridicule is Captain Alexander Smith, alias Will. Hawkins, alias B—ge, alias, &c. His Works are a confus'd Lump of absurd Lies, gross Obscenity, awkward Cant, and dull Profaneness. If you find a Story, or but one Sentence in all his Scribling, that is even tolerable, depend upon it he stole it; he has the most unlucky Talent at Invention of any Man breathing, for he's as great a Stranger to Fable as to Truth; he's so far from writing Probabilities, (without which even a Romance be monstrous) that he tells you of things that are entirely impossible; Lies, that Sir John Mandevile would have been shamm'd of;—and yet the Fool diverts the Populace—-and so does a Monkey—but much more agreably.¹

Just who this Captain Alexander Smith was remains something of a mystery; certainly, the aliases provided above seem to have been inserted more in the interests of blackening his character than in shedding any light on his identity.² One thing seems clear, however;

¹E.B. [sometimes attributed to Defoe], *The Highland Rogue: or, the Memorable Actions of the Celebrated Robert Mac-Gregor, commonly called Rob Roy* (J. Billingsley, 1723), vii-viii.

²For my purposes, it does not really matter who the "real" Captain Alexander Smith was. The few clues as to the identity of Smith tend to be either sketchy or not particularly illuminating, such as that found in the introduction to the second volume of Smith's *Lives of the Highway-men* (1714): "but by the Way, I must acquaint my Readers, that the publisher tells me, those that don't know me, enquire mightily who the Author Capt. Alexander Smith is; and those that know me, wonder at my Throwing off the Gown to take up the Sword. To which I have no more to say, than that for them who are not of my Acquaintance, I would not have 'em ask after me any more than I do after them; and as for leaving the Study of divinity to follow a Military Employment, I am not the first" (v). In a later work, Smith momentarily assumes the first person while
whoever or whatever else Captain Alexander Smith may have been, he was no "Fool": his *Lives of the Highway-men* swelled to two volumes and ran to three editions within a year of its first printing in 1713. More editions were to follow, as well as another work by Smith in 1726 featuring the lives of more highwaymen as well as some distinguished but perhaps less gallant street robbers and other urban criminals, such as the notorious criminal mastermind Jonathan Wild.

Nor is any discussion of Captain Alexander Smith complete without reference to "a certain Captain Charles Johnson", who, in the words of one scholar of the literature of crime, "posed as Smith's immediate rival and successor". In 1724, Johnson produced a collection of lives of pirates, which was followed in 1734 by a more ambitious project which included not only the earlier accounts of pirates, but also what amounted to some only very slightly "refurbished" versions of the highwayman biographies already popularised by Smith. Johnson seems to have been Smith's equal in popularity as well as in his pseudonymous military rank: both collections ran to many editions within a short period after their first recounting a story that took place "when I was at the Lent Assizes held at Winchester, March 1724-6" (Smith, *Memoirs* [1726], 110). This could simply be an echo of the voice of an original source, which Smith had later neglected to remove, or it could point to the Captain's identity as a lawyer or a court clerk, a likely, or at least convenient occupation for any writer of criminal literature.

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3I will be using the second edition (the first to be issued in two volumes), printed in 1714.

4Smith, *Memoirs* (1726). Wild's name will crop up frequently in the following pages; those who are interested in reading a modern biography are referred to Gerald Howson, *Thief Taker General: The Rise and Fall of Jonathan Wild* (London, 1970).


6Johnson, *History of the Pyrates* (1724) and *General History of the Highwaymen* (1734). Chandler notes that Johnson's "appended piratical biographies constituted the [1734] work's chief original contributions, since the biographies of highwaymen were little more than Smith's "Lives" refurbished" (*Literature of Roguery*, 2:177).
appearance, and were reprinted well into the nineteenth century. It is perhaps less ironic than inevitable that the two rival Captains are ultimately reunited in a 1926 version of the Newgate Calendar, where it is virtually impossible to distinguish where the work of one leaves off and the other begins.

The fact that Smith and Johnson's collections of criminal "lives" were successful both in attracting a wide readership and in raising the ire of their Grub Street competitors is not in dispute here. However, the question of how their work can be distinguished both from previous genres and the work of contemporary rival publications is one that should be addressed. While pamphlets concerning specific crimes or criminals long predated the Civil War, the later part of the seventeenth century witnessed a great proliferation of printed material relating to crime. The Restoration saw a veritable boom in individual "lives" of various criminals (mostly highwaymen); and, beginning in the late 1670s—around the same time that the newspaper, in its early form, was taking shape—"quasi-official" serial publications such as the Old Bailey Sessions Papers and the Ordinary's Reports reflected and capitalised on a growing public appetite for more "factual" information about crime and criminals.

According to Chandler, Johnson's 1724 work ran to four editions within two years of its first appearance, and by 1728, had also been translated into French, Dutch and German. As for Johnson's 1734 collection—which to a large degree rendered the earlier work on pirates redundant—it was reissued in 1742, 1814, 1839, 1840, 1842, and 1853 (The Literature of Roguery, 177). For a complete list of the various editions and translations of Captain Charles Johnson's work (as well as that of later imitators, such as Captain Mackelcan and Captain Mackdonald), see Philip Gosse, A Bibliography of the Works of Capt. Charles Johnson (London, 1927).

Rayner and Crook, Complete Newgate Calendar (1926).

Such individual "lives" seem to have become more and more common after 1660; however, there were some earlier pamphlets which seemed to have attained considerable popularity, such as those devoted to the life of Captain James Hind, who was executed in 1652.

For more on the Ordinary's Account and the Sessions Papers, see Chapters IV and V.
One important way in which Smith's 1714 work differed from that of predecessors or contemporary rivals was in terms of its basic format: the *Lives of the Highway-men* marked the beginning of a trend towards longer compilations of individual "lives"—a trend which was to reach its apogee in the rash of "Newgate Calendars" and similar publications during the later eighteenth century.¹¹ Yet, as neither modern nor contemporary critics have hesitated to point out, Smith's highwaymen tales (as well as those of Johnson) were anything but pioneering or original in terms of their content; rather, they were "full of anecdotes which defy acceptance by all but the most credulous reader, and of salacious legends which have been lifted intact from the pages of Giovanni Boccaccio".¹² Nor is much more than a glancing acquaintance with Elizabethan and Jacobean cony-catching or early modern picaresque literature required to expose both Smith and Johnson as thieves scarcely less shameless and inveterate than any whose lives they immortalise in print. For neither Smith nor Johnson seem to have the slightest qualm about utilising "the information afforded by whatever criminal pamphlets and last confessions had then been published", while at the same time borrowing "most of the tricks presented in jest-books and picaresque literature, assigning to real people the stock incidents of fiction".¹³

Yet, even though at least one of Smith's contemporaries may have claimed that "Plagiarism" was "insufferable in any kind of writing whatsoever", it is important to bear in mind that such an accusation was only one of many time-honoured complaints enlisted by

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¹¹For more on the "Newgate Calendars", see Chapter IX. There were, however, some long collections of criminal lives printed as early as the late seventeenth century, for instance Increase Mather's, *The Wonders of Free Grace: or a Compleat History of all the Remarkable Penitents that have been Executed at Tyburn* (John Dunton, 1690).


pamphleteers attempting to promote their own work at the expense of their rivals. It also seems to have been a relatively accepted practice to recycle themes and stories from earlier works without acknowledging the original source—which, more likely than not, belonged to a long tradition of storytelling, frequently transmitted orally and subject to many modifications over time. Smith borrowed material from Elizabethan and Jacobean rogue literature which, in turn, often derived from even older sources—of which Chaucer and Boccaccio were only two of the more recent. To a large degree, then, the work of Smith, (who, as one scholar has pointed out, “even copies from himself”), may be seen as "belong[ing] in the tradition of jest-biography...where the question of reliability is irrelevant, and even the plagiarism is traditional".15

But what was different about this "modish" new genre of criminal literature—and, I will argue, what translated into considerable profit for Smith, as well as irritation on the part of rival crime writers—was how this "way of feigning new Stories, or pilfering those that are old...impute[d] that which was never done, or at least that was done some Ages ago to a Person now living, or lately dead".16 For Smith not only borrowed or fabricated most of his stories, but he had the gall to try to pass them off as actual, recent events as true as any

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14The Highland Rogue, iv.

15Robert R. Singleton, "English Criminal Biography, 1651-1722", Harvard Library Bulletin 18 (1970), 71; 72. Scholars of the Elizabethan and Jacobean period have acknowledged that writers in general, and pamphleteers in particular "had a conception of literary borrowing that is not necessarily to be identified with stealing, and for this plagiarism is an inappropriate or misleading term. They had not yet developed the sense of exclusive rights that belongs to the professional attitude, and they seemed also to feel that using someone else's material, especially if it was older, would lend their own work an extra authority" (Sandra Clark, The Elizabethan Pamphleteers: Popular Moralistic Pamphlets 1580-1640 [London, 1983], 33). It was apparently quite common for a printer to pass off a plagiarised work as authentic by simply changing the title-page; it was not even unheard of for an author to plagiarise from his or her own work by changing title-pages while continuing to recycle the same basic text (Marie-Hélène Davies, Reflections of Renaissance England: Life, Thought and Religion Mirrored in Illustrated Pamphlets 1535-1640 [Allison Park, 1986], 5). It would seem that many of these attitudes and practises survived well into the eighteenth century.

16The Highland Rogue, iv.
reported in more "factual" competing publications.

Both Smith and Johnson's basic marketing strategy seemed to rest on an assumption not much different to one recently expressed by a modern scholar of Renaissance pamphlets; that is, that "people want facts, but they also need thrills".\(^\text{17}\) Certainly, neither Grub Street Captain stinted on promises to deliver both at the same time. Smith insists that his 1714 collection of "Lives" was "the first impartial Piece of this Nature which ever appear'd in Europe" being "penn'd all from [the criminals'] own Mouths; not borrow'd from the Account given of Malefactors by any of the Ordinaries of newgate".\(^\text{18}\) He makes good use of the well-publicised reluctance on the part of some criminals to

acquaint the Ordinaries of Newgate with such particular Circumstances, touching their Lives and Conversation, and private Offences; because they would not have their Friends and Relations expos'd by those Papers which are dispers'd abroad under the Title of, An Account of the Behaviour, last Dying Speeches and Confessions of the Malefactors who were Executed at Tyburn. For this Reason they have been silent in the most material Passages, and Minute Occurrences of their wicked Transactions.\(^\text{19}\)

It goes without saying that Captain Alexander Smith leaves no stone unturned in his pursuit of the "Impartial" truth; nor does it come as a surprise that the "most material Passages, and Minute Occurrences" happen also to be most unabashedly lurid.

Smith's heir apparent, Captain Charles Johnson, also vouches for the factual veracity of his accounts:

the Author may venture to assure the Reader that ["the following Sheets"] have one Thing to recommend them, which is Truth; those Facts which he himself was not an Eye-Witness of, he had from the authentick Relations of the Persons concerned in taking the Pyrates, as well as from the mouths of the Pyrates themselves, after they were taken, and he conceives no Man can produce better Testimonies to support the Credit of any History.

\(^{17}\)Davies, \textit{Reflections of Renaissance England}, 65.


\(^{19}\)Ibid., iii-iv.
Yet he too takes pains to demonstrate that "Truth" can be not only stranger than fiction, but just as entertaining: for, even if he "must confess" that some of the "Lives"

may appear a little Extravagant, yet they are never the less true for seeming so...If there are some Incidents and Turns in their Stories, which may give them a little the Air of a Novel, they are not invented or contrived for that Purpose, it is a Kind of Reading this Author is but little acquainted with, but as he himself was exceeding diverted with them, when they were related to him, he thought they might have the same Effect upon the Reader.20

And by assuming the guise of the objective recorder of facts, Smith effectively reassures the reader that his publication will be free from dull sermonising; for his intention is not to "upbraid" these "unfortunate Creatures....with rash and uncharitable censures; but only set forth how they labour'd to show the World what a Latitude there is in Villainy".21

And if this last dart is clearly aimed at the Ordinary of Newgate, Captain Johnson, in the following passage, is even less subtle in his attack on the competition:

We think it unnecessary to burthen the Readers with the Particular Tryals [of the pirates], which we are sensible in their Nature, must grow tiresome and flat, like Sessions Papers, the Repetition of the same sort of Evidence and Defence, over, and over again.22

Nor is either Captain averse to taking pot-shots at the other: significantly, while Johnson does not scruple to pilfer from Smith when it suits him, he is careful to insist that Captain Smith indeed, in his Lives, has generally found something to relate of everyone he mentions, but then most of his Stories are such barefac'd Inventions that we are confident those who have ever seen his Books will pardon us for omitting them. It will not be long before we shall come down to more Certainty, and then a more particular Account of every Malefactor's Crimes may be procured.23

20Johnson, History of the Pyrates (1724), [v]. The "lives" to which he specifically refers are those of the "two Female Pyrates, Mary Read and Anne Bonny". I will return to both Bonny and Read in Chapter VIII.


22Johnson, History of the Pyrates (1724), 218.

23General History of the Highwaymen (1734), 322.
In their blatant and generally unapologetic efforts to cater to the largest readership possible, Captains Smith and Johnson fished from both banks, as it were, by capitalising on the growing public thirst for criminal news while continuing to recycle (in a slightly updated from) the ever-popular chapbook stories and themes. This marriage of fact and fiction, sermon and sensation was a somewhat uneasy one from its inception; by mid-century it had proved increasingly difficult to sustain, and eventually even the pretence of factuality and contemporary relevance was abandoned.

This chapter is an attempt both to chart the development and decline of this genre of highwayman literature and to discuss its significance in a larger social and cultural context. How did Smith and others of his ilk manage to succeed (as, at least for a time, they clearly did) in attracting and maintaining such a wide readership? And, if we concede at the outset that such highwayman "lives" have little correlation with the "real lives" of late seventeenth- and early eighteenth-century criminals, what is it then that we can learn from them? More specifically, what can the content, form, and tone of such literature tell us about the attitudes and tastes of the eighteenth-century reading public?

ii. Rogue Literature before 1714: Cony-catching and Beggar Pamphlets as Social Satire

But before I embark on a more detailed discussion of Smith and Johnson's "lives" of highwaymen, a discussion of the earlier rogue literature from which they borrowed so freely seems to be in order. While the chapbooks and crime pamphlets drew extensively from the lives of such famous continental rogues as Lazarillo de Tormes or Guzman de Alfarache, the

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24 A chapbook is defined by the OED as "a modern name applied by book-collectors and others to specimens of the popular literature which was formerly circulated by itinerant dealers or chapmen, consisting chiefly of small pamphlets of popular tales, ballads, tracts, etc". A broad range of such chapbooks have been reproduced in John Ashton, Chap-books of the Eighteenth Century (London, 1882). See also Margaret Spufford, Small Books and Pleasant Histories: Popular Fiction and Its Readership in Seventeenth-Century England (Cambridge, 1981).
picaresque genre itself—in its more narrowly defined form as a series of episodic adventures pertaining to a wandering vagabond-hero—never really took root in England. 25 Rather, Elizabethan and Jacobean crime literature tended to revolve around one of two stock figures: the sturdy beggar on one hand, or the cony-catcher on the other. 26

The typical beggar pamphlet touted itself as an exposé of the secret and elaborate social regulations governing the "Fraternity of Vagabonds": vagrants who not only formed a distinct and coherent subculture, but were supposed to communicate amongst themselves in their own language—i.e., "peddler's French" or cant. (Many such publications included a "canting" dictionary). As for the cony-catching pamphlet, it purported to offer practical advice on detecting and thwarting the designs of the so-called cony-catchers—con-artists and card-sharpers who, "apparelled like honest civil gentlemen or good fellows, with a smooth face, as if butter would not melt in their mouths", set snares for the unsuspecting "cony": any easy mark, but typically "the dandy, the bluff country squire, the wealthy undergraduate

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25Thomas Nashe's *The Unfortunate Traveller* (1594), is however one exception to this rule. *The English Rogue* (1671) is another—although the latter draws even more extensively from the Elizabethan cony-catching tradition than from continental picaresque literature. For a definition and discussion of the picaresque genre, see Robert Alter, *Rogue's Progress: Studies in the Picaresque Novel* (Cambridge, [Mass.], 1964); regarding the question of why the picaresque tradition never truly developed in England, see Frederick Monteser, *The Picaresque Element in Western Literature* (Alabama, 1975), esp. 41-45. See also F.J. Kearful, "Spanish Rogues and English Foundlings: On the Disintegration of the Picaresque", *Genre*, 4 (Spring, 1971): 376-391. The latter warns against the "promiscuous use of picaresque" to include "almost any episodic narrative of adventures on the road which comically or satirically exposes moral, religious, or social corruption", and objects to the tendency to view the genre as merely "a primitive stage of an apparently inevitable progress" towards the birth of the novel (376).

26For "sturdy beggar" literature, see for instance, John Awdeley, *The Fraternity of Vagabonds* (1561); Thomas Harman, *A Caveat or warning for common cursitors, vulgarly called vagabonds* (1566); and Thomas Dekker, *The Bellman of London* (1608); for cony-catching pamphlets, see especially the work of Robert Greene, i.e., *A Notable Discovery of Cozenage* (1591); *Second Part of Cony-Catching* (1591); *Third and Last Part of Cony-Catching* (1591); *A Disputation between a He-Cony Catcher and a She-Cony-Catcher* (1592); *The Black Book's Messenger* (1592).

or the clod-hopping swain from Devon or the midlands". 28

Traditionally, scholars have viewed this rogue and cony-catching literature as painting "a trustworthy picture of the terrible social conditions of the early part of Elizabeth's reign", and providing literal proof of the existence of a coherent "anti-society" of con artists and sturdy beggars. 29 Still others, citing the "realism" of such pamphlets, have viewed them as an ancestor to the novel. 30 More recent studies have acknowledged the difficulty of using such literature as a source—tending either on one hand to effectively dismiss it as a body of "sensational accounts" aimed at "horrifying the public"; or, on the other, to complain of the difficulty of separating "fact from fiction", as "legal records present a different picture from the literary one". 31 But, as one author of a recent work on the Elizabethan pamphleteers has pointed out,

it does not do to take [rogue pamphlets] entirely at face value; undoubtedly they are factual, truthful, realistic—to different degrees—but none of them is without an element of literary artifice, and the desire to tell the truth is modified by pressures conscious and unconscious, to entertain, to moralize, to conform to traditional ways of telling a tale. 32

Furthermore, a hasty or especially too literal reading of such material can result in a

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28 Ronald Fuller, The Beggar's Brotherhood (London, 1936), 120. The OED definition of the cony is "a dupe, a gull; the victim of the 'cony-catcher'".

29 Frank Aydelotte, Elizabethan Rogues and Vagabonds (1913; repr. London, 1967), 118. The latter believes that it is only the pamphleteers' "realism that is convincing. They loved life and could paint its externals; they did not trouble about its meaning" (139). As the literature of an Elizabethan "anti-society", see Gamini Salgado ed., Cony-Catchers and Bawdy Baskets: An Anthology of Elizabethan Low Life (Harmondsworth, Middlesex, 1975), and Salgado's, The Elizabethan Underworld (London, 1977), as well as Fuller, The Beggar's Brotherhood.


32 Clark, The Elizabethan Pamphleteers, 41.
misunderstanding of its underlying message. One recent historian, for instance, who sees a "striking feature of the literature" as being "its claim to verisimilitude", notes that "writer after writer reported having first-hand experience of the vagrant underworld, and that his account was the 'true' one". He then goes on summarise the works contained in The Elizabethan Underworld (a modern compilation of Tudor and early Stuart crime pamphlets), by citing one example: that of "the leading character in the first major tract, The Highway to the Spital-House (c. 1535-6)", who "was a hospital porter who claimed to know beggars' frauds".33 Other scholars, however, have seen the central message of this pamphlet ("the most important early work of rogue literature"), more figuratively: "really a general warning... against the kind of folly that leads to beggary and not a description of contemporary rogue life".34

But while I would also warn against a too-literal interpretation of The Highway to the Spital-House (or any kind of rogue literature, for that matter), I would suggest a rather different reading. The pamphlet consists of a conversation between the author (Robert Copland) and the porter for a "Spital-House" (a shelter or alms-house) in which the latter describes the sort of people he receives. These range from the glutton, the spendthrift, the libertine or the lay-about on one hand, to "old people", "poor women in childbed", and "honest folk fallen in great poverty...that for their living can do no labour, and have no friends to do them succour", on the other. While vicious courses clearly lead to poverty, the author implies that no one is exempt: even those few who are themselves free from vice can

33Beier, Masterless Men, 7.

34Clark, The Elizabethan Pamphleteers, 40-41. This echoes Frank Aydelotte's opinion of this tract: it "is mainly, however, a warning against various kinds of foolishness which will lead one to beggary" (Elizabethan Rogues and Vagabonds, 117).
only too easily be ruined by unscrupulous or incontinent servants or masters, spouses or relatives.

And while the porter does indeed catalogue the various kinds of fraud employed by "unsick stubborn knaves" to arouse the compassion of the charitable, but too-credulous citizen, he also stresses that "where any giveth alms with good intent/ The reward cannot be no wise misspent". In fact, it is not the "sturdy beggar" who is the true villain of the piece, but rather those who are rich "in the purse", but "poor at heart". Quite apart from being notoriously transitory, worldly wealth is also clearly no true indication of spiritual worth. The porter concludes with what seems to be a warning not to cast stones: "disdaining no matter of creature/ I were to blame if I them forsook;/ None in this world of wealth can be sure". 35

The Highway to the Spital-House belongs to, or at least anticipates, the rogue literature genre in that it is intended at least in part to be read as a critique, rather than a literal representation of contemporary social reality or a factual guide to a criminal "underworld". And the cony-catching and beggars' pamphlets of a slightly later period were even more explicit in their use of their subjects as vehicles to question and invert the conventional morality of the time. If the indigent residents of the Spital-House were essentially no worse than "Everyreader", I will argue that so too were the cony-catchers and "upright men" portrayed as neither more nor less than mirror images of the "respectable" society which had produced them. 36

There has been a tendency on the part of scholars of Elizabethan rogue literature to

35Roger Copland, The Highway to the Spital-House, in Elizabethan Underworld, 5; 25.

36An "uprightman" was the "chief or principal of a crew [of vagrants/beggars]...the vilest, stoutest man in the pack", 1811 Dictionary of the Vulgar Tongue (1811; repr. with forward by Robert Cromie, Northfield, 1971).
overlook or at least downplay its use of social satire.\textsuperscript{37} One exception is Sandra Clark, who has acknowledged the role of "rogues and vagabonds as a subject for satirical literature", and that of the cony-catcher in particular "as a symbol of universal corruption throughout the commonwealth".\textsuperscript{38} However, she suggests that efforts on the part of the pamphleteers "to show how trivial are the misdemeanours of cony-catchers in comparison with the cheating and deception practised on a grand scale by all the major professions" as well as "the crimes perpetrated by the mighty ones of the commonwealth against the humble and innocent", are half-hearted, unconvincing, and ultimately peripheral, being "designed only to attract the reader".\textsuperscript{39} But while it should be conceded that rogue literature as a genre incorporates many diverse and even contradictory meanings and messages, I would argue that if elements of social satire were included in such pamphlets "only to attract the reader", this in no way detracts from their significance.

One of the most striking features of Elizabethan and Jacobean rogue literature was in fact its tendency to stress not the differences, but the similarities between the average citizen and the sturdy beggar or the petty thief who supposedly preyed on him. The leader of a band of vagrants described by Thomas Dekker poses the following rhetorical question: "do we not all come into the world like arrant beggars, without a rag upon us? Do we not all go out of the world like beggars, saving only an old sheet to cover us?" And as for the "prating constable" or "red-nosed beadle" who threatens to have him or his confederates whipped for vagrancy, he reminds the reader that "if all men should have that which they deserve, we should do nothing but play the executioners and tormenters one of another". Not only would

\textsuperscript{37}Salgado makes a brief allusion to rogue literature as social satire in \textit{Cony-Catchers and Bawdy Baskets}, 22.

\textsuperscript{38}\textit{The Elizabethan Pamphleteers}, 42.

\textsuperscript{39}Ibid., 54.
tailors be "damned" and brokers "make their Wills at Tyburn" for dealing in stolen goods, but "if all were served in the right kind, two parts of the land should be whipped at Bridewell for lechery, and three parts, at least, be set i'th stocks for drunkenness".  

Another rogue spokesman reminds the reader that beggars "do no man hurt but ourselves" and "have nothing but what other men can spare; other men's leavings are our refreshings; and if it were not for us, much good meat would be in danger of fly-blowing, or cast to the dogs". Moreover, 

If there be any in our vocation or calling, that live disorderly and out of compass, what trade can you name that do not the like...If then it be all one in city as in country, among the rich as amongst us poor, and generally in all trades and occupations deceit and abuses (sith it is so that he that cannot dissemble cannot live), why then should you be so spiteful... to inveigh against us poor souls above the rest, who, of all others, in shifting are the most simplest souls in this overwise world. 

But you, good sir, like a spider to entrap only the smallest flies, suffer the great ones to fly through; you scour the ditch of a company of croaking frogs, when you leave behind you an infinite number of venomous toads; you decipher and paint out a poor rogue, or a doxy [beggar-woman] that steal and rob hedges of a few ragged clothes, [for which you accuse her of] petty larceny, and never speak of those vultures that ruin whole lordships and infect the commonwealth by their villainous living, to the discredit of some and ill example to all.

This long passage raises two points common to most beggar and cony-catching pamphlets: first, that in a dishonest world, one has to be dishonest to survive (after all, "he that cannot dissemble cannot live"); second, that if all men (and women) are in a sense rogues, it is only the little rogues who are apprehended and punished, while "the great ones" who commit abuses on a much grander scale "fly through" the net of the law not only unscathed but undetected.

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In fact, knavery is less a subversive than an adaptive response on the part of the picaresque hero—who typically receives his training in roguery while serving as an apprentice to a series of abusive, negligent, idle or dishonest masters. As one of the rogue-narrators of The English Rogue (1665-71) remarks—after he has learned, both from necessity and by example, how best to cheat his master and his master's customers—"Here I found the maxim to be still true, that there is knavery in all trades". And according to the Spanish rogue, Guzman de Alfarache, "cozenage" was not merely common, but accepted practice:

merchants, notaries, scriveners, lawyers, judges, "taylors", doctors and

your Mason, your Smith, your Carpenter, and all other Trades-men whatsoever, none exempted, doe all steale, all lye, all coozen: none of them deales truely, no not one. And which is worst of all, they take a glory therein, and thinke themselves, in so doing, to be jolly wise fellowes, and Masters of their craft; holding those that deal more honestly (if there be any such) to be simple men, and poore seely fooles, that want wit.

Not only are all men rogues, but if little rogues are persecuted, it is simply because greater rogues than they fiercely guard their privileges. As one father tells his son in The English Rogue,

I tell thee, he who steals not knows not how to live in this world; nay doth not almost each thing in the world teach us for to steal?...Pray, what do rich farmers and griping cormorants, but steal when they exact in their prices of corn, and grind the faces of the poor; and how can shopkeepers wipe off the aspersion of theft from themselves when they sell a commodity for twice the worth of it, and thereby cozen the buyer? So we see if things be rightly scanned, there be more thieves in the world than only tailors, millers, and weavers. And what...makes serjeants, bailiffs, and catchpoles so to envy us, and persecute us as they do, but that one trade still envies and maligns another; and would by their good wills suffer no other thieves but themselves. This it is that makes them so double diligent in the surprizal of us...

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42English Rogue, 332.


44English Rogue, 298-9.
And in a world which "consisted but of two sorts, knaves and fools", and where "one lived by out-witting and cheating the other", it seems to follow that the most affluent and respectable citizens are by definition simply the most able and inveterate rogues:

as the poor man's ability will not carry him high enough to cheat so much at first, so he attempting it, and being discovered, is quite lost. But if a rich man, or any who had success in knavery sets upon it to get an estate, it is soon encompassed, and the folly and easiness of many honest borrowers enriches the knavish lender.45

In fact, as one of Robert Greene's cony-catchers goes as far as to suggest, no one can prosper honestly:

I am sure you are not so ignorant, but you know that few men can live uprightly, unless he have some pretty way, more than the world is witness to, to help him withal. Think you some lawyers could be such purchasers [i.e., prosperous] if all their pleas were short, and their proceedings justice and conscience; that offices would be so dearly bought, and the buyers so soon enriched, if they counted not pillage an honest kind of purchase; or do you think that men of handy trades make all their commodities without falsehood, when so many of them are become daily purchasers? Nay... whosoe hath not some sinister way to help himself, but followeth his nose always straight forward, may well hold up the head for a year or two, but the third he must needs sink, and gather the wind into beggar's haven?46

It would of course be misleading to view such rogue and cony-catching pamphlets as moral treatises in any straightforward or consistent sense of the term. Not only would it strain credulity to characterise the pamphleteers as either moral reformers or social visionaries, but rogue literature tended for the most part to be too hastily and haphazardly constructed to lend itself to any kind of fundamental or even coherent critique of society. Clearly, such pamphlets could be read on many different levels: whether as a factual guide to an "anti-society" of vagrants and sharpers, as cautionary literature warning against the

45Ibid., 368.

46Robert Greene, A Notable Discovery of Cozenage (1591), in Elizabethan Underworld, 133-4.
various types of fraud practised by petty criminals, as sensationalist entertainment, or as social satire or moral parable. Indeed, as I have suggested in the previous chapter, the very ambiguity of these texts served the interests of creator and consumer alike—effectively broadening their appeal while providing both reader and writer with a kind of moral insulation. And, if the public did not object to pamphlets which were derivative and rather slapdash in terms of their content and which sent ambiguous and somewhat contradictory messages, this worked towards the advantage of the pamphleteer—who doubtless preferred to expend as little energy as possible reworking or synthesising material cribbed from a variety of traditional and contemporary sources.

Satire, then, may not have been the only, or even necessarily the most important function of this literature; nor was its social critique either particularly original or radical. This does not mean, however, that we should overlook the significance of the more persistent beggar and cony-catching pamphlet motifs: e.g., the knavery of tradesmen and professionals; the hypocrisy and miserliness of "respectable" citizens; and perhaps especially, the notion that if all men and women were essentially rogues, it was only the little rogues who were prosecuted, while greater villains could with impunity conduct their depredations on society. Such themes seemed to have enjoyed both unlimited currency and an inexhaustible appeal; in any case, they would crop up again and again in the later rogue literature popularised by Smith and Johnson.

iii. From Cony-Catcher to Highwayman: Shifting Criminal Stereotypes

The tradition of lampooning crooked tradesmen and grasping professionals would not only persist, but receive a new lease on life under the indefatigable direction of Captains Smith and Johnson. Indeed, a strictly literal reading of such highwayman "lives" might lead
us to believe that the late seventeenth- and early eighteenth-century "Knight of the Road"
robbed only lawyers, tailors, money-lenders and quack doctors, and only after first
declaiming at some length against the hypocrisy of their victims and the general degeneracy
of the age. In a typical passage, Jack Withrington robs a "rich Farmer" of £40; the latter
responds by asking,

Is not this a downright robbery? Robbery (reply'd Withrington) so let it be; who is there, that now-a-Days does not robb? The Taylor steals before his customer’s Face; the Weaver steals, by eking out the Length of a Piece of Cloath with the remainder of broken Ends; the Chirurgeon steals by prolonging a Cure; the Apothecary steals, with a Quid pro quo, using one Drug for another for Cheapness, without any Regard to the Age and Constitution of his Patient; the Merchant steals, by putting his Money into the Bank of England; the publick Notary steals, with an Et cetera, a whole Lordship; the Scrivener steal, by selling the Soul of a poor Man for the money that he can take of a Forfeit; the Grocer steals, by using false Weights; the Vintner steals, by adulterating his Wine; the Butcher steals, by blowing up his Meat; the Victualler steals, by drawing in short Measures; the Cook steals, by roasting his Meat twice over; the Baker steals, by raising his Bread when there’s no Occasion; and the Shoe-maker steals, by stretching his Leather as much as he does his Conscience. Thus as there is cheating and cozening in all Trades, but mine, you cannot blame me for borrowing this small Trifle, which I shall honestly pay you, when we meet again; so, till then, farewel.47

The victim of the standard Smith and Johnson highway robbery is almost invariably a
member of a traditionally unpopular profession; just as typically, his reluctance to accede to
the highwayman’s demands for a "loan" supplies a pretext for the latter to launch into a
tirade which leaves no doubt as to who is in fact the greater rogue. Not surprisingly, lawyers
are frequent victims of highway robbery. One "Barrister" who "was strangely surpriz’d at
his Client’s rough Behaviour", and "very loath to part with his Money" makes the mistake of

insisting on the Injustice of the Action, saying, that it was against both Law and Conscience to Rob any Man. However, the Golden Farmer heeding not his pleading, he swore that he was not to be guided by Law nor Conscience, any more than them of his Profession, whose Law is always furnish’d with a

Commission to arraign their Conscience; but upon Judgement given, they usually had the knack of setting it at large.\textsuperscript{48}

Similarly, when one Mr Hull, "an old Userer \textit{sic} in the Strand", attempts to lecture the celebrated highwayman Whitney on the danger of taking illegal courses, the latter, who (of course)

knew him, cried out in a great Passion, Sirrah, do you pretend to preach Morality to an honester Man than yourself? Is it not much more generous to take a Man's Money from him bravely, than to grind him to Death with eight or ten per cent. under colour of serving him?...I am a Man of more Honour than to shew any Regard to one whom I esteem an Enemy to the whole human Species. This once, Sir, I shall oblige you to lend me what you have without Bond, and consequently without Interest; so make no Words.\textsuperscript{49}

And, in a variation on the same theme, a "Stroling Doctor", who is so unwise as to suggest that highway robbery could lead to "the utter Ruine of some People", is bombarded with the following series of rhetorical questions:

Why, you double-refin'd Son of a Whore...can I ruine more People than you? Who hath put out more Eyes than the Small-Pox; made more Deaf than the Cataracts of Nile; Lam'd more than the Gout; Shrunk more Sinews than one who makes Bow-stryngs; and Kill'd more than the Pestilence?\textsuperscript{50}

Also fair game are those "Rascals" who hoard money, and who "by laying up...Thousands" in their "Coffers to no Advantage, cause a Stagnation" (that is, until our highwayman's timely intervention); "Corn-Ingrossers", "Vermin" who "[slander] both Heaven and Earth with pretended Dearths, when there's no Scarcity at all" and "daily pray for more Inclosures"; or charlatans such as itinerant tinkers, who are such "strong Enem[ies]

\textsuperscript{48}Ibid., 1:12-13.

\textsuperscript{49}Johnson, \textit{General History of the Highwaymen} (1734), 165.

\textsuperscript{50}Smith, \textit{Lives of the Highway-men} (1714), 1:22.
to idleness, that in mending one Hole", they "make three, rather than want work".51

But while there are clear parallels between Smith and Johnson's "lives" and earlier rogue literature, there are also some important differences—the most obvious being the replacement of the beggar or the cony-catcher with that of the highwayman (or, more rarely, the pirate). To a certain extent the emergence of the highwayman as a heroic figure dates from the later part of the Interregnum and the Restoration, when robbers with Royalist sympathies (Captain James Hind being the most famous example) were invested with a distinct, if mainly retroactive, counter-cultural allure. The rise of the highwayman myth can also be linked to more prosaic developments—not least of which was the rise of the highwayman himself. For while "travellers had been robbed while on their journeys across England for centuries", the highwayman was, as one recent student of the subject has pointed out, "also something of a by-product of the invention of the flintlock pistol late in the seventeenth century, and the growth of traffic on the main roads leading out of London".52

It seems reasonable to assume that the kind of criminal stereotypes existing in any given period can serve as indicators as to the preoccupations and anxieties particular to that society. Certainly, the centrality of the sturdy beggar and the cony-catcher in Elizabethan and early Stuart rogue literature seems to reflect contemporary anxiety about vagrancy and urban crime in a period when population was increasing at a rapid, even alarming rate, particularly in the metropolis.53


53See, for example, Sharpe, Crime in Early Modern England, 99. See also John L. McMullan, in The Canting Crew: London's Criminal Underworld 1550-1700 (New Brunswick [N.J], 1984), who refers to the "expansion of criminal opportunities" during "the century of mobility 1540-1640": a period in which "London emerged as the urban equivalent of the greenwood forest", in terms of its attractiveness to the "criminal
And if the reigning criminal stereotype expressed social anxiety, it could also to some extent alleviate it. The cony-catching pamphlet’s focus on the various stratagems of con artists and street-walkers seemed to reduce the problem of urban crime to the level of card-sharpening and confidence tricks. And, by emphasising the various types of fraud employed by “sturdy beggars”, rogue pamphlets reassured readers that most vagrants—certainly the most troublesome ones—were neither genuinely incapacitated nor truly indigent. There is a curiously contemporary ring to much of this literature; for instance, Robert Copland’s account of a sturdy beggar whom he saw "beg and crave" alms from passersby. This "mighty stubborn slave"

prated...Till an honest serving-man/ Came by the way, and by compassion/ Of his words did his devotion [gave the beggar some money]./ When he was gone a little from thence,./ I saw the beggar pull out eleven pence,/ Saying to his fellows, "See what here is./ Many a knave have I called master for this./ Let us go dine; this is a simple day [i.e., an easy day’s work].54

Such literature seems to raise, at least implicitly, that nagging and familiar question: was the panhandler sincerely in need? Were his infirmities, his ragged appearance, and his hard-luck story genuine, or simply artifices calculated to inspire pity? Accounts such as Guzman de Alfarache’s description of his stint as a beggar in Rome seem as though calculated to confirm the doubts of the most cynical reader. Guzman is initiated into what amounted to a highly organised vagabondage association, governed by a set of official regulations which included—among others—those forbidding any member to "weare any new garment, or but halfe worn out, save such as is rent and thread-bare, and full of patches, by reason of the ill example that may grow thereby, and the generall hurt that may come of it".

underworld* (15). The population of London also increased almost six-fold during this same period—from roughly 70,000 in 1550 to 400,000 in 1650 (Roger Finlay, Population and Metropolis: The Demography of London 1580-1650, [Cambridge, 1981], 51).

54Highway to the Spital-House, 6.
New clothes given as alms can only be worn once, and must be sold immediately afterwards. Yet another clause dictates that beggars must have two purses, one nearly empty and another more full which must be kept hidden. Beggars are not only prohibited from eating while on the job, but if they eat beforehand, they must "wash and cleanse [the] mouth, that the scent thereof be not perceived". For this reason, Guzman informs us, beggars are exhorted to avoid garlic or onion, and are strictly forbidden to have their breath smell of wine.

Guzman de Alfarache also suggests that begging is not only a viable, but an enviable career choice. When he is offered a position as page to a cardinal, he cannot help but reflect that

the custome of Swearing, Gaming and Begging, are things that are hard to be left off. It could not choose but grieve me very much, that I was hindered in my course, mew'd up, debarr'd my liberty, and made unable to injoy those good and plentifull Almes, which I gain'd by begging.

But if the beggar or cony-catcher can be seen as an expression of, or a response to social anxiety, fear or guilt, it is at least at first glance difficult to construe the adventures of highwaymen as anything but "aids to wish fulfilment". As Christopher Hibbert puts it:

The highwayman in a sense was, of course, bound to be a hero, for he was a rebel, a free man in a society in which those who were not free were exploited and oppressed. A sort of emblematic figure of liberty and pleasure, he was in revolt against the law and against morality. And the imagination of the public has always been more readily caught by the outsider than by the upholder of authority, by the gay and daring sinner than by the humdrum saint, even though the saint may be the real upholder of liberty which the criminal does

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55 The Rogue: or the Life of Guzman de Alfarache, 2:149.
56 Ibid., 151; 153.
57 Ibid., 205.
58 Faller, Turned to Account.
not want for others but only for himself.\textsuperscript{59}

The figure of the pirate seems to represent a similar freedom from the constraints and the drudgery, not to mention indignity, of everyday working life; according to one Captain Roberts:

In an honest Service...there is thin Commons, low Wages, and hard Labour; in this, Plenty and Satiety, Pleasure and Ease, Liberty and Power; and who would not ballance \textit{sic} Creditor on this side, when all the Hazard that is run for it, at worst, is only a sour Look or two at choaking. No, a merry Life and a short one, shall be my motto.\textsuperscript{60}

And the myth of the gallant highwayman (if not that of the pirate) had to some extent a basis in fact; as John Beattie has noted, "examples indeed abound in the eighteenth century of highwaymen being excessively polite, especially to women: not pointing their guns, returning some favored object, not searching them".\textsuperscript{61} While the real-life "Knight of the Road" certainly did not confine his depredations to lawyers and usurers, his victims typically travelled by carriage, and thus presumably were a cut above those of the street-robber, who robbed on foot. Not only was any robber armed with a pistol less likely to feel the need to resort to physical violence,

but there is no doubt that mounted highwaymen were much less in danger of immediate capture and that the circumstances surrounding their robberies allowed them to indulge in a form of polite interchange with their victims that no street robber could have had time for. Courtesy cushioned the experience for both victim and robber and encouraged the pretense that violence was not being threatened.\textsuperscript{62}

Such civil treatment enabled the victim to escape the experience of being robbed with a

\textsuperscript{59}Highwaymen (New York, 1967), 119.

\textsuperscript{60}Johnson, \textit{General History of the Highwaymen} (1734), 243.

\textsuperscript{61}Crime and the Courts, 153.

\textsuperscript{62}Ibid., 152.
modicum of dignity, and—as the highwayman himself could have hardly failed to realise—
often resulted in a reluctance on part of the former to prosecute his or her assailant, or to
positively identify him if called to court as a witness.

Clearly, much of the highwayman's appeal can be attributed to this dashing and
chivalrous public image—an image to which the latter himself was doubtless only too willing
to subscribe, and one that could at least in theory assuage contemporary social anxieties about
violent crime in general. But the highwayman, like the sturdy beggar or cony-catcher before
him, was also significant in that he served as a vehicle for social satire.

Lincoln Faller has argued that it was in fact the highwayman's very unsuitability as a
"social critic" that made him so ideally suited to such a role. For, according to Faller, unlike
the lives of most criminals—which were too "frivolous to be taken seriously" and "too
inchoate to be grasped except at the simplest level", being "designed" to keep "the various
social, political, and moral implications of crime against property...comfortably at bay"—that
of the highwayman "resists reduction to absurdity and confusion; there is something about
him that remains positive and coherent, that invites consideration".63 Faller goes on to
suggest that the value of the highwayman's social critique rests in large part on the fact that it
"invites" the "consideration" of the reader only long enough to be dismissed as "impotent or
irrelevant".64

The "conscientious" thief seems so ludicrous a paradox that none of his shots
land squarely, if they land at all. He is a failed satirist, but then from the
point of view of his targets, who could be a better satirist? The more readers
doubted their honesty and honor, the more they felt vulnerable to real social
criticism, the more they may have welcomed his...And to the extent they
secretly feared that they themselves were mean, grasping, or just plain

63 *Turned to Account*, 175.

64 Ibid., 188.
crooked, they would have laughed the more. For words like conscience, virtue, honor, and generosity lose their value in the mouths of thieves and, for the moment at least, their power to criticize.\textsuperscript{65}

I would not dispute Faller's suggestion that criminal "lives" functioned at least to some extent as a kind of coping mechanism—as a way in which to "palliate" or simply to make sense of contemporary social reality; indeed, such a general claim could be extended to most, if not all, literature. I would, however, question the degree to which "a self-doubting bourgeoisie", (who, in Faller's view, constituted the principal audience for highwayman "lives"), would have (however subconsciously or "secretly") recognised the hypocrisy which the "social critic" was taking to task as their own.\textsuperscript{66} For hypocrisy is surely something which is visible perhaps anywhere \textit{but}, as it were, in the mirror. Moreover—and this is a theme to which I will return—the content and tone of most highwayman lives seems to suggest that the average eighteenth-century reader would have felt as short-changed, overworked, and over-taxed as his or her late twentieth-century "bourgeois" counterpart.

Nor does any of this resolve what is, in my opinion, a rather significant question; that is, if the principal vehicle for social satire shifted from the beggar or the cony-catcher to that of the highwayman, what then are the conclusions we can draw from such a change? I have touched on some of the historical factors involved this shift—i.e., the actual existence and growing visibility of vagrants and petty urban criminals during the reigns of the first Elizabeth and James, and the meteoric rise of both the highwayman and the highwayman myth in the second half of the seventeenth century. Yet I will argue the highwayman addressed different anxieties about crime, morality and society, and expressed different social

\textsuperscript{65}Ibid., 187-8.

\textsuperscript{66}Ibid., 188.
values and preoccupations than did the cony-catcher or the beggar, and in different ways.

This is not to say that any reigning criminal stereotype delivered a totally unambiguous message; after all, people tend to have conflicting feelings about issues which are either particularly troublesome or seemingly insoluble. The beggar pamphlet could for instance reassure the reader that vagrants freely chose idleness over industry while at the same time stressing that no man or woman was entirely immune to the moral and physical frailties which could lead to indigence. But while the message may have been ambiguous, there was no doubt as to whom it was supposed to apply; the reader was reminded that wherever the beggar went, he or she could, but for the grace of God, only too easily follow.

Similarly, the resemblance between the cony-catcher and the average "respectable" member of society was unlikely to have been lost on the reader. As one cony-catcher boasts, "we go so neat in apparel, so orderly in outward appearance, some like lawyer's clerks, others like serving-men, that attended there about their master's business, that we are hardly smoked". And if petty urban criminals or con artists could in fact successfully pass themselves off as "honest civil gentlemen or good fellows", the implication was that the likeness was more than superficial: that the cony-catcher's hypocrisy and greed was in effect indistinguishable from the enterprise and industry of the honest citizen or tradesman, servant or apprentice.

In contrast, if the highwayman can be seen as "the logical extension of a society that deified greed", the greed which he represented seemed specific, rather than universal; and

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67 A Disputation Between a He-Cony-Catcher and a She-Cony-Catcher, in Elizabethan Underworld, 211. The famous Grub Street hack, Ned Ward, describes the "Town Trap" as follows: "He is often to be seen with a Country Cloth Coat on, all over Dirt, or according to the Weather...looking in his Rusty Garb as much like an Honest Grasier, as a City Hypocrite, in his Black Coat and Band, does like a Good Christian" (The London-Spy (1700; repr. with an introduction by Ralph Straus. London, 1924), 10.

the critique he delivered, aimed at a particular social group, rather than human worldliness and depravity in general. By inveigling and fleecing their victims behind a veneer of affable civility, cony-catchers (and their female equivalents, the "cross-biting" prostitutes), effectively caricatured the hypocrisy and greed essential to human nature. Similarly, the beggar could not help but serve, at least at some level, as a reminder that the flesh was weak, and all men and women inherently vicious. In contrast however, the highwayman, both with his more discriminating choice of victims and his more ambitious social pretensions, delivered a more specific and in some ways more powerful social critique than either his cony-catcher or beggar predecessor. Admittedly, such an argument can be taken only so far: traditional themes persist, and, as we have seen, familiar villains such as crooked lawyers and tradesmen continue to be scapegoated. What does seem significant, however, is the fact that more and more it is the "Great" or the "State Villain" who bears the brunt of the highwayman's attack.

iv. Great Villains and Honest Rogues

In the following passage Captain Charles Johnson's disapproval of the pirates, the ostensible villains of the piece, is nominal at best; the real sting is reserved for those whose looting and plundering expeditions were sanctioned by law:

Here they sat down to spend the Fruits of their dishonest Industry, dividing the Spoil and Plunder of their Fellow-Creatures among themselves, without the least Compunction or Remorse for what they had done; satisfying their Consciences with this Salvo, that other People would have done the same Things, if they had had equal Courage, and the like Opportunities. And, I can't say, but that if they had known what was doing in England, at the same Time, by the South-Sea Directors, and other Persons, they would certainly have had this Reflection for their Consolation, viz. That whatever Murthers and Robberies they had committed, they were not the greatest Villains that
were then living in the World.\textsuperscript{69}

In the preface to his 1734 work, Johnson enlarges on the old theme that all men are rogues—some are just more successful than others. There is more emphasis on (and specific reference to) the notion that great villains grow rich from engaging in activities no less scurrilous or injurious to society than those petty offenses for which little wretches routinely hang. After all, Johnson asks, "Who was Nimrod, but a successful Free-booter? And what were all the Founders of Monarchies, but Incroachers on the Properties of their Brethren and Neighbours?" Alexander the Great is characterised as a "Plunderer of the first Magnitude...and all his extraordinary exploits, with which we have been so long amused, and which we also have been taught to speak of with so much Admiration, were only Robberies committed upon every one better than himself." Similarly, Caesar "was a Plunderer of his Native Country...whether we name it Tyranny, Ambition, or only Greatness of Soul, it is much the same, while the Effects of it are so very terrible." Johnson sums up by reiterating the explicit theme of the collection (which serves also as the epigram on the title page): "'Tis sufficient to observe, that little Villains are oftenest convicted, and obliged (as Garth says) to submit to Fate".\textsuperscript{70} And, if the "lives" of more illustrious "Plunderers" and "Free-booters" are omitted in Johnson's collection, this is, he explains in characteristically tongue in cheek fashion, only for want of space: the "Memoirs" of "Great Villains" would not only "swell to a very large bulk", but "were we to give our Readers an Universal History of ROBBERS, of all Ranks and Degrees, for the Beginning of the World to this Time, our Scheme would be

\textsuperscript{69} History of the Pyrates (1724), 142.

\textsuperscript{70} General History of the Highwaymen (1734), 1.
almost as extensive, as if we proposed to write a General History of all Nations".\(^{71}\)

Both Smith and Johnson portray the highwayman as the only honest man in a world of rogues. This may explain the indignation of Tom Jones, one of Captain Smith's highwayman, upon being mistaken for a bailiff. Jones meets with a Quaker (Quakers, generally portrayed as sanctimonious hypocrites, are another favourite victim of highwaymen), who

having reduc'd himself to very low Circumstances, by whoring, Gaming, and drinking, whereby he was compell'd to go into the Country to his Friends, to avoid being arrested; as soon as Jones took him by the collar, quoth he, supposing him to be a Bailiff, At whose Suit dost thou detain me? At whose Suit (replied the Highwayman, who knew not his bad Case) why I detain thee at my own Suit. Indeed, Friend, (said Sam again) I don't know thee; neither, to the best of my Knowledge, have I ever had any Dealings with thee. Your shall find (reply'd Jones) that I shall have Dealings with you now. So clapping a pistol to his Breast, the Quaker cry'd out, Pray, Friend, use no Violence; and if thou carriest me to Jayl I shall be utterly undone, therefore if what Coin I have about me, which is about fourteen Guineas...Jones perceiving the Quaker's mistake, very contentedly accepted his Money; but being much disgruntled in his taking him for a Cannibal or Maneater, quoth he, I'll have you to know I'm no Rogue; for I'm an honest Highway-Man, and not a Bailiff, as you suppose me to be; so good bye till the next merry Meeting.\(^{72}\)

On the other hand, of course, much of the highwayman's effectiveness as a social critic stemmed from the fact that he could so convincingly ape the mannerisms of his social betters, and could assume an identity that was, if not actually aristocratic, at least genteel. Smith and Johnson's "lives" abound with stories of highwaymen who, under the guise of honest fellow-travellers, not only fraternise with their victims before they rob them, but blithely commiserate with them afterwards. Ironically, the "Knight of the Road" has only to remove his mask to pass as a gentleman, and to replace when he is again reduced to raising

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\(^{71}\)Ibid., 1; i [np].

"contributions" on the highway. "'Tis Impudence and Money makes a P[e]rW", Daniel Defoe, observed; he could well have added that, in a world that judged on appearances, a good horse and fine clothes also went a long way. Clearly, highwaymen were not the only thieves disguised as gentlemen; moreover, it seems to follow that a gentility so easily purchased or simulated was devoid of any real meaning or value.

And in his function as a vehicle to parody and to ridicule this preoccupation with surface appearance, the highwayman could on occasion cross not just class, but gender lines as well. One of Smith's heroes, Old Mobb,

understanding that a certain Lord was to set out for London the next Day, on Horseback, but with a great Retinue, he put himself in Woman's Apparel, and overtaking His Lordship on the Road, and having a tolerable good Face, as being in his younger Years, the Noble Peer was pleas'd to scrape Acquaintance with this Young Damsel, as he suppos'd her. So after a great deal of Chat together, His Lordship being amorously inclin'd, he was for fulfilling the Primary Command, *Increase and Multiply*...

And upon his "putting the Question to her, this Masculo-feminine Creature, pretending great Modesty", coyly informs "her Inamoranto" that "was there any place of Privacy, she should be very proud of gratifying his Request; but to expose her self before half a dozen Attendants that were with His Honour, she would not for the World". However, "His Lordship" is in for a bit of a shock when, after dismissing his servants and luring "his dear Bit of Groat" into a nearby "Wood", he, "for an Introduction to the Fort of Pleasure, was for taking up the Petticoats, and found under them a Pair of Breeches". In a conversation curiously reminiscent of that of Little Red Riding Hood and the wolf, the "Noble Peer" and the "Young Damsel" become more intimately acquainted: "What a Plague's the meaning of your wearing Breeches, Madam[?] Nothing (reply'd Old Mobb) but to put your Money in."

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Mobb then robs the hapless peer at gun-point and leaves him bound hand and foot in the wood, although not without first delivering the obligatory sermon: "You may now see, Sir, that Ill-luck may sometimes befall a Courtier, who follows nothing but Inconstancy, admires nothing but Beauty, and honours nothing but Fortune: So, my Lord; farewell, till the next merry Meeting".\textsuperscript{74}

But while the highwayman called social distinctions into question by passing himself off as something he was not (and thus insinuating in this too, he was only imitating his betters), but by suggesting that his counterfeit gentility was not necessarily inferior to the genuine article. For even at his most dissipated the highwayman was arguably no worse than the aristocrat, in terms of "his profuse Living, in keeping right Quality's Hours, which he much imitated by dining when others sup, supping when others breakfast, going to Bed when others get up, and getting up when others go to Bed", and, perhaps inevitably, "by being soon left Moneyless".\textsuperscript{75}

Taking to the road was often the only option left open to the gentleman who had squandered his fortune, and was too proud to beg or to cheat (for, in the context of such literature, most "respectable" occupations amounted to little less than fraud or extortion). As Johnson asks in reference to one gentleman-cum-highwayman:

What should a Gentleman of Mr. Witherington's late affluent fortune do in this wretched Case? He was above the mean Submission of stooping to either relations or friends for a dependence; and to ask Charity, or crave the Benevolence of his Brother-Men, was a Circumstance his Soul abhor'd. One

\textsuperscript{74}Smith, \textit{Lives of the Highway-men} (1714), 1:25-26. The highwayman who poses as a woman to ensnare (and ridicule) unwary victims is in fact a relatively common theme in rogue literature; variations on this story date back at least as far as Thomas Nashe's \textit{Unfortunate Traveller} (1594). The issue of cross-dressing in general has recently attracted considerable academic interest; for a refreshingly pragmatic discussion of the debate, see David Cressy, "Gender Trouble and Cross-Dressing in Early Modern England", in \textit{Journal of British Studies} 35 (October, 1996), 438-465.

\textsuperscript{75}Smith, \textit{Lives of the Highway-men} (1714), 2:90.
way he must do to live; to starve presented nothing but frightful and melancholy Ideas to the Mind. The collecting Money on the Road was judged the best, though not the surest Expedient, of raising his Fortune.\textsuperscript{76}

In many respects the highwayman is more of a "real" gentleman than most; it is not uncommon for one of Smith and Johnson's heroes to be characterised, as is Colonel James Turner, as "liberal in his Entertainments" and "free with his money". In marked contrast to their grasping and miserly but law-abiding victims, highwaymen are distinguished by their openhandedness and charity—it is this "Generosity", in fact, that is frequently cited as the reason they have been obliged to resort to such "illegal courses" in the first place.\textsuperscript{77} And certainly many "real" highwaymen—especially famous ones like Dick Turpin—were invested with the reputation of being heavy tippers (although this could have been simply because, being so often in a hurry, they preferred not to wait for their change).

\textit{v. The Highwayman as Social Avenger}

Smith and Johnson's heroes not only caricatured aristocratic vice and aristocratic values; they could, by inverting the natural order of things, deliver a much less subtle critique of contemporary social norms and institutions. Captain Johnson, for instance, juxtaposes the rough-and-ready justice meted out by pirates with that of a "more lawful" kind:

Here was the Form of Justice kept up, which is as much as can be said of several other Courts, who have more lawful Commissions for what they do.—Here was no seeing of Council, and bribing of Witnesses was a Custom not known among them; no packing of Juries, no torturing and wresting the Sense of the law, for bye Ends and Purposes, no puzzling or perplexing the Cause, with unintelligible [sic] canting Terms, and useless Destinctions [sic]; nor was their Sessions burthen'd with numberless Officers, the Ministers of Rapine and

\textsuperscript{76}General History of the Highwaymen (1734), 42.

\textsuperscript{77}Ibid., 315.
Extortion... 78

And, as for the highwayman, his victims can be seen (however ironically) not only as his equals in roguery, but in criminal culpability. When Old Mob robs Sir George Jeffries, the famous (or notorious) judge of the "Black Assizes", it is the criminal who threatens to charge a constable with the magistrate, claiming that the latter had put him "in Bodily Fear" several months before, at the Hartford Assizes. 79

And the "cavalier" highwayman—who, it would seem, robs only Regicides and "Committee-men" (and whom, at length, and at the slightest provocation, he denounces as greater villains than himself)—is viewed as a champion rather than a criminal. As Captain James Hind claims at the "Place of Execution",

Most of the Robberies which he ever committed, were upon the Republican Party, of whose Principles he had such an Abhorrence, that nothing troubled him so much as to die before he saw his Royal Master establish’d in the Throne, from which he was most unjustly and illegally excluded by such a rebellious and disloyal Crew, who deserv’d hanging more than him. 80

Hind, "having a great Respect for the Royal family, who were now all Exiles", seldom loses an opportunity "to set upon their Enemies" (whom, it would appear, travelled frequently by coach). On one occasion, Hind stops "that celebrated Villain Sergeant Bradshaw"; the latter thinking to frighten Hind by telling him who he was; quoth Hind, I fear not you, nor never a King-killing Son of a Whore alive; therefore if you do not give me your Money presently, I'll in a Moment send you out of the World without any Benefit of Clergy at all. The Sergeant's Conscience now flying in his Face, for the horrid Murder of his lawful Sovereign, and dreading his being sent out of the World without Repentance for so horrid a Crime as dooming his King with a Mene Tekel... to save his Life, he gave him a Purse full of Jacobuses. At the Sight whereof, quoth Hind, I, marry, Sir, this is the Metal that wins my Heart for ever! O! precious Gold, I admire thee as much

78Johnson, History of the Pyrates (1724), 185.

79Johnson, General History of the Highwaymen (1734), 153.

80Smith, Lives of the Highway-men (1714), 1:279.
as Bradshaw, Pryn, or other such Villains, who would for the sake of it, sell our Redeemer again, were he now upon Earth.\textsuperscript{81}

The highwayman exacts vengeance also on court favourites and other expensive parasites, such as the King's mistresses. "Honest Nell" Gwynn (without a doubt the most sympathetic of the latter) proves herself not only to be a Protestant, but a "charitable W—re", when she cheerfully bestows ten guineas on the Irish highwayman Patrick O-Bryan.\textsuperscript{82}

When the Duchess of Portsmouth is less gracious, however, Old Mob is quick to remind her, "I am King here, Madam, and I have a Whore to keep on the Publick Contributions, as well as King Charles: 'Tis for this that I collect of all that pass, and you shall have no favour from me".\textsuperscript{83} Similarly, when "the Dutchess [sic] of Albermarle" is equally "refractory" in "parting with any thing", the Golden Farmer delivers the following harangue: "You B—ch incarnate, you had rather read over your Face in the Glass every Morning, and blot out Pale to put in Red, than give an honest Man, as I am, a small Matter, to support him in his lawful Occasions on the Road".\textsuperscript{84}

Admittedly satire which is directed towards a regime long since defunct and discredited (and here neither Smith nor Johnson seem to make much distinction between the Commonwealth or that of the later Stuart monarchs) does not necessarily lend itself to any truly incisive or radical social critique. Yet, it is unlikely that Smith and Johnson's readers would have had to look either very hard, or particularly far afield, in search of contemporary parallels. Clearly neither the Republic nor the Restoration had much to teach the

\textsuperscript{81}Ibid., 1:275-276.

\textsuperscript{82}Ibid., 2:53.

\textsuperscript{83}Johnston, \textit{General History of the Highwaymen} (1734), 152.

\textsuperscript{84}Smith, \textit{Lives of the Highway-men} (1714), 1:4.
"Robinocracy" about unjust judges or corrupt or unscrupulous statesman; nor indeed was Charles II alone in lavishing public funds on mistresses or favourites.

Moreover, the highwayman functions as a means through which some of the most timeless and universal of social grievances could, however momentarily, be identified and resolved. Episodes featuring highwaymen robbing their landlords are legion, and fairly self-explanatory; also common are stories where robbers succeed in forcing those travellers who most loudly and vehemently plead poverty to deliver up what invariably amounts to considerable wealth. The implication is that those who are most adept when it comes to avoiding paying their fair share are often the same people who have (certainly in the popular imagination) managed to hoard or secrete the most riches.

Most of the time (presumably in much the same way that Santa Claus knows which children have been naughty or nice) the highwayman seems simply to know which of his victims is rich and which is poor. However, the highwayman occasionally allows his victim the benefit of the doubt, and only discovers his error when he afterwards overhears the latter boasting of how easily he had managed to pull the wool over the eyes of his would-be robber (the highwayman, needless to say, is unrecognisable in his role as well-to-do hotel guest or fellow traveller).

One of the most popular (and frequently reproduced) of such stories involved Captain James Hind and a "Committee-man" who was travelling towards London "for to buy many Commodities". The latter, "hearing that there was robbing on that road", rode on an "old Mare" and cleverly disguised himself in rags. When

he chanced to meet with hind, who ask'd what he was, he answered, that he was an old man going to get relief amongst his friends: hind gives him a peice [sic] of gold, and had him drink his health, & be merry at his Inn. The old Miser thinking to please hind, coyned two or three great oaths presently, and said he would be drunk with drinking his health.
Yet upon arriving at the inn, the "Committee-man" informs the company that he escaped the greatest danger that ever he was in: for said he, I met with hind, and instead of robbing me, he gave me a piece of gold, and bid me drink his health, but i'le see him hang'd before i'le spend one penny for his sake, hang him Rogue...i'le put his gold amongst my own.

And when the "old Miser" had, "after a short supper", retired to bed (indeed, it seems in part his relative abstinence which makes the latter so objectionable), Hind quickly followed him to the inn, where he used "to lie as a Traveller not known". After being informed that, among other things, the "old Committee-man" who had "met with hind" had "called him Rogue thousand times", Hind decides to renew their acquaintance the following morning on the road:

when he had overtaken him, he asked the Old man if he drank his health: I said he, I was never so drunk in all my life as I was last night: for I drank the Kings health, the Queens health, the Princes, and your health ten times over; hind said to him: Friend, I have found you in many lyes, and now I will make you call me Rogue for something: so hind made him untye his greatte knapsack, where he found fifty pound in gold, and his own peice [sic] besides. Now the Committee-man to cheer up himself resolves to borrow so much of the State before he went another journey: hind said, the sooner you get it, the better for me if I meet with you again.85

The highwayman, of course, not only righted social wrongs by robbing various types of villains (and thus exposing them for the upstarts, misers, hypocrites, or parasites that they were); he could, like James Hind, style himself as a kind of Robin Hood who would neither shed "blood unjustly", nor "wrong any poor man of the worth of the penny", but make "bold with a rich Bomkin, or a lying Lawyer, whose full fed fees from the rich Farmer, doth too too [sic] much impoverish the poor Cottage keeper".86 In a typical episode, Hind rescues

85No Jest Like a true jest: Being a Compendious Record of the Merry Life, and Mad Exploits of Capt. James Hind, the Great Robber of England... (J. Deacon, 1657). Chapter XII, n.p.

86George Fidge, The English Gusman; or the History of that Unparallel'd Thief James Hind... (T.N. for George Latham Junior, 1652), 40.
an "honest Inn-keeper" from the clutches of two "Bailies and a Usurer" by paying his debt of £200—a sum promptly recouped when, shortly afterwards, he meets with the bill-collectors on the highway.\textsuperscript{87}

In addition to recycling this, and others of Hind's exploits, Captain Smith and Johnson also include accounts of other gallant highwaymen with Robin Hood aspirations, such as Captain Dudley, who claimed he did not

\begin{quote}
commit any Sin in robbing a person of Quality, because I keep generally pretty close to the Text, Feed the Hungry, and send the Rich Empty away. Which was true in the Main, for when ever he had got any considerable Booty from Great People, he would very generously extend his Charity to such whom he really knew to be poor.\textsuperscript{88}
\end{quote}

A significant number of Smith and Johnson's heroes follow Hind's example of freeing poor debtors and robbing moneylenders and bailiffs—such as Jack Shrimpton, who comes to the aid of a "poor Farmer" being carried to "Gaol". Upon later

\begin{quote}
way-laying the Bailiffs, he had no more Mercy on them, than they had on the Farmer, for he took away what Money he paid 'em, and about 40 Shillings besides; after which, he rid back again to the Farmer, and regaling him with a treat of a Guinea, cancell'd his Bond, and then went in Pursuit of new Adventures.\textsuperscript{89}
\end{quote}

However, many (if not most) of Smith and Johnson's highwaymen fall far short of any chivalric ideal; and, despite the obvious popularity of Robin Hood motifs, their appeal was ultimately somewhat limited. The picaresque hero of the chapbooks or the collections of pirate or highwayman "lives" was after all a trickster and a rogue whose main preoccupation was that of survival, and whose primary function, as far as the reader was concerned, was to

\begin{itemize}
\item \textsuperscript{87}G.F., \textit{Hind’s Ramble, or the Description of his manner and course of Life}. Printed for George Latham, 1651), 16-17.
\item \textsuperscript{88}Smith, \textit{Lives of the Highway-men}, (1714) 2:148.
\item \textsuperscript{89}Ibid., 1:285-6.
\end{itemize}
entertain.

Heroic escapades may have entertained, but so too did pranks and "frolics" of a less admirable kind: the pages of both Smith and Johnson (not to mention those of earlier rogue literature) are packed full of gags and jokes which can only be characterised as tasteless. In many respects, the highwayman seems to have appealed to readers not so much for his strict adherence to lofty principles as for his insouciant rejection of conventional standards of behaviour. As Captain Charles Johnson points out, the highwayman was faced with the choice "either of starving in his profession, or of becoming a hypocrite". He goes on to describe the character of one Captain Stafford (who had, naturally, "thought the latter more eligible") in the following terms: "his whole life, with respect to his religion and gallantry, was as confused as the account which we now give of it. He was one day a saint, the next a lover, the next a satirist, and the next a highwayman, or imposter, according as the occasion offered". Evidently, there was in such "confusion" much room for, if not personal freedom, at least license. And even someone of a "very mean Extraction", like Johnson's Thomas Dun, is not necessarily constrained by his lowly social origin; rather,

the better to carry on his Villainies, he chang'd himself into as many shapes as Proteus, being a Man as understood the world so well, I mean the Tricks and Falacies [sic] of it, that there was nothing which he could not humour, nor any Part of Villainy that came amiss to him. To Day he was a Merchant, on the Morrow a Soldier, the next day a Gentleman, and the Day following a Beggar: In short, he was every Day what he pleased himself.

And as far as their conduct towards the fair sex is concerned, many of Smith and Johnson's heroes also leave much to be desired. For while there is the occasional reference to highwaymen such as the gallant William Nevison, who, in addition to "being a true

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90 *General History of the Highwaymen* (1734), 82.

Royalist" and "charitable to the Poor", was also "in all his Pranks...very favourable to the female Sex, who generally gave him the Character of a civil obliging Robber", such paragons of chivalric virtue seem to have been rare indeed. And even if the dashing Claude Du Vall--whose claim to being "the second Conqueror of the Norman race", was predicated less on his ability to make "Men" "stand", than on his aptitude at making "Women" "fall"--was a lady-killer in a figurative sense only, he nevertheless could on occasion act in a decidedly churlish fashion. According to Captain Alexander Smith,

it happen'd another Time, as Du Vall was upon his Vocation of robbing, on Black-Heath, he meets with a Coach richly fraught with Ladies of Quality, and with one child, who had a silver sucking-Bottle; he robs them rudely, takes away their Money, Watches, Rings, and even the little Child's sucking-bottle; nor would, upon the child's tears, nor the Ladies earnest Intercession, be wrought upon to restore it; 'till at last, one of his companions forc'd him to deliver it.3

Some highwaymen, indeed, are even less responsive to the "earnest Intercessions" of "Ladies": when Old Mobb robs a "Gentlewoman", the latter

to raise Pity in him...shed Tears very plentifully, and cry'd she was a poor Widow, who had lately lost her Husband, and therefore hop'd he would have some compassion on her. D--n me, you B--ch, (quoth Old Mobb) and your Husband too; the loss of him is no Argument that I must lose my Booty. Come, come, Deliver quickly, for those crocodile Tears of thine work no Pity in me, because I know the end of a Woman's Husband always begins in Tears, and the end of her Tears begins in another Husband.4

The various pleas of women (particularly respectable ones) for mercy often supply a convenient pretext for the highwayman to launch into a misogynistic tirade--like the following

92Ibid., 104.

93Lives of the Highway-men (1714), 2:6-7. In all fairness to Du Vall, however, it should be added that this version is contested by Captain Charles Johnson, who insists that "Captain Smith has been guilty of an unpardonable blunder in his account of this robbery...but the Reader need only reflect on Du Vall's general character, to convince him of the Captain's error" (A General History of the Highwaymen [1734], 92).

94Ibid., 1:20.
by William Cady, directed at a woman reluctant to hand over her wedding ring:

"You whindling B—ch" (quoth he again) "don't tell me of its being your Wedding-Ring, Marriage be d—nd, and you too, I don't know what any of your Sex has to do to Marry at all, when they may have Children enough without that foolish chargeable Ceremony; but be Poxt to you, you must be Married too, to be a Whore by Licence".

Yet when the woman is so obstinate as to swallow the ring, Cady shoots

her thro' the Head...ript her open, and took the Ring out of her body, saying at the same Time to her Husband, Whose Heart to be sure relented to see such a tragical, nay more barbarous than inhuman Action, "Your Wife's a Bite I see, but I think now I have Bit the Biter".95

It is perhaps safe to assume, then, that an overly-scrupulous or soft-spoken highwayman could not always deliver the kind of entertainment value apparently sought by the average early eighteenth-century reader.96

vi. "Gross Obscenity, awkward Cant, and dull Profaneness": The Uses of Pornography and Scatology97

It would be difficult indeed to refute the charge levelled at Captain Alexander Smith

95Smith, Memoirs (1726), 132-3.

96It is interesting to note that Captain Charles Johnson prefaces his version of the same story with what is ostensibly a warning to the reader, but which seems better calculated to serve as an advertisement than an apology: "The remaining Part of this Story is of such a shocking Nature, that it can neither be related nor read without Horror. I could even wish entirely to omit it, were it not that such an unparallel’d Instance of Cruelty may deter others from entering into a Course of Life, in which they will certainly be led on from bad to worse, till at last they will be capable of committing what they before would have trembled at the Rehearsal of" (General History of the Highwaymen [1734], 130).

97It will become clear that my interpretation of the role of scatological humour in rogue and highwaymen literature is somewhat at odds with that put forward by Mikhail Bakhtin in his famous discussion of Rabelais' works (Rabelais and his World, trans. Helene Iswolsky (Cambridge [MA], 1968). While I see scatological imagery as functioning as a kind of social leveller and critique—a means to poke fun at the pretensions or hypocrisies of the powerful or the sanctimonious, "grotesque realism", according to Bakhtin, reflects a popular view of the world as fluid, regenerative and ultimately, open-ended and positive, and which "seeks to grasp in its imagery the very act of becoming and growth, the eternal incomplete unfinished nature of being", as opposed to the "sterile images representing 'character'...offered by degenerate, petty realism" (52-3). It is likely, however, that Bakhtin would see both highwaymen literature and its use of scatological humour as species of "satire of modern times...whose laughter is negative [and who] places himself above the object of his mockery", as opposed to the purer form of grotesque humour represented by "the people's festive laughter"(12).
in the opening passage of this chapter; that is, that his "Works" were full of "gross Obscenity" and "dull Profaneness". As Smith himself explains,

If we have here and there brought in some of these wicked Offenders venting a profane Oath or Curse, which is dasht, it is to paint them in their proper Colours; whose Words are always so Odious, Detestable, and Foul, that some, as little acquainted with a God as they, would be apt to conclude that Nature spoil’d ’em in the Making, by setting their Mouths at the wrong end of their Bodies.98

It is curious (and perhaps not entirely accidental) that even in his own defense Smith cannot help but evoke a scatological image. If graphically violent or explicitly sexual or scatological passages constitute factual reporting, clearly Captain Smith and Johnson go above and beyond the call of duty. While it may be safe to assume that their public was entertained, or at least titillated by such "Profaneness" and "Obscenity", the larger question of why such material appealed (and continues to appeal) to readers is not one which I can hope to resolve here. However, it may be useful to speculate on some of the ways in which such pornographic or scatological elements can be specifically related to larger themes in rogue and highwayman literature.

On one level this material seems to function simply as an expression of wish-fulfilment, as the following story of the highwayman Jacob Halsey would seem to indicate. When the latter,

meeting a very pretty Gentlewoman on Horseback...the Conveniency of the Place giving him Encouragement, and tempting him to be carnally minded: My pretty Lamb, said he, an Insurrection of an unruly Member, obliges me to make use of you upon an extraordinary Occasion; therefore I must alight, and mount thy alluring Body, to the End I may come in unto you...after having surfeited himself with unlawful Pleasure, he sent her about her Business, without so much as searching her Pockets, or taking the Gold Watch, which

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she had by her Side.99

Here is sex (for there is, significantly, no hint of resistance on the part of the
"Gentlewoman") without unwanted strings or unpleasant consequences—not to mention
unnecessary conversation.

More often, however, episodes involving rape or seduction seem aimed primarily at
ridiculing the man to whom the woman is supposed to belong. A popular motif in rogue
literature involves a man stealing into bed with a woman who mistakes him for her husband—
that is, until his superior lovemaking exposes him as an imposter. Most women not only
decide to make the best of a bad market, but generally request a repeat performance.
Sometimes the humour of the situation is less apparent (at least to the modern reader), as is
the case here:

Another time Jack Withrington meeting a Gentleman and his Wife on the
Road...he very submissively crav'd their Benevolence; but not presently
granting his Request, he shot the Horse on which they both rid, and swore,
that as he deny'd him his Money, he would take his wife; so forcing her into
an adjacent Copse, and acting a Man's Part by her, he restor'd her to her
Husband again, from whom taking eleven or twelve Guineas, he said, This is
no more than my Due, for I am not obliged to do your Drudgery for
nothing.100

While it goes without saying that pornographic passages in general are often informed
by some degree or other of misogyny, it would seem that they are often intended more
specifically to poke fun at female vanity and hypocrisy: the act of stripping a woman
(especially a "respectable woman") of her clothes laid bare not just her pretensions, but
exposed the hollowness of her protestations of virtue.

Doubtless passages in which women are divested of their clothes were intended to be

99Johnson, General History of the Highwaymen (1734), 143.

100Smith, Lives of the Highway-men (1714), 2:100.
titillating; however, the motif of nakedness in general serves also as a reminder that all women, from the daintiest gentlewoman to the most slovenly harlot, were essentially the same. Nor is the critique necessarily confined to hypocrisy of an exclusively feminine kind: the depiction of women in various stages of undress was apparently not only a popular device, but a versatile one, as the following episode illustrates:

Andrew Baynes and his Comrades meeting three women, who were Quakers...they set upon these holy Sisters, and having first search'd all their pockets, in which was not above 2 Guineas, and 12 Shillings in Silver, they thought this a very small Prey, without taking their coats too. So stripping them stark naked, quoth one of the Lambs, as they were tying to a tree, Ye Men of Belial! what is the Meaning of all this Violence, in taking away our Garments? Andrew Baynes reply'd, Nothing at all, beloved Ones, but only to make your Bodies as light as your souls; and on my Word, if ye always keep in this manner, as ye came into the World, ye will never offend the Statute made against the Excess of Apparel.

At this juncture, "Andrew's Comrades, because [the women] were tolerably handsome, were for untying them again"; however, Baynes delivers a harangue against the hypocrisy of Quakers:

They shall not be unty'd, for though I'm of no Religion my self, yet I mortally hate a Quaker, or any other Precisian, because he's a demure creature, only full of oral Sanctity, and mental Impiety. Though he will not swear, he'll lye confoundedly; nevertheless, his Presumption is so sure of his Salvation, that he will not change Places in Heaven with the Virgin Mary. He will not stick out from committing Fornication or Adultery, so it be done for the Propagation of the Godly; and can find in his Heart to lie with any whore, but the Whore of Babylon.

He continues in this vein, until his confederates "being satisfy'd with what he said, they left the three Yeas and Nays to hold forth by themselves".101

Often the line between sex (or rather, female nudity) and scatology is somewhat blurred, as in an episode recounted by "the Spanish Rogue", Guzman de Alfarache, where

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101 Ibid., 2:172-3; 4.
the latter so startles his mistress—whom he has surprised naked in a corridor—that she soils herself. According to Guzman,

my Mistresse was much ashamed of this foule accident...not for my finding of her naked, and un-aray'd; but because she had beray'd her selfe. As for [being seen naked] she did not care a pin; for most women desire nothing more, especially those that have a good opinion of themselves, have consulted with the cleernesse of their skinnes, and are privy to their own perfections.102

This most mortifying of accidents clearly succeeds in bringing Guzman’s mistress down a peg or two: evidently, such scatological satire worked frequently as a kind of a social leveller, as a reminder that all people, notwithstanding whatever prim or proper airs they might assume, were subject to the same basic bodily functions. When, in a particularly improbable episode, Smith’s highwayman Zachary Howard robs Oliver Cromwell, the latter is depicted not merely as a quivering coward, but is associated—quite literally—with human excrement. Howard, finding "Old Noll" in his "Bed-Chamber" in "a praying Posture", knocks him down and holds a gun to his chest, striking "the Republican Hero with such a Pannick Fear, that he permitted the Assaulter to do what he pleas'd"—which included not only being robbed and bound hand and foot, but even having a "Close Stool, which was pretty well fill’d with the nauseous Excrements of this much more nauseous Rebel...clapt...on his Head".103

Yet many scatological episodes can be characterised as nothing short of gratuitous, apparently functioning less as a kind of social satire than as the most rudimentary bathroom humour. This is especially true of Captain Alexander Smith’s later work, such as the Memoirs of the Life and Times of the Famous Jonathan Wild. This 1726 collection of the

102The Rogue, 55.
103Memoirs (1726), 152-3.
lives of contemporary highwaymen and street-robbers seems to have fallen far short of his earlier *Lives of the Highway-men* in terms of its popularity, and apparently did not sell enough copies to warrant a second edition: not only was it, as Chandler has pointed out, "less amusing than its predecessors" but "the author seems to have realized that the vein was exhausted".104 The *Memoirs* is composed almost entirely of anecdotes which are not only improbable but tasteless even by the standards of the early eighteenth century. Smith credits his characters with various off-colour practical jokes: in one fairly typical episode, for instance, the highwayman James Barton drills a hole in a neighbouring couple's chamber pot and precipitates a domestic squabble royal about who had "pissed besides" and made a puddle on the floor. The husband subjects his wife to the following harangue: "Look'e here you d-mn'd B--h...You held your cursed, confounded Water-Gap exactly over it, have you not? See what a sweet Pickle my Shirt is in; I reckon I shall have all the Dogs in Town, follow me to smell Piss, and piss upon me to Boot".105

In another unlikely but unforgettable story, John Trippuck makes his escape from prison through a sewage pipe, and comes up for air in a "House of Office" upon which there "happen'd to be a Gentlewoman who was newly set". Our hero, after seizing on her from "behind", assures her that he was an honest man "come to seek Protection under your Roof", and that "instead of handling your Breasts, I have through a Mistake seized upon your Buttocks". This credulous (or desperate) woman not only takes our adventurer in, but ends up marrying him—much to the satisfaction of the latter, who had hopes "of bettering his Fortune, by embarking himself on a firm built Bottom" (that is, a "substantial Shopkeeper").

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104 *The Literature of Roguery*, 2:176.

105 *Memoirs* (1726), 102.
After Trippuck had, in less than a year, squandered all the widow's money, she came to "[curse] the Day that ever she saw him, wishing she had been in her Coffin when she sat upon the House of Office, or that Death had seiz'd upon her Heart when Jack seiz'd upon her Breech". 106

In his attempts to supply the reader with salacious details, Smith often seems to be grasping at straws; at any rate, it is increasingly difficult to reconcile such anecdotes with even the most nominal commitment to factual reporting. Moreover, this incongruity was all the more apparent after Smith had shifted his attention from the already semi-mythical highwaymen of the late seventeenth-century to more contemporary and familiar criminals—particularly those who, in the 1710s and the 1720s, had constituted part of the circle of the famous Jonathan Wild.

And even in Smith's earlier and more commercially successful work it would seem that his inability to pass up on any suggestive or off-colour anecdote, no matter how questionable its authenticity or relevance, often worked to the detriment of any consistent or coherent satire—or at least one directed exclusively at the misdeeds or the hypocrisy of "great villains". Surely, there is little as far as either populist or chivalric principles are concerned to recommend Jack Addison's robbery of a hapless "Chambermaid", who, by "squalling out, and making a great Clutter, rather than part with what she had", induced our hero to lay Violent Hands upon her, saying at the same time, *You covetous B--h, how loth are you to lend an honest Man a little money, to do him a Kindness; when, I warrant you, if you had a good swinging clap now, you would divide it so equally betwixt your M-- and his Foot-men, as if you had cut out the getting of it by a Thread*. So taking about 23 Shillings from her, he made the best of his Way to London. 107

106Tbid., 235-238.

Not only are relatively inoffensive characters occasionally targeted for ridicule, but—as long as the circumstances are vulgar enough to warrant mention—even the rogue hero can find himself the butt of the joke. Smith recounts one incident where Thomas Jones robs a very inebriated attorney while he "was necessitated to alight to untruss a Point" (i.e., while "easing Nature"). When Jones bids the attorney to stand and deliver, the latter explains,

Truly I'm brim full, therefore take care what you do, Sir, for if you stir me but ever so little, I shall run all over. Don't tell me (reply'd Jones) of your being brim full of Liquor, are you brim full of money? For 'tis money I Want. Just as he had spoke these Words, Storey giving a great Belch, he spew'd full in his Face and Eyes; which set Jones swearing and cursing, and rubbing his Peepers like a Fury, crying at the same time, You eternal Son of a Wh--e! you have quite blinded me.

And while Jones responds by giving the attorney's "Pockets a Vomit", it is not entirely clear here who has escaped more lightly—the highwayman or his "victim".108

vii. "All are Fish that Come to the Net": The Limits of Social Satire

Clearly, while both Smith and Johnson were willing enough to capitalise on the highwayman's appeal as a chivalric hero, or as a social critic of a quasi-populist stamp, neither seemed able to resist supplying the reader with various titillating details which often worked at cross-purposes with the image of the highwayman as either a gentleman or as a champion of the weak and the downtrodden. Similarly, while both Captains persisted in their claims of factual accuracy and contemporary relevance, they seemed incapable of parting with the many off-colour or sensational anecdotes which could have only called their credibility into question. This uneasy marriage of social satire and gratuitous (not to mention "gross")

108Ibid., 2:88. In a similar passage in the same work, the highwayman Jack Bird is bested by a "Pilot" who "had lost both his Hands in an Engagement at Sea", yet however manages to "maul" his assailant "grievously with his wooden Stumps". Afterwards Bird "was so much out of Conceit of his being conquer'd by a Man without Hands, that he was once almost in the mind to live honest; but having no Scholarship nor Trade, the want of Employment quickly brought him into great Streights, whereupon...[he turned] Foot-pad" (2:127).
obscenity, of contemporary "True Accounts" and improbable chapbook anecdotes, tended to result in a curiously uneven and disjointed product, inconsistent in its tone and ambiguous in its message.

Lincoln Faller has explained this tension between the demands of "historical accuracy" and Smith's habit of "apportioning...fictional adventures to actual historical personages...especially when so many of these stories appeared in avowedly fictive contexts...as yet another of his techniques for 'palliating' both thieves and their crimes". According to Faller, there is method in Smith's hodge-podge of fact and fantasy; or rather, in his desire "to maintain a profitable confusion of realms". Faller suggests that highwaymen "lives" served as a kind of two-pronged coping mechanism: if on one hand, they were supposed to alleviate feelings of guilt or anxiety on the part of the reader by distancing him or her from the more unpleasant realities of criminal activity and capital punishment, their ostensible basis in fact could reassure the reader of the criminal's culpability and his own moral superiority:

for all that Smith debases the truth, he never quite leaves it behind...Thus his inversion of fact and fiction is never so consistent as finally to become intelligible in its own terms, nor does he ever leave his readers completely and permanently numb to the moral implications of the events he described.109

Another feature of such literature was its tendency towards sudden and jarring shifts in tone. The typical highwayman "life" begins with a brief and sketchy account of the criminal's early life, launches into a more detailed and colourful recital of his (rarely her)

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109Turned to Account, 171;173. In a later work, Faller expands more on this notion that the reader "in an age of increased individualism and anomie liked identifying with outlaws, masterless men, and other defiant disturbers of the social order" and that "reading about a criminal's crimes would have given them vicarious experiences of the extremest kind of freedom from social control, and reading about his punishment would, in a sense, have consoled them for their own actual lack of freedom". He adds that such criminals "allowed readers the psychic relief of focussing and discharging the various guilts aroused by their fantasizing on the heads of those who were, after all, scapegoats as well as surrogates"(Crime and Defoe: A New Kind of Writing [Cambridge, 1993], 5).
picaresque adventures and frolics, and closes abruptly on what is generally an incongruously downbeat note. For instance, the account of the Irish highwayman O-Bryan is composed of one merry prank after another until, almost without warning, a light-hearted robbery of Nell Gwynn is followed by the crime for which he is ultimately condemned and executed—a particularly disturbing rape-murder. Faller sees this format as yet another device to draw in the reader—who has begun to identify with the rogue hero's shenanigans, and who only too late realises that the story has taken a decidedly ugly turn.

Smith closes out his account of these mass murders with a somewhat tardy moral comment, calling them 'an unparalleled piece of villainy'. But again the comment comes too late to warn the reader against vicarious involvement. Such shifts in the affect of the text make for unsettling reading. They illustrate yet another way in which criminals in narratives like Smith's tend to stand beyond easy categorization. Very likely the unpredictable movement of Smith's text made his narratives more interesting, no small matter considering their relative 'plotlessness', their reiteration ad nauseam (or so it seems to a modern reader) of the same impoverished themes. A sense of risk can heighten pleasure, especially when the pleasure had something furtive about it in the first place. Smith's readers could never be sure but that their fun might suddenly come to redound against them. Even the most heroic thieves are capable of dirty, or, at the least, diminishing actions. The Golden Farmer caps off a long and distinguished career by robbing an impoverished tinker of all the wealth he has, a pittance. Duval steals a baby's silver bottle straight out of its mouth, and is finally caught, drunk, in a tavern. Whitney's first, abortive attempt at theft concludes with him locked in the embrace of a dancing bear, and he sails out of life on the mocking words of a hanging judge.

I would agree that highwaymen "lives" are, in terms of their format and content, both uneven and fraught with contradictions. However, unlike Faller, I think such ambiguity is careless rather than strategic, the result of an often uneasy blend of fact and fiction, where information gleaned from contemporary accounts was somewhat artificially grafted onto more traditional rogue stories. This was most evident towards the end of the "life", when the

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111 Faller, *Turned to Account*, 164.
crime for which the criminal is finally executed (a matter of public record) must be worked into the narrative. Smith's (and, for that matter, Johnson's) "profitable confusion of realms" and "unsettling" shifts are owing less to any conscious agenda on his part than they were to sloppy and rather insouciant writing: he was trying to churn out the maximum amount of racy, entertaining, satirical—and sometimes even topical—stories in a minimum amount of time.

If Smith and Johnson's "lives" typically end on an anticlimactic note, this is doubtless a result of the tension between their authors' use of actual historical personages as rogue heroes and the largely fictional adventures which they have previously attributed to them. After crossing the threshold into the historical domain, such accounts tend to taper off brusquely, as with the following "life" by Captain Johnson: "Here we conclude the Scene of this Man's Life, who, after a Series of unaccountable and very surprizing Robberies and Actions, received a just Recompence for his ill-spent Life at Tyburn".  

Dates or other specific details are conspicuously absent in descriptions of the various apocryphal robberies of unpopular public personalities or other merry pranks which tend to make up the body of the account; significantly, if anything resembling a "fact" is included, it is tagged onto the end of the "life". In Smith's account of Tom Wilmot, the reader is regaled with the hero's numerous adventures until, after being informed that in the course of a robbery he murdered an entire family, the tone takes a sudden downward turn. This crime is described in a very brief and matter-of-fact way, and is followed less than a sentence (albeit a long one) devoted to the fact for which he was apprehended and executed, as well as the execution itself:

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112 *General History of the Highwaymen* (1734), 14.
but being not in the least troubled in Conscience at this inhumane Tragedy [the murders he had committed], he came over to England again, and still pursuing his wicked Courses, he robb'd the Duke of Buckingham, in Northamptonshire of above Two hundred Guineas; for which being, in a short time after, apprehended, he was condemn'd, and hang'd at Northampton, on Saturday, the 30th of April, 1670, aged thirty-eight Years.¹¹³

Dates and other specifics clearly denote the intrusion of the "real" criminal into a narrative hitherto dominated by a series of only slightly updated traditional chapbook jests and frolics.

Smith and Johnson's highwaymen "lives" were also limited in the degree to which they could deliver any effective or coherent message by their rather indiscriminate inclusion of any material which could conceivably have been of interest to the reader. If Smith and Johnson "fished from both banks" (i.e., from sources that could be loosely defined as either fictive or factual), the metaphor can be extended to encapsulate their general philosophy; that is, that "all was fish that came to the net". Neither Captain seems to balk at utilising stories which sound suspiciously like popular contemporary jokes. When Will Lowther, after "having stollen a black Pudding in Clare-Market, and clapt it into his Bosom", goes to "Daniel Burges's Meeting-House" to listen to an "eloquent Discourse" delivered by "the Reverent Don", the latter looking wishfully towards Lowther, and saying, Thou Man! fling that black Sin out of they Bosom: Will having a guilty conscience, and really thinking the Teacher had spoken to him, he flung it at his Head, saying, And be pox'd to you, I had but one black Pudding, and you are so unconscionable as to desire it of me.¹¹⁴

Even more suspiciously familiar is the following account of a wife's death-bed confession to her husband concerning the paternity of her twelve children: she informs him, "with a deep Sigh", that one might be his, "but for the rest, my Dear...I am afraid you are just as much


¹¹⁴ibid., 2:215.
their Father, as the Kings of England have been Kings of France for some hundreds of Years past; that is, you know very well, in Name only.\textsuperscript{115}

It seems that neither Smith nor Johnson had the luxury to pick and choose in terms of sources; after all, even if there were no shortage of criminals, there were only so many traditional stories, and only so many ways in which to tell them. Smith does not scruple even to plagiarise from himself--occasionally attributing identical anecdotes to more than one character. And in his 1734 work, Johnson--after having exhausted not only more traditional sources, but that of his rival Smith (not to mention his own earlier pirate biographies)--is reduced to gleaning material from any source that comes to hand. He prefaxes the life of the murderess Mary Channel with the following note:

The following Life was sent us by a Gentleman unknown, who has assured us the Facts were all within his own knowledge, and desired it might be immediately inserted. We take this Opportunity to thank our ingenious Correspondent, whosoever he may be, and to assure him, or any other Gentleman who can furnish us with the Lives of any extraordinary Malefactors, that the same Care and Expedition shall always be made Use of in publishing what they may communicate.\textsuperscript{116}

Johnson includes other accounts sent in by various "Gentlemen", including one where the contributor "assur'd us that he knew the Person [Jacob Saunders], and was present at his Execution".\textsuperscript{117}

Nor does either Smith or Johnson hesitate, when it serves his purpose, to borrow material from contemporary rivals, such as the Ordinary's \textit{Account}. Although occasionally

\textsuperscript{115}Johnson, \textit{General History of the Highwaymen} (1734), 308.

\textsuperscript{116}Ibid., 169. This of course could just be a device on the part of Johnson to assure the reader of the account's basis in fact; however, the content and tone of the "life" (which is, in effect, a warning to parents not to thwart the wishes of their children when it comes time to arranging marriages for them) is substantively different from most others in the collection.

\textsuperscript{117}Ibid., 190.
whole accounts are pilfered without much in the way of alteration (for instance, Smith’s “life” of Harman Strodtman, which is a direct plagiarism of an account given by Lorrain) generally there is some effort to adapt them to the requirements of the rogue literature genre. Biographical details apparently drawn from the Ordinary’s Reports are frequently intermixed with ironic commentary apparently calculated to counteract or undermine the preachy tone of the original source:

This Malefactor, Avery by Name, was born in Oxfordshire, and by his Parents was put out an Apprentice to a Bricklayer in London, where, after he was out of his Time, which he serv’d very faithfully and honestly, he Married; and then following his Trade for himself, he seem’d to be so Industrious at his Business, that his Neighbours had no suspicion in the least of his robbing on the Highway; which unlawful Practice he had follow’d for some Years, to the great Comfort of himself and all his family, who saw him work so hard till at last it kill’d him, much against his Will.118

Yet, Smith and especially Johnson, occasionally borrow not just the material, but its disapproving tone as well. Johnson’s description of Luke Page, a "notable highwayman" who claimed he had already made "his Peace with Heaven" by "giving part of what he had taken from others to the Poor" is a far cry from the gleeful irreverence of traditional rogue literature: "in a Word, the Behaviour of this Fellow was such, that there was no judging whether he was really stupid, or whether he had a Mind to argue himself into a Love of his own Vices".119

viii. Rogue Stories as Oral Tradition

Yet it would be unwise to draw too sharp a distinction between traditional rogue stories and more "factual" accounts; after all, far from occupying a vacuum, such literature formed part of a larger dialogue between both creator and audience, and one which did not


119General History of the Highwaymen (1734), 347.
exclude even the criminal. Nor is whether or not such anecdotes had a basis in fact necessarily the point: rogue stories formed part of a popular discourse, and often coloured the way in which criminals were perceived by contemporaries—and the way in which the criminals perceived (or chose to perceive) themselves.

While we may never be able to fully separate Smith and Johnson's semi-mythical highwaymen from their earlier flesh and blood incarnations, it is however interesting to note the way such criminals were depicted in contemporary accounts such as that of the Ordinary's report. The gallant Captain James Whitney is portrayed as a sincere penitent who, on his way to Tyburn, "Demeaned himself with the Decency and Modesty as becomes a Man under such Circumstances". Whitney is no clever Tom Clinch: far from revelling in the role of the Carnival King, he is described as praying fervently, all the while complaining of being troubled "with the heart piercing Tongues of the unruly Rabble...there goes a Rogue, crys one, a High-way-man says another, a Villain, a Housebreaker, says the third, every Body had some opprobrious name or other to cast on me". And even the irascible Old Mobb "behaved himself very decently", and was apparently very "affected" at the place of execution, where he demanded prayers.

Yet, even through the disapproving filter of the Ordinary of Newgate, the germ of later rogue legend is occasionally discernable. The Golden Farmer may have "shed many Tears" and "gave some signs of great Remorse", yet he evidently also gave the Ordinary, Samuel Smith, some cause for concern:

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120 A True Account of the Behaviour, Confession and Last Dying Speech of Capt. James Whitney... (L. Curtiss, February, 1692/3), 1.

121 The Last Speech and Confession of James Whitney, Butcher...(W. Brown, 1 February, 1692/3), 1.

122 A True Account of the Behaviour, Confession and Last Dying Speeches of the Eight Criminals that were executed at Tyburn...(Langley Curtiss, 18 September, 1691), 2.
I [Smith] exhorted him to make Restitution [of money he had stolen] to the utmost, of what remained in his Hands, otherwise his Repentance could not be sincere: He thought this to be strange Doctrine, when as, he said, he dyed for robbing. I told him, that he paid his Life to the Justice of the Law, it made no Satisfaction nor recompence to those he had despoil'd of their Estates. And added farther, That he should not conceit that his former supplies of the Wants of the Poor was any true Charity in God's Account, who abhors Robbery...And that I feared that his Pretension to Charity was designed by him as a cover of his robbing to be less suspected, however, that it could not attone God’s Displeasure and incensed Justice against him, for so many Acts of Violence he had used.123

While the Golden Farmer's attempt to cast himself as a kind of a Robin Hood is muted to the best of the Ordinary's ability, it is interesting to speculate on just how many of the condemned identified with, or constructed their actions according to such popular notions of justice, or even that of a "moral economy".

This seems to have been the case with the highwayman George Rawlins, who, shortly before being hanged in 1679, informed the Ordinary of Newgate that not only had he "never used violence to any person's life", but that once after having robb'd a person of 20 s. coming to Market, whom he had reason to believe to be a poor man, he was so smitten in Conscience, that he could not Rest till he had inquired him out, and for restitution sent him 40 s. And being demanded why he return'd 40 s. for 20 s. taken away, he said, He did it out of Consideration, for that he supposed the poor man by his robbing him, might lose 20 s. which he might otherwise have gain'd by his Market.124

While such paragons of highway chivalry may have been rare, it was certainly not unheard of for a self-styled rogue hero to boast of his past exploits. One John Simpson claimed to have killed "4 or 5 Men upon Quarrels", to have "frequently Robb'd Officers-Tents in Flanders, and the King's also" while terrorising "Papists" in Flanders, and of

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123A True Account of the Behaviour, Confession, and Last Dying Speeches of the 15 Criminals... (Langley Curtiss, 22 December, 1690), 1-2.

124The Behaviour, Confession & Execution of the several Prisoners that suffered at Tyburn On Fryday the ninth of May, 1679... (C.L. [?], 1679), 6.
robbing St. Peter's Church in Ghent of £1200 worth of "Plate". The Ordinary (Roger Wykes) viewed "Such a Scene of complicated Wickedness" with something of a jaundiced eye: "I Told him, I thought in the first place, it was impossible that all this should be true, that he only spoke it to be talk’d of".\textsuperscript{125} (Simpson would have doubtless been pleased at the fact that many of his exploits would be immortalized in various successive Newgate calendars).

It would seem that certain criminals chose not to wait passively for posthumous fame; rather, in their own lifetimes, they sought to reinvent themselves in the image of the carefree and dashing rogue hero. It is apparently with this dangerous tendency in mind that the reformed early seventeenth-century highwayman John Clavell cautions those "licentious Rebels, that doe make/ Profession of this wicked course, and take/ A pride therein, and would be term’d by me/ Knights of the Roads, or else at leastwise be/ Stil’d High-way Lawyers".\textsuperscript{126}

It should not be forgotten, after all, that the rogue hero belonged as much to an oral tradition of story-telling as he did to any literary genre. Many of the tall tales told by condemned criminals can be seen as tropes—inform ast much by the various jests and frolics of common parlance as by rogue literature proper. It would seem that many real-life criminals subscribed to and perpetuated this oral tradition of roguery; for instance, the street-robber John Hawkins, whose company was sought after by the author of one pamphlet "because I took much pleasure in hearing him speak of his merry Pranks and many

\textsuperscript{125}The Confessions, Behaviour, and Dying Speeches of the Criminals that were Executed at Tyburn, on Saturday the 20th of July...(n.p. 1700), 1.

Robberies." 127 Similarly, Robert Rhodes "was always very merry amongst his Fellow Sufferers, and took delight in telling of Rogueries, and how extensive his Knowledge was in his Roguery, of all kinds whatsoever". 128

As always it is difficult to separate lived reality from retrospective mythologising, or literary license; however, it does seem that criminals, if not actually willing to model themselves after Smith and Johnson’s heroes, could at least interpret their actions in the true spirit of the picaresque. In the Appendix to a 1742 Ordinary’s Account, one criminal, after being informed that the person he had just robbed was "the Surgeon of Brigadier Churchill’s Regiment", reflects that "he must repair his Loss, by enlarging his Bills upon his Patients; but he found another Way, for it being between Sun and Sun, he sued the County, and swore he lost 40 Guineas [far more than he had lost] and other Things, and I don’t doubt but he recovered it". 129 And it is possibly significant that when the same criminal, in an attempt to establish a plausible alibi, invents the name of the captain of the ship on which he was supposed to have served, the name he chooses is "Captain Johnson". 130

The appendices attached to the Ordinary’s Account during the 1740s are rich in such Smith and Johnsonesque anecdotes (although, as I will discuss in the following chapter, whether they can be attributed to the editor or to the criminals themselves is not entirely clear). When Lot Cavenagh robs a "noted Apothecary", from whom he "took about Twenty-seven Pounds, he begg’d hard for a Return, and pleaded abundance of Poverty"; Cavenagh,  

127 A Full and Impartial Account of all the Robberies Committed by John Hawkins etc...Written by Ralph Wilson, late one of their Confederates (J. Applebee, 1722), 7.

128 OA (J. Applebee, 12 July, 1742), 18.

129 OA (J. Applebee, 7 April 1742), 13

130 Ibid., 15.
who "happened to know his Profession...bid him go and be D—d, and get more, the same way he had got that, by Tricking and Deceiving fools, with his pretended Arcana and N~strums". Similarly, when Michael Bewley and an accomplice asked a man they had just robbed, "where he lived, and promised he would in a few Days return him his Money again with Thanks, protesting they would not have taken it from him, but they had a present Occasion for just such a Sum". But when they discover "they might hear of him at Change Hours at Garraway's Coffee-House, he being an Exchange Broker", Bewley's companion exclaims, "D—m him...it is no Sin to rob a Broker, for it is only playing at Rob Thief".

ix. The Decline of the Highwayman Tradition

This idea that there is something appealing, or at least excusable, about thieves who rob the rich, or those who can "afford it" (usually because they are seen as not paying their fair share) is a powerful and persistent one—even if few such criminals complete the equation by giving to the poor. But while such notions clearly continued, and continue, to have resonance, it would seem that by the middle of the eighteenth century the more specific appeal of highwaymen "lives" was all but exhausted; moreover, such publications were to vanish altogether as an original and viable literary genre by the end of the century. It may seem paradoxical to speak of such an undisciplined and derivative body of works such as that of the highwaymen "lives" as a "genre" at all—let alone an original one. But by grafting various chapbook adventures and merry pranks onto the "authentick lives" of near-contemporary criminals, Smith and Johnson were creating a curious hybrid which was novel in both its overall content and format, and was—by virtue of the very indiscriminate

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131OA (J. Applebee, 13 April, 1743) Part II, Appendix, 28.

132Ibid., 35.
inclusiveness which earned the contempt and the envy of competitors—capable of attracting and at least for a time maintaining a broad and substantial readership.

However, the tension between this (albeit) nominal commitment to factuality and the necessity of recycling anecdotes which were not only becoming hackneyed, but increasingly improbable, is apparent even as early as Johnson's 1734 collection of highwayman and pirate "lives". On several occasions Johnson is obliged—presumably from a lack of other material from which to draw—to include the "lives" of characters whose identities, as well as actions, are unequivocally fictional (for instance, Defoe's "life" of "Colonel Jacque"). There seems also to be a growing tension between Johnson's willingness to include racy or morally questionable anecdotes and his somewhat incongruous and sheepish attempts to anticipate and to disarm any possible objection that might arise on the part of the reader. Johnson seems rather ill-at-ease when the ordinarily gallant Captain Stafford robs "a beautiful Lady" who had "sacrifice[d] her honour" to him:

It may be observ'd...that almost every man once in his life, does something very unworthy of, and even contrary to his general character. If therefore this, which we are going to relate, be acknowledged as the Captain’s one great foible, the universal weakness of human nature will be ready to excuse him in some degree.\textsuperscript{133}

And while (significantly) Johnson does not dispense with passages of a suggestive nature, increasingly his tone is coy and prurient, rather than confidently irreverent. When, in a typical roadside inn mix-up, a certain absent-minded goodwife accidently gets into Du Vall's bed instead of her husband's, "our gallant quickly discovered her Mistake, and, by his vigour, she soon perceived the same; however, she was not so ill-natur'd as to leave him immediately". However, Johnson adds primly, "We must go no further in our Relation,

\textsuperscript{133}Ibid., 82.
because we know not how many Ladies may read it". 134 (This rings all the more hollow in light of the fact that previous versions of the same basic story tend to be at least as concise).

Indeed, what is perhaps the most ribald incident in highwayman literature can be found in Johnson's 1734 collection of "lives": that of Isaac Atkinson, or rather, the "Tow-wow Setter". The latter, while standing on a ladder outside the bedroom of a nobleman and his lady, witnesses the following conjugal interlude:

an Amorous Fit seiz'd his Honour, and he mounted the Saddle for the Performance of Family Duty: Though his Lordship was often in before, yet he could not readily find his Way: Upon which Atkinson heard him say, I vow, Madam, I would give up the five Hundred Pounds which I received to Day of my Tennant, Goodman Reynolds, and which now lies in my Escritoire, provided I could have your Tow-wow mov'd but one Inch higher.

At this point, Johnson interrupts the narrative to insert a none too convincing apology:

I can make no doubt but the Reader will think the remaining Part of this Story very odd, and perhaps a little improbable...But, be that as it will, no reasonable Man can be angry with an Author for giving what he has received. The Writers of the Lives of Highwaymen who have gone before, are a sufficient Apology for this and many other unaccountable Relations, which must of necessity be interspersed in this Work. A Reader that cannot relish these Passages, will find enough for his Diversion, without them and those who have a pretty deal of Faith may easily stretch it to our Standard. At least what will not pass for real Truth, may please by the same Rules as many of our modern Novels, which are so much admired.

For, in a still more improbable development, Atkinson then pays a visit to the wife, telling her he is "by profession, a Tow-wow setter", and has been sent by her husband "to raise hers one inch, for the small fee of £500". However "the Reader must dispense with a particular Account of his Procedure: 'Tis sufficient that he performed his Office in the best Manner, so that a Lady of the prime Quality in England had no Room to complain".

The services of the enterprising Atkinson are subsequently solicited by the

134Ibid., 94.
Chambermaid: "Sir, I understand you are a Tow-wow Setter; now Thomas the Coachman has informed me, that mine is not as it should be; if, therefore, you could rectify it a little, I would willingly give you all the Money I have by me, which is about £20". And when the cook in her turn offers Atkinson only £5, "quoth Isaac, I don't make a common Practice of rectifying Tow-wows for such a small Sum; however, I consider your Circumstances, and as what I shall perform may be of Service to you I would not deny such a Favour, if you had nothing to bestow." The account gets even sillier, as the women, after the "adjustment" has been made, are told to remain with their skirts and petticoats over their heads in order to ensure the success of the operation. (As an added precaution, Atkinson leaves a Calf's tail in the Cook's "Tow-wow"). The story concludes with the husband returning home to find that he has been cuckolded—and on nothing less than a heroic scale.\(^{135}\)

Significantly, the "Tow-wow" story is omitted in Johnson's 1742 edition of *The General History of the Highwaymen*; presumably, the market for "dull Profaneness" and "gross Obscenity" was nearing the saturation point. It is tempting to see the "Tow-wow" story as the straw that broke the camel's back; in any case, it seems undeniable that the popularity of highwayman "lives" in general was clearly also in rapid decline: no new editions of either Smith nor Johnson's collections were printed until the highly condensed and censored 1839 reissue of *The General History of the Highwaymen*.\(^{136}\) And while later "Captains" over the course of the 1750s would put their names to various collections of highwaymen "lives", these were nothing more than abridged and bowdlerised versions of Smith and Johnson's earlier work, presumably intended for a juvenile rather than an adult

\(^{135}\)Ibid., 114-5.

\(^{136}\)Captain Charles Johnson, *The Lives and actions of the most noted highwaymen, street-robbers, pirates, &c.*, 3rd ed. (T. Teggs, 1839).
Such later collections are not only unmistakably derivative, but tend to become shorter and shorter as suggestive or violent passages are gradually weeded out. Illustrations of highwaymen in various dashing postures replace the vulgar advertisements which abounded in early eighteenth-century publications (where cures for the "Itch" had been common, and one edition of Smith's *Lives* even included notices for books purporting to "discover" the "Mysteries of Virginity" or even offer "a fair Chance" for those "London-Ladies" who "want Bed-Fellows...to be well-fitted"). Similarly, Smith and Johnson's trademark tongue in cheek prefaces—arguably the most original part of such highwayman literature, and one which often contained some of its most explicit social commentary—are, after being reproduced rather mechanically for a time, eventually omitted entirely.

This trend towards the bowdlerisation and abridgement of highwaymen "lives" coincided with their abandonment of even the most nominal pretence to historical accuracy or contemporary relevance: Colonel Jack, Falstaff and Robin Hood, recruited as replacements for more obscure or less heroic criminals, join the ranks of Old Mobb, Whitney and the Golden Farmer. Thus, as the tone of later highwayman "lives" becomes more and more sentimental, and the characters of their (increasingly) mythical heroes are correspondingly rehabilitated, the elements of social satire which had been present in Smith and Johnson's earlier works are either diluted or rendered meaningless.

In these later accounts highwaymen with Robin Hood tendencies (and sometimes even Robin Hood himself) steal from the rich and "borrow" from the poor—whom they invariably

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reap with interest. Nor did the robberies committed by such idealised highwaymen very
easily lend themselves to a critique of the reader's own society. When, in one 1758 account,
Mull-Sack robs a wagon carrying money to pay the Parliamentary army,

there were also two or three Passengers in this Wagon, who were frightened
terribly; but Mull-sack generously told them, 'That he had no Design upon
what they had. This, says he, that I have taken, is as much mine as they who
pretend to own it; being all extorted from the Publick by the rapacious
Members of our Common-wealth, to enrich themselves, maintain their
Janissaries, and keep honest People in Subjection, the most effectual Way to
do which, is to keep them poor'.

If by the middle of the eighteenth century the Commonwealth had faded into a distant
memory, the highwayman too was increasingly consigned to a mythical past where his social
commentary no longer evoked either indignation or laughter.

For while the highwayman's retreat into the realm of fantasy dulled both the
immediacy and the relevance of his message, so too did the increasingly serious and moral
tone of such accounts detract from their critical power: later highwaymen "lives" lacked the
element of satire which had invested earlier texts with multiple meanings, and enabled, if not
actually obliged, their audience to read them on an ironic as well as on a literal level.

In this chapter I have argued that the highwaymen "lives" popularised by Captains
Smith and Johnson succeeded, if only for a time, in capitalising on the growing public
appetite for criminal "news" while continuing to exploit the more traditional chapbook stories
and themes. While social satire, in one form or another, seems to have always been a feature
(or a selling-point) of rogue literature in general, it would appear that the highwayman—with
one foot in the criminal annals and the other firmly planted in picaresque legend—was not
only able to deliver a critique of society which was both ironic and irreverent, but which

\[138\]Captain Mackdonald, A General History, 294.
targeted a more specific and identifiable social group than had the earlier criminal vehicles for satire, the sturdy beggar or the cony-catcher. And the fact that both the highwayman and his victim could lay claim to a kind of semi-historical status located this satire within a more contemporary context—and thus one which arguably lent itself to a social commentary more relevant and potentially more powerful than that of earlier rogue literature.

Yet the integrity and the coherence (not to mention the humour or tastefulness) of such satire often fell victim to what seemed to be an irresistible temptation on the part of the authors of highwaymen "lives" to include stories which were not only increasingly improbable, but apparently becoming more and more difficult for their audience to stomach. It would be tautological, however, to explain the changes in the tone and format of later collections of highwaymen "lives" as either the result of the deteriorating quality of their social satire, or a consequence of their having been refurbished and effectively deodorised for consumption by children. These were not so much causes of the decline of the popularity of this genre of literature as symptoms of it: clearly, the market for "absurd Lies" and "gross Obscenity" had begun to dry up well before the middle of the eighteenth century. That public attitudes and tastes changed significantly over the course of the century seems indisputable: how and why they did so are questions I will address in more depth in my concluding chapter. For the moment however, suffice it to say that scarcely a generation after their heyday, Captain Smith and others of his ilk had, for all intents and purposes, ceased to "divert" the "Populace".
IV. The Confessional Tradition: The Ordinary of Newgate's Account

Public interest in executions [during the eighteenth century] was greatly stimulated by the widespread sale of publications known as "last dying speeches and confessions". The confessions were usually obtained by prison officials—and particularly by the Ordinary—who exerted all their influence to induce the delinquent to admit his guilt. These efforts, which were by no means always successful, were continued even at the very scaffold at Tyburn...The effect and indeed the purpose of these endeavours were not necessarily praiseworthy. At that time the prestige of the prison chaplain was not very high, a fact which in itself may have accounted for the obstinacy with which so many offenders refused to make a confession, and may have stimulated them to make false statements about themselves and their associates.

Another no less important reason, already mentioned, was that since the confessions were later printed and sold in pamphlet form, a suspicion was created that the chaplains were acting from mercenary rather than charitable motives.

—Leon Radzinowicz, A History of Criminal Law (1948)

In a 1712 petition "Most humbly offer'd to the Honourable House of Commons" the then Ordinary of Newgate, Paul Lorrain, argued that his serial publication, the Account of the Behaviour, Confessions and Last Dying Speeches of the Criminals...Executed at Tyburn, should be exempted from the newly enacted 1712 "Tax laid or to be laid upon all Single Sheets, &c" which levied a duty of one half-pence on the publication of every half-sheet (or one single or double sided page) and one pence on that of every whole sheet (or two double-sided pages).¹ Lorrain's "Case" hinged on his contention that the Account, published "for the general Satisfaction of the Publick, the necessary Information of Honest People, and the Instruction and Reformation of Wicked Persons", and composed of the "Heads of Sermons and other Ghostly Instructions and Prayers, being Parts of Divinity and Devotion", should qualify for exemption from the new duty by virtue of "a late Act" passed in the ninth year of

¹The 1712 Stamp Act (10 Anne, cap. 19) applied to "all books and papers commonly called pamphlets, and for and upon all news papers, or papers containing publick news, intelligence or occurrences", and ruled that "every such pamphlet or paper contained in half a sheet [i.e., a half-folio; generally two pages], or any lesser piece of paper, so printed" was subject to a duty of a half-penny per copy printed; and "every such pamphlet or paper (being larger than half a sheet, and not exceeding one whole sheet [i.e., between three to four pages])", a duty of one penny per each printed copy. Pamphlets "larger than one whole sheet", or five pages or longer (although six pages seems to have been considered the minimum length for a publication to be considered as such) were taxed 2 shillings per edition, rather than per printed copy. Not surprisingly, newspapers quickly capitalised on this loophole in the act, assuming a six-page pamphlet format.
Queen Ann’s reign granting immunity from taxation to publications "containing only Matters of Devotion or Piety, &c". Lorrain concluded his petition with the gloomy prognostication that, unless "the Honourable House of Commons would be pleas’d to Exempt [the Ordinary’s Account] from the Tax", the "said Papers...otherwise must be discontinued, tho' they contain nothing but Divinity, Devotion, and what may be most Useful to the World".²

It should hardly come as a surprise that Lorrain’s petition failed in its object to have the Account recognised as a strictly devotional tract; nor indeed that "his said Papers" continued, despite all warnings to the contrary, to be published. For the Ordinary’s Account not only survived, but flourished—growing practically overnight from a double-sided, half-folio broadside to a six-page pamphlet. As a pamphlet—and six pages was considered the minimum length for a publication to qualify as such—the Account was liable to a flat duty of two shillings per edition, rather than one half-pence for each individual copy produced.

The Ordinary’s Account continued to be issued in pamphlet form until suddenly, in May 1725, it shortened dramatically in length, resuming its old double-sided single sheet format. As though to explain this abrupt change in format, the Ordinary, Thomas Purney, prefaces the Account with the following statement:

I am now, as usual, to give some short Account of these Malefactors, with regard chiefly to their to their Behaviour under Sentence of Death; for the Satisfaction of these who were concerned in bringing them to justice: In doing this, I shall confine myself to what I judge necessary thereto, and to what was the original Design of this Paper; not endeavours to satisfie those who are curious to know all the Actions of Malefactors Lives.³

But before attributing this sudden eschewal of sensationalism to any sort of newfound civic-


³OA (John Applebee, 24 May 1725), 1.
minded commitment on the part of the Ordinary (a commitment all the more laudable considering the *Account* in question featured the "Confession, Behaviour, and last dying Words" of one of the century's most famous criminals, the self-styled "Thief-Taker General", Jonathan Wild), it should be noted that it was in May 1725 that this particular loophole in the 1712 Tax Act had finally closed, and that for at least a brief period it appeared that the Ordinary's *Account* would henceforward be taxed on the same footing as single sheets. However, the evidence suggests that the publishers of the Ordinary's *Account* took advantage of the wording of the 1725 Act (11 George, cap. 8), which specifically disqualified only "journals, mercuries and news-papers" from being taxed as pamphlets (now at three shillings, rather than two, per edition), and by 1729 the *Account* had reverted to a five- to six-page format.4

Clearly, the Ordinary's *Account*, like virtually any other publication of its time (or our own, for that matter) was published with an eye to making a profit. It seems equally certain (however impossible to prove) the *Account* sold more copies by virtue of the entertainment value it promised to deliver than on the basis of any moral instruction it could possibly impart to the reader. After all, as Lorrain himself saw fit to concede in his petition to the House of Commons, his "Papers" were as "Useful...in informing" the public "in what they desire and have an Interest to know", as in "reforming" the "Wicked", and "making them sensible of the

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4While there is some confusion surrounding this issue, it is clear that the 1725 Act was directed specifically at newspapers who had enlarged their format to qualify as pamphlets, and not at publications like the Ordinary's *Account* or the Old Bailey Sessions Papers. However, it would seem—judging from the fact that the *Account* was temporarily published as a single sheet and that the price of the OBSP rose from 4 pence to six after May of 1725—that the editors of these publications did not immediately manage to take advantage of the wording of the new Act to qualify for a less prohibitive rate of taxation. Apparently, however, it became obvious shortly thereafter that little attempt would be made to enforce this Act as it applied to publications which were not newspapers, journals or mercuries; according to Frederick Seibert, "11 George, cap. 8 was directly aimed at newspapers and made no attempt to remedy the evasions as practised by the publishers of pamphlets" (*Freedom of the Press in England* [Urbana, 1952]).
Dangers and Miseries which attend a vicious and ill Course of Life”.

Yet, it would be too simplistic and perhaps ultimately even misleading to follow the lead of the Ordinary's contemporaries—not to mention many commentators of a later period—in dismissing the *Account* as a baldly hypocritical publication shaped solely as a response to a perceived market demand for either sensationalist reporting or escapist entertainment. Nor on the other hand should the Ordinary's *Account* be viewed uncritically as a wholly objective source of information on crime and society in late seventeenth- and early eighteenth-century England. For I will argue that the confessions and last dying words of the condemned men and women hanged at Tyburn were inevitably mediated by and filtered through the preconceptions, expectations and preoccupations both of their audience and those who wrote and produced the *Account*.

And the *Account* itself should be seen not so much as a straightforward product of the Ordinary who put his name to it or any particular printer or publisher who produced or distributed it—all of whom seem to have been motivated and informed by diverse and often contradictory impulses—but as a publication fraught with various tensions and ambiguities to which were at any given moment seldom much more than very imperfectly resolved.

The first part of this chapter, then, will focus on how the *Account* was informed and shaped by the Ordinary’s attempts to reconcile his own self-image and public persona with the demands of marketing a successful periodical whose ostensibly secondary purpose in selling copies seemed all too often to overshadow its supposedly primary commitment to "Reclaim

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5 *The Case of Paul Lorrain*...
Vicious Youth” and “Admonish other ill Livers”⁶. In the second part of this chapter, I propose to trace the evolution of the Account from the time of its emergence in the 1670s to its comparatively sudden disappearance as a regular serial publication over the course of the 1760s. While I cannot hope to completely illuminate or even touch on all of the various socio-economic and cultural processes at work during this period, I will attempt to raise some questions about some of the ways in which the Account—both in its form, content and tone—reflected and reacted to shifts not only in public tastes but in the sensibilities of the individuals involved in its production. And while many of the characteristics of and developments to the Account can be explained in terms of simple self-interest on the part of its authors and producers, I will argue that this self-interest was itself nothing if not ambiguous, and was often manifested in ways that defy reduction to any straightforward supply and demand equation.

I. The Ordinary of Newgate and his "unpleasant and ingrateful Office"

...but though Men will be unmindful of their Duty, the Ministers of God ought not to be unmindful of theirs: but...They ought to speak the Words of God unto them, whether they will hear, or whether they will forbear...And it becomes them to remember, that they are spiritual Watchmen, whose Duty it is, to warn the Wicked to turn from their Way...

—The Prisoner’s Director (1742)

There were two clergymen attending [Dr. Dodd], one of whom seemed very much affected. The other, I suppose, was the Ordinary of Newgate, as he was perfectly indifferent and unfeeling in everything that he said and did.

—Anthony Storer, in letter to George Selwyn, 1777

After having been "Twelve Year a Thief", that most famous of fictional shoplifters, Moll Flanders, is at long last apprehended and committed to Newgate. In this "dismal" and "wretched Place" she is "harrass’d" not only by "the dreadful Apprehensions of Death" and

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⁶The True Account of the Behaviour and Confession of the Condemned Criminals in Newgate... (George Croom, 10 June 1685), 1; The Behaviour, Confession & Execution of the several Prisoners that suffered at Tyburn... (Langley Curtiss, 9 May 1679), 1.
the "Terror" of a conscience reproaching her for a life ill-spent, but by yet another
unwelcome visitor, in the person of the prison chaplain:

The Ordinary of Newgate came to me, and talk'd a little in his way, but all his
Divinity run upon Confessing my Crime, as he call'd it, (tho' he knew not
what I was in for) making a full Discovery, and the like, without which he told
me God would never forgive me; and he said so little to the purpose, that I
had no Manner of Consolation from him; and then to observe the poor
Creature preaching Confession and Repentance to me in the Morning, and find
him drunk with Brandy and Spirits by Noon; this had something in it so
shocking, that I began to Nauseate the Man more than his Work, and his Work
too by degrees for the sake of the Man; so that I desir'd him to trouble me no
more.7

Some fifty years after Moll Flanders is reprieved and transported to Virginia--
ultimately, (if no thanks to the Ordinary), living "Honest" and dying a "Penitent"--another
famous, but real-life female criminal, the murderess Sarah Malcolm, awaited sentence at
Newgate.8 Here she received a letter from one Morgan Maccay commiserating with her
misfortune in being "daily persecuted by that ignorant Heretick and most ordinary of all
ordinaries [James Guthrie], whose godliness is gain and filthy lucre" and "who, under
pretence of giving saving knowledge, is endeavouring to extort false confession, &c."9

Admittedly, neither of the views expressed above could be described as particularly
objective: after all, there was no love lost between Moll Flanders' creator and Paul Lorrain,
the Ordinary of Newgate at the time of Defoe's own incarceration there; as for Morgan
Maccay, he "seems to have been a Popish priest". Yet they are nonetheless fairly
representative of the kind of criticisms routinely directed at the Newgate prison chaplain
during the late seventeenth and early eighteenth centuries. The Ordinary was lampooned both

7Daniel Defoe, Moll Flanders (Ware, 1993), 273-4.

8While Defoe wrote Moll Flanders in 1722, the novel was supposed to have been penned by the aging, (and
repentant) heroine herself in 1683; Sarah Malcolm was hanged in March of 1732/3.

9The Newgate Calendar (1773), 3: 10.
by his Grub Street rivals for the sale of "Last Dying Confessions" and Augustan satirists of a more eminent stamp as not only hypocritical and corrupt, but as foolishly pedantic and ineffectual—if not (as we shall see) even worse.¹⁰

But it is important to note that even the most scathing contemporary criticisms of the Ordinary seem to have implicitly reflected the conviction that his office—and the business of bringing condemned criminals to a sincere and suitable repentance in general—was both necessary and important. Defoe's Ordinary, "whose business it is to extort Confessions from Prisoners, for private Ends, or for the farther detecting of other Offenders", acts after all as a kind of a foil to the "good Minister" who at last brings Moll Flanders to "a sincere Regret for, and hatred of those things [she] had done" to render her "so just an object of divine Vengeance".¹¹ (Whether Morgan Maccay met with equal success with Sarah Malcolm is not known). And perhaps the most famous of all eighteenth-century representations of the Ordinary, the eleventh print in William Hogarth's 1747 *Industry and Idleness* series, unfavourably contrasts the image of the chaplain of Newgate, cowering in a closed carriage, with the Methodist preacher accompanying Thomas Idle on the cart to Tyburn. While many of Hogarth's messages may be ambiguous and open to various interpretations, the point here seems clear enough: the Ordinary, through either indifference, timidity or moral turpitude, watches from the sidelines as others more pious and diligent, not to mention more

¹⁰See, for instance, Fielding's depiction of the Ordinary of Newgate (probably Thomas Purney) in his 1743 satire *The Life of Mr. Jonathan Wild the Great*. The Ordinary, while refusing to drink wine with such an "atheist" as Wild, does condescend to join him in a bowl of punch—"a liquor...nowhere spoken against in Scripture." The chaplain then promptly puts Wild to sleep by discoursing very "learnedly" on "the subjects of death, immortality and other grave matters," and finally delivering a particularly nonsensical sermon on the "FOOLISHNESS" of Greek philosophy (*Jonathan Wild*, ed. David Noakes [Harmondsworth, 1982], 205-210).

¹¹*Moll Flanders*, 284-5.
disinterested than he perform the necessary duties of his office.\textsuperscript{12}

In contrast to contemporary criticisms of the Ordinary which seemed to focus on the abuses and the failings of individual office-holders, commentators of a slightly later period such as Francis Place tended to associate both the Ordinary and his \textit{Account} with the general depravity of an age characterised by its "Grossness" and its "morbid desire for confessions". It is difficult to determine which Place finds more objectionable: the fact that the Ordinary "used to torture the persons under sentence of death for confessions, his purpose being publication by which he obtained money; his pretence, relieving the conscience and saving the soul of the criminal"; or, the "bad taste, bad stile and bad grammar" with which such accounts were supposedly written.\textsuperscript{13}

While more recent interest in this subject has taken a decidedly different moral slant, modern scholars have by and large shared Place's assumption that the Ordinary's \textit{Account} can be used as a kind of springboard from which to draw general conclusions about late seventeenth- and early eighteenth-century English society. Peter Linebaugh has argued that, despite "the moralistic blindness displayed by the Ordinary", the \textit{Accounts} nonetheless can be seen as "records of the truth", which "provide a unique and inestimable source of knowledge of the poor people who were hanged [at Tyburn]".\textsuperscript{14} In contrast, Lincoln Faller has characterised the Ordinary (specifically, Paul Lorrain) not so much as a useful, if regrettably imperfect medium of information on eighteenth-century working-class life than a representative of contemporary societal values and norms, and one whose function was to


\textsuperscript{13}Francis Place Papers, BL Add MSS 27825-27826 Vols I & II: "Manners. Morals. Grossness", passim; BL, Add. MSS 27285 (Place Collection), f. 111; f. 79.

\textsuperscript{14}Linebaugh, "Ordinary of Newgate", 264; \textit{London Hanged}, xix, xx.
justify not only "the ways of God to man", but "when it came to the punishing of criminals, to justify the ways of society as well". Lorrain's "approach", Faller suggests, is informed by the assumption (presumably reflecting an unconscious desire both on the part of the Ordinary and "that of the culture he represented") that "it is easier to hang a man who agrees to be hanged, even argues quite vehemently, as indeed some did, that he ought to be hanged and is glad to be hanged".15 I would not dispute the value of the Account as a source for historians and other scholars or even the degree to which the chaplains of London's largest and most notorious prison shared the attitudes and preoccupations of the society in which they lived. Nor is it my intention here to attempt to rehabilitate the much-maligned reputation of the Ordinary (even if this temptation will occasionally prove too strong to entirely resist). Rather, I would like to examine the ways in which the Account responded to and was shaped by the seemingly constant barrage of accusations, ranging from gin-tippling to torture, aimed at the various individuals who during this period served as Ordinaries of Newgate.

It is of course difficult to generalise about the different men who acted as chaplains of Newgate from the time of the first Accounts in the mid-1670s until their gradual disappearance in the late 1760s; however, there are several things that can and should be said as far as the Ordinary's official capacity is concerned.16 In return for his duties—which included not only "preaching Confession and Repentance" to such hard cases as Moll Flanders, but visiting and praying daily with inmates, administering the sacrament and delivering two sermons a week, the Ordinary received a salary of £35 per annum: a sum

15"In Contrast to Defoe: the Rev. Paul Lorrain, Historian of Crime", Huntington Library Quarterly, 60 (1976), 73; 78; 75.

16For a list of and some additional information about individual Ordinaries, as well some of the major changes in the evolution of the Account, see Appendix.
negligible even by the standards of the time, but one supplemented by several privileges, including a house on Newgate Street, and the rights to sell two "Freedoms" of the City annually. But by far the most lucrative of the Ordinary's perquisites was the right to market the accounts of the "Behaviour, Confessions and Last Dying Speeches" of the malefactors hanged at Tyburn. The sale of the Account was estimated at around £200 a year in the early eighteenth-century, and it would seem reasonable to assume that Paul Lorrain (Ordinary from 1700-1719)—who died with an estate valued at £5000—owed at least part of his wealth to the revenue generated by his "melancholy Paper".¹⁸

The Account itself changed in both format and tone depending on the demands of the market and the personalities of those involved in its production; clearly, such factors, as well as the question of just how much editorial control the Ordinary possessed, are important ones, and will be discussed at greater length in the second part of this chapter.¹⁹ For the moment, however, I would like to address the way in which the Account could be and clearly was used by the Ordinary as a vehicle to silence and refute the various charges of incompetence.

¹⁷The second "Freedom" seems to have been added in 1733; according to one newspaper report that claimed a new Ordinary of Newgate was to be appointed in a month’s time, in order "to encourage some able Divine to execute that important Office as it ought" (a veiled criticism of Guthrie), the mayor and aldermen of London "resolved to add one Freedom a Year, (valued at £25) to that already enjoy’d, by the Ordinary of Newgate, over and above the Salary of £40 per Ann. and Perquisites, with a House to live in, &c." Despite this veiled criticism of Guthrie (and the implication that the latter was about to be dismissed), it seems likely that Guthrie had threatened to resign his post, and the City was offering to sweeten the deal if he would stay. In any case, Guthrie continued to serve as Ordinary until June 1746 (Fog’s Weekly Journal [22 September, 1733]).

¹⁸The estimate of £200 per annum is taken from Knapp and Baldwin, Criminal Chronology (1809), 1:vi. It tallies roughly with Peter Linebaugh’s estimate that the Accounts brought in around £25 per issue (see Linebaugh, "Ordinary of Newgate", 250). Linebaugh estimates that the Accounts were published four to six times per year, although I have found that they were in the early eighteenth century occasionally printed as frequently as seven or even eight times annually, and that additional "parts" were often added during the 1740s, when the Accounts became especially long and often included an "Appendix". The estimate of Lorrain’s estate is taken from Mist’s Weekly Journal (10 October, 1719).

¹⁹For an excellent discussion of the Ordinary's Account, and especially of the relationship between John Applebee (printer of the Account from 1720-1744) and James Guthrie (Ordinary from 1727-46), see Harris, "Trials and Criminal Biographies", 15-19. For a discussion of the Ordinary's Account in general, see also Linebaugh, "Ordinary of Newgate".
corruption and negligence to which he was so often subjected. For in reporting the
"Behaviour, Confessions and Last Dying Speeches" of the criminals executed at Tyburn, the Ordinary was giving not just their account, but his own as well.

ii. For "gain and filthy lucre"

Not surprisingly, the accusations most commonly directed at the Ordinary tended to cast him as a grasping hypocrite who, in soliciting (or extracting) the confessions of condemned criminals, was motivated less by a desire to save souls than to line his own pocket. In 1705, Paul Lorrain responded in no uncertain terms to a variety of such charges:

Whereas it lately happen'd in a publick Place, that some Words were spoken in undue Reflection upon the Ordinary of Newgate, as if he us'd to administer the Lord's Supper to Condemn'd Persons for Temporal Ends: The said Ordinary, in just Vindication of his Ministry, which he has ever discharg'd Conscientiously both towards God and those poor Souls under his Care, finds himself oblig'd to give this publick notice; That he never administered that Holy Sacrament to any Prisoners with other intent or regard, than for their Spiritual and Eternal Good; and that he is so far from having sought any Temporal Advantage that way, that ever since his being Ordinary of Newgate, he has provided Bread and Wine for that Sacred Use there, at his own Charge: Neither has he ever received any Promise, or Gratuity for his representing the Case of Malefactors, better or worse, than it really appear'd to his judgement; nor was he ever Brib'd for obtaining, or endeavouring to obtain Reprieves for any. Of the Truth of all which he is ready to make Oath.20

Several years later Lorrain would insist, rather testily, that although he may have provided a "Certificate" of good behaviour which had helped procure a pardon for one "poor young Man" sentenced to death, this was

A Thing which I never do for Condemn'd Persons, but when there is a very great reason for it: for though no one is more able to do this than myself, yet all these Twelve Years (almost) I have been in this unpleasant and ingrateful Office, I never did it but for two others under Condemnation; who I have now the Satisfaction to find they live honestly and well, and prove themselves good and loyal Subjects to HER MAJESTY. Which I say here to satisfy those

20OA (J. Downing, 7 May 1705), 2.
Persons who knowing me not, nor my Office, may seem to be uneasy and offended in my Justice and Charity to the poor young Man, for whom I did this, purely because I know he deserved it; and did not do it for others, because I think they deserved it not. 21

Perhaps of more interest to the historian, however, is the insinuation that the accounts of the condemned were often fabricated or that, given the proper encouragement, the Ordinary could be persuaded to misrepresent the cases of criminals under his care. On one occasion Lorrain, having published the "Last Dying Speech" of a criminal who named a certain "R. L." as one of his accomplices, aroused the ire of an unspecified "Gentlewoman" (apparently a friend of the said R. L.), who reportedly claimed "That by Bribes one might have any thing put into the Dying Speech". To this Lorrain had but the following (rather ominous) rejoinder: "But if ever that Gentlewoman comes under my Hand (which God Forbid) she will find, that I am not a man capable of being bribed". 22

It is scarcely surprising that Lorrain was both so sensitive to such charges and anxious to nip them in the bud, given the fact that only several years earlier, one of his predecessors, John Allen (Ordinary from August 1698 to May 1699) was dismissed for such "undue practices" as

extorting money from several convicts...under pretence of procuring them reprieves or pardons...as also for his frequent prevarications in the printing and publishing the pretended confessions of the respective criminals that are

21OA (J. Morphew, 19 Sept 1712), 1-2. References to the Ordinary's influence in obtaining reprieves for the condemned are extremely rare—the next instance that I have come across dates from a 1763 pamphlet describing "Mr. Roe, the Ordinary of Newgate" as saying "that Richard Potter has behaved humbly and quietly, but is a poor ignorant young man, and is an object of mercy: He says, that if it be desired he will attend and give an account of him; and that it will be a thousand pities not to save him"(Alexander Cruden, The History of Richard Potter, A Sailor, and Prisoner in Newgate...July 1763...[later reprieved]...And a modest Attempt to shew the necessity and expediency of our gracious King George the third's acting the part of an HEZEKIAK in reforming his People [J. and W. Oliver, 1763], 13).

22The Ordinary of Newgate, his Account of the Behaviour, Confession and Dying Words of Mr. James Coats...(Dryden Leach, 24 January 1706/7), 2.
executed at Tyburn, contrary to the duty of his place and function.\textsuperscript{23}

Whether or not the Ordinaries who followed the disgraced Allen were dishonest or corrupt is hardly something which we can hope to determine with any certainty; however, given the degree of public scrutiny to which both the chaplains and the inmates of Newgate were exposed it seems unlikely that any Ordinary who persisted in "undue practices" could go long undetected.\textsuperscript{24} Nor should the Accounts be dismissed as outright fabrications; it is after all—as Peter Linebaugh has pointed out—highly unlikely that the "imaginative power" of the Ordinary would have been equal to the task of inventing the biographies of the criminals under his care.\textsuperscript{25}

This is not to say, however, that either such biographies or the speeches delivered by the men and women executed at Tyburn (and recorded for posterity in the Ordinary of Newgate's Account) can be seen as anything like original or personalised statements about their lives and crimes. The "Last Dying Speeches" in particular appear to have been highly formulaic, drawing heavily from The Book of Common Prayer or other contemporary


\textsuperscript{24}Newgate, like Bedlam (Bethlehem Hospital) frequently attracted curious visitors, who were willing to pay entrance fees to the turnkeys to view particularly famous criminals or to listen to the Ordinary's sermons to the condemned. In a 1721 petition to Sir William Stewart, mayor of London, Thomas Purney complained that the Newgate chapel was "crowded sometimes with 100 or more Strangers tho' there is no part of ye Chappel but what is allotted for those who belong to ye Prison; which Strangers as they come purposely to gaze at ye Condemned Men, stand up o're each others Backs, & often hang on ye Posts & Beams, pointing & whispering, to ye Confusion of ye wretched Men to Dye, and to ye Preventing of ye serious Attention: several Boards in ye Chappel being also broken down, by ye Crowding and boisterous Behaviour. Besides which there is at ye Door of ye Chappel (which is a small place) a continued Noise & Swearing & rattling of money, the Under-Turnkeys sometimes not giving Strangers ye full Change, thinking they will not make a noise to disturb ye Service, And ye Strangers also sometimes refusing to pay, having paid 6d. or a shill: at ye First Gate, & being there promised that for that Payment they should go into ye Chappel: of this several have complained"(quoted from The Works of Thomas Purney, ed. H.O. White [Oxford: B. Blackwell, 1933], xx; see also Linebaugh, "Ordinary of Newgate", 251-2).

\textsuperscript{25}"Ordinary of Newgate", 264.
devotional works specifically geared towards condemned criminals. Occasionally condemned criminals too ill or overwrought to speak on their own behalf were supposed to have requested that their speeches be read out by someone else, in most cases the Ordinary himself; occasionally such "Last Dying Words" were later published in the Ordinary's Account without having even been spoken at the place of execution. This last practice especially led some contemporaries—particularly authors of competing accounts—to question their authenticity. The editor of a 1742 Select Trials cites the case of a "Paper" delivered by William Casey in 1721 to the then Ordinary, Thomas Pumey. Although Pumey "assures you" that this "Paper...contain'd" the "words" later published in his Account, the latter begins with a very odd Reason for committing his Words to Writing, which is, because he could not waste his precious Minutes in Talking. As if a Man could write any Thing in less Time than speak it. But hence it is likely, that Casey himself did not write this Paper, but employed some Dying-speech-maker to draw it up for him.²⁷

Even more suspicious is an extremely penitent speech attributed to the highwayman

²⁶Paul Lorrain was, as we have seen, not above using the Account to plug his own devotional works, namely, A Guide to Salvation: or, the Way to Eternal Bliss; Being a Collection of Meditations and Prayers Suited to the Exercise of a Devout Christian (L. Meredith, 1693), and The Dying Man's Assistant: Or Short Instructions How to Prepare Sick Persons for Death... (John Lawrence, 1702). Samuel Rossell, who was later to become Ordinary himself, wrote a prayer-book more specifically intended for the use of prisoners entitled, The Prisoner's Director: Compiled For the Instruction and Comfort of Persons under Confinement. Whether for Debt, for Capital, or other Crimes, more especially for Those under Sentence of Death... (Printed by J. Applebee, 1742). It was this last publication that Dr. William Dodd "perused" while in Newgate awaiting execution. The learned doctor was less than enthusiastic about Rossell's book, which while containing "a great deal of good matter" was in his opinion, "but ill-digested, and often very ill expressed" (John Villette, A Genuine Account of the Behaviour and Dying Words of William Dodd, Ltd...3rd ed. ("Printed for the Author", and Sold by J. Bew, 1777), 5.

²⁷Select Trials (1742), 1:77-78. Many of the (not infrequent) pot shots taken by the editor(s) of The Select Trials at the Ordinary, take the form of accusing the latter of fabricating the dying speeches of the condemned: "I believe I have studied the Chaplain's Performance more than any Man living; for I have even read some of them twice over, in order, if possible, to discover a Meaning in them.—Perhaps I cannot much boast of my Success in this Particular.—But then, I may venture to affirm, that I have made myself perfectly acquainted with his Manner of Writing; and if he is not the Author of the Speech he ascribes to Will. Burk, there is no trusting to a Judgment resulting from repeated Observation"(1:305). Nor can the author resist adding that "The Truth is, that incomprehensible Stile, by which the Chaplain [Pumey] so wisely distinguishes himself from all other Writers, as inimitable"(1:311).
Lot Cavenaugh and reproduced in a 1743 *Account* prefaced with this explanation (all the more unconvincing considering the fact that the *Account* had hitherto painted a picture of Cavenaugh as a particularly incorrigible rogue):

The following SPEECH intended to have been spoken by LOT CAVENAUGH, at the Place of execution, but having a cold, he could not speak it, and therefore desired it might be inserted in his Dying-Speech.28

Yet for the most part it would seem that condemned criminals were willing enough express themselves in the penitential language with which they were supposed to frame their responses in prayer-time, and with which most would have been familiar both from previous church attendance and basic religious instruction—not to mention the Ordinary's somewhat more pointed sermons. Nor, for that matter, does the issue of the Ordinary's integrity in recording the biographies and speeches of the condemned seem—at least as far as recent scholarship is concerned—of all that much importance: the question is no longer so much one of what the Ordinary's motives were in soliciting the confessions of the condemned as that of the morality of his seeking to do so in the first place.

Certainly, there is much in the Ordinary's persistence and dogged self-assurance which offends modern sensibilities. Linebaugh writes disapprovingly of the way in which the Ordinary "harried and worried, sometimes unconscionably, the men and women waiting to be hanged".29 Faller evinces an equal distaste for the "sort of performance" the Ordinary "invariably...tried to extort (the word is not too strong) from the...criminals who, in their last miserable moments, had been left to his care".30 Similarly, Robert Singleton's dislike for the Ordinary's methods seems predicated less on the argument that "he [Lorrain] failed

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28OA (John Applebee, 13 April 1743) Part II, Appendix, 33.
29"Ordinary of Newgate", 269.
30"In Contrast to Defoe", 60.
almost as often as he succeeded in bringing his clients to repent", than it does on the
contention that "nothing in the Ordinary's conception of his duty was calculated to endear
him to his clients", and that "such questioning, under such conditions, was simply intolerable
to many prisoners".31

It is indeed difficult not to sympathise with such spirited souls as Thomas Neeves,
who informed the Ordinary that "as to Confessions he would make none", for "he would give
no Occasion for Books or Ballads to be made about him".32 Certainly a significant minority
of the condemned chose, for whatever reason, to remain "Obstinate", and withhold their
accounts from the Ordinary. It was not even uncommon for the latter to express doubts as to
whether prisoners who claimed to be Roman Catholics were not simply using this as an
excuse to avoid having to give him their confessions. Other reasons given by prisoners trying
to give the Ordinary the slip were even less convincing: Samuel Smith cites the example of
one convicted highwayman who "withdrew himself", and, when asked to attend services,
made the following "frivolous Excuse", i.e., "that his Linnen was put to Washing, and when
it was brought Home, he would appear again; but he came not. But I suppose, that he was
not willing to give an Account of his evil Life".33

While (as noted in Chapter II) some criminals seemed to have been both willing and
able to sell their account to the highest bidder, this was a practice which the Ordinary was
generally careful to condemn only for the sake of the soul that was lost (and not the account).
It is with a nonchalance which seems rather forced that Samuel Smith notes that Jane Voss

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32 Lives of the Most Remarkable Criminals (1735), 3:86.
33 A True Account of the Behaviour, Confession and Last Dying Speeches of the Criminals that were Executed at Tyburn on Friday the 16th of June... (L. Curtiss, 1693), 2.
"would not by any means be brought to any express and particular account of her very sinful Life; somtimes [sic] pretending that she had taken care the same should be otherwise Published, or to such effect".\textsuperscript{34} And indeed, Voss did give her account to a rival publication, printed under the less than penitential-sounding title of \textit{The German Princess Revived; or the London Jilt: Being a true Account of the Life and Death of Jenny Voss}...\textsuperscript{35}

\textit{iii. The Ordinary as "Question-monger"}

Yet it would be wrong to project the values of our more secular age onto the past, and to dismiss out of hand the genuine importance contemporaries placed on the value of confession as both a means of making peace with God and reparations to society. We may well choose to view the Ordinary's persistence in attempting to bring condemned criminals to "a sincere Acknowledgement" of their "Faults" as either an unwarranted intrusion on the privacy of their last moments, or as a transparent means by which the prison chaplain—and by extension, society as a whole—sought to reassure himself that the sentence of death incurred by the condemned was not only justified, but, given the proper degree of penitence, could well be commuted by a higher court. Yet, in an age which took what can be best characterised as a rather dim view of human nature, and where all men and women were at least potentially sinners, condemned criminals were not so much "clients" (to borrow Singleton's term) than they were reprobate souls teetering on the brink of eternal perdition. And while modern scholars have tended to focus on the degree to which "getting a living by the publication of other people's misfortunes was inherent in the Ordinary's office", it would seem that contemporary critics of the Ordinary took him to task not so much because the

\textsuperscript{34}\textit{The Behaviour of the Condemned Criminals in Newgate, who were Executed on Friday the 19th of this Instant December}... (George Croom, 1684). 3.

\textsuperscript{35}George Croom, 1684.
office was necessarily unsavoury in and of itself, but because of the way in which he carried out (or rather failed to carry out) its duties.  

For while contemporaries may have suspected the Ordinary's interest in obtaining the confessions of the condemned was based less on his commitment to reform the "Wicked" and show "them how to avoid an Untimely and Shameful Death in this World, and an Eternal one in the next", than a desire to "[bring] Things to Light which were before buried in Darkness" (and to sell copies of the *Account*), it still seems to have been generally accepted that "the first step to a sincere and hearty Repentance" was "a free, full and ingenuous Confession".  

And, as various chaplains of Newgate stated in various ways, although a private confession may have been considered sufficient for the "private sinner", the criminal owed society a more public avowal of his or her misdeeds. According to Samuel Rossell's prayer-book "compiled for the Instruction and Comfort of Persons under Confinement":

> where the sin against God is complicated with Injustice towards Men, (as in condemned Malefactors it always is) there it is requisite that the Sinner confess to Man, and shew his Zeal against Unrighteousness, by discovering the combinations of Wickedness that he hath been accepted with; for it is hardly conceivable, that they thoroughly repent of their Unrighteousness, who at their Death desire it should go unobserved and unreformed, and unpunished in others.  

Moreover, confession (preferably one as "minute and particular" as possible) serves not only as "the best Test that any one can give of his Humility, Sincerity, and Conversion, when he thus judges and condemns himself", but, "By confessing our Sins in this Manner, we

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36 Linebaugh, "Ordinary of Newgate", 258.


38 *The Prisoner's Director*, 65-6.
effectually kill the Root of Pride, and acknowledge the Justice of God, in Punishing us".39

And indeed, the Ordinary was often criticised not so much for his persistence in obtaining confessions per se, but for the way in which he "pressed" criminals to "own" offenses with which they had not been charged—a practice which was often seen as interfering with the business of true repentance. As one group of sufferers was supposed to have complained, "the Chaplain [Thomas Purney] urged the confession of sins they were never guilty of, to such a degree, as put them out of temper, and hindered them from that great work which they had but so small a time to perform".40

Samuel Smith (Ordinary from c. 1670 to 1698)—whose particularly aggressive style earned him the epithet of the "Question-monger" from one contemporary wit—was notorious for his almost hysterical insistence that one "private Sin" drew on another: that once embarked upon a course of vice, the unhappy transgressor was drawn inevitably through the various and progressive stages of Sabbath-breaking, oath-taking, company-keeping and so on to a shameful death at Tyburn. In one 1717 satirical pamphlet, we are told the following "Story" about Smith:

having a young Fellow that was sentenc'd to Death under Examination in his Closet, [Smith] cry'd, Well, Boy, now it's thy Turn to unbosom thy self to me: Thou hast been a great Sabbath-Breaker in thy Time I warrant thee; the Neglect of going to church regularly, has brought Thee under these unhappy Circumstances?

To this the "Culprit" responded in the negative (the narrator interjecting that, "Nor did the Youth in all probability miss due attendance there, since it was his Business to frequent such Places of Resort for the better carrying on of his Trade, which was that of Picking Pockets").

39Ibid., 241-2.

40Select Trials (1742), 1:244.
Undaunted, "Orthodox Sam", or "this great Pains taker in the work of confession", continues: "no Sabbath-breaker! Then thus hast been an abominable Drunkard, that is most certain?" Once again, the "Youth" demurs, claiming to have "had a mortal Aversion to strong Liquor from [his] Cradle". Smith seeing

he could extort nothing Satisfactory from the Lad on that Head...took him to Task concerning another Article, and insinuated to him, that no doubt he had been a flagrant Whore-master: He saw it in his very Countenance, which told him, that the Lust of the Flesh had gain'd the Predominance in him over his other Passions? "You are under a Mistake there also, good Mr. Ordinary", was the Youngster's Answer, "I have not known what a Woman is, carnally, to this Day, as I hope for Salvation in the World to come". With that Sam began to be in a great pet, and to cry out, why the Devil's in this young Fellow without all manner of Question, He will neither own himself a Sabbath-breaker, a drunkard, nor a whore-master; the only three To-Picks I can in any ways enlarge upon, and yet has the Impudence to say he hopes to be saved: Sirrah, you must be one of those three, that you must; therefore recollect yourself, set all your Faculties of Remembrance at work, or I shall be at a loss to say any thing of you in my Paper. "Then it's nothing with you to be a Thief, cry'd the Criminal, I am sure I find it otherwise, for I am justly Condemn'd for so being!" Get you out of my sight, said his Reverence, such Case-harden'd Rogues, as you, would Ruin the Sale of my Paper, I'll e'en write you down OBSTINATE; and so he did: But others afterwards came in, and made him amends by more ample Confessions.41

For as much as more "Obstinate" criminals may appeal to modern historians and contemporary pamphleteers alike (if for rather different reasons), they nevertheless seem to have constituted no more than a minority of the condemned. Indeed, the "whining and crying" of penitent criminals exiting the world seemed to excite almost as much sarcastic commentary as the inane questions posed by the Ordinary to bring them to repentance.42

And (as I will discuss further in Chapter VII) most of the condemned appeared to be willing

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41 The History of the Press-Yard: Or, a Brief Account of the Custums [sic] and Occurrences that are put in Practice, and to be met with in that Antient Repository of Living Bodies, called, His Majesty's Gaol of NEWGATE in London... (T. Moor, 1717), 50-52. Peter Linebaugh has mistakenly attributed this story to Lorrain ("Ordinary of Newgate", 257-8).

42 Ibid., 48.
enough to glean what comfort they could from the Ordinary: it seems that one of the most effective ways to do this was to confess to a series of "private" and rather general transgressions (disobedience to parents, swearing, or drunkenness, for instance) but stopping short of "owning the particular Fact" for which they had been convicted. Many, if not most criminals appeared to take this route: repenting of their sins and accepting the Ordinary's prayers, without jeopardising their chances of a reprieve—which was, at least in theory, more likely if they continued to maintain their innocence of the specific crime with which they had been charged. Not surprisingly, the Ordinary generally found the condemned men and women under his care "much improv'd" after the "Dead Warrant" had come down, and the sentence of death was apparently final.43

It seems that many criminals' "free" and "ingenuous" confessions were formed in large part in response to the tendentious queries of the Ordinary. The "private Sins" of such individuals are often rather depressingly mundane, as is the case of one twenty year-old "Cloath-worker" hanged for his part in a bar-room brawl which ended tragically:

He confes'd that he had been guilty of breaking the Sabbath, and did walk in the Fields, when he should have been at Church, or otherwise well employ'd. That he drank sometimes to excess, was apt to Swear and some other vain courses he had not refrained from: all of which he now Repents, as the provocations of God to leave him to fall into this quarrel wherein a man was

43In the late seventeenth and early eighteenth centuries, according to John Beattie, "the recorder of London routinely took the list of condemned Old Bailey offenders to the cabinet or the lords justices, where their fates were decided. Some were pardoned and either released or punished in some way short of death, generally by transportation; others were marked down to be hanged. The recorder brought an outline of each case, and no doubt a recommendation...but the final decision was the cabinet's"("The Cabinet and the Management of Death at Tyburn", from Lois G. Schwoerer ed., The Revolution of 1688-1689: Changing Perspectives [Cambridge, 1992], 228). What was popularly known as "the Dead Warrant" seems to have consisted of a list of those condemned criminals who had not been pardoned by the Cabinet or by the royal prerogative. However, reprieves or pardons were occasionally granted even after the so-called "Dead Warrant" had come down: Defoe has Moll Flanders' sentence of death, for instance, commuted by the Secretary of State to that of transportation only the day before her execution (Moll Flanders, 285-6).
Not infrequently, the confessions of criminals resembled something of a checklist; one William Marple claimed

that lewd Women were his Ruin. He own'd that his Parents (particularly his Mother) were very indulgent to him, but that he never took her advice, which might have prevented his misfortune. He said, that he believ'd he had been Drunk seven times, for he had no pleasure in Drinking, but he was very much addicted to Whoring, Covetousness, and Idleness, not much to Swearing.45

iv. The Ordinary as "Plain Dealer"

But while some condemned criminals may have died silent and "Obstinate", and many others took, as it were, the path of least resistance, by delivering a confession limited to a variety of general and non-capital offenses, there was also a significant, if small, number of dying men and women who made a "free and ingenuous" acknowledgement of their crimes, going to the gallows "in a very decent Manner, weeping and shed[ing] Tears most plentifully, declaring themselves such Sinners, that they neither deserv'd, nor desired to live".46 However, there was if anything a tendency on the part of the Accounts to downplay the incidence of criminals who died penitent, or at least to question the sincerity or the depth of their repentance.47 One early Account opens on the following sour note:

44The True Account of the Behaviour and Confession of the Criminals to be Executed upon Hounslow-Heath on Friday the 15th of this Instant July 1687 (D. Mallet, 1687), 4.
45OA (John Applebee, 24 March 1729), 3.
46OA (John Applebee, 13 January 1741-2), Part I, 12.
47Opinion among modern scholars appears to be divided on the issue of whether or not most criminals died penitent. While historians such as Thomas Laqueur have seen the "dramaturgy of Tyburn" staged by religious and political authorities to legitimate and confirm their ideological hegemony as being appropriated and subverted by largely impotent participants and irreverent spectators, others would see the Ordinary's efforts at bringing prisoners to a public acknowledgement of their guilt and a willingness to die for their crimes as for the most part successful. J.A. Sharpe has argued that criminals' confessions served both to symbolically reintegrate the malefactor into society and to "assert the legitimacy of the power which had brought them to their sad end"("Last Dying Speeches: Religion, Ideology and Public Execution in Seventeenth-Century England," Past & Present, 107:[1984], 156); similarly, Faller suggests that the Ordinary's role, as the "public's will
so hardned [sic] are Offenders grown, that they will take no warning, either by the Justice inflicted on others, or the mercy formerly vouchsafed to themselves, but run on in the same course of Impiety; and those that were crowding Spectators at one Execution, come themselves to Suffer at the next. Which is credibly reported to have been several of these miserable Wretches Case, some of them being after last Sessions observed to be very diligent to get places, to see the Prisoners go to Suffer, and others in the mean time no less busie in Picking of Pockets amongst the Crowd.

As though on an afterthought, however, the reader is informed,

Yet we must do the present Sufferers that right, as to say, That after Condemnation they generally behaved themselves very penitently, and with a sober Depoiment lamenting their ill-spent Lives, aggravating and crying out of the multitude and heinousness of their Sins, and imploring the Mercy and Pardon of Almighty God through Jesus Christ.  

The degree of cynicism with which the Ordinary approached his duties seemed to depend in part on the temperament of the individual and the length of time he had spent in office (it was not unusual for an Ordinary who had recently assumed the position to have fairly high hopes, but typically such expectations were soon subject to sharp and sudden modification).Yet I would argue that the Ordinaries felt that a healthy measure of scepticism was not only warranted by the demands of their position, but required of it. It is seldom indeed that the Ordinary seems to be able to record criminals' professions of penitence without some sort of caveat: Samuel Smith routinely tags onto the accounts of even the most cooperative criminals reflections hardly calculated to inspire confidence, such as "I think he

 servants," was to "[strive] to make this public 'easy;'" by "reclaim[ing] its social rubbish in the very act of casting it away" the "reconstituted" [i.e., penitent] "dying criminal could be put to service shoring up the foundations of orthodoxy"("In Contrast to Defoe", 72). While recent scholars such as Peter Lake and Michael Questier have acknowledged the complexity of such issues, characterising "rhetoric under the gallows" as an inherently "unstable" "species of dialogue" which was "partly scripted" and "partly extemporized"("Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England", Past and Present, 153:[1996], 106), the question of whether or not a particular scholar sees the Ordinary's attempts as successful seems to depend on his or her perception of the degree of hegemony enjoyed by ruling-class ideology: significantly, (as we shall see) Linebaugh suggests that the legitimacy of the criminal law was denied at least implicitly by many offenders.

The Confession and Execution of the Nine Prisoners That Suffered at Tyburn, On Wednesday the 28th of April, 1680... (n.p., 1680), 1.
was penitent", or even "I hope he was penitent". Even the most convincing and heartfelt displays of contrition often elicit remarks from the Ordinary which suggest or at least allow for a certain degree of ambivalence as far as his conviction of their sincerity is concerned. Lorrain notes that William Greg "all along behav'd himself as one that was only sensible of, and sorry for his faults; so that if he was not a true Penitent, he certainly was one of the greatest Hypocrites in the World"; similarly, John Taylor (Ordinary from 1747 to 1755) observes that John Rogers, 24, "always pretended to be very Penitent, and appeared so to the last; Christian Charity obliges us to hope, and wish, that he might really have been in earnest".49

It seems likely that the Ordinary emphasised the caution with which he treated the confessions of the condemned so as not to give the impression that—either through indifference, naïveté, or negligence of his duties—he routinely mistook, or chose to mistake, genuine repentance for that which was but superficial and transitory. After all, a too-ready or too swift repentance was almost as bad as none at all; as that seasoned sinner Roxana observes on the subject of "Death-bed Repentance, or Storm-Repentance":

I had no Sense of Repentance, from the true Motive of Repentance...in short, I had no thorow effectual Repentance; no Sight of my Sins in their proper Shape; no View of a Redeemer, or Hope in him: I had only such a Repentance as a Criminal has at the Place of execution, who is sorry, not that he has committed the Crime, as it is a Crime, but sorry that he is to be Hang'd for it.50

The dangers of eleventh-hour repentance is a theme that crops up often in the

Account. Criminals who receive pardons or reprieves are frequently warned of "how false, slight, and fickle, Criminals Vows are, of Repentance and Reformation, after they are

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49OA (B. Bragg, 28 April 1708), 2; OA (T. Parker and C. Corbett, 26 April 1749), 50.

spared...". Nor is the Ordinary overly optimistic about the prospects of those who, by going straight to the gallows, had less opportunity to backslide: as Smith remarks in a 1690 Account,

In Charity, I think several of them were Penitent, but the Truth of Repentance requires some time of Tryal, in bringing forth meer Fruits thereof. For it is difficult to break off a Custom in Sinning, so that a late Repentance is... slight and false, as being more for fear of Death, than out of any true Love to God, or Hatred of Sin. But I must leave them to the Judgement of Him who only knows the sincerity of Mens Hearts.51

The Ordinary not only took considerable pains to convince the reader (and perhaps himself) of his discretion and his exacting standards, but could be quite defensive in response to insinuations that he had allowed himself to be deceived by an insincere or incomplete repentance on the part of the condemned. Thomas Purney (Ordinary from 1719 to 1727) assures the reader that

Joseph Blake [alias "Blueskin"], tho he was observed by some who saw him, to be disguised in Liquor, and to Reel and Faulter in his Speech at Tyburn, yet was he before he died, sensible of the Crime he therein committed, and as he shed Tears in the Morning at Chapel, so he show'd the same regret immediately before his Death.52

The Ordinary was even more anxious to dispel the notion that he was not simply credulous, but lax in executing the duties of his office. Indeed, it is likely that the unpopularity of Samuel Smith's questions (and, to a lesser extent, those of his successors as well) stemmed not so much from the fact that they were fatuous or intrusive, but because they suggested the Ordinary had neither the time nor the inclination to conduct more in-depth

51The True Account of the Behaviour and Confession of Alice Millikin, Who was Burnt in Smithfield On Wednesday the 2d. of June...(E. Mallet [?], 1686), 2; A True Account of the Behaviour, Confession [sic], Last Dying Speeches of the seven Criminals that were Executed at Tyburn, on Friday the Ninth of May...(Langley Curtiss, 1690), 2.

52OA (John Applebee, 11 November 1724), 6. Joseph Blake is better known as Blueskin—the accomplice of the celebrated prison-breaker Jack Sheppard, and erstwhile confederate and would-be assassin of the so-called "Thief-taker General" Jonathan Wild.
or personal interviews with the condemned. The "Question-monger's" almost obsessive fixation on sabbath-breaking was, to be sure, somewhat comical (at least to those safely outside of the Condemned Hold); however, his dependence on such formulaic questions indicated not just a lack of imagination, but an insensitivity bordering on indifference.

Perhaps in response to allegations that the Ordinary expended minimal effort in the performance of his duties, the Account abounds in assurances to the contrary—in the late seventeenth-century routinely opening with statements like "the Ordinary visited [the prisoners] every day after their Condemnation", and frequently closing informing the reader that, "this is the whole Account which I can give of this Session, tho' I visited them every day till their Execution". Samuel Smith informs us—under the modest cover of the third person—that "Mr. Ordinary took great pains with [the prisoners] both in private Exhortations, and in his Sermons on the Lord's Day", and that he "visited all the Criminals every Day, especially such who did not refuse Exhortation and Prayers, till the Times of their Execution: Two Days before which, they expressed more Sorrow for their Sins, than in all the time before".

James Guthrie and Paul Lorrain seem to place special emphasis on their diligence in visiting sick prisoners—no small matter in a time when "gaol fever", or typhus, sometimes claimed as many "Newgate-birds" as the Triple Tree. Shortly after assuming office,

53 A True Account of the Behaviour, Confession, and Last Dying Speeches of the 15 Criminals that were Executed on Monday the 22th of December...(Langley Curtiss, 1690), 1; A True Account of the Behaviour, Confession [sic], Last Dying Speeches of the seven Criminals that were Executed at Tyburn, on Friday the Ninth of May...(Langley Curtiss, 1690), 2.

54 The Confession and Execution of the Two Prisoners that suffered at Tyburn On the 16th of Decemb. 1678...(R.G., 1678), 5; A True Account of the Behaviour, Confession and Last Dying Speeches of the Criminals that were executed at Tyburn, on Wednesday the 21st of December...(Langley Curtiss [?], 1692), 2.

55 See Linebaugh, "Ordinary of Newgate", 253-4.
Lorrain claimed to visit prisoners twice daily "notwithstanding the apparent Danger of my Health...because they desir'd me to see them, and pray with, and for them, as often as I could, and seem'd to take good notice of what I said to them, with relation to their Spiritual State", and at least on one occasion concludes his account informing the reader that "This is all the Account which the present Time will permit me to give of these Malefactors; other Religious Services I am to perform (both To morrow and the next Day) coming so close upon me".\textsuperscript{56} Indeed, Lorrain, who it seems seldom misses a chance to complain of his "melancholly" and "ingrateful Office", frequently took certain small liberties with the format of the \textit{Account}—on one occasion, so frustrated by the "wicked Obstinacy" of one William Elby, as to substitute the standard sign-off, i.e., "This is all the account given to me", with the more descriptive, "This is all the Account that this Paper will contain and time and my present fatigue will permit me to give of this (I am afraid) undone Wretch".\textsuperscript{57}

Sometimes it seems an Ordinary could take small liberties with the text of the \textit{Account} itself; in at least one instance Samuel Smith was not above dredging up past triumphs to distract the reader from failure closer at hand. In an attempt to bring a certain Edmund Allen to a confession of murdering his wife, Smith told him of a Person who was Executed for the Murthering of his Wife, and whom at the place of Suffering, wish'd he might be damned thrice successively, if he knew any thing how she came by her death: Yet when I went out of the Cart, telling him it would be too late to speak the Truth, when he should be turn'd off, he desir'd me to come back, and told me, That he had shot his Wife in the Head with a Pistol Bullet; I caus'd him to declare it to the People, which he did, weeping, and saying, [praised ?] be God for the Ordinary's Plain-dealing and Patience with me, for had I dyed denying it, I had been damn'd; desiring me to pray that God would forgive his

\textsuperscript{56}An \textit{Account of the Confessions, Behaviour, and Dying Speeches of the Criminals that were executed at Tyburn}...(Elizabeth Mallet, 20 December, 1700), 1; OA (J. Morpew, 29 January 1713/4), 6.

\textsuperscript{57}OA (Dryden Leach, 12 September, 1707), 2.
Presumptions and Imprecations upon himself, who, to preserve his Credit, had like to have ruined his Soul.

Unfortunately however,

This did not affect Mr. Allen, who persisted in his Resolution, saying Urge me no more; do not put me into a Fret, tempt me not to tell a Lye, but leave me to my self; I will neither confess it, nor deny it. So that we must leave him to the Justice of the Omniscient, pitying him in his obstinate Humour and Impenitency.58

It would seem, moreover, that Smith's story had grown in the telling. In what appears to have been the original account, the Ordinary pressures John Gower to confess to the murder of his wife. He meets no success until after the "3rd Prayer", when the "poor Penitent melted into Tears, and became as Ingenious as the little time he had left gave leave, blaming the Indulgence of his Master with whom he was Apprentice, that he suffered them to misspend the Sabbath-days, which was his first step to Ruine, and that brought him into those Snares".59 In a rival account of the same execution, Smith's role diminishes further: he does not even seem to receive sole credit for eliciting the confession; rather, Gower is described as being "assisted" very strenuously by "two most worthy Divines" who bring him to an admission of the murder. Then,

they still fearing he might not yet have cleared his conscience, urged him on still to draw a full and true Confession from him, prayed with him again, and sung a Psalm, and after some short time went out of the Cart, he then being desired by the Sheriff's Officers and those of this Friends nearest, to dispatch and make a True and Faithful End [i.e., to deliver a more detailed confession].

Samuel Smith is not specifically named in this account; however, it may be possible to identify him as one of the "Divines" who asked "if [Gower] was not Guilty of

58A True Account of the Behaviour, Confession, and Last Dying Speeches, of the Criminals that were Executed at Tyburn, on Friday the 12th of July...(Elizabeth Mallet, 1695), 2.

59A True Account of the Prisoners Executed at Tyburn, on Friday the 23d of May, 1684. With their Behaviour in Newgate, since their receiving Sentence (sic) at the Old Bayly. And Dying Confessions at the place of Execution (George Croom, 1684), 4.
Sabbath-breaking. The latter, (doubtless much to Smith's satisfaction), "declared he was, and it was his Original Sin".\textsuperscript{60}

The Account, then, served frequently as a showcase for the "Plain-dealing and Patience", not to mention perseverance, with which the Ordinary fulfilled the duties of his office. Nor—or so he would have us believe—was he disheartened or deterred by even the most difficult cases. In an episode cited by Faller as "perhaps the most striking example" of the "persistence" with which Lorrain performed his function as the "public's willing servant", the latter strives to bring the drunken pirate Captain Kidd to a decent end. Kidd is unresponsive to the exhortations of the Ordinary until literally under the shadow of the gallows: there, in an accident described by Lorrain as "lucky", the rope with which Kidd is being hanged breaks as he is being turned off, thus providing the recalcitrant sinner with a few moments' respite. As Lorrain explains,

Now I found him in much better temper than before, but as I was unwilling, and the station also very incommodious and improper for me, to offer any thing to him by way of question, that might perhaps have discomposed his Spirit, so I contented my self to press him to embrace (before it was too late) the Mercy of God, now again offer'd him.\textsuperscript{61}

Lorrain, in other words, followed Kidd to the scaffold—an "incommodious station" where he was unwilling to press too hard for a full confession, and so was forced to "content" himself with offering the Captain the benefit of his godly advice and prayers.

Faller argues that such behaviour on Lorrain's part can be attributed less to restraint than a fear that he might, by "discomposing" the criminal, also "upset" the ladder upon which the

\textsuperscript{60}\textit{The Last Speech, Confession and Execution of the two Prisoners at Tyburn, on Friday the 23d of this Instant May}... (Elizabeth Mallet, 1684), 3-4.

\textsuperscript{61}\textit{Ordinary of Newgate, his Account of the Behaviour, Confessions, and Dying Words of Captain William Kidd} (Elizabeth Mallet, 23 May, 1701), 2. See also Robert C. Ritchie, \textit{Captain Kidd and the War against the Pirates} (Cambridge, MA, 1986), 222-227.
latter was perched, and thus "[bring] about, and perhaps a bit too quickly, the predictable result for Captain Kidd". For Faller this incident—"in every way unexceptional" apart from "that here the ordinary performed at an unusual height"—is simply another instance of Lorrain's extraordinary (and, he implies, excessive) persistence in trying "to extort...a 'free and ingenuous confession'". However, I would take a slightly different view of this Account, and argue that, far from viewing his own exertions as extreme, Lorrain was in fact concerned that his efforts to reclaim Kidd would be considered inadequate by contemporaries; that his tone is defensive rather than self-satisfied; and, that he was especially anxious to assure the reader that he was not, and could not be intimidated even by such hardened customers as Captain Kidd.

Lorrain, perhaps motivated by a conscious or unconscious desire to set himself apart from his predecessors Samuel Smith and John Allen, stressed the degree to which he was both indefatigable in his efforts and uncompromising in his standards. Moreover, he took special pains to demonstrate that he was neither daunted nor deterred by even the most spirited resistance on the part of the condemned. William Maw, in 1711, finding Lorrain's "plain Dealing" to be "very unpleasant and grievous to his Temper", made (according to the Ordinary) the following complaint:

Sir, you are too hard upon me; you press me too much; your Prayers, your Exhortations, your Exposition of the Word of God in the Chapel, your Doctrine is very good; and I receive great Instruction and Comfort by them, and thank you for them; but give me leave to tell you, I cannot endure, that in private you should be so severe upon me, as to press me to speak that I know nothing of.

However, Lorrain

would not give over pressing him, to make such a sincere Acknowledgement of

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62 "In Contrast to Defoe", 61.
his Faults, and give such Proof of his Repentance, as might rejoice my Heart from the Satisfaction I should have, that this would procure Peace to his Conscience. I went so far with him, that he perfectly grew angry with me; but I told him, I would deal with him as a good Physician or Surgeon, who does not so much mind the Cries of the Patient, as his Care; for, said I to him, Though you exclaim never so much against what I offer you, I am fully resolved to endeavour the Salvation of your Soul.

When shortly afterwards Lorrain exhorts another group of prisoners to "an ingenuous Acknowledgement and open Detestation and Abhorrence" of their "open Shame", he is equally careful to record their response; that is, "They would not hear me if I harp'd any longer upon this String: and what they only desired of me was, my reading to them the prayers and Lessons appointed for the day, and no more". But, as Lorrain "found them under a spiritual Disease", so (he claimed) he "would not give over trying what spiritual Medicine I could administer to them while they were under my Care".63

v. Changing Perceptions of the Ordinary: from "B----p" to "Bishop of the Cells"

If the virtues of the Ordinary's "severity" and "Plain-dealing" were not always apparent to contemporaries, they were even less so to commentators of a later period. The general consensus among nineteenth-century chroniclers seems to have been that "the chaplain took life very easy, and, beyond preaching to those who cared to attend chapel, ministered but little to the spiritual wants of his charge".64 Many Victorian and Edwardian writers, moreover, seem to accept as a given the notion that the Ordinaries of the late seventeenth and early eighteenth centuries were nearly as depraved as the prisoners with whom they came into contact. Although "by education gentlemen" the Ordinaries "were nevertheless a pack of intolerable scoundrels, drunken and dissolute" and "not infrequently as fitted for the cells as

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63Select Account of the most Remarkable Convicts (1745), 1:121-2; 1:180-1.

the unhappy prisoners in the Stone Jug, to whom on Sundays in the prison chapel they preached Hell and Damnation, the Burning Lake and everlasting Torment". This implicit belief in the contaminating effects of the Newgate environment is coupled with a kind of automatic distaste for anyone associated with it: "even a good man might have become degraded by the place and its fearful management, but the men appointed were of the worst type, and a disgrace to the Church".65

And if Victorian and Edwardian perceptions of the Ordinary often tell us less about early eighteenth-century society than they do about the sensibilities and preoccupations of their own age, more recent studies have been shaped and informed by a tendency to try to locate the Ordinary within the context of larger contemporary academic debate. The view popularised and perhaps most effectively expressed by Douglas Hay--i.e., that eighteenth-century criminal law was "critically important" both "in maintaining bonds of obedience and deference" and "in legitimizing the status quo"--seems to raise two implicit questions concerning the role of the Ordinary. Did the latter, by reconciling criminals to their spiritual fates, also act as a kind of apologist for a legal system which constituted one of the "chief ideological instruments" by which ruling-class authority was legitimated and maintained? And, can the degree to which condemned criminals were responsive to the ministrations of the Ordinary tell us whether or not they viewed the legal and socio-economic system which had sentenced them to death as legitimate?66

Lincoln Faller's characterisation of the Ordinary as "very much a public servant" suggests that he was in some capacity a mouth-piece of the governing classes--or at least


someone with an interest in maintaining "the status quo". According to Faller, the Ordinary not only "served as a kind of detective", but one whose "function was to 'break' the criminal, to rob him of his autonomy, to prevent the sort of bravura performance, that, indeed all too often occurred at the gallows". Similarly, Peter Linebaugh interprets the Ordinary's unceasing, (if, as he is careful to stress, fruitless), efforts to squelch the prisoners' numerous "infractions of chapel-time solemnities" and "disorders and petty acts of individual rebelliousness" as "gestures" of a "Blakean" order: i.e., "And Priests in black gowns were walking their rounds/ And binding with briars my joys and desires".

However I will argue that far from perceiving the Ordinary as a kind of would-be agent of social control, contemporary critics tended rather to dismiss him as an object of contempt, whose threats of hell-fire and brimstone were less likely to be met with tears and trembling than scorn and indifference. As one anonymous pamphleteer writes on the occasion of Samuel Smith's death in 1698,

    Heav'n at last has hear'd the Pris'ners Pray'rs
    And took Thee from this Worlds attending Cares;
    Aged in Years, and Worn with Greif [sic], to see
    Thy Counsel lough'd [sic] at, as they laugh'd at Thee.
    And let the Silent Grave thy Body take,
    Offenceless now, because it cannot Speak.

The so-called Question-monger's shabby reputation would, it seems, not only survive him but be bequeathed to his successors. According to one of the characters in History of the Press-yard, while Lorrain "was a very Tertullian in respect of some of his predecessors" and

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67 "In Contrast to Defoe", 62.
68 Ibid., 63.
69 "Ordinary of Newgate", 252.
70 Elegy Occasioned by the Death of the Reverend Mr. Samuel Smith, Late Ordinary of Newgate (J. Read, 1698).
"excell'd all, that he had known posses'd of that Post, for Sincerity and Plain-dealing", the prisoners "had conceived such an indifferent opinion of him from common Report, that all he said...was made to go in at one Ear and out at the other". Several years later, Bernard de Mandeville noted with disgust the Ordinary's inability to exert any control over the behaviour of the prisoners at the place of execution, where "shocking" displays were but all too common. The condemned criminals are described as "either drinking madly, or uttering the vilest Ribaldry, and jeering others, that are less impenitent" while "the Ordinary bustles among them, and shifting from one to another, distributes Scraps of good Counsel to unattentive Hearers".

The Ordinary that Mandeville is referring to was probably Thomas Purney, a Cambridge scholar and the author of several pastoral odes, who seems to have been an especially unlikely candidate for the role of chaplain of Newgate. "He was only twenty-four when appointed", writes one scholar of his works--adding with what seems to be considerable understatement, "one can well imagine that the young poet's temperament did not impress very favourably the rough characters with whom he had to deal". Whether due to the delicacy of his constitution or his temperament, or both, Purney was during his tenure as Ordinary often absent, frequently going "into the Country to re-establish his Health".

Purney's literary bent earns him mention (if hardly the sort he would have liked) in a contemporary pamphlet featuring a conversation between the three most famous criminals of

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74 OA (John Applebee, 28 August 1724), 6.
the day—Jack Sheppard, Jonathan Wild, and Blueskin. Wild, his neck still crooked from being hanged, is scarcely reunited with his former cronies in hell when he is posed the following question:

Prithee what is become of that fellow, who used to Murder the dying Speeches of Malefactors, and put his Readers to more pain in finding out his meaning, than the Criminals suffered in getting rid of his Non-Sence? Jonath. He was the very same numerical [i.e., rhyming] Blockhead when I conversed with him last, as I ever knew him to be. I remember that this advice was given to an acquaintance of mine, who promised to observe it to the hour of his Death.

From Paths of Dullness never vary
But still be N-g-te’s Ordinary.
Shep. I wonder, Gentlemen, you will trifle away Time, and talk about a Thing that is not worth regarding.\(^{75}\)

And there were terms more opprobrious still than being labelled "a Thing that is not worth regarding"—or so at least we may infer from the vehemence of Lorrain's response to a certain Scandalous Lying Paper...setting forth that Paul Lorrain, Ordinary of Newgate, having the day before taken too large a dose of Jenevre [gin] at a Brandy-shop in Newgate Street, went thence to the Condemn’d Prisoners in the Chapel, where he shamefully spued upon his Cushion, and presently dy’d: And Whereas also it is asserted in that Paper, That the said Ordinary was a French Dancing-Master before he took Holy Orders, and, That he was try’d at the Old-bailey, &c. These are to certify, That all and every of those Passages being utterly false and groundless, the said Ordinary does hereby promise a due Reward and Thanks to any Person, who shall discover and secure the Author and Printer of that base murdering Paper, so as they may be brought to Justice, and punished accordingly.\(^{76}\)

While the charge of Lorrain’s being drunk and throwing up in the prison chapel may be straightforward enough (however much his dying shortly thereafter may strain credulity) it is a little more difficult to determine wherein lay the real sting of being a "French Dancing-Master". Lorrain was indeed probably either French or of French ancestry, judging both by

\(^{75}\)News from the Dead: or a Dialogue Between Blueskin, Sheppard, and Jonathan Wild. (J. Thompson, [1725]). 5.

\(^{76}\)OA (J. Jefferies, 25 May 1719), 6.
his name and the occasional reference in the *Account* to the fact that he conducted interviews with French criminals in their own language; moreover, in at least one instance (as we shall see), Lorrain is called upon to act in the capacity of courtroom translator. However, "Frenchness" in early modern England was often associated with sexual immorality in general, and venereal disease in particular ("Frenchified" is defined in one contemporary canting dictionary as "in the French interest or mode; also Clapt or Poxt").77 There was also a connotation of effeminacy, especially—at least one would imagine—when combined with "Dancing-Master". And while for what exactly such a "French Dancing-Master" would be likely to be tried at the Old Bailey is of course not self-evident, a charge such as sodomy would go a long way towards explaining Lorrain's indignation towards the "Author and Printer of that base murdering Paper".78

Roughly a dozen years later, James Guthrie seems equally outraged by "a Paragraph inserted by Way of Derision" in

> a Paper, call'd Parker's Weekly Journal...calling the Chaplain of Newgate great B——p of the Cells; and that on a Day about that Time there was a great Stir and Confusion in the Chappel. But let every Man know by this, that the said Account is a scandalous malicious Lie, and a false Reflection without the least Foundation of Truth".79

While the meaning of the term "great B——p of the Cells" seems to have been only too apparent to contemporaries (not least to the affronted Ordinary himself), filling in the blanks

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78The popular (English) connection between "Frenchness" and effeminacy is made quite explicitly in the 1666 broadsheet, *The French Dancing-Master, and the English Soldier: Or, the Difference betwixt Fidling and Fighting, Displayed in a DIALOGUE betwixt an ENGLISHMAN, and a FRENCH-MAN*. Here "de French Monsieur" is described as "skipping", "leaping", "capering", and "kicking", as well as dressing "like de Madam". According to the English soldier, "to see men skip like Puppets in a Play; To act the Mimick, fiddle, prate, and dance, And cringe like Apes, is a le mode France: But to be resolute, one to fight with ten, And beat them, is proper unto English-men".

79OA (John Applebee, 9 October 1732), 18-19.
poses a little more of a problem for the modern reader. Peter Linebaugh has in a recent work taken this phrase to mean "the great Bishop of the Cells"; however, I find this interpretation unconvincing, if only because it does not seem to match the dismissive and contemptuous (not to mention crude) tenor of most contemporary criticisms of the Ordinary.80

There are several other possibilities, however. One is that of "Bully-fop", defined by one late seventeenth-century canting dictionary as "a Maggot-pated, huffing, silly ratling Fellow".81 More offensive still, (and in my opinion, more probable) is that of "bum-trap", defined by the OED as slang for "a bailiff, a sheriff's officer (cf. bumbailiff)". And as for bumbailiff, it means, according to the 1811 Dictionary of the Vulgar Tongue, "a sheriff's officer, who arrests debtors; so called perhaps from following his prey, and being at their bums, or, as the vulgar phrase is, hard at their a-ses".82 Both "bum-trap" and "bum-bailiff" have the advantage of being not only derogatory, but in a particularly suggestive way: it does not seem too far-fetched to construe either as an affront not just to Guthrie's character, but to his manhood as well. At any rate, a veiled accusation of homosexuality would certainly explain the heat with which Guthrie refuted this "scandalous malicious Lie" and "false Reflection without the least Foundation of Truth" (a reaction similar to that of Lorrain on being labelled a "French Dancing-Master")--not to mention the otherwise inexplicable "Stir and Confusion in the Chappel".

Given the fact that the first three decades of the eighteenth century witnessed a rash of

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80 Linebaugh, London Hanged, 89.

81 B.E., A New Canting Dictionary

82 1811 Dictionary of the Vulgar Tongue: A Dictionary of Buckish Slang, University Wit, and Pickpocket Eloquence (1811; repr. with a forward by Richard Cromie, Northfield: Digest Books, 1971). This dictionary also gives "bum bailiff as a synonym for "bum trap".
sodomy prosecutions in the courts, as well, apparently, as a corresponding rise in terms of popular homophobic sentiment, it seems plausible enough that attacks on both Lorrain and Guthrie would have manifested themselves in insinuations of effeminacy or sodomy.\footnote{According to Randolph Trumbach, "between 1670 and 1730, the nature of sexual acts between males, and the social roles that such acts entailed, changed profoundly". While the practise of sodomy had in the earlier period tended to be associated with libertinism in general, being considered "the province of the abandoned rake" who was generally also sexually interested in women, Trumbach argues that the figure of the "effeminate sodomite" or "molly" was a creation of the early eighteenth century. Just as "mollies were transformed by their roles into whores, who were the most outcast species of women", so it would seem that the later formulation of male homosexuality lent itself to the service of denigrating and ridiculing those whose masculinity was being questioned more effectively than did that of the earlier images of the "fop", "rake" or "beau"("Sodomy Transformed: Aristocratic Libertinage, Public Reputation and the Gender Revolution of the 18th Century", \textit{Journal of Homosexuality} 19 [1990]: 105;117).}

And, given the fact that the Ordinaries seemed to have been portrayed by their detractors as passive and ineffectual, it is hardly surprising that both men stressed, not just the rigours of their position and their diligence in carrying out its duties, but the fearless and unflinching manner in which they confronted each and every challenge to their authority.

This tendency of the \textit{Account} to play up, if not actually exaggerate, the magnitude and frequency of acts of resistance on the part of the condemned has led historians to see the Ordinary as perhaps more unsuccessful than he actually was. Peter Linebaugh, who has described James Guthrie as having had "a particularly difficult time", seems to view the latter's practice of "quot[ing] prisoners in order to show 'the stupidity and hardness of these unthinking miserable creatures'" as evidence of the "Great Bishop"'s inability to establish or maintain order over the inhabitants of the "Cells":

Christopher Freeman "behaved very undecently, laughed and seemed to make a mock of everything that was serious and regular" whenever the Ordinary exhorted him to attend to his soul. Cocky Wager "in time of worship...fell a laughing". When Guthrie reproved him "he begged a thousand pardons, and promised better behaviour in the future; yet at two or three other times he behaved indecently and disturbed all the rest". Ann Mudd "used to sing obscene songs, and talked very indecently. For this I reproved her sharply, showing the great danger her soul was in...". Joseph Golding "was a very
profane, unthinking hearer, for he could not abstain from laughing". William Udall was reproved for smiling in chapel and defended himself by saying that he "had a smiling countenance".  

Yet these excerpts from the Account are somewhat misleading—or at least a slightly different picture emerges when the Ordinary's words are given in full. Thus, "Cocky Wager 'in time of worship...fell a laughing'" and "when Guthrie reproved him 'he begged a thousand pardons, and promised better behaviour in the future; yet at two or three other times he behaved indecently and disturbed all the rest'", becomes,

In Chappel they all seem'd attentive to the Prayers and Exhortations, and such of them as could read made regular Responses. Once they laugh'd and behav'd very ridiculous, Cockey Wager made an apology that they could not help smiling, but in the Name of the rest promis'd not to be guilty of any such frolick again....On Christmas day, in chapel, Cockey Wager fell a Laughing; I reproved him sharply, he beg'd a thousand pardons, and promis'd better behaviour for the future; yet at two or three other Times he behav'd indecently, and disturbed all the rest; I exhorted him seriously to consider what he had to do, and told him he had not Man, but God to deal with; and after this he appear'd with an apparent decency. He always with some others, made regular responses, profess'd himself Penitent for all the Sins of his Life; that he believ'd in Christ our only Saviour; and died in Peace with all Mankind.

Similarly, while Linebaugh informs us that when "William Udall was reproved for smiling in chapel" he "defended himself by saying that he 'had a smiling countenance'", Guthrie's version runs as follows:

[William Udall] constantly attended in Chapel, and behav'd regularly, but was not so serious as might be desir'd. I reprov'd him for speaking sometimes and smiling, he said he had a smiling Countenance, and did not speak out of any Disrespect, but could not help it.

It would seem that much of Guthrie's emphasis on the bad behaviour of the condemned criminals and the various trials and tribulations he was obliged to suffer on their
account was intended not only to garner the sympathy of the reader, but also to highlight the eventual, if hard-won, victory which he seemed inevitably to wrest from the jaws of defeat. Clearly, for Guthrie the point is not so much that, in November 1730, Hugh Morris "laughed, and provoked some of the rest to do so once in the Chapel", but that after being "reproved sharply" for it, "he behaved afterwards with great Respect".87

Linebaugh seems to imply that these "disorders and petty acts of individual rebelliousness" constituted something like a concerted resistance on the part of the prisoners to the Ordinary and everything he represented.88 This appears, at any rate, to be the impression conveyed by the following passage:

The Ordinary also faced other infractions of chapel-time solemnities: vandalism, threats and disregard of property. Christopher Rawlings in the days before he was hanged busied himself in chapel by cutting off the tassels of the pulpit cushion. John Cooper spat on the pulpit. Joseph Parker openly insulted Guthrie during the sermon. Thomas Beck threatened to shoot the Ordinary. John Riggleton made a practice of sneaking up to the Ordinary when his eyes were fast shut in prayer and shouting out loud in his ear.89

A closer inspection of the Account tells us, however, that John Riggleton—who "made a practice of sneaking up to the Ordinary when his eyes were fast shut in prayer and shouting out loud in his ear", was in fact "really at intervals quite a lunatic" who had stabbed his wife to death while "he was in one of the worst of his fits". When he was asked "why he did it, he only told them an incoherent story about the devil, and such stuff as naturally enough occurs to ordinary minds on the like occasions".90 Nor, it seems, was Riggleton's "practice" of shouting in the Ordinary's ear, something that could be construed as a wholly

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87Select Trials (1742) 2:241.
88Linebaugh, "Ordinary of Newgate", 252.
89Ibid.
90OA (Mary Cooper, 26 July 1745), 43.
rational act. As Guthrie writes:

At chapel [Rigleton's] behaviour was quite extravagant. The first time he was there he sat upon the end of the communion table with his face towards me as I was praying at the desk, staring for some time very hard at me; at length he rose up on a sudden, and putting his mouth close to my ear, made a most horrible outcry; I threatened to call the keepers, and then he desisted. After service was over I asked him the cause of such irregular behaviour; he said there was a man behind the grates stared him in the face, and he could not bear it.\(^9\)

And not only was there, for every defiant or disruptive criminal, at least one like Thomas Andrews, who "often cried and wept like a Child when he saw he must die", saying, "that it was a terrible thing to look Death in the Face", but misbehaviour and "rebelliousness" on the part of the condemned seems to have been the exception rather than the rule.\(^9\) Convicts such as Thomas Cross, alias Phillips, 33, who "took a particular Pride in recounting his Villainies" and was described by the Ordinary as "the most audacious Rogue that ever stretched a Halter", seem to have comprised a distinct minority of the prison population—albeit a noisy and conspicuous one. In fact, Cross's bad behaviour is contrasted with the comparative good order and penitence of his fellow inmates:

By no Means would he mind any Thing that the Ordinary of Newgate said to him, but would swear and curse while the others were at Prayers, and sing ye a reprobate Ballad, when the rest, poor Souls! were humming over a Penitential Stave of Sternhold and Hopkins. He would not willing suffer any body that was near him to read or pray, or even look serious, and especially towards the last; for, as then the rest of the Prisoners grew more devout, he grew more wicked: Sometimes he would ridicule 'em in the midst of their Duty, and other Times, without any Provocation, would fall into violent Passions, beating some and kicking others, up and down the Condemn'd-hold, and venting the most horrible Expressions imaginable. In fine, he grew so insufferably outrageous [sic], that the rest of the Prisoners unanimously desired that he might be removed from them. He continued obstinate to the last, and yet, when he was under the Gallows, declared, That he did not fear to die, for

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\(^9\)Ibid., 44.

\(^9\)OA (J. Applebee, 5 March, 1731/2), 13.
he was in no Doubt of going to Heaven.\textsuperscript{93}

It would seem that such "obstinate" and unruly criminals commanded attention not simply because they so effectively illustrated the difficulties inherent in the Ordinary's job (as well as the latter's laudable perseverance, not to mention courage in rising to the challenge), but because other prisoners often apparently felt just as frustrated and beleaguered as did the prison chaplain himself. In April of 1721, one group of condemned prisoners informed Thomas Purney that "they should have been more prepared for Death, had they not been disturbed by two Boys...who interrupted their devotions, and even as they slept play'd vile Tricks, burning their Feet, and pouring Water, &c."\textsuperscript{94} And, in November 1723, Purney claims to have been approached by several inmates complaining of James White's bad Behaviour, desiring he might be hinder'd from Laughing and foolishly Talking, and from Vices of a very gross Nature, which [two other condemned prisoners] affirm'd him to be guilty of, in the Place of his Confinement, with the Women that were put in to them; threatening the Women, and terrifying them, till they were willing to comply with his wicked Commands and Resolutions.\textsuperscript{95}

While Guthrie has been seen by later historians "as a notably unsuccessful chaplain" who not only "had a particularly difficult time", but "who completely lost control of the prisoners for whom he was responsible", Guthrie himself seemed to go to considerable lengths to emphasise the degree to which his efforts were appreciated by his flock.\textsuperscript{96} In

\textsuperscript{93}\textit{Select Trials} (1742), 1:21. This is a paraphrase of the original Ordinary's \textit{Account} of 8 February, 1720/1.

\textsuperscript{94}OA (John Applebee, 3 April 1721), 6.

\textsuperscript{95}OA (John Applebee, 6 November 1723), 1. Ultimately, White was deemed "Unqualified" to receive the sacrament(6). Such complaints on the part of convicts seemed to have been relatively frequent; in 1722 the street-robber Richard Whittingham "complained often of the great Interruptions those under Sentence of Death met with from some Prisoners, who were confin'd underneath, and who through the crevice endeavour'd as usual, by talking to them lewdly and prophanely to Disturb them even in their last Moments"(\textit{Lives of the Most Remarkable Criminals} [1735], 1:150).

\textsuperscript{96}Linebaugh, "Ordinary of Newgate", 252; Harris, "Trials and Criminal Biographies", 18.
March 1725/6, Guthrie "came to Newgate to give [the condemned] their last Exhortations and Prayers" only to discover that a group of the criminals scheduled for execution later that day had managed to overpower their guards and lock themselves in the Condemned Hold. Guthrie is at pains to point out that, while, "they would not allow any Person to come near them" and when "the Keepers spoke to them thro' the door...they were inflexible, and would by no Entreaties yield", he himself had slightly better success:

I spoke to them also, representing to them, how that such foolish and impracticable Projects interrupted their repentance, and the special care they should have taken in improving their few remaining Moments to the best Advantage, but they seem'd inexorable. I said, that I hop'd they had no Quarrel with me? They answer'd, no Sir, God bless you, for you have been very careful of us.  

Occasionally, Guthrie's commitment to the spiritual welfare of his flock leads him (or so he would have us believe) to take the side of the condemned prisoners against that of the authorities. In May 1733 John Davis, feigning severe illness, and after having vomited repeatedly in the prison chapel, was "drag'd...like a dead lump" onto the cart that was to carry him to Tyburn. However, as "out of Compassion they did not tie his hands fast together, as is usually done", Davis waited for an opportune moment—which seems to have arrived just as Guthrie begins to sing the seventh verse of the sixteenth Psalm—and "put his Foot to the Side of the Cart, took hold of a spoke with his Hand, and jumpt over among the crowd in the twinkling of an Eye". Davis's escape attempt was very nearly successful, as "he ran very fast" and "the Officers and Spectators were all of them surpriz'd and astonish'd and some of the People favouring his Escape". But, unfortunately for Davis (as well as for Guthrie, his prayers cut short mid-way through the sixteenth Psalm),

the Officers and some Assistants pursuing hard overtook him, and brought him

OA (John Applebee, 14 March 1725/6), 4.
back, two or three Men holding and pushing him forward, with his Coat off, his shirt and other cloaths all torn, nothing on his Head, and in this dismal condition they hurried him into the Cart. I desir'd they would allow me to sing and conclude, with recommendatory Prayers to God in their last Moment; But some of the Officers, particularly two of them, who have no regard to the Souls of Men, caus'd the Cart to drive off in a hurry, as soon as the Executioner could do his Duty: Although Jones intreated for God's Sake that I would Sing a little and conclude with a few short Prayers, which desire they were so far from complying with, that one of them gave me Scurrilous, unbecoming Language; and another not only gave me ill Words, but threaten'd me with worse Treatment: But this way of doing such unreasonable Men to abuse a Clergyman in the exercise of his Office, 'tis hop'd the Honourable Magistrates will prevent for the Future.98

However self-serving or self-aggrandising Guthrie's motives may have been in castigating the "Officers" for denying the condemned prisoners a few extra moments of prayer, it nonetheless seems clear that, as a group, the Ordinaries perceived of themselves as performing a useful and valuable function. Nor should it be forgotten that they were occasionally called upon by the public to defend or to explain their actions. When, for instance, Paul Lorrain refused to administer the sacrament to John Stone and Henry Chickley-two "great Offenders" who were not only particularly impenitent, but "were ready upon any Gull, to go out to the Chapel Door and drink there"--the spectators at Tyburn at first "exclaim'd against" him; but upon Lorrain's "telling the People that were about the Cart, of their wicked and unheard-of Behaviour, I do believe every Man of Reason and Religion was satisfied, that that Sacred Ordinance ought not to be given to such prophane and impious Wretches as they were".99 For, as Lorrain is careful to explain,

That this very Morning, when I had them in Chapel, and told them I was then come to meet them for the last time there, and hoped they had been (and were still) considering how they might obtain GOD'S Favour, the Pardon of their Sins, and the eternal Salvation of their Souls; and that to this Purpose I was

98OA (John Applebee, 28 May 1733), 18-19.
99OA (J. Morphew, 27 January 1717/8), 5-6; 4
come to pray with them, &c. they did not seem at all affected; but when I was at Prayer, Stone took out of his Bosom one of those creeping Creatures, with which I suppose he abounded, and put it upon an open Book that lay before Chickley, and said, See how he is galloping over the Prayers. 100

vi. "I much pitied him, but fear'd him not in the least"

In light of the aspersions which seem to have been cast upon his masculinity, it is hardly surprising, that Lorrain, or the "French Dancing-Master", would hasten to assure the reader that he would neither compromise his principles nor permit himself to be bullied by such "profane and impious Wretches" as Stone and Chickley. Indeed, Lorrain seems to go to considerable lengths to demonstrate not just his diligence, but also the fearlessness with which he performed the duties of his office. Lorrain informs the reader that he visited seven particularly hardened criminals

in the Condemned Hold, (where some People told me, It was not safe for me; but I was not of their Opinion) I found them always in very good order; and they were so far from offering Rudeness, or doing any Mischief to me, that they showed me all the Respect, and gave me all that attention which it became them to give to one, who endeavoured nothing more than the preparing them for a better Life. 101

On another occasion Lorrain, finding the highwayman Thomas Greg "very stubborn", and certain "that he prevaricated in many things", as well as completely lacking in any "Remorse or Sorrow[,] refus'd to administer the Sacrament" to him.

Upon which he curs'd me to the Pit of Hill [sic], and said That he would certainly kill me, if ever I durst venture to come to pray with him and the rest in the Cart at Tyburn. In answer to this his Threat, I told him, That I would nevertheless do my Duty to his Soul to the very last; and tho' he curs'd, yet I pray'd God to Bless both Him and Me, and lay not this additional Sin to his charge; adding, That I heartily pray'd for his Conversion and Salvation; and,

100 Ibid., 5.
That I much pitied him, but fear'd him not in the least.\textsuperscript{102}

Nor was Greg the only difficult case in the group; the Ordinary was also threatened by Charles Weymouth, to whom he responded in a similar vein. Lorrain concludes the account triumphantly informing the reader that he not only prayed with Greg, Weymouth "and the rest in the Cart at Tyburn", but, that at the place of execution "those that had been rude to me, and threaten'd my life, begg'd my Pardon, and thank'd me for the Pains I took with their Souls".\textsuperscript{103}

Lorrain faced an even sterner test of his courage in the form of the disgruntled French pirate Alexander Dolzell. The latter blamed Lorrain, who had translated for him at his trial, for the jury's verdict of guilty. Dolzell expressed his hostility towards Lorrain in no uncertain terms,

\begin{quote}
\textit{saying, He hated to see my Face, and wou'd not attend in the Chapel...nor receive any publick or private Admonition from me, but with his Dying Breath declare that I was the Cause of his Death; and he would do me some Mischief or other before he dy'd, or haunt me afterwards. I told him, I fear'd him not, nor his Ghost; but was sorry to see him in that furious Passion (very unfit for a Dying Person)...his ill-grounded Prejudice against me...was such as to make him threaten me one day when he was brought up to the Chapel, that he would kick me down Stairs; and not contented with that, he threaten'd also to tear the Bible, which I had lent both to him and his Fellow Prisoners to read in...saying; He would see none of rny books; though (as I told him) \textit{that} was not my Book, but the \textit{BOOK OF GOD}, and let him tear it if he durst.}
\end{quote}

But, as Lorrain is careful to add, Dolzell finally relents enough to "[say] he repented...desir[ing]" Lorrain's prayers, and even his "Pardon...for his rude and unjust Behaviour toward me".\textsuperscript{104}

\textsuperscript{102}OA (J. Morphew, 10 March 1713/4), 3.

\textsuperscript{103}Ibid., 5-6.

\textsuperscript{104}The Ordinary of Newgate his Account of the Behaviour, Confession and Last Speech of Capt. Alexander Dolzell, a Pirate... (J. Morphew, 5 December, 1715), 4-5.
Guthrie, like Lorrain, seems to play up the dangers inherent in his post—not to mention the masculine boldness with which he confronted them. Guthrie does not hesitate (or so he claims) to reprove Thomas Beck, "the most Audacious, and Impudent young Fellow that [he] ever saw" for conversing with a friend at Chapel; nor does the Ordinary desist in his efforts to bring Beck to heel, even when the latter tells Guthrie, "he should be very glad of an Opportunity to shoot [him]". It is with unmistakable satisfaction that Guthrie remarks that Beck later apologised to him for his bad behaviour.105

The confrontational format and cynical tone of the *Account* is such that the modern reader may well be struck, and perhaps even disturbed, by the lack of compassion or charity expressed on the part of the Ordinary towards the criminals condemned to die. Guthrie in particular seems lacking in the milk of human kindness—often appearing almost on the verge of hysteria as he attempts to demonstrate to the prisoners that, "because of their abominable, wicked and scandalous lives, now God's judgements had most justly over taken them and therefore they ought to 'bear the rod, and him who hath appointed it'".106 Guthrie frequently claims that since so many of the condemned were extravagantly wicked, obstinate and impudent young Fellows, I was oblig'd often to threaten them with Hell and Damnation, and to tell them, that they deserv'd no Favour of God nor Man, and that all the Miseries and Misfortunes they met with, were a Punishment too little for their Villainies; but they were foolish and inconsiderate, that it was very hard to gain upon them, or to do them any Good, so as to bring them to a Sense of sin, and to consider upon the Evil of their Ways.107

And while Guthrie occasionally concedes that the prisoners "behav'd decently and

105OA (J. Applebee, 22 May 1732), 11-12. When Guthrie "desir'd [Beck] to think of Death, Judgment and Eternity, he said, 'he had been judg'd already, and that the next thing they were to do was to make a button of his Head'"(11).

106OA (J. Applebee, 9 October 1732), 2-3.

107OA (J. Applebee, 23 December, 1730), 4.
quietly", it would appear they never quite live up to the "seriousness becoming Persons in their miserable Circumstances". The Ordinary, it seems, is continually reproving inmates for laughing "too often in time of Divine Service", or smiling in "Chappel"; and, even those criminals who, like Elizabeth Powell, "in the General behaved well", are "sometimes obliged to have a little sharp Reproof for indecent Carriage".

If Samuel Smith (alias the "Question-monger") appears to have been the most unpopular of the Ordinaries by the standards of his contemporaries, James Guthrie's conspicuous lack of humour or sympathy seems to have earned him an at least equal notoriety in the eyes of modern historians. However, it is important to remember that the Account was not written in a vacuum, but was in fact in large part a response to contemporary criticisms of the Ordinary, and an attempt to refute the various accusations of shady or unsavoury practices which seem so frequently to have been directed at him.

And while from a modern perspective the Ordinary's methods may appear intrusive and his sentiments overly harsh, it is unlikely many of his contemporaries would have faulted him for either his "Plain-Dealing" or his "Severity"; rather, it seems to have been generally accepted that, when it came to reclaiming the souls of particularly hardened sinners, tough measures were not only justified, but necessary. As Lorrain writes in his own prayer-book, *The Dying Man's Assistant*,

A Person of Quality is to be dealt with after a quite different manner from one of a low Condition. They that abound with Wit and Learning, and are of a sweet Temper, and have exercised themselves in the Practice of Devotion, are not to be addressed to in the same Stile, as those that are ignorant, rude, and of a morose Nature. To the former, a few Words well chosen, and seasonably

108 OA (J. Applebee, 9 October 1732), 9.

109 OA (J. Applebee, 23 December, 1730), 5; OA (John Applebee, July 1731); OA (J. Applebee, 12 July 1742), 4.
spoken, are sufficient: Whereas the latter need common things to be said to them, adapted to their Apprehensions; and those to be also enlarged upon.\(^{110}\)

And, as Samuel Rossell argues in his devotional work "Compiled for the Instruction and Comfort of Persons under Confinement", sometimes, a "divine" had to be cruel in order to be kind:

Nor have I only provided for the Consolation of these miserable Wretches, as knowing, that Men of ill Lives, as too many of them are, may many Times have more Comfort administered to them, than they are fit for, or than is fit for them, but I have sincerely endeavoured to instruct them, not only in more pleasing Duties, but in those also that are more severe, and have chosen rather to anger the Sore than skin it over; where I have thought Corrosives to be more proper for the Patients than Applications of a milder Nature.\(^{111}\)

Similarly, while the modern reader of the _Account_ is unlikely to sympathise with the Ordinary's abhorrence of the smiles, "frolicks" and "indecent carriage" of such "miserable Wretches" in their final moments, it is important to bear in mind that anything resembling levity on the part of the condemned criminals would have signified to contemporaries that their repentance was incomplete, and their prospects of salvation bleak. After all, "True Repentance" was "ever accompanied with a deep and afflicting Sorrow; a Sorrow that will break the Heart in Pieces, and make us so irreconcilable to sin, as that we shall chuse rather to die than to live in it". According to Rossell's prayer-book, "to be sorry for our Sins, is a great and punishing Duty" which "does not consist in a little trivial Concern, a superficial Sigh or Tear, or a calling ourselves Sinners, &c. but in a real ingenious, painful, and afflicting Sorrow". Such heartfelt "Sorrow" was not only the most appropriate way in which penitence could be expressed, but the surest means of obtaining salvation, being "the proper

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\(^{110}\)Paul Lorrain, _The Dying Man's Assistant: Or Short Instructions How to Prepare Sick Persons for Death_... (John Lawrence, 1702), 5.

\(^{111}\)The _Prisoner's Director_... (J. Applebee, 1742), vii.
Satisfaction for Sin which God expects, and hath promised to accept, as Psalm li. 17. *The sacrifices of God are a broken spirit: A broken and contrite Heart, O God, thou wilt not despise*".\(^{112}\)

In this section I have argued that the *Account*’s emphasis on the Ordinary’s perseverance, "severity" and "Plain Dealing" should be seen less as evidence of the way in which the latter "harried and worried, sometimes unconscionably, the men and women waiting to be hanged", than an attempt on his part to assure the reader that he was neither negligent nor lax in carrying out the duties of his office. Similarly, the tendency of the *Account* to focus on the more disruptive, defiant and difficult elements of the prison population should be viewed not so much as a testament to the Ordinary’s inability to control his flock, as a tribute to the diligence—"not to mention the manly fortitude"—with which he attempted to bring such rough characters to a "thorow effectual Repentance".

While it may be difficult to generalise about the different men who acted as Ordinaries of Newgate during the late seventeenth and early eighteenth centuries, it is fairly safe to say that there were several things which the so-called "Question-monger", "French Dancing-Master", "numerical Blockhead", and "great B----p of the Cells" had in common. All were, from time to time, criticised for the way in which they carried out (or failed to carry out) the duties of their position. They were vilified as derelict and lax, grasping and corrupt, or ridiculed as naïve and absurd, weak and ineffectual—if not actually effeminate. But whether they were in fact honest or dishonest, hypocritical or sincere, lazy or diligent, they were all united in that they must have been—a great deal of the time and at least to some degree—anxious or afraid. They were, after all, surrounded by criminals who were often inattentive.

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\(^{112}\)Ibid., 238; 239-40.
or "Obstinate" at best, and who at worst might very well "offer" them "Rudeness", or do them "Mischief". The position of chaplain of Newgate was no sinecure: small wonder, then, that the Ordinary who visited Moll Flanders (probably Samuel Smith) was "drunk with Brandy and Spirits by Noon". Little appreciated by contemporaries, given short shrift by later historians, it was indeed, as Paul Lorrain complained, an "unpleasant and ingratitude Office".

II. The Evolution of the Account

Such a wretched paper as the public is drenched with every execution, it is hoped they will be no more bothered with, but if that should be the case, it is confounded hard to pay six-pence for two sheets of whited brown paper rubbed over in a very slovenly manner...

The Life...of Charles Speckman (1763)

In the preceding section, I have focused largely on the Account as an established publication more or less under the Ordinary's direct editorial control. I would now like to turn my attention to the period both before and after this can with any confidence be said to have been the case. I propose first to trace the evolution of the Account from its late seventeenth-century origins—when the Ordinary's authorial voice was somewhat more muted than it was later to become—to its rise to the status of a semi-official publication. Then I will discuss the later development of the Account, from its brief stint as a self-consciously commercial enterprise in the late 1730s and early 1740s—when both its content and tone seem to have been effectively determined by its printer, John Applebee—to the dismissal of Applebee and the subsequent decline and finally the disappearance of the Account in the late 1760s.

The Ordinary's Account emerged during the mid-1670s as one of several competing publications claiming to offer the "True Account" of the "Behaviour, Confessions, and Last Dying Words" of the prisoners executed at Tyburn. These early accounts made their
appearance at roughly the same time that reports on the proceedings at the Old Bailey began to be published on a regular basis. In fact, as in the last quarter of the seventeenth century the market for both last dying speeches and confessions and for trial accounts was dominated by a small group of printer/publishers—among the most prominent of whom were Langley Curtiss, George Croom, and David and Elizabeth Mallet—the Ordinary’s account and the Sessions Papers often shared the same imprint and a similar format.113

While the various publications purporting to deliver the authoritative account of the criminals hanged at Tyburn changed both their titles and the names on their imprints with dizzying frequency in the late 1670s and early 1680s, the "authentic" Ordinary’s account seems to have been printed for Langley Curtiss as The Behaviour, Confession, and Execution of the…Prisoners that Suffered…at Tyburn from 1679 until 1684, when George Croom became printer, and the title changed to A True Account of the Prisoners Executed at Tyburn… It is actually none too difficult to distinguish the "genuine" account from that of competitors, if only because that of the Ordinary placed far greater emphasis on (and devoted considerably more space to) his sermons to the condemned. And, after 1679, the authorised accounts invariably conclude, moreover, with some sort of signed statement by the Ordinary informing the reader that, "having perused this Narrative, and conceiving the same may be very full to Admonish other Ill Livers, I do Attest that matters therein contained are truly related. Samuel Smith, Ordinary".114

The earliest Accounts (from c. 1679 to c. 1685), generally took the form of a short

113I will discuss the Old Bailey Sessions Papers at further length in Chapter V; see also Harris, "Trials and Criminal Biographies", 6-19.

114The Behaviour, Confession & Execution of the several Prisoners that suffered at Tyburn on Fryday the ninth of May...(Langley Curtiss [?], 1679), 1.
pamphlet divided into four sections: first, an opening paragraph defending its moral utility; e.g., "this Sheet is made publick, as a Seamark to all that read or hear it, that they may avoid those fatal rocks of sin, on which these unhappy persons lamentably Shipwrackt", and assurances that the "particular circumstances herein...related" were intended neither "to abuse the dead, or mis-inform the living"; then, a short summary of trials, often prefaced or followed by a recapitulation of the Ordinary's sermon; followed by a brief description of the behaviour of the condemned in prison; and finally, a description of their last confessions and behaviour at the place of execution. After about 1685, the Account was printed on a double-sided, half-folio broadside, and generally consisted of three sections: first, a summary of Ordinary's sermon and his visits to prisoners; second, confessions and/or short biographical sketches of the condemned criminals; and finally, a short summary of their behaviour at the place of execution. While its length would vary, and in the late 1730s and early 1740s extra parts and appendices would be added, the Account would maintain this general format throughout its existence.

However, in many other respects the Ordinary's Account changed dramatically from the time of its origins as a short pamphlet or a crude broadside in the late seventeenth century to its apogee as a forty-page pamphlet issued in two parts in the early 1740s, and finally to its relatively sudden decline over the course of the 1760s. In the first part of this chapter, I have examined the ways in which the Ordinary's own particular agenda and self-image shaped the content and tone of the Account. I will now attempt to address the rather more problematic question of how much editorial control the Ordinary possessed over the substance and form of the Account; how his willingness or perhaps his desire to assume a more public

115Ibid., 3.
role in its production affected the earlier course of the publication; and conversely, how his gradual withdrawal from this self-conscious and active role may have contributed to the eventual demise of the *Account* as a regular serial production.

**ii. The Emergence of the Account as a "semi-official" publication**

None of the very earliest accounts of the "Behaviour, Confessions and Last Dying Speeches" seem to have been officially endorsed by the Ordinary, although several publications appear to have enjoyed his cooperation—judging by their frequent references to "Mr. Ordinary", and the grateful acknowledgement of the "great pains" he took with the prisoners "both in private Exhortations, and in his Sermons on the Lord's Day". But, beginning in 1679, some accounts regularly close with his signed attestation of their authenticity. It is not entirely clear if the impetus for this change originated from the Ordinary himself or from his editors: certainly, any printer or publisher would have benefited not only from whatever inside information regarding the confessions and behaviour of the condemned the Ordinary possessed, but the stamp of authenticity that his signature would have imparted to the account. As for the Ordinary, he may have been eager to silence unauthorised rival publications (which may not have always cast him in the light he would have wished), as well as being motivated to profit, professionally as well as financially, from lending formal endorsement to whichever publication was willing to offer him attractive enough terms.

But, whether through a real or simulated reticence, or the fact that he was genuinely relegated to the sidelines, the Ordinary's active participation in the *Account* is through much of the seventeenth century confined to third-person reports on his activities and to his

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116 *The Confession and Execution of the Two Prisoners that suffered at Tyburn On the 16th of Decemb....* (Printed for R.G., 1678), 5.
obligatory closing statements of authenticity. On at least one occasion, the Ordinary informs the reader that it is at "the Publisher's Request" that he has "perused this Sheet" to "certifie, That the Discourses betwixt me and the Prisoner, and other matters of Fact therein, are truly related".117

And while, by the eighteenth century, it seemed to have been understood that the Ordinary enjoyed an effective monopoly on the publication of the confessions and last dying speeches of the criminals hanged at Tyburn, it is not entirely clear how or when such a title had been established. 1684 seems to have been a watershed year, however. In May of that year, the Ordinary’s account concluded with the following notice:

The Ordinary of Newgate being desired to prevent for the Future all false intelligence concerning the Confessions and Dying Speeches of Malefactors at Tyburn; and considering the Presumption of some in Issuing out Publickly, pretended Confessions, hath been prevailed with, to prevent for the Future what Inconveniency may be consequent upon such false Accounts....for the future it is desired that the Ordinary of Newgate would set his Hand to a Faithful Account of the Behaviour and Dying words of Malefactors Condemned at the Old-Bayly, to be executed at Tyburn. Which account will be Printed Authentically only by George Croom, the Printer hereof; that so the Buyers of such Intelligence, may not be imposed upon by any false Accounts.118

Evidently, Croom had run a similar notice in his account of the proceedings at the Old Bailey several days previously, as that very day, Elizabeth Mallet, printer of a rival account, framed the following retort:

Whereas George Croom has given an Advertisement, at the end of his last Account of the Sessions, that he will for the future Print the Dying Confessions of the Prisoners, who shall be Executed, that the World may not cheated by false ones; which is a very unjust and untrue Reflection upon the Printer

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117 The Behaviour and Execution of Robert Green and Lawrence Hill..who suffered at Tyburn on Friday, February 21... (Printed for L[angley] C[urtiss], 1678/9), 1.

118 A True Account of the Prisoners Executed at Tyburn, on Friday the 23d of May, 1684. With their Behaviour in Newgate, since their receiving Sentence (sic) at the Old Bayly. And Dying Confessions at the place of Execution (George Croom, 1684), 2.
hereof, who has for several years last past published both an Account of the Sessions, and the Last Speeches of the dying Criminals, without ever being detected or charged with a falsity. This is to acquaint the World, that notwithstanding all his sober pretensions to Truth, the Printing that abominable Story of the Devils appearing to a Wapping Waterman and smoking a pipe of Tobacco with him; It is so great a Lye, that any body but the Author would be ashamed of charging others with a Crime they are purely innocent of, and He so deeply Guilty. The Reader may farther please, to take Notice that the Speeches & Confessions of the Prisoners who shall hereafter suffer will be Printed with all Truth and Candour.  

It hardly seems a coincidence that less than a week after this exchange, the Court of Aldermen decreed that

It is ordered (to prevent the publishing of false reports) that no person do take upon him to print and publish the proceedings at the sessions within this city unless by the appointment of the Lord Mayor nor the speeches of any malefactors at their execution unless by the appointment of the sheriffs.

It seems to be from this ruling that the Ordinary's claims to the exclusive right of marketing the confessions and last dying speeches of the malefactors hanged at Tyburn can be traced. From this point forward, the semi-official status of both the Ordinary's Account and the Old Bailey Proceedings seems to have been generally acknowledged, as were the rights enjoyed by both the chaplain of Newgate and the Mayor of London to sell their respective accounts to the publisher or printer of their choice. (It was in 1684 that the proceedings of the sessions at the Old Bailey assumed the official-sounding title they were to bear for the remainder of their existence; namely, The Proceedings of the King's Commission of the Peace, and Oyer and Terminer, and Goal-delivery of Newgate Held for the City of London, and County of Middlesex, at Justice Hall in the Old Bailey..., although contemporaries continued to refer to them as "The Sessions Papers").

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119 The Last Speech, Confession and Execution of the two Prisoners at Tyburn, on Friday the 23d of this Instant May... (Elizabeth Mallet, 1684), 5.

120 CLRO. Rep. 89 f. 114 (28 May 1684).
Yet competing publications of the "Last Speeches" and "Confessions" of condemned criminals in particular continued to be published on a fairly regular basis until nearly the end of the century. Many of these accounts—the majority of which were printed or published by individuals who had at one time been commissioned by the Ordinary and presumably later dismissed when he had negotiated a better deal with a competitor—continued to stress that theirs were in fact more authentic than were the so-called genuine Ordinary's accounts. One of the major criticisms made of the Ordinary was that his "Paper", while supposedly communicating the "last dying words" of the condemned, was in fact written long before any of the criminals were actually executed. As one rival publisher claimed late in 1684:

Whereas since the last Sessions there have been published divers false accounts of the execution of the Prisoners, pretended to be their last Confessions when indeed Printed before they went to be Executed These are therefore to give notice that the true account Printed by Order will come forth for the Future, in the name of the Publisher hereof the Morning after the said executions; which is as soon as any true account can be Printed.121

Presumably in response to such allegations, the title of the Ordinary's account was later (if only temporarily) modified to that of The True Account of the Behaviour and Confessions of the Condemned Criminals in Newgate to be Executed...(my emphasis); as an added precaution, the Ordinary began signing and dating his section for the day previous to the date of publication, while a short section was added dealing with events at the place of execution, and dated for the following day.

Yet such criticisms would persist well into the eighteenth century. We have seen in a previous chapter how the abruptly dismissed printer Dryden Leach complained of the way in which Paul Lorrain abused his "Prerogative" by acting more like a "Tradesman" than a

121 A True Account of the Behaviour, Confessions and Last Dying Words of Captain James Watts [&c]...who were Executed at Tyburn on the 18th of December... (Printed by E.R. for R. Turner, 1684), 5.
"Clergyman", and how, although Leach had "always very honestly paid Mr. Lorrain every Sessions for the Copy of the Speech, which he told me was a perquisite to his Place" the Ordinary had "apply'd (or whether there was application made to him, I don't know) himself to another, who not long before had proffer'd Mr. Lorrain [sic] more money in hand if he would let him have the Paper". Nor can the disgruntled printer resist adding that,

If I rightly take Meaning of the Title of Mr. Ordinary's Paper, it ought to contain very little else besides what they say at the Place of execution, when 'tis very well known, I have not only been with Mr. Lorrain in Newgate, with the last dying Speech (as it was call'd) in my Pocket, but have had the Copy for Mr. Lorrain 2 Days before the execution very frequently.\footnote{A True Account of the Behaviour, Confession, and Last Dying Speech of John Herman Bryan (Dryden Leach, Oct. 1707), 2.}

By the turn of the century, however, it seems that all but the occasional rival publication of the "last dying speeches" and "confessions" of the prisoners hanged at Tyburn had died out. The Ordinary continued to print warnings against being deceived by "Sham Accounts", while from time to time an obvious forgery of the Account would appear (under the name of "Lorrane", or "Puyney" or some other carefully misspelled version of the current Ordinary's name); however, from around 1700 the Ordinary's Account would enjoy a practical as well as a theoretical monopoly over the regular publication of the confessions and dying speeches of the criminals sentenced to death at the Old Bailey and hanged at Tyburn.

It would seem that much of the credit for firmly establishing the Account as not only an "semi-official" publication, but as a lucrative commercial enterprise in its own right, rests with Paul Lorrain—described by Peter Linebaugh as "one of the most enterprising of eighteenth-century Ordinaries", (and somewhat more succinctly by Dryden Leach as the "Tradesman").\footnote{Linebaugh, "Ordinary of Newgate", 248.} It was under Lorrain's tenure that the Account came of age: he
vigorously attacked competitors, wrote consistently in the first person, used the *Account* as a vehicle to promote his other publications (as well to complain of the rigours of his position), diligently compiled statistics, and seemed in general to run his own show—changing printers and publishers quite frequently and apparently for profit (as Dryden Leach's experience seems to illustrate). And, not least, it was under Lorrain's direction that the *Account* would assume the name under which it has come to be known; i.e., *The Ordinary of Newgate his Account*...

The form and title of the newly standardised *Account* is clearly set out in one of Lorrain's frequent warnings to readers not to be imposed upon by imitators:

Whereas some Persons take the Liberty of putting out *Sham-Papers*, pretending to give an Account of the Malefactors that are Executed; in which Papers they are so defective & unjust, as sometimes to mistake even their *Names* and *Crimes*, and often quite misrepresent the State they plainly appear to be in under their Condemnation, and at the time of their Death: To prevent which great Abuses, These are to give Notice, That the only true Account of the Dying Criminals, is that which comes out the next Day after their Execution, about 8 in the Morning, the title whereof constantly begins with these Words, the ORDINARY of NEWGATE his Account of the Behaviour &c. In which Paper (the better to distinguish it from Counterfeits) are set down the Heads of the several sermons preach'd before the Condemned; and after their Confessions, and Prayers, an Attestation thereto under the Ordinary's Hand, that is, his Name at length; and at the bottom the Printers name, J. Downing in Bartholomew-Close near West Smithfield...

iii. "A Silly Paper...stuff'd with...incredible Stories and robberies": Applebee and his "Appendix"

Under Thomas Purney, Lorrain's successor, the *Account* seemed to maintain relatively the same format and tone; although clearly the retiring young poet lacked his predecessor's energy for promoting a "Paper" which, after all, was intended for "the Satisfaction of these who were concerned in bringing them to justice", not "to satsifie these who are curious to

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124 OA (J. Downing, 25 October 1704), 2.
know all the Actions of Malefactors Lives”. Purney was followed by James Guthrie, who some time in the mid-1730s seems to have lost editorial control of the *Account* after apparently being inveigled by the "fair speeches and plausible pretences" of his printer, John Applebee, into exchanging a percentage of the profits generated by the *Account* for a fixed annual payment. For, while Applebee had printed and sold the Ordinary's *Account* since 1720, it was not until the latter part of the 1730s that the *Account* began to grow in leaps and bounds, frequently (and like the Sessions Papers during the same period) being issued in two parts (and, again as in the Sessions Papers, often breaking off in the middle of a particularly dramatic moment); and most strikingly, including an "Appendix"—or, as Guthrie would later characterise it, "a Silly Paper...stuff'd with a Number of incredible Stories and robberies, of which no body knew but himself [i.e., Applebee]".

Guthrie seems to have had grounds for bitterness. In fact, it seems almost as though Applebee's Appendix was explicitly calculated to undermine both the Ordinary's credibility and his authority. The preface to the Appendix to one 1737 *Account* claimed that it had become

customary to give farther Account of the unfortunate Creatures who are the subjects of these Papers, than what is contained in the preceeding [sic] Part; for Insincerity and Prevarication is too constantly discover'd in these unhappy Wretches, by those appointed to attend them in their last Moments. The truest Accounts of themselves, and of their Offenses, are generally to be collected from their scatter'd Papers, and from the Discoveries they make therein to their particular Friends and old Companions.

125OA (John Applebee, May 1725), 5.

126CLRO, *Journal*, "Humble complain of James Guthrie Ordinary of Newgate", 19 February 1744. See also Harris, "Trials and Criminal Biographies", 16-18.

127Ibid.

128OA (J. Applebee, 5 October 1737), 9.
And such "farther Accounts" could not help but call attention to the Ordinary's failure in obtaining detailed confessions from the condemned. In one 1739 Account, Guthrie complained that the account Thomas Bridge had given him was a very improbable one, yet it was all he would own relating to the Fact [the murder of his wife]. And though I press'd him again (after the Dead-Warrant came down) to be free in his Confession, and not conceal his Guilt, yet he told me he should confess to God alone, and should not tell any Particulars of the Accident, farther than he had done already.129

Yet in his Appendix, Applebee steals Guthrie's thunder by including a long and detailed "autobiography" of Bridge. It seems increasingly clear, moreover, that Guthrie not only no longer had editorial control over the Account, but also neither final approval nor even previous knowledge over what was to be printed in the Appendix: this same issue includes an account "communicated by David Roberts [one of the condemned], to his Friend, after his Conviction, and by him deliver'd to the Printer of these Papers".130

And, not surprisingly, the biographies or "autobiographies" of criminals given in the Appendix differ from the Ordinary's accounts in substance as well as in detail and in length. Guthrie summarises the life of the "John Clark, alias Smith, alias Pug, alias John the Catcher", for instance, with characteristic terseness: he "was about 24 Years of Age, born at Lambeth, and baptised at Hackney, but while he was a Child, he liv'd with an Aunt at Lambeth. His Parents and Friends dying while he was very young, he was put Apprentice to a Waterman".131 In contrast, Clark's "autobiography", printed in the Appendix, is not only more colourful but more sympathetic:

I am at this Time about 28 Years old, I was born of poor Parents, in the

129OA (John Applebee, 3 August 1739), 5.
130Ibid., 16.
131OA (J. Applebee, 6 August 1740), 7.
Parish of Lambeth, who (not being able to maintain themselves, and two Children) ran away from us and left us very young to the Care of the Parish, who put me out to Nurse, to an old Woman, who kept a publick House and a Garden at Chelsea, near the Nine Elms. Here I continu'd about 2 Years, and was almost starv'd to Death. My Employment was, to go from Place to Place along the Waterside, to pick up Sticks, Coals, &c. for my Nurse.

Although Clark was later put to a charity school and then apprenticed, he reflects rather piteously that,

It was very unhappy of me to be left destitute of Friends, and to be abandoned by my parents in my Infancy, if there had been a due Care taken of me in my Youth, and had my Father not deserted me, but trained me up in a regular, orderly Way, and restrained me from vicious Company, my untimely Fate might have been prevented, and I should not have come to this shameful and ignominious End.\textsuperscript{132}

While it is unlikely that Clark wrote his account without assistance, there is little reason to doubt its fundamental authenticity. There is a ring of verisimilitude in Applebee's version which is conspicuously absent from that of the Ordinary—not to mention the fact that the latter was only able to guess at Clark's age, something which his printer apparently had little difficulty obtaining. Certainly, the relatively uncritical and profit-minded Applebee would have been more likely to elicit confidences from the condemned than the rather dour and irascible Guthrie (this is, after all, the same Ordinary who counted it a point of pride to reprove prisoners for smiling). And it seems reasonable to assume that, in the interests of boosting sales, the printer would have been willing to offer more than just a sympathetic ear, especially to criminals who were especially notorious, or who cut a dashing figure.

In any case, it would be difficult to determine where "the truth" left off and the inventions of an enterprising editor or the tall tales of garrulous convicts began. As I have argued in Chapter III, various rogue stories were not solely the property of Captain Smith or

\textsuperscript{132}Ibid., 12:18.
Johnson (or John Applebee), but formed part of popular discourse. And it stands to reason that some criminals were more than willing to be cast in the role of picaresque hero or heroine. This seems, at least, to have been the case with Catherine Lineham, a prostitute and pickpocket, whose account reads like a chapter out of Smith's *Lives of the Highwaymen*. In one fairly typical episode, Lineham describes encountering "a Boozey-Cock very bung", (or, a very drunk man in an alley) who was "making Water against a Post". She seizes this opportunity to pick his pocket of two guineas and quickly makes her escape. Unfortunately, the man is so inebriated that he attempts to have an innocent woman charged for the crime:

As soon as he came into the Alley with a light, a poor Woman came down upon some Occasion or other. As soon as the Spark espied her, Oh! says he, this is the B--h that has robbed me of all my Money, and immediately charged the Watchman with her; and notwithstanding all the poor Woman could say in her Defence, hurried her away to the Watch-house; we [Lineham and her female accomplice] follow'd her at some Distance, being anxious for her, knowing we deserved her Misfortune.

Later, when the hapless woman is sent to the compter,

Sally [Lineham's accomplice] and I, being very uneasy, we agreed she should dress herself pretty smart, and go to the Compter to enquire into the Affair, and if Occasion requir'd, she was to declare before the Justice, that as she was coming by accidentally about the Time the Affair happened, saw a Woman run by her in a hurry, who almost knocked her down and run away, and after the watch come, she heard the Man accuse that Woman in Custody, whom she believ'd to be entirely innocent. This Story we thought would do, especially as being Strangers to the Woman, could have no Interest in saying so: And if that did not do, I was afterwards to come in myself, and second her Story. This Stratagem had the desir'd Effect, for the Woman having a good Character, and the Man being drunk at the same Time, the Justice discharged her upon that and what we said.¹³³

Lineham's account, while generously laced with cant phrases, is not improbable in itself; moreover, this particular story seems just the sort a condemned criminal who wished to elicit the sympathy, if not the approval of the reader, would be only too eager to divulge.

¹³³OA (J. Applebee, July 1741), 15.
Many of the "incredible Stories" that seem to have so deeply outraged Guthrie seemed to have originated at least in part from the desire of condemned men and women to justify, or even to celebrate, past misdeeds and lives that, while checkered, were portrayed as not entirely without redeeming features.

Many of the lives featured in the Appendix seem to borrow heavily from picaresque legend, although here, as always, it is difficult to determine if art imitated life, or the other way around. The highwayman Henry Cook, who thought "going to Sea" a "Hardship, especially for a Gentleman as I then thought I was entitled to be by my Profession", was willing (at least in retrospect) to entertain the chivalric notions proper to his "Profession". While robbing a coach

...a beautiful young Lady who was in the Coach, fell upon her Knees, imploring my Mercy...this instantly excited my Compassion, and moved me to Pity. As I always had, and professed a great Veneration for the Fair Sex, I put up my Pistol, desiring the Gentlemen to be speedy in giving me their Money &c. which they did to the amount of above £30 all I demanded of the Fair one, was a kind Salute [kiss], which she readily complied with..."134

Applebee's Appendix abounds in highwayman tricks and "frolicks" of every description: lawyers and quack doctors are forced to deliver up their ill-gotten gains; misers obliged to disclose the location of their hoards; and foolish countrymen cozened out of their savings. Of course, such self-styled Knights of the Road frequently spare those who plead poverty. When the highwayman Jesse Waldon stops a man who told us, he was a poor Man, and had a large Family; upon which we returned him the Money again, with the Addition of another Shilling to drink our Healths, at the same charging him...not to tell any body how he had been robb'd. He promised he would not even tell his wife, for he knew (he said) a woman could not keep a Secret.

On another occasion Waldon and his accomplice, Easter, encounter a man who rides up to

134OA (J. Applebee, 16 September 1741), 15.
the latter in an attempt to enlist his aid:

_Sir, I am likely to be robbed; for that Man [Waldon] is a Highwayman! Sir, (said Easter) I am afraid that you are, and taking hold of his Horse's Reins, pulled out a Pistol, and demanded his Money. Why (said the Gentleman) I took you for an honest Man! So I am (said Easter) because I rob from the Rich to give to the Poor._\(^{135}\)

It would seem that many convicted highwaymen particularly were eager to pass themselves off as Robin Hood figures whose crimes (to use a somewhat anachronistic phrase) were "social" rather than "without qualification": according to Joseph Shaw, hanged early in 1738, he and his companions

very often, when we had got a good Booty, bestow'd a small Part of it in Charity, and often relieved poor People, but we generally told them how we came by the Money; charging them not to spoil our Sport, for then 'twould be out of our Power ever to give them any more.\(^{136}\)

_{iv. "A Genuine Relation of Facts Only": the Uses (and Limits) of "the truth"}_

Like the authors of rogue literature discussed in Chapter III, or the editors of the Sessions Papers during roughly the same period (see Chapter II), Applebee both implicitly and explicitly relied on his commitment to "the truth" to insulate him from charges that, "desirous of making unreasonable profits" he deliberately selected or simply manufactured the most titillating and risqué material possible.\(^{137}\) As Applebee assures the reader the Appendix to a 1744 _Account_,

in the following Sheets, we dare venture to assert, the Reader (however monstrous their Actions may appear) will certainly find a genuine Relation of _Facts_ only: and we are the more Confident therein, because the Evidence, from whose mouth it was taken, throughout the whole Narative [sic] never varied, but related it with such an air of Veracity! with such Perspicuity! and

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\(^{135}\)OA (J. Applebee, 7 April 1742), 13.

\(^{136}\)OA (J. Applebee, 18 January 1737/8), 15.

\(^{137}\)Guthrie, "The Humble Complaint"; see also Harris, "Trials and Criminal Biographies", 18.
in such Chronological Order, that Fiction could never support.\textsuperscript{138}

To a certain extent, the Ordinaries themselves sometimes used similar logic in justifying the inclusion of more objectionable passages in the \textit{Account}. In 1733, for example, Guthrie concluded his "Paper" with this rather defensive "N.B.": "If there seem to be any Contradictions in the above Confessions, 'tis hop'd the candid Reader will not impute the same to the Writer hereof; but to the disingenuous and base Way of acting and speaking such vile and naughty People use".\textsuperscript{139} After all, one of the principal justifications for printing the \textit{Account} was the need to silence or to refute the misleading, and thus potentially dangerous (in terms of the supposed "Inconveniency...consequent upon such false Accounts") "Sham Papers" printed by less scrupulous rivals. As I have discussed at some length in Chapter II, authors frequently made reference to the fact that since an account would be published by competitors regardless, they were obliged, as it were, to set the record straight. Certainly, Guthrie insists that he had published a sermon preached to a particularly notorious murderer, John Hallam, not out of "any Desire to appear in Publick", but "because many fictitious Accounts, and pretended Sermons, in Name of the Ordinary of Newgate, containing nothing but incoherent Stuff and Jargon, and done by unskilful ignorant Impostors, are impudently carry'd about the Streets".\textsuperscript{140}

Yet, just as it seems to have behoved the Ordinary to approach the question of whether or not the condemned prisoners were truly penitent with a healthy dose of scepticism, so too were the prison chaplains quick to question the veracity of the accounts

\textsuperscript{138}OA (J. Applebee, 5 October 1744), 7.

\textsuperscript{139}OA (J. Applebee, 28 May 1733), 18.

\textsuperscript{140}James Guthrie ["M.A. Ordinary and Chaplain of Newgate"], \textit{A Sermon Preach'd in the Chapel of Newgate Upon the particular Desire of Robert Hallam}... (J. Applebee, 1730), i.
given to them by criminals—especially those accounts which attempted to justify or deny the crimes with which they had been charged. Paul Lorrain was fairly typical of most Ordinary's of our period in blasting the "pretended Innocence" of the criminal who "could alledge nothing...to his Justification" but "that which is the Common Plea of those who can make no Defence; viz. That he did buy those Things (prov'd to be stolen) that were found upon him".\textsuperscript{141}

Nor did the Ordinary seem particularly apologetic about censoring some of the more objectionable accounts delivered by the condemned. On one occasion, Thomas Purney decided not to publish the account given to him by George Davis, who had been convicted of embezzlement, and "which contain'd little else besides an Assertion that he did not rob the Company of so great a sum as the Governors and Directors had been pleased to imagine; but that it was really lost by his ill-management of their Accounts". These "Particulars which I thought proceeded from some Heat and Passion", were, according to Purney, "the Cause of my not publishing the Copy".\textsuperscript{142} Similarly, several years later, Guthrie was to complain of John Osborn, who

two or three Days before his Execution, employ'd his Time in his Cell, in writing such things which we thought proper not to mention, and likewise in drawing of Several Things on a Paper, and in particular his own Effigie hanging on Tyburn...which shows the Stupidity of these poor wicked Wretches, that they have no Notion of a future State.\textsuperscript{143}

Clearly, even at the best of times, the Ordinary had conflicted and often contradictory notions about the purpose and function of the Account, and his own place in its production.

And, the all too apparent excesses and questionable moral value of Applebee's ever-

\textsuperscript{141}OA (T. Braddyll [sold by B. Bragg], 26 October 1707), 1-2.
\textsuperscript{142}OA (J. Applebee, 6 June 1720), 6.
\textsuperscript{143}OA (J. Applebee, 28 May 1732), 19.
lengthening appendices and the increasingly risqué "autobiographies" of unrepentant career criminals they contained, could have only aggravated Guthrie's fundamental ambivalence about the *Account* in general, and his difficulty in reconciling Applebee's aggressive marketing strategies with his own notions of the behaviour befitting a clergyman in particular. A cynic could argue that Guthrie's disgruntlement with his printer may have stemmed from the fact that he had been relegated to a fixed annual payment at a time when the profits from the sale of the *Account* appear to have been substantial. But it is difficult to imagine that Guthrie could have under any circumstances accepted with a good grace the way in which the Appendix explicitly undermined his authority by so often "scooping" his own accounts of the condemned, or contradicting the information contained therein—not to mention the way in which the unequivocally sensationalist format of the publication as a whole implicitly called his own character and reputation into question. One thing is certain, however; in early 1745 Guthrie had had enough: he fired John Applebee and resumed the helm of the *Account*.

v. "A state paper, purely for the opportunity of setting the Public right": the Account under Mary Cooper

But Guthrie had no sooner dismissed Applebee than he cast about for someone else to take over the direction of the *Account*. Perhaps Guthrie lacked the energy demonstrated by more enterprising Ordinaries such as Paul Lorrain; it was also possible (and in my opinion more likely) that Guthrie felt that, as both a clergyman and a kind of public official, that it

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144It is important to point out that Mary Cooper, a "trade publisher", did not exert the same sort of editorial influence over the *Account* as John Applebee, who had acted both as a printer and a bookseller. The "trade publisher", who, occupied a social rank somewhere between that of the bookbinder and the bookseller, undertook the printing and distribution of a work on behalf of copyright-owners who preferred to remain anonymous. Therefore, while Mary Cooper put her name to the imprint, another individual whose identity was at least nominally protected, had assumed editorial control of the *Account*. Unfortunately, I cannot speculate as to who this person might have been. See Michael Treadwell, "London Trade Publishers 1675-1750", from *The Library*, 6th ser., IV: (1982), and "On False and Misleading Imprints in the London Book Trade, 1660-1750", from Robin Myers and Michael Harris, ed., *Fakes and Frauds: Varieties of Deception in Print and Manuscript* (Winchester, 1989).
would be inappropriate—or at least be perceived as inappropriate—to actively participate in the commercial angle of producing the Account. In March of 1745, the new editor or editors announced their intention both of raising the moral tone of the Account and of upgrading its audience.

It is proposed for the future to render this paper more generally useful to all ranks and degrees of readers. The misfortune hitherto has been, that the account of these unhappy sufferers, being published in a stile and language a little too gross and indelicate for the better kind of readers, their case has not been attended, to as one could wish, by those in whose power it is to put a stop to the growing evil. The generality of these poor wretches are (owing to this want of attention to the public welfare) born thieves, and suffered gradually to ripen into the commission of mischief.

And, in a "postscript" to the Account, we are informed that,

The Ordinary having consented to commit the conduct of this paper for the future to a new editor, who has more at heart; a due care and concern for truth and the welfare of society, than regard to the profits it may produce...Had this paper been set out at first on a right principle, it's highly probable, that the situation of these unhappy people had been consider'd, and some natural remedies applied long ago; but as they have been hitherto generally farce and invention, contrived by the editor [Applebee] rather to lengthen out the paper, than to convey adequate ideas of the facts; so have they been accordingly esteemed, and rarely perused by any, but such as had as little understanding as the editor: When as nothing is more evident than the utility of such a paper, wherein the lives and manners of those who are the enemies of society, are fairly and honestly delineated; it may contribute to the amusement of some, the information of others, and the emolument of many.

Yet despite the fanfare, this particular Account is both unusually brief and distinctly lackluster. The editor seems aware of this, and adds as though in apology, that "This first publication falls very short of the intention of the editor, by reason of the materials coming to his hands too late, either to digest them as he ought, or to enquire further into the life and conversation of the unhappy convicts".145

Presumably, the new sober and preachy tone of the Account aroused some curiosity as

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145OA (M. Cooper, 7 June 1745), 3; 11; 12.
to the identity of the new editor—who regularly called upon his readers to "consider whether it is not possible" to reform the "poor" and "unhappy wretches" that inhabited "our back streets" and, who needed to learn "that no one need want employment who is rightly taught to love industry and sobriety". And, judging from the introduction to a July 1745 Account, not all readers were satisfied with the new management; for, while some speculated that the editor was "a plain honest country Parson"; while others "think it is going to be turned into a state paper, purely for the opportunity of setting the Public right", still

Others, who are too wise to have any regard either for religion or common honesty, who can laugh at increasing evils, and sport with the miseries of their fellow creatures, and who are very indifferent whether they be hanged or reformed; these fix it on the Methodists, who, it seems are accounted the wicked reformers of the age.

But the greatest criticism seems to have emanated from

others, especially the disappointed Printers, who either have had, or are desirous of having the management of this paper, in order to get a dinner by feasting the Public with matter of their own invention, rail much at the language, and aver in all companies, such was never wrote before; which perhaps is very true: they say likewise, that none, but a person very conversant with the ignorant and miserable, can possibly be acquainted, with either their trade or wit, and consequently no judge of what they ought to say when they die, as being a stranger to their stile and language.

While the editor continues to urge his readers (of the better sort) to strive to reform society, as "Men once taught to be rational, would in course love industry, and consequently fall into a mutual esteem for one another", he seems a little at a loss for material, and adds an "N.B." directed at "Any ingenious person who can throw useful thoughts together for the public emolument, pursuant to the above plan" and who "may at any time have them inserted in this paper, by directing them to Mrs. Cooper, the publisher". 147

146OA (Mary Cooper, 7 June 1745), 3-4.

147OA (M. Cooper, 9 July 1745), 15-16; 17.
The revamped and reformed *Account* on the whole strikes an uneasy balance between lectures on various social ills (this particular issue focuses on the evil of women drinking); mawkish sentimentality (including an extremely penitent and almost certainly false dying speech which actually insists that, "I now begin to see there’s something in being religious, and that it is for our good, and our Ordinary, good man, has made that very clear to me, though it seems some that pretend to be our betters make a jest of it; but were they as I am, perhaps they would think as I do"); and newspaper-style satire (including a mock trial of a married man who frequents prostitutes, where the Judge sums up the case by quoting "this sage advice; He that to taverns from his wife will run/Gives her the hint to follow other fun").

As for Guthrie, it seems that he has changed as much as the *Account* itself, judging from the following passage:

They [the condemned] all seemed wonderfully moved at this discourse, and very well inclined to make a graceful exit. Tears flowed from them plentifully, and they appeared to become new creatures; so that I verily believe, that were they to live their lives over again, and could be kept out of bad company, they would have spent the remainder of their days very honestly; so much did this discourse affect them.

And some of Guthrie’s conversations with the condemned seemed rather suspiciously erudite:

After [Samuel Watson’s] condemnation he always denied the fact, and said, he never wronged any man in his life. The first time I spoke with him, he thought it very hard, that he should die for a crime of which he was no ways guilty. I said, You are like Apollodorus, a friend of Socrates, who expressed his grief for his dying innocent; "What!" replied the Philosopher, with a smile, "would you have me die guilty?"

Although in a slightly more characteristic style, Guthrie goes on to "shew" Watson "the

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148Ibid., 32; 27.

149Ibid., 18-19.
comfort and power of a good conscience, and how it would support him to the last" and to inform him that "as he was a sinner in many other respects, he must of necessity repent thereof, or perish eternally."\textsuperscript{150}

The new \textit{Account} is nothing if not obvious in its attempts to cater to the "better sort" of people (the principal audience of contemporary newspapers) rather than the class from which the criminals are perceived to be drawn, and which is spoken of in increasingly contemptuous terms—and from what seems to be an ever-widening sociological distance. More and more, and with little attempt at subtlety, crime is seen as a product of a particular class, rather than as a failure of a moral order. While the Ordinary's \textit{Account} before 1745 regularly characterised criminals as ignorant "Wretches", hardened sinners and ill-livers in general, this seems to have been considered not so much a function of their lowly social origins (in fact, criminals of the "better-off" sort are often severely castigated because, having had better opportunities, they have less excuse), but as a result of their having fallen into vice by indulging a universal human propensity to sin. While poverty was almost invariably linked to idleness and intemperance, it was axiomatic that criminal biographies of the late seventeenth and early eighteenth centuries described the parents of criminals as "poor" but "reputable", "honest" and "industrious" (if sometimes overly indulgent) people whose virtuous example had been willfully disregarded by vicious and intractable children.\textsuperscript{151}

While it is difficult to date the origins of the notion of a "criminal class" with any precision, it certainly seems to have constituted one of the central concepts around which the new \textit{Account}'s editorials revolved. In one 1745 "letter to the editor" (suspiciously—if hardly

\textsuperscript{150}OA (M. Cooper, 20 June 1746), 32.

\textsuperscript{151}This is an important subject, and one on which I will expand on at greater length in Chapter VI. See also Faller, \textit{Turned to Account}, especially Chapter 3.
surprisingly—very much in the editor's own style), we are informed that there are three "ranks" of criminals:

When the great are so unhappy as to forget themselves, the bias of education, and bright examples constantly before them, contribute, if not to set them quite right, yet at least to preserve them from absolute deviation. While the lower sort of people, especially about this town, wanting the same advantages of both education and example; if they once vary from the road of virtue, they are, generally speaking, lost past redemption. But if the case should be, which chiefly engages this letter, that there is a third rank, which, if I may so speak with propriety, are less than the little that had never any opportunity of knowing the good things of either heaven or earth; lost from the moment of their birth, and immersed from their cradles in ignorance, stupidity, and misery.¹⁵²

The author goes on to reflect on the irony of "sending missionaries abroad...while savages live in crowds under our noses, whom we treat on Popish principles, and convert by hanging or transporting", observing that "charity begins at home". The letter-writer's concludes by suggesting that the government "make the idle labour" and thus ensure that "roguery and idleness [are] nipt in the bud".¹⁵³

Increasingly, criminality is explained as a product of a particular environment rather than an individual failure of will; as one 1746 Account laments,

Alas! as many train up their dear babies from the cradle in swearing, lying, thieving, and all other immoralities, it is no wonder they should come to a shameful and miserable end. Such parents are nurses for hell, and tutors for the Devil; they not only damn their own souls, but those of their children. It is to be hoped, that the noble design of our Orphanhouse will meet with due encouragement, which will in time rescue many souls from hell and damnation; and if ministers of parishes, church-wards, overseers of the poor and other religious gentlemen would look into poor, wicked families, and take these unfortunate children into workhouses and other proper places, where they might be blessed with a Christian education, there would be less business for executioners everywhere.¹⁵⁴

¹⁵²OA (M. Cooper, 26 July 1745), 36.

¹⁵³Ibid., 36-7.

¹⁵⁴OA (M. Cooper 20 June 1746), 37-8.
Nor is the new *Account* above addressing "lower sort of people" directly in the form of instructive or inspirational stories of poor people bettering themselves through clean living and honest industry. One 1746 *Account* cites the classic story of Dick Whittington, "a poor boy" who "being inclined to mend his fortune honestly, applied himself to labor and industry". Although "too young at first to have any experience in traffic" and without "the happiness of either friend or relation to direct him" he made "Nature" his "guide": "he saw people were rich who minded their business, and had been by some means or other informed, that their beginnings were very small". So Dick, "by his industry" saved a penny, bought a cat, whom

he carried about from house to house, till he found somebody who wanted one, and would give him profit; with the improvement he purchased more, and thus in a moderate course of time, by laboring at proper seasons, and applying his vacant intervals to this trade...he gradually acquired wealth.

The editor concludes the story of Whittington by reflecting, "What would a poor boy have wished more? or what may not any poor boy be, who is as honest and industrious as Whittington?".155

The new *Account* seems not to have met with much in the way of commercial success, judging from the fact that its length steadily fell off almost from the moment that Mary Cooper became publisher, and that notices calling for contributions from "humane and ingenious readers" become standard. Perhaps part of the problem may have stemmed from the fact that the editors never seemed to quite know which audience they were targeting—the "better-off" sorts whose responsibility it was to press for moral and social reform, or the "lower sorts" who were supposed to, like Whittington, profit from the lessons of honest industry the editors of the *Account* so liberally dispensed.

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155OA (M. Cooper, 4 April 1746) 3-4.
By April of 1746, the new management of the *Account* was reduced to printing rather off-colour biographies of criminals; however, in marked contrast either to the earlier *Account* or to Applebee's Appendix, such stories savoured strongly of middle-class voyeurism. The tone of the *Account* had, it seems, undergone a fundamental shift: no longer were accounts of the condemned approached with a disapproving concern (as under Smith, Lorrain and Guthrie); or marked by a sneaking sympathy (as in Applebee's Appendix); but increasingly written in a kind of condescending and incredulous tone, as though the criminals with which they treated were strange and exotic creatures, far removed from the ordinary experience of their readers. Judith Tilley, a prostitute and thief, is described as

about twenty years of age, had her education on Whitechapel mount, and in the neighbourhood purlieus, in which places she at different times employed herself in picking of cinders, whoring, drinking, and thieving, from whence it may be readily concluded that reading, writing, or praying took up the least of her time. Though she could on occasion pray very heartily in her way, and had got the usual name given to the supreme Being by heart, and used it very freely in the anatomical way of praying him to d—m peoples eyes, hearts &c. in a word, she was one of those poor unhappy wretches, who are left like the beast to perish, as if they were no part of the human specie.  

vi. *An "attempt to describe low life in affliction": The Decline of the Account*  

After Guthrie retired in June of 1746—"his Great Age and other infirmities" having "rendred" him "incapable of performing the Duty" of his office—Samuel Rossell succeeded to the position of Ordinary.  

Under Rossell, the *Account* reverted to a more simple format and low-key tone. Rossell's commitment to reporting the "truth" held out considerably less promise of entertainment or titillation than had comparable assurances on the part of Applebee:

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156OA (M. Cooper, 4 April 1746), 9.

It has been too often the custom of writers, to foist on the publick stories which may appear diverting or surprizing, in order to amuse or entertain their readers, without any regard either to truth or justice, which I here declare once for all shall never be my method; and tho' some of the following relations may appear dry and insipid, yet they will appear true, and as they were actually taken from the mouths of the persons themselves, who (as dying men) could have no interest in declaring falshoods [sic]; I shall give them as near as possible in the manner they were related, and in the order of time they were committed.\(^{158}\)

Rossell seems to be reacting not only against the excesses of Applebee or the Account published by Mary Cooper, but even the format favoured by earlier Ordinaries such as Lorrain or Guthrie. "For the future" the Account "will not be swell'd with any heads of sermons, nor shall family affairs ever be divulg'd", but rather "the publick may therefore depend upon having a...concise, and ingenuous narrative" of the criminals "almost in their own words; with such discoveries may be of service to particular persons, or of general use to mankind".\(^{159}\)

The new agenda of the Account seems to be self-consciously secular, even (for want of a better word) sociological: as Rossell puts it, his biographies of the criminals are an "attempt to describe low-life in affliction".\(^{160}\) Increasingly, criminals are described as coming from "mean but honest" or "poor tho' well disposed" families—a subtle but distinct shift from the "poor and industrious" or "honest and poor" parents of earlier Accounts.\(^{161}\)

And it would seem that this generally classist attitude on the part of the Ordinary may have in fact hindered him in obtaining anything approaching full and ingenuous confessions from the condemned. At any rate, from the late 1740s, the Account increasingly relies on general

\(^{158}\)OA (T. Parker and C. Corbett, 1 August 1746), 50-1.

\(^{159}\)Ibid., 44.

\(^{160}\)Ibid.

\(^{161}\)Ibid., 48.
observations about prisoners' behaviour, and information gathered from trial testimony, indictments or even hearsay.

John Taylor, Rosell's successor, appears to have been rather uncomfortable about the moral utility of prisoners' confessions in general; at any rate, his justification for publishing the accounts of criminals rings a little hollow: "not only 'tis customary, but...the Public is partly concerned for the good or evil Tendency of every private Man's Actions, and to provide that Rewards and punishments be proportioned to Actions". And it is not entirely clear whether it is by way of advertisement or apology that Taylor feels compelled to assure readers that, as far as the "unhappy Prisoners" are concerned,

whatever they shall think fit to acquaint me with in Respect to their Life and Conversation, shall faithfully and ingenuously be dealt forth in almost their own Words, as Occasion offers; sometimes indeed begging Allowance for a better dress, than the Ideas and Thoughts of some of them, who may be altogether illiterate and ignorant, can be supposed by them to be expressed when delivered to me.

Yet Taylor seems to have met with considerable resistance in gathering accounts; in this particular sessions, John Pagon "chose not to own his Birth, Parentage, or Education by any Means, and Persisted in a Resolution not to do it, as he told me, say what I would to him", while Mary Allen, 26,

appeared [to be] of a surly obstinate Disposition, and was resolved to give no Account of herself, she said, because she would have no Speeches made about her when she was dead. She said also it was Grief enough to her Parents that she suffered such an ignominious Death, and she did not choose to say any thing to be repeated after her Death to add to their Afflictions for her unhappy End.\footnote{AO (T. Parker and C. Corbett, 17 June 1747), 4; 6; 10.}

It would seem that by the middle of the eighteenth century, the social and psychological gap between the Ordinary and the condemned was rapidly widening. While the
persistent and aggressive fire and brimstone approach of Paul Lorrain and James Guthrie may not have always been either particularly welcome or effective, earlier Ordinaries seemed to have been—or at least, strove to give the impression of being—more concerned with saving the soul than respecting the dignity of the person. In contrast, later Ordinaries (Taylor in particular) seemed to distinguish between malefactors with claims to gentility (gentlemen forgers seem to have commanded particular sympathy) and those who were (in both senses of the word) common criminals.

And, in keeping with shifting views of criminal causation which focused increasingly on class, criminal were almost by definition common. John Taylor, in one of his more magnanimous moments, characterised the condemned under his spiritual guardianship in the following terms: "Their Behaviour has been...in general tolerable well, considering what Wretches they were". And it would seem that the later Ordinaries were often almost as shocked at the behaviour of the "Wretches" outside of the prison gates. In 1767, Joseph Moore describes the procession of the notorious murderess, Elizabeth Brownrigg, to Tyburn:

In my way there, my ears were dinned with the horrid imprecations of the people: One said to me, He hoped I should pray for her damnation, and not for her salvation! Others exclaimed, That they hoped she would go to hell, and was sure the devil would fetch her soul. This unchristian behaviour greatly shocked me, and I could not help exclaiming, Are these the people called christians? This the reformed nation we so much boast of? I fear charity, which is the very basis of christianity, is banished from the greatest part of our land.

Indeed, the Ordinaries seem to have been growing increasingly squeamish about the procession to Tyburn itself. In the 1750s, Taylor regularly closes the final section of the Account, entitled "At the Place of Execution" with some sort of remark concerning the

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163 OA (T. Parker and C. Corbett, 29 July 1751), 97
164 OA (M. Lewis and Son, 14 September 1767), 16.
behaviour of the crowd, and often evincing a relief that is almost palpable:

The whole Procession from Newgate to Tyburn was with the utmost Decency and Order; nor was there the least Commotion during the whole Ceremony of the Execution, proper Care being taken, and sufficient Assistance provided to keep the Populace in Awe, and to guard against, or put a Stop to any disturbance that might possibly arise.\textsuperscript{165}

In fact, "All was done with such Decency, as the Nature of the Thing admits", becomes something of a standard sign-off for Taylor.\textsuperscript{166}

The Ordinary's growing preoccupation with decorum and dread of "disturbances" seemed to reflect a growing discomfort not only with the class of people with whom he was obliged to mix, but the \textit{Account} in general. Writing in 1757, Stephen Roe sounds almost apologetic:

The readers of taste, who may deign to look into this account, it is hoped, will not be offended at its plain narrative stile, as being given in the words of the person treated of, as near as may be, and the description of their behaviour taken from the life, in order to give a natural and striking picture.\textsuperscript{167}

In any case the later \textit{Accounts} seem intent less on reaching "Readers of taste" than the members of the social class from which criminals are supposed to be drawn: in one 1757 \textit{Account}, Stephen Roe exhorts his readers to learn "honesty and industry, and to be content with their wages", while one very late Ordinary's \textit{Account} is prefaced with the following announcement "To the Public":

The design of the present publication is to convince the world by what gradual steps the unhappy sufferers, who gave occasion to it, were brought to their unfortunate end.
It is humbly hoped, that all of the lower class, who may happen to read it, will profit by the intention of it; and SERVANTS in particular will here see the

\textsuperscript{165}OA (T. Parker and C. Corbett, 8 August 1750), 80.
\textsuperscript{166}OA (T. Parker and C. Corbett, 6 August 1753), 97.
\textsuperscript{167}OA (T. Parker and R. Griffiths, 5 October 1757), ii.
fatal effects of dishonest craft, of ill company, an extravagant mode of living, with a contempt of the principles and practice of religion".  

Over the course of the 1760s, the Account seems to have been published less and less regularly, and often issued long after the criminals with which it deals have been executed. Occasionally, two sessions are merged into one Account. By the late 1760s, the Ordinary's Account seems to have ceased to be published in regular serial form, being revived only sporadically and apparently only when a particularly interesting criminal was to be hanged. The Ordinary of Newgate in the 1770s, John Villette, occasionally put his name to "accounts" of such famous characters as the Perreaus or Dr. Dodd (although, significantly, Villette does not borrow the traditional title of the Account). On the rare occasions "common" criminals make their appearance in such accounts, it seems only to have been through the accident of their having been hanged at the same time as offenders of a more eminent or genteel stamp than themselves.

In one 1774 account, Villette's treatment of William Hawke, a particularly dashing highwayman, contrasts starkly with that of his companion at the place of execution, a thief by the name of William Jones, and whose villainies and origins were as common as his name. Villette cheerfully records Hawke's various gallant actions (giving money to the poor, being chivalrous to ladies, returning money he had "borrowed" from victims as promised); all of which suggested that he was not "totally divested of Humanity and Tender Feelings for the Distressed" (although Villette is careful to add that "We do not mention them to excuse but to extenuate the Guilt of the Culprit"). On the other hand, Jones, who was to be hanged for stealing from his master, is accorded little attention and less sympathy. Although he had been recommended to mercy by the jury, Villette informs the reader that all attempts to

\[10^{6}\text{Ibid., 41; OA (M. Lewis, 27 May 1772), 2.}\]
procure a pardon

proved ineffectual, and Applications for such Malefactors, we fear, ever will. His Majesty, though a gracious and merciful prince...is not disposed to forgive those who abuse the Trust and Confidence reposed in them by their respective Masters. This, we hope, will be Warning to Servants to be honest and faithful in their different Stations.169

Clearly, interest in the confessions and last dying words of ordinary criminals had all but died out by the last quarter of the century; nor indeed, is it difficult to fathom why readers might prefer not to dwell overly long on the life and death of a servant hanged for a crime against property. And, as for the "lives" of more glamorous and more genteel criminals, the newspapers and the occasional pamphlet easily filled the void left by the Ordinary's Account.

Yet it is by no means clear whether the Ordinary's Account died out because its audience disappeared, or because the Ordinaries themselves were increasingly reluctant either to solicit the last confessions of criminals or to be associated with their publication. The Ordinary's Account after the middle of the century seems clearly to have been geared less towards selling copies than towards reforming the morals of the class of people from whom criminals were increasingly assumed to have been drawn. And whether this fundamental shift in the tone and apparent purpose of the Account can be attributed to changing public tastes, official pressure, or from the Ordinary's increasing discomfort with a role which could no longer be satisfactorily reconciled with his own self-image and social position, is a question to which I will return in my concluding chapter.

It should be clear by now that it is difficult to make generalisations about either the purpose or the tone of the Ordinary's Account. Indeed, studies which have attempted to do

so have focused on the *Account* during the one period in which it was relatively static—i.e., from roughly 1690 to 1735. In this period in particular—as I have argued in the first part of this chapter—the tone of the *Account* was to a large extent determined by the Ordinary's desire to defend his professional reputation and his social utility in general. But while the earlier Ordinaries seem to have been able to reconcile their image of themselves as clergymen with their active participation in promoting and publishing the *Account*, it seems that this tension became more and more difficult to resolve as the eighteenth century progressed. If anything, in fact, later Ordinaries may have felt their reputations were best protected by a gradual and dignified withdrawal from this active and aggressive role.

Much, of course, may have depended on the personality of Ordinary in question: Lorrain seems to have been both willing and able to run the *Account* as a kind of one-man show, while Guthrie was willing (if only to a point) to hand over the production end of the publication to others—while later Ordinaries such as John Taylor seemed to have lacked the stomach for producing the *Account* at all. Yet changes in the *Account* seem to have been to some degree indicative of, and contingent on, larger cultural and intellectual shifts at work over the course of the eighteenth century.

Nor can the changes in the *Account* be explained solely, or even primarily, in reference to the interests of profit, or the dictates of supply and demand. Clearly, Applebee's Appendix was a commercial success; however, it was at least in part his efforts to commercialise the *Account* that resulted in his being fired by Guthrie. The brief attempt under Mary Cooper to market the *Account* as both a socially responsible and entertaining publication seems to have failed abysmally; however, rather than return to the more sensationalist format and tone of the *Account* under Applebee, later Ordinaries preferred to
produce a more sober and dignified publication better in keeping with their social position.

And ultimately, it would seem, it was seen as being in the prison chaplain's best interests not to publish the *Account* at all.

Yet this is not the last we shall see of the Ordinary of Newgate. In 1776, John Villette would publish *The Annals of Newgate; or, the Malefactors Register*—a collection of "lives" drawing heavily from the *Accounts* printed earlier in the century. Clearly, by focusing on the lives of criminals already safely relegated to a bygone era, the public's taste for the exotic could be indulged without endangering the Ordinary's sense of himself as a sober and respectable clergyman. With their lives repackaged, refurbished and comfortably removed from those of their readers, Lorrain and Guthrie's "rogues" and "Wretches" were to gain yet another reprieve from the proverbial dustbin of history. But how such accounts changed, and why, are the questions to which I will return in my concluding chapter.
V. The Legal Tradition: The Old Bailey Sessions Papers and the *Select Trials*

Good Sense or bad are wrote with equal speed,
No need of Grammar Rules to write or read;
Let wise or foolish with their Words abound,
The faithful Pen shall copy every sound;
Ages unborn shall rise, shall read, and say,
Thus! thus! our Fathers did their Minds convey.

—Thomas Gurney, *Brachygraphy, or Short-Writing* (1750)

Truth! stark naked truth, is the word, and I will not so much as take the pains to bestow the strip of a gauze-wrapper on it, but paint situations such as they actually rose to me in nature, careless of violating those laws of decency, that were never made for such unreserved intimacies as ours; and you have too much sense, too much knowledge of the originals themselves, to sniff prudishly and out of character at the pictures of them...

—Fanny Hill, *or Memoirs of a Woman of Pleasure* (1749)

Truth is stranger than fiction.

—*The Modern Newgate Calendar* (1868)

Readers of the 1735 pamphlet, *A Full and Genuine Account of the murder of Mrs. Robinson by Elton Lewis*, would have found little that was new (and nothing that was surprising) in the anonymous author's insistence that he was uniquely qualified to report on the case, having been an "Ear-Witness of the Examination of this harden'd murderer" and thus able to "carry away in Short-Hand the Substance of what pass'd before Mr. Robe the Justice"; nor, that it was only after being "persuaded by a Friend" that he had decided (in contrast to "your Recorders of Most horrid, &c. Murders"), to "give a very plain but a very true Account from the Heads" he had taken.¹ Certainly, it would be difficult to distinguish either this author's blend of defensiveness and tacit self-promotion or his claims to the sole possession of "A Full and Genuine Account" from the time-honoured tactics of Grubstreet marketing discussed in Chapter II; nor, for that matter, was the use of shorthand itself particularly new.

While there is no need to cite—as did one contemporary historian of "Swift Writing"—

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¹A Full and Genuine Account of the Murder of Mrs. Robinson by Elton Lewis...(A. Dodd et al., 1735), 3-4.
precedents dating from imperial Rome (where, according to Ammianus Marcellinus, even women and servant maids practised the art) clearly shorthand had been in use in England from at least the Elizabethan period.² Peter Bales' 1590 treatise, *The Writing Schoolemaster*, included a section "teaching Swift Writing", and was sold, moreover, "at the Authors house in the upper ende of the Old Bayly, where he teaches the said Arts".³ While shorthand had an obvious appeal for people who, like Samuel Pepys, wished to "conceal what they would not have lie open to every Eye", it was particularly "useful" to "persons...in great Business, such as Members of Parliament, Ministers of State, Gentlemen of the Clergy [and] Law".⁴ And, as the location of Bales' office would suggest, shorthand was a skill assiduously cultivated by members of the legal profession; certainly, in the fifth edition of William Mason's popular shorthand manual, *La Plume Volante*, the author saw fit to add a section devoted to "the terms of the law".⁵

It is important to stress, however, that while different systems of shorthand may have long been employed by various professionals and private citizens, it was only in the second and third decades of the eighteenth century that verbatim accounts of trials (or more rarely, as in the case cited above, examinations of criminals) began to be taken down by legal clerks and other practitioners of the "Art" with an eye to later marketing them to a general audience. The sale of printed material dealing with current events and criminal news in

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²Philip Gibbs, *An Historical Account of Compendious and Swift Writing* (James Bettenham, 1736), [?]; see also John Westby-Gibson, *The Bibliography of Shorthand* (London, 1887). The reference from Marcellinus is supposed to have come from his eighth book, which is no longer extant.

³Printed by Thomas Orwin.

⁴James Weston, *Stenography Compleated, Or the Art of Short-Hand brought to Perfection*...(printed for the author, 1727), [iv].

⁵*La Plume Volante. Or, the Art of Short-Hand improv'd*... (Joseph Marshal et al., 1725 [?]).
general, and courtroom procedure and reporting in particular, was clearly something of a growth industry in the second third of the eighteenth century. A reading public which was, thanks to the more regular and accurate reporting provided by the growing number of daily and weekly newspapers, both increasingly sophisticated and discriminating in its tastes, was clearly tiring of the rogue literature and highwaymen "lives" which, as I have discussed in Chapter III, had "diverted the Populace" not so very long before.

Indeed, by the 1730s, it seems almost de rigueur for editors of collections of criminal trials and "lives" to reassure their readers that they had "carefully avoided the fictitious, extravagant and improbable Stories" with which rivals' accounts were "stuffed", strictly eschewing "any Additions of feigned and romantick Adventures, calculated merely to entertain the Curiosity of the Reader". The compilers of trial literature in particular routinely claimed to have been "at no small Pains in examining into Facts"; that—in marked contrast to authors like Captain Charles Johnson—their accounts were neither "fictitious" nor "feigned", but drawn from genuine records and other "incontestable Papers and Evidences".

And while (as we shall see) editors of trial accounts seemed to have few qualms pilfering information, and even entire sections, from the Ordinary's Account, considerable effort was made to distinguish their own recital of "facts" from the confessions the Ordinary or other officiating clergymen gleaned from the condemned criminals consigned to their care. While few writers were quite as vitriolic as the author of a pamphlet on the trial of Thomas Carr, who characterised the Ordinary's Account as an "incoherent Magazine of Trash and Scandal",

6Select Trials (1742), 2:277; from advertisement for the first volume of Lives of the Most Remarkable Criminals, in OA (John Applebee, 9 October, 1732), Part II, 19.

7Select Trials (1742), 2:277; The Authentick Tryals of John Swan, and Elizabeth Jeffryes...To which are added, the Particulars relating to those horrid Murders; the Behaviour and Dying Speeches of the Criminals; and whatever else is to be relied on as a true History of those memorable Offenders (R. Walker, 1752), iii.
most seemed quite willing to dismiss the Newgate chaplain's reports as based "upon Hear-say only".\textsuperscript{8}

While it was nothing if not standard Grub Street practice to insist on exclusive possession of the "Genuine and Authentick" account (while at the same time repudiating similar claims on the part of rivals), the attraction of "trials at large"—that is to say, verbatim accounts of trials—to a reading public which increasingly craved more detailed, current and factual reporting of news seem fairly self-evident. Not only were accounts derived from shorthand records acknowledged to be more complete and more accurate—not to mention more objective—than those based on hearsay, or documents supposedly written or dictated by condemned criminals but published only after they had been executed, but contemporaries seemed to place considerable emphasis on the reliability of narratives which followed a strict chronological sequence without periodic editorial interruptions or sermonising. As mentioned in the previous chapter, on at least one occasion the editor of the Ordinary's Account assured his audience that what they were about to read constituted "a genuine Relation of Facts only"—a claim which rested on his contention that the "Evidence, from whose mouth it was taken...never varied...throughout the whole Narrative [sic]", which was "related" with not only "such an air of Veracity!" and "with such Perspicuity!", but "in such Chronological Order, that Fiction could never support".\textsuperscript{9}

\textsuperscript{8}Some Observations on the Trial of Mr. Thomas Carr... (Eben. Dobson, 1737), 1-2; 8.

\textsuperscript{9}OA (J. Applebee, 5 October 1744), 7. The rather more staid Samuel Rossell makes a similar claim, distinguishing himself from "writers" who "foist on the publick stories which may appear diverting or surprizing, in order to amuse or entertain their readers, without any regard either to truth or justice". This, Rossell "declare[s] once for all shall never be my method; and tho' some of the following relations may appear dry and insipid, yet they will appear true, and as they were actually taken from the mouths of the persons themselves, who (as dying men) could have no interest in declaring falshoods [sic]; I shall give them as near as possible in the manner they were related, and in the order of time they were committed" (OA [T. Parker and C. Corbett, 1 August 1746], 50-1).
And, as I have discussed at some length in Chapter II, this much-vaunted commitment to providing "a genuine Relation of Facts only", could both act as a kind of moral insulation (after all, no one could be faulted for reporting the truth, "however monstrous [it] may appear"), while giving the chronicler effective carte blanche to regale the public with the more salacious details of criminals' past lives and misdeeds.\textsuperscript{10} It could be argued, moreover, that such trial accounts benefitted not merely from the fact that the "quasi-official" nature of their sources aided in establishing their claims of authenticity, but perhaps especially from the patina of respectability—or at least officiality—which was conferred to such literature merely by virtue of its legal content and form.

John Langbein has characterised the Old Bailey Sessions Paper—the regular report of the trial proceedings at the Old Bailey courthouse in London, and the principal source for eighteenth-century collections of Select Trials—as an "early species of periodical journalism, purveying a diet of true-life crime for the interest and amusement of a nonlawyer readership". Langbein sees both the sensationalist tone of the Sessions Paper and its "bleaching out of legal detail" as evidence of its being geared to a non-specialist audience.\textsuperscript{11} But while this is undoubtably true (and as much of the Select Trials as the Sessions Paper), it is interesting that

\textsuperscript{10}OA (J. Applebee, 5 October 1744), 7. The careful insistence of pamphleteers that their accounts derive faithfully from those given to them by the condemned seems in itself to have been a device which insulated them from charges that the contents, or implications of their publications were questionable on moral grounds. For instance, the editor of the controversial pamphlet, The Affecting Case of the Unfortunate Thomas Daniels...drawn up and authenticated by the said Daniels himself; and faithfully prepared for the Press, by an Impartial Hand, (E. Cabe, 1761), which argues for the innocence of the condemned, seems careful to stress that the opinions voiced are not his own: "The following particulars concerning this unfortunate couple, were penned by Thomas Daniels himself, since his enlargement; and are faithfully exhibited with no other alterations than what were absolutely necessary, with regard to spelling, style, and disposition, to render the narrative in some measure clear and fit for perusal. This dressing was not intended to give any undue colouring to facts, but simply to supply the deficiencies of the writer; whose laborious situation in life has denied him those literary advantages indispensable to the writing his story with tolerable propriety"(5).

the editors of such legal-criminal literature were careful to make at least the nominal claim that such material could serve as a reference guide for members of the legal profession. In an advertisement for a 1742 edition of the *Select Trials*, the reader is assured that "these Trials" were not only "useful and entertaining to the generality of Readers, containing more in Quantity as well as Cheaper than any Thing of this Kind yet published", but they were "necessary for all Lawyers, Justices of the Peace, Clerks of Indictments, and other persons concerned in Prosecutions, &c." And the editors of a 1765 collection of trials which promises anyone who "takes Delight in seeing the various Passions and weaknesses of human Nature, properly displayed...an Opportunity of gratifying his Curiosity", are careful to add that, "the Reader" may also "find several curious Points in Law debated, and resolved".

This claim not only to veracity, but to some semblance of utility, could act as a kind of moral justification (however flimsy it may have seemed) for both the production and consumption of such literature. Certainly, as we shall see, even the raciest trial accounts survive and flourish well into the late eighteenth century—and long after other forms of criminal literature, such as the Ordinary's *Account* and highwayman "lives", had either died out or been systematically purged of any off-colour or sexually explicit material.

There is little doubt that the appeal of this genre of trial literature in general rested in large part upon its unblushing inclusion of the most minute and lurid details of crimes—ranging from bigamy, "stealing from the person" (confined mainly to cases in which a prostitute had picked a client's pocket), rape and sodomy to murder. As I have mentioned in

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12This and similar advertisements ran frequently in the Ordinary's *Account* (which shared the same publisher as the 1742 *Select Trials*). See, for instance, *The Ordinary of Newgate, His Account of the Behaviour, Confession, and Dying Words of Thomas Pinks, who was Executed at Tyburn, on Friday the 7th of May, 1742...*(J. Applebee, 1742), 19.

13*Remarkable Trials* (1765), 1:vii; viii.
Chapter II, one of the central advantages of such literature (in contrast to the "Last Dying Speeches and Confessions", for instance) was its capacity to draw on cases which ended in acquittal (as did many, if not most charges of a sexual nature) or which were non-capital (e.g., attempted rape or sodomy, or theft from the person valued at less than one shilling).\(^4\)

Many collections of *State Trials*, which also flourished during this period (although, as they dealt mainly with cases of treason, they fall outside the scope of my study; however, for a select list of titles of collections of treason trials, see bibliography), seem to have attempted to cash in on this public appetite for the sensational and the sordid, as the long title of the following publication implies:

*The History of the most Remarkable Tryals in Great Britain and Ireland, in Capital Cases; viz. Heresy, Treason, Felony, Incest, Poisoning, Adultery, Rapes, Sodomy, Witchcraft, Pyracy, Murder, Robbery &c... Faithfully extracted from Records, and other Authentick Authorities, as well Manuscript as Printed.*

Despite its billing, however, what follows is a fairly conventional collection of "state Trials" (i.e., those dealing with particularly eminent offenders such as Mary Queen of Scots, Sir Thomas More, and the Earl of Strafford, and confined almost exclusively to cases of treason). The editor, evidently feeling obliged to account for this "bait-and-switch" tactic, acknowledges that while, "It must be readily owned, that here are some Capital Crimes mention'd in the Title Page, of which there are no Examples given in this Volume", that "None indeed could yet be met with after the most diligent Inquisition that could be made,

\(^4\)In light of the graphic nature of such trials, a recent historian has characterised "separately published trial reports or collections of trial reports" as an early form of pornography, which enjoyed "a relative independence" in comparison to "quasi-official" sources such as the OBSP (Peter Wagner, "The Pornographer in the Courtroom: Trial Reports about Cases of Sexual Crimes and Delinquencies as a Genre of Eighteenth-Century Erotica", from Paul-Gabriel Boucé, ed., *Sexuality in Eighteenth-Century Britain* [Manchester, 1982], 122). While I would not dispute this claim, I hope to demonstrate that, at least until the middle of the eighteenth century, the editors of the OBSP made little attempt to gloss over or omit the most explicit or lurid of testimony.
within the Compass of Years to which the same has been brought down".15 And, in an
"Apology" prefixed to the second volume, the editor assures the reader that "no Researches
have been wanting to make the same now good [i.e. supply the trials promised in the title] in
every Particular", and that "there are several very Remarkable Trials under some of those
Heads still behind, for want of Room" but which would be included in the "Third
Volume...intended shortly to be publish'd". And while, as far as can be determined, the
promised third volume never went to press, it is significant that the editor felt compelled to
hold out the prospect of supplying all of the "very Remarkable Trials" which had been
advertised in the title and which had been up to that point remarkable only by their absence;
i.e., those dealing with adultery, incest, rape and sodomy.16

Clearly, those who marketed eighteenth-century accounts and collections of trials
realised "that these little Histories [could] afford the curious Peruser, not only Instruction, but
an agreeable Amusement"; and that "these Pieces" moreover, had "one Advantage, which
even Plays and Romances cannot boast of, that is, Truth and Reality for their
Foundation".17 And how, for the better part of the eighteenth century, the enterprising "son
of Grubstreet"—in collaboration with the shorthand writer—pressed to the utmost this
"Advantage" will form the subject of the present chapter.

15Printed by J. Pemberton, 1725, 1:[vi-vii], n.p. This is a reissue of the 1715 edition, printed for A. Bell.

16The editor expresses his hope that the publication of this third volume will "not be thought a Burden by
those who have been pleased to encourage so useful a Design" [frontispiece]. Collections of "State Trials"
tended to be subsidized by a number of subscribers—most of whom were clearly well-to-do gentlemen, and
many who were titled—and whose names were often prominently displayed at the beginning of the work. This
may explain in part why "State Trials" were generally less racy that were the "Select Trials" (there were
exceptions—notably the case of Mervin Lord Audley), although the explanation is probably more simple: i.e. the
fact that "State Trials" focused exclusively on the offences of "the Best and Bravest of Mankind".

17Remarkable Trials (1765), 1:[ii] n.p.
ii. The Old Bailey Sessions Paper

No discussion of the eighteenth-century trial literature would be complete without reference to the Sessions Paper, which formed the principal source for most collections of trials. Apart from the occasional broadsheet and pamphlet dealing with the events at the Old Bailey or the crimes tried there, it is only in the early 1670s that reports of the sessions begin to appear with any regularity. As with the accounts of the "Last Dying Speeches and Confessions" of the criminals executed at Tyburn during the same period, several competing publications claimed to offer, variously, the "full and true Relation", the "True Narrative" or the "exact and true Account of all Proceedings at the late Sessions".

But, following rulings from the City of London in 1679 and finally in 1684, the publication of unauthorized reports was forbidden (even though competing accounts would continue to crop up until the turn of the century), and the Sessions Paper assumed a standard title, i.e., 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 County of Middlesex, at


19 Although, as we shall see, by the 1760s, when the OBSP had been mined to the point of exhaustion, compilations based on trials at the assizes began also to appear.

20 Among the earliest of such accounts was the eight-page pamphlet, News From Newgate..., printed for R. Vaughan in the early 1670s. Beginning in 1675, another pamphlet appears; i.e., News from the Sessions-house in the Old Bayly..., printed by David Mallet. By the early 1680s other accounts were published under the title of The True Narrative of the Proceedings at The Sessions-House in the Old-Bayly...(also printed by David Mallet), The Tryal and Condemnation of Several notorious Malefactors, at...the Sessions House in the Old Baily (printed for T. Davies, and later for Langley Curtiss), and An exact and true account of the proceedings of the Sessions, begun at the Old-Bayly, and The True proceedings of the Sessions, begun at the Old Bayly (both printed by George Croom). It is worth noting that these very early accounts of the trials held at the Old Bailey were often selective; one 1680 pamphlet opens by informing the reader that, since "it would be both too tedious, and to little purpose to publish every particular Tryal...we shall only speak of the most considerable" (The True Narrative of the Proceedings [12 April 1680]). However, by the mid-1680s, most trials seem to have been reported, however briefly, in the published accounts of the Old Bailey sessions.
Justice-Hall, in the Old-Baily...(henceforth OBSP). With the official-sounding title came also an at least "quasi-official" status: while various printers and trade publishers would produce the OBSP over the course of the following century, each had to individually petition the Lord Mayor for permission to do so; moreover, this was a privilege which entailed a fee, presumably negotiated at the beginning of each Mayoralty. Just how much editorial control was in the hands of the publisher and how much under the jurisdiction of the City is not entirely clear, and appears moreover to have been somewhat contested—especially as the eighteenth century progressed.

Nominally, editorial control rested with the Mayor, or rather the Corporation of London: in the January 1678/9 meeting of the Court of Common Council, when the question arose of in whom it was

vested the Authority to direct a Public Relation of what passes and is Transacted at any time at the Sessions held within this City[,] after a long debate it was agreed and Resolved by this Court that nothing there [at the Old Bailey] Transacted ought to be Printed and published without the Assent of the Lord Mayor and other Justices there present or the Majority of them. And that what shall be by them so agreed to be printed is to be at the Direction and disposall of the Lord Mayor.22

And as we shall see, the City's desire to provide, at an affordable price, a suitable "Public Relation" of the proceedings at the Old Bailey, was—especially after 1730, when the OBSP grew longer and more detailed—to conflict with the interests of publishers who, naturally enough, sought to maximize the marketability of a publication whose commercial potential was becoming increasingly apparent.

While the earliest accounts of the Sessions generally took the form of short pamphlets,

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22CLRO, Rep. 84, f. 46.
by the early 1680s the regular format was one of a folio broadside (i.e., a single sheet folded to make up four pages). Until roughly 1712 the Sessions Papers contained only brief summaries of trials, but after around this date—when the OBSP begins to be published as a six- to eight-page pamphlet (presumably to evade the Stamp Tax on single sheets)—more and more details of the testimony of prosecutors, witnesses and defendants involved in particularly interesting or titillating cases begin to be printed. Especially as the 1720s progressed, there was a tendency to supply verbatim reports of testimony by witnesses which was considered to be either pertinent, or—and perhaps more to the point—which had the advantage of containing particularly salacious passages. While cases of petty larceny are typically accorded little space, great pains seem to have been taken to provide minute coverage of the most lurid details of "stealing from the person" offenses, for example. Nor is there any indication even after 1725—when the printer and shorthand writer of the Sessions Paper received a stern reprimand from the City for "the lewd and indecent manner" in which they had recorded an Irish prosecutor's testimony (a case discussed at some length in Chapter II)—that the editors of the Sessions Paper had any intention of mending their ways. In a July 1726 trial, a watchman who had witnessed the prosecutor with a prostitute shortly before she was alleged to have picked his pocket, offers these choice (and patently unabridged) observations:

Whether he wanted a Whore, or she a Rogue, is neither here nor there, but

23The earliest accounts were generally from six to eight pages long; by the early 1680s the format changed to that of a large folio sheet (i.e., folded to contain four pages). Early in the eighteenth century the OBSP reverted to a pamphlet of around six to eight pages, and did not increase substantially in length until late 1729 (the October 1729 OBSP is eight pages long; in December 1729, twenty-four). Until the later 1720s, the Sessions Paper sold for two to three pence; throughout the 1720s the price varied from three to six pence; after 1730, the price stabilised at six pence.

24OBSP (7-10 April 1725). See also Michael Harris' discussion of this incident in "Trials and Criminal Biographies", 10.
they presently laid fast hold of one another and grew woundy loving. I found my Master [the prosecutor] was in Danger, and did all that I could to get him away. *Hussy*, says I, *You saucy Brimstone Toad you, what Business have ye with my Master, let him go, or I'll call my Brother Watchman, and have ye to the Round-House directly.* And, *Ah Master! says I, my dear Master, come away from that Hang-in-Chains Bitch*—Yes I did call her Bitch, that I did, my Lord, and I can't deny it.—*She'll certainly pick your Pocket, says I, or serve you a worse Trick*—*Come, come don't expose yourself*, but all signify'd nothing, he swore she was a Girl for his Fancy, and he would go with her, and so they went together, but it had been better for him if he had taken his poor Watchman's Advice.

The remainder of the trial is positively terse by comparison:

The Prisoner in her Defence, deny'd that she had ever seen the Prosecutor before he apprehended her, and then call'd several Witnesses, who depos'd that the Morning the Prosecutor was robb'd, he charged them with picking his Pocket, and sometimes he swore he could not tell who had done it. Guilty. 10 d. 25

And it would seem that a verbatim transcription of trial testimony could prove not only titillating, but was sometimes even necessary to recreate, to the best effect, a moment of comic relief in the courtroom (however grim such moments may have seemed to the principals themselves). As we have seen, the humour (such as it is) in the Irish prosecutor's statement that the defendant tried to sit in his lap can only be appreciated if we know that his accent supposedly rendered an "s" sound into that of an "sh". And verbatim accounts could heighten not merely the comic effect of dialect or colourful language, but could be employed to poke fun at the testimony of deponents who were particularly confused or inept.

In a July 1727 trial for theft, for instance, the prosecutor attempts to explain how he had been robbed while asleep (the reader is encouraged to think, however, that he had passed out while drunk):

I am a—a—Basket Carrier belonging to Newgate-Market, and ant please your

25OBSP (13-16 July, 1726), 4. The use of a dash indicates an interruption, generally taking the form of a question, by the Court.
Majesty, I was asleep upon a Bulk at 12 a Clock at Night ant please you my Lord, and the Prisoner came and pickt my pocket, ant please your Worship. And to prove this I have brought Dick--Dick--Dick, I forgot his t’other Name, but there he is, come hither Dick.

The witness (Richard Lyn) claimed to have heard the defendant confess to the crime while they were "at a House with a good many more". As "some of us thought [this] was not very fair, for to rob a Man when he is asleep, is as bad as for a Horse to kick a Man when he is down", Lyn decided to inform the prosecutor of what the defendant had said. And

This Deponent [Lyn] being asked how much Money the Prisoner confess he stole from the Prosecutor, said, about a Guinea, being told the Indictment mentioned but 10s and 8d he said he believed it was but Half a Guinea; being asked how much Half a Guinea was? he said 12s.

As for the prisoner himself, we are informed that he,

having about as much Sense as the Prosecutor and his Evidence, said in his Defence, that he being in a Mind for Gaming, went and pawned his Coat for Money, and meeting Dick Lyn, they fell to it, and he won Dick Lyn’s Shoes from his Feet, for which, out of Malice, he had swore this against him. The Evidence not being clear, the Jury acquitted him.

Clearly, this case was recorded in such painstaking detail because it afforded a certain amusement to onlookers; moreover, the prosecutor’s difficulty with speaking could have indicated that he was drunk—perhaps he had the hiccups, although it may also be significant that he stuttered only when asked, first, what he did for a living, and then second, for the name of the witness he was about to call. What is perhaps most interesting about the case, however (at least from the vantage point of the historian) was that the editors of the OBSP felt obliged to add the following disclaimer:

N.B. The Reason for writing this Trial directly as it was spoke, is, that others may provide themselves with proper Terms of Speech before they appear at such a Court of Judicature, and not to please the vulgar Part of the Town with Buffoonery, this not being a Paper of Entertainment.26

26OBSP (5-8 July 1727), 3. See also Harris, “Trials and Criminal Biographies”, 10-11.
Whether or not the OBSP was intended to be "a Paper of Entertainment" (and it is difficult not to be cynical on this point), it certainly could have been read as such. And, after 1730, there was considerably more of it to read: while in October 1729, the OBSP was eight pages long, the December 1729 issue had expanded to twenty-four (albeit smaller-sized) pages. The editors were careful to justify this sudden enlargement of the format of the OBSP in terms of their commitment "to make [the Sessions Paper] really worth Six Pence, beyond which it is never intended to be Rated, even when a Sessions happens to be larger than Ordinary", as well as to produce the fullest and most complete record of the sessions of the Old Bailey. After all, by having "more Room to enlarge upon Trials" the "Undertakers of the Sessions Paper" could "(with all Regard to the Court)...have each Proceeding related in the fullest and clearest Manner, both with Respect to the Crime, the evidence, and the Prisoner's Defence". But it was certainly unlikely to have escaped the "Undertakers of the Sessions Paper" that the inclusion of more detailed, verbatim trial accounts was likely to boost sales.

Indeed, as we have seen, from the early 1720s onward there had been a gradual but distinct shift to including verbatim passages of trials that were likely to have been considered interesting. Increasingly, brief third-person summaries of testimony were replaced by first-person literal transcriptions. It seems obvious that this change was facilitated by the use of shorthand writers; what is less clear, however, is the role that such clerks played in the

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27 OBSP (December, 1729). Other refinements were made to the Sessions Paper, presumably to increase its commercial viability. Yearly indexes of all the criminals tried were provided, and there seems to have been a greater effort in general after 1730 to make the OBSP accessible to its audience: legal terms were often footnoted, and references were sometimes supplied to indicate when a particular criminal had been tried earlier at the Old Bailey.
production of the OBSP.\textsuperscript{28}

By 1748, Thomas Gurney, the author of \textit{Brachygraphy, or Short-Writing} (a shorthand manual that was routinely advertised in the OBSP from the 1740s until at least the 1770s, and had entered into its seventh edition by the time of Gurney's death in 1770) was appointed official shorthand writer at the Old Bailey. There are some indications that Gurney had taken down shorthand reports of the sessions for as many as ten years before being appointed official court reporter; and, even before Gurney's nomination to this post, in the early and mid-1740s, another shorthand writer, one N. Fromanteel, advertised "Trials at Law" in the OBSP, and even billed himself as "the Former Writer of the Sessions Paper".\textsuperscript{29} While evidence for the existence of shorthand writers at the Old Bailey before the middle of the eighteenth-century is scarce indeed—a 1722 incident involving "the Writer" at the Old Bailey is, as we shall see, recorded in a later edition of the \textit{Select Trials}, but only because it impinges on an interesting aspect of the case—it seems reasonable to assume that the services of such individuals (probably several at the same time) were used from a very early date.\textsuperscript{30}

Nor is it entirely clear where the inspiration for this shift from a format of third-

\textsuperscript{28}Michael Harris has suggested that "until the 1730s the indications are that the person employed on this exacting task [i.e., that of a shorthand writer] was regarded as no more than a drudge employed by the publisher and liable to instant dismissal"("Trials and Criminal Biographies", 12; see also reference in note 39).

\textsuperscript{29}See entry in \textit{8 Dictionary of National Biography} (1937-8 ed.), 810-12 (by T. Cooper) as well as Westby-Gibson, \textit{The Bibliography of Shorthand}, 81, and also the discussion by Langbein, "Shaping the Eighteenth-Century Criminal Trial", 13-14; advertisements for N. Fromanteel's "Trials at Law" run from early 1743 in the OBSP; his claim to have been "Writer" of the Sessions—as well as the person by whom "these Proceedings were taken" can be found in OBSP 9-11 December. This issue was, significantly enough, taken down just before Gurney's appointment and during the changeover of mayoralties. Hence, it would appear that Fromanteel operated at least in a semi-official capacity as court shorthand writer until Gurney assumed this position.

\textsuperscript{30}There is even the possibility that judge's notes were also used to compile the Sessions Paper. On one occasion we are informed that, "So great a Variety of uncommon Circumstances occurring in the Course of this Trial, the Publisher is Oblig'd to suspend Publishing them, till the Assizes in the several Counties are ended, and the Judges return'd to Town, that it may be printed in a true and impartial Manner"(OBSP [25-28 February 1729/30], 17). However, as this particular trial featured the notorious libertine Colonel Charteris, it was most likely a ploy to publish the account separately.
person summaries of trial testimony to one that was largely verbatim originated (it is important to note, however, that even after 1730, many trials, notably the more prosaic ones, were recorded briefly, and passages even in the more detailed trials continued to be condensed or summarised). "Trials at large" of various notables tried for treason had long been published either separately or in various compilations of state trials, but until the late 1720s, published verbatim accounts of criminal trials at the Old Bailey were rare.\(^{31}\) The consequent outpouring of material based on trial reports can be attributed at least in part to the fact that during the 1720s public interest in and anxiety about crime (and property crime in particular) was sharply on the rise. There was a growing perception in this period that the metropolis was a hotbed not only of criminal activity, but of organised crime—a belief which appeared to receive dramatic confirmation with the trial and conviction of the notorious "Thief-Taker General" and criminal mastermind, Jonathan Wild.\(^{32}\) Nor is it at all surprising that the publishers of the OBSP would attempt to capitalize on a growing public interest in "true crime" stories—and a concomitant decline in the popularity of the rogue literature popularised by Captain Alexander Smith and others of his ilk—by expanding both the detail and the volume of the Sessions Paper.

And it could be argued that this shift to first-person verbatim reporting of all but the most perfunctory trials (i.e., those in which the defendant pleaded guilty, or was immediately acquitted due to lack of evidence or because the prosecutor failed to appear) succeeded not

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\(^{31}\) One exception is *A True Account of What past at the Old-Bailey, May the 18th, 1711. Relation to the Tryal of Richard Thornhill, Esq: Indicted for the Murder of Sir Cholmley Deering, Bart.*, 2nd ed. (John Morpew, 1711). Significantly, the accused in this particular case was a gentleman charged with killing a man in a duel.

\(^{32}\) See, for instance, *The Tryal of the memorable Jonathan Wilde, at the Sessions-House in the Old Baily, on Friday, May 14, 1725, with the depositions of the several evidences against him at large, and the arguments of the counsel...Not hitherto published...* (J. Wilford, 1730).
only in lengthening the text of the Sessions Papers, but in insulating its "Undertakers" from the charge of having chosen to focus exclusively on either sensational cases or upon colourful passages in particular trials.

But while it does not appear that the editors were again taken to task by the Court of Common Council for "the lewd and indecent manner" in which the OBSP was printed, the 1730 format change did little to elevate the moral tone of the Sessions Paper. The OBSP had run brief advertisements since the late seventeenth century (particularly for other material printed for the publisher), but after 1730 advertisements become not only more regular and elaborate (often running to several pages after the end of the Sessions Paper proper), but considerably more racy as well. Publications such as *Onania: Or, the Heinous Sin of Self-Pollution*...are plugged with monotonous regularity, while products like Dr. R. Nelson's "most sure, and long experienc'd Anti-Venereal Compound...for the true Cure of fresh Claps, (and all the lurking Relickes or Remains of old Ones)", as well as various cures for "the Itch" are routinely advertised.

What was to make for the most conflict between the City and publishers of the Sessions Paper was the practise—beginning in the early 1730s—of issuing the OBSP in two parts. As each part was priced at 6d., the cost of the complete account of the sessions at the Old Bailey literally doubled overnight. While this strategy was obviously aimed at maximising profits, the "Undertakers of the Sessions Paper" are strenuous in their insistence that a second part had been issued only because—due to "the extraordinary Number of Criminals Tried", they would have otherwise been "obliged for want of room to omit several
remarkable" not to mention "curious Trials...at large".33

Yet it would seem that the City of London took issue with such blatantly mercenary manoeuvres on the part of the publishers of the OBSP; at any rate, the December 1737 issue of the Sessions Paper ends with this notice:

The Public may be assured that (during the Mayoralty of the Right Honourable Sir John Barnard, Lord Mayor of this City for the present Year) the Sessions-Book will be constantly sold for Three-Pence, and no more; and shall contain the usual Quantity sold for Six-pence for many Years past: And also that the whole Account of every Sessions shall be carefully compriz'd in One such Three-penny Book, without any farther Burthen on the Purchasers.34

This notice would run on the title page of the OBSP for the rest of the duration of Barnard's mayoralty; and presumably, adhering to the terms of this "assurance" was a condition of the next publisher's (i.e., Thomas Cooper's) contract with the City to print the Sessions Paper for the succeeding year.35 Yet Cooper was apparently unwilling re-sign on the same terms a second year in a row; in any case, the agreement between the two parties was obviously renegotiated in the beginning of the next mayoralty, when the first part of the OBSP ends with the following notice:

The great Number of Prisoners this Sessions, occasioned the Court to sit two Days longer than in the former; of these Twenty six were indicted for Capital Offences, and many of their Cases being very remarkable these alone could not be brought into the usual compass of these Books; we have therefore been obliged to divide this into Two Parts. The Second will be published on Thursday next.36

While in the late 1730s and mid-1740s it seemed to have become common practice to

33OBSP (4-7 December 1734), 20; OBSP (11-17 July, 1735), 128. (After December 1729, the OBSP is paginated, not by the issue, but by the year. Even so, the printing of two parts effectively doubled not just the cost, but the length of the Sessions Paper).

34OBSP (7-12 December 1737), 20.

35The price of the Sessions Paper reverted to 6d., however.

36OBSP (5-10 December 1739), 20.
issue the Sessions Paper in two (and, after the mid-1740s, occasionally even three) parts, in
December of 1748, and again over a year later, the Public is once more "assured" that
the Sessions-Book will be constantly sold for Four-pence, and no more, and
that the whole Account of every Sessions shall be carefully compriz'd in One
such Four-penny Book, without any farther Burthen on the Purchasers.37

Yet, by July 1749 this promise was once more abandoned, and in September 1755 the OBSP
again extended to a third part in order oblige the public with accounts in full of "several
Remarkable trials... among which is that of Bradbury, for the detestable crime of Sodomy", as
well as "others equally interesting".38 In the early 1760s, the new Mayor made one last
heroic effort to contain the Sessions Paper to one part—an intention which, it seemed, was
reinforced by a slight change to the OBSP's title; i.e., from The Proceedings... to The Whole
Proceedings...39 Significantly however, while the OBSP was to resume a two-part format
during the next mayoralty, the new (if no longer strictly accurate) title was retained.

But even in periods when the City appeared more or less resigned to the necessity of
issuing the Sessions Paper in more than one part, publishers of the OBSP continue on a
regular basis to offer various justifications for doing so—ranging from the standard (the
"extraordinary" number of cases, for instance); to the more creative (e.g., a desire neither to
"suppress any material Evidence" or to incur the "dissatisfaction" of the "Court" by "leaving
out some Part" of the proceedings). On several occasions, the publishers even suggest that,
by dividing the Sessions into two parts, "those who want any particular Trial may not be put
to an extraordinary Expence, as heretofore they have been".40

37OBSP (7-12 December 1748); OBSP (January 17-20 1749/50).
38This notice runs at the end of Part II of the OBSP (10-16 September, 1755).
39OBSP (9-12 December, 1761); OBSP (14-16 January, 1762).
40OBSP (16-19 April 1740) Part I, 120; OBSP (3-6 September), Part I, 224.
While such justifications were doubtless intended at least in part to mollify the public—whom publishers frequently declared themselves to be "at all times...desirous of obliging", (as well as to fob off, albeit in a rather offhand fashion, potential objections on the part of the City), it seems that such excuses could also double for advertisements for upcoming issues of the Sessions Papers.\textsuperscript{41} Not only could the editors hint at the attractions of any trial so "remarkable" it could not be accommodated within the "usual compass" of the "Paper", but they frequently were "obliged" to break off in the middle of a trial, which was "for want of room" to be continued in the next installment of the Sessions Papers.\textsuperscript{42} Nor should it come as any surprise that the publishers generally chose to leave the reader at a particularly lurid point in the testimony (trials for rape were frequently divided into two parts, for instance).\textsuperscript{43}

There were periodic attempts on the part of the City not only to curb the publishers' tendency to highlight the more sensational aspects of the cases tried at the Old Bailey, but to clean up the overall appearance and tone of the Sessions Paper. From the mid-1730s on, advertisements for the ubiquitous \textit{Onania: or the Heinous Sin of Self-Pollution}—not to mention the various (and seemingly myriad) elixirs purported to cure "The Itch"—disappear and are replaced either with no advertisements at all, or those confined to other publications by the publisher or the shorthand writer. The City appears also to have periodically objected to the tendency of the publishers (beginning in the late 1740s) to drag out what invariably

\textsuperscript{41}OBSP (11-14 July 1749), Part I, 94.

\textsuperscript{42}See for instance the notice at the end of the second part of the OBSP (10-16 September, 1755); i.e., "This Session being unusually protracted, several Remarkable trials are omitted in the present publication for want of room, among which is that of Bradbury, for the detestable crime of Sodomy; this, and other equally interesting, will therefore be publish'd in a few days".

\textsuperscript{43}See for instance OBSP (11-14 July 1749), Part I, 94, which is abruptly cut off in the middle of a graphic rape of fourteen-year-old girl.
amounted to the most interesting or salacious trials over the course of two numbers: several times in the 1770s, according to Simon Devereaux, "the City sought to restrict this practice", and it would seem that similar attempts were made even earlier, judging from the fact that the practice is from time to time (if only momentarily) abandoned as early as the late 1750s.\footnote{"The Fall of the Sessions Paper".}

It is true that, as late as the 1750s, even the most sexually explicit passages of trials are still occasionally recorded in graphic detail; indeed, it could be argued that the practice of striking out all but the first and last letter of potentially offensive words tended, if anything, only to flag such trials for the benefit of the prurient reader—as is illustrated by some of the more graphic testimony of the prosecutor in the trial of Charles Bradbury (mentioned above). Little is left to the imagination as the alleged victim claims that the defendant "flung his legs about me, and kiss'd me; and first tried with his finger to enter my body, then he tried with his y—d, and did enter as far as he could, and his s—d came from him".\footnote{OBSP (10-16 September 1755), Part III, 309.}

Yet by the middle of the eighteenth-century, in trial reporting as in most other forms of written expression, the general trend was clearly to, if not actually suppress, to at least gloss over more sexually explicit testimony. In a sodomy trial in 1760, for instance, we are told that while the victim "proved the fact laid in the indictment" the latter was "too indecent a subject to be particular upon".\footnote{OBSP (27-29 February, 1760), 122.}

Yet even if the editors of the Sessions Paper were obliged to rely less on risqué or off-colour testimony to attract readers, they were careful to include any other material likely to be considered interesting, no matter how peripheral to the actual trial proceedings themselves. For instance, in May of 1760, the reader is told that, after a servant charged
with stealing three silver teaspoons from her master was found guilty, "instead of returning her master thanks for his civility, and recommending her &c. [i.e., for mercy], she curs'd him, and wished he might break his neck before he got home". And again the following April, another such incident is recounted, ostensibly as a warning to readers in general (and prosecutors in particular) to beware of thieves at the Old Bailey, but doubtless because it was also likely to have been considered amusing:

The first prosecutor, desirous to see the event of the second trial, put down his tea-kettle and saucepan [stolen by lodger, but later recovered and used as evidence] by his foot in the court; but before the second trial was finished, his kettle and saucepan were carried off. This we think proper to insert, that prosecutors may always remember, it is very common for thieves to attend to hear their fellow-thieves tried.48

And while the number of cases tried at the Old Bailey in any given sessions was clearly on the rise, it difficult to see the practice of issuing the Sessions Paper (from the 1760s) in four and (from the 1770s) even five parts as anything but an attempt to maximize profits—especially when, as was frequently the case after the late 1760s, misdemeanour cases begin to appear in what is presumably an attempt to lengthen the copy of a last part of the OBSP which is otherwise overly concise. (Such issues tend also to be produced in a larger print, while large sections of the final pages are often left blank). Significantly, misdemeanour cases disappear in 1775—when the Recorder of London briefly assumed the role of publisher of the OBSP—and resurface in the late 1770s, when Joseph Gurney (who had become the official shorthand writer upon his father's death in 1770) took over as the publisher of the Sessions Paper. And also beginning in the 1770s, while the first part of the OBSP was priced at six pence, second or third parts of the OBSP frequently sold for nine.

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47OBSP (21-23 May, 1760), 167.

48OBSP (1-4 April 1761), 160.
Periodic attempts on the part of the Mayor (or the Recorder) to confine the Sessions Paper to two parts "with a view to accommodate the Public, and to render the purchase of the Sessions paper easy to every person", were invariably abandoned shortly thereafter—reflecting not merely the increasing number of cases tried at the Old Bailey, but evidently the reality that it was no longer economically viable to publish the OBSP in anything less than four parts.49 Simon Devereaux has charted the gradual transformation of the Sessions Paper from a profitable commercial publication to a "quasi-official" (in fact as well as in theory) public record subsidised by the City of London, which "increasingly relied upon the Sessions Paper as a critical source for the basic information required in order to keep a heavily burdened system of pardon functioning", as well as a means of "reassur[ing] its audience of the fairness and impartiality with which offenders were tried and, if convicted, punished".50

Clearly pressures both from within (i.e., declining profits) and without (a growing awareness of the uses of the OBSP as an official record) contributed to this shift. While there does not seem to be any evidence indicating how much publishers paid the Mayor of London for the privilege of printing the Sessions Paper before Joseph Gurney took over in this capacity in 1778, we do know that Gurney's contract with the City involved the annual payment of a fee of £100, as well as a guarantee to provide various City officials with a total of 320 free copies of the OBSP. There is some indication that this last practice was considered customary, and had thus presumably had gone on for at least some time.51 As Devereaux has argued, these expenses, combined with mounting competition by newspapers and pamphlets—Gurney himself was to complain that "the increase of News Papers...has so

49OBSP (4-11 December 1771), 32.

50"The Fall of the Sessions Paper".

51Harris, "Trials and Criminal Biographies", 12-13; Devereaux, "Fall of the Sessions Paper".
much decreased the Sale of the Sessions Papers that I find myself a considerable and constant Loser by the publication"—set in motion such a decline in profits, that in less than twenty years, the City moved from receiving £100 per year for licensing the Sessions Paper [in 1778] to paying a printer £105 per year [in 1795] in order to ensure its prompt and regular production in a "true, fair and accurate" form.52

It is important to note, however, that while the Sessions Paper may have, from a commercial perspective, become a losing proposition by the late 1770s, there was obviously still a market for such literature. This is demonstrated not only by Gurney's lament that "the increase of News Papers" was having a dramatically adverse effect on the sale of the Sessions Paper, but by the strategies of earlier publishers of the OBSP themselves. Plainly, the Sessions Paper would not have been issued in three, four or even five parts unless experience had demonstrated that all numbers were likely to sell at a reasonable rate. It would seem that the OBSP only became truly unprofitable after 1775, when, after a ruling of the Common Council, it was decided that successive issues of the Sessions Paper would be "published by the Recorder, and authenticated with his Name". With this ruling the Mayor surrendered his exclusive licensing privilege to the City Chamber in exchange for compensation of £130 per year—presumably the yearly fee which the publisher was paying for the license. From then on, supervision of the licensing of an "official" account of trials at the Old Bailey was in the hands of the City Lands Committee under the overall supervision of the Common Council.

As "City Lands was the premier committee of City government, with oversight of the City's funds, estates and buildings", this shift "signals the beginning of a more systematic involvement on the part of city government in the Paper's publication"; or, as it were, the

52 "The Fall of the Sessions Paper".
beginning of the Sessions Paper's existence as a *de facto* official publication.\(^3\)

Evidently, this new role of the OBSP was increasingly perceived as incompatible with the time-honoured strategies of publishers to increase the sales of the Sessions Papers: e.g., extending its length, often by means of padding, to add extra parts; focusing on sensational trials while glossing over ones which were more mundane; dividing particularly notorious (or titillating) trials into two parts; and, holding out the promise of even more "remarkable" cases in upcoming numbers. If the Mayor had always evinced discomfort with such tactics, it would seem that the new management was to clamp down on them entirely: by the mid-1780s, the OBSP's transformation from a commercial to an official publication was all but complete. But whether this shift reflected or entailed any corresponding refinement in the literary tastes of the OBSP's traditional readership is another question entirely, and one which may be best addressed by turning our attention to other trial publications that were not obliged to labour under the same kind of constraints as the Sessions Paper; namely, the various collections of *Select Trials* and other kinds of trial literature that began to emerge in the second decade of the eighteenth century.

**iii. The Select Trials**

Collections of select trials had a distinct, not to mention obvious advantage over the Sessions Paper: such publications, being under no obligation to provide an exhaustive or complete coverage of all trials held at the Old Bailey (or any other court, for that matter), were free to include only cases which were famous or likely to be of particular interest. That such trials tended also to be among the most lurid of those heard at the Old Bailey was made explicit by the titles of these collections, e.g., *Select Trials for Murders, Robberies, Rapes,*

\[^3^\]OBSP (6 December 1775); Devereaux, "The Fall of the Sessions Paper".
Sodomy, Coining, Frauds, And other Offences... As Francis Place was to remark in the early nineteenth century, the editors of such publications were well aware that it was "Grossness", rather than their claims to providing moral instruction, or even to factuality, which sold copies:

in the Preface it is pretended that the publication of these volumes is to deter people from vice and crime by holding up examples[,] but from the manner in which the trials are reported, and the behaviour of the criminals is related, the book is...evidently intended [as] a stimulant to the commision of crimes, the compilers no doubt being satisfied that they were promoting their pecuniary interests by the mode they adopted.54

Most compilations of trials drew primarily on the Sessions Paper (and hence, only those cases tried at the Old Bailey), as it was both the richest and most readily available source for such material; however, some later collections went farther afield, gathering material from the assizes, for instance. It is not clear if the editors of various Select Trials had to obtain some sort of official license to publish the trial proceedings, but judging from the fact that such publications were apparently printed for the same individuals who published either the Sessions Papers or the Ordinary's Account (all of whom also tended to run the same advertisements), it would seem likely that either access to such "quasi-official" sources, or the privilege of reprinting them, or both, had to be negotiated with the City—presumably either with the Mayor (for the right to reprint material from the OBSP) or the Ordinary (to use material from his Account).55

As far as tone and even substance was concerned, there was little—at least at first


55A Compleat Collection of Remarkable Tryals (1718-20), was printed for J. Philips or Phillips, who was the publisher of the OBSP at the time; the 1734-5 Select Trials, was printed by J. Wilford, who was also the current publisher of the OBSP; the 1742 Select Trials was printed in London by John Applebee, then publisher of the Ordinary's Account; the 1764 Select Trials was printed for J. Wilkie, publisher of the OBSP; and the 1765 Remarkable Trials was printed for W. Nicholl, who had been the publisher for the OBSP several years previously.
glance—that distinguished the earliest collections of trials from that of rival publications. The editors of one 1718 work are not unique, certainly, in their assurance to the reader "that the following Relations are not the product of a pregnant Brain, design'd rather to divert than instruct, but genuine ones"; what was new, however was the fact that there was a particular effort made to identify the sources that had been used, and to emphasize the reliability of accounts which were neither invention nor hearsay, but "collected from the printed Books of Tryals at the Old Bailey" and "from the Accounts published by Mr. Wykes, Mr. Smith, Mr. Allen and Mr. Lorrain, the several Ordinaries of Newgate". Yet at this early date, it is clear that the editors have no desire to alienate readers who retained a taste for the more extravagant and less factual tales culled from rogue literature:

I have now and then presented you with an extraordinary Case out of the Verge of that Court: And where I have interspersed some of the comical Pranks said to have been play'd by any of them, I have confined my self either to such as have been well-attested or generally received; but yet am content to leave the Reader at liberty whether he believe them or not.  

Indeed, this particular work, *A Compleat Collection of Remarkable Tryals...at the Sessions-House in the Old Bailey*, does not rely exclusively on the Sessions Papers or other verbatim accounts, but borrows heavily from the Ordinary's *Account* and even from Captain Smith and Johnson's *Lives* of highwaymen. To some extent this was a function of the paucity of available sources (trials at the Old Bailey were not reported in any detail until the second decade of the eighteenth century, while *A Compleat Collection* was supposed to cover trials "for near Fifty Years past"); however, it also can be seen as a reflection of contemporary public tastes. The editors of this collection capitalize both on the popularity of

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56 *A Compleat Collection of Remarkable Tryals...*(1718-20), 1:v-vi.
various highwaymen stories\textsuperscript{57} and on many detailed descriptions of the behaviour of
condemned at the place of execution—descriptions drawn in the main from the Ordinary’s
Account, but which appeared to select and enlarge on cases featuring the most flamboyant and
least penitent criminals.

Judging from the substance of many of the accounts in \textit{A Compleat Collection}, readers
were likely to be interested in the wide range of behaviour, and the varying degrees of
penitence or defiance exhibited by condemned criminals “just on the Brink of Death and
Eternity”.\textsuperscript{58} In one account of a December 1684 sessions in which eighteen people were
hanged at the same time (many of them for clipping coins), it seems that is was not merely
among the spectators at Tyburn that could be found “many Persons in great Expectations to
see the Signs of their Penitency”; rather, it is taken for granted that readers too would share
this curiosity.

The behaviour of the eighteen condemned malefactors range from those who under the
shadow of the gallows suddenly lose their composure, to those who to the end maintain their
“game” resolve; and include those who acknowledge their willingness to die for their sins as
well as others who seem at least implicitly to question the justice of their sentences by
declaring their certainty of salvation in the world to come. “The first Man that was ty’d up”
and who at first

stood undaunted, with his Hat on, looking about as if he expected a Reprieve,
but finding none he at last began to tremble; and broke out into these
Expressions following, \textit{O Lord! What a wicked Sinner am I, to get into such a
Gang as this is, to come to be hang’d at last. Lord have Mercy upon my soul.}

\textsuperscript{57}See for instance the account of Robert Congden robbing a “Pawn broker” (1:67), or Old Mob forcing the
Duchess of Portsmouth to stand and deliver (1:101)—both nearly direct plagiarisms of Captain Alexander Smith.

\textsuperscript{58}Ibid., 1:57.
However, while others of the condemned join him in calling piteously on the onlookers to pray for them, his more resolute companions chide him for his fears:

O stay, Says William Blanchar, you Fool, What are you afraid of? Ne'er fear, God will have Mercy upon us; but however, let us have some Prayers, and a merry Psalm; I don't fear Death at all. Gentlemen, I have been a great Highway man, but hope God will have Mercy upon me.

George Pritchard continues in the same vein, thus exhorting his comrades, "Never fear Boys...we are not hang'd for breaking Houses, but for clipping the King's Coin, I do not question but we shall have Mercy". Others are not only less certain of obtaining "Mercy" (i.e., from God), but are quite willing to offer themselves up as a "public Shame", and an example to be avoided:

Samuel Watson held a Bible in his Hands, and turning to the Spectators, said, Friends, be sure you do not keep bad Company, for I have been too much a Sufferer by it; have a care of that Great Sin, Drunkenness, which brings Men to Ruin and Destruction; these with the Neglect of the holy Sabbath of the Lord, have been the Occasion of my coming to such an ignominious Death. Let me beg of you all to pray for me, O good Friends speak to each other to pray for me.59

To a certain extent, this interest in the behaviour of the condemned criminals would continue to constitute one of the staple ingredients of Select Trials, even after the middle of the eighteenth century. In one 1764 collection of trials, the editors promise not only "whoever takes Delight in seeing the various Passions and Weaknesses of human Nature, properly displayed...an Opportunity of gratifying his Curiosity", but those who also have an interest in "seeing the truth"; that is, of witnessing the criminal about to be executed after all his flashy courage has now left him, and his passions appear in their natural Complexion, and his Expressions are the true Transcript of his Heart; and we see his whole Soul in his distracted Countenance.60

59ibid, 1:59.

60Select Trials (1764), 1:viii-ix.
Moreover, later *Select Trials* typically included a small section at the end of each trial based upon the Ordinary's *Account* (although, as we shall see, the editors had few qualms about taking potshots—in the form of sarcastic footnotes or asides—at its "Reverend Author").

Yet in general, the *Select Trials* reflected and marked a distinct shift from an emphasis on the "behaviour, confessions and last dying speeches" of criminals to one based primarily on the first-person transcriptions of trials. This trend is visible even in the 1720 *Compleat Collection*, which reproduces some of the more dramatic or off-colour trials held at the Old Bailey, with an obvious preference given those for murder, rape, and sodomy and other "remarkable" offenses.

It is difficult to see the trials included in such collections as representative of much else besides a contemporary predilection for the titillating and off-beat. There is little other explanation, certainly, for the inclusion of the trial of one Katherine Jones (alias Nowland) for bigamy. The latter, accused of having been married to John Nowland and Constantine Boone at the same time,

own'd both Marriages; and in her Defence, said, that the last she was married to was no Man, and therefore could not be a Husband; that it was a Monster, a Hermaphrodite, and had been shewn as such at Southwark Fair, Smithfield, and several other Places; and called several Witnesses to prove the same; one whereof deposed, that he knew the Mother of it, who brought it up as a Girl in Apparel at School, and to handle the Needle, till it was 12 Years old, when *he turn'd Man and went to Sea*. She was also produc'd in Court, and own'd her being an Hermaphrodite, and having been shown: And it appearing by her own Confession, as well as other Evidence, that the Woman was more predominant in her than the Man, the Prisoner was Acquitted. ⁶¹

Nor should it come as a surprise that cases of "stealing from the person" make up an inordinate number of the trials found in such collections. The trial of Amy Harrison, alias Chance, for "privately stealing" two guineas from "the Person" of Bernard Kemble, may be

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⁶¹Ibid., 4:312.
one of the more colourful examples of this genre, but is otherwise in no way atypical. Here the defendant claimed that she and two other women returned to her lodgings with the prosecutor, where they drank three shillings worth of raspberry brandy.

Then the [prosecutor] would needs lie with them, and that in State too, which he did, and for that purpose gave her a crown he liking her the best; and the two other Women half a Crown a-piece to assist in the Pageantry. The Prisoner being asked by the Court, what she meant by his lying in State, she gave the following Description of it. That the Prosecutor, herself, and the two Women stripped themselves all naked, and the Prosecutor lay with her in the Middle, laying his Hands on the Bellies of the two other Women that lay naked on each side her. She added, that whereas he said he was barbarously used [the prosecutor had claimed that Chance had beaten him before taking his money], he had put her to the Charge and Trouble to buy a good Broom to whip him with. The Court observed that indeed he an old clumsy Fellow deserved to be whipped for picking up Whores; but asked her why she whipped him, she replied, it was his Fancy to be whipped, and desired her to do it. There being not Proof sufficient that she took the Money from him, she was Acquitted.62

Indeed, it was not uncommon for prostitutes charged with theft to attempt to undermine the credibility of their accusers by describing, in lurid detail, the prosecutors' various alleged sexual peculiarities. And it would appear that such a tactic made for particularly good copy, if not necessarily the best of defences. Such seems to have been the case with a similar trial recorded both in 1734 and 1742 editions of the Select Trials, in which a prostitute accused of robbing a client claims that the latter had given her "a Bag of Money" to "fetch a Penn'orth of Rods to flog him". She claimed that while she initially obliged him in his request (until the first batch of rods was "worn...quite to the Stumps"), she balked at buying yet another "Penn'orth". The judge was sceptical to say the least.

_Court_. Have you any Witnesses to prove what you say?

_Prisoner_. Witnesses? Lord help your Lordship! He and I were in a private Room together.—Do ye think the Thing was done before Witnesses?

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62Ibid., 4:248. It should be pointed out that this is no more racy an account than that given in the OBSP (23-26 April 1718); in fact, it is an exact reprint of the original trial in the Sessions Paper.
Court. You ought to behave yourself with a little more Decency when your Life is at Stake. Such Levity is by no Means becoming one under your Circumstances.—The Prosecutor swears you were in a publick Room Together. Prosecutor. On my Oath it was a publick Room, and there was no such Thing done as she pretends; but she thinks to escape, by endeavouring to make me ridiculous.

Court. Whatever she says, without calling Witnesses to prove it, signifies nothing; but she has not prov'd the least Circumstances. She has not so much as call'd the Woman she bought the Rods of.

The popularity of collections of accounts of criminal trials seems to have reached its zenith in the 1730s and 1740s, coinciding with the period of the most dramatic expansion in the volume and scope of the Old Bailey Sessions Paper. In 1734-5, the first Select Trials for Murders, Robberies, Rapes, Sodomy, Coining, Frauds, and other Offences: At the Sessions-House in the Old Bailey... was published in two volumes, and was followed by a four-volume edition in 1742 which featured reprinted versions of the earlier trials as well as more recent ones. In contrast to A Compleat Collection, which included material drawn from various pamphlet accounts as well as the highwaymen stories popularised by Captains Smith and Johnson, the Select Trials relied almost exclusively on verbatim reports of trials (with the testimony delivered in the first-person). And while a short section drawn from the Ordinary's Account was generally appended to the accounts of trials, the editors of the Select Trials neglect few opportunities to criticize either the accuracy of the "Chaplain"'s accounts, or the obscurity of his writing. There are periodic references to inconsistencies in the biographies and "Last Dying Speeches" of criminals, or in discrepancies between them (thus

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63 Select Trials (1742), 2:109. The prisoner was found guilty, but her sentence was later commuted to transportation.

64 The trials covered in the 1734 are reissued without any changes in the 1742 edition—even the wording of the prefaces are identical. However, several of the more graphic rape trials included in the 1734 Select Trials are omitted in the 1742 version. While it would be going too far to characterize these omissions as a species of bowdlerization—especially in light of the vast amount of risqué or sexually explicit material that remained in the collection—this does mark the beginning of a trend that would become more pronounced with the publication of the 1764 edition of the Select Trials.
demonstrating to "Historians" the "Necessity of consulting original Manuscripts"). The author (or authors) of the Select Trials frequently implies that many "Accounts" supposedly "taken from [the criminal's] own Mouth" were in fact the work of the Ordinary himself. At one juncture, the editor(s) emphasises this point with characteristic acidity: "The Truth is, that incomprehensible Stile, by which the Chaplain so wisely distinguishes himself from all other Writers, is inimitable".

Unlike publications of a more confessional nature (such as the Ordinary's Account) whose tone is for the most part serious and pedantic, that of the Select Trials is predominantly sarcastic. Not only is the text is peppered liberally throughout with derisive remarks aimed at the Ordinary of Newgate, but the authors evidently take a certain prurient, even voyeuristic pleasure in recording for posterity the various foibles and vulgarisms of both witnesses and criminals. The phonetic rendition of accents and the careful recording of cant and other forms of colourful dialects seem to have constituted a major selling-point of the Select Trials, as well as of the OBSP; nor do the editors neglect to include the famous case of the Irish prosecutor and the prostitute, mentioned above. The priority given to "Entertainment" over "Instruction" is everywhere apparent, but perhaps especially in trials involving crimes of a sexual nature. There is no dearth of examples to illustrate this tendency: equally evident was the alacrity of the editors to include any testimony--no matter

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65 Select Trials (1742), 1:139.


67 Ibid., 1:311. These barbs seem to have been directed almost exclusively at Thomas Purney (alias the "Numerical Blockhead"). The editors seem to have taken particular pleasure in poking fun at the latter's literary pretensions: "I believe I have studied the Chaplain's Performance more than any Man living; for I have even read some of them twice over, in order, if possible, to discover a Meaning in them.--Perhaps I cannot much boast of my Success in this Particular.--But then, I may venture to affirm, that I have made myself perfectly acquainted with his Manner of Writing; and if he is not the Author of the Speech he ascribes to Will. Burk, there is no trusting to a Judgment resulting from repeated Observation". (Select Trials [1742], 1:305).
how peripheral to the outcome of the trial—which was clearly thought to contain enough amusing or off-colour elements to recommend it to the reader. In one "stealing from the person" case recorded in both 1734-5 and 1742 Select Trials, for instance, the owner of a bawdy house where the defendant was alleged to have robbed a client testified that the prosecutor’s wife had told her that her husband had "been with two Whores, and lost his Watch, two great ugly Whores, says she, for if they had been handsome, it would never have vexed me".\(^68\)

Many of the cases recorded in the Select Trials suggest that the Old Bailey all too often functioned as a stage in which courtroom dramas unfolded in an atmosphere in which the dominant element was one not so much of pathos as of bathos. Occasionally, it seems that the criminals themselves were more than willing to subvert the solemnity of the proceedings, assuming a leading role in a kind of tragicomic farce of their own making. This seems to have been illustrated by the way in which the highwaymen James Carrick conducted the cross-questioning of a witness for the prosecution in his and John Molony’s 1722 trial:

*Carrick.* Pray, Sir, which Side of the Chair was I on when you say I robb’d You?
*Mr. Young.* On the left Side.
*Carrick.* Now that’s a Lie, for I was on the right Side—I shall catch you again presently—What colour’d Coat had I?
*Mr. Young.* Black.
*Carrick.* I can prove the reverse.---What sort of a Wig?
*Mr. Young.* A light Tye-Wig.
*Carrick.* That’s another damn’d Lie of yours---for you know, Mr. Molony, that you and I chang’d Wigs that Night, and yours is a dark Brown.—Had I two Pistols in one Hand, or one in each Hand?
*Mr. Young.* I saw but one Pistol.
*Carrick.* Then your Eye-sight fail’d ye.\(^69\)

\(^68\)Select Trials (1742), 1:72.

\(^69\)Ibid., 1:198.
While the editors of the *Select Trials* made a point of characterising Carrick as "overflow[ing] with Impertinence, and... vain of his Person, his Dress, and what he mistook for Gallantry", and sneering at the "Extent of his Understanding", which "may be guessed at, by the Defence he made at his Trial", it is interesting that Carrick's attempt to present himself as a game highwayman, wholly indifferent to the outcome of his trial, is in no way suppressed. And the reader of the *Select Trials* would doubtless have viewed Carrick trial performance as exactly that—a self-conscious performance, even a parody. As one contemporary wrote,

> When these two Criminals [Carrick and Molony] came to be tried at the Old Bailey, their behaviour was equally Ludicrous, Silly and Indecent, affecting to rally the Evidence that was produced against them, and to make the People smile at their Premeditated Bulls.

For the most part however, "Premeditated Bulls" in the courtroom tended to originate from the other side of the bar. The *Select Trials* literally resonate with the scathing remarks of sarcastic judges directed at blatantly perjured witnesses—few of them, judging from the ineptitude of their testimony, in any way resembling the professional "Affidavit Men" that were supposed to haunt the corridors of Newgate, offering their services to prisoners interred there. Examples of cynical judges poking holes in the testimony of defense witnesses attempting to provide alibis for defendants are practically legion; typically, such witnesses fold under rigorous questioning by the court, and are frequently so comically unprepared as to be unable to match the date for which they are providing an alibi with the correct day of the week.

And occasionally the trials recorded in the *Select Trials* offer an interesting glimpse of

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70Ibid., 1:200.

early eighteenth-century trial procedure. In the 1722 trial of John Hawkins and George Simpson for robbing "the Bristol-Mail", the judge makes little secret of his lack of sympathy for the defense and his suspicions of the witnesses called by the prisoners. When Samuel Pool, Simpson’s former employer, was called as a character witness, testifying that Simpson "has been sometimes with me, and had Opportunities of robbing me of Things which I could not have miss'd, but I never found he wrong’d me in the least", the judge remarks sarcastically, "That may be, for you say, if he had, you could not have miss’d your Goods". Later, he goes on to demolish several of the defense witnesses by pointing out the discrepancies in their testimonies—one of the largest of these being that of a receipt, supposedly supplying an alibi for Hawkins, and which was apparently signed with a different kind of ink than that with which it was written (indicating that Hawkins had not actually signed the receipt on the day that the crime had been committed). When the judge begins to sum up the evidence, however,

he was interrupted by an unexpected Occurrence.
I [presumably the shorthand writer] was then taking Notes of the Proceedings. My Ink, as it happened, was very bad, being thick at Bottom, and thin and waterish at top; so that according as I dip’t my Pen, the writing appear’d very pale or pretty black.
Now, just as the Court was remarking on the difference of the Ink in Fuller’s Receipt; a Gentleman who stood by me, perceiving something of the same kind in my Writing, desired to look upon my Notes for a Minute. As I was not aware of any ill Consequence, I let him take the Book out of my Hand: When presently shewing it to his Friend, See here, what Difference there is in the Colour of the same Ink? His Friend took it and shew’d it to another. Uneasy at this I spoke to 'em to return me the Book. They begg’d my Pardon, and said I should have it in a Minute; but this Answer was no sooner given, than a Curiosity suddenly enter’d one of the Jurymen who sat just by, and he too begg’d a Sight of the Book; which, notwithstanding my Importunity, was immediately handed to him. He view’d it and gave it to the next, and so it pass’d from one to t’other 'till the Judge perceiving them very busy, call’d to them.—Gentlemen, what are you doing? What Book is that? They told him it

72 Select Trials (1742), 1:164.
was the Writer's Book, and they were observing how the same Ink appear'd pale in one Place, and black in another. You ought not, Gentlemen, says he, to take Notice of any thing, but what is produced in Evidence.

The judge sternly upbraids the "Writer", and "re-assumed his Charge to the Jury" who "withdrew to consider of their Verdict". After about an hour (an exceptionally long time for an eighteenth-century jury to deliberate), the foreman returned and expressed his misgivings as to the strength of the case against the prisoners, based largely on the fact that "they were under some Difficulty in Relation to [the receipt]; for though the Writing appear'd of two colours, they were doubtful if that was sufficient to prove it spurious". The judge strenuously objected to the jury's reservations, directing them to bring in a verdict of guilty. The jury (in what was not one of the finer moments of the history of the principle of reasonable doubt) ultimately found the defendants guilty as instructed; later Hawkins was to complain that "though I don't blame my Country-men [the jury] for their Verdict, for their Intentions were honourable, but they were over rul'd by a partial Judge". 73

iv. Trial Literature after 1742

The popularity of the Select Trials seemed to have reached it peak by mid-century; while another edition was issued in 1764 (and a similar collection of trials held at the assizes in 1765), it would seem that the vein was fast becoming exhausted. 74 There is no indication that second editions of these collections ever went to print; moreover, there were no subsequent issues of Select Trials...at the Old Bailey. The later collections tended to rely more on the Ordinary's Account and less on transcripts of trial testimony than did their predecessors, and it is difficult to see this development as unconnected to the growing

73Ibid., 1:165; 1:167.

74Select Trials (1764); Remarkable Trials (1765).
tendency on the part of the Sessions Paper (and other records of trials) to omit or gloss over obscene language and sexually explicit or graphically violent material.

The trials in the later collections are on the whole considerably less racy than those issued in 1734-5 or 1742: while the occasional sodomy trial is still reported in lurid detail in the 1764 Select Trials (largely due to the difficulty of establishing that the offence had taken place), testimony for sexual assaults reflected changing attitudes in the courtroom; specifically, a growing circumspection and reticence manifested both in terms of the questions posed by judges and the way in which shorthand writers recorded the evidence. While the occasional off-colour or suggestive passage manages to sneak into post-1750 trial accounts, this seems primarily because such details were seen as constituting material evidence, as in the following description of how a prostitute had robbed a constable of his watch after he had treated her to a drink: "This Moll Rosum followed me to my own Door, and said, "well, I thank you, my Dear, God bless your Cock, clapt her Hand to my Breeches, and went away directly". But for the most part, trial testimony is increasingly subject to bowdlerization: in rape trials, lurid and detailed descriptions are typically omitted in favour of brief summations such as, "Here the Girl expressed herself in such Terms as fully proved the Rape".

However, while public interest in the trials held at the Old Bailey may have been on the wane as early as the middle of the century, it was roughly during this period that public interest in longer pamphlets dealing with the trials of such minor celebrities as Mary Blandy, Elizabeth Jeffryes and Eugene Aram began to really take off. While there had been a market

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75 Select Trials (1764), 1:95.

76 Ibid., 1:213.
since at least the 1720s for the trials of celebrated (or notorious) criminals such as Jonathan Wild, or highwaymen such as Dick Turpin, post-1750 trial literature was distinguished by its tendency to focus on a more genteel breed of offenders (for a more complete, if not quite exhaustive, list of individual trial accounts, see bibliography). While many of these cases were lurid enough (Mary Blandy poisoned her father in order to marry her lover; Elizabeth Jeffryes and her lover murdered her uncle so that she could inherit his fortune), these accounts seemed to have commanded so much fascination primarily because their subjects were such unlikely criminals. Almost without exception, accounts of trials published after 1750 feature criminals whose lives were otherwise not merely unremarkable, but even respectable. Mary Blandy, whose "Serenity and Composure...greatly surprised and charmed many of the Spectators" at her execution, even moving "several Gentlemen of the University...to shed Tears", was the coddled only child of doting and well-to-do parents.\[77\] Even the titles of such accounts leave little doubt as to the genteel status of their subjects: e.g., William Andrew Horne, Esq. (for the murder of his bastard child); Samuel Goodere, Esq. (for the murder of his brother); or Bartholomew Greenwood, Gent. (for robbery).\[78\] And the trial of Eugene Aram for murder seemed to excite popular interest not so much

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\[77\] Miss Mary Blandy's own Account of the Affair between Her and Mr. Cranstoun...Published at her dying Request. (A. Millar, 1752), 63.

\[78\] The Faithful Narrative: Or an Impartial Account of the Trial of Bartholomew Greenwood, Gent...(J. Standen, 1740); The Cruel Mistress: being, the Genuine Trial of Elizabeth Branch, and her own Daughter; for the Murder of Jane Buttersworth, their Servant Maid...(C. Simpson, 1740); The Genuine Trial of Samuel Goodere, Esq...(H. Goreham, 1741); The Genuine Tryal at Large of Mary Blandy, Spinster, for poisoning her late Father Francis Blandy...(R. Walker, 1752); The Trial at Large of John Swan and Elizabeth Jeffryes...for the Murder of her late Uncle Mr. Joseph Jeffreys...2nd ed. (C. Corbett, 1752 [?]!); The Authentick Tyrrals of John Swan, and Elizabeth Jeffryes...with the Tryals of Miss Mary Blandy, for the Murder of her own Father...(printed by R. Walker, for W. Richards, 1752); The Genuine Trial of John Swan, and Elizabeth Jeffryes, Spinster, for the Murder of her late Uncle, Mr. Joseph Jeffreys [sic],... (C. Corbett, 1752); A Genuine Account of the Life and Trial of William Andrew Horne, Esq...(Nottingham: S. Creswell, 1759); A Genuine Narrative of the Trial and Condemnation of Mary Edmundson, for the Murder of Mrs. Susannah Walker, her Aunt... 2nd ed., (J. Phipps 1759); The Trial at Large, Behaviour, and Dying Declaration of Mary Edmundson...(John Leage, 1759).
because of the enormity of his crime, but because it was considered incredible that man who, like Aram, was an accomplished classical scholar, could be motivated to commit so black a crime as murder; in the words of a later chronicler, "How such a man, with abilities so superior, could think of embruising his hands in the blood of a fellow-creature, for the paltry consideration of gain, is altogether astonishing!"

This shift in public tastes could be explained on one level simply as a growing fascination with more serious crimes, such as murder, and a concomitant loss of interest in the property offenses which dominated the pages of the Sessions Paper. Yet it also reflected a trend towards privileging the misdeeds of eminent offenders over those of criminals whose origins, as well as crimes, were of a more common stamp. And significantly, as the century progressed, the emphasis on murder trials was eclipsed by a flurry of pamphlets dealing with crimes related to forgery and other non-violent offenses. The causes célèbres of the 1770s were, after all, the trials of the socially eminent and "unfortunate" Dr. Dodd, the Perreau brothers and Mrs. Rudd for forging bank notes, as well as the highly publicised

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79*The Malefactor's Register* (1779), 4:146. See also *The Genuine Account of the Life and Trial of Eugene Aram, School-Master, for the Murder of Daniel Clark...* (W. Bristow, [1759]); *The Genuine and Authentic Account of the Murder of Daniel Clark, Shoemaker, on the 8th of February, 1744-5...* (York: "printed for, and sold by the booksellers", 1759 [?]); *The Genuine Account of the Life and Trial of Eugene Aram, for the Murder of Daniel Clark...Who was convicted at York Assizes, August 3, 1759...* (Dublin: James Hoey, 1759); *The Genuine Life, Trial, and Dying Words of Eugene Aram, who was convicted the 3d of August, at York Assizes, and executed the 6th, for the Murder of Daniel Clarke...* (E. Smith, 1759 [?]).

80Interestingly enough, collections of trials dating from the later eighteenth century occasionally billed themselves as including also those of "inferior criminals"; for instance, *A Collection of the Most Remarkable and Interesting Trials. Particularly Of those Persons who have Forfeited their lives to the injured Laws of their Country...Intended Not only to point out the Crimes of the great, which are at present but little farther known than their own Families; but also those of Inferior Criminals, who only are handed down as Examples to Posterity.* 2 vols. (R. Snagg, 1775). However, this publication does not live up to its promise: cases dealing with "inferior criminals" are here conspicuous only by their absence.
proceedings against the Duchess of Kingston for bigamy. 81

Clearly, while the kind of trials likely to sell pamphlets had changed markedly over the course of the eighteenth century, an interest in certain accounts continued to flourish. It would be misleading, moreover, to equate the obvious preference on the part of the public for material dealing with offenders of a more respectable or even eminent sort with any corresponding elevation in the tone of such accounts, or in the tastes of those who read them. Sexual transgressions and other "private vices" to which those of the "fashionable world" were only too susceptible were reported in suggestive, rather than graphically explicit terms, but they nonetheless continued to constitute the staple ingredient of most trial literature.

Nor had collections of trials altogether died out with the Select Trials: rather, it seems to have been simply that the sources from which titillating trial testimony could be drawn had shifted from the criminal to the civil (or the ecclesiastical) courts. The late eighteenth century's answer to the earlier semi-pornographic Select Trials seems to have been the immensely popular "crim con" cases; that is, those collections of trials for adultery

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81 *The Life, Trials and Dying Words of the two unfortunate twin Brothers, Robert and Daniel Perreau...To which is added, the genuine life, and trial of Mrs. Marg. Caroline Rudd, whose trial lasted near 12 hours...* (F. Foresight, 1776); *Observations on the trial of Mr. Robt. Perreau, with Mr. Perreau's defence, as spoken on his trial...* (S. Bladon, 1775); *The Trial of Margaret Caroline Rudd, for Forging a bond for 3500l. in the name of William Adair, Esq; at the Session-House, in the Old Bailey...* Taken in short hand by Joseph Gurney, and revised by John Glynn... (1776); *The Trial at Large of Mrs. Margaret Caroline Rudd, at the Old Bailey on Friday, December the 8th, 1775...* By Mr. Bailey, barrister at law (T. Bell, 1775); *A Genuine and Authentic Account of the Life, Trial, Behaviour, and Dying Words, of William Dodd, L.L.D. who was executed at Tyburn, for Forgery, on Friday, June 27, 1777* (Robert Turner, 1777); *The True and Genuine Account of the Trial and all the most material Transactions respecting the Reverend Dr. Dodd...* (1777); *The Genuine Life and Trial of the Rev. Dr. William Dodd, for Forgery, at the Old Bailey...* (T. Trueman, 1777); *The True, and Genuine Account of the Proceedings and Trial of the Dutchess [sic] of Kingston...* (J. Anderson, 1776 [?]); *The Trial of Elizabeth, Duchess Dowager of Kingston, for Bigamy...* before the House of Peers at Westminster-Hall (T. Foresight, 1776); *The Trial of Elizabeth Duchess Dowager of Kingston for Bigamy, before the right Honourable the House of Peers, in Westminster-Hall...* (Charles Bathurst, 1776); *The Whole of the Evidence on the Trial of Her Grace Elizabeth, Duchess Dowager of Kingston, before the Right Honourable the House of Peers, in Westminster-Hall...* (G. Kearsley, 1776). Similarly, see *The Trial of Robert Fielding, Esq. on Wednesday, December 4, 1706...* for felony, in marrying her Grace the Duchess of Cleveland; his first Wife being then alive... (R. Snagg, 1776).
which, a half century later, George Borrow was to consider too "contrary to decency" to be included in his *Celebrated Trials*—or for that matter, any work "destined...for polite and popular circulation".\(^{82}\) Although it is outside the scope of my present study to explore this genre in any depth, it would seem that the editors of such "crim con" literature, like those of the early *Select Trials*, relied upon their commitment to the "truth" both as a means of moral insulation and as a kind of advertisement of the lengths to which they were prepared to go to depict "every Scene and Transaction, however ridiculous, whimsical, or extraordinary...as becomes a faithful Historian who is fully determined not to sacrifice Truth at the Shrine of *Guilt* and Folly".\(^{83}\) (As though on an afterthought, the author adds that the collection "may be of service to the practicers in the law, as they may have recourse to these trials for information").\(^{84}\)

But while it could be argued that such "crim con" trials served much the same function as earlier "stealing from the person" cases tried at the Old Bailey, the fact remains that audiences seemed to prefer to derive vicarious pleasure from the misdeeds of "wavering wantons" of a considerably "superior class" to those who, by picking their paramours' pockets, or chastising them with "penn'orths of rods" (depending on whose testimony is to be credited), had diverted an earlier generation of readers.

\(^{82}\) *Celebrated Trials, and Remarkable Cases of Criminal Jurisprudence, from the Earliest Records to the Year 1825* (1825), 1:v.

\(^{83}\) *Trials for Adultery: Or, the History of Divorces. Being Select Trials at Doctors Commons, for Adultery, Fornication, Cruelty, Impotence, &c...The whole forming a complete History of the Private Life, Intrigues, and Amours of many Characters in the most elevated Sphere...Taken in Short-Hand, by a Civilian*, 7 vols. (S. Bladon. 1779). (The quotation in the text is taken from the long title). The later-eighteenth-century fascination in such "crim con" cases coincided with (and reflected) a growing reaction against the deleterious social effects of aristocratic vice and privilege (see Donna T. Andrew, "Adultery à-la-Mode: Privilege, the Law and Attitudes to Adultery 1770-1909", in *History* 82 [1997], 5-23).

\(^{84}\) Ibid., 1:iv.
It is significant, too, that the market for trial accounts of "common" criminals seemed to dry up during the same period that the publication of the Ordinary's *Account* tapered off and eventually died out altogether. While trial literature in general (even of the semi-pornographic variety) would prove a highly versatile and resilient genre--its very format lending it a certain cachet both of accuracy and currency--it would be difficult to characterise later trial accounts as a species of popular crime literature (at least as I have defined it) after the 1760s. Clearly, by the later eighteenth century, neither the "unbecoming levity" of the prostitute accused of pickpocketing, nor the macho posturing of the game highwayman had the power to elicit laughter from either the courtroom or from a larger reading public. And to what degree this shift was a function of changing attitudes, or in changes in the social composition of the audience for such criminal literature, or both, is a question to which I will return in my concluding chapter.
VI. "Wicked Hearts" and "Violent Temptations": Contemporary Explanations for Criminality

Why should art answer for the infirmities of manners? Hee had his faultes, and thou thy follyes./ Debt and deadly sinne who is not subiect to?

—Thomas Nashe, Strange News (1592)

As a Chain consists of divers links, and every link depends, and is inyok'd upon one another...for Sloth is linked with drunkenness, Drunkenness with Fornication and Adultery, and Adultery with Murder...except the mercy of our gracious God be our defence and safe guard...

—John Taylor, The Unnatural Father (1621)

...it might be said of us all, that if God should give us Poverty, we should Steal...Let the Man who can say otherwise of himself, begin to cast Stones...

—Daniel Defoe, Applebee's Journal (16 June, 1722)

In what was an otherwise fairly unremarkable robbery case tried at the Old Bailey in January 1740, a witness called by the defence attempted to discredit the prosecutor's testimony by implying that the latter had been in the company of prostitutes at the time the crime was alleged to have taken place. While the prosecutor claimed that he had been returning from a visit to his brother's when a strange man knocked him down in an alley and stole his watch, a witness for the defence testified that when he had come home for the evening,

I saw a Tumult about my Door in the same Alley. I ask'd what was the Matter and [the Prosecutor] made answer and said, that the Bitches had robbed him of his Watch. I made answer again,—what Business had you in Bitches Company? If you have been in Bitches Company, you must take Bitches doings.¹

While the defendant was in the end found guilty and sentenced to death, it is interesting that even the constable who had made the arrest in the case had "bid" the prosecutor to "be cautious in what he was about", asking him repeatedly if he were sure that "no Women had been in his Company". Clearly, the constable as well as the defence realised that, stolen

¹OBSP (16-19 January 1739/40), 46.
watch or no, the court would have seen any prosecutor who had kept ill company as the sole author of his own misfortune.

This example illustrates not only the colourful language routinely employed by witnesses in trials of this nature, but one of the assumptions central to early eighteenth-century thought: that is, that people of known ill-life had no one but themselves to blame for any misfortune that befell them. And if this principle could be seen as applicable to victims of crime, it held doubly true as far as perpetrators were concerned. Indeed, it has become something of a truism that in the early modern period, crime was characterised as a failure of a moral order, the sole responsibility for which was laid squarely on the shoulders of the individual transgressor. As Lincoln Faller has argued, the late seventeenth and early eighteenth century was a period "for the most part innocent of abnormal psychology":

criminal behaviour was not viewed as a species of mental disorder or as a response to or a result of such environmental factors as poverty, alcoholism, or even what the late twentieth century would designate as a "dysfunctional" upbringing, but rather seen in the context of a universal human propensity to sin. All men and women were thus potentially criminals, and only by vigilantly guarding against the blandishments of Satan (not to mention their own wicked and corrupt hearts) could they hope to escape "a sad and shameful Death" at Tyburn.

To some extent many of these attitudes were confirmed by the words of the condemned themselves in their "last dying confessions" recorded by the Ordinary or other enterprising "Divines". For, while it was axiomatic that sufferers at Tyburn cited "Idleness, lewd Women and ill Company" as the main loadstones which had drawn them up the so-

^2 Turned to Account, 54.

^3 I will discuss this at greater length in Chapter VII.
called "fatal Tree", it was equally customary for criminals to stress that they had only themselves to blame for having succumbed to such temptations. Yet this is not to suggest that other considerations--whether economic, or even what we may loosely term psychological--were entirely overlooked or dismissed either by the authors of criminal accounts or by the criminals themselves. In fact, it could even be argued that the very vehemence with which these criminal biographies denied that environmental conditions could be seen as extenuating or justifying criminal behaviour would seem to testify to the popular currency, and perhaps even utility, of such explanations.

Certainly, most of the condemned, including those who claimed to have been innocent of the offence for which they were to die, were willing enough to portray themselves as sinners whose shameful example should serve as a warning to others; however, it is important to bear in mind that in an eighteenth-century context, it was considered impossible to make a "good end" without an open and ingenuous confession of sins both public and private. Moreover, criminals were expected, as the contemporary phrase went, to "die in peace with all the world"; and this was best accomplished by delivering a speech exonerating spouses and family members of blame and accepting full responsibility for one's own actions.

Yet, even if a majority of criminals were willing to concede that they had been egregious sabbath-breakers, oath-takers and company-keepers, many recounted details of their lives which at least implicitly extenuated the gravity of their crimes. Some malefactors cited unhappy childhoods, abusive masters, alcohol or various forms of mental disorder--ranging from romantic disappointments to serious head injuries--as excuses for their actions; others invoked that most powerful, if problematic, of justifications--poverty, or "Necessity". And while the Ordinary of Newgate and other contemporary criminal biographers were quick to dismiss such claims, it could be said that they often protested too much, and in ways that
implicitly reflected a certain level of discomfort which cannot be wholly explained away simply as an early manifestation of the "squeamishness" V.A.C. Gatrell ascribes to a slightly later period;\(^4\) rather, such discomfort, I would argue, often betrayed a profound ambivalence about the nature and the root causes of criminality. The idle apprentice's progress from sabbath-breaking to a felon's death at Tyburn may have in theory been a journey as straightforward, and hence (on more levels than one) as inviting as the road to hell; however, the road mapped out by contemporary chroniclers of criminal lives was not only paved with mixed and often conflicted intentions, but was one so littered with contradiction and ambiguity that it was to prove at times difficult to navigate.

\textit{ii. "The Wages of Sin is Death": from Church-yard to Tyburn tree}

Few scholars have disputed Paula Backsieder's contention that "until the middle of the eighteenth century the motive for an individual crime was easy to overlook because it was assigned, often in single sentences, to universal sinful tendency in human nature".\(^5\) The notion that "the root cause" of crime was "depravity", and that all men and women were "equally tainted from birth by original sin" seems to have been so generally accepted as to lead Lincoln Faller to remark that

>the wonder, then, was not that crime was so prevalent but that it was not universal. Given the scope of human depravity, a lot more of it ought to be happening. Only occasionally does the popular literature of crime suggest that a particular person was driven to murder or steal out of madness or necessity, and such suggestions do little to mitigate its insistence on human depravity.\(^6\)

>And just as God was, in theory, no respecter of persons, there was in the notion of a

\(^4\text{Hanging Tree, 267.}\)

\(^5\text{Daniel Defoe: Ambition \\& Innovation (Lexington, 1986), 153.}\)

\(^6\text{Turned to Account, 54.}\)
universal human propensity to sin something vaguely democratic: examples of eminent offenders suffering for their crimes are frequently invoked as proof of the biblical admonition: "[they] that think they stand, to take heed lest they fall". In the words of one early "Last Dying Confession": "it may be observed, that neither Birth, Wit, Education, Industry, nor a habit of well-living, can, without the especial Grace of God, free us from the Snares of Satan".

This theme is reiterated over half a century later in a letter written to a condemned criminal awaiting execution:

no Man is his own Keeper, and it highly becomes the strongest, to take Care least [sic] they fall, and every good Man knows he has nothing to attribute to himself, what ever good he has done, and it is only the restraining Grace of God, that keeps us from the blackest Enormities. For sure it is, there is no Difference (by Nature) between the most publick Sinner, and the strictest (unawaken'd) Moralist.

In comparison to eighteenth-century "lives", which tended to characterise criminal activity in more secular terms (i.e., as a failure to refrain from vicious courses), seventeenth-century "Last Dying Confessions" portrayed crime as largely a failure of a supernatural order (i.e., succumbing to the blandishments of Satan); however, even in these earlier accounts, the notion of free will was never entirely absent. Rather, individuals were supposed to exercise some influence by praying constantly and fervently to God to deliver them from the snares of the Devil, who, according to one early Ordinary's Account, "always watches his advantage over such as misspend their precious hours in Sin and Vanity".

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7Increase Mather, The Wonders of Free-Grace; Or, a Compleate History of the all the Remarkable Penitents...Executed at Tyburn (John Dunton, 1690), 160.

8The Penitent Murderer: or, An Exact and True Relation taken from the Mouth of Mr. William Ivy...(Roger Vaughan, 1673), 7.

9OA (J. Applebee, 12 June 1741), 19.

10The Behaviour of the Condemned Criminals in Newgate, who were Executed on Friday the 19th of this Instant December...(George Croom, 1684), 4.
Condemned criminals—often independently, often at the prompting of officiating clergymen or witnesses—tended to attribute their ruin to the fact that they had committed small sins which had caused God to withdraw His grace from them, thus "suffer[ing] the Tempter to prevail more and more against [them], till in the end [they were] brought to misery". When, for instance, Nathaniel Russell protested his innocence to "Mr. Ordinary", the latter told him, sure he formerly had been guilty of many grievous sins, that God should so give him up to such a Fact without any provocation, providence oftentimes punishing great sins with greater; to this he answered, by confessing that all his life he had run on in a course of wickedness and rebellion against God, and particularly bewailed with tears, his continual breach and neglect of the Sabbath and Religious Duties.

Similarly, Margaret Palmer "did not deny the Crime for which she is Condemned, but wept, saying, that she was prevailed upon to commit it, because she did not pray against it". Nor was the occasional or halfhearted prayer sufficient to thwart the subtle designs of the "Enemy of Mankind": Thomas Benson attributed his rape of the eight-year-old daughter of his master to the fact that he "seldom Prayed to God to keep him from Temptation"; while one criminal executed in 1695 claimed that "God let him fall justly into this Crime, because tho he pray'd often to him to keep him from Sinning, yet he did it with little Devotion, and not with Fervency".

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11A True Account of the Behaviour, Confession and Execution of Samuel Alderton...on Friday the 7th of August, 1685... (E. Mallet, 1685). 2.

12The Confession and Execution of the Seven Prisoners suffering at Tyburn On Wednesday the 6th of March 1677/8...[published with the epigram, "The Wages of Sin is Death"] (D[avid] M[allet], 1677/8), 6.

13A True Account of the Behaviour, Confession and Last Dying Speeches of the Criminals that were Executed at Tyburn (E. Mallet, January 1693/4).

14A True Account of the Behaviour, Confession, and Last Dying Speeches, of the Criminals that were Executed at Tyburn... (Eliz. Mallet, December 1695), 2.
While God seems to earn mention most often by virtue of his absence (i.e., by withdrawing His grace, and abandoning the criminal to his or her own depravity), in contrast, Satan, or the great "Tempter", plays an active role in such early accounts. Frequent reference is made in the late seventeenth century to "the power, malice, and sedulity of the devil, to enter and possess Mankind, and to stir up both Men and Women to horrid and evil Actions and Murthers".15 Francis Nicholson, condemned for murder in 1680, claimed that he "had made a Vow to kill a man before I went from Hampton-Court and the Devil appeared to me and told me, I was damn'd if I did not perform my Vow".16 Edmund Kirk claimed he had murdered his wife because "the Devil told me, no less than her Innocent Blood could give me a proper Satisfaction", while William Gilbert insisted that "the Enemy of Mankind...never let me rest Night nor Day till I had Murthered my Wife and Child".17

And while murderers were (for obvious reasons) particularly likely to blame the instigation of the devil, even those convicted for less heinous crimes occasionally acknowledged the active involvement of supernatural beings in their daily lives: Francis Black, a horsethief, informed the Ordinary that "since his Condemnation, he dream'd that an Evil Spirit came to him, and would have haled [sic] him out of his Bed: But upon praying that God would preserve him, he grew more quiet in his Mind".18 This seems to elicit no scepticism from the Ordinary (Samuel Smith); similarly, when Mary Compton, a "most cruel

15 A True and Wonderful Relation of a Murther Committed in the Parish of Newington...by a Maid who poysioned her self, and cut the Throat of a Child (n.p., 1681), 1.

16 The Confession of Francis Nicholson... (Richard Janeway, 1680), 2.

17 The Sufferers Legacy to Surviving Sinners: Edmund Kirk's Dying Advice to Young Men. Wrote by his own Hand in Newgate...(George Croom, 1684), 1; The Wicked Husband and Unnatural Father...(E. Bell, 1705), 7.

18 A True Account of the Behaviour, Confession and Last Dying Speeches of the 4 Criminals that were executed at Tyburn, on Friday the 23d of October...(Langley Curtiss, 1691), 2.
and bloody Midwife" convicted for the murder of four children, claimed "that she was assured of her Salvation, and that she had made her peace with God, and that the Night before, an Angel appeared to her and told her she should be saved". Smith does not dispute that she had had such a vision, only that she may have been deceived: "he should be glad if it were the true heavenly Angel, and not Satan the Great enemy of Mankind, who oftentimes does transform himself into an Angel of light".19

By the early eighteenth century, references to active divine (or demonic) intervention in the lives of criminals had all but died out.20 While in 1735 the anonymous author of The Lives of the Most Remarkable Criminals included an appendix of several cases demonstrating to the reader that through the hand of providence guilt will always out, he expresses his awareness that such "Relations" may "Expose me to the Raillery and the Ridicule of a very numerous Tribe of Wits in this Age, who value themselves extremely on their Contempt of supernatural Stories".21 By mid-century, criminals who resorted to such "supernatural Stories" to justify their actions tended to be perceived as liars or madmen. In 1743, John Riggleton, who "was really at intervals quite a lunatic", stabbed his wife to death while "he was in one of the worst of his fits". When asked "why he did it, he only told them an incoherent story about the devil"; and in 1752, the Ordinary of Newgate's reaction to such "incoherent stories" verges on the incredulous: John Salisbury claimed that "the Devil put it

19A True Account of the Behaviour, Confession and Last Dying Speeches of the Criminals that were Executed at Tyburn... (E. Mallet, October 1693), 2.

20Belief in witchcraft seemed to have also declined both dramatically and with astonishing swiftness in the early eighteenth century, especially in more educated circles (see for instance, Keith Thomas' classic study, Religion and the Decline of Magic [1971]; for a more recent study of witchcraft, see J.A. Sharpe, Instruments of Darkness: Witchcraft in Early Modern England [Philadelphia, 1997]). Yet despite this general secular trend, references to the devil are not so quickly rooted out of legal phraseology: murder indictments, for instance, continue to cite "the Instigation of the Devil" well into the middle of the eighteenth century.

into his Head (it is his own words) to [commit a robbery.] And he gave no other Reason for such his Behaviour, than it came into his Head of a sudden, and he was in Liquor at that Time".22

By the eighteenth century, crime was seen less as the result of hardening one’s heart against God's grace (although this notion never altogether disappears), but as a species of moral degeneracy, and a product and a symptom of a long course of private vices, which seemed inevitably to lead to the commission of more public offences. If the idle apprentice’s progress to Tyburn had obtained something of the status of a proverb, so too had his passage through various and progressive stages of vice—most famously, Sabbath-breaking, oath-taking, company-keeping, disobedience to parents or masters, not to mention "Uncleanness". In The London Merchant we are told that "one vice as naturally begets another, as a father a son"; and according to the author of a mid-eighteenth century collection of criminal "lives", such was "the Force of ill Habits", that even the smallest sin, if "wilfully committed, easily draws on another, and that more; and a Man cannot tell when or where to stop, till it end at last in a sad and shameful Death".23

"Idleness, lewd Women, and ill Company" might well have constituted "the Sum total of those Excuses which are usually urg’d by criminals when they come to be punish’d, even for the most flagrant Offences"; but, as contemporary clergymen and authors of criminal "lives" were careful to stress, such "Excuses" could in no way serve as a justification for taking to illegal courses.24 If even the most promising youth could be drawn down the

22OA (M. Cooper, 26 July), 44-5; OA (T. Parker and C. Corbett, 27 April 1752), 67.

23George Lillo, The London Merchant; or, the History of George Barnwell, (1731; repr. and ed. Adolphus William Ward, 1906), 49; Select Account of the Most Remarkable Convicts (1745), 1:105; OA (J. Morphew, 15 December, 1710), 1.

proverbial slippery slope (as was Lillo's George Barnwell), he or she alone could be held responsible for taking that initial and fatal first step. When, for instance, William Bristow bemoaned "his Hard Fortune to fall into bad Company", the Ordinary took pains to inform him "that it was his own corrupt Heart which led him aside to commit the Crime", and "had he resolved in God's strength to have departed from Iniquity, sinning would not so easily, upon Inticement, prevailed with him".25

The notion than all those who embarked on a course of crime would eventually end their lives on the gallows seemed—simultaneously, if paradoxically—to justify both the excessive rigour of the Bloody Code in principle as well as the too-tender way in which it was often seen to be administered in practice. For although well-known, it is nonetheless worth pointing out that eighteenth-century England was a society in which most criminal activity went not only undetected but often unprosecuted, where less than half of those condemned of capital offences were actually executed, and where the "hit-and-miss severity" of the law tended to "[fall] on a few selective victims" only.26 Clearly then, the notion that a habitual course of vice hardened the criminal and inured him or her "to Crimes the most heinous and most shocking to human nature" served a dual purpose: not only did it lay the onus for crime on the shoulders of the individual ill-liver, but justified both the execution of first-time or young offenders (i.e., those who, by being "nip'd in the Bud...by their being suddenly apprehended much Wickedness was prevented"), and of those "old offenders" and men and women of known ill-life who were convicted on flimsy evidence, or for crimes of a

25 A True Account of the Behaviour, Confeesion [sic], Last Dying Speeches of the seven Criminals that were Executed at Tyburn, on Friday the Ninth of May... (L. Curtiss, 1690), 2.

26 Beattie, Crime and the Courts, 556.
relatively trivial nature.  

The author of *The Lives of the Most Remarkable Criminals* includes several accounts of people executed for crimes for which they were almost certainly innocent, concluding philosophically that "that is the Danger a Man runs, from being known to be of ill Life and Fame, of having himself accused from his Character, only, of Crimes which he tho' guiltless of, in such a Case, might find it difficult to get his innocence either prov'd or credited".  

After all, according to Roger Wykes, Ordinary of Newgate in 1700, "if what the Apostle affirms be true, *That he who is guilty of one sin is guilty of all*".  

Often, as we have seen, efforts to detect the "secret sins" of criminals seem almost comically strained. Duke Cooke, while "chast" and "free from Acts of Uncleanness", nonetheless "sometimes... did Drink to Excess, and Walkt abroad on the Sabbath", while Joseph Smith, executed in 1726, although "not at all inclined to, or guilty of Robbery or Thieving", was so "addicted to Dancing, that he could by no Means abstain from it". A "Person of no Vicious Principles", such as John Austin, who was executed in December, 1725 for "knocking down a poor Man and taking away his Coat", clearly poses something of a problem for chroniclers: it is noted with some bemusement that he "had been guilty of very few enormous Crimes, except drinking to Excess sometimes, and that but seldom. The Sin which most troubled him...[was in his] spending the Lord's Day mostly in hard Work".

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28. 2:137.  

29. *The Confession, Behaviour and Dying Speeches of the Pirates at Execution Dock, on Friday the twelfth of July...* (E. Mallet, 1700), 2.  

30. *A True Account of the Behaviour, Confession, and Last Dying Speeches, of the Criminals that were Executed at Tyburn, on Wednesday the 18th of Sep [sic]...(Eliz. Mallet, 1695, 1); Select Trials (1742), 3:56.  

(It was fortunate for the authors of criminal accounts that such paragons of clean living were rare indeed).

One of the central themes of criminal literature was that after having once taken to illegal courses the criminal was both so abandoned to God and so hardened as to be irreclaimable. As one contemporary remarked:

The oftner a young Rogue steals with Impunity, the sooner he'll be a thorough-paced Villain, that will venture on more hazardous Undertakings...He may baffle his Prosecutor, find a Flaw in an Indictment, elude the Force of an Evidence, come off once or twice, be repriev'd, break Gaol, or be pardoned, the Gallows will be his Portion at last. The Wretch that is train'd up to stealing is the Property of the Hangman: He can never entirely leave off his trade: Many, after Transportation, have, with great Hazard of their Lives, found the Way back again to Newgate. A Thief bred must be hang'd if he lives.32

Rehabilitation was also considered unlikely even in the case of very young or first-time offenders. When in 1742, the nineteen-year-old John Jennings "wept and lamented grievously, promising amendment, and made strong Resolutions if he was spared", the Ordinary of Newgate reflected that "he was acquainted with too many of the gangs, so that it would have been a hard Matter to reclaim him", and "in all Probability if he had lived longer, he would have committed a great deal of more Wickedness, but he was cut off in due Time, and cropt in the Bud". After all, a "wicked Way of Life, which once engaged in, is not easily to leave off"—not simply because morals are permanently corrupted and habits of self-indulgence take root—but because "having once enter'd into a Gang, if any one breaks off, they have another's Life in their Power, giving Informations against their wicked Companions, and then they become Evidences for the King, and hang one another".33 And

32The British Journal (March 5, 1725), 2.

33OA (J. Applebee, 2 November 1742), 8-9.
many criminals would themselves complain that, after falling in with a gang, they "were made a Property of, by every Villain that knows or guesses at [their] Circumstance", and thus found it impossible to leave off their former course of life, even had they chosen to do so.\textsuperscript{34}

This rationale could salve the consciences of those who might be moved to pity one such as John Johnson, 17, who was "in the preceding Part of his life...honest, did not steal nor thieve, and kept in his Master's Service, till taken up for this Robbery, which was the first and last he ever committed, which he freely confessed". Yet in "overtaking" Johnson and his accomplice "instantly", "Justice...prevented much Mischief, which in all Probability they might have done, if suffered to go on in such a hellish Course as they had engaged in".\textsuperscript{35} Occasionally, the condemned criminal obliged by echoing such sentiments: the twenty-two-year-old Robert Hickson (also executed for his "first Fact"—a robbery committed while he was drunk)

express'd his Joy that he had been concern'd in no more; if he had escap'd now, he said, he might have committed more, and as it had pleased God to suffer him to be taken so early, it prevented a further Reckoning, which might have render'd the making Peace with his God a more difficult task.\textsuperscript{36}

The notion that given the inherent depravity of human nature the progress of vice was irreversible was one frequently invoked in reference to those offenders which a later age would term "juvenile delinquents". Criminal biographers expressed their horror, not that adolescents should be hanged for what often amounted to rather paltry crimes, but at "the present Depravity of human nature, that we have sometimes Instances of Infant criminals, and

\begin{footnotes}
\item[34]\textit{A Full and Impartial Account of all the Robberies Committed by John Hawkins etc...Written by Ralph Wilson, late one of their Confederates} (J. Peele, 1722), 9.
\item[35]\textit{OA} (J. Applebee, 12 June 1741), 7-8.
\item[36]\textit{OA} (T. Parker, February 1749/50), 7.
\end{footnotes}
Children meriting Death by their Crimes, before they know or can be expected to know how to do any thing to Live". Typically, chroniclers (the Ordinary of Newgate in particular) stress the necessity of "nipping" such offenders "in the bud"; often, they give full vent to their shock at the degree to which such youths were both hardened and "obstinate". James Guthrie seems less dismayed at the youth of one Henry Gadd, "about 14 Years of Age", than his utter ignorance

in point of Religion...he understood nothing of it, though bred in a Christian Country. He was ask'd, Who made him? and he could not tell. I inform'd him that the great God created him, and all the World. A second Question was, Who redeem'd him? he hesitated a while, and at last he said, The D—l; astonish'd and grieved at such an improper and wicked Answer, I sharply reprimanded him, but I fear to little Purpose, for he was the obstinate inconsiderate little Villain that I ever saw, since I have had the honour to serve the City.

Similarly, Guthrie informs the reader that the fourteen-year-old Bernard Fink "had a natural Inclination to Villainy, and was irreclaimable. It was said, that he said in the Cells, If he were let out he would go straight to his old Trade". As though to emphasise Fink's precocity, Guthrie adds that "he said he was very much addicted to Women" and that "he drank and swore very much". Yet somewhat paradoxically, Guthrie concludes by informing the reader that "when I examin'd and spoke to him, he wept like a Child, as he often did in Chapel".

While one must always guard carefully against projecting the values of a later age onto the past, there seems to have been, if not doubt, at least some degree of defensiveness in the way in which, for instance, the Ordinary of Newgate insisted that "the seeds of

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38 OA (M. Cooper, 24 December 1744), 6.

Wickedness were rooted in, and grew up" with such young offenders "from [the] Cradle". If contemporary authors of criminal "lives" argued that a criminal's youth could not excuse his or her actions, clearly, the sight of young offenders about to be executed often evoked feelings of pity from onlookers. In 1764, the then Ordinary Stephen Roe sourly noted that Joseph Redmond "declared himself to be but 17 years old, though by his appearance he seemed above 20, but that is common with many malefactors, who would be thought younger than they really are, to excite compassion".40 John Taylor seems to be anticipating the objections or at least the discomfort of his readers when he reminded them that, while the fifteen-year-old Anthony Westley's "tender Years and Ignorance may with us be pleaded an Excuse" for his lack of "Remorse and Contrition...but how hereafter this may be respected, we must leave to the Disposer of all Things": i.e., that unseasonable pity for youthful offenders in the here-and-now might, by delaying or interfering with their repentance, only consign them to eternal damnation in the hereafter.41

If a belief in the inevitable forward progress of vicious habits could reconcile chroniclers to the fate of criminals, but still leave room for ambivalence or pity, it was also possible to conceive of exceptions to the rule. After all, the notion that some criminals could, in theory, turn their lives around after a brush with the law constituted one of the central themes of Defoe's novels (most notably, *Moll Flanders* and *Colonel Jacke*), as well as being—with the 1718 Transportation Act—enshrined in the criminal code itself. The author

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40OA (M. Lewis, 11 June 1764), 39. According John Taylor (an earlier Ordinary), young offenders often presumed that their youth would operate as an excuse for their actions, as they "boldly violate the Laws of Society, and daringly do all the Mischief they can to Mankind; fondly presuming that the Plea of Youth, and the Pretence of its being the first Fact will, whenever they are taken, save them from the Gallows, tho' if they should be so happy as to meet with Mercy, 'tis ten to one if they reform" (OA [T. Parker and C. Corbett, 11 October 1752], 130).

41OA (T. Parker and C. Corbett, 11 February 1750/1), 45.
of *The Lives of the Most Remarkable Criminals* includes several examples of criminals voluntarily transporting themselves to America in order to live honestly far away from their former haunts and erstwhile companions in crime (granted, rehabilitation without such a removal was considered next to impossible). Just as the resolutions of eleventh-hour repentance were typically seen as both superficial and transient, such success stories were clearly viewed as extraordinary; however, the fact that they were accorded mention at all is in itself significant.

In fact, scholars such as Peter King and John Beattie have argued convincingly that those who administered the criminal law in the eighteenth century placed considerable stock in the notion that some criminals—especially young or first-time offenders—were more "reformable" than others. Moreover, such studies demonstrate that not the merely the character or the sex of an offender but also his or her age could play a large part in sentencing and pardoning decisions; indeed, single men in their mid- to late twenties were far more likely than younger (and less hardened) or older (and hence, more "attached" and "steady") criminals to be condemned to death, and far less likely to be pardoned or have their sentences commuted.44

And, while most commentators would have agreed that "we are all born into the world" with "a natural Propensity...to Evil" and that "the Soul is originally bent to Folly", it was also generally acknowledged that vicious tendencies could, if arrested early enough and with sufficient vigour, could be nipped in the bud:

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44King, "Decision-Makers and Decision-Making", 40-41.
this Bent or Inclination must be rectified, or driven out either by Instruction, or if that proves insufficient, by Correction; and it is to be done while the Person is young, while he is a Child, and then IT MAY be done. The Child may be wrought upon; Nature like some Vegetables, is malleable when taken green and early; but hard and brittle when condens'd by Time and Age; at first it bows and bends to Instruction and Reproof, but afterwards obstinately refuses both.45

And, while most criminal chroniclers were quick to stress that even the youngest criminals were, like Jack Sheppard, youths only "in Age and Person", but "old [Men] in Sin", it goes without saying that such writers would have a vested interest in seeing their subjects as beyond all hope of rehabilitation.46 After all, the vast majority of criminal "lives" and confessions were concerned with men and women already long past any hopes of a reprieve (even if, as some contemporaries complained, they were often printed before the condemned had delivered their last dying speeches). On one very obvious level (as Lincoln Faller and others have pointed out) such accounts certainly functioned both to legitimate the justice of criminals' sentences while relieving a generalised social sense of guilt or anxiety—as well as "reinforcing the moral values and conventional choices of their readers".47 Yet, however much of an investment both readers and creators of criminal lives would have had in seeing their subjects as irreclaimable, occasionally it is acknowledged—however tacitly—that justice was not infallible, and that the human beings who administered it were not all-seeing or all-knowing. This did not mean, however, that the criminal's protestations of innocence or "excuses" could be credited. In one of the Ordinary of Newgate's more candid moments,


46 The History of the remarkable Life of John Sheppard, Containing A particular Account of his many Robberies and Escapes (John Applebee, 1724; reprinted in Horace Bleackley and S.M. Ellis, Jack Sheppard [Edinburgh and London], 1933), 138.

47 Backsheider, Daniel Defoe, 152.
he informed a convicted murderer who insisted that the killing had been accidental, that
"should human Courts of Judicature (where the Mind of men can not otherwise appear, but
by their Actions) allow Excuses, every Criminal would find such Pleas as would put an End
to Justice". At least they could both console themselves with the fact that there was, after
all, a higher court.

iii. "Guilt is the Offspring of the Heart": nature versus nurture

In 1733, the convicted murderess Sarah Malcolm was reported to have comforted a
fellow-prisoner with the following words:

As to the ignominy of your Fate, let not that trouble you, none but the Vulgar
will reflect either on you or your Relations; good Fathers may have unhappy
Children; and pious Children may have had unworthy Parents, neither are
answerable for the other.49

However suspiciously eloquent such a speech may have seemed coming from the mouth of a
twenty-two-year-old laundress, there is little reason to question the sincerity of the sentiment:
indeed, it is a constant refrain of early eighteenth-century "lives" that parents could not be
held responsible for the actions of their children. The author of a "life" of William
Cranstoun (rendered notorious for his involvement with the parricide Mary Blandy),
beg[s] leave to put the Reader in mind, that no Reflections are intended to be
thrown on the noble Family to which he belongs: How many a Hero has had
the misfortune to be the Father of a Coward! How many an honest Man,
whose Candour has been untainted, has produced an Heir of Shame! And how
many Men of Abilities have had Fools for their Children!...Guilt is the
Offspring of the Heart, and cannot be communicated to us by that of others.50

In the words of one late seventeenth-century pamphlet, "every days Experience demonstrates

48OA (J. Applebee, 17 June 1723), 6.
49OA (J. Applebee, 5 March 1732/3), Part 2, 26.
50Memoirs of the Life of William Henry Cranstoun, Esq... (J. Bouquet, 1752), 4.
this as Truth: A good Father may have a bad son, Virtue and Vice rarely running in the Channels of Nature..." Moreover, those criminals "descended of an Honourable Family" whose "Parents" were "well Reputed and Honest" and "possest of a considerable Estate", had even less excuse for turning to illegal courses than those of more obscure social origins; for, "certainly their Crimes are greater, who are the Offspring of such Parents, and run Counter, not only to their Examples and Instructions, but also, the benefits of that Education they generally bring them up under".  

But even the parents of humble criminals are typically described as "poor" but "honest", "respectable" and "industrious"—or, to borrow several verses penned in honour of Jonathan Wild: "Born of honest Friends he was/(But many an honest Parent has/An ugly froward Knavish Child,/And one of these was Mr. Wild)". Indeed, it is a constant refrain of criminal "lives" that even parents like those of the street robber Joseph Shrewsberry, hanged in 1726, who were

in so mean Circumstances, that they were not able to given him any Education at all...were careful in carrying him constantly to Church with them, and instructing him as far as they were able in the Principles of the Christian Faith, and did every Thing their narrow Capacity would give them Leave, in order to enable him to get his Bread in some honest Employment. 

A claim commonly made by criminal chroniclers was that malefactors were wicked from the "Cradle", being born with "vicious Inclinations". This is often, if not usually, despite all attempts on the part of masters and parents to curb such evil tendencies: John

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51 *Murder will Out: An Impartial Narrative of the Notorious Wicked Life of Capt. Harrison*... (Ed. Golding, 1692), 3-4. The notion that criminals of good family had less excuse for their actions is a common one; according to Captain Charles Johnson, "It must be allow'd indeed, that the Son of a Virtuous Father if he falls into Excesses, commits a much greater Crime than one who has never had the Advantage of good Instruction, and, what is still more powerful, good Example" (*General History of the Highwaymen* [1734], 345).

52 *Weighley, alias Wild: A Poem in Imitation of Hudibras*..."by N.P. many Years his intimate Acquaintance" (J. Roberts, 1725), 3.

Barnet was (to cite only one of many examples)

from his Cradle of the most wicked, dogged, perverse Disposition in the World, would not go to school, nor do any thing that was Virtuous and Good, in Obedience to his Parents or Relations, but went about the Streets and acted the Blackguard, when there was not any Occasion to do so, from his very Infancy.\textsuperscript{54}

Sometimes a criminal's wickedness manifested itself not only from the cradle, but from the womb itself: in one late seventeenth-century account of the highwayman Thomas Sadler, we are told that

This Sadler's Mother during the time she was big with him, long'd for a piece of Pork at Brainford Market, and nothing would serve her turn but she must steal it; so that being a poor Woman of a very honest principle, she was forced to get a Neighbour to agree with the Butcher to give her private leave to Convey it away; By which strange Extravagant desire, Nature gave sufficient Notice of his Inclinations of the Child she went with; which in his very Infancy began to show themselves.\textsuperscript{55}

Criminal "lives" abound with errant and incorrigible children who thwart all efforts on the part of parents to keep them within bounds. We are told that John Lowden, hanged in 1742, was "a wicked Youth", who would never "[mind] any Business at all", and on whom "all Advice or Reproof was thrown away", would "immediately run away and be gone for Weeks...if his Father offered to beat him".\textsuperscript{56} Similarly, William Dawson was such an untoward, unlucky, unmanageable Lad, that it was with the utmost Difficulty his Parents kept him within any Bounds of Decency at all; he frequently making Elopements from them, occasioned their giving him proper Chastisement, in Hopes to reclaim him by Severity, being heartily tired of trying every good-natured Method they could invent; but this had the contrary Effect on William, for being of a wandering, roving Disposition; and finding his parents were determined to keep a more strict Hand over him than usual, he was resolved to prevent them, by taking himself from them for good and

\textsuperscript{54}OA (J. Applebee, 23 Dec 1730), 10.

\textsuperscript{55}Sadler's Memoirs: or, the History of the Life and Death of that Famous Thief THOMAS SADLER...(P. Brooksby, 1677), 2.

\textsuperscript{56}OA (J. Applebee, 7 April 1742), 7.
Parents are seldom, it would seem, criticised for disciplining their children; rather, severe measures were seen sometimes as both justifiable and necessary, if not always effective. Even the author of *The Lives of the Most Remarkable Criminals*, who claims to be "far from...an Advocate for great severities towards young People", admits there are "Cases" where "they are as necessary as Amputations, where the Distemper has spread so far, that no Cure is to be hoped for by any other means."58

In fact, if parents were to be castigated, it was not for their "great severities" but for their "too great tenderness and Compassion".59 The formula of the overly-indulgent parent and the wayward child was such a standard feature of the early eighteenth-century criminal etiology that it was occasionally parodied—as in one 1708 pamphlet supposedly "penn'd from the Mouth" of "the Right Villainous John Hall", a "Famous and Notorious Robber". According to the latter, the typical criminal "is generally Born of Good and Honest Parents, who gave him Pious and Wholesome Education" and "designed him for something extraordinary...if he had not taken ill Courses". However, "being indulged in Stubbornness and Disobedience, as the Joy and Darling of his Doating Parents, he begins first with the little Sins that Youth is capable of" and graduates (thanks largely to his overly tender parents' unwillingness to "[daunt] him by Correction") to more serious offences. Such indulgence renders it impossible for the youth "to be wean'd" of bad habits, or to submit himself to the discipline of a master: "this", Hall concludes, "is the first step to the Gallows, which in time

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57OA (T. Parker and C. Corbett, 31 December 1750), 34.


59Ibid, 1:112.
This theme was often taken up by more earnest pens than that of the "Villanous John Hall", and sometimes even voiced by condemned criminals themselves. In the last dying speech of one criminal executed in 1680, who claimed to have "followed the Trade of a Thief...ever since he was Five Years of Age", he

with many tears accused his Parents, for promoting his ruine, by encouraging or at least winking at his petty Childish thefts, and not sufficiently Correcting him for the same; whereby he became emboldened to go on, and attempt greater Rogueries, which now brought him to this untimely End. A notable Warning to all Parents, to avoid such a course as gives their Children just occasion to curse their Memories; and accuse their Fondness, as the principal Cause of their Destruction.  

The author of *The Lives of the Most Remarkable Criminals* implies that "the ordinary kind of People in England" were often inclined to "wink at" such early "Essays in Dishonesty" on the part of their children as "cheating at Chuck, and filching at Marbles" only to punish severely these same "smart Boys" when they have graduated to the "stealing of Handkerchiefs and the picking of Pockets" (and only when it is too late to discourage those criminal tendencies originally seen merely as "Tricks" demonstrating the superior "Genius and Spirit" of their children.)  Yet all parents are warned against "over lenity", or a "tender-hearted" reluctance to "suppress...Youthful Follies with too much Rigour". In the words of one pamphleteer, "Parents should be very cautious, and act very delicately in the bringing up thier [sic] children, not to grant them too much Indulgence, seeing such conduct often produces fatal Consequences"; in fact, "the truest Way for a parent to demonstrate his

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60 *Memoirs of the Right Villanous John Hall, The Late Famous and Notorious Robber, penn'd from his own Mouth some time before his Death...*4th ed. (H. Hills, 1708), 5.

61 *Fair Warning from Tyburn: Or, the several Confessions and execution of the Fifteen notorious Malefactors that suffered there on Monday the 8 of March 1679/80* (n.p., 1679/80), 4.

62:75-6.
or her love to Children, is not to let them know [i.e., that their parents love them].

While the notion that parental "Fondness" and "indulgence" could "produce fatal Consequences" was predicated on a belief in the frailty and inherent depravity of human nature, there was also an implicit acknowledgement that parents were at least in part responsible for how their children turned out. Indeed, as one writer conceded, "the Misfortune of not having early a virtuous Education, is very often so great a one, as never to be retrieved"; so much so that those who "prove remarkably wicked and profligate for want of it...if they had been so happy as to have received it, would probably have led an honest and industrious Life". Nor did the prevalent belief in a universal human propensity to sin entirely exclude a notion of tabula rasa; that is, "the Minds of young Persons are generally compared to Paper, on which we may write whatever we think fit".

And however much "spare the rod and spoil the child" sentiments may have enjoyed the ascendency, parents and other "Friends" were supposed to strive for a happy medium:

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63 A Genuine Account of Anne Whale and Sarah Pledge, Who were tried and condemned at the Assizes held at Horsham in the County of Sussex, &c... (M. Cooper, [1752]), 9.

64 Lives of the Most Remarkable Criminals (1735), 1:94.

65 Lives of the Most Remarkable Criminals (1735), 1:273. While any involved discussion of the debate of the conception of childhood or youth in early modern England is clearly outside the scope of this study, it is worth noting that the late seventeenth and early eighteenth century has been seen by historians such as Lawrence Stone as a period in which traditional, repressive methods of childrearing were being displaced by a more gentle and nurturing approach on the part of parents informed by a burgeoning sense of "affective individualism" originating in the middle and upper ranks of society (Stone, The Family, Sex and Marriage in England, 1500-1800 [London, 1977]). Ironically, another pioneer in the field of the history of children, Phillippe Ariès, sees the growing concern with children and the consciousness of childhood as a unique phase of life during the early modern period as resulting in harsher and more disciplinarian childrearing practices (Centuries of Childhood: A Social History of Family Life, trans. Robert Baldick [New York, 1962]; for a critique of Ariès, Stone and others, see Linda Pollock, Forgotten Children: Parent-Child Relations from 1500 to 1900 [Cambridge, England, 1983]). For my purposes, however, I would like to stress that a belief in both original sin (implying the inherent depravity of human nature) and Lockean psychology seemed to coexist in this period, and perhaps with less tension than has often been assumed. Indeed, as C. John Sommerville has argued, most authors of childrearing treatises in the seventeenth and early eighteenth centuries stressed the importance of firm discipline while acknowledging children's sensitivity to environmental stimuli, as well as their inherently plastic and malleable nature (The Discovery of Childhood in Puritan England [Athens, Georgia, 1992]).
As indulgence is a very common Parent of Wickedness and Disobedience, so immoderate Correction and treating Children as if they were Stocks, is as likely a Method as the other to make them stubborn and obstinate, and perhaps even force them upon taking ill Methods to avoid Usage which they cannot bear.66

Indeed, despite the fact that criminal accounts (and, as we shall see, the confessions of most of the condemned themselves) continue to portray crime as a failure of a moral order, for which the individual alone ultimately could be held responsible, this does not mean that parents were not taken to task for the way in which their children had turned out. As Sarah Malcolm’s speech implies, "the Vulgar" did occasionally "reflect" on a criminal’s relations; and sometimes, it would seem, the parents of the condemned were called on to defend themselves. The "sorrowful father" of the fifteen-year-old John Swift, when asked by the Ordinary "why he did not train him better, and keep him within bounds?", answered (rather defensively) "that he had done the best he could for him, and blamed the boy's unruly temper and behaviour"—not his own efforts to reclaim him, which were, he implied, strenuous (if unavailing).67 Other parents complain of the difficulty of maintaining a balance between severity and indulgence: in 1735 one exasperated father claimed to have taken what Care I could in giving my Boy good Instructions, but my Care had but little Effect on him. He was always very perverse, and a notorious Lyar, for which I have often corrected him, though not with Severity, for fear of hardening him.68

It was occasionally conceded that the parents of some criminals set a bad example for their children or neglected their education; such "dysfunctional" families (or at least mention of them) may have been rare, but were not unheard of: Captain John Stanley’s father, a

66bid., 1:225.
67OA (M. Lewis, 15 June 1763), 49.
68Select Trials (1742), 4:113.
soldier, was supposed to have hardened his son by regularly "prick[ing] him with a Sword", plying him "with Wine, or other strong Liquors", and allowing him to indulge in various dubious pastimes—not to mention his "Chief Delight", which "was (when a Battle was ended) to walk about the Field and trample upon the dead Bodies". Elizabeth Branch's daughter was said to have "inculcated such barbarous Notions" from her mother (a "great Reader" whose "favourite Pieces were said to be those that treated of tyranny and Inhumanity; particularly that of Nero, who ript up his Mother's Belly to see how he was born"), "that she would often cut open Mice and Birds, torturing them for three Hours together before they expir'd".

Sometimes such "barbarous Notions" were seen to have been inherited from parents, rather than conveyed by example. Despite an insistence that "Guilt is the Offspring of the Heart, and cannot be communicated to us by that of others", it seems that in the late seventeenth and early eighteenth century there were many (and perhaps not only "the Vulgar") who believed that "Vice as well as Virtue often runs in the Blood". The origin of all William Barton's misfortunes, for instance, was traced to his having "inherited a sort of hereditary Wildness and Inconstancy" from a father who had "been always of a restless Temper, and addicted to every species of wickedness". Despite having the opportunity to "have done well" in an "easy condition" (i.e., by serving out his apprenticeship to a "tender"

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59 Select Trials (1742), 2:26.

70 Inhumanity and Barbarity Not to be Equal'd: Being an impartial Relation of the Barbarous Murder Committed by Mrs. Elizabeth Branch and her Daughter, on the Body of Jane Buttersworth, their Servant... (1740), 31. Early and mid-eighteenth-century popular explanations for criminality were not, it seemed, unaffected by contemporary intellectual currents: as G. J. Barker-Benfield points out, the third earl of Shaftesbury was warned by his tutor, John Locke, that tormenting "very young birds, butterflies and such other poor things" tended "by degrees" to "harden [one's] mind towards men" (quoted in The Culture of Sensibility: Sex and Society in Eighteenth-Century Britain [Chicago, 1992], 106).

71 OA (J. Applebee, 17 April 1730), 3.
grandfather), Barton instead decides to indulge his "roving" temperament by going to sea—the fatal first step, it is implied, on the path to ruin.\footnote{Lives of the Most Remarkable Criminals (1735), 1:21-2.} And as for the famous thief and sharper John Dalton (whose father had been executed and his mother transported for robbery), the Ordinary of Newgate notes that "being the Son of such a Notable Family, one may easily conjecture what sort of a Tree grows from such a Stock".\footnote{OA (J. Applebee, 12 May 1730), 3.}

The notion of criminal tendencies being hereditary seems to have been something of a minority opinion. The opinion voiced by one pamphleteer, i.e., "that Rapine and Theft often run in the Blood and become Hereditary", can hardly be seen as representative—considering the fact that he advocates "disabling such vile People, from leaving any of their pernicious Brood behind them" by castrating "Persons found Guilty of Robbery and Theft".\footnote{Some Reasons Humbly offer'd why the Castration of Persons found Guilty of Robbery and Theft, May be the best Method of Punishment for those Crimes...by J.C. (Dublin: E.S., 1725), 2.} Nor did the idea that parents passed their criminal tendencies on to their children constitute any sort of excuse. When Lewis Rantzau claimed that "his education had been Mean, as his Father's Example had been evil, who committed an Unnatural murder on his own Brother", the Ordinary told him that, as "it is Observable, that Cruelty of Nature and the Mischievous Effects thereof may descend upon Posterity", Rantzau should have been "forewarned", and been all "the more circumspect to avoid those Inclinations, which prompted [his father] to the effusion of Innocent Blood".\footnote{A True Account of the Behaviour, Confession and Last Dying Speeches of the 8 Criminals that were Executed at Tyburn...(Langley Curtiss, 26 January, 1689/90), 2.}

Similarly, while criminal accounts occasionally concede that cruel or abusive parents do exist, this is seldom if ever seen as a sufficient justification for embarking on a life of
crime. According to the author of *The Lives of the Most Remarkable Criminals*,

those who are so unhappy as to suffer from the ill-usage of their parents, [should] not...fall into Courses of so base a Nature [i.e., crime], but rather try every honest Method to subsist, than by committing dishonest Acts, thereby justify all the ill treatment they have received, and by their own follies, blot out the Remembrance of their cruel Parents [sic] Crimes. For tho' it sometimes happens that they are reduced to necessities, which force them in a manner on what brings them to Disgrace; yet the ill-natured World will charge all upon themselves, or at most will spare their pity till it comes too late; and when the poor wretch is dead add to their Reflections on him, as harsh ones on those from whom he is descended.  

The last line--which implies that parents and other "Friends" of condemned criminals were in fact often held up to public censure--is yet another warning against reading criminal biographies too literally. Chroniclers (and as we shall see, most criminals themselves) seemed to prefer to portray criminal activity as the fault of an individual who had allowed full rein to his or her own inherently vicious impulses, yet it does not necessarily follow that the task of assigning moral responsibility for crime could be reduced to one simple explanatory formula. It would seem that even contemporary folk-sayings expressed this tendency to attribute criminality to a variety of different, and often contradictory sources: e.g., "an ill cow may have good Calf"; or, "he that brings up his Son to nothing, breeds a Thief"; or, "spare the Rod, and spoil the Child"; or "that, which is bred in the Bone, will never be out of the flesh"; or even, "he that has no Fools, Knaves, nor Beggars in his Family, was begot by a Flash of Lightening". As the author of *The Lives of the Most

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76 While in fact it was very rare for condemned criminals to complain of being mistreated by parents, the occasional malefactor, for example William Meers, did "[blame]...all of his Friends" and particularly his father "who often Horse-whipped him, and beat him most unmercifully, banishing him from the House, and forcing him to take up with up with the worst of Company, [was] the Occasion of his Wickedness, and the Cause of his Ruin" (OA [J. Applebee, 24 November 1740], 5).

77 1:38.

Remarkable Criminals was to concede, criminality was about as impossible to predict as it was to prevent:

such is the frailty of humane Nature, that neither the best Examples, nor the most liberal Education, can warrant an honest Life, or secure to the most careful Parents the certainty of their Children's not becoming a disgrace to them.79

Thus, it would seem, even if criminality was not solely the fault of the individual, it was his or her own responsibility and not that of parents, or of society at large. To what degree this assertion can be qualified, however, will form the subject of the following discussion.

iv. "Not Poverty, but only her Wicked Heart Inclined her to Commit the Crime": the Problem of "Necessity"?

On the surface at least, the principal thrust of early eighteenth-century criminals "lives" seems to have been that crime was a choice, and that men and women took to illegal courses because "work did not agree" with them and they "lov'd an idle life best".80 Frequent mention is made of the "unhappy Tempers" and "rambling Notions" of criminals who freely chose a life of license and liberty over one of honest industry. Over and over again, we are told of criminals whose "unhappy Tempers", "roving", "inconstant and vagrant Dispositions"—not to mention their "Habits of Idleness and Laziness"—prevented them from "settling to any Business", despite all efforts of "Friends" to establish them in a "sett'l'd way of Life", and many opportunities "to have done well" from their own labour, if they had so chosen.81

Nathaniel Jackson, hanged in 1722 for highway robbery, claimed to have often been

791:315.

80OA (J. Applebee, 24 Sept 1731), 13.

81Lives of the Most Remarkable Criminals (1735), 1:14; OA (J. Applebee, 23 Dec 1730), 6; OA (J. Applebee, 8 November 1738), 10; OA (J. Applebee, 11 February 1733/4), 8.
"at Variance" with his master, "an honest industrious Man" who frowned on his apprentice's "Delight...in Idleness, Extravagance and keeping loose Company". When Jackson eventually ran away from his master, his "Friends" tried to convince him to purchase a "small Place" with money he had inherited from his father. "But", as Jackson confessed, "their Advice was thrown away, for a Settlement was not what I wanted, I thought a loose rambling Life was much more preferable." Similarly, John Jones, while "put to several Trades on liking...could not fix or settle to any of them, having an idle Inclination to remain at Home and Subsist upon the Labour and Industry of his Parents". And the following description of James Stansbury, a housebreaker executed in 1746, may have been extreme, but was in no way atypical: "his coming to poverty and disgrace was not owing to want of Business", for he had been

in a good Way of getting his Bread...by a very good trade...but to his own brutish and hellish Inclinations averse to Virtue and prone to Vice. He followed his Trade very little, loving to loiter and idle away his Time, in a silly insignificant manner, especially in the Company of vile, lewd Women...

Clearly, "the only way to reform him was the Gallows".

Like Moll Flanders, who could trace her undoing to her early aspirations to becoming a "Gentlewoman", the foundation of many a poor but honest youth's ruin was his desire to "make the appearance of a Gentleman", and a corresponding distaste "to be made...a Drudge of". Many young men and women claimed to have been seduced by what they "fancy'd to be "genteel Accomplishments"—e.g., idleness, drinking and gaming; however, by imitating

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82 Select Trials (1742), 1:208-9.
83 OA (J. Applebee, 22 December 1721), 4.
84 OA (J. Watson, 15 March, 1744/5) 6; 7; 10.
their social betters, working people not only impoverished themselves, but developed an "Aversion" for honest employment, now seen as degrading as well as onerous. The highwayman William Page, in a letter supposedly written to his wife, exhorted her to "banish" from the "tender Minds" of their children "all Notions of Gentility and the Affectation of appearing in a Rank of Life to which they have no Pretensions, the fatal Rock on which their unhappy Father unfortunately split"; similarly, Thomas Butlodge claimed that he "might have lived happily enough, if I could but have apply'd myself to Trade, and been contented with a moderate Station of Life: but I was impatient to make a gay Figure in the World, and that hastened my Destruction".

But while most criminals seemed willing enough to confess to those weaknesses to which all men and women were prone (not least those vices of which their social betters were even more guilty than they, if with less fatal results), many did not hesitate to cite various extenuating circumstances which although, in the words of one condemned criminal, did "not excuse" the "Mischiefs that are inseparable from our Course of Life", they "ought to make us pitied". One of the more common--if least effective of such excuses--was that of being "in liquor" at the time a crime had been committed. Criminals who implied that they could not be held fully responsible for their actions because they had been "fuddled" are almost invariably given short shrift: as the Ordinary of Newgate, Samuel Smith, thundered, this was

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86 Select Trials (1742), 1:274.

87 A Genuine Narrative of the Life and Surprising Robberies and Adventures of William Page... (M. Cooper, 1758), 44; Select Trials (1742), 1:212-3.

88 OA (J. Applebee, 17 February 1743/4), 2:33.
"only adding Sin to Sin". Occasionally (although relatively rarely) criminals cite some kind of mental disorder: William Shaw, who in 1721 was charged with theft from "a Dwelling House" to the value of £4 (a capital offence), "in Excuse said that he had received a Kick in his Head by a Horse, since which he oftentimes knew not what he did. The Jury considering the matter found him Guilty to the value of 10d"—thus undervaluing the goods stolen (or committing "pious perjury") so that he could be sentenced to transportation rather than to death. Sometimes criminals had unusual, even rather whimsical excuses at their disposal: for instance, the shoplifter Thomas Rice claimed he had never been the same after "having his Senses in some Measure taken away, on Account of a Young Woman he was in Love with, who died the Day before he was to have marry'd her, and upon whose Grave he laid every Night, for half a Year together"; similarly, Thomas Wilson blamed the breakup of his marriage (by his wife's "Friends") for driving him to crime.

Till this (he said), he never Thiev'd; but being greatly fond of her, after this he was scarcely in his Senses, could not go to Bed for several Nights thro' Grief for her Absence, nor car'd what became of himself; so that getting into leud Company he could, to divert his Melancholly, he met to accompany them on the Highway.

But the reason most frequently cited by criminals for turning to crime (however

89A True account of the Behaviour and Confession of the Nine Criminals that were Executed at Tyburn...(D.M, 31 May 1689), 2. As Mary Hanson, who had been drunk when she had stabbed a "distant relative" to death in 1724, conceded, "she did not think her Drunkenness and Passion an Excuse but an Aggravation of the Crime she had Committed"(OA [J. Applebee, 30 April 1724], 5). The oft-expressed belief that drinking to excess compounded, rather than excused, criminal activity did not preclude the inclusion of many pathetic stories of how alcohol (particularly gin, or "Geneva") destroyed lives. Robbers often claimed that they turned to drink to embolden themselves to commit crimes; sometimes, according to the account supposedly given by one prostitute, "Drunkenness" began as a "relief"; i.e., as a means to forget "all Thoughts of Sin", only later to become "an incurable Disease"(Some Considerations upon Street-Walkers. With A Proposal for lessening the present Number of them...[A. Moore, 1726], 18). Alcohol, particularly in the second quarter of the eighteenth century, was seen as one of the major causes of working-class poverty (see for instance, OA [J. Applebee, 6 August 1740], 6; OA [J. Applebee, 16 September 1741], 7).

90OBSP (19-21 April 1721), 3.

91OA (J. Applebee, 18 July 1722), 4; OA (J. Applebee, 24 September 1722), 2.
vehemently denied by their biographers) was poverty, or "Necessity". While perhaps the most powerful excuse of all—even Blackstone conceded that a "theft in case of hunger" deserved if not mercy than at least "compassion", while Defoe's oft-repeated dictum, i.e., "Give me not Poverty [lest] I steal", derived from no less an authority than the Bible itself—it was probably also the most problematic. Early eighteenth-century pamphleteers such as Mandeville and Henry Fielding, who tended to view crime as the result of the "luxurious" and "extravagant" habits of the "loose and indigent vulgar" who were seen to have made up the bulk of criminals executed at Tyburn, characterised poverty not as a justification or a mitigation of crime, but as a product of idleness and intemperance—and thus less as a cause of crime then a by-product of vice.

By and large, it would seem that the authors of criminal "lives" shared these views: in 1745 the Ordinary of Newgate "remarked to [the condemned], that all the evils now attending their unhappy state were entirely owing to idleness", and told them "that had they applied themselves to honest labour, they would have acquired more with safety and reputation, than could possibly be got by robbery". And according to the author of The Lives...of the Most Remarkable Convicts (published the same year):

We find no Cause either so frequent or so fatal in Respect to Malefactors as an Aversion to Work. The Law given by god to Man is in the Sweat of thy


93Fielding argues that the "Dregs of the People...not being able by the Fruits of honest Labour to support the State which they affect, they disdain the Wages to which their Industry would intitle them" and "[abandon] themselves to Idleness"; as for the typical criminal, he was "too lazy to get his Bread by Labour, or too voluptuous to content himself with the Produce of that Labour"(Henry Fielding, An Enquiry into the Causes of the Late Increase of Robbers and Related Writings, ed. Malvin R. Zirker [Oxford: 1988], 77, 157. See also Bernard Mandeville, An Enquiry into the Causes of the Frequent Executions at Tyburn...(J. Roberts, 1725), especially the preface.

94OA (M. Cooper, 7 June 1745), 5.
Brow, shalt thou eat Bread. It is vain therefore to struggle against it, for if we will avoid honest Labour, we must sit down either with grievous Want or afflicting Shame, nay very often both fall in one Lot...therefore they who are lazy, are the Authors of their own ill Fortunes, and talk idly when they would lay the Fault on Fate.  

Yet it would seem that criminals did occasionally compound the sin of living idly with that of talking idly; that is to say, by at least implicitly "lay[ing] the Fault on Fate". While ultimately (as we shall see in next chapter) most were willing to assume nominal responsibility for their actions, many criminals did choose to divulge details of their past lives which would seem to extenuate, if not wholly excuse, their having taken to criminal courses. And what often emerges from such "lives" is a very depressing picture of the early eighteenth-century working-class life-cycle.

James Appleton, for instance, was typical of many of the condemned in that he claimed to have been launched into criminal courses by the ill-treatment and bad example of his social superiors: according to his account, he went to sea at the age of twelve where he said he met with an infinite deal of Barbarity and Cruelty, from those who should have been his Masters, but were really his Tyrants or Butchers, being scourged and lashed and salted &c. which hard'ned his Mind, and made him hate and defy almost all Mankind. So that returning to England, he was no sooner set on Shore, but he cast in his Mind, how most easily to keep himself, on the Expence of others, and by spoiling and preying on all whom he thought he could with security.  

And indeed, as I shall discuss at further length in Chapter VII, the demoralising effects of stints in both the army and the navy are frequently acknowledged by the authors of early eighteenth-century criminal "lives".  

| 952:45. |
| 96OA (J. Applebee, 14 March 1721/2), 3. |
| 97The author of *The Lives of the Most Remarkable Criminals* (1735) describes the "Sea" as "an odd Academy to learn honesty at"(1:114); after enlisting in the navy, some men got "such a Nack...to plundering" that they "could never bring [themselves] afterwards to thinking it was a Sin to plunder any Body (2:69). Such |
Some criminals claimed to have been orphaned young, or to have been turned out of doors by cruel stepparents. Others had served as apprentices to abusive or negligent masters. William Miller, who was hanged for highway robbery in 1727, complained of "the Churlishness of his Master's Temper, who was continually picking Quarrels with him, and thereupon beating him inhumanly". After running away from his master before serving out his time, and thus having neither a trade nor a character reference, Miller could not find new employment, "so that by Degrees he was reduced to the greatest Necessity...and tho' he was willing to work, yet he could not tell which way to turn his hand". Similarly, John Cooper, hanged in 1742, claimed to have been born to poor parents who could not give him "any tolerable Education" (although the Ordinary cannot resist adding that "what he got, he was sure to make no good Improvement of, being of a very wicked, perverse and dogged Temper"). He was put apprentice to a fisherman, who "treated him most barbarously, beating him in a most cruel Manner with Ropes, Sticks, and whatever came to Hand...constantly exposing[ing him] to the imminent Danger of his Life by such cruel Hardships and Blows". And when Cooper's master dies, he is "put to his shifts" and "could not find a Master; whereupon, having nothing to do, John took himself to the Company of bad women". However, the Ordinary is anxious to assure the reader that Cooper's "natural Disposition" was "very wicked and perverse", and that he had been "nothing but a common

experiences are sometimes cited as "[altering]" the "usual Bent" of a youth's "Temper", by "accustom[ing]" him "to Blood and Plunder"(1:141). See also OA (T. Parker and C. Corbett, 23 March 1752), 45, and Lives of the Most Remarkable Convicts (1745), 1:60.


99Ibid., 2:351. Miller claimed that "the occasion" of his master's cruel treatment of him was "his loosing a Horse of his Masters...although his Friends paid the Price of it to him, he could never forgive him"(OA [John Applebee, 13 February 1727/8], 2).
professed Thief and Robber from his cradle".¹⁰⁰

Many criminals related a series of mishaps which seemed to owe more to the unkindness of fate than to any particular individual. Thomas Jones' first master died halfway through his apprenticeship; his second was "one of those unhappy Persons, that suffered at Kennington Common". After the execution of the latter, Jones tried to set up shop in London, but was obliged to enlist as a sailor after his business failed. When his ship was soon after put out of commission, he made his way back to London and contracted a debt of £14, for which he was put in the Marshalsea. Jones finally forged a banknote (the crime for which he was sentenced to die) after being "under Confinement for upwards of three Months there, without...a farthing in [his] pocket" or "the least Support imaginable, from any person".¹⁰¹

Men frequently claimed they had been driven to crime in order to support their families. John Harold, who was hanged for burglary, tried (unsuccessfully) to convince the Ordinary of Newgate that "it was mere necessity drove him to it, having married an honest Woman whom he was unwilling shou'd starve before his Face."¹⁰² Other criminals complained of illnesses or injuries, trade depressions and hard winters. Robert Legrose, whose father had died when he was young leaving his mother in great poverty, had not been put "Apprentice to any Trade", but scraped by sometimes as a sailor, sometimes as a casual labourer. But, as he told the Ordinary,

Two or three Years ago, as he was carrying up a [load] of Mortar to the Bricklayers...he fell from the Top of St. Thomas's Hospital, into the Street,

¹⁰⁰OA (J. Applebee, 22 November 1742), 6-7.

¹⁰¹OA (Thomas Parker, 20 February, 1748/9, 10.

¹⁰²The Confessions, Behaviour, and Dying Speeches of the Criminals that were executed at Tyburn... (E. Mallet, 5 September, 1700), 1.
since which he has been almost unable to do any Work.\footnote{OA (J. Applebee, 18 March 1740/1), Part 1, 5.}

Also fairly typical was the experience of the Irishman Richard Quail, hanged in 1740 for theft, who had been "put Apprentice to a Weaver, and according to his own Account, served his Time honestly", but following a trade depression in Ireland, he came to London where he worked at his trade at Times; when his Business was dead, he sold Butter, Eggs, Roots, Greens, or any small Things he was capable of. He married a Wife, and had some Children by her, and endeavoured to provide for them by his Trade, and other Times by Marketing, but having little to do, and brought into great Straits by the hard Weather last Year, and not knowing how to live, he took to bad Company, who led one another into fatal Scrapes...

However the Ordinary is careful to add that, "he was much addicted to drinking, and to vicious Conversation; and filched and stole what he could lay his hands on".\footnote{Ibid.}

If men often complained of the difficulty of maintaining their families, there were countless women like the convicted shoplifter Elenor Gavenor, who pleaded "great poverty and inability to get Bread for herself and four small Children".\footnote{OA (J. Morphew, 31 Oct 1712), 4; 5.} Another claim commonly made by women was that their husbands had been abusive or had abandoned them. Mary Haycock, executed in 1735 for coining,

complain'd very much of her Husband, that he was a vile, naughty Person, wholly negligent of his Duty to God and Man: That he left her for three Years and a half, taking no Care of the Children which she was obliged to keep, without the least Help from him...She had no other way to live but by wicked and unlawful Practices.\footnote{OA (J. Applebee, 2 October 1735), 20.}

The Ordinary, however, was nothing if not sceptical of such excuses, as is demonstrated not only by frequent editorial remarks, but also by various parenthetical
comments interjected into the text of the accounts. This is apparent, for instance, in the confession of one James Hacket, who claimed to have been cheated of his inheritance, and being "low in the World, and finding no present Employment (such as he desir'd)...he was therefore soon brought to Poverty, and (as he pretended) to the necessity of committing those ill things, which he otherwise...would have not done".

Not that the Ordinary was particularly shy about voicing his opinion: when Thomas Jervas claimed that he had been unable to support himself honestly, because "he was not put forth to be an Apprentice", and as his father had "spent his Estate, [he] had not wherewith to provide for his Family", he was told in no uncertain terms that "the pretence of his Father's Poverty, however contracted, did not necessitate him to Commit any unlawful Act, but his own evil disposition" and that he "he ought rather to submit to the meanest Employment", or failing that, to depend "on Divine Providence for a subsistence". Criminals who pleaded poverty were constantly reminded that "this was a very bad Excuse" and that if they had been "honest and diligent Person[s], [they] might have supply'd [their] Wants otherwise than by such unlawful Means"; or, that at the very least they should have "pray'd to God...trusting on the Divine Providence for Relief in [their] Necessity".

Yet, whether to fob off the unwanted attentions of the Ordinary, or to glean whatever comfort they could from his ministrations, most criminals seemed willing enough to acknowledge the inherent wickedness of their actions. Elizabeth Wann, a convicted thief,
was in no way unusual in that she "confest, that not Poverty, but only her wicked Heart, inclined her to commit the Crime". Similarly, when Mary Knight, who claimed to have been "driven to follow an ill Course of Life to keep herself from Starving", after having married "a Seaman who prov’d a bad Husband" and who "brought" her "to great Poverty", is told

That the best and safest way for her to have...been comfortably reliev’d in her Necessity, was to have kept herself honest, and to have look’d out for some Place in a good Family, or for some other lawful Employment. All this she own’d was very true.

Clearly, the criminal's acknowledgement of his or her moral depravity did not preclude the recital of various hard luck stories; what seems more significant, however, is that on occasion, the criminal biographer conceded—if only in a backhanded way—that poverty, misfortune or the burden of supporting a family could mitigate an offender's guilt. The fact that Daniel Jackson had enjoyed "a tollerable Education" and was well provided for by his parents was considered "no small Aggravation of his Barbarity"; similarly, because Ann Clark "by her industry lived well and wanted for nothing", this "made her the more inexcusable in taking to bad Courses". And Daniel Tipping had no reason to prefer the "Company" of "black guards, thieves and pick-pockets...to any settled Business or Employment", since "he needed not have wanted for any Thing, having had his Mothers House to go to, who was concern’d for and took a special Care of him".

\[111\] A True Account of the Behaviour, Confession and Last Dying Speeches of the Criminals that were Executed at Tyburn...(Langley Curtiss, 8 March 1693/4), 2.

\[112\] OA (J. Morphew, 27 January 1715/6), 2.

\[113\] OA (J. Applebee, 18 March 1740/1), Part 1, Appendix, 18.

\[114\] OA (J. Applebee, 18 January 1737/8), 8.

\[115\] OA (J. Applebee, 9 August 1732), 8.
Joseph Leath, "as he was a single Man, there was no Pretence for his turning Thief or Robber".\textsuperscript{116}

Conversely, in cases where the criminal in question had clearly been driven by desperation or extreme want, the Ordinary's tone of condemnation often seems rather forced. Richard Arnold, convicted for highway robbery in 1742, swore that

this was the first and last Robbery he ever committed...and he further solemnly declared upon the Word of a Dying Man, that it was absolutely Necessity [sic], his Wife being lame and sick, and he himself sick and distressed, and having nothing to supply their wants, but both ready to perish, knowing no Remedy, which drove him to this desperate and unhappy Course.

Given the fact that up until this crime was committed, "no Man was reckoned honester" than Arnold, and that the latter was described as looking "more dead than alive" at the time of his arrest, the Ordinary's subsequent pronouncement that Arnold had "received his deserved Doom" rings a little hollow. (In a sad postscript to this story, we are told that at the place of execution Arnold had vehemently denied the rumour "that he sold his Body for seven Shillings, or any Money whatsoever to any Surgeon").\textsuperscript{117}

Similarly, in his attempts to portray certain individuals as irredeemably wicked the Ordinary occasionally betrays, if not exactly a grudging sympathy, then at least a certain degree of uneasiness. He informs the reader that Roderick Awdry, a fifteen-year-old executed for burglary in 1714, was "little acquainted with any thing that was good", and

Tho' he was so Young, yet he had been a great Offender, having committed several Robberies...he acknowledg'd he had, by his own Folly, brought [condemnation] upon himself, and justly deserved [it]: That the causes of his betaking himself to such ill Courses, as he had done, were his Father's dying when he was very Young, and his being brought up to no Trade, and turn'd out of Door, unprovided for by a Father-in-law [stepfather], as soon as his

\textsuperscript{116}OA (J. Applebee, 17 February 1743/4), 10.

\textsuperscript{117}OA (J. Applebee, 22 November 1742), 6; 10.
Mother had marry'd again, which was not very long after his own Father dy'd; that being thus turn'd into the wide World, he was then to seek what Course to take, and what shift to make to get a Livelihood; and that which seem'd to him the readiest, was to steal and pilfer. Which wicked trade he began with robbing of Orchards.\textsuperscript{118}

Clearly, the Ordinary and the authors of criminal "lives" in general preferred to view the men and women executed at Tyburn as hardened characters who, by willfully disregarding all warnings and advice and neglecting countless opportunities to live honestly, had not only brought misfortune down on themselves, but demonstrated themselves to be eminently incapable of rehabilitation. Yet paradoxically it was also acknowledged that having once lost one's good character, the criminal had little chance of turning his or her life around. This ambivalence seems to have been a common feature of many, if not most criminal biographies. In one 1735 account of the street-robber Richard Sheppard, for instance, a sad picture of the latter's life emerges despite the chronicler's evident disapproval. Sheppard, who had married before serving out his time as an apprentice---"An error in Conduct, which in low Life is seldom retrieved"---was soon "Ruin'd" by having to repay his former master a bond for £30; nor was his situation improved by "his Wife bringing every Year a Child". As though to discourage the sympathy of the reader, however, we are told that "Dick rubb'd on mostly by Thieving and as little by working as it was possible to avoid".\textsuperscript{119} The fact that Sheppard had persisted in a life of crime even after being condemned to death and later receiving a pardon is cited as a testament to his complete moral degeneracy. Significantly, however, the account concludes on a rather equivocal note:

This proximity to Death made little impression on his Heart, which is too often the fault in Persons, who like him receive Mercy, and have not withstanding

\textsuperscript{118}OA (J. Morpew, 28 May 1714), 6; 4.

\textsuperscript{119}Lives of the Most Remarkable Criminals (1735), 1:17-18.
too little Grace to make use of it. Dick partly driven by necessity, for few People cared after his Release, to employ him; partly through the instigation of his own wicked Heart went again upon the old Trade...  

As I have suggested here, it would be a mistake to read early eighteenth-century criminal "lives" as unequivocal or unambiguous in either their conception or in their purpose. Instead, they reflected the various and often conflicting intentions and preoccupations of both author and subject. Nor can these accounts be viewed merely as a contest between two versions of the truth: even those voices which can be clearly identified as either belonging, for instance, to the Ordinary or to the criminal he was interviewing are distinguished less by any sort of logical coherence than a sort of inherent ambiguity. Rather, criminal "lives" and "confessions" are complex and often contradictory texts which frequently reproduce the same tension and ambivalence evinced by Henry Fielding's prosecutor of "good Mind" who finds himself torn between the demands of justice on one hand, and a tacit acknowledgement of the "violent Temptations, Necessity, Youth, and Inadvertency" that has "hurried" the criminal to "the Commission of a Crime" on the other. The early eighteenth century may not have been a period renowned for either social compassion or judicial clemency; however, it was nonetheless a time in which the occasional criminal chronicler was able to concede that a thief could be "partly driven by necessity", as well as "through the instigation of his own wicked Heart".

Moreover, authors of criminal "lives" themselves occasionally acknowledged, and even addressed, some of the more troubling inconsistencies in eighteenth-century thought. As the author of The Lives of the Most Remarkable Criminals conceded, there was

\[\text{\footnotesize{\cite{Fielding:AnEnquiry} 164.}}\]

no Plea so often urged in excuse of taking base measures to procure money, as Necessity, and the Desire of Providing for a Family, otherwise in danger of Want. The reason of this is pretty evident, because nothing could be a great[er] Alleviation of such a Crime.

However, he adds, "the Word Necessity is so equivocal, that it is hard to fix its true Meaning, and unless that could be done, it will be as hard to judge of the Reasonableness of such an Excuse". It would seem that such authors could simultaneously concede that poverty could, under certain circumstances, qualify as an excuse, while maintaining that the root causes of both poverty and crime were idleness and vice (or, by extension, human depravity). Clearly, this was an explanatory paradigm which was rent with inconsistencies--yet it was a paradigm which, at least until the middle of the eighteenth century, could incorporate and even tolerate (if not perhaps perfectly contain) such inconsistencies.

In Chapter IV, I have discussed the ways in which after roughly the mid-1740s, the Ordinary of Newgate and the editors of the Account focused on "low life in affliction" rather the general depravity of mankind. Increasingly, crime is characterised as a product of a particular class--i.e., those "poor, wicked families" who, like "nurses for hell, and tutors for the Devil...train up their dear babies from the cradle in swearing, lying, thieving, and all other immoralities"--rather than the inevitable result of men and women indulging an innate human propensity to vice. And, in my concluding chapter, I will discuss how in the later eighteenth-century collections of criminal "lives" this explanatory paradigm seemed to have broken down altogether.

While I will return to the question of changing notions of criminal causation, it is

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123:7. See also 1:304 and 1:431.

123OA (T. Parker and C. Corbett, 1 August 1746), introduction.

124OA (M. Cooper 20 June 1746), 37-8.
worth stressing that—despite mounting inconsistencies and contradictions—early eighteenth-century men and women clung with surprising persistence to a definition of crime as a failure of a moral order. Ultimately, and for reasons which are not difficult to understand, commentators clearly preferred to view crime as a result of individual choice and a product of a long course of vice rather than as an act of desperation or a blind response to misery. And this was a preference exercised not merely by the authors of criminal "lives", but even by most condemned criminals themselves. For, as we will see, while many men and women who suffered at Tyburn were, in their "last dying speeches" and "confessions", eager to extenuate the gravity of their crimes, most nonetheless—by assuming sole responsibility for their actions and for their fate—seemed equally willing to dismiss or even to attempt to reconcile the many contradictions and tensions inherent in the contemporary etiology of crime. And the ways in which such condemned criminals made a "good end"—dying "in peace with all the world" and with their own consciences—will form the subject of the following chapter.
VII. Strategies for Dying Well: "Dying Game" and/or "in Peace with all the World"

In Shore Ditch there I did Dwell,
Where many People knows me well;
In Brandy Shops I did use,
And lewd Women I did choose,
A wicked Sinner I have been,
In Whoring and in other things;
Two Wives I have been Married to,
Which now alas! does make me rue.
I freely forgive every Body,
And hope they will forgive me.

--from confession of Thomas Pest,
Ordinary's Account (5 March, 1731/2)

The French traveller Henri Misson observed in 1698 that

The English are People that laugh at the Delicacy of other Nations, who make it such a mighty Matter to be hang'd; their extraordinary Courage looks upon it as a Trifle, and they also Jest of the pretended Dishonour that, in the Opinion of others, falls upon their kindred...

Yet Misson concedes that not all criminals met death like Clever Tom Clinch--that is to say, "game" and unflinching; for,

to represent Things as they really are, I must needs own that if a pretty many of these People dress thus gayly, and go to it with such an Air of Indifference, there are many others that go slovenly enough, and with very dismal Phizzes [i.e., expressions].

While it is of course impossible to determine what proportion of the condemned went to the gallows "gayly", and how many with "very dismal Phizzes", there has been a tendency for both modern historians and contemporaries alike to focus on the ways in which condemned criminals and spectators could, and frequently did, disrupt or subvert the

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1M. Misson's Memoirs and Observations in his Travels over England...translated by Mr. Ozell (D. Brown et. al., 1719), 123-5. The wording of the phrase describing the appearance of the many criminals who went "slovenly" to the gallows, has a slightly less jocular sound in the original; i.e., "avec une mine fort triste", or, with a very sad expression on their faces (Henri Misson, Memoires et Observations Faites par un Voyageur en Angleterre...[Henri van Bulderen, 1698], 343).
solemnity of the proceedings at Tyburn. While the "dramaturgy" of Tyburn was intended as an awful, and all-too vivid illustration of the truth of that oft-repeated biblical dictum—i.e., that the wages of sin were death—early and mid-eighteenth-century chroniclers such as Fielding and Mandeville (not to mention those of a slightly later period such as Francis Place) viewed both the unruly procession to the "Triple Tree" and the carnivalesque atmosphere which reigned at "Tyburn Fair" or "The Hanging Match" as better calculated to corrupt than to reform the morals of those "Dregs of the People" seen to make up, not only the majority of spectators at Tyburn, but also the bulk of criminals executed there.

The Tyburn procession was abolished in 1783, and public executions in 1868. Yet the eighteenth- (and nineteenth-) century hanging day continues to elicit strong reactions. Peter Linebaugh, writing in 1991, identified Tyburn as "the centre of urban class contention", the very public stage upon which the "Thanatocracy" sacrificed its victims (i.e., those who "had offended against the laws of property"). Similarly, according to V.A.C. Gatrell (writing of a slightly later period), far from being awed or chastened by "the intended solemnity of the ritual [of public execution]", the actions of both the condemned criminal (who strove to die "game"), and the onlooking crowd (with its "ironic approbation" of such efforts)—expressed

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2See Peter Linebaugh, "The Tyburn Riot Against the Surgeons", in Albion's Fatal Tree: Crime and Society in Eighteenth-Century England (New York, 1975), and Gatrell, Hanging Tree, especially chapter 4. For a discussion of public hanging and the "carnivalesque", see Thomas W. Laqueur, "Crowds, Carnival and the State in English Executions, 1604-1868", in The First Modern Society: Essays in English History in Honour of Lawrence Stone, ed. A.L. Beier, David Cannadine and James M. Rosenheim (Cambridge, England, 1989). Similarly, Peter Lake and Michael Questier have cited the degree to which the execution of early modern heretics "opened up spaces in which [the state's] purposes could be challenged and subverted" and "the scripted dialogue between martyrdom and persecution...could be glossed and appropriated for a variety of polemical purposes"("Agency, Appropriation and Rhetoric under the Gallows: Puritans, Romanists and the State in Early Modern England", Past and Present, 153:(1996), 69.


4London Hanged, xix-xx.
what amounted to nothing less than a working-class resistance (however muted or sublimated) to a legal code which valued property over human life.5

But if some scholars have focused on the way in which criminals subverted or attempted to appropriate or redefine the lesson that moral reformers or authorities hoped the scaffold would impart, others have turned their attention to "the last dying speech" as something both solicited and scripted by a "law" which "required that its victim should authenticate in some sense the tortures that he had undergone", and which "asked" the criminal "to consecrate his own punishment by proclaiming the blackness of his crimes..."6 Recently this view has been refined and to some extent qualified by historians who have seen such confessions as reflective of a more generalised societal need to legitimate the sentence of death meted out to criminals. As J.A. Sharpe has argued, the condemned

were the willing central participants in a theatre of punishment, which offered not merely a spectacle, but also a reinforcement of certain values. When felons stood on the gallows and confessed their guilt not only for the offence for which they suffered death, but for a whole catalogue of wrongdoing, and expressed their true repentance for the same, they were helping to assert the legitimacy of the power which had brought them to their sad end.7

5Gatrell, Hanging Tree, 110; 119.


7"Last Dying Speeches", 156. It is important to note that Sharpe sees these "confessions", reflecting a kind of "internalised obedience" (157) as "usually forthcoming" and "generally unforced" (150), in contrast to Foucault, who has described such speeches as "more often fictional" than not (Discipline and Punish, 66). For the social purpose and function of the Ordinary’s Account in particular, see Lincoln Faller, ("In Contrast to Defoe: the Rev. Paul Lorrain, Historian of Crime", Huntington Library Quarterly, 60 [1976], 59-78), as well as the slightly different interpretation I have advanced in Chapter IV. For the reciprocal value of "last dying confessions" (i.e., both to the individual criminal and society in general), see also Peter Lake, "Popular form, Puritan content? Two Puritan appropriations of the murder pamphlet for mid-seventeenth-century London", in Religion, Culture and Society in Early Modern Britain: Essays in honour of Patrick Collinson, ed. Anthony Fletcher and Peter Roberts (Cambridge, England, 1994). For a interesting and perhaps more nuanced view of the confessions published by the Ordinary, and one which puts more emphasis on the value of such accounts as empowering to the criminal, and even allowing him or her a degree of agency, see Michael Mascuch, Origins of the Individualist Self: Autobiography and Self-Identity in England, 1591-1791 (Cambridge [England], 1997), 162-201.
Evidently, both "game" and seemingly unrepentant criminals and sincere penitents have attracted the interest of contemporaries and modern scholars alike (if for rather different reasons). However, as I shall argue in this chapter, many if not most criminals fell somewhere in between these two extremes; and while some criminals died "obstinate" and few were as penitent as the Ordinary could have wished, most seemed willing—and some even anxious—to deliver a "last dying speech" enumerating past sins, exonerating relatives and spouses, and forgiving their enemies. Indeed, most of these criminals seemed generally willing to accept responsibility for their actions, and admitted to being egregious sinners and ill-livers (even if many continued to deny "the fact" for which they were to be executed), and eager to "die in peace with all the world".

I. The value of a "free, full and ingenuous Confession"

Being admonished to say something to the Spectators, it is natural enough to hear a poor shivering Malefactor come out with his last Dying Speech, as follows, (turning to the Spectators,) "I desire you all good People, to pray for me; I confess I have been a very wicked Offender, and have been guilty of many heinous Sins, especially Whoring, Drunkenness, Sabbath-breaking, and all the rest, which has brought me to this shameful End; therefore pray take Example by me, that you may mend your Lives"…

--Memoirs of the Right Villanous John Hall (1708)

Contemporaries, as we have seen in Chapter IV, occasionally questioned the authenticity of confessions which were read out or later published by the Ordinary or others (sometimes before the criminal in question was executed); certainly, such "last dying words" were formulaic and almost always filtered through the medium of the Ordinary or some other enterprising "Dying-Speech-maker". As I have noted, such confessions conform closely to the style and phraseology of contemporary devotional works—not least of which was The Book of Common Prayer. However, these speeches were often authenticated under the shadow of the gallows by the criminals themselves, and any obvious "forgery" was sure to be contested by a flurry of "genuine" and "true" competing accounts. And I will argue that not
only did these confessions contain many idiosyncratic touches which speak to their general verisimilitude, but that it is worth exploring the significance and the function of the typical dying speech formula itself.

The importance of confession to the average Englishman or woman in the early modern period should not be underestimated. It seems reasonable to assume, in fact, that many people "on the brink of Death and Eternity" felt a genuine and spontaneous impulse to confess their sins—as the description of the behaviour of plague victims in Defoe's *A Journal of the Plague Year* (1722) would suggest:

> Many Consciences were awakened; many hard Hearts melted into Tears; many a penitent Confession was made of Crimes long concealed: [it] would wound the Souls of any Christian, to have heard the dying Groans of many a despairing Creature, and none durst come near to comfort them: Many a Robbery, many a Murder, was then confess aloud...People might be heard even into the Streets as we pass'd along, calling upon God for Mercy, thro' Jesus Christ, and saying, I have been a Thief, I have been an Adulterer, I have been a Murderer, and the like...

And indeed, what seems to trouble the narrator most about such dismal scenes was that "none durst stop to make the least Inquiry into such Things, or to administer Comfort to the poor Creatures, that in the Anguish both of Soul and Body thus cry'd out".\(^9\)

The importance of attending to the spiritual as well as the corporeal needs of the dying

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\(^9\) *A Journal of the Plague Year*, ed. Louis Landa (Oxford, 1990), 34. See also page 104.

\(^10\)Ibid.
receives particular emphasis in *The Book of Common Prayer*, where ministers attending the sick are exhorted to

examine whether he repent him truly of his sins, and be in charity with all the world; exhorting him to forgive from the bottom of his heart all persons that have offended him, and if he hath offended any other to ask them forgiveness; and where he hath done injury or wrong to any man, that he make amends to the uttermost of his power...Here shall the sick person be moved to make a special Confession of his sins, if he feel his conscience troubled with any weighty matter...\(^1\)

The necessity for a sick or dying person to forgive all who had trespassed against him or her, and to ask forgiveness of all those whom he or she had offended was apparently taken seriously by the condemned, as we shall see; of equal importance, especially for convicted felons, "who by Notorious Crimes have given Publick Scandal to the Christian Religion", was the "Publick Acknowledgement of their Excesses in Sinning". Confession, according to Samuel Smith, the late seventeenth-century Ordinary of Newgate, was "a necessary Duty" for all people about to die: after all, it was only by "unburthen[ing] the Conscience of a Load of Sin, by a free discovery of it, that...Serenity of Mind, may be obtained". A "full, free and ingenuous Confession" was particularly necessary, however, in the case of more "Public sinners", who were supposed to strive for a "Repentance...as Exemplary, as their Conversation hath been Vicious".\(^2\)

As we have seen, many contemporaries—not to mention a number of criminals—questioned the disinterestedness of the Ordinary's motives in obtaining the confessions of the condemned men and women under his care. While we cannot be sure of how many

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\(^1\) *The Book of Common Prayer and Administration of the Sacraments, and other Rites and Ceremonies of the Church, According to the Use of the Church of England; Together with the Psalter of Psalms of David, Pointed as they are to be Sung or Said in Churches* (Charles Bill, 1703), from section entitled "Visitation of the Sick".

\(^2\) *A True Account of the Behaviour, Confession and Last Dying Speeches of the Criminals that were Executed at Tyburn on Wednesday the 8th of March...* (Langley Curtiss, 1693), 1.
spectators would have shared the Ordinary's disgust for "obstinate" criminals like one "Mr. Pickering", executed in 1679, who "neither warned the People, to take heed of an ill Life, nor Confess'd any Sin to God", many contemporaries noted that criminals who confessed their crimes with a becoming (or "decent") sense of contrition met with sympathy and approval from onlookers. 13 While Fielding tended to single out for especial disapproval those "bold and hardened" criminals who won "the Applause, Admiration, and Envy" of spectators, he conceded also that considerable "Compassion" was accorded to their "meek and tender-hearted" fellows at the gallows. 14 And as one later chronicler declared, "Every criminal who dies sensible of his guilt, is pitied by the spectators, who while they hate the crime, are sorry for the man". 15 Conversely, criminals who refused to confess their guilt posed something of a problem for contemporaries, as many chroniclers found it incredible that anyone could be so abandoned as to "think of...rushing into the presence of his creator, with a willful lie in his mouth!" 16

While the Ordinary of Newgate and other criminal chroniclers, the authorities, and not least the onlooking crowd, clearly had a vested interest in hearing the condemned deliver a detailed inventory of past crimes and misdeeds, it is would be wrong to dismiss the confessions of last dying criminals as nothing more than a response to a seemingly insatiable public demand for criminal news on one hand, or to external societal pressure on the other; or, even simply as a manifestation of the criminal's "internalised obedience" to social

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13 An Account of the Behaviour of the Fourteen Late Popish Malefactors whil'st in Newgate. And their Discourses with the Ordinary...(n.p., 1679), 9.

14 An Enquiry into the Causes of the Late Increase of Robbers, 167.

15 The Newgate Calendar (1773), 4:226.

16 The Tyburn Chronicle (1768), 1:107.
norms. For, as I will attempt to demonstrate, criminals' confessions reflected above all their need to define their lives according to their own terms, and a desire to die with dignity and composure—not to mention exercising some degree of what we might refer to as "agency". For even those criminals who chose to deny "the Fact" for which they were to suffer (including those who died "game") were almost invariably eager to "die in peace with all the world"—something which, in early modern terms, seemed to require some sort of statement generally assuming responsibility for their actions and a willingness to meet their fates. While such statements may well have served to legitimate the sentences meted out to condemned men and women and to confirm and to validate the moral choices of their audience, I will argue that these confessions also reflected the genuine desire felt by criminals to "make a good end" according to their own lights, and—whether this entailed dying penitent, "game", or somewhere in between—even enabled them to do so.

ii. Dying Penitent

We have seen that the Ordinary of Newgate seldom let slip an opportunity to complain of the rigours of his job, or the "obstinacy" and irreclaimability of many of the "rogues" and "wretches" whom he laboured to bring to a suitable repentance; however, this should not deflect our attention from the significant minority of criminals who were penitent almost to the point of ostentation; for instance, the housebreaker Stephen Gardiner executed in 1724, who was not only "remarkably observant of his Duty", and "never easy, nor would let the others be so, but when they were reading or praying", but even insisted (despite the "extream Cold") on wearing a shroud to Tyburn, "for he was of Opinion, that he could not too much

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17 For a discussion of "internalised obedience", see Sharpe, "Last Dying Speeches", 157.
punish and afflict his Body for the Crimes he had committed".18 And, in March of 1676/7, Samuel Smith observed with no little satisfaction that "No man could be more penitent" than the convicted highwayman William Johnson, who "[spent] almost all these few remaining moments of his life in Prayers and Tears". Johnson managed to find time, however, to write the following poem "on the wall of his Chamber in Newgate":

My precious Lord, from all Transgressions free,/ Was pleas'd, in tender pity unto me,/ To undergo the Ignominious Tree./ I suffer justly; but his Sacrifice,/ I trust, shall make my grovelling Spirits rise,/ And from the Gibbet mount the glorious Skies.

Smith goes on to inform the reader that "at the Sermons on Sunday he behav'd himself very reverently", complaining only that he "now and then, in the anguish of his Spirit...was ready to interrupt the Preacher [i.e., Smith] with the loudness of his sighs and groans".19

Certainly, just as the Ordinary's emphasis on the stubbornness of some criminals served to underscore the heroic measures which he was willing to take to reclaim them, many accounts of penitent criminals seem almost blatantly self-congratulatory. In April 1733, Guthrie notes, for instance, not only that one William Norman "declared himself very penitent, wept often and bitterly, was very attentive to Prayers and Exhortations", but that he was "most thankful to me, and blest me for giving him private Instructions in a familiar Way, in the most necessary Points of Religion".20

Yet, as many scholars have argued (J.A. Sharpe, Peter Lake and Michael Mascuch, to name only a few) some criminals not only found the role of sinner-cum-arch-penitent empowering, but revelled in it—delivering impassioned speeches enumerating in loving detail

18OA (John Applebee, 3 February 1723/4), 5-6.
19The Confession and Execution of the Five Prisoners suffering at Tyburn on Fryday the 16th of March...(D[avid] M[allet], 1676/7), 6.
20OA (John Applebee, 27 April 1733), 23.
all of their past sins, as though the depth of their previous depravity only amplified the glory of their present repentance. There is a tendency for many of the earlier "dying speeches" to read like impromptu sermons: this may well simply reflect a seventeenth-century preoccupation with salvation, damnation and providence (not to mention the machinations of the Devil); certainly—with the important exception of the Ordinary, who, perhaps exasperated with the distance between theory and practice, frequently railed at the obstinacy of the criminals under his care—authors of criminal lives in this early period borrowed heavily from a tradition of martyrrology, and tended to focus on the behaviour of "penitents" to the exclusion of all other criminals (for instance, Increase Mather's 1690 The Wonders of Free-Grace, devoted almost entirely to murderers). Yet, seventeenth-century criminals clearly belonged to a culture more comfortable with fire and brimstone speeches and public, even "enthusiastic" displays of contrition.

The following confession by Edmund Kirk, hanged for the murder of his wife in 1684, is a fairly typical example of this penitential genre:

Time was when I had as great a delight in vanity, as the most Debauched amongst you. The Day was lost in my apprehension, in which I met no Jovial Companion to Drink or Carouse away the Hours; the Night misspent, that was not improved in the Embraces and Dalliances of some Dalilah. The Sentence came dully and insipidly from my Lips that was not Grace with an Oath; and I looked on my self with shame when I let slip an Injury without a Revenge.

And, borrowing the didactic and impassioned tone of an itinerant preacher, he concludes by

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21 The Wonders of Free-Grace: Or, a Compleat History of all the Remarkable Penitents that have been Executed at Tyburn, And Elsewhere, For these last Thirty Years... (John Dunton, 1690).

22 After roughly 1700, as J.A. Sharpe has pointed out (and my own research would seem to confirm this) there is a marked decline in "public penitence", at least of the more impassioned variety ("Last Dying Speeches", 165). Arguably "enthusiasm" should have, with the emergence of Methodism, experienced something of a renaissance in from the late 1730s onward. However, this does not seem to be the case with the Ordinary's Account: Guthrie harboured a strong antipathy for Methodists—in one instance describing them as "rather crazy than devout" (OA [J. Applebee, 18 March 1740/1], Part I, 17)—while later Ordinaries (as I have argued in Chapter IV) tended to favour a more low-key, even secular approach.
conflating his own sins with those of his audience:

the Pleasures of Sin were as Thorns and Briers in your Sides: the Debauches and Excess of Company, the worst of all Pains and Trouble: the Embraces of your Beloved and Endear'd Harlots Vanity and Vexation of Spirit: your Oaths and Excuses [?] a slighting against the Almighty, and contending with Omnipotence and the love of Revenge: the seeds of Murder. 23

One of the most compelling (or at least most frequently reiterated) justifications for making the Ordinary's Account "publick" was that it was supposed to serve as "a Warning to Others" ("Vicious Youth" in particular) and "as a Seamark to all that read or hear it, that they may avoid those fatal Rocks of sin, on which these unhappy persons lamentably Shipwrack't". 24 While this aim continues to be professed well into the middle of the eighteenth century (and doubtless persists, in some form, to this day), later scaffold admonitions to spectators tended in general to deliver a more secular message (i.e., "crime does not pay", rather than "repent of your sins before it is too late"). In March of 1733/4, one Caleb Charlesworth informed the crowd that "the one Halfpenny well gotten, was better than Half-a-crown obtain'd in such a wicked Manner, which never fail'd to be attended with Remorse of conscience, and inward convulsions of the mind"; similarly, several years later, the convicted thief George Sutton describes the life of a criminal as "a life more miserable than that of the poorest Labourer, who toils for 4d a Day". He claims

we always have a Heaviness on our Spirits, and are never without certain painful Apprehensions, which hang up on our Minds so constantly, that we never can enjoy any Ease or Quiet, till we have thoroughly heated our selves

23 The Sufferers Legacy to Surviving Sinners: Edmund Kirk's Dying Advice to Young Men. Wrote by his own Hand in Newgate, and delivered to his Friend with a desire the same night be Published, on Friday the 11th of June, 1684...(George Croom, 1684), 1.

24 The Behaviour, Confession & Execution of the several Prisoners that suffered at Tyburn On Fryday the ninth of May, 1679...(n.p., 1679), 1; The True Account of the Behaviour and Confession of the Condemned Criminals in Newgate...together with their Last Dying Words Before their Execution at Tyburn...10 June...(George Croom, 1685), 1; The Behaviour, Confession, and Execution of the Twelve Prisoners that Suffered on Wednesday, the 22d of Jan. 1678/9...at Tyburn...(C.L., 1679), 1.
with Liquor, and till we are (what we call half Seas over) with Whores and Confederates; nor can we sleep sound, unless we reel to Bed. If we go abroad in the day-time honest Men may easily know us to be rogues by our Faces; and our suspicious fearful countenances are sufficient at any Time to discover us.

Nor is there any honour among thieves: "oftentimes, even when we are eating, drinking and carousing together as hearty Friends, we are contriving and designing to betray and hang one another". 25

Many condemned criminals may have found their stints on the soapbox to be both heady and empowering (not to mention affording them a refreshingly different moral vantage-point); moreover, they could, by asserting, as did one Fernando Coulton, that they were "not over-fond of longer living, because [they were] prone to back-sliding", and that they willingly embraced death as an expiation of their sins—a willingness which, combined with a suitable remorse and a eagerness to forgive others (as well as those visible signs of grace—i.e., trembling and tears), was seen as demonstrating their certainty of salvation in the next world. 26 Many penitent criminals invoked the famous example of the penitent thief who suffered with Jesus; others likened the day allotted to them for execution to their wedding day (with Christ as the "Bridegroom") 27: Robert Maynard, hanged in 1696, "said it was a joyful day, and hop'd it might be a Day of Salvation to him, tho' he now did suffer, for if he had lived longer, he might have run into a Thousand more grievous Crimes". 28

25 OA 8 March 1733/4, 15; OA 3 March 1736/7, 13.

26 A True Account of the Behaviour, Confession, and Last Dying Speeches, of the Criminals that were Executed at Tyburn Wednesday the 3d of this Instant August... (E. Mallet, 1698), 2.

27 The "soul of the "Peninent" could, according to Increase Mather, hear the voice of this "Bridegroom" calling to him or her: "Rise up my love, my fair one, and come away: for lo, the Winter is past, the Showers are over, and the Flowers have appeared in our Land" (The Wonders of Free Grace...[1690], i [n.p.]).

28 Compleat Collection of Remarkable Trials (1718-20), 1:193-4.
And for some criminals at least—for there were always a few who were, like the notorious Jonathan Wild, "reviled and cursed" and "pelt[ed] with dirt and stones continually" on the way to the gallows—a penitent demeanour (combined, one imagines, with an appealing appearance) could command a certain sympathy. Sir John Johnson, a gentleman hanged in 1690 for kidnapping an heiress, "in all his whole Deportment...behaved himself with great Humility towards God, and very exemplary [sic] towards all; which drew great Lamentations, and caused great Concernedness [sic] to appear in the Physiognomies of all that beheld him".

This is not to say, however, that the majority of the condemned died model penitents. While this is not the kind of question that easily lends itself to statistical analysis (not least because there were many degrees of either penitence or impenitence), the impression arising from my own research would suggest that of the criminals sentenced to be hanged at Tyburn (a number which fluctuated in the early eighteenth century, but generally averaged around five or six per hanging day), roughly a third could have been described as very penitent, about an equal number remained "obstinate" or even "defiant", while the rest would fall somewhere in between. In the Ordinary's Account of May 1700, for instance, we are told that one John Shirley delivered the following speech:

"Fear and trembling [the traditional signs of a sincere repentance] have seiz'd upon me, and an horrible Dread hath overwhelm'd me, and an horrible Dread

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29Francis Place Papers, BM. Add MSS 27826, Vol II, No. 4, 15.

30An Account of the Behaviour, Confession, and Last Dying Speech of Sir John Johnson... (Langley Curtiss, 23 December, 1690), 2.

31During the first two decades of the eighteenth century, an average of 4.6 criminals were executed on any given hanging day at Tyburn (judging from Lorrain's statistics; see Table 1). This number grew slightly over the 1720s (averaging about 5.2; see Table 2), increasing to 7.2 by the early 1740s (see Table 3). While the numbers of people hanged in the first half of the eighteenth century fluctuated, and could be as high as twenty or as low as one or two, five or six people per hanging day is a fairly reasonable estimate.
hath overwhelm'd me. Without is the Prospect of Death and Disgrace, and within is Guilt and Anguish; and tho' my Burden is intolerable, yet O good God! I cannot say, but it is most infinitely just. 'Tis a most reasonable and righteous return for my daring Provocations of thy Justice; and much more for my vile abuses of thy Mercy and patience. I must needs acquit and justify thee, and have none to accuse but mine own self, for all my present Fears and Miseries. All my Life I have been sowing Wickedness, and am now brought to reap the Fruit thereof.

Yet the Ordinary, John Allen, reports that the others in the same group "said but little", either from being "indisposed"; or because they were, like one Joseph Fisher, defiant: the latter "would not owe his Crime: and "spent most of his time in quarrelling with the Executioner", although he "afterwards desired all Persons to take Warning by his untimely End".32

Very penitent criminals not only constituted a minority of criminals executed, but they were often ridiculed or abused by their fellow sufferers. The very repentant robber Matthew Lee, hanged in 1752, freely "acknowledged himself a vile and hell-deserving Creature, for his whole life", and after mounting the scaffold assured his relatives not to "vex themselves" for him, as he was sure to "be in Heaven in two or three Minutes". While awaiting sentence, however, Lee took to reproving other prisoners for swearing, and wept when two hardened convicts "curs'd him for 'Making such-a-do about nothing' (as they termed it) and said to him, 'Why, we shall only be hang'd'". The author (who was, it is worth noting, none other than John Wesley) reports that Lee continued his impassioned attempts to reclaim the two, but that they persisted in laughing at him.33

Much penitent behaviour may have also arisen in large part simply from fear, and a

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32A Full and True Account, of the Behaviour, Confessions and last Dying Speeches of the Condemned Criminals, that were Executed at Tyburn...(E. Mallet, 24 May, 1700), 2.

33John Wesley, Some Account of the Life and Death of Matthew Lee, Executed at Tyburn, October 11, 1752, In the 20th Year of his Age...(n.p., 1752), 6; 20; 15.
desire to obtain some sort of spiritual comfort from the Ordinary or other clergymen. Even Mary Carleton, the famously unsinkable "German Princess", lost much of her resolve as the day of her execution drew near: "She then said, that it was a great thing to dye, a harder matter then she had thought it". Some prisoners about to die were literally incapacitated with terror: when Philip Wilkinson, 25, was informed by the "Keeper" on which day he was to be executed,

he was taken with such a Trembling, that he could not hold one Joint of him still for some Time. All the Time that his Fetters was Knocking off, and likewise while the Executioner was a Haltering of him, he cry'd out, Oh! Lord what Have I brought myself too [sic]. Lord have Mercy on me, Christ have Mercy on me.

Some criminals, whether from fear, or merely a desire to receive the blessing of the Ordinary, proved willing subjects for conversion. Occasionally such prisoners were a little too obliging for the Ordinary's tastes: in 1679, Samuel Smith complained of a woman who had been "perverted" by one of her fellow prisoners (a "Popish priest"). When pressed, she confessed to Smith that "a good Minister had told her, that if she died in the Protestant Religion she was sure to be Damned". The Ordinary informed her "that the Priest had deceived her" and attempted to demonstrate the superiority of the Protestant faith. While "she was attentive to what [Smith] said, and seemed somewhat sensible of her being deceived", she concluded by ingenuously expressing her willingness "to be saved betwixt us Both". However, the Ordinary finally succeeded (he believed) in convincing her that "She must not halt 'twixt two Religions, so opposite to each other; and that it was very dangerous

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34Francis Kirkman, The Counterfeit Lady Unveiled: Being a full Account of the Birth, Life, most remarkable Actions, and untimely Death of Mary Carleton, Known by the Name of the German Princess, (Peter Parker, 1673), 208.

35The Account of the Behaviour, Confessions, and Dying Words, of the Malefactors, Who were Executed at Kennington-Common; on Friday the 11th of this Instant April (John Applebee, 1735), 5.
to dye in the Roman Perswasion". 36

Some prisoners may not have been amenable to the instructions of ministering clergymen simply because they wanted to "hedge their bets". The difference in the behaviour of Anne Evans, a servant sentenced in 1675 to be burnt at the stake for conspiring to murder her master and his family (a form of "petty treason"), and that of her accomplice, Phillipa Cary (who was not a servant, and thus not subject to burning, only to being hanged), may be instructive. While Cary "confessed her self to be a great Sinner, as guilty of Swearing, Lying and Sabbath-breaking", she refused to "own the Fact for which she suffered", and persisted in her "obstinacy" (although "she forgave all that had been the occasion of bringing her to this end"). Evans, on the other hand, not only confessed "the Fact" but "had a true sense of her Guilt...weeping when she considered the heinousness of her Crime".

But Evan's penitence may have owed much to a fear of being burnt alive; for, while it was customary for women sentenced to burning to be strangled by the hangman before the flames reached their bodies, clearly this was not something which Evans was willing to leave

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36An Account of the Behaviour of the Fourteen Late Popish Malefactors whil'st in Newgate. And their Discourses with the Ordinary... (n.p., 1679), 6-7. Many condemned criminals seemed to take a rather functional approach to religion; we are told that one Mary Green, "while under sentence...was often attended by a popish priest, whom she says, supported her with money, in order to persuade her to be of his religion, which she consented to, so long as she found her account in it, and then turned him off, telling him, she had no more religion than himself, as was the case of several more of her fellow prisoners, who combined together to rob the poor priest of his money, and then very honestly returned him his religion back again. Mary went to chapel for company sake, and behaved very decently there; but the residue of her time was chiefly spent in drinking, scolding and quarrelling with her fellow prisoners" (OA 4 [M. Cooper, April 1746], 8-9). Conversely, many Catholic prisoners seemed to have been surprisingly willing, like Thomas Paynes an "Irish-man" of the "Romish religion", to take the Ordinary's "Admonitions in good Part" (The Confessions, Behaviour, and Dying Speeches of the Criminals that were executed at Tyburn...[E. Mallet, 6 November 1700], 2). By the eighteenth century, when the Ordinary seemed to be less intolerant of Catholics and Jews (as long as their devotions did not interfere or compete with his reading of prayers), there seems to have been a fair amount of compromise on both the part of the Ordinary and the non-Anglican criminals, as long as the former was not too aggressive in attempting to convert them. Lorrain reports that the Catholic Sebastian Reis "seem'd to be very devout in his own Way, and was also very willing to hear me, and to receive Instructions from me" (OA [J. Downing, 21 June 1704], 2); similarly, Guthrie describes that Matthew Mooney, 21 "was of the Romish communion, but was not bigotted in that Way, for he constantly came to Chapel, made Responses, and sung Psalms with the rest, and always behav'd decently, better then [sic] most of the others" (OA [J. Applebee, 22 November 1742], 5).
to chance: at the place of execution, she begged the minister attending her to "intreat for" her, "that [she] may not be put to much torture, which was accorded".

In the midst of Prayers and pious Ejaculations the Rope was drawn strait about her Neck, and the Block on which she stood taken from her: and about half an hour after the Fire kindled, which had been done sooner by the Will of the Hangmen, but as we may see in compassion to the Dying Penitent, Providence prevented it, he not being able, though he often attempted to kindle it sooner.37

While the chronicler credits "Providence" for the fact that the flames did not reach Evan's body until she was long dead, it is quite likely that her penitent demeanour and tearful entreaties had at least as much to do with the hangman's forbearance as did God's active intervention.

iii. "I have been frail in common with the rest of mankind"38

As we have seen, even criminals who, like Phillipa Cary, died "obstinate", were generally willing to admit to having been "great sinners"--if (to borrow an overused contemporary phrase) "as innocent as the babe unborn" of the "Fact" for which they were to be executed. While of course we cannot discount the likelihood that many condemned criminals were in fact innocent of the crimes laid to their charge, it would seem that most persisted in denying their guilt in the hopes of obtaining a reprieve, or because they wished to

37Increase Mather, The Wonders of Free-Grace..., 169; 166; 168. While most women were granted this mitigation of their sentence, it seems that there was at least the perception that the manner in which the sentence was executed was up to the discretion of the hangman. In 1684, for instance, Alice Pattison (sentenced to be burnt for clipping coins) gave a crown to the hangman to ensure that she would be strangled before being burned (The Last Dying Speeches, Confession and Execution...Executed at Tyburn, the 5th of March [L. Curtiss, 1683/4], 4). It is interesting to note that Catherine Hayes, a particularly notorious (and scandalously unrepentant) murderess, executed in 1726 for conspiring to murder her husband, was burnt alive because the hangman (supposedly because the flames had singed his hand) "dropped" the rope that was to strangle her before the flames reached her (Lives of the Most Remarkable Criminals [1735], 2:236-7); there was, moreover, a rumour that there had been a "special Order...sent to the Sheriff" for Hayes to be "burnt alive, without the Indulgence of being first strangled as is customary in such cases" (The British Journal [14 May 1726]).

38The Affecting Case of the Unfortunate Thomas Daniels...drawn up and authenticated by the said Daniels himself; and faithfully prepared for the Press, by an Impartial Hand...(E. Cabe, 1761), 21.
salvage their reputations or those of their families.\textsuperscript{39} But what seems significant is the fact that the overwhelming majority of the condemned were not only willing to assume complete responsibility for the actions that had led them to the so-called "fatal Tree" (I will return to this in a moment), but to admit to being guilty of a series of lesser transgressions which in themselves merited death.

One reason may have been simply because many of the condemned wished to stave off the Ordinary's prying questions, and thought that they could fob him off with a general enumeration of lesser crimes--the favourite being, of course, sabbath-breaking. In 1711, Paul Lorrain warned Josiah Wilson, "That for the clearing of his Conscience, and the obtaining the Divine Mercy) he must take care (among other things) to make such Discoveries as he was able to make, and might be useful, either to the Publick, or to any Private Persons"; to this Wilson replied, that "He could discover no more, than he had confessed to me", but was careful to "[add], That the Profaning of the LORD's DAY had been the First Cause of his Ruin".\textsuperscript{40} And there were some criminals who, it would seem, could pass as true penitents and still deny their crime: in 1679, Samuel Smith notes that

One of [the condemned] (though not pleased to own the particular Fact) was yet observed in be very penitent acknowledging that for his disobedience to the pious Admonitions of his Parents and extravagant life, especially for these two years last past, viz., in Swearing, Drunkenness, and keeping Debaucht Company, God had most justly brought him to this terrible Sentence of Death...\textsuperscript{41}

\textsuperscript{39}According to the editors of the Select Trials (1742), "It is not every criminal who will confess, and even some will to the last Moment deny their Guilt; for Men are hardly ever so abandoned to Wickedness, but that they have some Regard to the good Opinion of Posterity, and would not willingly leave a worse Character behind them than they deserve"(2:36).

\textsuperscript{40}OA (J. Morphew, 25 May 1711), 1.

\textsuperscript{41}The Behaviour, Confession & Execution of the several Prisoners that suffered at Tyburn On Fryday the ninth of May... (n.p., 1679), 5.
The Ordinary was not usually so easily deterred, however; in 1684 Samuel Smith fulminates against the "Canting Language and Hypocritical pretences of Innocency" of James Shaw, who, while acknowledging "God was very angry with him for former Sins or he would not have suffered him now to be Condemned", but "spake much as to the asserting his own innocence as to the present Crime". In 1713, the condemned criminal "Jane Wells, alias Elizabeth Wells, alias White, alias Dyer, &c.", claimed "that in all her Services she behav'd herself as a careful, faithful and honest Servant in every Respect" and "that she was Guilty neither of Murder, nor Whoredom, nor Swearing, nor Excessive Drinking; nor any such like Crimes". However, as "she was going on in the setting out of herself under a fair Character, and making herself appear (all she could) as a very honest and good Woman", Lorrain—whether tipped off by her string of aliases, or, which is more likely, simply recognising her as an "Old Offender"—"stopt her too fluent Tongue in this her own vain Commendation", pointing out that she had to his knowledge been committed to Bridewell (from whence she had later broken out); been burnt once in the hand; condemned twice for felony; and had, moreover, been guilty of "debauching young Men, and doing abundance of other wicked Things". At this "she groan'd, and shed some Tears, and said, 'I have been a great Sinner indeed: and the Lord have Mercy upon me!'", although she still "would not confess any thing in particular, saving what was most plain and universally known".

Many criminals were more forthcoming: Thomas Cook, while maintaining his innocence, nonetheless "acknowledged he had been a grievous Sinner, a great Swearer and Drinker, an Adulterer, a prophane and lewd Wretch, and a sworn Enemy to those who were

42The Behaviour of the Condemned Criminals in Newgate... who [were] Executed at Tyburn on Friday the 17th of October... (George Croom, 1684), 3.

employed in the Reformation of Manners"; similarly, John Hemp declared in 1725 "that he had been a grievous Sinner, much addicted to Women, and much more to Drinking; that for these Crimes, he thought the justice of God Righteous in bringing him to a shameful Death", although he "declared he never committed any robberies whatsoever". 44

Sometimes, as I have suggested in the previous chapter, condemned men and women affirmed the justice of their sentences while in the same breath communicating various mitigating circumstances which were likely calculated to place them in the best light possible. Samuel Ellar, 30, hanged in 1744 for returning from being transported before the expiry of his sentence (for a robbery committed when "he was in Liquor... at the Instigation of a young Fellow, a Sailor who was going to Sea"), described his experience in America in the following pathetic terms: he was "sold to a Planter, who (he says) used him very cruel; that his Master was a Grecian, of a most Savage Disposition, having (by the Accounts he had heard) whipp'd seven of his Men to Death". Ellar then escaped and returned to London, where for two years "he behav'd himself very honestly and industriously". Yet Ellar concluded by "own[ing]...the Justice of his Sentence", and acknowledging "that he had been a very wicked Youth". 45

Likewise it would appear that many criminals who expressed a willingness to suffer for crimes of which they claimed to be innocent did so in order to demonstrate the depth of their Christian charity as well as to emphasize a suitable sense of the enormity of those sins they did acknowledge; for instance, John Hutchins (convicted in 1684 of murder) admitted to "having been Guilty of most known sins...for which he believed God was highly displeased

44Select Account of the most Remarkable Convicts (1745) 1:40; Lives of the Most Remarkable Criminals (1735), 2:111.

45OA (J. Applebee, 7 November 1744), 5-6; 9.
with him, and had suffered him to be brought to the pass he was at", but claimed to be "altogether ignorant" of "the Crime for which he was to suffer". Nonetheless, although "his Accusers were mistaken, yet he forgave them, and was willing to submit to the Punishment, &c." 46 This is in fact a frequent refrain: in 1689 Isaac Ford insisted that he too had been "falsely Accused, yet he had committed many sins for which God might permit such a sentence to fall upon him"; similarly, the coiner John Moore, who claimed to have "lived frugally" and "honestly" all of his life, conceded that God had been "just" in his "Condemnation", as he had been guilty of adultery and of being "too worldly" in general. 47 And in 1724, Charles Towers, also denied both his crime and any other "notorious Offence, except one, which was unfaithfulness to his Wife's Bed; for which he added, he must acknowledge he deserved Death". 48

The notion that all men and women were inherently prone to vice was often invoked by accused criminals: sometimes in order to elicit compassion—as in the case of George Duffus, who when apprehended by his prosecutor and a constable in 1721 for committing sodomy, "cry'd for Mercy, and begg'd that we would not expose him to public Shame; adding, that we were all Sinners, and it was hard for a Man to suffer for the first fault". 49 More often, however, criminals claimed that the universal depravity of mankind rendered their offenses somehow insignificant by comparison. Most criminals were anxious in their

46 A True Account of the Behaviour, Last dying Words, and Execution of John Hutchins, the Solicitor: Who was executed on a gibbet erected in Fleet-Street, for the Murther of John Sparks, a Water-Man, on Wednesday the 17th of December... (E.R. for R. Turner, 1684), 3.

47 A True Account of the Behaviour and Confession of the Eighteen Criminals that were Executed at Tyburn on Monday the 15th of July... (J.C., 1689), 1; A True Account of the Behaviour, Confession, and Last Dying Speeches, of the Criminals that were Executed at Tyburn, on Friday the 12th of July... (E. Mallet, 1695), 2.

48 OA (J. Applebee, 22 January 1724/5), 4.

49 Select Trials (1742), 1:102.
confessions to stress that, whatever other faults they may have been guilty of, they were innocent of particularly heinous or "unnatural" crimes. Usher Gahagan was not unusual either in owning that had "been guilty of the Fraillties of the Children of Men", or in emphasising that no one could "charge" his "Memory" with robbery, murder, or sodomy, "or any such crying and enormous Crimes".

Admitting to having led a sinful life, or even to be deserving of death, did not necessarily mean that the condemned criminal was any worse than the undetected or "private" sinner (a category which, theoretically at least, included the generality of mankind). Even the highwayman Samuel Harris, hanged in 1728, who conceded that "that there was scarce any Sin he had not Committed, and that he was at least equal in impiety to the vilest Creature", nonetheless objected to the Ordinary's insinuation that "he was more guilty than the rest [of his accomplices]", because he had supposedly "incited" them to turn to crime. Rather, Harris claimed, "there was little difference in their dispositions, having been all of them addicted for many years to the greatest wickedness which men could practise" and "that his companions were no less ready than he to fall upon such means of supporting themselves in sensual delights".

This was an argument often deployed by criminals convicted of particularly execrable crimes. The infamous Captain John Jeane (often spelled Jayne or Jaene), who was executed for the murder of his cabin-boy--whom he had by all accounts, and even by the standards of the time, inhumanely mistreated--claimed that he had never acted inappropriately, and "that

50Few men, it would seem, were willing to confess themselves guilty of "unnatural crimes" such as sodomy. I have only come across one confession of this sort--that of John Graham, 35, who admitted to committing sodomy while at sea (OA [T. Parker, 18 October 1749], 79).

51Select Trials (1764), 1:239.

52OA (J. Applebee, 11 September 1728), 3-4; Lives of the Most Remarkable Criminals (1735), 3:70.
he never had been wicked to that Degree, as to be denominated vicious, but that his Failings were such, as are common to Mankind, and not subject to the Severity of penal Laws".  

Similarly, John Price, who after serving for several years as the hangman at Tyburn, was in 1718 himself sentenced to be hanged for brutally beating and sexually assaulting an elderly street-seller who later died of her wounds. Hardly an ideal penitent, Price confessed only "that if he had many Sins, they were such as were common to other Men as well as himself; and, that, he supposed whatever his Condition might then be, it would be no worse than theirs".  

iv. Exonerating "Friends"

Not only did few criminals die as sullen and tightlipped as John Price or Captain Jeane, but most made a particular point of claiming—as did Charles Speckman in 1763—that their "faults" were "all [their] own seeking and doing, without the advice, privity, or solicitation of any person whatever". Even criminals such as Deborah Churchill, who questioned the justice of her sentence (complaining that she had had no direct hand in the murder for which she was implicated as an accessory), stressed that she had "none to reflect on" for her "Misfortunes" but her "own giddy and ungovernable Inclinations".  

The following speech by one of Increase Mather's "remarkable penitents" illustrates

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53 Unparallel'd Cruelty: or, the Tryal of Captaine Jeane of Bristol...[attrib. by Moore to Daniel Defoe] (T. Warner, 1726), 24.

54 Ordinary of Newgate, his Account of the Behaviour, Confession and Last Speech of John Price, vulgo Jack Catch... (J. Morpew, 31 May 1718), 3-4.

55 The Life, Travels, Exploits, Frauds and Robberies, of Charles Speckman, alias Brown, who was Executed at Tyburn, on Wednesday the 23d of November, 1763...written by HIMSELF, whilst under Sentence of Death in Newgate (J. Fuller, 1763), 42.

56 True Copy of the PAPER at large, left by Mrs. Deborah Churchill, which she deliver'd at the Place of Execution to a Friend of hers...The Substance or Part of which, is related by Mr. Lorrain ORDINARY of NEWGATE, in his Dying Speech... (E. Mallet, December, 1703), 1.
the way in which the so-called "Martyr" to "Sin" was expected not only to confess his or her sins and express contrition for them, but to assume full responsibility for all of his or her misdeeds.\(^{57}\)

I as freely with all my Soul do truly forgive all the world for Wrongs or Injuries done against me, even my Companions, that the Devil used as Instruments to ensnare me, by tempting and drawing me away to Sin; yet must be constrained to confess, it was more mine own Evil and Sin in consenting, than theirs, that has brought me to this place, and therefore must blame my self, being fully assured that I might have resisted the Temptation, and avoided the evil I have done, and therefore must take the Cause of my Misery upon myself...\(^{58}\)

And in later accounts as well we are told over and over again of criminals who "desir'd" the Ordinary "to take notice, that no Man nor Woman in the World ever advised [them to rob] but...the Temptations of the Devil" and their "own depriv'd [sic]" or "vicious Inclinations" and "idle Dispositions".\(^{59}\)

Such sentiments were voiced not only by criminals who, like John Squire, "profest a deep Penitence", but also by those who refused to deliver a full confession.\(^{60}\) John Winship, hanged in July 1721 for highway robbery, was in no way unusual in that he seemed at pains to stress that "he had been inclin'd to Thieving from his Infancy" and "could blame no Body for seducing him, for he begun an ill Course of Life, not only very early, but of his own Accord, and arrived to a considerable Proficiency without the least Assistance of others".\(^{61}\) But Winship, while expressing sorrow for the pain he had caused his "antient

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\(^{57}\) *Lives of the Most Remarkable Criminals* (1735), 2:112.

\(^{58}\) *The Wonders of Free-Grace*, 16.

\(^{59}\) OA (J. Applebee, 24 March 1729), 4; OA (B. Bragg, 24 June 1709), 1.

\(^{60}\) OA (J. Applebee, 22 November 1742), 8.

\(^{61}\) *Select Trials* (1742), 1:48.
Mother", and appearing "very desirous of Life", nonetheless refused to divulge the details of any of his crimes and was particularly vocal in his insistence that he had refused to turn King’s evidence against any of his former confederates (this refusal to implicate accomplices was clearly seen both as proof of Winship’s integrity and his determination to "die in peace with all the world"—a point on which the Ordinary’s and the criminals’ views often diverged). 62

Indeed, the desire to "die in peace with all the world" was certainly not confined to those who died model penitents. William Russel (or Russell), a footpad hanged in 1728, freely acknowledged that "there was no Pretence of Necessity for his betaking himself to such a Course; the only Cause having been his own Wickedness"—all the while assuming, according to one chronicler, "an Affectation of Unconcernedness"; speaking lightly and "with an Air of Indifference" with his confederates about "procur[ing]" a coach to rescue their bodies from the surgeons; and perhaps most importantly, declaring at the gallows that the evidence, James Dalton, "had proposed to him to join in that Information he gave against their Companions, but that he scorned to save his life by so mean a Practice as betraying those who had recieved him into their Friendship". 63

To "die in peace with all the world" it was necessary not only to accept full responsibility for one’s own actions, but—to borrow the words of Thomas Pest—"freely forgive every Body/ And hope they will forgive me". 64 There was of course the occasional criminal who flouted such conventions: for instance, George Ward, "near 26 years of Age",

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62 Ibid., 49.
63 OA (J. Applebee, 20 May 1728), 2; Lives of the Most Remarkable Criminals (1735), 3:35; 3:38. For the attempts of criminals and their families to prevent their bodies from falling into the hands of the surgeons, see Linebaugh, "The Tyburn Riots against the Surgeons".
64 OA (J. Applebee, 5 March 1731/2), 11.
who, on the Saturday before his execution, said that

he only wanted to do one Thing more before he dyed, and then he should be easy, and being asked what that was, he wished that the Person who was the Cause of his being Apprehended would come to see him, he would stabb him to the Heart. 65

However, such cases were in fact relatively rare. Criminals were far more likely to express remorse rather than a desire for vengeance: somewhat more typical is the following statement by Thomas Gray:

it was not the Jury who found me guilty, or the Judge who passed Sentence upon me, that, properly speaking, devoted me to Death; but it as my own Iniquity that forced them to do what they did, and made my dying this violent and ignominious Death, a Thing necessary to the Publick Safety. 66

Ideally, the condemned criminal would also forgive his prosecutor, the witnesses who had appeared against him or her, and even the hangman (it was customary for the latter to ask for forgiveness before executing his office). 67 While few of the condemned were quite so charitable (at least as far as prosecutors were concerned), most loudly broadcasted their desire to exonerate "Friends" and spouses of any blame or involvement in their crimes.

Indeed, much of the "obstinacy" of many criminals seemed to stem from their determination to protect the reputation of their families. John Catt, in an "Account" supposedly "Written by himself", notifies the reader that "to begin with it will be unnecessary

65 OA (J. Applebee, 24 May 1736), 17.

66 The Account of the Behaviour, Confessions, and Dying Words, of the Malefactors, Who were Executed at Kennington-Common; on Thursday the 21st of this Instant August [by William Willson, curate of St. George the Martyr, Southwark] (John Applebee, 1735), 22.

67 This seems to have been a very ancient custom, practised on the continent as well as in England. According to J. Huizinga, "during the Burgundian terror in Paris in 1411, one of the victims, Messire Mansart du Bois, being requested by the hangman, according to custom, to forgive him, is not only ready to do so with all his heart, but begs the executioner to embrace him. 'There was a great multitude of people, who nearly all wept hot tears'" (The Waning of the Middle Ages [Garden City] 1954, 11-12). See also Pieter Spierenburg, The Spectacle of Suffering: Executions and the evolution of repression: from a preindustrial metropolis to the European experience (Cambridge [UK], 1984), 43.
to give any Account of my Parents, by Reason they are not answerable for my Transactions"; John Alexander Emerton flatly refuses to divulge the identity of "that Innocent Family which Un-worthily I belong to"; while Joseph Johnson used a pseudonym rather than real name, "lest it should come to his old Father's Ears, and so bring his gray-Hair with Sorrow to the Grave". Similarly, Thomas Jones, or "Toothless Tom" ("so called by reason of his having had his Teeth knocked out by a Man whose Pocket he attempted to pick"), insisted that "having since his taking to ill Courses, gone by other Names than his own, because, because he would not bring a Reproach upon the honest and pious Family he belong'd to". And while it seems more likely that a career criminal (as we may suspect Toothless Tom of being) would adopt pseudonyms because he was trying to evade old prosecutions than because he was jealous of his family's good name, the fact that he obviously wished to place this construction on his actions is in itself instructive.

As I have discussed in the previous chapter, the parents who dominate the pages of such "Last Dying Confessions" were typically, if poor, honest and industrious; if wealthy, virtuous and respectable; and whether they were seen as overindulgent or severe, they were almost invariably seen as well-intentioned and long-suffering. For every criminal who complained that his or her parents had neglected his education, or had set a bad example, there were at least ten more that would, like John Benlose, lament having "offended against" the "Liberal and Vertuous Education of Pious and Tender Parents" (not to mention "a kind inoffensive Master"). William Newington, hanged for forgery in 1738,
bursting into Tears...beware'd the Concern his Mother must feel, when she should hear his Doom; and mourned that she, who had been so tender of him, should live to see him made a Spectacle to the World, by such a shameful Death; and that he should be the wicked Occasion of bringing her grey Hairs with Sorrow to the Grave.\textsuperscript{71}

Indeed, bringing one's parents' "grey Hairs with Sorrow to the Grave" is something of a stock-phrase of late seventeenth- and early eighteenth-century "Last Dying Speeches".

In marked contrast with modern popular psychology, parents were commonly viewed as suffering from, rather than contributing to their children's delinquency. James Wadsworth, executed in 1702, was "afflicted that he...occasioned unspeakable Grief to his poor disconsolate Mother, whose good Counsels and Admonitions he had so undutifully rejected, wishing that himself might be the last unfortunate Child that might bring such Sorrow upon his Parents".\textsuperscript{72} In 1706, Samuel Sells "cry'd out for his Disobedience and disrespectful Carriage to a good indulgent Mother, so that he spit in her Face, beat her, and curs'd her, which bad Usage, with his other Miscarriages broke her Heart, and prov'd the occasion of her Death".\textsuperscript{73} Similarly, in 1741 Francis Piggot "own'd, that from his Infancy he had been a wicked obstropulous Boy, and said, that his Mother...would be glad to hear he was hang'd, he having ever since he was four Years of Ages been constantly putting her to extravagant Charges, and plunging her out of one Trouble into another".\textsuperscript{74}

Criminals' "Last Dying Speeches" or "Confessions" are frequently prefaced with a wish "that nobody will be so cruel" as "to add" to their parents' "Grief" by "reflecting upon" them; and, in a 1732 "Paper left by Daniel Tipping", the latter declares that it is his "last

\textsuperscript{71}Select Trials (1742), 4:292.

\textsuperscript{72}A Compleat Collection of Remarkable Tryals (1718-20), 2:228.

\textsuperscript{73}OA (J. Applebee, 18 February 1725/6), 4.

\textsuperscript{74}OA (J. Applebee, 12 June 1741), 6-7.
duty" to acknowledge that it was "not thro' [his parents'] Faults or Omissions, but thro' [his] own corrupt inclinations and headstrong Passions" that he had "provoked the heavy Vengeance of God, manifested in the just Judgement of the Law". Many men were equally anxious to exonerate their wives of any involvement, or even knowledge, of their crimes: in 1733, William Brown expressed his "hope" that

all good Christians will not Reflect on my Unfortunate Wife and four small Children, for she was unsensible of my way of Life: for I always told her several different stories how I got my Money; and if I had taken her Advice, I had never brought myself to this untimely End.76

Similarly, John Smith "desir'd" the Ordinary "to give Account that his Wife was an honest Woman...and that she knew nothing of his committing the Robbery he was convicted of, nor his other Villainies", reiterating that "he hoped the World would not reflect upon his Wife, for his Wickedness, of which she was altogether Innocent".77

The Ordinary and other criminal chroniclers, it would seem, often viewed such assertions with scepticism. William Barton, who went to sea in an attempt "to live honestly", found that "being extremely fond of his Wife, he could not live without her", and continually fancied he saw her and his Child reduced to the utmost Necessity, ready to starve, crying for Bread, and upbraiding him for his Absence and Neglect; so that his Affection forced him to return to his Native Country, tho' he knew it would be his Ruin. He found out his Wife to his no small Joy, and, like an indulgent Husband, resolv'd to maintain her at all Hazards. For this Purpose he committed several Felonies...

Barton is later transported, but returned to London because he had grown "so uneasy for want of his Wife's Company". While Barton claimed that his wife "never knew of one of his ill Actions", the Ordinary is sceptical, reflecting that "how his Wife could be entirely ignorant

75OA (J. Applebee, 22 November 1742), 1; OA (J. Applebee, 9 August 1732), 15.
76OA (J. Applebee, 19 December 1733), 20.
77OA (J. Applebee, 23 Dec 1730), 10; 11.
of his Practices, when he had no visible Methods of living honestly, but followed a continual Course of Rapine and Plunder and had been transported for an Offence of that Kind, is a little extraordinary".78

While many criminals may have made a point of exonerating family members in order to present themselves as dutiful children or affectionate husbands (as well, of course, as to demonstrate the depth of their Christian charity), it would seem that contemporaries did reflect upon the relatives of the condemned. In 1716, William Price "was much concern'd to hear that his poor Mother had been misrepresented by some Persons, who had reported, that she us'd no Endeavours to save his Life [i.e., procure a pardon for him]; for he was fully satisfied she did that to her utmost".79 And, in a letter that Charles Patrick, "not full sixteen Years of Age", "desir'd to be inserted in the Dying Speeches", he expressed his concern that he had "heard that several Persons reflected upon my Mother, and said it was she that brought me to this untimely End". However he stresses that she was not only ignorant of his crimes, but that "if I had taken her Council had never come to this untimely end. So all People I desire that you would never reflect upon my dear Mother, nor any that belongs to me, for it was my own Doings that brought me to this shameful End".80

Nor, it would appear, were such statements dictated merely by convention (however unimaginative and repetitive they may have been); in a letter supposedly written to the condemned criminal Matthew Sellars from his aunt, the latter not only refuses his request to arrange his burial, but "wonders" at his "impudence" in "send[ing]" to her in the first place.

...if you were to lay above Ground for ever, I would not Bury you, nor cause

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78 Select Trials (1742) 2:35-6.
79 OA (J. Morphew, 19 September 1716), 5.
80 OA (J. Applebee, 9 October 1732), 11-12.
you to be buried, nor own you, I nor my husband won't come near you, for you have brought such a disgrace to us, that I don't know whether my Husband will live with me or no for you are the first Wretch of our generation that comes to such an End, and I hope will be the last. You say you have several things to Relate to me, you may carry them all with you, for I won't hear them, and if you want to be Buried, you may send to your Whores and Rogues for I will assure you, we won't, for we have no more to say to you...

She refuses even to sign the letter, "for my Name I will not send it to you to such a disgraceful Place". 81

v. "Dying in Peace with all the World"

Occasionally, condemned criminals themselves could be as uncharitable as Sellar's furious aunt; however, it would seem that they were subjected to a great deal of pressure to "die in peace" with husbands, wives and their former companions in crime. James Shaw, while freely exonerating his parents for any blame for his "Unfix'd" and "Unsettled" "Temper" and "Roving Humour", clearly shocked the Ordinary by "endeavour[ing] to cast the whole of his Vices and Calamities upon his Wife", whom he accused of spending all his money, all the while keeping their home "in a melancholly Confusion". In fact,

so deep was his inveterate Hatred engrafted in him against his Wife, that no Threats of Hell fire, no Assurances of being Forgiven, if he heartily forgave Others, could abate this settled Eternity [sic]; nor could the Sight or Speech of her be supportable; saying also, that the Child which she had was nothing related to him. 82

The Ordinary had slightly more success with John Mattocks, who claimed that "the immediate cause of his Ruin was...he had the Misfortune to marry a naughty Woman", who "heed[ed] nothing but Drinking, and Idleness", and (with the help of some friends of her late husband) ate "and drank it all up" so that he was "put to his Shifts". While "he did not

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81 The Account of the Behaviour, Confessions, and Dying Words, of the Malefactors, Who were Executed at Kennington-Common; on Friday the 11th of this Instant April (John Applebee, 1735), 13-14.

82 OA (J. Applebee, 8 February 1721/2), 3.
blame his Wife for giving him bad Advice to betake himself to wicked Courses", he still refused to reconcile with her, as "she had turn'd a common Street Walker (as he was inform'd)". However, when Guthrie "advis'd him to be at peace with her, before he left the World", he apparently "willingly consented...since, suppose that she was once his Wife, it was not proper that any one of 'em should die, having the least grudge at the other".83 Similarly, Edward Reynolds, when visited by his wife (another "naughty Woman") on the night before his execution, "turn'd into a little passion at her for her Unkindness in not doing more for him". However, Guthrie "reproved him sharply, and told him the necessity of being reconciled to all Men, especially, his Wife...Upon this he appear'd satisfy'd, and went to her and was heartily reconcil'd, falling out into a flood of Tears and an hearty Sorrow for Sin, as in Charity we are bound to think".84

Sometimes such reconciliations were delayed until literally the eleventh hour—as was the case with Katherine and Elizabeth Tracey, two sisters sentenced to death in 1735 for coining. According to the Ordinary, the pair had made a "daily Practice" of "Jangling"—with each blaming the other for her fate: "Katherine frequently telling her Sister, that if it had not been for [her], she should not have been brought to that miserable End, and accusing her for being a vile Woman, a Shop-lifter, a Stealer of Pewter Pots, and such like Discourse". Yet the Ordinary was pleased to note that at the place of execution, "the two Sisters, who had before been at Variance, most kindly kiss'd and embraced one another several times".85 And in the same year, two former companions in crime, William Sweet and Philip Wilkinson, fell out after the former—according to Wilkinson—did "things under-handed, in

83OA (J. Applebee, 18 February 1725/6), 3-4.

84OA (J. Applebee, 3 August 1726), 4.

85OA (J. Applebee, 2 October 1735), 23; 25.
getting a Petition sign'd for a Reprieve, and not acquaint him with it, which caused some Uneasiness between them". Yet we are told that at the place of execution, the two men quickly reconciled, kissing each other just before the cart drew away.  

And if the Ordinary and the condemned criminals themselves had a vested interest in dying (or being seen to die) "in peace with all the world", so too, it would seem, did spectators at Tyburn or curious visitors to Newgate. In 1722, Matthew Brinsden, convicted for murdering his wife, refused to forgive his sixteen-year-old daughter for testifying against him in court; and when she "appear'd in the Chapel, to beg he'd forgive her, he turn'd away and would not see her". Not only the girl—who "kneel'd down before him with Hands lift up, and in Tears beg'd him to forgive her", but near 20 other Persons, some of them kneeling to him beg'd with Tears, he would pardon his Daughter, &c. He was about half an Hour before he could be persuad'd to say he forgave; and it was next Day, before he could be induc'd to kiss her, as she beg'd most earnestly he would... 

It was only after the spirited intercession of "two Clergy-men, and others", that Brinsden "at last... seem'd really to be in Charity with her", and began "crying very lamentably", and begging his daughter, for "Christ's sake" to forgive him and to pray for him. 

While Brinsden was a particularly hard case, some criminals—while far less difficult to crack—were at least as grudging and perhaps not so sincere in their professions of forgiving "every Body". Charles Drew, hanged in 1740 for the murder of his father, claimed in a letter supposedly written to his mistress that 

86The Account of the Behaviour, Confessions, and Dying Words, of the Malefactors, Who were Executed at Kennington-Common; on Friday the 11th of this Instant April (John Applebee, 1735), 5-6. 

87The Ordinary of Newgate's Account of the Behaviour, Confession and Last Dying Speech of Matthias Brinsden &c" (J. Applebee, 24 September, 1722), 5. This could be a forgery, as Purney's name is spelled "Puyney" here: however, the tone of the account and the fact that Applebee is the publisher suggest this is unlikely.
I die in Charity with all the World; I forgive my Enemies from the bottom of my heart, and may those who have given me evil Counsel, whereby I have brought upon myself this public Shame, live to repent. I don't reflect on them, but on myself, who might easily have seen where to such evil Counsels tended. But I forgive.\textsuperscript{88}

James Clough, convicted in 1729 for the murder of a fellow servant, expresses similarly passive-aggressive sentiments for his former master (who testified for the prosecution):

Mr. Paine, since my Confinement, has been very industrious in aspersing my Character; particularly he has been pleased to declare, that I have been before in Newgate for a Robbery, which is a great Falsity...I must confess, this unkind Usage of Mr. Paine has given me some Uneasiness; but, as I expect Forgiveness from Almighty God, for all the Sins I have committed, so I heartily forgive him, and all others who have done me any Injury; and hope for like Forgiveness from all those whom I have injured.\textsuperscript{89}

Clough, while expressing his hope that his "shameful and untimely End will not be any Reflection" on his "Relations" and confessing himself "a great Sinner", nonethess stubbornly maintained his innocence of the murder of which he had been convicted.\textsuperscript{90}

Although hardly what contemporaries would term penitent, he was like the vast majority of condemned criminals in that he was willing to confess to his general sinfulness; to assume (if only nominally) sole responsibility for his actions and "untimely End"; and to at least observe the form of "dying in peace with all the world".

Clearly, adhering to the formula of dying well (however loosely interpreted) could be both empowering and allow the criminal a certain degree of latitude in terms both of his behaviour and in defining or justifying his or her actions. Moreover, if the prevailing assumption that all men and women were sinners meant that the condemned criminal was in essence no worse than anyone else, his (or her) willingness to expiate his sins by death

\textsuperscript{88}\textit{Remarkable Trials} (1765), 1:29.

\textsuperscript{89}\textit{Select Trials} (1742), 3:131.

\textsuperscript{90}\textit{Ibid.}, 1:131-2.
elevated, if only for a moment, the "Publick Sinner" to a level above that of his "private" or "undiscover'd" (and hence, unredeemed) counterpart watching from the wings. And, in the following section, I will discuss how the "game" criminal—in his jaunty disregard of death and his willingness, even alacrity, to be made "a Publick Show"—not only stretched to the limit the definition of behaviour considered appropriate for a condemned felon, but added to the formula for dying well an element that could be, and often was, interpreted by the authorities as problematic or even subversive.

II. Dying Game

As clever Tom Clinch, while the rabble was bawling, Rode stately through Holborn, to die in his calling; He stopped at the George for a bottle of sack, And promised to pay for it when he came back. His waistcoat and stockings, and breeches were white, His cap had a new cherry ribbon to tie't. The maids to the doors and the balconies ran, And said, lackaday, he's a proper young man. But, as from the windows the ladies he spied, Like a beau in the box, he bowed low on each side; And when his last speech the hawkers did cry, He swore from his cart, it was all a damned lie. The hangman for pardon fell down on his knee; Tom gave him a kick in the guts for his fee. Then said, "I must speak to the people a little, But I'll see you all damned before I will whistle. My honest friend Wild, may he long hold his place, He lengthened my life with a whole year of grace. Take courage, dear comrades, and be not afraid, Nor slip this occasion to follow your trade. My conscience is clear, and my spirits are calm, And thus I go off without prayer-book or psalm." Then follow the practice of clever Tom Clinch, Who hung like a hero, and never would flinch. --Jonathan Swift, *Clever Tom Clinch*  
*Going to be Hanged* (1727)

If famous for his dictum that "Private Vices" translated into "Publick Benefits", Bernard de Mandeville's cynicism did not extend either to condoning the less than private
vices of criminals, or the fanfare surrounding their very public executions at Tyburn. In fact, in 1725 Mandeville would write a pamphlet devoted to exposing "the ill Consequences as well as Absurdity of our mistaking Drunkenness for Intrepidity, and a senseless Deportment for Undauntedness". Spectators at Tyburn, he complained, far from viewing the execution of criminals with pity or horror, idolised the criminal who died "game":

the further a man is removed from Repentance, nay, the more void he seems to be of all Religion, and the less Concern he discovers for Futurity, the more he is admired by our sprightly People: Whereas, he shews but the least Sorrow for his Sins, or, by his Tears, or Dismality of Gestures, lets us know that he is under Apprehensions of the divine Wrath, is a weak silly Creature, not worth looking at.

Both Fielding and Mandeville would describe what amounted to a cult surrounding the execution of the "game" criminal: the first complaining that "the Day appointed by Law for the Thief's Shame is the Day of Glory in his own Opinion" and that "his Procession to Tyburn, and his last Moments there, are all triumphant"; the second, of aspiring "young Villains" who followed the condemned's procession from Newgate to Tyburn, proudly claiming the "valuable Acquaintance" of such dubious celebrities—and going so far as to "tear the Cloaths off their Backs, by squeezing and creeping thro' the Legs of Men and Horses, to shake Hands with [them]."

The quintessential "game" criminal was, of course, a dashing highwayman or "Knight of the Road", who—like Clever Tom Clinch—dressed like a beau, drank like a lord, and, most

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87 The Fable of the Bees: or, Private Vices, Publick Benefits (J. Roberts, 1714).

88 An Enquiry into the Causes of the Frequent Executions at Tyburn... (J. Roberts, 1725), iii [n.p.].

89 Ibid., 32.

importantly, "hung like a hero, and never would flinch". Unlike the dying penitent, he withheld his confession—refusing either to "whittle" (that is, betray his comrades); to deliver or to authenticate a "last dying speech"; to tip (let alone forgive) the hangman; and went with a "clear conscience" (but "without prayer-book or psalm") to his death.91 Clever Tom Clinch may have been a fictional construction (and a parody at that); however, it would seem that there was no dearth of real-life criminals who, like the highwayman Abraham Stacey, "resolv[ed] that since he must die, he would as he phras'd it, Die like a Man".92 Indeed, some criminals appeared to have eagerly embraced this role: Isaac Darkin (another highwayman)

said it was always his Determination, whenever he should have the ill Fortune to be taken, "to suffer without discovering the least Dread of Death; never to betray his Connections, but to die like a Hero; for he thought he had at different Times been almost as much the subject of Conversation as the King of Prussia".93

And Darkin completes the formula of dying "game" by, at the place of execution, stepping off the ladder before it is "turned"—thus both demonstrating his indifference to death and effectively telling his audience that, while he was not afraid to die, he would do so at the moment of his own choosing.

While, as we shall see, many criminals were unable to die quite so fearlessly as

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91Clever Tom Clinch, who gave the hangman "a kick in the guts for his fee" instead of the customary tip, may have been (in addition to being insolent) demonstrating his indifference to the prospect of slow death by strangulation: it was believed that the executioner could tie and position the knot in a certain way (generally just under the left ear) which would shorten the suffering of the criminal.

92A Compleat Collection of Remarkable Tryals (1718-20), 1:160. Stacey was executed in 1693, and is one of the earliest examples of the "game" criminal, outside of Smith and Johnson, that I have encountered (although I should point out that the editor is pleased to inform us that after crossing Holbourn-Bridge "there he fell into a most violent Agony, such as has rarely been seen in the most apprehensive Malefactor going to Execution", and describes him sweating, weeping, wringing his hands, and loudly begging spectators to pray for him at the place of execution [1:160-1]).

Clever Tom Clinch, and few were willing in the end to die quite so impenitently, a significant number nonetheless consciously strove to go to the gallows both resolutely and with a studied air of indifference, and without compromising a code of masculine honour which—while always somewhat at odds with the conventional morality of the Ordinary and other "divines"—was to become more and more distasteful to authorities and social commentators as the century progressed.

ii. "To die like a Man": The Rise of the "Game" Criminal

While the execution of malefactors both penitent and "obstinate" had always drawn a crowd, the "game" criminal came into his own in the early 1720s (the male pronoun is not generic; as we shall see, dying "game" was very much a masculine cult). This was an age, after all, dominated by two of the most famous criminals in history; namely, Jonathan Wild, the infamous criminal mastermind and self-styled "Thief-Taker General", and the celebrated housebreaker Jack Sheppard—who put his talents to best use, not in breaking into houses, but out of prison: not only could neither Clerkenwell nor St. Giles' Roundhouse hold him for long, but he was to make not one, but two daring escapes from Newgate itself.

The exploits of Sheppard, Wild and others of their circle were of course immortalised

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94Earlier examples of the "game" criminal are confined mainly to the pages of rogue literature; for instance, that of Sawney Douglas, hanged in 1664, who "read no Prayer-book, but carry'd the ballad of Chevy-Chase in his Hand all the Way to Tyburn" and "when he came thither he took no notice of the Ordinary, but bid the Hangman be speedy, and not make a great deal of Work about nothing, or at most about a meer Trifle" (Johnson, General History of the Highwaymen [1734], 314).

95Wild, until his execution for receiving stolen goods in 1725, managed to play a kind of double game—serving as a professional thief-taker and informer, operating what was euphemistically termed an "Office for the Return of Missing Goods", and supposedly acting as a kind of underworld kingpin, directing the activities of gangs of housebreakers, pickpockets and street-robbers. In contrast, Sheppard (who claimed never to have worked for Wild) was touted as a kind of underdog hero, an eighteenth-century Houdini whose paltry crimes were overshadowed by his celebrated prison escapes. For more on Wild, as well as gang activity in London during this period, see Gerald Howson, Thief Taker General: The Rise and Fall of Jonathan Wild, (New York 1971); for Sheppard, see Horace Bleackley and S.M. Ellis, Jack Sheppard (Edinburgh: 1933); Christopher Hibbert, The Road to Tyburn: The Story of Jack Sheppard (Cleveland, 1957); and Peter Linebaugh's chapter "Jack Sheppard and the Art of Escape", in The London Hanged, 7-41.
by the Ordinary of Newgate, Captain Alexander Smith, the authors of the Sessions Paper, and other criminal biographers; what seems more significant, however, is the way in which a fascination with such criminal celebrities so clearly transcended class boundaries. Sheppard’s first escape from Newgate and his subsequent recapture "made such a Noise in the Town, that it was thought all the common People would have gone Mad about him", and ushered in "a Week of the greatest Noise and Idleness among Mechanicks that has been known in London, and Parker and Pettis, two Lyricks, subsisted many Days very comfortably upon Ballads and Letters about Sheppard". Yet both Sheppard and Wild would provide fodder not only for the "sons of Grub Street" (among whom must be included Daniel Defoe, then working as journalist for John Applebee), but also inspiration for Swift’s 1727 poem "Clever Tom Clinch going to be Hanged", Gay’s 1728 play, The Beggar’s Opera, as well as numerous journal articles and editorials. This appropriation of Sheppard and Wild by the Augustan literati as vehicles for satire is a subject to which I will return, as well as one which touches on some of the themes discussed in Chapter III; for the moment, however, I would like to address the question of how, and why, the figure of the "game" criminal rose to such prominence in the early eighteenth century.

While the perception that crime is dangerously on the rise seems common to most societies in most periods, in the eyes of many contemporaries London in the 1720s seemed literally infested with organised gangs of highwaymen and footpads—so much so, in the words of the author of The Lives of the Most Remarkable Criminals (curiously anticipating those of Horace Walpole a generation later), that

Although the Insolency of those Street-Robbers...be at present too recent a

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Fact to be questioned; yet possibly in future Times 'twill be thought an Exaggeration of Truth to say that even at Noon-day, and in the most open Places in London, Persons were stopped and robbed, the Offenders for many Months escaping with Impunity; untill [sic] these Crimes became so frequent, and the Terrors of Passengers so great, that the Government interposed in an extraordinary Manner; a Royal Proclamation issuing out, offering one Hundred pounds Reward for apprehending any Offender, and also promising Pardon to any who submitted and discovered their Accomplices.97

Such royal proclamations offering rewards for the conviction of robbers coincided with the introduction of tough new legislation; indeed, the early eighteenth century witnessed a dramatic and unprecedented expansion in the number of property offenses that, under the provisions of "The Bloody Code", could be punished by death.98 In the words of one historian, "if that unsatisfactory term 'crime wave' could ever be used with conviction, it might possibly be applied to the early 1720s".99

It could be argued that this great proliferation of street-robbers and highwaymen owed much to the 1713 Peace of Utrecht and the conclusion of hostilities after the 1715 Jacobite uprising. Certainly, young single men found employment more readily in wartime than in peacetime; in time of war, moreover, young men charged with crimes were often given the option of enlisting rather than standing trial, or pardoned after being convicted on condition that they join the armed forces.100 The connection between "crime waves" and the "social

973:330-1.

98See Leon Radzinowicz, A History of English Criminal Law and its Administration from 1750 (London, 1948), 1:3-79. The way in which the criminal law was administered seemed to have also become noticeably harsher in the early 1720s. John Beattie has demonstrated that a much higher percentage of criminals condemned to death were actually executed in the period 1722-24 than in preceding or subsequent years (see Crime and the Courts, 514 [table]).


100One 1725 pamphlet complains that "Robberies of late were grown so common" that "the thinking Part of Mankind... wished for a War, to rid the Country of such Vermin, who were continually doing Mischief in some Place or other" (The History of the Lives and Actions of Jonathan Wild, Thiefaker, Joseph Blake alias Bleuskin [sic], etc....3rd ed., [Edw. Midwinter, 1725], i). For a discussion of the practice of pardoning offenders on condition of military service, see John Beattie, Crime, Punishment and Policing in London, 1670-1740: Urban
dislocations of war" and the problem of "demobilisation" has been well established by such historians as Nicholas Rogers and John Beattie. As the latter has noted, "it had long been recognized that the conclusion of wars in the eighteenth century brought 'a great harvest of crime'"—primarily because any "peace brought back to England large numbers of disreputable men who had spent several years being further brutalized by service in the armed forces, without any provision being made for their re-entry into the work force".102

Judging from the evidence of the Ordinary's Account and other early eighteenth-century criminal biographies, not just Thomas Idle, but many of the men executed at Tyburn had first been "sent to Sea"—"an Odd Academy", in the words of one chronicler, "to learn Honesty at".103 Others had received their training in "that Sink of Vice and Laziness"—the army.104 In fact, of the forty-two "Highway-men" and "Foot-Pads" executed between January 1719/20 and May 1723 whose "lives" have been recorded in The Lives of the Most Remarkable Criminals, no fewer than twenty-two (or just over over 52%) were reported to

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Crime and the Limits of Terror (forthcoming), Chapter 8.


102 Crime and the Courts, 225-6. In a recent article, John Childs has qualified this view, arguing that "crime waves" and the disbandment of the army were not invariably connected, but owed much to the way in which soldiers were recruited (or conscripted): "it could well be that crime waves tended to occur after disbandments only when the army included within its ranks numbers of conscripts and enlisted convicts: criminals returning to their previous activities and men with a grudge against government and society may well have been the responsible elements"("War, Crime Waves and the English Army in the Late Seventeenth Century" War & Society, 2 [October 1997], 13).

103 Lives of the Most Remarkable Criminals (1735), 1:114.

104 Ibid., 2:123.
have served as soldiers or sailors, or both.\textsuperscript{105}

Frequent mention is made in such accounts of the demoralising effect of naval or military service: the highwayman John Thompson, hanged in 1722, was "much alter'd from the usual Bent of his Temper, by his being long accustomed at Sea to Blood and Plunder, so when he returned home, instead of returning to an honest Way of getting his Living, he endeavoured to procure Money at the same Rate by Land, which he had done at Sea".\textsuperscript{106}

Similarly, the housebreaker John Little, executed in 1725, had acquired "such a Nack" for plundering in these [naval] Expeditions, that he could never bring himself afterwards to thinking it was a Sin to plunder any Body...indeed there is too common a Case for Men who have been innur'd to robbing and malletreating [sic] an Enemy, now and then to receive the same Talents at home, and make free with the Subjects of their own Sovereign, as they did with those of the Enemy.\textsuperscript{107}

Naval or military service not only corrupted the morals of young men; it could also foster courage and a sense of camaraderie. As Beattie has noted, such men "had spent many years learning skills as useful to the robber as to the dragoon"—not only were they adept at handling weapons, and could react boldly in dangerous situations, but they were accustomed to working in groups: "It was the power of such men in gangs—their determination, their arms, their support for one another—and, on the other side, the weakness of the civil

\textsuperscript{105}I have chosen the terminal date of May 1723, because shortly afterwards there was a rash of executions under the Waltham Black Act which may well have reflected contemporary anxieties, but might have skewed the overall picture of urban crime during this period. Forty-two of the criminals are described in their "lives" as being "Highway-Men", "Foot-Pads", or (more rarely) "Robbers". Several of these were executed for murders committed in the course of robberies, although I have excluded murderers who were not property offenders. I have also excluded "Private thieves", "Housebreakers", and one pickpocket and one horse thief on the grounds that such criminals were not typically involved in violent gang activity. It is noteworthy that forty-two of the sixty-three criminals (or 70%) were designated as highwaymen or street-robbers.

\textsuperscript{106}Lives of the Most Remarkable Criminals (1735), 1:141-2. See also 1:158 and 23 OA March 1752, 45, as well as A Select Account of the Most Remarkable Convicts (1745), 1:60.

\textsuperscript{107}Lives of the Most Remarkable Criminals (1735), 2:68-9.
authorities that frightened so many commentators".\textsuperscript{108}

Perhaps equally disturbing to contemporaries was the kind of alternate morality articulated by "game" criminals such as the highwayman Joseph Picken hanged in 1725, who stubbornly maintained "that for his part he always thought Danger rather to be chosen than Want, and that while Soldiers hazarded their Lives in War, for Six-pence a Day, he thought it was Cowardice made a Man starve...".\textsuperscript{109} It only stands to reason that those "Fellows" whom "it seems valued themselves much on the Ferocity of their Tempers, and the Vigour they exerted in the War they carried on against the rest of Mankind" would be likely to pride themselves as much on their willingness to meet death at the gallows as they were to earn a livelihood by venturing their lives.\textsuperscript{110}

It seems safe to assume that such a formulation of masculine honour sat uneasily with the precepts of the late seventeenth and early eighteenth-century reformation of manners movement—not to mention the burgeoning "notion of civility" (emanating primarily from "the upper ranks of society") which one recent historian has identified as "the crucial ingredient in English masculinity between 1660 and 1800".\textsuperscript{111} Doubtless, plebeian and patrician ideals of manhood diverged on many points; however, while much more work needs to be done on this subject before a clearer picture of the construction of English masculinity during this period can emerge, my research would seem to suggest that in the early eighteenth century, the belief that "bearing pain if need be with manhood and firmness [was] a crucial aspect of

\textsuperscript{108} Crime and the Courts, 227.

\textsuperscript{109} Ibid., 1:425.

\textsuperscript{110} Lives of the Most Remarkable Criminals (1735), 1:188.

\textsuperscript{111} Anthony Fletcher, Gender, Sex and Subordination in England 1500-1800 (New Haven and London, 1995), 323.
male dignity", and that "tears, acceptable in women and children, were an unpardonable weakness in a man", was one shared by men in all walks of life.112

In A Journal of the Plague Year, Defoe’s narrator writes approvingly of the man whose wife and "several of his Children" had just died of the plague, and who, following the cart drawing them to the burial ground "in an Agony and Excess of Sorrow...mourned heartily as it was easy to see, but with a kind of Masculine Grief, that could not give it self Vent by Tears.113 As I have noted, "tears" and "trembling" were held to be "the genuine signs of true repentance" in the condemned criminal; paradoxically however, even James Guthrie, the Ordinary of Newgate, occasionally expresses contempt for men who weep—acknowledging, for instance, that while "Mr. Hallam, was very decent in his Carriage, though at first he sometimes wept; yet he came to be of a more composed, manly Temper".114 Chroniclers as well as criminals express approval for those of the condemned who die "with a decent fortitude"; conversely, tears are often seen as signs of cowardice rather than penitence. We are told, for instance, that "Tho’" Joseph Blake, or "Blueskin" (Jack Sheppard’s erstwhile partner in crime) had "acquired amongst the Mob the Character of a brave Fellow; yet he was in himself but a mean spirited timorous Wretch" whose

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112Ibid., 336. While the eighteenth century may be seen as a period in which the masculine ideal was increasingly defined in terms of civility or "gentlemanly" behaviour, this process of refinement could be taken too far—resulting, for instance, in "foppery". As Philip Carter has argued, many contemporaries viewed the figure of the "fop" as "a conspicuous and forceful image of failed masculinity" ("Men About Town: Representations of Foppery and Masculinity in Early Eighteenth-Century Urban Society", in Hannah Barker and Elaine Chalus ed., Gender in Eighteenth-Century England: Roles, Representations and Responsibilities [London and New York, 1997], 56). The fop was not merely idle, vain and frivolous, but his fastidiousness in dress and manner bordered on effeminacy (although, Carter cautions, the fop was a symbol of social, rather than sexual deviance, and was distinctively heterosexual in orientation).

113Daniel Defoe, A Journal of the Plague Year, 62.

114The London Merchant; Or the History of George Barnwell (1731; ed. Adolphus William Ward, Boston: 1906), 94-5; OA (J. Applebee, 16 June 1731), 7. Perhaps not surprisingly, I have yet to encounter an instance where a woman was reproved for weeping; see Chapter VIII.
Cowardice appeared manifestly in his Behaviour at his Death; he wept much at the Chappel the Morning he was to die; and tho' he drank deeply to drive away Fear, yet at the Place of Execution he wept again, trembled, and shewed all the Signs of a timorous Confusion...115

While the Ordinary and other eighteenth-century criminal biographers doubtless distinguished between the tears of the true penitent and those of the self-styled "Hero in low Life" whose courage forsook him under the shadow of the gallows, nonetheless it would seem that they evinced a certain degree of discomfort with displays of un-"Masculine Grief".116

In fact, while most chroniclers go to great lengths to demonstrate that the "game" criminal's "pretended bravery" was but empty posturing, implicit in such efforts is an at least grudging respect for those of the condemned who do die "resolutely"; indeed, as Fielding noted, if the criminal "hath Sense enough to temper his Boldness with any Degree of Decency, his Death is spoke of by many with Honour, by most with Pity, and by all with Approbation".117

However, the sour note sounded by Fielding would be joined by a growing chorus of disapproving voices after mid-century; and, as I shall argue, by the 1760s—when the Ordinary's Account begins to die out—the criminal was finding it increasingly difficult to silence his critics in the same way that he satisfied his audience; that is, by "dying with a decent fortitude".

Yet in the early eighteenth century, despite (or even because of) a growing contemporary anxiety about the prevalence of urban crime and the "Insolency of Street-Robbers", the general public was increasingly fascinated by the "life" and the behaviour of the criminal—many of whom (property offenders perhaps even more than murderers) obtained

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116Ibid., 3:81.
117Quoted from the Ordinary's Account in Annals of Newgate (1776), 3:335; An Enquiry into the Causes of the Late Increase of Robbers..., 167.
what was nothing less than celebrity status. "Persons of all Ranks and Degrees" paid admission fees to gawk at criminals in Newgate: during Jack Sheppard's (intermittent) confinement there, Newgate was "crouded" with "Persons of all Ranks and Degrees", including "Gentlemen and Ladies of the strictest Honour and Reputation"; in 1722, "THRONGS of People, as it is but too much the Custom, came to see [the highwayman James Carrick] in Newgate".  

Indeed, criminals such as Carrick or Sheppard seemed determined to play to the hilt the part that the press had assigned to them—the former "affect[ing] to pass his Time with the same gaiety in his last Moments, as he had spent it in the former part of his Days", and the latter diverting visitors with "pleasant Raillery" and witty remarks. Similarly, the highwayman Dick Turpin "continu'd his mirthful Humour to the last, spending his Time in joking, drinking, and telling Stories"; "seem'd to pay but little Regard to the serious Remonstrances and Admonitions of the Reverend Clergymen who attended him"; and without "expressing the least Concern at the melancholy Circumstances he was in".

One of the major themes of this study has been the way in which the seemingly insatiable public demand for details of the lives of criminals—and the alacrity of the "Sons of Grub Street" to feed it—could on occasion not only enable but even encourage such criminals

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118 *Authentic Memoirs of the Life and Surprising Adventures of John Sheppard...* (2nd ed; Joseph Marshall, 1724; repr. Horace Bleackley and S.M. Ellis, *Jack Sheppard* [London and Edinburgh, [1933]]); 190; 172: *Lives of the Most Remarkable Criminals* (1735), 1:171. In September 1725, the housebreaker John Price and his fellow prisoners "expressed also a great Satisfaction that their Crimes were of an ordinary Nature, and that they had no very remarkable Criminal amongst them, to occasion staring [sic] and whispering when they came to Chappel, a thing they were very much afraid of, in as much as it would have hindered their Devotions, and discomposed the Frame of their Minds" (*Lives of the Most Remarkable Criminals*, 2:80). For Purney's complaint about the number of curious visitors who paid admission fees to the turnkeys to observe the prisoners' behaviour in chapel, see Chapter IV, note 24.


120 *The Genuine History of the Life of Richard Turpin &c...* (J. Standen, 1739), 32.
themselves to participate in their own mythologization. This tendency seemed to reach its apogee with the construction of the "game" criminal as a kind of marketable commodity in the 1720s. It is hardly surprising that many criminals embraced this role, and with it the celebrity status it afforded; what is more interesting, however, is the way in which much in the "game" criminal's behaviour and attitude met with a degree of acceptance, even approval—and not merely from Fielding's "Dregs of the People".

Indeed, early eighteenth-century criminal chroniclers often lamented the fact that they lived in an age which valued courage over penitence; according to the author of The Lives of the Most Remarkable Criminals, "it is become a very common and fashionable Opinion, that Honour may supply the place of Piety, and thereby preserve a morality more beneficial to Society than Religion..." And even the Ordinary of Newgate's unceasing efforts to demonstrate that criminals' "appearance" of "undauntedness" was "indeed but an appearance", would seem to imply that there was not only something appealing, but perhaps even laudable in the criminal who succeeded in dying "resolutely" and with a "manly firmness".

Earlier Ordinary's Accounts tended to focus on the obstinate criminal largely in order to underscore his eventual conversion; for instance, we are told that while the highwayman Thomas Sadler, hanged in 1677, "carried himself very insolently" at "his several Tryals", he nonetheless finally succumbed to the "Christian Exhortations" of "some Divines" who succeeded in "melt[ing] his heart "from that obdurateness to a more humble and penitent frame; so that he could not restrain the tears from over flowing his cheeks, and much

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121 Lives of the Most Remarkable Criminals (1735), 1:162.

122 OA (T. Parker, 21 February 1756), 32; An Account of the Behaviour of Mr. James Maclaine, From the Time of his Condemnation to the Day of his Execution, October 3...(n.p.] 1750), 27.
bewareied his Condition, confessing what abundance of Robberies and Villainies he had been guilty of, never before discovered, &c."\textsuperscript{123}  

Yet the eighteenth-century Ordinaries' increasing efforts to demonstrate that the "game" criminal's courage was but empty posturing would seem to testify both to a growing emphasis on a kind of masculine "honour" which valued courage and self-control, as well as the criminal's desire to be seen as living up to such standards of behaviour. Paul Lorrain informs us that James Hacket was

very much tainted with Pride; so that in publick he was loth to appear daunted or concerned at his approaching Death; thinking it a gallant and honourable thing for him to bear it out stoutly, and shew a bold and undejected Countenance: But in private he seem'd to me of another Disposition; he then appear'd more humble and more contrite.\textsuperscript{124}

Similarly, while Rudolph Branch acted at his trial "with an air of impudence and undauntedness", and "affected an undauntedness ever after, even to the moment of his death", the Ordinary nonetheless adds that "when the heinous nature of his offense was laid before him, tears forced themselves thro his eyes, and he could not help betraying signs of fear, notwithstanding all his pretended bravery".\textsuperscript{125}  

Apparently, the Ordinary could detect fear imperceptible to the naked eye; for instance, in 1756, we are told that

Wade and Boswell appeared very audacious, and laughed when put into the cart, to the astonishment of every serious beholder, and did so frequently as they went on their last journey, tho' fearfulness and trembling were, notwithstanding, in their hearts. The other two endeavoured to put on the appearance of undauntedness, and indeed but an appearance.\textsuperscript{126}

\textsuperscript{123}The Confession and Execution of the Five Prisoners suffering at Tyburn on Fryday the 16th of March...(D.M., 1676/7), 5.

\textsuperscript{124}OA (Dryden Leach, 6 June 1707), 1.

\textsuperscript{125}Quoted from the Ordinary's Account in Annals of Newgate (1776) 3:334-5.

\textsuperscript{126}OA (T. Parker, 21 February 1756), 32.
The Ordinary and other chroniclers are often at pains to stress the degree to which criminals were "much improved" after the "Dead Warrant" had come down, and their sentences of death were apparently final.\textsuperscript{127} When in 1720, the highwayman John Trippuck realised "that all expectation of a Reprieve or Pardon were totally in vain, began as most of those sort of People do, to loose [sic] much of that stubbornness, they Mistake for Courage", and "died at last with all outward signs of Penitence".\textsuperscript{128} Similarly, the "Foot-Pad" John Levee, while before his condemnation, had "acted too much the Bravo, from the mistaken Opinion those People are apt to entertain of Courage and Resolution", but "when Death approach'd near, he laid aside all this, and applied himself with great Seriousness and attention to Prayers and other Duties becoming a Person in his Condition".\textsuperscript{129} And when in 1726 a particularly notorious gang of street-robbers were going to their execution, "that audacious Carriage in which they had so long persisted, totally forsook them, and they appeared with all the Seriousness and Devotion, which might be looked for, from Persons in their Condition". One of them even fell on his knees, and "earnestly intreated" the "Pardon" of one Mr. Warwick, whom he had previously threatened to shoot, while all the gang members "kissed one another" before "they were turn'd off".\textsuperscript{130}

It of course should be stressed that even the "game" criminal did not necessarily

\textsuperscript{127}OA (J. Applebee, 21 May 1722), 4.

\textsuperscript{128}Lives of the Most Remarkable Criminals (1735), 1:13.

\textsuperscript{129}Ibid., 1:220-21.

\textsuperscript{130}Ibid., 2:181-2. Sometimes a newfound sense of "Seriousness" or "Devotion" could act as a stalling tactic: Lumley Davis, a highwayman hanged in 1724, "all along flatter'd himself with the hopes of a Pardon or a Reprieve, and therefore was not perhaps so serious as he ought...but when on his Name's being in the death Warrant, he found there was no longer any hopes; he then indeed applied himself without losing a Moment, to the great concern of saving his Soul, now there was no hopes of preserving his Body...Even at the place of Execution, he endeavour'd as much as he could to linger away the Time, spoke to the Ordinary to spin out the Prayers, and to the Executioner to forbear doing his Office as long as it was possible..."(Ibid., 1:319-20).
compromise his principles by a desire to die with "seriousness" and "in peace with all the world". Indeed, most of even the most dashing criminal celebrities are described as dying, like Jack Sheppard, both "decently" and "gravely". Few of the self-styled "Heroes in Low Life" went to the gallows utterly impenitent (and still fewer kicked Jack Ketch "in the guts")3; rather, the prototypically "game" death seemed to have been characterised by three main features: i.e., a willingness to die, or even an indifference to death; a manly fortitude and a fearless demeanour; and a refusal to implicate former companions in crime. As I shall attempt to demonstrate, in at least two important respects (the first and the last), "dying game" can be seen as a variant of "dying in peace with all the world"—albeit one with distinctively secular overtones and an overtly masculine stamp.

iii. Hanging like a "Hero"

On his way to be tried for his life at the Old Bailey, Macheath, the irrepressible highwayman hero of The Beggar's Opera, claims to be "undismayed, for death is a debt—not a debt on demand, so take what I owe".33 The notion that dying for one's crimes wiped the slate clean, as it were, was of course nothing new: in the words of Thomas Burdon, executed in 1724, "Its [sic] a lamentable Thing to live so like a Man, and die at last like a Beast: Tho' I doubt not but to escape Punishment in the next World, by suffering in this, by

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131 Lives of the Most Remarkable Criminals (1735), 1:388.

132 There was one example of this, if we are to credit Captain Charles Johnson, who informs us that Tom Cox, hanged in 1691, was "so resolute to the last, that when Mr. Smith the Ordinary ask'd him a few Moments before he was turn'd off, whether he would join with his Fellow Sufferers in Prayer? D—n you, No, says he, and kick'd both the Ordinary and Executioner out of the Cart" (A General History of the Highwaymen [1734], 342).

133 John Gay, The Beggar's Opera, ed. Bryan Loughrey and T.O. Treadwell (Harmondsworth, 1986), 115-5. The play was first performed in 1728.
satisfying Justice, and expiating my Crime with my Blood". Indeed, willingness to die for one’s sins was a feature common to both those criminals who died very penitent and to those who died "game". It was not unusual for an "Old Offender" such as John Gulliford (whose lengthy criminal career was recorded in an "autobiography" included in Applebee’s "Appendix"), to claim that I go as easy to Execution, as if I was going to suck at my Mother’s breast; and I think it is doing a great deal of Good to hang me out of the Way". Some criminals seemed almost to wear their irreclaimability as a badge of honour: Thomas May, hanged in 1750, "was a young fellow of undaunted courage, surly disposition, and not to be prevailed on to do any thing but what he thought proper", who claimed that "if he lived longer, he was sure he should be much worse, and sink deeper in the gulf of wickedness; so that he was not very sorry for being overtaken now by justice". There were it seemed only too many criminals who, like William Howard, freely "owned" their complete depravity:

he was a most flagitious, wicked young Man, void of all good Qualities, and addicted to all manner of Vices, such as Drinking, Whoring, Gaming, Cursing, and Blasphemy, and Sabbath Breaking, &c...having had Pleasure in nothing but the Company of meer Reprobates, whether Men or women, and living upon the general plunder of all Mankind.137

Many criminals seem to make a point of communicating that while they were perfectly willing to take responsibility for their actions, and even to die for them, that they would

134Select Trials (1742) 2:94. This sentiment was frequently expressed; Mary Hanson, who stabbed a "distant relative" to death while drunk in 1724, "advised all Women, she said, to avoid Drunkenness, as the leader to various Misfortunes; adding, that she did not think her Drunkenness and Passion an Excuse but an Aggravation of the Crime she had Committed, and which she desired the Law might punish her for, that her Soul might be saved in the Day of the Lord..." (OA [J. Applebee, 30 April 1724], 5).

135OA (J. Applebee, 13 January 1741/2), Part 1, Appendix, 16.

136Quoted from the Ordinary’s Account in Annals of Newgate (1776), 3:178.

137OA (J. Applebee, 2 October 1735), 9.
make their peace with God and the "all the world" in their own way, and without the promptings or the interference of the Ordinary or other clergymen. This emphasis on "honour" over "piety" attracted frequent comment; many a dashing highwayman "studied"—as one "worthy Divine" who attended Isaac Darkin complained—"more to appear like a Gentleman than a Christian". And while "it often happens" that "at the Place of Execution", even "the most daring Offenders drop that Resolution on which they foolishly value themselves", there were always some who, like the celebrated highwayman James Carrick, "fail'd not in the least as to his". The Ordinary notes with disapproval, that

At the Place of Execution, [Carrick] laughed and smiled upon those he knew; gave himself genteel Airs in fixing the Rope aright about his Neck, and as he constantly took Snuff during the Prayers in the Chappel, so at the Tree he had continually some pretty gesture or other when the People were silent and expecting of something from him. He said that the Sheriffs of London and Middlesex had make an Order that no surgeon should touch his Body. But when I urgently bad him regard and consider whither he was going he answer'd, that he had received the Sacrament according to his Way, and had prepared himself agreeable to his Opinion.

As we have seen, there were always some criminals who persisted in their "obstinacy"—that is, in withholding their confessions from the Ordinary. Some of these, like Carrick, suggested that they were perfectly capable of settling accounts without the Ordinary's help: doubtless, Robert Palmer, who "was very Refractory, and would not stand to any account of his Life", spoke for many when he "said, he had given his Friends Satisfaction, and that was enough". In some cases, criminals remained silent because to

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139Lives of the Most Remarkable Criminals (1735), 1:172.

140OA (J. Applebee, 18 July 1722), 6. It should of course be pointed out that Carrick was a Catholic, although he appeared to have been unreceptive to "ghostly instruction" of any variety.

141A True Account of the Behaviour and Confession of the Eighteen Criminals that were Executed at Tyburn on Monday the 15th of July...(J.C., 1689), 2.
do otherwise would bring "others into trouble", and thus prevent them from being able to "die in peace with all the world". Occasionally, even chroniclers evince a grudging respect for criminals who refuse to betray their accomplices. The author of *The Lives of the Most Remarkable Criminals*, while constantly descrying "vulgar notions of courage" which could not replace "resolution", seemed nonetheless to feel a certain admiration for the highwayman James Wright, who "behav'd with the greatest Composure imaginable", and refused "to declare his Associates, or how they might be found, saying that perhaps they might Repent, and he hoped some of them had done so, and he would not bring them to the same ignominious Death with himself".142 (According to another account, Wright told the wife of his accomplice James Hawkins, "that he would hurt nobody, much less her Husband, because of his Children").143

Paul Lorrain had much less sympathy for Charles Moor and William Elby, two "wretches" who, "encourag[ing] one another in their wicked Obstinacy", refused to divulge the names of any of their accomplices. According to Moor, "What good would it do me to hang three or four men, and ruine their Families as well as mine?" As for Elby, he too chose to remain silent, "for he intended to die in Charity with the World; which he could not do, if he brought any into trouble".144 Like many others, Elby clearly believed that his willingness to die for his crimes absolved him of any need to repent of his sins—or at least, to repent in the way the Ordinary would have wished. When Lorrain rebuked Elby with his misspent life and generally impenitent behaviour, the latter shrugged it off, "saying that he


143*A Full and Impartial Account of all the Robberies Committed by John Hawkins etc...Written by Ralph Wilson, late one of their Confederates* (J. Plee, 1722), 11.

144OA (Dryden Leach, 12 Sept 1707), 1.
was to answer with the loss of his Life for all his Faults; and why should he be grieved for them, since he must die, and was willing to die?" Elby was not unusual in that he was willing to accept the Ordinary's prayers, but refused to deliver a confession which would implicate others. At the place of execution, where Lorrain continued to press him, Elby became exasperated at "Being asked such Questions, which, he said, put all of the good things out of his Head I had put in it before".145

As I have argued in the previous section, many criminals who were otherwise quite willing to concede that they were notorious sinners who deserved to die refused to deliver a full confession; in this sense, the "game" criminal was no different from many of his fellow sufferers. However, one of the most disturbing features of the "game" death (at least in the eyes of the Ordinary and other "Divines") was the criminal's tendency to demonstrate his courage with an air of seeming unconcern and a most unbecoming levity. Thomas Reeves, hanged in 1722, "constantly affirmed, that he was in no doubt of his going to Heaven" and that "if he did not die then, he must another time; and as for the Place of his Death, it was no less indifferent to him; for he believed he might as well find the Way to Happiness from the Gallows, as from the Bed".146 Reeves declar[ed] he was so far from fearing Death, that he rather chose to die than live. The other Malefactors complained of him for reading one Moment, and laughing and jesting the next; for swearing in the Middle of a Psalm, and mixing Smut with his Prayers. To this he only said, "That it was his way, and, though he laugh'd, and sometime joak'd, and swore an Oath, he was not a whit the less attentive and serious at the Heart".147

Indeed, the attempts of many such criminals to make light of death lends a new

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145Ibid., 2.
146Select Trials (1742), 1:151.
147Ibid., 1:150.
dimension to the term "gallows humour":

John Rogers seemed not in the least concern'd at his approaching Fate, but rather made a Joke of it, for when his Fetters were knock'd off in order to his going to execution, a Woman giving him a Glass of wine perceived a fly in the Glass, which she express'd a concern at, and was going to take it out, Pho, Pho, says [Rogers], 'tis no Matter, the Blind eat many a Fly, and drinking 'em too, and so took off his Glass. Looking at his Fetters, he said, he was sure no Workman made them but that rather they were made by some old Woman, and other such like Jokes. Just before he went into the Cart, he says to Abraham [Mendez] one of the Turnkeys of Newgate, (who was formerly servant to the famous Jonathan Wild) well, Abraham, fare you well, 'tis a very fine Day, and I am going the same Way your Master went, but 'tis a Matter of Indifference to me which Way, or When I go.148

If courage, a refusal to "whittle" and insouciant good humour were hallmarks of a true gentleman, so too was cutting a good figure at the gallows. As Peter Linebaugh has pointed out, many criminals prided themselves on "appear[ing] well-dressed or 'flash'" at Tyburn.149 Linebaugh cites the famous example of Nathaniel Hawes, who, claiming "that as he had always lived like a Man, he was resolved to die like one; and not to go to the Gallows in such a shabby Coat as he then appeared in", refused to deliver a plea until a fine suit he had stolen was returned to him. As a result, he was subjected to being "pressed" until he relented—withstanding a weight of 250 pounds for about seven minutes before breaking down; however, even then he "said nothing in his Defence, and only insisted on having his

148 OA (T. Parker, 26 April 1749), 55.
149 "Tyburn Riot Against the Surgeons", 111. Taking pride in one's appearance at the gallows was not confined to men, however; as the following letter supposedly written by the condemned criminal Anne Elliot to her mother suggests: "I hope you will forgive all my Behaviour towards you. I dearly suffer now. I desire that you will send my Stays by the Guildford Waggon; for I have a great many Visitors every Day, and I think it is a shameful Thing to see a Woman without Stays. I suppose you keep them for my Sister Sarah. Pray, Mother don't be angry, but I think its unkind to slight me in my last moments" (A Genuine Account of the Behaviour, Confessions, and Dying Words of the Six Malefactors...who were Executed at Guildford, in the County of Surrey, on Tuesday, the 13th Day of April...[R. Crouch, 1742], 9).
Cloaths returned".\textsuperscript{150}

It might not be too far-fetched to interpret such behaviour, as well as the "game" criminal's insistence of dressing like a "gentleman" in general, as an implicit critique of contemporary social values. After all, as I have argued in Chapter III, the highwayman who so successfully aped the "gentleman" in appearance and in his manner of life not only raised the nagging doubt that a gentility that was so easily simulated was of little real value, but even that the "Knight of the Road" was the only true "gentleman" in that he—unlike his more eminent but equally idle and dissipated counterpart, the "great Rogue" or the "State Villain"—was willing to accept responsibility for his actions, and to suffer for his crimes. Indeed, Hawes seems to have consciously viewed himself as part of a glorious tradition of gentlemen highwaymen:

when some of his Companions said jestingly, that he chose pressing because the Court would not let him have good suit of Cloaths to be hanged in; he replied, with a great deal of warmth, but that as he had lived with the Character of the boldest Fellow of his profession he was resolved to die with it, and leave his memory to be admired by all the Gentlemen of the Road in succeeding Ages.\textsuperscript{151}

I will return to the subject of how it seemed the "game" criminal, often quite self-consciously, modelled himself after the rogue "hero" of oral and written tradition, all the while borrowing the language and tone of contemporary satirical discourse. But it is first important to note the way in which such criminals attempted to shape and to appropriate not

\textsuperscript{150}\textit{Select Trials} (1742) 1:110-11. "Pressing" convicts who refused to deliver a plea (without which they could not be tried) was the only form of judicial torture existing in England in the eighteenth century. Hawes' willingness to undergo this ordeal is all the more astonishing, considering the fact that the clothes of the condemned would not revert his (or her) family after his execution, as they were traditionally the perquisite of the hangman. In a 1731 Ordinary's \textit{Account} we are told that Francis Woodmarsh "had hung a little, he was stript naked to the Skin, (by the Executioner) a very undecent Spectacle"—presumably because the latter had always dressed as a "Gentleman" in the hopes that "his fine dress" would "[Recommend]" him for service to "some great Man"(OA [J. Applebee, 14 May], 17).

\textsuperscript{151}\textit{Lives of the Most Remarkable Criminals} (1735), 1:110.
only their own "lives", as it were, but to die in such a way as to impress upon their audience that they were also the authors of their own fate—and as active and fearless in death as they had been in life.

As I have mentioned, there was the occasional "game" criminal such as Isaac Darkin who not only expressed a willingness to die, but demonstrated it in such a way as to leave onlookers in no doubt as to his courage—namely, by jumping off the ladder before it was turned, or from the cart before it was drawn away. We are told that in 1722, when Thomas Reeves was ty'd up to the Tree [at Tyburn], the Mob, pressing forward, threw down one of the Horses before the Cart was drawn away, which put him into a half-hanging Posture; but that not pleasing him, and being impatient to wait 'till the Horse got up again, he threw himself over the Side of the Cart, and swung in good Order. Similarly, when the highwayman Dick Turpin was executed at York in 1739,

he behav'd himself with amazing Assurance, and bow'd to the Spectators as he pass'd: It was remarkable that as he mounted the Ladder, his Right Leg

152 At Tyburn during the eighteenth century, most if not all criminals were drawn in carts to the gallows, where it seems to have been customary for the condemned to communicate to the hangman a readiness to be "turned off" (usually by dropping a handkerchief; George Selwyn, who attended executions at Tyburn religiously, was said to use this signal to indicate to his dentist when he was ready to have a tooth pulled). Then the cart would be driven away, leaving the criminal to die slowly of strangulation (the drop-chute was not introduced until 1783, the same year the Tyburn procession was abolished). Executions in other parts of London and in England generally seemed to have been performed with ladders instead of carts. Perhaps the reason horse-drawn carts were employed at Tyburn instead of ladders was a practical one: not only were the carts necessary to transport the criminal from Newgate, along Holborn, and then to Tyburn (a distance of three miles), but since it was customary for the criminal's hands to be tied, it might have been impractical to expect the condemned to leap from the cart and then climb up a ladder at the place of execution. In 1724, the famous escape artist Jack Sheppard managed to secrete a knife on his person in the hopes that he could "lean forward in the Cart, and cut asunder the Cord that tied his Hands together", and thus leap off the cart and escape into the crowd. However, Sheppard was searched before going off to Tyburn, and this plan was foiled (Select Trials [1742], 2:139). It would seem, however, that some criminals were granted the favour of going to Tyburn with their hands free, whether because, like Dr. William Dodd, they were gentlemen who could be trusted (although the latter refused this indulgence), or if they appeared to be very weak: in 1733, when John Davis was brought to the gallows, he appeared to be so ill that "out of Compassion they did not tie his hands fast together, as is usually done" (OA [J. Applebee, 28 May 1733, 18). It may be recalled that Davis had feigned illness in order to attempt an escape (see Chapter IV).

153 Select Trials (1742), 2:151.
trembled, on which he stamp'd it down with an Air, and with undaunted Courage look'd round about him; and after speaking near Half an Hour to the Topsman, threw himself off the Ladder, and expired in about five Minutes.154

Darkin, Reeves and Turpin, by throwing themselves off the ladder (or cart) before being "turned off" (and thus anticipating the drop-chute by roughly half a century), may well have spared themselves a slow death by strangulation; however, the important message was not only that they were willing, and thus not afraid to die, but that they would boldly seize the initiative, and thus die like men.

This rejection of the passive role could take various forms. In 1722, the "notorious Foot-Pad" Thomas Wilson, "seem'd less daunted than any of the Malefactors who suffered with him [at Tyburn]". Before he would allow "the Rope" to be "fastned" around his neck, he "shew'd himself several times by standing up to the Spectators", and told them that he hoped they would give no Credit to any spurious Accounts which might be published of him, because whatever he thought might be necessary for them to know, he had digested in a Paper which he had delivered the Sunday before he died, in order to be communicated to the Publick.

He then concluded by informing the people that "as he was a dying Man, he knew nothing of Phelps"—a man whom he had heard had been committed to Newgate for a robbery "mention'd by him in his Paper"—and that this Phelps "was not in any manner whatsoever concerned in that Robbery for which he had been apprehended". Only then did Wilson "put the Rope about his [own] Neck, and submitted to his Death with great Resolution".155

Indeed, it seems to have been common for the "game" criminal to insist on placing the noose around his neck: we are told that Paul Lewis, a self-styled Macheath hanged in 1763, "fixed

154The Genuine History of the Life of Richard Turpin &c... (J. Standen, 1739), 33.

155Lives of the Most Remarkable Criminals (1735), 1:185-6. For what appears to have been Wilson's own account, see note 138, above.
the rope himself around his neck" before forgiving "all the world" and then throwing himself "off the cart so violently" that he broke his neck.156

Clearly, making a suitably bold exit from the world was no easy matter—even for Dick Turpin, whose "undaunted Courage" may not have failed him, but whose "Right Leg" almost did. Doubtless many criminals were almost as afraid of betraying their fear to the onlooking crowd as they were of death itself. The night before an execution, it was customary for the "Bell-man" of Newgate to deliver verses exhorting the condemned to repent of their sins and pray to God for mercy. However, many criminals may have been less preoccupied with their souls than with the part they were to play the following day; indeed, 1703 Thomas Cook was supposed to have responded to this ghostly advice with verses of his own: "Thou art the Bell-man for this Night,/ who com' st to let me know,/ That on to Morrow I'm to die/ and be a Publick Show".157

It was customary for condemned criminals on their way to Tyburn (to be a "Publick Show") to stop along the way to fortify their courage with alcohol (and perhaps, like Tom Clinch, to promise to pay for it when they came back); according to Mandeville,

Tho' before setting out, the Prisoners took care to swallow what they could, to be drunk, and stifle their Fear; yet the Courage that strong Liquors can give, wears off, and the way they have to go being considerable, they are in Danger of recovering, and, without repeating the Dose, Sobriety would often overtake them: For this Reason they must drink as they go; and the Cart stops for that Purpose three or four, and sometimes half a dozen Times, or more, before

156A Genuine Account of the Remarkable Life and Transactions of John Rice, Broker, for Forgery. Paul Lewis, a Highwayman: And Hannah Dagoe, for Stealing Goods out of a Dwelling-House..."Written by a Gentleman who attended them before their Execution" (T. Trueman, 1763), 30; The London Chronicle; or, Universal Evening Post (3-4 May, 1763), 429.

157A Compleat Collection of Remarkable Tryals (1718-20), 2:237. In 1739, Guthrie reports that, "the Night before the Execution, it is customary for the Bellman to come to give Warning to the unhappy Persons who are to suffer, and when he had repeated what he had to say to them, one Albin who suffered, cry'd out of his Cell, God bless my fellow Prisoners, and hang the Cryer. This plainly shews how stupid these unhappy Wretches are, altho' they are just on the brink of Death" (OA [J. Applebee, 21 December 1739], 10).
they come to their Journey's End.  

Some criminals were, like Joseph Blake (or "Blueskin"), so "disguised in Liquor" at the gallows, as to "Reel and Faulter in [their] Speech". Another "obstinate" criminal, the "Foot-Pad" Thomas Neeves, hanged in 1728, informed the Ordinary that, "as to Confessions he would make none, saying he would give no Occasion to Books or Ballads to be made about him"; behaved "rudely" in chapel; and not only "drank excessively", but continued drunk and impenitent all the way to Tyburn.

At the Place of execution [he] stagger'd and was scarce able to stand, bawling out to a Man in a Coach who was to carry away his Body, until the Ordinary reprimanded him, and told him he believed he had drank too much that Morning, to which Neeves answered, no indeed Sir, I only took a Dram...  

In spite of being drunk—or perhaps because he was—Neeves broke down at the gallows, confessing that had falsely accused an innocent man of robbery in order to collect the reward money, "and thence fell into a greater Agony than he had ever been perceived in before; beseeching God to have Mercy on him for shedding innocent blood" and "cr[y]ing two or three Times unto God to forgive him".

In the 1720s, such sights had become so familiar, that it was with some surprise that the Ordinary remarked that the street-robbers John Hawkins and George Simpson (executed in May, 1722) "appeared in the Carts with uncommon Tokens of Repentance, scarce ever raising their Eyes from their Books, to regard the great Crowds about them, nor tarrying to

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158 *An Enquiry into the Causes of the Frequent Executions at Tyburn...*, 23. It was also customary to cite the example of "the man who was hanged for want of a drink"; i.e., a sadler at York who, according to legend, refused to drink on the way to the gallows, and was hanged only minutes before the arrival of a messenger carrying a pardon from the King (Charles G. Harper, *Half-Hours with the Highwaymen: Picaresque Biographies and Traditions of the 'Knights of the Road'* [London, 1908], 1:178).

159 OA (J. Applebee, 11 November 1724), 6. This was commented on with particular disgust by Francis Place; see Francis Place Papers, BM. Add MSS 27826, Vol II, No. 34, 64.

drink Quantities of Liquor, as is usually done." By the late 1730s, however, it would appear that the authorities had begun to clamp down on convicts who drank on the way to Tyburn—although it was evident that the rules could be stretched for some criminals. When "Mr" Thomas Carr was travelling through Holbourne on his way to the gallows, and was offered a glass of wine, "one of the Sheriff's Officers told him, it was, indeed, contrary to their Rule and Orders, to suffer him to drink any; but that as he was a Person of Discretion, and he did not doubt but he would make a proper Use of the Indulgence, he might". If the reader had had any doubts as to Carr's status as a gentleman, they would have been laid to rest upon being informed that Carr "refus'd" the drink "with the calmest Submission".

And it would seem that the practise of drinking on the way to Tyburn had been banned altogether by the 1760s. Stephen Roe, the Ordinary of Newgate, notes disapprovingly of the wagers laid by two convicts under sentence of death: "several pots of beer were thus won and lost between them, they boasted they would stop and drink it in their way to Tyburn. But this kind of unseasonable indulgence is long since disused and abolished".

iv. The Highwayman as "Knight of the Road"

It would seem, then, that the authorities felt compelled to curb some of the more noisome excesses of "the Hanging Match" long before the abolition of the procession to Tyburn in 1783. Perhaps more problematic than the bacchanalian atmosphere of Tyburn Fair, or even the "game" highwayman's willingness to play to the hilt the role of Carnival King, however, was the way in which many early and mid-eighteenth-century condemned

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161 Quoted from the Ordinary's Account in Select Trials (1742) 1: 173.


163 OA (M. Lewis, 15 June 1763), 51.
criminals began not only to buy into their own celebrity and to help perpetuate it, but also, it would seem, to construct and to model themselves after the rogue heroes immortalised in the pages of Captain Smith and Johnson--perceiving themselves as veritable gentlemen or "Knights of the Road", and even as champions of social justice, Robin Hood-style. As I have argued in Chapters III and IV, the line between oral and written traditions, between "real" criminals and mythical ones, was often blurred, perhaps especially in the minds of the criminals themselves.

It would appear that there were many early and mid-eighteenth criminals who, like one highwayman hanged in 1730, "took no little Pleasure in the Relations of those Adventures which had happened to him, in his Exploits on the Highway". Indeed, the authors of criminal "lives" frequently complained not only of the "ridiculous Spirit of vain Glory" which led malefactors to believe that money acquired by robbery was legitimate spoil earned by venturing one's life, but the "vain Inclination" on the part of "especially the younger Criminals...to be much talked of".

Some took a more active hand in publicising their "Adventures". Edward Burnworth, the leader of a gang of street-robbers, seemed eager to capitalize on the notoriety he had earned for shooting a "thief-taker", and for (like Hawes) having to be "pressed" before he would plead to the charges laid against him:

being...a Painter's Son, he had some little Notion of Designing, and therewith diverted himself in sketching his own Picture in several Forms; particularly as he lay under the Press, which being Engraved in Copper, was placed as the Frontispiece of six Penny Book which was published of his Life.

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165 Ibid., 3:71-2.

166 Ibid., 2:179.
The seemingly insatiable demand for details of criminals’ lives often facilitated and even encouraged a fair degree of freedom of expression on the part of condemned criminals, as I have noted in Chapter II; however, there seemed to have been limits, even for John Applebee: Stephen Burnet, alias Barnet, alias Barnham, a street-robber hanged in 1728, employed his Time in his Cell, in composing a Song to celebrate the glorious Actions of himself and his Companions. This was Work he very much valued himself upon; and sending for the Person who usually Prints the Dying Speeches [Applebee], he desired it might be inserted, but it containing excitements to their Companions to go on in the same Trade, in the strongest Terms he was capable of framing them in; his Design was frustrated, and they were not published.167

Barnham, a former pupil of both Blueskin and the infamous Jonathan Wild, "took Pleasure in recounting his Adventures", and appeared to "[glory] in the Perpetration of [his] abominable Actions"—especially those which seemed to cast him as an open-handed, bold-spirited "Knight of the Road". Barnham claimed that he and two companions had not only "spent above £120" in "one Week", but that "they set up a poor Man in a Chandler's shop".168

As I have argued in my discussion of Applebee’s "Appendix", many criminals saw themselves as belonging to a long oral tradition of rogue heroes.169 In an account of Edward Reynolds, hanged in 1726, we are told that the latter regularly frequented an ale-house where "an abundance of wicked Persons used to meet", and where "he listened with the greatest Delight, to those Relations of evil Deeds". One night "their Orator" recounted a history of "the Science of Stealing": "In former Days, said he, Knights of the Road were a kind of Military Order, into which none but decayed Gentlemen presumed to intrude

167Ibid., 3:82.

168OA (John Applebee, 11 November 1728), 2-3.

169See Chapter IV.
themselves". As for common thieves, they were more ingenious then, than they are now, and the Fellows were so dexterous, that it was dangerous for a Man to Laugh who had a good set of Teeth, for fear of having them stole; they made nothing of whipping Hats and Wigs off at Noon-day...or making a Midnight visit, in spight of Locks, Bolts, Bars, and such other little Impediments to old Misers, who kept his Gold molding in a Chest, till such honest Fellows at the hazard of their Lives, came to set it Liberty. For my part, continued he, I believe Queen Anne's War swept way the last remains of these brave Spirits; for since the Peace of Utrac, (as I think they call it) we have had a wondrous growth of Blockheads, even in our Business; and if it were not for Shepherd [Jack Sheppard] and Frazier, a hundred year hence, they would not think that in our Times there were Fellows bold enough to get Six-pence out of a legal Road, or dare to do any thing without a Quirk of the Law to skreen them.

According to Reynolds, "all his Auditors were wonderously pleased with such Discourses as these, and...would each in their Turns, tell a multitude of Stories they had heard of the Boldness, Cunning, and Dexterity of the Thieves who lived before them"—imagining that "Rapine" was "a Gallant Action", and "Stealing" as "a dexterious piece of Cunning".171

Highway robbery in particular is cited as a genteel and distinctively "manly" occupation: Robert Johnson, hanged in 1730, "had always disdain'd, and thought it below him to commit petty Thefts, such as Pickpocketing, &c. But thought it more becoming a manly Spirit to attack Coaches, and such People as he met upon the Highway".172 The celebrated highwayman James Maclean (the same who robbed Horace Walpole) was clearly affronted when visited in prison by a "Gentleman" who wanted to know if the former had robbed him in Hyde Park. "Maclean stiffly deny'd it, and insisted that he never robb'd on Foot in his Life".173

170Lives of the Most Remarkable Criminals (1735), 2:270-1.

171Ibid., 2:272-3.

172Select Trials (1742), 3:243.

173A Genuine Account of the Life and Actions of James Maclean, Highwayman... (W. Falstaff, 1750), 23.
In many respects highway robbery lent itself easily to romanticisation: the highwayman carrying firearms and mounted on horseback (enabling a quick getaway) had less necessity than the footpad to resort to violence; moreover, victims were far less likely to prosecute or to positively identify a highwayman who had used them civilly and who had behaved throughout as a gentleman. While there are countless stories of gallant highwaymen and gracious victims, perhaps one example will suffice: Henry Simms ("alias Young Gentleman Harry"), while stripping his quarry of their jewellery in the course of a highway robbery, observed

a Gentleman in the Coach bursting into Tears, say[ing] _there goes your Father's Ring_, on which I presented my Hat, wherein I had taken my Booty, and said for God's sake take that or any thing else you please; the Gentleman seemed much pleased at my Generosity, and taking the Ring, told me, he was sorry I had not a better Way of living, bid me make what Haste I could off, for he saw a good many People coming up. I thank'd him, and took my Leave.

Even James Guthrie, the Ordinary of Newgate, evinces somewhat ambivalent feelings about the "odd sentiments" such "unfortunate Persons [highwaymen] entertain of Honour"; which were, he acknowledges,

yet strong enough within to prevent their doing many Mischiefs, and to ingage them in the doing some Acts, which if done by others would merit Applause. Certainly, next to Honour and Virtue, Civility has the greatest Charm. How many by using those they robbed well, have avoided Death? And how sure and how unpitied does an untimely End befall those, who, to the crime of Rapine add also the Folly of treating those ill who fall into their Hands.

Guthrie concludes by conceding that, to do "him Justice", such "cruelty" (seen as evidence of "Cowardice" and a "Blood-thirsty Spirit") "could be never ascribed to" the highwayman in

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174 This is a point well established by many scholars. See Beattie, _Crime in the Courts_, 153, as well as my own discussion of the highwayman in Chapter III.

175 *The Life of Henry Simms, alias Young Gentleman Harry...All wrote by Himself while under Sentence of Death in Newgate* (Tho. Parker and C. Corbett ["the only authorised Printers of the Dying Speeches"], 1747), 30.
question, "the Deceased Mr. Gordon". Indeed, most criminals, not just self-styled "Knights of the Road", took pains to stress that they, too, believed that "Cruelty was no Courage". Few of the condemned indeed were as "hardened, obstinate and impenitent" as the robber and murderer Ferdinando Shrimpton, who "never appeared one Whit more uneasy...when the Sermon on Murder was peculiarly preach'd on his Account; but on the contrary talk'd and jest'd with his Companions as he was wont to do". Paul Lorrain, the Ordinary of Newgate, was in 1707 unable to convince a group of street-robbers that armed robbery was tantamount to an intent to commit murder: "I found they often expressed great satisfaction in this, Viz. that among so many Men they were, not one of them had ever kill'd any Person". The highwayman John, alias Richard James took pride in the fact that "whatever Cruelty I might be guilty of, I never carry'd it so far as to commit Murder"; similarly, Joseph Johnson, hanged in 1705, "never took things of great Value, nor offer'd much Violence to any Person; and that he was so far from designing Murther at any time, that he always resolv'd rather to be killed than Kill". As for "Gentleman Harry", he claimed to have let three men on horseback whom he was attempting to rob go rather than attempt to shoot them:

I [rode] along Side 'em for at least five or six Minutes, presenting my Pistol, swearing I would shoot if they did not stop, but they still rode on, and I turn'd from them, giving them a hearty D-mn, not caring to let off my Pistol, for I

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176OA (J. Applebee, 27 April 1733), 10-11.


178OA (Benj. Bragg, 17 Dec 1707), 2.

179Select Trials (1742) 2:87. James goes on to tell the Ordinary of a man and woman he had robbed: "I took no more than a Crown from 'em, and the Woman being with Child, I treated them so civilly [sic], that, hearing I was a Prisoner in Newgate, they came thither to return me Thanks for it"(ibid.).

180OA (J. Downing, February, 1704/5), 2.
had determin'd to shoot no Man, unless he attempted to take me.181

Whether or not we may credit such stories, criminals sometimes reported that they were willing to intervene in situations where a murder was committed. Bernard Fink recounted hearing "three Fellows" apparently "upon the same Lay" as himself and his companions shooting one of their victims: "We all agreed to follow them and to have shot every one of them for being so barbarous to commit Murder, for that I always did abhor"; however, they "could get no Sight of them".182 The highwayman Humphrey Angier claimed to have been so disgusted by an accomplice's murder of one of their victims that he "declar'd he would never drink in the Company of Mead [the murderer], and when Butler sometimes talk'd after the same Manner, he us'd to reprove him, by telling him, that Cruelty was no Courage".183

Not just highwaymen, but many other criminals as well, claimed to have behaved chivalrously towards women. In an account supposedly "written by Himself", Joseph Cole describes robbing a parcel containing a new shift and quilted petticoats from "a young Woman that was to be Married the Sunday following, and this present was from the person she was to be espoused to". Upon hearing this, both Cole "and the person that was concern'd with me, consented to return the young Woman her things again, because she should not be disappointed". (She was, however, obliged to pay a crown for this favour).184 John Levee describes attempting with his accomplice, Blueskin, to rob a woman from whom they "had nothing...[Levee] said farther, that he it been a Man, he would have far'd badly;

181*The Life of Henry Simms, alias Young Gentleman Harry...*, 31.


183*Lives of the Most Remarkable Criminals* (1735), 1:268; also OA (John Applebee, 9 September, 1723), 3.

184OA (J. Applebee, 4 February 1735/6), 15.
for she struck them, he said, on the Face, and us'd them very roughly; but that as she was a Woman, they let her go, and got nothing of her". Many criminals seemed to have scruples about sexual violence as well. Stephen Phillips seemed particularly disturbed about a rape committed by his accomplice on a maidservant in the course of a robbery: "this Phillips said, gave him more uneasiness than all his Robberies, for letting the young Woman be us'd after so barbarous a Manner". In fact, the two ex-confederates part after "having some Words...about the young Woman".

A significant number of highwaymen touted themselves as eighteenth-century Robin Hoods; after all, highwaymen, who robbed only those who travelled by coach, could make the argument that they were only taking money from those who could afford to spare it. There were some criminals who, like the highwayman Joseph Leath, insisted that they never robbed "any Person without the Coach"—that is to say, servants. Others claimed to differentiate even between passengers within "the Coach": The highwayman John Turner, hanged in 1727, earned the nickname "Civil John" by behaving himself towards those whom he robbed with such Gentleness and good Manners, putting his Hat into the Coach, taking what Money they thought fit to give him; nay, sometimes returning a Part of that, if the Dress or Aspect of the Person gave him room to suspect, that their Wants were as great as his...

James Wright—described by one former associate as "a Man of the best Temper and greatest Fidelity to his Companions I ever knew in an Highwayman", and as being "very far from being a harden'd Criminal, hardly ever robbing a Passenger without Tears in his Eyes".

\[185^\text{OA (J. Applebee, 8 February 1722/3), 5.}\]
\[186^\text{OA (J. Applebee, 11 August 1736), 17.}\]
\[187^\text{OA (J. Applebee, 17 February 1743/4), 10.}\]
\[188^\text{Lives of the Most Remarkable Criminals (1735), 3:4.}\]
claimed "that he generally aim'd at robbing Coaches, or those whose Equipage and Appearance show'd them best able to sustain a loss: That he never would rob a poor Man, but pittied him, as much as himself", and that as "he fancied that as the Rich could better spare it than the Poor, there was less Crime in taking it from them".189

There was even the occasional "Foot-Pad", who would, like Thomas Pinks, claim to be moved by the plight of those less fortunate than he. In Pink's own account of his life included in Applebee's "Appendix", he describes a robbery committed by himself and two accomplices, where "The Man cry'd very much, and said he was Poor, that his Wife was Sick at London, and that he had been to Hartford to get something for her Subsistence". However,

Notwithstanding all the Intreaties the Man made use of, [Pink's accomplices] were sufficient Proof against them, and rifled the Man of all he had about him, which amounted to no more than two shillings; and threaten'd to blow his Brains out if he made the least Resistance.

But Pinks is careful to add that "I begg'd of them to consider the poor Man's Circumstances", and although his "Request to them had little Effect", he "freely gave the Man, in some Measure to compensate his Loss" the "one Shilling and Twopence" he had in his "Pocket".190

Indeed, a surprising number of robbers claimed to have completed the Robin Hood formula by giving to the poor part of what they had taken from the rich. Joseph Shaw, in his account in Applebee's "Appendix", informs the reader that,

we very often, when we had got a good Booty, bestow'd a small Part of it in Charity, and often relieved poor People, but we generally told them how we

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189A Full and Impartial Account of all the Robberies Committed by John Hawkins etc...(J. Peele, 1722), 7; Lives of the Most Remarkable Criminals (1735), 1:99-100; OA (J. Applebee, 22 December 1721), 2.

190The Ordinary of Newgate, His Account of the Behaviour, Confession, and Dying Words of Thomas Pinks, who was Executed at Tyburn, on Friday the 7th of May...(J. Applebee, 1742), 13.
came by the Money; charging them not to spoil our Sport, for then 'twould be out of our Power ever to give them any more.191

There were even some who, like Richard Morris (executed in 1706), not only "endeavour[ed] to extenuate his Crime and be thought a conscientious Thief by saying he never robbed any poor Person, but such as were able to bear it", but implicitly called the class system into question by concluding that, after all, "they had too much and I had too little".192 Occasionally, criminals suggested not only could the rich "bear" their losses, but that they had little right to money which was often ill-gotten as well as likely to be spent in dissipation (after all, in the words of a contemporary expression, "What's got on the Devil's back is spent under his Belly"). The Ordinary rails at the presumption of yet another "conscientious Foot-pad and Murderer" (James Shaw, hanged in 1722), who gave it as "his firm Opinion, that it was a much greater Sin to rob a poor Man, or the Church of God, than those who would have spent the Money he took from them in Gaiety and Luxury, or those who perhaps had unjustly acquired it by Gaming".193

In his own account of his life, Edmund Neale, hanged in 1722, complained of having imbibed notions above his station while spending his youth in the company of neighbouring gentlemen—and from whom he learned the "genteel accomplishments" of "drinking, Swearing, and talking leudly". He became so adept at such pastimes that he "began to think [himself] something of a gentleman", and felt "great Mortification" when "obliged to go Apprentice to a Taylor". After many misfortunes, Neal met up with Will Pincher:

One Night being got to the Alehouse together, and falling into Discourse about the Hardships we suffer'd in being obliged to undergo so much Drudgery for a

191OA (J. Applebee, 18 January 1737/8), 15.
192A Compleat Collection of Remarkable Tryals...(1718-20), 2:160.
193Quoted from the Ordinary's Account, in Select Trials (1742), 2:124.
sorry Maintenance, we concluded ourselves to be a Couple of the most unlucky Fellows in the World, and therefore resolved to go out and beat every one we met for being happier than we. This was all we intended at first; but upon drinking t'other Pot, and considering more o'the Matter, we thought that when we had beat them, it would be but little more trouble to take their Money, and so we determin'd to do both.194

And there were some criminals whose notions of social justice were more clearly formulated.

In one 1753 account, one robber recruits another with the following rousing speech:

Is it just or reasonable that a few worthless Fellows should roll in Heaps of gold, and such free-born Souls as ours are, pine with Want, sculk in Corners, and be afraid to appear in Day-light? No! the Air, the Earth, and all the Elements were given for the Enjoyment of all alike; and I don't know what Right any Man has to engross the Product and Gifts of Nature. Gold is one of the Natural Products of the Earth, and consequently belongs to you and me, and all alike. This is my Opinion, which I am resolv'd to maintain, with Sword and Pistol, against any one that shall dare to dispute it.195

v. "Expressions...Better Stifled than Repeated"

But by the middle of the eighteenth century, it would appear that the "game" criminal's days were numbered--figuratively as well as literally. We have seen how Applebee's "Appendix" and the lengthy and unabashedly picaresque criminal biographies and "autobiographies" contained therein had over the course of the 1740s become increasingly offensive to the Ordinary of Newgate, and how the latter had eventually fired Applebee as the printer of the Account in December 1744. And, despite what seems to have been a healthy and ongoing public demand for news of criminals' lives, there were during roughly the same period similar efforts on the part of the City of London to clamp down on some of the more sensationalist aspects of the Sessions Paper.196 While interest in the highwayman and the


196 See Chapter V.
footpad appears to have been hardly on the wane during the "crime wave" of the late 1740s and early 1750s, clearly the authors and the editors of the OBSP and the *Account* were growing increasingly uncomfortable with providing a forum in which the common criminal could regale the world with his or her exploits. By the late 1760s, the Ordinary's *Account* had died out altogether; the Sessions Papers were well on their way to becoming an "official publication"; trials accounts were beginning to focus on criminals who were socially eminent, rather than merely notorious; and collections of highwayman "lives" had lost most of their pretense, not just to factuality, but also to contemporaneity and social relevance, and resorted instead to recycling old stories of semi-mythical criminals, or to borrowing tales of wholly fictional heroes, such as Falstaff or Robin Hood.

There had long been critics of the "game" criminal and the carnivalesque atmosphere at Tyburn in general, and of the unscrupulous "Sons of Grub Street" who would stop at nothing to get a penny. Doubtless, too, there were many who heartily disapproved of the early eighteenth-century criminal's ability to trade in his or her own notoriety for celebrity, and to sell his or her story to the highest bidder, or to endorse an "authentick" version at the gallows. Conversely, a thirst for criminal news would persist, as would a public fascination with "gentleman highwaymen" and would-be "social bandits". But what does seem significant is that in the middle of the eighteenth century, serial publications dealing with the "lives" and "confessions" of criminals soon to be executed petered out with a rapidity which, in retrospect, was nothing short of dramatic. On one level this phenomenon can be ascribed to the rise of the newspaper or the occasional pamphlet. However, newspapers typically devoted little space to individual criminals and seldom, if ever, solicited their own "speeches" or confessions. And, from the mid-century on, pamphlets dealing with criminals focused on only a select few--gentlemen forgers and the occasional genteel highwayman in particular.
Either the authorities (a vague term, admittedly) took a more active role in discouraging such literature; or, tastes had changed, or audiences had, or both. I will return to these questions in my concluding chapter; for the moment, however, it may be instructive to look at how the "game" criminal fared during this period.

The execution of the highwayman James Maclean in 1750 may provide a kind of a window onto the mounting discomfort with the figure of the self-styled "Knight of the Road". The author of one pamphlet on this "Gentleman Highwayman" (interestingly enough, priced at a shilling--about the double the cost of most criminal "lives" during this period, including the Ordinary's Account), complains that, for "the lower Class of People", "Hanging has become a Sport", and expresses his dismay that

the worst of Villains, the greatest Pests and Enemies of Society, find more Friends, more Tears, more Compassion, nay more Praise and Honour, going to Execution, than an honest Man could expect, suffering in the most gallant Manner in Defence of Religion and Honour.

Now, the authors asserts, all that is needed to earn the "Voice, the Praise, and good Wishes of the Publick" is "to become a notorious Villain, and to go to the Gallows with a good Grace".197

Not all contemporaries shared this view of Maclean; a competing (and cheaper) account of Maclean's execution describes him as behaving at the gallows "with a manly Firmness, joined with all the Appearances of true Devotion".198 But by mid-century, as Lincoln Faller has pointed out, it would seem that the debonair highwayman is less a vehicle for social satire than an object or either pity or scorn; increasingly, "it is the pretensions of

197 A Complete History of James Maclean, the Gentleman Highwayman, Who was executed at Tyburn, on Wednesday, October 3...for a Robbery on the Highway...(Charles Corbett, 1750), 2; 1; 2-3.

198 An Account of the Behaviour of Mr. James Maclaine, From the Time of his Condemnation to the Day of his Execution, October 3...(J. Noone and A. Millar, 1750), 27.
the highwayman himself" rather than of those whom he robs, "that come under fire".\textsuperscript{199}

For many chroniclers, Maclean's fate was invoked as "a Lesson to young People of moderate or low Circumstances, to be content in the humbler Stations they were designed to fill, and there to persist in a Course of virtuous Industry", and "a Warning to them not to affect a Taste and Appearance above themselves".\textsuperscript{200}

While, as I have argued in Chapter IV, criminals who could pass as "gentlemen", received preferential treatment from later eighteenth-century chroniclers (with those who could not tending increasingly to be overlooked entirely), those who assume the airs of a gentleman without any real claim to that rank receive short shrift. As the then Ordinary of Newgate, John Taylor, is careful to point out:

though [Maclean] has been called the Gentleman Highwayman, and in his Dress and Equipage very much affected the fine Gentleman, yet to a Man acquainted with good Breeding, that can distinguish it from Impudence and Affectation, there was very little in his Address or Behaviour, that could entitle him to that Character.\textsuperscript{201}

Two years later, Taylor (who, as we may recall, regarded the disorderliness of the Tyburn procession with such distaste), records the behaviour of William Signal "and his profligate Companions", who

have made their Brags of several Robberies they had committed; declaring, if they had but Liberty, they would send for Things enough to set up a good Shop.—But as they had not, they would send for some Surgeons to give them Money for their Bodies, for, by G-d, they were resolved to die game.

Signal, Taylor concludes, "was a poor, unhappy, ignorant youth, and yet had the Vanity to set up for the Macheath of the Day, tho' he was no way equal to the Character, and nothing

\textsuperscript{199}\textit{Turned to Account}, 193.

\textsuperscript{200}\textit{Account of the Behaviour of Mr. James Maclaine}... (J. Noon & A. Millar, 1750), 28.

\textsuperscript{201}OA (T. Parker, 3 October 1750), 84-5.
but Ignorance and Audaciousness, those two despicable, ill Qualities, could give him any
Pretence to it".202

Taylor's disapproval of Signal's "Vanity" differs little from that of previous
Ordinaries; more interesting, perhaps, is his characterisation of Macheath, the highwayman
hero of Gay's The Beggar's Opera. It is probably safe to conclude that the Ordinary had
never seen the play—perhaps not so astonishing, considering that he was, after all, an
Anglican minister. Yet it is important to remember that The Beggar's Opera was the product
of a time in which criminals, namely, Sheppard and Wild, had been not only the property of
the literate classes—even the elite—but had served, moreover, as vehicles for social satire.

It is well known that Peachum was Wild and that Wild was Walpole, and it is widely
believed that Macheath was based on Jack Sheppard (although he could have just as easily
been Carrick, or any other "game" highwayman of the period). The Beggar's Opera's satire
of the Walpole administration rested on the central precept of rogue literature—and the one
taken up with such alacrity by Captain Smith and Johnson; that is, that all men and women
are rogues, but that only the "poor petty rascals" suffer for their crimes, while the greatest go
free, and are even rewarded for the knaveries for which "little villains" routinely hang. In
"An Elegy upon the Death of the Famous Mr. John Hall" (a street-robber executed in 1708),
we are reminded that "If ev'ry Rogue throughout the Nation/ Should die, like HALL, by
Suffocation,/ Some, now in Coaches, would in Carts/ At Triple Tree receive Deserts". This
would include not only "Lawyers, Physicians, Courtiers, Jaylors", who "Would march in
Troops, and all the Taylors", but even "a L--d" or two.203 For, as I have discussed in

202OA (T. Parker and C. Corbett, 13 July 1752), 110.

Chapter III, tailors, millers, tinkers and lawyers—the traditional *bête noires* of rogue literature—were in the early eighteenth century often supplanted by "great" or "State Villains": the courtiers and placemen who dealt in corruption, lived on the labours of others, and escaped scotfree from fiascoes such as the "South Sea Bubble".

This is a theme constantly taken up in *The Beggar's Opera*, where we are told that

Since laws were made, for every degree  
To curb vice in others, as well as me,  
I wonder we han't better company  
Upon Tyburn Tree.  
But gold from law can take out the sting;  
And if rich men, like us, were to swing  
'Twould thin the land, such numbers to string  
Upon Tyburn Tree.\(^{204}\)

And it is but a short step from the assumption that all men are rogues to the assertion that those who are held accountable for their actions, and suffer for their rogueries are less reprehensible than those who do not—not to mention more honest—as Jemmy Twitcher demonstrates: "Why are the laws levelled at us? Are we more dishonest than the rest of mankind? What we win, gentlemen, is our own, by the law of arms and the right of conquest".\(^{205}\) Not only is social status no indicator of virtue—according to the "Beggar", "it is difficult to determine whether [in the fashionable vices] the fine gentlemen imitate the gentlemen of the road, or the gentlemen of the road the fine gentlemen"—but the implication is that thieves have more right to live on the spoils of their neighbours than do their "honest" counterparts, who despoil, with impunity, all mankind.\(^{206}\)

Drawing satirical parallels between high life and low was a common literary device in

\(^{204}\) *The Beggar's Opera*, 118.

\(^{205}\) Ibid., 68.

\(^{206}\) Ibid., 121.
the 1720s. In "A Dialogue Between Julius Caesar and Jack Sheppard", published in 1725 in *The British Journal*, Sheppard asks Caesar if it is "more a Crime to pick a Lock than unhinge a Constitution? Are a pair of Fetters more sacred than the Liberty of the People? And is it more dishonourable to slip though the Hands of a Gaoler, than break though the Laws of one's Country?" After all, Sheppard "only infringed the Laws, not overturned them" and "did not grow too big a Villain for them to punish me, as [Caesar] did". Moreover, not only were Sheppard's "Actions as wonderful, and somewhat honester" than those of his opponent, but they "were enterprized upon a justifiable Score, the Maintenance of Life".

None of this is to suggest that Gay and his cronies were "Levellers" (as Caesar accused Sheppard of being), or that such literary conventions translated into any real sympathy for small-time property offenders who suffered at Tyburn—even those who died "resolutely", or with a becoming "decency". But what does seem significant is the way in which early eighteenth-century condemned criminals themselves appropriated this discourse of brave-little-rogue versus craven-great-(and unpunished)-rogue, fusing it with their own notions of masculine honour and social justice. If "honour" (i.e., courage) was replacing "piety" (i.e., penitence) in "fashionable" opinion, then the "game" criminal was merely following the fashion—and was no worse than his betters. If, as one contemporary

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207 Arguably, this continued into the 1740s. Fielding wrote his own "life" of Jonathan Wild (*Jonathan Wild the Great*) (1743)—yet another attack on vice in high places, and even Hogarth's 1747 "Industry and Idleness" series has been interpreted by some to be faintly subversive (see Ronald Paulson, *Hogarth: High Art and Low 1732-1750* [New Brunswick, NJ, 1991], 294-304). But such satire is muted in Hogarth's case; and in Fielding's, is directed as much at those who glorify criminals as it is at those in positions of power who act unscrupulously.

208 *The British Journal*, 4 December, 1725.

moralist complained, "the Manners and Principles of the Times" were characterised by "effeminacy" (i.e., vanity, self-indulgence and cowardice), then the "game" criminal was a bulwark of masculinity in an effete and decadent (not to mention hypocritical) age; for, while he may have been vain, he was certainly no coward, and while he may have been self-indulgent, he was willing (unlike his betters), to risk his neck for his pleasures, and to pay for them with his life. 210

Contemporary wits may well have abandoned the theme of "all the world's a rogue" when it was taken up with such alacrity by criminals, and demonstrated in a forum as public as that of "Tyburn Fair". Such an assertion may also be too sweeping, as well as too perfectly schematic. The criminal, in various forms, would continue to be championed and appropriated for various causes after the demise of the Ordinary's Account and similar publications in the 1760s. "Gentleman highwaymen" such as William Cox, Jack Rann and William Hawke would continue to enjoy celebrity status, and continue to die "game" (if, generally, "manly and resigned", and "without overacting [their] part[s]"). 211 But it would seem that, as the century wore on, the common criminal himself (or herself) played less and less of a active role in the way in fashioning or defining himself for popular consumption.

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210 See John Brown, An Estimate of the Manners and Principles of the Times (5th ed; L. Davis and C. Reyners, 1757). Brown claims "the ruling Character of the present Times is that of 'a vain, luxurious, and selfish EFFEMINACY'*"(67). "Effeminacy" is defined as a love of "Shew"(40), "unmanly Delicacy" (41), and a "cowardly...Spirit"(91). It may not even be too far-fetched to see the "game" highwayman's love of finery as an implicit critique of the contemporary figure of the "fop"—the idle and frivolous, even effeminate young man of fashion who was increasingly held up as an example of "failed masculinity"(Philip Carter, "Men About Town", 56). The "game" criminal dressed as a fine gentleman but acting with a more "manly fortitude" may have suggested yet another satirical parallel—or rather distinction—between high life and low.

211 A Genuine Account of the Life, Robberies, Trial and Execution of William Cox...A Caution to the Public to be Careful of their Property (n.p., 1777), 28. See also A Genuine Account of the Behaviour, Confession, and Dying-Words of William Hawke and William Jones...by the Rev. John Villette, Ordinary of Newgate (H. Turpin, 1774), which includes a description of Hawke's many heroic deeds (complete with an account of his giving to the poor as well as taking from the rich). Interestingly, as I have mentioned at the end of Chapter IV, the account of Jones, Hawke's fellow sufferer, is decidedly terse and markedly unsympathetic.
In 1750, the same year as Maclean's execution, the Ordinary of Newgate records the
dying behaviour of yet another would-be "game" criminal, Benjamin Campbell Hamilton:

whether it was owing to the Levity of his youthful Blood, or what else, I will
not pretend to determine, at all other Times, even to his Death, he shewed
most remarkable Signs of Hardiness and Unconcern; nor did it seem at all to
be forc'd, but he talked to the Mob, and to his Fellow-Sufferers in the Cart,
with as much Ease and Unconcern as a Man would do that was going to a
Jubilee, and continued so till within a few Minutes of his Death.

And, at the place of execution, "Hamilton's Behaviour was intolerably indecent there, talking
and laughing almost all the while the Executioner was tying them up, and using such
expressions as are better stifled than reported". And indeed, very soon, such expressions
would be more often stifled than reported.

In this chapter I have argued that criminals, whether they died penitent or "game",
attempted for the most part to "die in peace with all the world"—both in accordance with their
own standards of behaviour and those of a larger society which applauded criminals who died
with a becoming "decency" and "resolution". While to some degree this may have reflected
a kind of "internalised obedience" to social norms, this "obedience" was anything but passive.
As we have seen, most dying penitents or "game" highwaymen—as well as the large number
of the condemned, probably the majority, who fell somewhere in between—shaped or even
appropriated the medium of "the last dying speech" or "confession" to fit their own needs and
purposes.

I would not dispute V.A.C. Gatrell's claim that the criminal who "died game",
"display[ed his] contempt" for death as a strategy "to cope with the pain and shame" of being
hanged; nor would I object to J.A. Sharpe's view that many others were willing to die

\[212\text{OA (T. Parker and C. Corbett, 16 May 1750), 48; 52.}\]
penitently, and to reinforce the values of the moral and legal code they had transgressed.\textsuperscript{213} It seems plausible enough—even self-evident—that both strategies for "dying well" (to borrow the contemporary term) were in essence coping mechanisms. However, it does not follow that these different strategies, and the attitudes they implied, were mutually exclusive—indeed they could, and often did coexist even within the same individual. Indeed, as I have argued, a criminal could be penitent and still implicitly question the morality of the society in which he or she lived; or conversely, be defiant and still conform to, or even reinforce the conventions and norms of that society.

I have suggested, however, that there was something not only empowering, but even faintly subversive, about the way in which the majority of the condemned expressed their readiness and willingness to die. There was, after all, something vaguely democratic in the conviction that all men and women were sinners, or that all the world was a rogue: those criminals who freely acknowledged their sinfulness and saw their deaths as a means of "satisfying Justice", and "expiating" their "Crime" with their "Blood" often suggested—or at least implied—that they were no worse, and perhaps "somewhat honester" than the undetected "private Sinner", or the "great" rogue whose knaveries went uncensured and unpunished.

By asserting, as did Macheath, that "Death is a debt—/A debt on demand, so take what I owe", condemned men or women could claim that they, at least, had settled their accounts. Not only were such criminals able to appropriate and, to some degree, even redefine contemporary religious and satirical discourses; they were also willing and able to capitalise on the public demand for "lives" and "last dying confessions" of "notorious malefactors"—and which not only allowed, but often encouraged the endorsement and even

\textsuperscript{213}Gatrell, \textit{Hanging Tree}, 111; Sharpe, "Last Dying Speeches".
the active participation of the criminals themselves. The production and consumption of
criminal literature in general had always been fraught with contradiction, and subject to the
various, often contradictory and perhaps always ambivalent aims and interests of its creators,
its subjects and its readership. However, I would argue that, by the 1760s, when the
Ordinary's Account died out as a regular serial publication, such contradictions had become
all but impossible either to reconcile or to ignore.

Even after mid-century, there were still condemned criminals who, like the
highwayman Paul Lewis executed in 1763, persisted in "affecting the character of a hero"
despite the "shock" of witnesses, and the exhortations of an attending minister who, "instead
of being angry, truly pitied him". Lewis threatened the Ordinary (who refused to administer
the sacrament to him); "strutted through the chapel" telling all who would listen of "his
heroic spirit and genius for the highway", and that he "only robbed the rich to give to the
poor"; and "was soothed and bolstered up by those men of veracity and candour" [i.e., his
fellow prisoners], who assured him that, "Captain, you have always behaved like a
gentleman, as you are". More shocking still, perhaps, was the fact that Lewis, quite
literally, "affected to be a real McHeath"—not only in acting appropriately "game", but by
"merrily" singing verses from The Beggar's Opera"; namely, "If gold from law can take out
the sting, &c".214 (Isaac Darkin, another "game" highwayman, "frequently diverted

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214 A Genuine Account of the Remarkable Life and Transactions of John Rice..., 20-23: 14. After the 1760s, there are relatively few glimpses into the minds of the would-be game criminal. I have encountered one very late account, however, that suggests that "dying game" remained a vital part of the criminal's own subculture. Richard Haywood, hanged for robbery in 1805, "behaved with shocking depravity" and "never attempted to deny his guilt; but on the contrary, seemed to exult in it... it was his constant boast, that he would, on the scaffold, surpass the notorious Abershaw, evincing his contempt of death". At the place of execution (outside Newgate), he and a companion "uttered the most horrid imprecations; and after declaring in cant terms, that they would die game, threatened to murder the Ordinary if he attempted to visit them". Moreover, Haywood takes off his coat and shoes before he is executed, saying, "thus... will I defeat the prophecies of my enemies: they have often said I would die in my coat and shoes, and I am determined to die in neither" (Criminal Chronology [1809] 3:287).
himself with reading *The Beggars' Opera* while in Newgate).\textsuperscript{215}

Clearly, criminals continued to perceive of themselves (or at least tried to present themselves) as "heroes in low-life", as gentlemen, and even as eighteenth-century Robin Hoods. But if the popular mythology of the "game" criminal was still alive and well, pamphlets commemorating (let alone celebrating) such figures were very much on the wane. Rapidly, "confessions" and "autobiographies" of living and all-too vocal criminals were being displaced by various "Newgate Calendars" featuring the "lives" of long-dead and often semi-mythical malefactors, who had been effectively silenced as well as refurbished and repackaged for consumption by later-eighteenth-century audiences. And it is to such collections that I return in my concluding chapter.

\textsuperscript{215}*The Newgate Calendar* (1824), 2:287.
VIII. Honest Molls and Masculine Females: Women in the Literature of Crime

Think you...that women have not wiles to compass crowns as well as men; yes, and more, for though they be not so strong in the fists, they be more ripe in their wits, and ‘tis by wit that I live and will live.

--Robert Greene, A Disputation Between a He-Cony-Catcher and a She-Cony-Catcher (1592)

I am very like a Looking-glass, wherein you may all see your own frailties.

--Mary Carleton, in The Counterfeit Lady Unveiled (1673)

Women in general are of natures more gentle, of dispositions more harmless, than men; yet, when the mind of a woman is once contaminated, she commonly becomes more vicious even than a man of bad character; and the amiable softness of the sex seems to be totally eradicated.

--Knapp and Baldwin, Newgate Calendar (1824)

There was nothing particularly remarkable in the fact that the convicted coiner Barbara Spencer was reported to have been "very outrageous and turbulent in her Behaviour...while she lay under Condemnation" in Newgate in the early summer of 1721. Spencer was like many other malefactors in that before the "Dead Warrant" had come down,

she could not be perswaded to think of Death, and much less of being burnt. Nor was she to be convinced by the Ordinary of Newgate, that she had been guilty of any Crime in Coining. She even boasted that she had never been a Thief, and that she had been but twice in Newgate, and no more than once in the Compter.¹

When reproved by the Ordinary for not being "more serious in her Deportment" in chapel, Spencer replied "that 'twas not in her Nature or Power to look Grave, but she might be as penitent as those who could cry and lament".² However—and again like many condemned criminals before her—when all "Hopes of Life were entirely vanish'd", Spencer's "former Spirit was quite sunk", and she "lost all her Boldness".³

Yet, Barbara Spencer—as she was to demonstrate before and even after the "Dead

¹Select Trials (1742), 1:42.
²OA (John Applebee, 5 July 1721), 5.
³Select Trials (1742), 1:42; Lives of the Most Remarkable Criminals (1735), 1:50.
Warrant came down"—was clearly a woman of unusual fortitude. Spencer adamantly refused to disclose the names of the people who had originally trained her in the art of coining, for "she thought it a pity that a Family should be ruin'd who had left off Coining, and for many Hundreds be untouch'd in London, who continued in that Employ". She "added, that tho' there lay the Faggots and Brushes to burn her, she would not take away the Life of any one, tho' a Magistrate was to come in Person, and offer her a Pardon to do it...". True to her word, "as she went to the Place of Execution, and as she stood at the Stake by the Wood and the Fuel" (where "she appeared to have re-assumed all her Resolution" and "seemed to have much less fear of Death, than the Day before"), she persisted in broadcasting her determination not to "receive Life at the expence of another's Blood".

While it would have been unlikely to say to the least for Spencer to have been offered, at such a late date, a pardon in exchange for a full confession, nonetheless her fearless demeanour, her "Resolution" and, above all, her staunch refusal to betray her accomplices should have earned her the respect, even the admiration of onlookers—especially at a time in which the cult of the "game" criminal was beginning to come into its own. But this was not the case. Spencer, despite having "confess'd the Fact she was to suffer for" and forgiving and expressing her sincere wish to die "in Perfect Charity" with "all the World", was treated most unkindly by "the Mob". Not only did the "unusual noise and clamour" of spectators "[prevent] her thinking at all of Heaven", but she was "beat...down and Wounded" by the "clods of Dirt and Stones thrown by Vagabonds behind the Crowd".

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*OA (John Applebee, 5 July 1721), 6.

*ibid.; *Lives of the Most Remarkable Criminals* (1735), 50-1.

breathing her last.

Can we suppose, as did the editors of the 1773 Newgate Calendar, that the crowd's "resentment against [Spencer] arose from the many losses that they had sustained by counterfeit money"? Or, was it possible that women who attempted to die "game"—or even, calm and resolute—were not accorded the same degree of sympathy or respect enjoyed by their male counterparts? This chapter will address both this issue and the larger question of how contemporary notions of appropriate womanly behaviour intersected with popular beliefs about the nature of female criminality, and how both played out in criminal accounts of the late seventeenth and early and mid-eighteenth century.

Women featured prominently in early modern criminal literature—not only as victims and (to a lesser degree) as perpetrators, but perhaps especially as the instigators of crime. After all, if all men and women were believed to have been tainted with original sin, much of the blame—according, at least, to the literature of the period—could be laid at the door of their first mother, Eve, who "by stumbling at the Servant's solicitations cast her husband out of Paradise".8 In the popular mind, woman's status as the "weaker vessel" rested less on her physical than on her moral frailty. Moreover, woman was not simply a "weaker vessel"; she was also, according to Captain Charles Johnson, "a Vessel with a leaky Bottom, that lets all the Water out".9 The connotation here (the obvious sexual one aside) was that women could not keep secrets, they could not be trusted—they were, in a word, inherently treacherous.

If prostitution is the world's oldest profession, then blaming prostitutes may qualify as the world's oldest excuse. As Robert Greene's late sixteenth-century "She-Cony-Catcher"

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7Newgate Calendar (1773), 1:285.
8The English Rogue, (1665-71), 119.
9Johnson, General History of the Highwaymen (1734), 14.
complacently reminded her male colleague:

I pray you, Laurence, when any of you come to your confession at Tyburn, what is your last sermon that you make?—that you were brought to that wicked and shameful end by following of harlots. For to that end do you steal, to maintain whores, and to content their bad humour.¹⁰

Criminal literature abounds with lewd women who seduce young men (especially apprentices), entice them to steal to support their extravagances, and eventually betray them to the authorities. If George Barnwell had his Millwood, and Thomas Idle his "whore", even Jack Sheppard had his "Edgeworth Bess"—the mistress whom he claimed to be "a main load-stone in attracting him up the fatal Tree".¹¹ For "real" criminals as well as fictional ones cited the "odious Common Whores" they frequented as "the greatest Exciters of them to these villainies they had perpetrated". Not only did such "Wretches put us upon all Mischief to feed their Lusts and Extravagances", but they were "ten Times more Bloody and Cruel than Men, their Advice is always not to spare if we are Pursued; they get Drunk with us, and are Common to us all; and yet if they can get any Thing by it, are sure to be our Betrayers".¹²

Yet this view of women as (to quote one sixteenth-century work) "the Devil's chiepest brokers to bring the world to destruction", was far from universal.¹³ Even the villainess of The London Merchant, the rapacious and unscrupulous Millwood, declaims against the hypocrisy of men who labour to seduce and abandon women, and then condemn those whom

¹⁰Robert Greene, "A Disputation Between a He-Cony-Catcher and a She-Cony-Catcher" (1592), in Elizabethan Underworld, 223-4.

¹¹The History of the Remarkable Life of John Sheppard, containing a particular Account of his many Robberies and Escapes....(originally printed by John Applebee, 1724; repr. in Horace Bleackley and S.M. Ellis, Jack Sheppard [London, 1933]), 139.

¹²The Behaviour, Confessions, Last Speeches, and Execution of Seven Notorious Malefactors...Executed at TYBURN, for Felonies, Murder, Robberies, and High Treason: But more Especially of Charles Butler the Notorious Clipper, &c. (October 1683, Langley Curtiss), 2; The Last Speech and Dying Words of Ebenezor Ellison...Publish'd at his Desire for the Common Good (Dublin: n.p., 1722), 1.

¹³Greene, A Disputation Between a He-Cony-Catcher and a She-Cony-Catcher (1592), 226.
they had caught in their own lecherous snares: "Women, by whom you are, the source of joy./ With cruel arts you labour to destroy;/ A thousand ways our ruin you pursue,/ Yet blame in us those arts first taught by you..."14

And, as we shall see, the perfidy and hypocrisy of men vis-à-vis women, "their universal prey", was a persistent theme of criminal literature, particularly that which I have identified as belonging to "the rogue tradition".15 Moreover, the "rogue" heroines who described the sexual double standard and who often sought to avenge their own original seduction by preying upon the world before it could prey upon them, were not typically (like Millwood) creatures whose power rested on the influence they could exert on men, but women who boldly seized the initiative, and who acted on their own behalf. The darlings of this genre include, on one hand, such tricksters as Mary Carleton, or the "Counterfeit Lady"- -the daughter of a Canterbury "Musitian" whose aspirations to be a "Heroina" or "to be dignified with some Illustrious Title" inspired her to affect a foreign accent and pass herself off as a "German Princess"; and on the other, such cross-dressing heroines such as Mary Frith (or Mal Cutpurse, or Moll Cut-purse) and the female pirates Anne Bonny and Mary Read--who felt so constrained by the limitations imposed upon their sex, that they adopted, when it suited them, both masculine dress and occupation. The escapades and the subterfuges of these rogue heroines seem to have been justified by a feminist appropriation of the old rogue adage; that is, "That it was no Deceit, to deceive the Deceivers".16


15Ibid.

16The Life and Death of Mrs. Mary Frith. Commonly Called Mal Cutpurse, exactly Collected and now Published for the Delight and Recreation of all Merry disposed Persons (originally printed in 1662 for W. Gilbertson; repr. in Counterfeit Ladies: The Life and Death of Mal Cutpurse; The Case of Mary Carleton, ed. Janet Todd and Elizabeth Spearing [London, 1994]), 25.
Not surprisingly, both Captain Smith and Johnson devote considerable attention to the lives and exploits of such semi-mythical female rogues. According to Captain Charles Johnson, whether because a woman's "finer Genius...discover[s] more Art and Cunning than a Man, when she applies herself to fraud", or

Whether it be that we entertain a greater Regard for the Female Sex than for the other; or whether the Instances of their falling into those Sorts of Vices that expose them to the Cognizance of the Law are less frequent, or whatever else may be the Cause of it, 'tis certain, that a Female Offender excites our Curiosity more than a Male, if she has in any Way distinguish'd her self in the Course of her Actions.  

"Counterfeit Ladies" and cross-dressing pirates doubtless excited more "Curiosity", and perhaps even boasted "greater Names" than their male counterparts; however, as Johnson implies, Anne Bonny, Mary Read and Mary Carleton were anything but representative of their sex. They were, rather, curiosities who defied or at least mocked convention by stepping outside prescribed gender roles. As we shall see, such women could, at least in theory, serve as vehicles for social satire much in the same way as did their male colleagues: if the highwayman demonstrated that he was the only honest rogue and true gentleman in a world of craven and dissembling "great" (or "State") villains, the rogue heroine could prove that she had more masculine courage and virtue than the "real" men whom she so successfully imitated.

Needless to say, the reality of the lives of most female offenders executed in our period was far more prosaic. Yet even if the vast majority of these women were not celebrated courtesans, imposters, pirates or even the conniving mistresses of apprentices whom they had enticed to rob and even to murder on their behalf, most women who were

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17Johnson, General History of the Highwaymen (1734), 327.

18Ibid.
executed were those convicted of particularly serious offenses. While a few women were hanged (or burnt) for more pedestrian crimes such as coining or theft, a large proportion of condemned women had been convicted of murdering (or conspiring to murder) husbands, relatives or servants. This is not to say that women were inherently less likely than men to commit property offenses: indeed, as John Beattie has pointed out, almost half of all defendants tried at the Old Bailey for property crimes in the early eighteenth century were women.19 But at a time when a large percentage of all condemned criminals were eventually pardoned, or had their sentences commuted (i.e., to transportation),20 women were even less likely than men to be sentenced to death, and far more likely to be reprieved if condemned (see Tables 2 and 3).21 Women seem to have made up only a small fraction, somewhere between one tenth and one seventh, of all criminals executed in the early and mid-eighteenth century.22

And it would seem, moreover, that the handful of Englishwomen who did end their lives at the gallows (or the stake) consisted mainly of those convicted of especially heinous crimes, such as murder, on one hand, or of those considered to be particularly hardened cases, on the other. The Ordinary's Account and similar publications often went to


20 In the first two decades of the eighteenth century it would seem that slightly more than half of all those sentenced to death were reprieved; this figure begins to drop in the 1720s, and by the 1740s the figure is closer to a third (Tables 1, 2 & 3).

21 Women, unlike men, could of course "plead their bellies"; and, if found by a jury of matrons to be "quick with child" would have their sentences respited until after they had given birth. In practice, such respites generally translated into reprieves or even unconditional pardons (see Beattie, Crime and the Courts, 430-1). However, even women who were unsuccessful in this regard were more likely to have their sentences commuted than were men.

22 On the basis of the sample provided in Table 2, a little more than eight percent of all prisoners executed at Tyburn between roughly 1713 and 1730 were women. According to the sample used in Table 3, this figure raises to slightly less than fourteen percent between 1741 and 1746.
considerable lengths to depict women executed for property crimes as "Old Offenders" who had been convicted, and punished lightly, for many previous offences before finally suffering at Tyburn. In 1715, for instance, Paul Lorrain compiled a list of the prior convictions of Ann Wright, 38, executed for housebreaking. She had, under a variety of aliases, been sentenced once to being whipped; burnt in the cheek five times; burnt in the hand another five times; and had once been condemned to death only later to be reprieved. As if this were not sufficient evidence of her irreclaimability, Lorrain adds that she was not only of a "harden'd Temper", but moreover, "a very wicked, lewd, and debauch'd Woman".23

There were certain offenses—notably coining—which, while not necessarily considered particularly heinous in themselves, were at least periodically punished rigorously even in the case of first-time offenders, presumably for the sake of setting an example.24 However, it should be noted that Barbara Spencer at least had been fined once before at the Old Bailey for uttering a counterfeit shilling, and that one witness at her earlier trial claimed "That her [Barbara's] Way of Living was by such like Practices, either picking Pockets, or putting off counterfeit Money". Nor did Spencer come across as a woman of particularly delicate sensibilities: in an attempt to destroy—or rather, to conceal—the incriminating evidence, she "swallow'd" the shilling in question in full view of one of the witnesses for the prosecution (we are told that "it stuck in her Throat so that she could not eat her Victuals for several Days").25

23OA (J. Morphew, 2 February 1714/5), 5-6.

24According to the anonymous author of The Lives of the Most Remarkable Criminals (1735), "the Crown" is "seldom or never induced to grant a Pardon" to coiners (1:45).

25OBSP (4–7 December, 1718). Barbara Spencer was tried under the name of Barbara Downley, alias Downing, probably her married name. When under sentence of death at Newgate, Spencer informed the Ordinary that her mother had been executed at Tyburn several years earlier. It is likely that Spencer's mother was one Mary Williams, alias Spencer, who was executed in September of 1716 for shoplifting, which suggests
Clearly, such women were not typical; in some ways they may have posed as many
challenges to contemporary notions of appropriate or "normal" female behaviour as did Smith
and Johnson's rogue heroines. How, then, did the writers of criminal accounts explain
female criminality? And how did women criminals themselves—whether of the semi-mythical
or of the "real-life" variety—define themselves and justify their actions? Were different social
pressures brought to bear on women than on men? And to what extent, if any, did the
women who were executed at Tyburn (and elsewhere) in the first six decades of the
eighteenth century choose to appropriate some of the more satirical messages implicit in late
seventeenth- and early eighteenth-century rogue literature; namely, those which would seem
to question the sexual double standard and condemn male hypocrisy in general? But in order
to answer these questions, it is first necessary to look in more detail at some of the earlier
rogue literature dealing with women.

ii. Women in Rogue Literature: Liberty-loving "Amazons" and other Curiosities

In one of the more unforgettable passages of that unforgettable late seventeenth-
century English foray into the picaresque, *The English Rogue*, the narrator encounters a
"highwayman" who tells him to "stand and deliver". Our hero, who had, from time to time,
himself collected contributions on the road, is not so easily cowed: the two engage in a
fierce, although altogether mannerly contest—progressing from pistols, to swords, and
eventually to hand-to-hand combat. While our narrator had hitherto come off slightly worse
than his adversary, he proves the better wrestler: "I closed in with him, and upon the hug
threw him with much facility. I wondered much at it, which I need not have done, since his
nature (as afterwards I understood) was so prone to it". After tying up his opponent, the

that Barbara's maiden name was Spencer, and that the name of the butcher she told the Ordinary she had
married was Downley, Downing, or some variation on Dawlin(g) or Dowlin(g).
narrator begins "rifling him" in search of money.

Unbuttoning his doublet to find whether there was no gold quilted therein, I wondered to see a pair of breasts so unexpectedly greater and whiter than any man's; but being intent about my business, that amazement vanished from my thoughts. Then did I come to his breeches (which I laid open) my curious search omitted not any place wherein I might suspect the concealment of moneys. At last proffering to remove his shirt from between his legs, he suddenly cried out (and strove to lay his hand there, but could not) "I beseech you, sir, be civil", said he. I imagining that some notable treasure lay there obscured, I pulled up his shirt (alias smock) and found myself not much mistaken.

Having thus ascertained that his highwayman was in fact a highwaywoman, our narrator

hastily unbound her, and taking her in my arms, "Pardon me, most courageous Amazon", said I "for thus rudely dealing with you; it was nothing but ignorance that caused this error; for could my dim-sighted soul have distinguished what you were, the greatness of love and respect I bear your sex would have deterred me from contending with you. But I esteem this my ignorance, my greatest happiness, since knowledge in this case would have deprived me of the benefit of knowing there could be so much prowess in a woman. For your sake I shall ever retain (since you have restored it) a good esteem of the worst of females".

However his female auditor, with unfeminine terseness, cuts this speech short--begging the narrator "not to be too tedious in [his] expressions, nor pump for eloquent phrases, alleging this was no proper place to make orations in".26 They then retired to her secret headquarters, where they exchanged life histories and "knit an indissoluble tie of friendship".27

We learn that the highwaywoman, the daughter of a sword cutler, had since her early childhood took "a wonderful delight in handling those warlike instruments". When her mother attempted to instruct her in needlework and other housewifely duties, her "martial

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26English Rogue (1665-71), 153-4.

27Ibid., 154.
spirit gain-said all persuasions to that purpose"; instead, she persuaded a fencing master to give her lessons in "that noble science". At the age of fifteen, she was married to an innkeeper, whom she was never "much inclined to love, because he was of a mean dastardly spirit, and ever hated that a dunghill cock should tread a hen of the game". The two often came to blows—"which frequently proved so sharp that it was well if my husband came off with a single broken pate".28

Our heroine found marriage not only uncongenial, but constraining, not least because her husband "stinted" her of money. To "mitigate" such "vexatious troubles", she commenced "highwayman"—an occupation for which she was ideally suited, not only because she robbed in "man's apparel", and was thus unlikely to be suspected, but because, being an innkeeper's wife, she was well-apprised both of the "richness of the booty" and the itineraries of her guests. On one of her nightly expeditions, our heroine had the good fortune to encounter her own husband, whom she robs and then beats with the flat of her sword (all the while without his suspecting her true identity):

After I had dismounted him and cut the reins of his bridle and girths, I basted him soundly, till that I had made jelly of his bones, and that his flesh looked like Egyptian mummy. "Now, you rogue", said I, "I am even with you; have a care the next time how you strike a woman (your wife I mean) for none but such as dare not fight a man, will lift up his hand against the weaker vessel. Now you see what it is to provoke them, for if irritated too much, they are restless till they have accomplished their satisfactory revenge. I have a good mind to end thy wicked courses with thy life, but that I am loath to be hanged for nothing, such a worthless man. Farewell, this money shall serve me to purchase wine to drink healths to the confusion of such rascally and mean-spirited things".29

The highwaywoman's narration is then interrupted by the entrance of two of her

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28Ibid., 154-5.

29Ibid., 155-6.
companions—a pair of sisters who had also taken to the road in male attire in order to escape an overbearing father who tried to force them to marry against their inclinations. The narrator and his three new female "padding companions" rob together and sleep together quite merrily for a time. He is lavishly entertained by his "Amazon" hostesses, not merely during their "nocturnal" revels, but also by day, when he is fêted with buttered sack and the "choicest viands", and diverted with "laughter and mirth", "music and discourse".\(^{30}\) As one of the highwaywoman sings,

'Tis liberty which we adore,
It is our wealth and only store;
Having her we all are free,
Who so merry then as we...
As I am free, so will be still,
For no man shall abridge my will:
I'll pass my life in choicest pleasure,
On various objects spend my treasure...
That woman sure no joy can find,
Who to one man is only join'd.
Since we then such freedom have,
We'll purchase pleasure or a grave:
'Tis better so, than live a slave.\(^{31}\)

Eventually, our male narrator "began to be tired with my three former dainties; nay more, they were so insatiate in those pleasures they enjoyed that my strength could not cope with such excesses". Therefore, "pretending business of privacy a little way off", he "gave them the slip, knowing how difficult it would be to part from them knowingly".\(^{32}\) However, it not altogether clear who was tired of whom—especially as our hero immediately adds,

Very loath I was to part with these Amazons, neither should I, have not

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\(^{30}\)Ibid., 157; 162.

\(^{31}\)Ibid., 164.

\(^{32}\)Ibid., 166.
scarcity of money called me away to look out for more. For no man could ever be better pleased with society than I was in theirs, enjoying such persons whose courage and fidelity might vie with the most approved male friend, and reaping at the same time the choicest favours Venus can confer on her chiepest favourites.  

I have recounted this incident at such length because it touches on several themes which crop up again and again in rogue literature. As we have seen, both Captain Alexander Smith and Captain Charles Johnson "borrowed" extensively from *The English Rogue*: this particular episode would be reproduced, almost verbatim, in Johnson's account of the life of the highwayman Thomas Rumbolt in the 1734 and 1742 editions of his *General History...of the Highwaymen*.  

The story would survive in various collections of highwaymen lives—albeit in an increasingly abridged and bowdlerized version—well into the nineteenth century.  

Despite what is a largely positive portrayal of these three "Amazons", *The English Rogue* is at least on the surface a deeply misogynistic work. Scarcely a page elapses without a speech denouncing the treachery, the inconstancy and the "extreme lechery and insatiate venery" of women.  

A woman's an angel at ten, a saint at fifteen, a devil at forty, and witch at fourscore, so stuffed with vice as leaves no place for virtue to inhabit; of such crooked conditions, and corrupt actions, that if all the world were paper, the sea ink, trees and plants pens, and all men clerks, scribes and notaries, yet would all that paper be scribbled over, the ink wasted, pens worn to stumps, and all the scriveners weary, before they could describe the hundredth part of a woman's wickedness, so that I may very well conclude with the poet. There is

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33Ibid., 167.

34*General History of the Highwaymen* (1734), 53-6. The only significant difference in Johnson's version of the story, is that the hero robs and deserts the highwaywomen after spending only one night in their company.

35See for instance, Captain Charles Johnson, *The Lives and actions of the most noted highwaymen, street-robbers, pirates, &c.*, 3rd ed. (T. Teggs, 1839), 117-121.

36*English Rogue* (1665-71), 248.
not one good woman to be found; And if one were, she merits to be
crown'd. 37

While hyperbolic, this passage is nonetheless fairly representative of the way in which women are characterised by men in *The English Rogue*, and in rogue literature in general—in fact, this very speech is one which was to be borrowed or paraphrased by many of Smith and Johnson's highwaymen. Yet such sentiments should be taken with a grain of salt. After all, the hero of *The English Rogue* is just that—a rogue, whose complaints about the inconstancy and depravity of women pale in comparison with his own treatment of the many women he deceives, impregnates and then deserts. In fact, the narrator receives his comeuppance in the second and third volumes of the work, when he is confronted with several of the women whom he had seduced and abandoned, and forced to acknowledge the depth of his guilt for their subsequent ruin. One of his former victims informs him that after she had become pregnant with his child, she was "cast off" by a "beloved" and "'indulgent father...and ever since, I have been forced to wander like a vagabond, and by infamous courses to gain a livelihood', and with this she wept". 38

The third volume ends, not only with our rogue hero apologising for his past misdeeds and promising to make amends to the women he had injured (an offer which they politely decline), but with a debate on the respective merits and demerits of the sexes. Our hero sums up his case as follows:

As for thy part, thou art like a honeycomb with a bee in it, which infallibly stings him that taste thereof. To be short, ye have fair tongues and false hearts; fine faces, but foul consciences; pride prompts ye to all manner of prodigality, and lust leads ye to that looseness which ruinates thousands in the destruction of yourselves. To conclude, I could love thee, but that thou art

37Ibid., 248; 310.
38Ibid., 436.
female, and would never have married, but that I thought it best expedient to bring me to repentance.\textsuperscript{39}

To which his female opponent replies:

you say our sweets are accompanied with stings; I know not what you mean, but I am sure you stung this gentlewoman and myself in that manner that the swelling lasted nine months, and by a midwife was at last delivered of our pain. To conclude, with what force can you condemn us for inconstancy, when every new face you see shall change your affection, variety shall be as so many winds to blow your amorous pretences to more points than are contained within a compass? When you have had, after a long siege, the town you sat down before surrendered, you fall a-plundering instantly, and it may be, after this, ungratefully set the garrison on fire; if not, at leastwise curse the time and money you spent in your conquest, throwing it off as a thing not worth the managing and keeping.

At this, the male narrator owns himself defeated: "No more, dear Mall...what hitherto I have expressed was but a trial of thy wit, which since I find so pregnant, thy better parts, thy mind, I will endeavour to enjoy hereafter".\textsuperscript{40}

If the duplicity and the moral bankruptcy of so-called "respectable" and "honest" citizens was one of the central messages of rogue literature, the sexual double standard and male hypocrisy in general formed at least a subsidiary theme. While Mary Carleton, or the "German Princess", was in Newgate awaiting execution for theft,

There was two women with her, one of which was a witty baggage; for she made a Speech which tickled the ears of all that were present, talking of the frailness of humane nature, and that these crimes which men would slip through and make nothing of, were accounted highly criminal with women; but before the Great Tribunal in heaven, men and women should then have equal Justice; adding, that it as an unworthy action in men, to come only to behold that poor soul there as a wonder, when indeed she was more like a Looking-glass: Yes indeed, replyed the Prisoner [Carleton], I am very like a Looking-

\textsuperscript{39}Ibid., 632-3.

\textsuperscript{40}Ibid., 633. It is interesting that, despite the fact that the men and women are here depicted as being on something of an equal footing, during this exchange the male narrator uses the second person plural to refer to women in general, but the familiar "thou" to refer to Mary, or "Mall", his former mistress. Mary, however, uses the formal "you" for the second person singular.
glass, wherein you may all see your own frailties.\textsuperscript{41}

Nor was the expression of such sentiments confined to rogue literature. When about to be executed at Tyburn for her part in George Barnwell's murder of his uncle, Millwood revels in her impenitence:

I have done nothing that I am sorry for; I followed my inclinations, and that the best of you does every day. All actions are alike natural and indifferent to man and beast, who devour, or are devoured, as they meet with others weaker or stronger than themselves.

The honest apprentice Trueman is so shocked by Millwood's behaviour that he exclaims, "To call thee woman were to wrong the sex, thou devil". To this Millwood replies, "That imaginary being [i.e., the devil] is an emblem of thy cursed sex collected—a mirrour, wherein each particular man may see his own likeness, and that of all mankind". She then launches into a tirade against "mens hypocrisy":

you punish in others what you act your selves, or wou'd have acted, had you been in their circumstance. The judge who condemns the poor man for being a thief, had been a thief himself, had he been poor. Thus you go on deceiving, and being deceiv'd, harassing, and plaguing, and destroying one another; but women are your universal prey.\textsuperscript{42}

On one level, this message can be taken as a variant on the old theme—common to what I have referred to as both the "confessional" and the "rogue" traditions—that is, since all men and women are inherently prone to vice, one should refrain from casting stones. Yet the social satire contained in rogue literature in particular is almost invariably gender-specific: despite the occasional condemnation of the double standard, a woman's character is nonetheless defined in sexual terms. This is not to say that seventeenth-century rogue

\textsuperscript{41} F[rancis] K[irkman], The Counterfeit Lady Unveiled: Being a full Account of the Birth, Life, most remarkable Actions, and untimely Death of Mary Carleton, Known by the Name of the German Princess (Peter Parker, 1673; repr. Counterfei Ladies: The Life and Death of Mal Cupurse; The Case of Mary Carleton, ed. Janet Todd and Elizabeth Spearing [London, 1994]), 209.

\textsuperscript{42} The London Merchant, 87-90.
literature idealised female chastity—far from it. If all men were rogues, and the only honest man an honest rogue, likewise, all women were whores—and the only honest woman, then, an honest whore.

It is generally acknowledged that in the early modern period, "women were seen as possessing a powerful and potentially destructive sexuality which made them naturally lascivious, predatory and, most serious of all, once their desire was fully aroused, insatiable".43 While the wantonness of widows was of course proverbial, all "[Eve's] daughters", are depicted (particularly in rogue literature) as "foundered by the heat of lust and pride". Once seduced, even the most blushing virgin proved voracious in her sexual demands, as the highwayman Walter Tracey was to discover. Tracey, after successfully luring a "buxom Lass" into a cave to show her his special "Instrument", quickly overcomes her initial resistance.

Tracey clasped her in his Arms, and with great Eagerness embraced her, and then offered to accomplish the rest. O fie, says she, Your are going to wrong me, let me alone, I cannot suffer such Usage...—Do not be fearful, my Girl, there's no Harm, I'll assure you in the Case;—For the Harmony and Melody is so conceiv'd; and the ending will be much more pleasing than the beginning—She feels the tingling Pleasure, and swoons away, but soon recovering her raptur'd Senses, and seeing Tracey rising up, she asked him, what? have you done already? you have but just this minute begun; fie, you baulk a Body of the Pleasure I expected.44

Needless to say, even marriage could not "[quench] the hot coals of concupiscence"; instead it only "aggravat[ed] the simple sin of fornication, making it sprout into adultery".45

According to the narrator of The English Rogue, women were incapable of being "constant to


44Johnson, General History of the Highwaymen (1734), 34.

45English Rogue (1665-71), 119.
one:

I never yet tried any which did not very much shew their displeasures when offered some kindness, but never found any to refuse them, if opportunity and privacy of place admitted their reception...there are few women, let them pretend what they please, but will yield to the temptations of the flesh.

For while married women might assume prim and proper airs to "dazzle the eyes of such as would pry into their actions...behind in the dark they sensually satisfy themselves undiscovered".46

Consequently—and in true rogue fashion—the only women with any pretensions to honesty whatsoever are those who are openly free with their favours. Thus, mistresses and whores in general fare much better than do their "respectable" but fundamentally hypocritical sisters. The "wenches" who keep company with one group of apprentices in the book are described as boon companions who "were often at our meetings and assisted in our mirth".47

The mistresses of the narrator and several of his friends in the second and third volume (who are, significantly, disguised in "men's apparel") are characterised, unlike their more "hardhearted" female counterparts, as "good girls". According to one of these "lasses":

where I promise fidelity, I perform it; and where I find worth, I will endeavour to deserve and requite it. And though I have lived wantonly, yet since I was entertained by this gentleman as his friend, I have been wholly constant, and will persevere therein so long as his is able, or I can otherwise handsomely contrive a way to subsist.48

Indeed, the only positive female characters in The English Rogue, as well as rogue literature in general, tend to be women who are on one hand, as yet uncorrupted by "respectable society" (and not yet debauched by the male narrator); or, on the other, those

46Ibid., 120.

47Ibid., 392.

48Ibid., 433; 417.
who lead very unconventional lives—for instance, the highwaywomen, a widow-poetess, and the mistresses and "good girls" of the second and third volume who, moreover, masquerade as men when their services are not otherwise required. Thus, despite the occasional barb condemning male lust and male hypocrisy, it would seem that seventeenth-century rogue literature reserves most of its censure, not for men but for women: specifically, those "respectable" ladies who pretend that their favours are not for sale, yet refuse to hold up their end of the sexual bargain—and all the while deny that sex is a transaction equally pleasurable to both parties. When "some Gentlewomen" expressed their amazement that "a Person so rarely qualify'd, and gifted" as the celebrated "German Princess", Mary Carleton, "should be guilty of such poor, beggarly, shifting Tricks, as stealing any thing that came to Hand", the latter "readily reply'd, Ladies, your Fallings consist in Falling, and mine in Filching; yet if you will be so charitable as to forgive me, I will freely forgive you". In other words, the "Counterfeit Lady" may have been a common thief, but she was more "honest" than many "Ladies" with a legitimate claim to that title.49

iii. Serving Mars or Venus?: the Meaning of Cross-dressing Heroines

While it is difficult to see in the figure of the "honest whore" anything but a condemnation of her seemingly more virtuous but less honest sisters—not to mention an expression of male wish-fulfilment—the rogue heroine who dresses and lives as a man raises a few more difficult questions. What can we make of the female pirates Anne Bonny and Mary Read, or the highwaywomen encountered in The English Rogue? Do they, like Millwood and the "German Princess", by holding up a "mirrour" to male vice and hypocrisy, demonstrate that—morally speaking—men and women are essentially the same, or do they pose

a more fundamental critique of the sexual double standard and of a repressive gender order?

Recent scholarship has been divided on this issue, to say the least. Some have seen early modern female cross-dressing as posing little threat to conventional notions of male and female roles: male spectators viewing actresses who assumed "the breeches' part" in dramatic productions may have been titillated (such breeches revealed more of the leg than contemporary female costume); but, as with most kinds of role "inversion", such displays served to reinforce, rather than question or subvert gender norms. According to Pat Rogers, "in bending, momentarily, the conventions of a society in which both men and women knew their sexual place, the actress in breeches serves to confirm rather than discredit these conventions".  

Similarly, those women who, in "real life", succeeded in "passing" as men should be viewed as "exceptional": women who "merely reinforced the distance between the roles of men and women normally, and the adoption of masculinity in clearly defined circumstances can be seen to confirm the value of being male". Significantly, "the effeminate man cannot enjoy the same status because to be female is necessarily to be despised".

For while some scholars have seen the prevalence of female cross-dressing in early modern literature and drama as evidence of a "[gender] system" that was so far from being "in distress", that it could afford to "play with" such stereotypes "with a measure of festive tolerance and allowance for good clean fun", or even "recognise...the potential instabilities

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50 The Breeches Part", in Sexuality in Eighteenth-Century Britain, ed. Paul-Gabriel Boucé (Manchester, 1982), 257. For more on "inversion", see Natalie Zemon Davis' classic study, Society and Culture in Early Modern France (Stanford, 1975), especially Chapters 4 & 5.

of gender boundaries" (that is, "the potential autonomy of gender from the dictates of sex"). 52 Others have viewed women who assume male dress and characteristics as "privileging the 'masculine' at the expense of the 'feminine'", by lauding what are seen to be masculine, rather than feminine virtues. 53 Conversely, there are those who view the whole concept of "masquerade" (often involving cross-dressing) as a means of "acting out repressed fantasies of alterity", or transcending, however momentarily, restrictive social and gender roles. 54 Still others have focused on the various practical reasons which led some women to dress up as men. According to one recent study, cross-dressing could allow women to accompany husbands or lovers in the army or navy, or even to commit "certain forms of fraud". And, "for other women, men's clothing offered the opportunity to have a spree one evening or simply to loiter about on the streets..." 55 Female transvestism could be seen as empowering—as a strategy for survival or a means of self-expression, facilitating nothing less than a female "pursuit of life, liberty and happiness" in a world which severely restricted

52David Cressy, "Gender Trouble and Cross-Dressing in Early Modern England", Journal of British Studies 35 (October, 1996), 464; Dror Wahrman, "Percy's Prologue: from Gender Play to Gender Panic in Eighteenth-Century England", in Past & Present 159 (May, 1998), 156. While Wahrman sees this "readiness...to play conceptually with the possibilities that [gender] boundaries might prove to be unstable and incomplete", diminishing in the later eighteenth century, when such "conventions" became more "politically charged"(ibid., 122), Suzanne Stark has seen female cross-dressing as an practice which never threatened the gender order: "a woman passing as a man did not undermine the superior position of men; she was dismissed as an inferior imitating a superior. Far from being intimidating to men, she was merely amusing, just as a child dressing up as an adult is amusing"(Suzanne J. Stark, Female Tars: Women aboard Ship in the Age of Sail [Annapolis, 1996], 113).


women's activities and the opportunities open to them.  

In her recent work, *Warrior Women and Popular Balladry*, Dianne Dugaw has argued that the cross-dressing female soldier or sailor was not only "an hermaphroditic ideal...a model of virtues both 'manly' and 'womanly'", but an ideal which, by "celebrat[ing] a heroine who displays and idealizes the same resilience, vigor, and initiative that circumstances in the early modern world routinely required of lower-class women", functioned as a positive role model for "the [working-class] world to which the Female Warrior ballads speak". According to Dugaw, the "Warrior Woman" is not "exceptional", but "exemplary"; moreover, far from "privileging" the masculine at the expense of the feminine, she "exposes [the basis of the male heroic role] in convention and thus destabilizes it"—hence, not only demonstrating the "arbitrary features" of what were conventionally believed to be "masculine virtues", but "invit[ing] us to rethink the immutability and 'naturalness'" of "the category of gender itself".

Whether or not we see instances of women who "passed" as men in early modern life and literature as subversive or normative figures depends in large part on the individual context within which such cross-dressing occurs. "Real-life" cases of female transvestism should be approached with particular caution: as David Cressy (and others) have pointed out, often "women passed as men" simply "in order to better their circumstances, to obtain the privileges or work of the opposite sex". Such cross-dressing should be seen, not as "erotic or pathological", or even "reflect[ing] a cultural system in distress", but rather as "limited,

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58Ibid., 148; 158-9; 193; 143.
temporary and pragmatic, addressing the needs of a particular situation".59 And it may well be that early modern gender roles were not nearly as rigid or as oppressive in practice as they were in theory; as Anthony Fletcher concedes, it is important to distinguish between "the restrictive ideology of sermons and conduct books" and the "more permissive reality in the way that men and women conducted their married lives".60

None of this is to deny the interplay between oral and written traditions and lived reality. It may well be that ballads featuring "Warrior Women" had particular resonance with the values and experiences of the working-class men and women of which their audience was largely composed, as Dianne Dugaw has argued. Yet, while the "rogue tradition" borrowed extensively from older oral traditions which incorporated much "popular" material, nonetheless the audience for such literature could hardly be termed plebeian. Rather, as I have argued, most of the purchasers of Johnson and Smith's highwaymen "lives" and other picaresque literature were drawn from the middle ranks of society; moreover, it would seem likely that this readership was predominantly male.61 Yet having said this, it is worth noting that historians such as Marcus Rediker have been inspired to apply Dugaw's notion of the "working-class" heroine to the semi-mythical "Female Offenders" of rogue literature--namely, Johnson's cross-dressing pirates Anne Bonney and Mary Read, whom he celebrates as marvels of "proletarian" spirit and ingenuity, "represent[ing] not the typical, but the strongest side of popular womanhood".62 Is it possible, then, to view such "masculine"

59Cressy, "Gender Trouble", 460.

60Gender, Sex and Subordination in England, 173.

61See my discussion of the audience for "popular" literature in Chapter I.

rogue heroines such Anne Bonny, Mary Read and Mary Frith as ideal (if hardly typical) representations of "popular womanhood"?

As we have seen, the work of Captain Smith and Johnson and others of their ilk was often an indiscriminate mix of "fact" and sensationalism, social satire and vulgar humour. While explicitly sexual or scatological passages often reinforced satirical messages, sometimes they seemed to have been gratuitous—calculated less to illustrate a point than to titillate the reader. One should not underestimate the pornographic element in The English Rogue's narrator strip-searching his defeated "highwayman" opponent, or of the stage actress portraying Moll Frith, dressed as a page, being kissed by the hero. When Moll remarks, "How strange this shows, one man to kiss another", her lover informs her, "Methinks a woman's lips tastes well in a doublet". Nonetheless, disguise—whether that of the highwayman who masqueraded as a gentleman or the "great" villain who succeeded in passing himself off as an honest citizen—is one of the central motifs of rogue literature. But, if the "great rogue", rather than the little rogue who emulates him on a much smaller scale, is often the real butt of satire, who then is the cross-dressing heroine critiquing: the sex she has assumed, or her own?

Rogue heroines frequently lament the restrictions placed on their sex, thus at least implicitly criticising a world in which men enjoy more freedom than women. Mary Carleton (who does not, however, try to pass as a man, but as a "German Princess") claims to have been tormented with "masculine conceptions"; i.e., a desire for independence.

I felt some such strong impulses and natural instincts to be ranging abroad, and

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63 Thomas Middleton and Thomas Dekker, The Roaring Girl, ed. Andor Gomme (London and New York, 1976), 85. The play was originally written in 1611, with the full title The Roaring Girl: or Moll Cut-purse. As it hath lately beene Acted on the Fortune-stage by the Prince his Players.
in action, as the first finders of *Terra Incognita*, were urged with...yet the customary severity of such dealing with that sweetness and tenderness of our Sex, did much grate me; and I blindly wished I were (what my inclinations prompted me to) a man, and exempt from that tedious life, which yet was so much the worse, because it was altogether passive and sedentary.\(^64\)

Needless to say, marriage, and the loss of autonomy it entails, is anathema for many rogue heroines. According to Mary Frith, or Moll Cut-purse, "I have no humour to marry...marriage is but a chopping and changing, where a maiden loses one head, and has a worse i' th' place".\(^65\)

On the surface, at least, it would appear that such unconventional women are rewarded, or at least admired, for their rejection of the feminine role. In the 1611 play, *The Roaring Girl*, Ralph Trapdoor offers his services to Moll Cut-purse because, he claims, "of the love I bear to your heroic spirit and masculine womanhood".\(^66\) Similarly, the female pirates Anne Bonny and Mary Read are described as paragons of both masculine valour and feminine "Modesty"--at least "according" to their "notions of Virtue". Bonny, we are told, "was of a fierce and courageous Temper"; nor did Read, for her part, "want Bravery". According to Captain Johnson, "in Times of Action, no Person amongst them was more resolute, or ready to Board, or undertake any Thing that was hazardous, as [Mary Read] and Ann Bonny", and in the engagement in which both women are eventually captured, "none kept the Deck except Mary Read, and Ann Bonny, and one more". Read was so disgusted by the cowardice of her male colleagues that she "called to those under Deck, to come up and fight like Men, and finding that they did not stir, fired her Arms down the Hold amongst

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\(^{64}\)The Case of Madam Mary Carleton, Lately stiled The German Princess, Truely Stated: With an Historical Relation of her Birth, Education, and Fortunes; in an Appeal to his Illustrious Highness Prince Rupert. By the said Mary Carleton (original edition 1673; repr. Counterfeit Ladies), 85.

\(^{65}\)The Roaring Girl, 43.

\(^{66}\)Ibid., 38.
them, killing one, and wounding others". Later, when Anne Bonny's lover is to be executed for piracy, "all the Comfort she gave him, was, *that she was sorry to see him there, but if he had fought like a Man, he need not have hang'd like a Dog*".67

While, significantly, all of these rogue heroines are portrayed as distinctively heterosexual in orientation, they are nonetheless depicted as very masculine in their attitudes towards sex. When feeling amorous, Mary Frith did not waste her energies in "Sighs or Dejected Looks, or Melancholly"; after all, "she needed not whine for it as long as she was able to beat a fellow to a compliance without the unnecessary trouble of Entreaties". In bed and out of it, she "carried and performed all her Enterprises" with "a strong hand".68 Anne Bonny was equally "Robust"—so much so, "that once, when a young Fellow would have lain with her, against her Will, she beat him so, that he lay ill of it a considerable Time".69

Yet when they chose to bestow their favours on a man, both Bonny and Read prove (like the "good girls" or honest whores in *The English Rogue*) both constant and faithful. Neither is swayed by material considerations, only by love: Bonny marries "a young Fellow, who belonged to the Sea, and was not worth a Groat".70 Nor does either Read or Bonny, once committed to a particular man, swerve from her particular "notions" of "Modesty". Moreover, Read at least was loyal to a fault, and was inspired by the "Generosity" of her "Love" to the "most Noble Actions"—on one occasion challenging and killing a man in a duel to prevent her lover from risking his life on his own behalf.71 We receive similar

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67Johnson, *History of the Pyrates* (1724), 122; 132; 133.

68The Life and Death of Mrs. Mary Frith, 14-5.


70Ibid., 132.

71Ibid., 122; 124.
assurances as to Moll Cut-purse's "honesty": according to her lover, Sebastian Wengrave, she had "a bold spirit that mingles with mankind./ But nothing else comes near it, and oftentimes/ Through [sic] her apparel somewhat shames her birth; But she is loose in nothing but in mirth:/ Would all Molls were no worse". It seems evident that the reader is encouraged to draw contrasts between the relative chastity and fidelity of such women and their more conventionally feminine counterparts.

Mal Frith is anything but a "feminist": she could not "endure" either the "Bakehouse, nor that Mag-pye Chat of the Wenches", or

the Finicall and Modish Excesses of attire, into which Women were then, as in all Ages very curious, to the wasting and impoverishing their Husbands, beyond what they are able to afford towards such lavish and Prodigall Gallantry.

For, while figures such as Bonny and Read might suggest to the reader that women were as capable of loyalty and feats of valour as were men, on another level such paragons of "masculine womanhood" served as vehicles to expose not only the inconstancy and "insatiate venery", but also the vanity and hypocrisy of more "feminine" women. And, despite the temptation on the part of some scholars to cast such women as popular (even "proletarian") models of feminine courage and resourcefulness, it is not entirely clear to what extent such cross-dressing heroines can be seen as women at all.

Indeed, both in their rejection of female passivity (sexual and otherwise), and in their "boysterous and masculine spirit[s]" which chafed at the "sedentary life of sewing or stitching", the female pirates and the "Roaring Girl" (not to mention the highwaywomen of The English Rogue) can be seen as aberrations which tended not so much to "destabilize"

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72 The Roaring Girl, 48-49.

73 The Life and Death of Mrs. Mary Frith, 12; 35.
conventional gender roles as to reinforce them. According to the editors of a collection devoted to the two "Counterfeit Ladies"—Mary Carleton and Mary Frith—"Mal Cutpurse" not only "shows little or no sympathy for other women, rather the reverse"; moreover, "on the face of it, Frith can perceive having a voice and personal autonomy only in terms of becoming a male; she appears to be transgressing the homosocial system rather than rejecting it—moving over and redefining herself as (asexually) male". As scholars such as Linda Woodbridge and Lisa Jardine (and others) have argued, cross-dressing heroines in early modern drama and literature often tell us more about contemporary notions of "maleness rather than femaleness", and do not celebrate a feminine defiance of rigid gender stereotypes so much as reflect the fact that "women so far accepted the masculine rules of the game that they felt they had to look masculine to be 'free'".

However, as Dugaw has suggested, it may be necessary to distinguish between "hermaphrodites" and transvestites proper. "Warrior Women" such as Hannah Snell, serve "Venus" as well as "Mars"; that is, their cross-dressing as well as their heroic exploits are motivated by love for a husband or sweetheart, and not by any desire to redefine themselves as male. Thus, the "Female Warrior" is not an "asexual male" but rather "a polyvalent heroine who has it both ways—'female' and 'male'". Dugaw repeatedly cautions against projecting modern "norms" and gender preconceptions onto a world "different than our own": in her view, the "Female Warrior" (and we may include both Read and Bonny in this category) was neither an "idiosyncratic" nor "isolated" figure, but functioned as an "ideal" in

74 Ibid., 9.

75 Counterfeit Ladies, ed. Janet Todd and Elizabeth Spearing, xxv.

a society "in the midst of upheaval of all sorts" and in which "lower-class women survived by their strength and their wits as a matter of course".  

This may have been true in the context of the ballads which form the focus of Dugaw's study, but does this argument apply to the highwaywomen and female pirates of rogue literature? Or, would it be more plausible to view such cross-dressing but irrepressibly heterosexual heroines as an expression of male wish-fulfilment? Both Captain Johnson's Anne Bonny and Mary Read and the highwaywomen and "good girls" of The English Rogue are portrayed as ideal companions in and out of bed, as loyal and honest in their dealings, and free from the extravagances or the vanity of their more respectable sisters. These women either support themselves or demand little for their maintenance—and, as they generally dress in their lovers' cast-off clothes, they hardly be accused of being addicted to feminine finery or "Finicall and Modish Excesses of attire". These "good girls" make, not only few demands, but very agreeable companions. When the hero of The English Rogue is reunited with his former mistresses, who have disguised themselves as cabin boys to accompany their new lovers, or "servants" on a long sea-voyage, he remarks on the fact that "these two were very well respected as well by the captain as his companions; they were all very frolic, blithe, and merry, and several times laughed at several adventures that had befallen them during the voyage".  

While "modest" according to their "notions of Virtue" (i.e., serially monogamous), such women are not sticklers for convention—and if they marry, it is only for love and not for any material consideration. After Mary Read is widowed and Anne Bonny "elopes" from

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77Dugaw, Warrior Women, 5; 131.

78English Rogue, 294.
her husband, both form what we might today label as "common-law" relationships with other men. And Read, although not married to her "Husband, as she call'd him", is adamant that "she had never committed Adultery or Fornication with any Man".79

If the much-vaunted "liberty" of the highwaywomen (consisting in their reluctance to being "join'd" to one man) smacks a little of male adolescent fantasy, so too does the eminently practical attitude of the so-called "good girls" in The English Rogue towards sex. When asked for their opinion of the Indian custom of suttee, the women reply:

> it cannot possibly do their husbands any good, and that they should so destroy themselves out of a compliment is foolish. To pass through, and accompany a husband or friend whilst living in all dangers, is what is befitting; but there being no remedy for death, nor no present enjoyment after death, thus to cast away themselves, is ridiculous.

After "allow[ing]" that their "opinions" were "grounded upon reason", the male narrator then asked them how they liked our men, the [Indian] inhabitants. "Not at all", said one of them, "as a husband or bedfellow, but if there were no other man to be had, we must be contented with them rather than none, as you are with the native women".80

While Dianne Dugaw focuses on the way in which the "Warrior Woman" exposes gender conventions as "arbitrary"—demonstrating that "every woman has before her the possibility of overlaying on her biological identity as 'female' a separate system governing her appearance and behavior", historians such as Anthony Fletcher have taken a different approach to this issue.81 In the early modern period, according to the latter, women were not viewed as the diametrical opposites of men, but rather weaker and imperfect versions of them—as "less than", rather than "other". And while "before gender, in its modern

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79Johnson, History of the Pyrates (1724), 133; 125.

80English Rogue (1665-71), 434.

81Warrior Women, 148.
ontological and eventually genetic senses, was created and discovered, there was seen to be in everyone some trace at birth of gender doubleness", he argues that "men's construction of the female psyche was based upon a relativity which always credited them with less than men: weakness of mind, weakness of will, weakness of moral sense". In other words, women who acted like men, and could lay claim to certain male virtues only demonstrated the relative inferiority of those women who did not or could not rise above the limitations of their sex.

When the hero of The English Rogue engages with his "Amazon" companions in various discourses about the vanity and imbecility of the female sex; winding up our argument, one said, she would not be a mere woman for the whole universe, and wondered that man, so noble and rational a soul, should so unman himself in his voluntary inslaving himself to a woman's will. I wonder how they dare boast of conquests, when they must acknowledge they are daily overcome by a weak and feeble creature, woman, a thing which for want of heat sunk into that sex. Not only is being "a mere woman" a choice, but a bad choice at that. It would seem then, that in rogue literature at least, the ideal woman was in fact a man--albeit one with "a notable treasure" hidden under his "shirt (alias smock)".

iv. Women of "rough and masculine Temper": Deconstructing the Eighteenth-Century Female Criminal

Whether or not the semi-mythical heroines of rogue tradition denigrated or celebrated the capabilities of their sex, or whether they privileged "masculinity" over "femininity", the highwaywoman or female pirate did provide at least a literary precedent of women who stepped outside of the realm of conventional feminine behaviour. The question remains,

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82 Gender, Sex and Subordination, 58; 71. This is similar to Thomas Laqueur's characterisation of this period as one in which gender was perceived in terms of a "one-sex" model. See Laqueur, Making Sex: The Body and Gender from the Greeks to Freud (Cambridge, MA, 1990).

83 English Rogue, 164-5.
however, whether "real" female criminals executed in the early and mid-eighteenth century chose to appropriate some of the at least potentially subversive messages inherent in this tradition: did such women condemn a sexual double standard that decreed, in the words of the "witty baggage" that comforted Mary Carleton, "that these crimes which men would slip through and make nothing of, were accounted highly criminal with women"? Did female criminals who had acted aggressively on their own behalf claim that they were only doing what they had to survive in a hypocritical and predatory world in which women were the "universal prey"? And finally, how were female thieves and murderers characterised by the men who recorded their lives? Were they seen as "mirrors" of human frailty, as monstrous embodiments of "feminine" depravity and vice, or conversely, as "masculine" aberrations?

As Dugaw has warned, one should guard against viewing early modern definitions of masculinity and femininity through our own presentist lens; that is to say, to assume that gender stereotypes and ideals are static or immutable constructs. Indeed, the general trend in recent scholarship of women's history has been generally to view gender differences between men and women as socially constructed—and historically contingent—rather than biologically determined.84 Historians of crime, too, have questioned many of the more traditional "assumptions made about female criminals" predicated on "a binary model of sexual difference"—for instance, that women "were not as brave as male criminals", that they generally acted under male influence, and were, in short, "inherently passive" in contrast to men, who were "inherently assertive".85 Certainly, we should guard carefully against the tendency to project our own perceptions of gender difference onto the past. Yet I will argue

84See, for instance, Joan Scott's seminal article, "Gender: a Useful Category of Historical Analysis", American History Review 91, 5 (1986), 1053-75.

that, just as many late seventeenth- and early eighteenth-century male criminals blamed "ill women" for luring them to the gallows, many women characterised themselves as the victims of men who either mistreated them, or who persuaded or coerced them into taking part in crimes which they claimed they would have been reluctant or unwilling to commit on their own. Many, or even most women who murdered their husbands cited some form of mental or physical abuse, as we shall see.\textsuperscript{86} Nor was it uncommon for single women to blame male accomplices: in a particularly famous example, Sarah Malcolm, executed in 1733 for robbing and murdering two old gentlewomen and their maidservant, stubbornly maintained that she had only kept watch outside the door, while one female and two male accomplices broke into the old women's apartment. Malcolm "insisted she knew nothing of any Design of murder", and that she had consented to take part in the robbery only after having been assured that there would be no violence used against the women.\textsuperscript{87} (Her story, however, was not credited, nor were any of her "accomplices" ever apprehended).

Indeed, what strikes the reader of late seventeenth- and early and mid-eighteenth-century criminal accounts is the degree to which assumptions about the temperamental differences between men and women are similar to our own. While, until at least the middle of the eighteenth century, it was generally acknowledged that women were inferior to men in their moral as well as their physical capacities--and it was this weakness that rendered women of loose character all the more deceitful and treacherous--at the same time women were seen as inherently less prone to violence than men, as well as more docile and passive in general.

\textsuperscript{86}In a recent article, Margaret Hunt has cited the prevalence of a "rhetoric" of "inferiors"; that is, of women or social subordinates who claim to have "been abused by someone whose job it was to protect [them]"("Wife Beating, Domesticity and Women's Independence in Eighteenth-Century London", in \textit{Gender & History} 4 [Spring, 1992], 15). While Hunt focuses on the testimony of women in divorce cases, this "rhetoric" was no less common in the criminal courts.

\textsuperscript{87}\textit{Select Trials} (1742), 4:33.
Consequently, those women who were not merely the instigators, but the active perpetrators of aggressive or violent crimes were typically viewed with incredulity. One 1676 "Last Dying Confession" cites as "a matchless piece of Female Impudence", the example of "a young Woman, named Martha Harman, [who] was condemned for breaking open a house at Islington, a Crime rarely if ever attempted by that Sex". Similarly, the Ordinary of Newgate characterises Elizabeth Bennet, condemned (but later reprieved) for infanticide, in the following disapproving terms: "In her appear'd a Brutality and a Savageness of Mind, contrary to the Nature of the tender Sex, who are known to be more fond, more sympathizing and more compassionate, towards their innocent Babes, than are the Men..."

Indeed—particularly after 1740, when idealised notions of feminine behaviour were fast gaining currency—female criminals are often characterised as masculine in both their temperament and predilections. Elizabeth Branch, executed in 1740 for the murder of her maidservant, was supposed to have been born with

a Tooth in her Head, which, indeed, as most authors agree, denotes...a fierce, barbarous and cruel Disposition. And this Disposition made an early Appearance in Mrs. Branch when young, for contrary to the natural Inclination of her Sex, she use to catch Flies and kill them, and it was observable in the Family that she lov'd to torment dogs and Cats, and to kill them...

While Branch curbed her vicious inclinations long enough to snare a husband, she soon reverted to her original temperament—and immediately progressed from maltreating animals to abusing her servants, and eventually committing the murder for which she died. Similarly, Mary Edmundson, convicted in 1759 for the murder of her aunt, is described as not only

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88The Confession and Execution of the Eight Prisoners suffering at Tyburn on Wednesday the 30th of August...(D[avid] M[allet], 1676), 5.

89OA (John Applebee, 12 June 1741), 4.

90The Cruel Mistress; Being, the Genuine Trial of Elizabeth Branch, and her own Daughter; for the Murder of Jane Buttersworth, Their Servant Maid...(C. Simpson, 1740), 32.
"headstrong and hardy", but "somewhat passionate, resolute, and of a masculine Spirit".91

But even if the authors of criminal accounts described female criminals as "masculine", it would seem that most of these women comported themselves at their trials and at the place of execution in a fairly conventionally feminine manner. We have seen that Barbara Spencer's "Resolution" at the place of execution won her scant sympathy from onlookers, who pelted her with dirt and mud (a fate generally reserved for those who, like the notorious Jonathan Wild, could be seen as informers—something which Spencer certainly was not). Yet Spencer appears to have been an unusual case. Indeed, what is striking about early and mid-eighteenth-century accounts dealing with women is that, unlike their male counterparts, virtually none appeared to have died "game". Admittedly, there are fewer examples of female criminals to draw upon than men: criminal accounts tell us about the "lives" and behaviour of the occasional murderess (and it would seem that "game" behaviour was not an option for murderers of either sex), and a handful of female coiners and thieves. While reliable statistics have yet to be compiled for the early and mid-eighteenth century, the Ordinary’s Account and other works of the period suggest that very few women were executed for property offences. (There seem, however, to have been isolated periods in which women were punished with unusual severity—for instance, the "crime waves" of the mid-1720s92 and the early and mid-1740s [see Table 2]).

There were, of course, a few unruly and defiant female criminals. According to Captain Johnson, "Betty the Cook", executed for theft in 1714, did not go meekly or quietly

91 A Genuine Narrative of the Trial and Condemnation of Mary Edmundson, for the Murder of Mrs. Susannah Walker, her Aunt..., 2nd ed. (J. Phipps, 1759), 3-4.

92 In September and August of 1726, eleven criminals were executed, five of them men and six women. This seems to have owed much to a growing anxiety about criminal gangs as well as a recent proclamation offering a reward for the conviction of shoplifters. Three of the five women executed on 12 September 1726 were designated as "shoplifts" (Lives of the Most Remarkable Criminals [1735], 2:262-318).
to her death:

Because a Fellow who had given her the French Pox, would not come to see her under her fatal Misfortunes, she swore she would haunt him after Death. Again, when she was going into the Cart to be executed, there being a Man and Woman ty'd there before to be hanged with her for Company, she swore she would not be squeez'd up for any body, and therefore would have more room to seat herself; and having a Smock at Pawn in Holborn, she called to the Pawnbroker to deliver it, swearing, upon his Refusal, that she would plague him for it after she was hanged.93

The next notable example of disorderly female behaviour at the gallows occurs in 1763, near the end of my period. Hannah Dagoe, condemned for theft, was "a lusty strong bold-spirited woman", who had stabbed a fellow prisoner, "who had the reputation of being an informer", while awaiting sentence in Newgate. At the place of execution,

Dagoe behaved with a resolute firmness in her looks, and a more than masculine boldness in her manner; she disposed of her capuchin and some other little matters to some that stood near her; and twice she got loose the cord which tied her hands, and flung it form her with great resentment. At last the executioner tied them a third time with his garter. It is said, she gave him a push at that time, so as nearly to overset him.94

Dagoe's "masculine boldness" would earn her a place in later "Newgate Calendars"; however, it is unlikely that her "unconcerned and hardy" behaviour elicited anything but curiosity or perhaps shock from the "vast multitude of spectators, who in general behaved seriously".95

Clearly, women such as Dagoe and "Betty the Cook" were exceptional: for the most part, women seemed to die not only in charity with the world, but with an appropriately penitent demeanour. Of the five women executed in September 1726, even those three who

93Johnson, General History of the Highwaymen (1734), 436.

94A Genuine Account of the Remarkable Life and Transactions of John Rice, Broker, for Forgery. Paul Lewis, a Highwayman: And Hannah Dagoe, for Stealing Goods out of a Dwelling-House...Written by a Gentleman who attended them before their Execution (T. Trueman, 1763), 24; 31.

95Ibid., 30-31.
continued to deny their guilt are described as weeping "bitterly", although generally behaving quietly, and with "great Devotion". 96 Katherine Fitzpatrick, alias Green, alias Boswell, "a notorious Shoplift", at first

expressed a little Uneasiness at the Misfortunes that had befallen her...but upon her being spoke to by several Reverend Persons, who explained and vindicated the Wisdom and Justice of Providence; she acquiesced under its Decrees, and without murmuring submitted to her Fate.

And we are told that it was "with great Meekness" that she "yeilded [sic] up her Breath at Tyburn". 97

In March 1741, five women were executed at Tyburn (a remarkable number, although only a quarter of the prisoners executed that day), including the celebrated Mary Young, who was reputed to have been the leader of a gang of pickpockets, and whose own dexterity in this line earned her the nickname "Jenny Diver". Young's behaviour under confinement and at the gallows was somewhat at odds with the semi-picaresque "autobiography" included in Applebee's Appendix to the Ordinary's Account. We are told that she "behaved well while under Sentence, and was very devout to all outward Appearance, often crying at Prayers, and singing of Psalms". Both Young and her fellow female sufferers are described as behaving "very penitent" at Tyburn. Included in this number were two very tough customers, the prostitute-pickpockets Elizabeth Fox and Priscilla Mahon, who had plied one of their victims with alcohol and, when he attempted to escape, "handled him very roughly, tore and beat his Face in a violent Manner, and attempted to rob him of his Money". While Fox was described as "hardhearted" in Newgate (although "very penitent" at Tyburn), Mahon was

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96 Lives of the Most Remarkable Criminals (1735), 2:303; 298.
97 Ibid., 309-10.
reported to have "wept and cried bitterly" in the presence of the Ordinary.\textsuperscript{98} For it would seem that even women, who like Margaret Watson, were characterised as being "most notorious Whores" generally died very contrite. Watson, who was hanged in January 1742, cried most bitterly, and made most solemn Vows if her Life was spar'd to become a new Creature, and was vastly afraid to die. She pretended to have been married, but afterwards owned she never was, but that she was a polluted, unclean, unworthy Creature from her Childhood; the Day before her Execution she came to me [Guthrie], and with a Flood of Tears owned she had been a vile Sinner... \textsuperscript{99}

In contrast to many of their bolder male counterparts, most women executed at Tyburn seemed to have taken pains to act, like Mary Dymur, hanged in 1749, "with the utmost Decency and Contrition...bemoan[ing] her unfortunate End"—and eager to persuade clergymen and spectators alike that she was "of too tender a Nature to have been conversant in such Practices [prostitution and pickpocketing]".\textsuperscript{100} While female criminals about to be executed may have played up the "tenderness" of their "Natures" in order to win sympathy from the Ordinary or from onlookers, women charged with crimes were particularly likely to emphasise their feminine helplessness in hopes of receiving lenient treatment. Sometimes this backfired, as with Mary Gillfoy, executed for theft in 1752, who declared herself innocent to the last; not remembering, that when before the court, she seemed to put her Defence upon acting in Company of her Husband, and under his Influence; yet when she saw it went hard against her, she thought to move the Compassion of the Court by saying, she had six fatherless Children.\textsuperscript{101}

Whether owing to the inconsistency of her logic, or her "rough and masculine Temper",

\textsuperscript{98}OA (John Applebee, 18 March, 1740/1), 7; 17; 8-9.

\textsuperscript{99}OA (John Applebee, 13 January 1741/2), 11.

\textsuperscript{100}Select Trials (1764), 1:26.

\textsuperscript{101}OA (T. Parker and C. Corbett, 23 March 1752), 48.
Gillfoy's attempts to "move the Compassion of the Court" were ineffectual.

Similarly, most women charged with violent crimes tended to defend themselves in terms of their feminine vulnerability and particularly their victimisation by men—even if such excuses were generally given short shrift by contemporaries. One early example is Mary Hobry, executed in 1688 for the murder of her husband. Hobry claimed that her husband not only attempted to force her into "submit[ting] to a compliance with him in Villanies contrary to Nature", but that she lived constantly "under Beatings and Revilings, going every day in danger of her Life". Mary Hobry testified that they had separated on numerous occasions, only to reconcile upon her husband's making "large Promises" to amend his behaviour and to be a "Good...Husband". Yet after two or three days, she claimed, "he began to use her as formerly", and all her attempts to urge a "Final Separation" were "refused...with Outrages of Language and Actions", as well as threats of death. Mary Hobry was finally driven to "Extremities" after her husband came home "more than half Drunk" and "outrageously in Choler". She testified that he attempted "the Forcing of [her] to the most Unnatural of Villanies, and acted such a Violence upon her Body...as forc'd from her a great deal of Blood". Despite her entreaties, he "Bit her like a Dog, &c."; and when she asked him "Am I to lead this Life for ever?", he answered, "Yes, and a worse too, ere it be long...", and then passed out. While he was unconscious, Mary, in "Torments both of Body and of Mind", finally resolved to strangle him.\footnote{A Hellish Murder Committed by a French Midwife, on the Body of her Husband... (R. Sare, 1687/8), 30; 31; 33-4.}

The neighbours told a different story. They claimed that they had frequently heard and seen Mary strike her husband and threaten him with death. Most of them seemed to believe that the husband was in greater danger of physical harm than the wife; one man, after
witnessing a "very outrageous Quarrel betwixt them, Advis'd the Woman to have a care what she did to her Husband, being afraid it might go further". Another neighbour, a woman, claimed that Mary kept two "Cousins" in the office of "Husbands"; and upon being reminded that she was already married, told the deponent that she had devised a plan to "get quit" of her spouse. Even the author of the pamphlet, while allowing Mary to have been an "Unhappy Wretch", seemed to credit the general and "impartial Report" that her husband, although "a Libertine and a Debauchee to the Highest Degree", was "Drunk or Sober, without any Malice".103

It would seem that while many women attempted to justify or to excuse their actions on the grounds of their feminine vulnerability to male influence or violence, those who appeared—either by their carriage or the nature of their crimes—to be of loose moral character or aggressive or forceful in their behaviour tended to receive very little sympathy from contemporaries. A good case in point is Catherine Hayes, who in 1726 was executed—along with two male accomplices, Thomas Billings and Thomas Wood (the first reputed to be her illegitimate son or her lover, and by many accounts, both)—for the particularly grisly murder of her husband.104 Hayes, after finally confessing her guilt, defended herself on the grounds that "John Hayes was none of the best of Husbands, for she had been half starv'd...

103Ibid., 12; 14-5; 39.

104The victim, John Hayes, was dispatched with a hatchet while sleeping. Catherine Hayes claimed to have had no direct hand in the murder, although one of her accomplices, Thomas Wood, claimed that she had assisted in draining the corpse of blood, and then quartering and decapitating the body. His head was later found floating in the Thames. Graphic woodcuts of this murder adorned the 1735 Lives of the Most Remarkable Criminals, as well as various later "Newgate Calendars". Perhaps even more popular, however, was a contemporary illustration of Catherine Hayes being burnt at the stake for the crime—the hangman, who was supposed to strangle Hayes before the flames reached her, botched the job, leaving Hayes to be burnt alive. While some contemporary reports claimed that the hangman dropped the rope before he could dispatch Hayes because he was drunk, or had burnt his fingers (or both), there were rumours that "a special Order was sent to the Sheriff", instructing that Hayes be "burnt alive, without the Indulgence of being first stangled as is customary in such Cases"(The British Journal [14 May 1726]).
ever since she was married to him". Moreover, she

complain’d that Mr. Hayes was a very unkind Husband, beating and
mortifying her upon every trivial Occasion, in a cruel Manner; and, that when
she was with Child, he would never suffer her to have a Midwife to be called
but once; which, with his other ill Usages proved the Cause of Abortion, and
commonly put her in Hazard of her Life. She not only "spoke much of Mr. Hays beating and mortifying her, and sometimes breaking
her Ribs and Bones", but also of "his having murdered two new-born Children of hers, and
burying them, one under an Apple-Tree, and another under a Pear-Tree".

Moreover, Catherine Hayes "deny’d that she ever advis’d Wood or [Billings] to make
away with [Mr. Hayes], or that she knew any thing of it till the Fact was Done". Rather the
two men were supposed to have been so outraged at the treatment Catherine had received at
her husband’s hands that they planned and carried out the murder on their own initiative.
She told the Ordinary of Newgate "That Thomas Wood alleged it no more a Sin to Kill him
than a Dog or Cat, because of the cruel Usage he gave her, and his blasphemous Expressions
which he too frequently used" (Hayes made much of the fact that her husband was supposed
to have been an atheist). She also claimed that Wood had himself informed the victim that he
thought it was no "Sin" to kill him, "Because you are so cruel to that poor industrious
Woman, and because you are so atheistical and wicked".

Interestingly enough, Billings supported Catherine Hayes’ allegations of spousal abuse:
for many this was seen as evidence of the "Authority" the latter "perserved over him"—a hold
which "gave great Offence to the spectators", and was all the more shocking because of the


106 OA (John Applebee, 9 May 1726), 2.

107 Ibid., 3.

108 Ibid., 2-3.
unnatural relationship that was supposed to have existed between the two. However, Wood (who had been the first of the three to confess to the crime), "cast the whole Blame upon her": according to him, Catherine had conspired to murder her husband, not because he mistreated her and she feared that he would "some Time or other...kill [her] in his Passion", but because she wanted have unlimited access to his fortune, estimated at £1500.

Mrs. Hayes advised, and frequently pressed him to murder her Husband, upon doing of which he should be Master of all her Money, which was of a considerable Value; that he would not consent to do it; but that afterwards she proposing to her Son Billings, he too easily agreed to it.

Moreover, it had been Mrs. Hayes' idea to decapitate and cut her husband's body into quarters in order to more easily dispose of the corpse: she "advised to the cutting off his Head, Legs, and Arms, and held the Candle while it was a doing".

Catherine Hayes' claim of having been so barbarously used by her husband that Billings and Wood decided to take matters into their own hands was little credited by contemporaries. A clergyman visiting Mrs. Hayes tried to bring her to a suitable horror of her crime by noting that "the Clamour of the World" was "very Strong against her"--a particularly damning observation in light of the fact that "the common Sort, being unable to distinguish nicely, generally pity every body whom they see under affliction, unless there be a peculiar Degree of Wickedness in what they have been guilty". All accounts of the murder cast Hayes' accomplices as the unfortunate dupes of a selfish and scheming woman.

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109Ibid., 1; Lives of the Most Remarkable Criminals (1735), 2:239. Apparently, Billings at one point "said, that his Mother and Wood first plotted the murder, altho' when she was present he stood in Awe, and would say nothing of her" (OA [John Applebee, 9 May 1726], 3).

110Select Trials (1742), 3:21.

111Ibid., 3:20-1.

112Lives of the Most Remarkable Criminals (1735), 2:231.
Both Billings and Wood "deserv'd Pity" by virtue of their being "Persons of unblemished Characters, and of virtuous Inclinations, untill [sic] misled by her".113

As for Mr. Hayes, he is portrayed as the long-suffering husband of an immoral and shrewish woman. According to the author of *Lives of the Most Remarkable Criminals*:

> The Characters of Mr. John Hayes and his Wife were vastly different, he had the Repute of a sober, sedate, honest, quiet peacable Man, and a very good Husband; the only Objection his Friends would admit of against him was, that he was of too parsimonious and Frugal Temper, and that he was rather too indulgent of his Wife, who repaid his Kindness with ill Usage, and frequently very opprobious Language. As to his Wife, she was on all Hands allowed to be a very turbulent, vexatious Person, always setting People together by the Ears, and never free from Quarrels and Controversies in the Neighbourhood.114

A contemporary ballad (set to the tune of "Chevy Chase"), juxtaposed the "just and honest Life" of Mr. Hayes with the "vicious" and "wicked" one led by his wife, who, "With Taylors and with Tinkers too/...oft Defil'd his Bed". And although John Hayes seems to have really been an atheist, or at least a "Free-thinker" who would neither attend religious services himself nor "suffer" Catherine to do so, the song portrays him as a "Saint", whose habit of going to church "full twice a Day" "vex'd his Wife unto the Heart".115

Catherine Hayes was not the only eighteenth-century murderess who attempted to justify her actions by citing the abuse she had suffered at the hands of a man. Elizabeth Jeffryes (or Jeffries) was, with her male accomplice and lover, John Swan, sentenced to death for murdering her uncle. Jeffryes was her uncle's sole heir, but it was rumoured that he was planning to write her out of his will, partly because he disapproved of his niece's relationship with Swan (one of his servants), but also because he had recently formed an intimacy of his

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113Ibid., 2:234.


own with one of his maids, whom he was suspected of planning to marry. Yet Elizabeth took great pains to represent the murder of her uncle as a retributive rather than a mercenary act. All accounts agree that Jeffryes claimed to have been a victim of sexual abuse:

About the Age of fifteen, her Uncle, who should have been the Guardian and Protector of her Innocence and Honour (shocking to think of!) debauched her, and destroyed her Honour in its Bud, and laid the Foundation of all her after misspent Life.

Jeffryes was insistent that the household servants were aware of the incest, and that she had twice become pregnant by her uncle--miscarrying once, and the second time losing the baby after her uncle "gave her Things to cause an Abortion". The fact that Elizabeth never deviated from this story--claiming that her uncle demanded that she share his bed up until the very night of the murder--seemed to cause no little consternation for contemporary chroniclers.

As if to discredit her, or at least to minimise her uncle’s culpability in "debauching" her, we are informed that "Miss was of a very vicious and wicked Inclination naturally, as will plainly appear by the following Story, which we have undoubted Authority for, and which she did not deny, when charged therewith, since her Conviction". We are told that when she was about sixteen, Elizabeth was "espied" by a certain Captain D—y. The fact that the latter not only found "Miss" to be a "pretty Girl", but also one with "a particular Boldness...encouraged him to stop and speak to her". Not only was she "easily prevailed upon" to get into his coach and accompany him to a tavern, but after he found it was no Difficulty for any one to obtain the last Favour from her; this palled his appetite, and on examining her Linen, suspected that it was not safe for him to have any criminal Connection with her, so sent her about her

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116 The Authentick Tryals of John Swan, and Elizabeth Jeffryes, for the murder of Mr. Joseph Jeffryes of Walthamstow in Essex: with the Tryals of Miss Mary Blandy, for the Murder of her own Father...(R. Walker, for W. Richards, 1752), 56-7.
Business.

Returning home, Elizabeth was "strictly examined concerning the Cause of her Absence". Upon being informed that the Captain had "ravished" his niece, her uncle attempted to have the culprit arrested. However, the Captain was released when it "plainly appeared" that "Miss was very willing to prostitute herself, and that the Uncle's Aim was to draw Money from the Captain to prevent a Prosecution for this pretended Rape".¹¹⁷

While the modern reader might find much in this account of Jeffryes' promiscuity (as well as her uncle's reaction to it), to support, rather than to cast doubt on her claims of having been sexually abused, this is unlikely to have been the view of most contemporaries. In fact, we are told that Jeffryes "endeavoured to make it believed that [the Captain] had first debauched her", thus apparently contradicting what "she had often said, [that] it was her deceased Uncle that had done it". Throughout, Jeffryes is painted as a brazen and grasping woman, whose motivation for murder was not revenge, but money: she was reported to have feared that her uncle would alter his will in "Favour of another Woman, which was the Servant Maid, that he had taken a liking to, and who as she said, she had catch'd in Bed with her Uncle". Even more reprehensible than Jeffryes' greed, it would seem, was her desire to be her own "Mistress"; we are told that she believed that her uncle's murder would leave herself at full Liberty to live in what Manner she pleased, with Swan, or whomsoever she should after take a liking to, though she pretended to Swan, in order to induce him to do the Murder, that she would marry him after she had got Possession of her Uncle's Fortune, yet since her Condemnation, she confess'd that she never intended to marry, but to live with Swan as long as she pleased, and yet to remain Mistress of herself and Fortune. However, it is strongly believed, that she intended to live with another Person, who is at

present possess'd of great Part of her Uncle's Fortune...\(^{118}\)

And, if this were not enough to discredit her, we are told that, while Swan behaved quietly and soberly in prison, Elizabeth drank "very excessively", and "was extremely passionate and vindictive towards any one whom she conceived an Ill-will to, swearing and using horrid Expressions against them". Moreover, "she would often play at Cards, and was very fond of laying Wagers", and was "prodigiously profuse in spending on clothes".\(^{119}\) Like Catherine Hayes, Jeffryes is portrayed as the principal agent of the "indiscreet, wicked and horrible Acts" for which she died: Swan, who enjoyed the "Character of an honest, sober industrious Man" (at least before "Miss Jeffryes" had made romantic "Overtures" to him), is initially reluctant to commit the murder, and "shocked" at the very idea, and is only with great difficulty "prevailed upon to come into her Design".\(^{120}\)

Yet in public, it would seem that Elizabeth Jeffryes acted the part of the frail female to perfection. She gave her age as twenty-three (instead of twenty-five), which was "imagined...to have been done to draw Compassion from the Spectators".\(^{121}\) When brought to the King's Bench to plead to "be admitted to Bail", Jeffryes acted faint—"[holding] a Smelling Bottle in her Left Hand up to her Nose all the Time", while "a Woman stood by fanning her".\(^{122}\) Indeed, Jeffryes rivalled Pamela Andrews in the swooning department: she fainted when first arraigned; just before being sentenced to death; and, on the day of her

\(^{118}\)Ibid., 11; 7-8. This "Person" would seem to be one "Mr. McCoon", who had formerly managed Mr. Jeffryes' estate, and to whom Elizabeth (presumably fearing her money would be confiscated) had transferred the bulk of her fortune upon being apprehended for her uncle's murder.

\(^{119}\)Ibid., 8.

\(^{120}\)Ibid., 2; 3.

\(^{121}\)Ibid., 2.

\(^{122}\)The Tryal of Thomas Colley at the Assizes at Hertford...Likewise a Narrative of the cruel Murder of Mr. Joseph Jeffryes...(T. Brown, 1751), 11.
execution, "swooned away when her Hand-cuffs were put on"—later "[falling] in a strong Fit"
which lasted a half an hour. Jeffryes did not "recover" from her "swoon" "till she was tied
up". Yet for all this, it appears that "the prodigious crowds of spectators" were largely
unsympathetic; on at least one occasion, "the Mob were very rude and hooted at her". Yet Jeffryes had at least one well-wisher. We are told that after reading an account of
Jeffryes' trial, Mary Blandy, executed in the same year for poisoning her own father, said:

poor unhappy Girl I pity her. A gentlewoman who was with her, reply'd, Pity her! for what? I don't see that such barbarous Creatures deserves much Pity; let her, and all such inhuman Wretches suffer as they deserve; and immediately went away. As soon as she was gone, says Miss, I can't bear with these over-virtuous Women;--I believe if ever the Devil picks a Bone, it is one of theirs. A Day or two after this, she said, "A Bill was going to be carried into Parliament, for a Law to hang all the sensible Women, and let none but Fools live". On the surface, Blandy and Jeffryes had much in common: both were single young women from well-off families; both were convicted for the murder of their guardians. But Blandy, however, seemed to have enjoyed by far the most sympathy of the two. Part of the reason for this may have stemmed from the fact that Blandy maintained her innocence to the end: while she confessed to lacing her father's gruel with arsenic, she claimed that her lover, Captain William Cranstoun, had sent her the poison--under the guise of "a powder to clean Scots pebbles"—telling her that it was an innocuous "love potion" which would induce

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123Ibid., 10; The Authentick Tryals [sic] at Large of John Swan and Elizabeth Jeffryes...(R. Walker, 1752), 14; Authentic Memoirs of the Wicked Life...of Elizabeth Jeffryes, 12; The Gentleman's Magazine (March, 1752), 141.

124The Gentleman's Magazine (March, 1752), 141; The Tryal of Thomas Colley..., 11.

125The Authentick Tryals of John Swan, and Elizabeth Jeffryes...with the Tryals of Miss Mary Blandy (R. Walker, 1752), 108.

126See, for instance, Genuine Letters that pass'd between Miss Blandy and Miss Jeffries...(J. Scott et al., 1752), which portrayed the former as innocent and the latter, as guilty and duplicitous.
her father to look favourably upon their proposed union. (Cranstoun was a Scottish adventurer whose suit had been rejected by Mr. Blandy on the grounds that he was already married). While many contemporaries found it incredible that a woman of such "good parts" as the well-educated and accomplished Mary Blandy could be so foolish, others saw her as a "poor lovesick girl" who would do anything for "the man she love[d]". After all, even if "she were, as common repute would have it, a woman of 'superior Understanding' she was still a woman".127

In the words of one (admittedly partisan) account,

tho' the greatest part of Mankind, it must be owned, seem fully convinced of even her Intention to destroy her Father...her Conduct before the Judges was not only uncensored, but even applauded, by a Majority of the Spectators who were Witnesses of it.

Blandy "talked in such a plausible, or rather pathetic Strain, and gave such convincing Reasons for the Truth of what she affirmed, that some of her Enemies themselves, after one or two Visits, became greatly prejudiced in her Favour"; and, at her execution, many spectators, "and particularly several Gentlemen of the University, were observed to shed Tears. She behaved with such Serenity and Composure, and with such a decent Resolution, as greatly surprised and charmed many of the Spectators".128 A lady to the end, Blandy's last words before ascending the ladder at the place of execution were, "Gentlemen, don't hang me high for the sake of decency"; and, shortly afterwards, a tremulous, "I am afraid I shall fall".129

127 The Case of Miss Blandy: Consider'd as a Daughter, as a Gentlewoman; and as a Christian...by an Impartial Hand (Oxford: R. Baldwin, 1752), 16; 19.

128 Miss Mary Blandy's own Account of the Affair between Her and Mr. Cranstoun...Published at her dying Request (A. Millar, 1752), 56; 60; 63.

While Blandy had her detractors as well as her defenders, it would seem that the fact she was motivated by love, rather than lust or greed (or an unnatural desire for independence), worked greatly in her favour.\textsuperscript{130} And, unlike Elizabeth Jeffryes or Catherine Hayes, she was viewed, not as aggressive or calculating or as a sexual predator, but as the unsuspecting prey and dupe of the man that she loved. In the eyes of most of the world, it was "that damn'd villain Cranstoun" who was the true culprit. Blandy was "an affectionate and dutiful daughter" before this "villain crept into the unguarded heart of this thoughtless girl"; for, "of these corrupters of the innocence of women, and of their extreme baseness as well as cruelty, we cannot entertain too great an abhorrence".\textsuperscript{131} While Hayes and Jeffryes—and for that matter, Gillfoy—were not above playing up their feminine helplessness and frailty in a bid for sympathy, it would seem that only women who acted, as did Blandy, as creatures dependent on and vulnerable to the men in their lives, who could "move the Compassion", if not of the "Court", at least of their readers.

\textit{v. Common Whores and Forlorn Creatures: the Course of the "Fallen Woman"}

In the wake of Lydia Bennet's disastrous elopement with the rakish Mr. Wickham, Elizabeth Bennet (Austen's heroine, not to be confused with her namesake condemned above for infanticide) received the following dubious consolation from her sister Mary:

Unhappy as the event must be for Lydia, we may draw from it this useful lesson; that loss of virtue in a female is irretrievable—that one false step involves her in endless ruin—that her reputation is no less brittle than it is

\textsuperscript{130}For an unsympathetic account of Blandy, see \textit{A Genuine Account of the most Horrid Parricide Committed by Mary Blandy, Spinster}...(C. Goddard and R. Walker, 1751). Another of her detractors was Horace Walpole, who described both Blandy and Jeffryes as "wretched women", and treated the former's protestations of innocence with scepticism: "[her] denying the fact...has made a kind of party in her favour; as if a woman who would not stick at parricide, would scruple a lie!" (letters to Sir Horace Mann, 25 March 1752 and 13 May 1752, in \textit{The Yale Edition of Horace Walpole's Correspondence}, ed. W.S. Lewis [New Haven, 1960], 20: 312; 20: 317).

\textsuperscript{131}\textit{The Gentleman's Magazine} (March 1752), 116.
beautiful,—and that she cannot be too much guarded in her behaviour towards the undeserving of the other sex.

While Elizabeth is "too much oppressed to make any reply", she cannot refrain from "lift[ing] up her eyes in amazement" at such a well-worn platitude. The notion that a woman's virtue was a fragile (not to mention a rare) commodity is of course of ancient date; however, the "representation" of "the figure of 'virtue in distress'", as a feminine figure with "her distress caused by a man" (rather than the other way around) seems to have had its origins in the mid-eighteenth-century "culture of sensibility" described in a recent work by G.J. Barker-Benfield. While such an idealisation of both the "beauty" and the inherent "brittleness" of feminine virtue was becoming hackneyed by Jane Austen's time, only a century earlier, the figure of the "bad" or "common" woman, as both a voracious sexual predator and "the Devil's chiefest broker to bring the world to destruction", had been just as prevalent.

While Millwood could (and did) cite her own original seduction at the hands of an unscrupulous male as the source of all of her spleen, she is nonetheless—as opposed to the later construction of the "fallen woman" as both a pitiable and a passive creature—the active malevolent force driving the events of The London Merchant. The prototype for Millwood's character appears to have been Hannah Blay, the "vile Strumpet" whose "bad council" and insatiable greed "inticed" the sixteen-year-old apprentice Thomas Savage to rob his master and murder a fellow-servant. While Savage (like Barnwell) was to die a model penitent

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134 Increase Mather, The Wonders of Free-Grace: Or, a Compleat History of all the Remarkable Penitents...Executed at Tyburn... (John Dunton, 1690), 24; 33.
at Tyburn, Blay, "the "instrumental Cause of that bloody Resolution in this young Man", would meet her own fate (like Millwood) "without the least Sign or Sorrow or Repentance". Savage's story was a popular one in the late seventeenth and early eighteenth centuries, and one account of his life was to enter its twenty-first edition by 1720, about thirty-five years after he was executed.

Condemned men (as well as the authors of criminal accounts), would continue well into the nineteenth century to blame "ill women" and bad company in general for bringing them to the gallows. Yet from the 1740s, "common prostitutes" are increasingly portrayed as objects of pity, and the victims of male vice, rather than as the pitiless scourges of innocent young men and the independent agents of wicked deeds. This is not to say that prostitutes had not excited the interest or even the sympathy of earlier writers: Robert Greene's late sixteenth-century "Conversion of an English Courtesan" features the "autobiography" of a prostitute who eventually repents of her wickedness, and ends up reforming her life and marrying respectably. Significantly, however, both the courtesan's previous life and her "conversion" is placed in a context of individual choice—i.e., she becomes a prostitute because she hardens her heart to God, and is reformed after she chooses to reject a vicious life in favour of a virtuous one.

In contrast, the mid-eighteenth-century fallen woman is portrayed as a figure both pathetic and fundamentally passive. As one "Old Rake" writes in a letter to The Ladies Magazine, "For my Part I think there are none of the human Species deserve more Compassion than our common Prostitutes"; moreover, in all of his "youthful Rambles", he

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135 The Life and Death of Thomas Savage... 21st ed. (John Marshall, 1720), 3.

136 Robert Greene, "A Disputation between a He-Cony-Catcher and a She-Cony-Catcher", in Elizabethan Underworld, 226-246.
had never met with one of these "unfortunate Women...whom I could not dissolve into a Flood of Tears, by a Lively Representation of her lost Condition". Another letter, penned by one "Amicus", describes such "Women of the Town" as "forlorn Creatures" who "were all once, if not virtuous, at least innocent, and might still have continued blameless and easy, but for the Arts and Insinuations of those whose Rank, Fortune, or Education furnished them with Means to corrupt or to delude them".137

From roughly the mid-eighteenth century, as Robert Shoemaker has pointed out, women's criminality tended to be defined in sexual terms; and, as "criminal activity by women came to be treated as essentially a sexual rather than a criminal offence", female criminals "came increasingly to be seen as the victims of social forces beyond their control, and particularly of male sexual seduction", rather than moral agents in their own right.138

Indeed, in contrast to the authors of earlier accounts, later eighteenth-century criminal chroniclers view the men who seduce women as the authors of all their subsequent misfortunes. As the editors of the 1773 Newgate Calendar sigh,

How miserable, how wretched is the life of a prostitute! and how carefully ought young women to adhere to virtue and modesty....let them but think how much they must lose for a temporary gratification, and consider the man who is so base as to make them such a proposal, in the same light as they would a thief, or a murderer.

A sentiment commonly expressed in these later criminal collections was that the "seduction" of a woman by a man was "a crime of the most horrid nature in society"; and, it was frequently regretted that "the law has made no provision for the punishment of it".139

Because women were creatures more frail and less rational than men, it followed that

137The Ladies Magazine (November 3-17, 1750), 5; and (April 20-May 4, 1751), 197.


139The Newgate Calendar (1773), 1:76; 1:152.
they were less responsible for their actions; according to one early nineteenth-century

Newgate Calendar,

If there be any truth in the common opinion that women in general are weaker than men, it follows, of course, that the wisest ought to be the most virtuous; and that the man who seduces a woman is more criminal in that act than she is in yielding to the seduction: yet so ungenerous is the vulgar opinion, that a woman for ever loses her character in consequence of an offence which is hardly deemed criminal in a man.140

The editors often characterise female criminals not only as victims of seduction, but also of abusive or negligent men whom they had married. Margaret Harvey, who was executed in 1750 for theft, turned to crime after leaving her violent husband and then being cast out by her family.

The fate of this woman is among those which call for commiseration; what can a weak female do, when treated with unmerited severity by an unfeeling husband! The unfortunate Margaret Harvey appears to have had no alternative between flight, or by longer staying with the man she still loved, remain in fear of her life. A woman once abandoned by him, whom duty called upon to be her protector, stoops to a course, in order to support life, at which her nature revolts.141

As though reluctant to impugn the fair, but frail sex, the editors of such later collections often express their "regret" when "obliged to record" the crimes committed by women, for "happy should we be if our duty permitted us to consign to oblivion imputations upon those who were by nature formed to be the friend and comfort of man".142

Many scholars have seen women as actively collaborating in, and even embracing an eighteenth-century redefinition of femininity which idealised women's finer "sensibility" and cast them, like Richardson's heroines, in the role of "virtue in distress"—either gloriously

140 Knapp and Baldwin, Newgate Calendar (1824), 1:179.
141 Knapp and Baldwin, Criminal Chronology (1809), 1:313.
142 Ibid., 1:88; Knapp and Baldwin, Newgate Calendar (1824), 1:71.
triumphing over male vice (like Pamela), or tragically falling victim to it (like Clarissa). As Barker-Benfield has suggested, "if feminism was in part born in women's "awareness of their mistreatment by men", of "felt oppression" and victimisation, then it was born in the culture of sensibility". Similarly, Anthony Fletcher has seen the "long eighteenth century" as a period in which the "negative image of womankind" (i.e., as "less than", or an imperfect version of man) was gradually replaced by a "something less demonised and more positive: women were desexualized by the elaboration of a newly perceived gender construction but, at the same time, their moral, intellectual and spiritual qualities received much more open and evident validation and acknowledgment". Of course, the extent to which this "newly perceived gender construction" cast women in a truly "positive" light is open to debate: just as female sexuality was increasingly defined in terms of passivity, female virtue was by definition something of a negative commodity—that is, something which existed largely in the absence of temptation. If women's "frailty" testified to their greater sensibility, it also made them more vulnerable to seduction. In the late eighteenth century, in the words of one scholar, "female nature was like an overfecund field, capable of great good,

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143 This is in large part a reaction against a previous historiography which saw the late-eighteenth and nineteenth-century elaboration of "separate spheres" as something that was "actively imposed on women"—a fundamentally negative development which limited middle-class women's autonomy and opportunity for expression. For a review and a critique of this "heroic narrative", see Amanda Vickery, "Golden Age to Separate Spheres? A Review of the Categories and Chronology of English Women's History", The Historical Journal, 36, 2 (1993), 383-414 (quotation from page 391). However, while I would agree with Vickery's contention that not only is "a golden age" for women is notoriously difficult to locate in historical time, and that the notion of "separate spheres" seems to have long predated the eighteenth (not to mention the nineteenth) century, the way in which women were portrayed in criminal literature seems to shifted conspicuously by the middle of the eighteenth century.

144 The Culture of Sensibility, xviii.

145 Gender, Sex and Subordination in England, 412.
but in need of constant weeding, and lots of fences to keep intruders... at a distance".  

Whatever the relative merits or demerits of such a redefinition (or perhaps even invention) of femininity, it seems clear that the later eighteenth century witnessed a distinct shift in the way women were perceived. While in the seventeenth century, as Paula Backscheider has pointed out, women in drama and literature often served as "tropes for unauthorized forms of power", by the end of the eighteenth century they had become "objects" and "vessels"—and "agents" only in the sense that they facilitated the expression of male protagonists. In criminal accounts, a similar pattern can be discerned; that is to say, women are over the course of the eighteenth century transformed from the disorderly and sexually aggressive scourges of young men into victims of male lust and cunning.

At the risk of being overly schematic, it could be said that before 1740, most female criminals were characterised as not only sharing a general human propensity to sin, but as suffering from the additional handicap of being female, and thus, (in Anthony Fletcher's term), inherently "less than" men in their intellectual and moral capacities. Thus, women like Catherine Hayes and Hannah Blay may have been seen as vicious and duplicitous.

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146 Donna T. Andrew, "Adultery à-la-Mode: Privilege, the Law and Attitudes to Adultery 1770-1909", in History 82 (1997), 10.


148 This is not to deny that women's relative mental and physical weakness entitled them, in the opinion of many, to extra consideration, or even lenient treatment by men: we have seen that, even in the late seventeenth and early eighteenth century, men who robbed women often claimed to behave chivalrously towards them; and even if male violence towards women was more tolerated in the early modern period than it is today, contemporaries frequently expressed both shock and disapproval of men who strike women. This disapproval is evident in the late seventeenth century as well as in the eighteenth: in 1685, Samuel Smith, the Ordinary of Newgate, castigated John Gordon for kicking a woman "Big with child, so that both Perished together". When Gordon tried to extenuate the crime, claiming "she gave him very foul Language, and plucked him by the Hair of the Head", Smith "told him that was an Inhuman Base Conquest over a Woman" (The True Account of the Behaviour and Confession of the Condemned Criminals in Newgate...together with their Last Dying Words Before their Execution at Tyburn...[George Croom, 10 June 1685], 4).
sexual predators, but nonetheless there is nothing in their wickedness which is inherently incompatible with contemporary notions of female behaviour. But, as femininity began to be redefined in terms of delicacy, "sensibility", and—above all—sexual passivity around the middle of the century, women who acted in an aggressive, violent or calculating way were perceived as transgressing the bounds of not only acceptable, but of "normal" womanly behaviour. While the fallen woman, or the unfortunate victim of male vice (such as Margaret Harvey or Mary Blandy), meshed well with this newer conception of femininity, increasingly those women (such as Hannah Dagoe or Mary Gillfoy) whose deportment and crimes not only excited little sympathy but who were, moreover, in their motivations and social backgrounds ill-qualified to play the part of "virtue in distress", tended to be viewed as "rude" and "masculine" aberrations.149

As we have seen, a female criminal’s own attempts to portray herself as helpless or ill-used would carry little weight if she was seen as acting in a selfish and a calculated (not to mention a morally reprehensible) way. Catherine Hayes' insistence that she had been, not only a battered wife, but a passive party in the murder of her husband could not counterweigh the fact that she was suspected to have taken a lover prior to the murder (and her own son, no less), and that she stood to inherit a large sum of money after her husband’s death. And, Elizabeth Jeffryes’ tale of woe and fainting fits aside, contemporary writers were quick to point out that her uncle’s death would leave her both mistress of a considerable fortune and of herself, and thus free to give full rein to her vicious inclinations. And, not only was Jeffryes loose in her sexual behaviour, but she was a hard drinker and a gambler,

149In Tobias Smollet’s 1771 The Expedition of Humphrey Clinker, for instance, the distinction between the newer construction of femininity and the old takes on a generational dimension. Tabitha Bramble, the aging but husband-hungry spinster, is portrayed as coarse and sexually aggressive, while her niece Lydia Milford epitomises the bashful and delicate maiden, whose delicate and romantic sensibilities as well as her docility consign her to a more passive role.
who swore and used vulgar language. Both contemporaries and later chroniclers were unable to reconcile either Jeffryes' crime or her behaviour with her claim of having been the victim of sexual abuse: rather she was seen as "a premeditated and determined murderess" for whose claims of having been "debauched" by her uncle "we have no evidence but her own declaration". And it is interesting that even Blandy, who was the object of considerable sympathy, was described by the servants who testified against her as an unruly and disobedient daughter, who abused her father to his face, and wished him "dead and at Hell" behind his back. But significantly, none of these allegations seem to have stuck—even those accounts which evince scepticism about Blandy's innocence suggest that, as a "poor lovesick girl", not she, but her seducer Cranstoun, should be held accountable for the crime.

Clearly, not only a woman's status as the helpless prey of an unscrupulous man, but also her social class factored largely into whether or not her actions could be excused, and to what extent. Blandy, unlike Mary Gillfoy, was after all, a gentlewoman. Later accounts in particular tend to distinguish between the frailty of the "common" and of the "respectable" woman. Increasingly, the common prostitute who has "abandoned" her virtue is seen as having also in a sense relinquished her femininity, and thus capable of any enormity; for, "when a woman once pollutes the marriage bed, ruin, robbery, and even murder, generally mark her guilty course".

Often the distinction between "good" and "bad" women seems at least implicitly founded on class: as the editors of an 1809 collection inform us, "the adage that 'Women are very good or very bad', will be verified by contrasting these women with the virtuous and

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150 Knapp and Baldwin, Newgate Calendar (1824), 2:129; 2:166.

151 A Genuine Account of the most Horrid Parricide..., 7.

152 Knapp and Baldwin, Criminal Chronology (1809), 3:291.
tender-hearted females, who grace our domestic circles". Even the degree of sympathy for prostitutes seems to depend on the class from which such women have fallen. "It is impossible to repress the tears of pity" for those unhappy females...seduced from a state of innocence, while they were the joy and comfort of their parents—many of them born and educated to expect a better fate, until deceived by falsehood and villainy, they see their own error when it is too late to recede. In this situation, abandoned by their relations and friends, deserted by their seducers, and at large upon the world, loathed and avoided by those who formerly held them in estimation, what are they to do? In the present unhappy state of things, they seem to have no alternative, but to become the miserable instruments of promoting and practising that species of seduction and immorality of which they themselves were the victims...

And, while the "great mass" of prostitutes, who are drawn from "menial" employments, are still however, objects of compassion...under the circumstances incident to their situation they cannot be supposed to experience those poignant feelings of distress which are peculiar to women who have moved in a higher sphere, and who have been better educated.154

As for the editors of the 1779 Malefactor's Register, they recommend not pity for such "low and abandoned women", but tough measures:

it is to [such women] that hundreds of young fellows owe their destruction. They rob, they plunder, to support these wretches. Let it not seem cruel that we make one remark, of which we are convinced experience would justify the propriety. The execution of ten women would do more public service than that of a hundred men; for, exclusive of the force of example, it would perhaps tend to the preservation of more than a hundred.155

The refrain is familiar, but also subtly different. "Low and abandoned women" in mid- and late eighteenth-century criminal literature differ from the Millwoods and the Hannah Blays in that they are seen, not so much as egregious private sinners, but as a public nuisance

153Ibid., 2:40.

154Ibid., 1:46; 1:49.

155The Malefactor's Register (1779), 1:vi-vii.
and a dangerous source of contamination. Scholars such as Gareth Stedman Jones, Martin Wiener and David Garland have argued that the early nineteenth century witnessed a dramatic shift in the way criminality was defined. The stage for this paradigmatic shift was set by the gradual replacement of the traditional belief in the universal depravity of mankind by the Enlightenment conviction that the source of all worldly ills could be traced, not from original sin, but rather the corrupting effects of society. Increasingly, crime was seen not simply as a failure of a moral order, but at least in part as a product of the environment—specifically, the degeneracy of the "residuum", from which the urban criminal sub-class was believed to have been primarily recruited. Wiener has charted the "reconstruction" of the criminal from individual moral transgressor to victim of "causalism"; similarly, Judith Walkowitz had cited the ways in which changing notions of class and gender interacted to marginalise and to define as "sexually deviant" those working-class women who turned to prostitution.

Not surprisingly, this trend (like most others) can be discerned long before it reached its nineteenth-century apogee. As I have argued in previous chapters, the tone of most criminal publications had undergone a subtle but distinct transformation over the course of the 1740s. At the same time as the Sessions Papers and collections of trials were being slowly purged of offensive or suggestive material, the editors of the Ordinary's Account began to write in a more elevated, sentimental style, broadcasting their determination to avoid "a stile and language too gross and indelicate for the better kind of readers", in "whose power" it was "to put a stop to the growing evil" (i.e., urban crime); and effect a "general

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reformation" of those "poor wretches" and "creatures" who, "born in vice" and "strangers to the most obvious rules of moral rectitude", inhabited "the back streets" of London.\textsuperscript{158} This increasingly (for want of a better term) "classist" approach—which seemed to divide the metropolis into two nations long before Disraeli ever drew breath—had its parallel in the way in which women were characterised. While the sober and virtuous woman is lauded as "the soft and amiable creature whom heaven designed as one of our choicest blessings", her abandoned sister is characterised as a "contemptible and nauseous...being...worse than a swine".\textsuperscript{159}

Moreover, and particularly after roughly 1740, "masculine" qualities are ascribed to women perceived to be not only of abandoned character, but members of the urban criminal subclass—of that "brother and sisterhood, of rogues, thieves, and raggimuffins" who "usually past [sic] their miserable days on the dunghills and laystalls", and whose "human reason seems to be so far forgot, as to level them below the most contemptible of the brute species".\textsuperscript{160} One of the more colourful of this "sisterhood" was Ann Berry, 31, alias "Staffordshire Nan", a rough character who was reported to have beaten up another woman in Newgate, and "who had been very much addicted to drinking, and would lay any where and with any Body that would take up with her". Berry robbed people in St. James and Hyde Park and Constitution Hill "where she was often seen lurking, and did much Mischief to the poorer Sort of People, who she thought were not able to oppose her Masculine Rudeness".

It is said she attempted once to rob a Gentleman of Honour, to whom, upon

\textsuperscript{158}OA (M. Cooper, 7 June 1745), 3-4.

\textsuperscript{159}OA (M. Cooper, 9 July 1745), 20.

\textsuperscript{160}OA (M. Cooper, 9 July 1745), 28.
his discovering her Design, she exposed her naked Breast, to take off the edge of his Resentment; the Gentleman being one who had a very great Veneration for the Sex, this Artifice had sufficient Force to induce him to depart in Silence.\textsuperscript{161}

The female pirate Mary Read was reputed to have resorted to a similar ploy—"[discovering] her Sex" to a fellow soldier in order to win his affections.\textsuperscript{162} Yet if Mary Read "discovered" her femininity to her lover by baring her breasts, Ann Berry had by the same tactic only succeeded in demonstrating the depth of "her Masculine Rudeness".

As the eighteenth century progressed, even the female working-class wives or victims of male criminals of a slightly earlier period who had been deemed honest and respectable by their contemporaries were recast as women of low and abandoned character. Of course, the writers of the original accounts, as opposed to the compilers of later "Newgate Calendars", had the advantage of being able form their own impressions. In 1744 The Ordinary of Newgate reproved Henry Cole, who claimed that the wife he had married in the Fleet had schooled him in "the Wickedness of the Town". The Ordinary records that Cole charged his wife "(tho' falsely) with keeping Company with other Men", adding, "What he says relating to his above Wife, is entirely false, she being a very modest, sober, good Woman".\textsuperscript{163}

Similarly, men who attempted to justify the murder of their wives by casting aspersions on their victims' character almost invariably received short shrift from the Ordinary.\textsuperscript{164}

In contrast, the editors of the various "Newgate Calendars" of the later eighteenth and

\textsuperscript{161}OA (T. Parker and C. Corbett, 23 October 1751), 25.

\textsuperscript{162}Johnson, \textit{General History of the Pyrates} (1724), 120.

\textsuperscript{163}OA (John Applebee, 8 June, 1744), 3.

\textsuperscript{164}See, for instance, Purney's dismissal of Matthias Brinsden's "trifling allegations" against his wife (\textit{The Ordinary of Newgate's Account of the Behaviour, Confession and Last Dying Speech of Matthias Brinsden &c} [John Applebee, 24 September 1722], 3.)
early nineteenth century often view even the female (working-class) victims of crime as being of low moral character. Robert Hallam, who was condemned in 1732 for brutally beating and throwing his pregnant wife out of a window, attempted to defend himself on the grounds that she had been a drunk and an adulteress. Yet the Ordinary takes pains to add,

Notwithstanding these Aspersions whether true or false, the poor unfortunate Woman had an excellent Character of all the Neighbourhood, for her Behaviour and Conduct, both as to her Modesty and in other Respects, as several Persons, who came to see him under Sentence, told me; and that they never heard, nor could they believe any ill Report of her.¹⁶⁵

Yet later chroniclers take Hallam at his word: his wife, Sarah Hallam, is portrayed in all late eighteenth- and early nineteenth-century accounts as a drunken and immoral woman, whose "bad conduct...hurried [her husband] on to great irregularities". One writer even asserts that Sarah had confessed to having had adulterous affairs (although there is no evidence for this) and implies that her husband was thus justified in beating her; another even champions Hallam's innocence (despite the testimony of several eyewitnesses to the crime), choosing to believe his story that Sarah had committed suicide—jumping out of the window despite her husband's attempts to restrain her.¹⁶⁶ Somewhat incongruously, these are the same writers who frequently lavish their sympathy on "weak females" such as Margaret Harvey, who suffered from the "unmerited severity" of their husbands, and "indulge[d] somewhat of commiseration...over the fate of the wretched Miss Blandy".¹⁶⁷ It would appear that simply being a victim of male violence was not in itself sufficient: Sarah Hallam may have fallen from a window to her death, but perhaps she had not fallen far enough; rather, it would seem

¹⁶⁵ OA (John Applebee, 14 February 1731/2), 9.

¹⁶⁶ The Newgate Calendar (1773), 2:353; Knapp & Baldwin, The Newgate Calendar (1824), 1:311; The Malefactor's Register (1779), 2:221.

¹⁶⁷ Knapp and Baldwin, Criminal Chronology (1809), 1:313; Knapp and Baldwin, The Newgate Calendar (1824), 2:129.
that only those "fallen" women "who have moved in a higher sphere" and were capable of
"experiencing those poignant feelings of distress...peculiar" to that sphere could excite the
sympathy of the later criminal chroniclers.¹⁶⁸

I have suggested here that, even before the 1740s, "real-life" female criminals, with
remarkably few exceptions, tended to play up their feminine vulnerability and justify their
actions in terms of their physical or sexual victimisation by men. While admittedly, evidence
is scarce—particularly before the 1720s—it seems unlikely that female criminals ever chose to
redefine themselves in masculine terms, or to question a male double standard that demanded
that women be passive and docile in a world in which they were "the universal prey" of men.
In fact it would seem that the "masculine" heroines and "honest whores" of the rogue
tradition, by denigrating the weakness and hypocrisy of "respectable" women, acted more as
a means to perpetuate the notion of femaleness as "less than" (and worse than) maleness than
to advance any "feminist" cause.

And while earlier (pre-1740) criminal accounts demonised those women who were
perceived as acting aggressively on their own behalf as treacherous and immoral (like Hannah
Blay and Catherine Hayes), with a gradual redefinition of femininity which idealised female
"sensibility" and sexual passivity, the notion of the female criminal as a scheming sexual
predator was slowly replaced by the figure of the "fallen woman"—the pathetic and essentially
passive victim of male seduction (like Margaret Harvey and Mary Blandy). However, those
women who were, by either the nature of their crimes or by their "low" or vulgar carriage,
patently ill-suited for the role of "virtue in distress" were in later accounts portrayed as
"rude" and "masculine"—as monstrous aberrations (like Elizabeth Branch or Ann Berry).

¹⁶⁸Knapp and Baldwin, Criminal Chronology (1809), 1:49.
And while the "common" prostitute (as opposed to her sisters who had fallen from a "higher sphere"), may have been viewed as a pathetic creature, such sympathy was not unmixed with contempt, and was, moreover, overshadowed by a growing conviction that, as a member of an ever-expanding urban criminal subclass, she was as much a source of contamination as an object of pity.

Moreover, as the eighteenth century wore on, contempt shaded into indifference—at least as far as the individual lives of such women was concerned. The female common criminal may have behaved differently, or have been subject to different social pressures than the male common criminal; however, in at least one respect the female pickpocket or petty thief and the "common" whore was to share the same fate as her male counterpart. The lives and crimes of murderesses (especially gentlewomen such as Mary Blandy and Elizabeth Jeffryes) of course continued to fascinate audiences, and remained a staple of later eighteenth-century "Newgate Calendars". But just as the early eighteenth-century street-robber or highwayman was, in later collections, supplanted by such gentlemen forgers as the Perreaus or the "unfortunate Doctor Dodd", so too were the Jenny Divers and others of her pickpocketing sorority gradually eclipsed by female criminals of a more eminent, or "notable" stamp, such as Mrs. Rudd and the Duchess of Kingston.
IX. The Newgate Calendars, c. 1764-1820: Changing Audiences, Changing Attitudes?

...The broadsheets disappeared [in the late eighteenth century, along with] the glory of the rustic malefactor and his sombre transformation into a hero by the process of torture and execution...The man of the people was now too simple to be the protagonist of subtle truths. In this new genre [i.e., detective novels] there were no more popular heroes or great executions; the criminal was wicked, of course, but he was also intelligent; and although he was punished, he did not have to suffer...The split was complete; the people was robbed of its old pride in its crimes; the great murders had become the quiet game of the well behaved.

—Michel Foucault, *Discipline and Punish* (1978)

According to the Edwardian scholar of the eighteenth-century "demi-monde" and criminal underworld Horace Bleackley,

without a knowledge of the Newgate Calendar, it is impossible to be acquainted with the history of England in the eighteenth century. On the other hand, to him who knows these volumes, and who has verified his information in the pages of the Sessions papers and among the battles of the pamphleteers the Georgian era is an open book.¹

However, few of Bleackley's contemporaries were so scrupulous as to "verify" their "information" with reference either to the Sessions Papers or the crime pamphlets of the early eighteenth century—not to mention the Ordinary of Newgate's *Account*. Indeed, most late nineteenth- and early twentieth-century students of criminal literature assumed that the various "Newgate Calendars" of the 1760s and 1770s constituted not only the most readily accessible, but also the most reliable and authoritative source of information about the lives and crimes of early eighteenth-century criminals.² For while it was acknowledged that the "Newgate Calendars" were based upon older sources, "such 'true histories'" were generally dismissed as


²"Newgate Calendar" is used in a generic sense here; these late eighteenth-century compilations of criminal trials and "lives" were published under a variety of names. The first appears to have been *The Bloody Register* (1764); next, *The Tyburn Chronicle*, (1768); then, *The Newgate Calendar* (1773); John Villette's *The Annals of Newgate* (1776); *The Malefactor's Register* (1779). Several later, and largely derivative, collections were published; e.g., Mountague's *The Old Bailey Chronicle* (1788); Knapp and Baldwin's, *Criminal Chronology* (1809) and *The Newgate Calendar* (1824); Jackson's *The New and Complete Newgate Calendar* (1794); and *The Criminal Recorder* (1809). Increasingly condensed collections would be produced over the course of the nineteenth century, culminating in Rayner and Crook's *The Complete Newgate Calendar* (1926).
"catch-penny sheets", whose "crudity and grotesqueness...limited their sale to the most vulgar", and whose accuracy was, moreover, highly suspect. In the words of F.W. Chandler, an early authority on the subject, the "multitude" of such "tracts" were not only sensational "productions" written by the "unliterary" but, while they "they claimed to be veracious...where fact failed, fancy stepped into the breach, and many a jest-book anecdote or pleasing invention of the author's own came to be fathered upon hanged reprobates."

In contrast, the "Newgate Calendars" were seen as both more reliable and more reputable than earlier criminal publications: they were the products of "far more able pens...who came to their subject with the zeal of responsible biographers"--writers "generally of legal training" and "possessed of some considerable ability both in sifting facts and in presenting them in a certain literary form", and consequently capable of "deal[ing] with the criminal as a subject of interest to the more refined and educated classes". However, as I have suggested in my introduction, the notion that late seventeenth- and early eighteenth-century criminal "lives" were crude publications "apparently intended for the barely literate working-class reader" owes more to the late eighteenth and early nineteenth-century reaction against, and self-conscious distaste for the "Grossness" of an age distinguished by its "morbid desire for confessions" than to any real basis in fact. Rather it would seem that these so-called "catch-penny sheets" not only catered to a wide cross-section of society, but that the bulk of their audience was composed of the same social groups that frequented coffee-shops

3Charles Tibbits, Trials from the Newgate Calendar (London, 1908[?]), iii.

4The Literature of Roguery (Boston, 1907), 1:139.

5Trials from the Newgate Calendar, iii.

and read and purchased newspapers. It should also be emphasised, moreover, that the "Newgate Calendars" were hardly original works, or even substantially different in their content or even their "literary form" from that of their sources: indeed, most later eighteenth-century collections borrowed heavily from earlier pamphlets, the Sessions Papers and particularly from the Ordinary of Newgate's *Account*—often to the point of reprinting long passages verbatim.

The editors of the various "Newgate Calendars" published from the 1760s did, however, leave their own imprint on the material that they had recycled from an earlier, less inhibited age. Some parts of the earlier sources were modified or omitted, and subtle shifts in emphasis can also be detected (although sometimes these differences are so slight that careful comparison is required to detect them). These later collections also featured some additions—most notably in the form of "moral remarks" or "suitable reflections" appended to the end of each account, charting the unhappy criminal's descent into fatal courses, and piously warning the reader from falling into the same snares. And significantly, as we shall see, while the "Newgate Calendars" were supposed to be "useful" for "all ranks of people", their "moral remarks" tended to be addressed to a more specific and narrowly defined group than ever before.

In this chapter I will discuss the ways in which the shifting tone and emphasis of late eighteenth- and early eighteenth-century criminal literature (in particular, the "Newgate Calendars") reflected changing attitudes towards crime and criminality rather than any significant change in the social composition of its readership. In previous chapters I have

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7While all the "Newgate Calendars" attempted to summarise each life with a pithy moral, this was perhaps most explicit in *The New and Complete Newgate Calendar; or, Malefactor's Universal Register* (1794), where such messages are prefaced with the headings "SUITABLE REFLECTIONS" or "MORAL REMARKS".

8*Newgate Calendar* (1773), 1:v.
alluded to the fact that the public's interest in "common criminals" waned quickly after the mid-eighteenth century—so much so, in fact, that the authors and editors of later works distanced themselves quite explicitly from the "vulgarity" of the earlier sources from which they drew and, in the process, even insinuated that the audience for late seventeenth- and early eighteenth-century "lives" and "Last Dying Confessions" was more popular (i.e., more "vulgar") than seems to have actually been the case.

And, while the street-robbers and prostitute-pickpockets of an earlier era survived in these later collections, they were increasingly viewed with a combination of condescension and contempt, and from what appeared to be an ever-widening sociological distance. This was not simply a matter of mythologising (or de-mythologising) or even "deodorising" the lives and misdeeds of criminal who had belonged to a more loose-living and disorderly age: the nature and root causes and criminality itself was in the process of being redefined. While the suddenness or the totality of this shift should not be exaggerated, nonetheless it would seem that over the course of the period spanned by the "Newgate Calendars"—that is, the late eighteenth and early nineteenth centuries—the notion of crime as (at least ostensibly) a failure of a moral order was gradually giving way to one which defined criminality as largely a function of class and of a particular socio-economic environment.

ii. Changing Audiences, Changing Sensibilities?

There is, at first glance, little that seems either particularly different or unprecedented about the stated aims of the "Newgate Calendars" of the 1760s and 1770s. It is true that such collections generally eschewed the more fictional late seventeenth-century highwayman "lives" popularised by Captain Smith and Johnson, and tended to date from 1700, when the Ordinary's Account and the Sessions Papers offered a fairly complete record of various
criminal "lives" and trials. The editors of these later works were hardly unique, however, in
their claims to have "selected" ("at a very considerable expence") their "materials...with the
strictest fidelity, from a great variety of compositions both printed and in manuscript", with
reference both to "the facts inserted in the different narratives given by the ordinaries of
Newgate", the Sessions Papers, and "such other accounts as are any ways necessary to the
accomplishing our design, in rendering these Volumes both useful and instructive to our
Readers".9 The editors were careful both to distinguish themselves from the "catch-penny
accounts, which are calculated for, and compiled by, the sons of Grubstreet, who daily palm
their spurious works upon the public for authentic", and drier, more technical publications
(presumably the Sessions Papers and the Select Trials), whose "works" had been "but too
much infested" with "all terms in law".10 As I have discussed in Chapter II, editors of such
collections seemed unanimous in their insistence that presenting their work "into the form of
a pleasing narrative" would provide the right balance of "Entertainment" and "Instruction"—
for it was only by "blend[ing] the useful with the agreeable" that proper moral notions could
be best communicated and "made plain" even "to the meanest capacity".11

These claims of possessing the truest and most complete collection of accounts to date
were of course nothing new; nor were repeated assurances by editors that their work managed
to successfully navigate between the Scylla of those books "below the notice of a reasonable
creature...in which amusement alone is consulted", and the Charybdis of "a mere dry system
of argumentation, or a dull recital of uninteresting facts", bound to "meet with the contempt

9Newgate Calendar (1773), 1:iv; Bloody Register (1764), 1:v.

10Bloody Register (1764), 1:iii-iv.

11Ibid., 1:iv; Tyburn Chronicle (1768), 1:v; Newgate Calendar (1773), 1:v.
of every reader". The "Newgate Calendars" are interesting on one hand, however, in that the earlier collections—those published in the 1760s, which were for the most part direct plagiarisms of "original manuscripts"—reflect the shifting attitudes and tone of their sources: accounts drawn from the early and mid-eighteenth century tend to be more graphic and risqué in their language and content, but in those dealing with the "lives" of more recent criminals, the language and tone becomes increasingly elevated, even prudish, doubtless reflecting changes in the sources themselves rather than the active intervention of the editors. On the other hand, after the 1770s, editors seem to have become increasingly uncomfortable with sexually explicit material or passages marked by an unbecoming "air of levity". As a result, later "Newgate Calendars" tended to condense the sections dealing with criminals' "lives" and misdeeds, giving more and more space to the closing remarks or "moral reflections" of the editors than to the (often lurid) details provided in "original manuscripts".

But in the 1760s, editors of such collections (like those of the Select Trials of the same period)—insulated from criticism by their dedication to reporting the "truth" perhaps as much as by their commitment to rendering "Instruction" more palatable with liberal dollops of "Entertainment"—still included much risqué material. In the 1768 Tyburn Chronicle, the reader is told that "in some instances" trial testimony, rather than being "thrown...into the form of a pleasing narrative" (i.e., summarised by the editors), would be reported verbatim:

for in the depositions of the witnesses in some trials, particularly in those for rapes and Privately-stealing, there is something so singular, and in some cases so ridiculously diverting that it would have been depriving our readers of great pleasure, to have given these accounts in other Words than those of the

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12Tyburn Chronicle (1768), 1:v.

13Ibid., (1768), 2:319.
deponents themselves.\(^{14}\)

The editors of the same collection also include some of the more irreverent and picaresque material found in early and mid-eighteenth-century pamphlets and Applebee’s "Appendix" to the Ordinary’s Account—although seldom without appending some sort of half-hearted moral disclaimer justifying the utility of such accounts. For instance, the "autobiography" of the quintessentially "game" highwayman John Everett (a man whose motto was "honesty I have heard is the best policy, but that would not supply me with fifty pounds upon a pinch") is prefaced with the following explanation by the editors:

> We confess that in many parts of the narrative there is an air of levity very ill becoming the circumstances and situation of the prisoner: but from hence our readers may learn, that habits of vice and folly are with great difficulty got rid of even on the verge of the grave; and a reflection will very naturally arise, that habits which are this hard to get rid of should never be learnt; since it is an undoubted and eternal truth, that "Evil communications corrupt good manners".\(^{15}\)

By the end of the century, editors of criminal chronicles were much more defensive; in one 1794 collection the reader is reminded that the expressions are not the compiler’s; and seeing that it behaves [sic] reporters as much as witnesses to adhere to the truth, the repetition of them is therefore unavoidable. In the like manner, the compiler may be obliged (unwilling as he is) occasionally to give the cant phrases of thieves; for, in many instances, if the witnesses' depositions be not faithfully recorded, the narrative may be so imperfect, as to be scarcely intelligible. The utility of being so exact is the best apology for reviving any vulgar expressions; for thereby the honest and unwary are put upon their guard, and apprised of all the secret crafts of those low-lived sons of depredation.\(^{16}\)

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\(^{14}\)Ibid., 1:viii. One trial apparently "diverting" enough to warrant a strict adherence to the language of the original source was the case of a man acquitted for the rape of a "girl about seven years of age" (taken verbatim from the 1742 Select Trials). We can only assume that it was the colourful language used by the victim’s mother that was thought to have constituted a possible source of "great pleasure" to the reader (ibid., 1:337-8).

\(^{15}\)Ibid., 2:319.

\(^{16}\)Jackson, William, Esq., "of the Inner Temple, Barrister at Law; assisted by other gentlemen", The New and Complete Newgate Calendar; or, Malefactor’s Universal Register..., 2nd ed (1794), 1:5-6.
In part because the sources from which they drew were, after mid-century, increasingly purged of explicit or offensive material, and in part because of the growing discomfort of the editors themselves, the content and tone of the "Newgate Calendars", especially from the 1770s, mirrored a corresponding shift in the sensibilities of readers. The concessions, alterations and omissions made by editors were often slight, but telling. In one case recorded in the 1742 edition of the Select Trials, a prosecutor claims to have "struck a bargain" in a gin-shop with the defendant (a prostitute), as he "thought I had better do so, than wander about the Streets all Night; though I must needs own, I mought as well have gone home to my Wife;—and my Wife, tho' I say it, is as good a Woman as Man laid Leg over".17 When this trial is reproduced in John Villette's 1776 Annals of Newgate, the prosecutor's tribute to his wife is somewhat watered down; in this version, she is simply "as good a woman as ever lived".18

Treatment of rape cases provide the most graphic illustration of this trend towards bowdlerisation. The 1768 Tyburn Chronicle reproduces from the original source a luridly detailed account of a particularly horrific 1751 rape-murder; however, a 1769 rape is described much more circumspectly (perhaps because this is the way it was reported in the source): i.e., the accused threw the victim "down upon some hay, and then perpetrated his criminal design; attended with such circumstances as decency will not permit us to lay before our readers".19 Later "Newgate Calendars" seem to have glossed over such details at least as much because of the qualms of their editors as those of the authors of "original

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17 Select Trials (1742), 2:304.

18 Annals of Newgate (1776), 1:360. John Villette was Ordinary of Newgate at the time.

19 Tyburn Chronicle (1768), 4:359. Later volumes of this work, while undated, were clearly issued after this publication date, as they deal with cases that took place after 1768.
manuscripts". In the words of one 1809 collection:

Lennard [the rapist] robbed [his victim] of that which constitutes the fairest part of the female sex—her innocence and peace of mind. To enter into the particulars of the evidence given in court, in proof of the guilt of this unmanly and most atrocious offence, would not meet every eye in its proper sense; we shall therefore let the outlines suffice.20

Rape cases were treated still more succinctly by the middle of the nineteenth century. Fairly typical was an 1841 description of testimony given at the trial of the notorious libertine Colonel Francis Charteris for rape: "he threw her down, and having stopped her mouth with his nightcap, he completed an offence which subjected him to capital punishment".21

After 1770, discomfort with cases featuring "the detestable sin of sodomy"—once one of the major staples of various editions of Select Trials—becomes increasingly apparent. In the 1779 Malefactor's Register, the editors broach the subject with evident trepidation:

It is painful to recite a narrative of this kind, wherein it is almost impossible to avoid some little degree of indelicacy; but our promise in our advertisements for this work [i.e., in the collection's long title] renders it necessary for us to give an account of all those trials which have been remarkable enough to engage the particular attention of the public.

And while describing another trial for sodomy, "a subject that the delicate pen scarcely knows how to touch", the editors conclude the account as though in relief—"let the rest be buried, as it ought to be, in obscurity; and we believe our readers will thank us, that this obnoxious story is one of the shortest in our collection".22

Any nagging doubts that such protestations were less an expression of real discomfort on the part of the editors than an attempt to flag such stories for the benefit of the prurient

20Andrew Knapp and William Baldwin, "Atts at law", Criminal Chronology; or, the New Newgate Calendar…(1809), 3:330.

21The Chronicles of Crime; or, the New Newgate Calendar (1841), 1:77.

22Malefactor's Register (1779), 5:102; 4:205.
reader are laid to rest in a subsequent reissue of the collection, the 1794 New and Complete Newgate Calendar, whose text and even pagination is identical to that of The Malefactor's Register—with one significant exception. Despite the fact that sodomy is one of the offenses advertised in the newer collection’s long title, the two sodomy trials included in The Malefactor's Register are excised without a trace; the editors accomplish this by simply skipping several pages (e.g., from page 201 to page 206 in Volume 4). One might suspect a disapproving reader of cutting out the offending pages, if not for the fact that the text of the more recent edition had been shifted slightly so that the sentences from the preceding and following accounts are left intact.

While the fact that the "Newgate Calendars" were gradually purged of explicitly sexual or offensive elements led many later commentators to assume that the audience for such material was more "refined" than that for the earlier "catch-penny sheets" from which they drew, the editors of such collections at least ostensibly targeted a wide readership. The 1773 Newgate Calendar was intended, so the editors claimed, for the benefit of "all ranks of people" (not excluding those of "the meanest capacity").23 And according to the authors of one 1797 collection:

Although the utility of this Work is absolutely without limitation, the following Classes are particularly interested in the Lives and Anecdotes which we have recorded: Magistrates; Bankers; Merchants; Tradesmen; Country Gentlemen; Company at Watering Places; Foreigners; Masters and Mistresses of Lodging Houses; Lawyers; Publicans; Keepers of Prisons; Bailiffs; Stewards; Clerks; Shopmen; Youth of both Sexes; Female Housekeepers; Doating Old Maids; Husbands and Wives; Lovers; Peasants, &c. &c. &c.24

Yet despite this much-vaunted commitment to inclusiveness, there is something

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23 Newgate Calendar (1773), 1:v.

24 Anecdotes, Bon Mots, Traits, Stratagems, and Biographical Sketches, of the Most Remarkable Highwaymen...(D. Brewman, 1797), vii.
fundamentally exclusive in the emphasis of the "Newgate Calendars" on class distinctions.

Unlike the earlier Ordinary's *Account* and similar "confessional" publications in which crime and its *sine qua non*, "viciousness", are seen as offenses of a moral order from which no reader was theoretically exempted, later criminal literature implied that some people—namely, youths, servants and the poor—were more inherently predisposed to criminal activity. For while people from "all ranks" of life were exhorted to read the "Newgate Calendars", such publications were increasingly characterised as something masters and parents were supposed to read to their servants and dependants.

Much in the same way that masters were encouraged to purchase Hogarth's 1747 *Industry and Idleness* series for their servants, the "Newgate Calendars" billed themselves as cautionary tales aimed at those considered most vulnerable to temptation—a pedagogical tool for "Parents, Guardians, and those entrusted with the Care and Tuition of Youth". The 1768 *Tyburn Chronicle*, licensed and published with the official endorsement of George III, was "offered" as a "warning-piece" not only to the general "public", but "especially to the younger part of the world". The frontispiece to the 1779 *Mafefactor's Register* features "a mother presenting the Malefactor's Register to her Son, and tenderly intreating him to regard the Instructions therein recorded"; similarly, the editors of the 1773 *Newgate Calendar* inform "Parents and guardians" that they "will find it one of the most useful books to be put in the hands of the rising generation, before their tender minds have been led astray from the practice of virtue".

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25 *Annals of Newgate* (1776), 1:iii.

26 *Tyburn Chronicle* (1768), 1:vi.

27 *Newgate Calendar* (1773), 1:v.
Doubtless many continued to read the "Newgate Calendars" because they found them titillating, and many children supposed to imbibe virtuous notions from such publications were, like James Boswell, only left with "a horrid eagerness" to see criminals executed. (Boswell, who went to see the highwayman Paul Lewis—the same who had scandalised visiting clergymen by boasting of his exploits and singing verses from The Beggar's Opera—claimed that his "curiosity" had been whetted by reading criminal accounts in his youth). Yet what seems significant is that the moral messages of later criminal literature were addressed to a more narrowly defined social group (as well as age group) than were the "lives" and "Last Dying Confessions" of the late seventeenth and early eighteenth centuries. And the editors and authors of such publications were nothing if not forthright about who they considered to be most prone to criminal activity; in the words of one 1772 account,

It is humbly hoped, that all of the lower class, who may happen to read it, will profit by the intention of it; and SERVANTS in particular will here see the fatal effects of dishonest craft, of ill company, an extravagant mode of living, with a contempt of the principles and practice of religion.29

iii. Towards a "Criminal Class"?

Perhaps the most significant development in late eighteenth- and early nineteenth-century criminal literature, at least from the point of view of the historian, was the way in which criminality was subtly but fundamentally redefined. This is not to say that older notions of crime as a moral choice did not persist (as, indeed, they still persist today). After all, the view of the road to Tyburn as a slippery slope—paved first with a series of venial


29 OA (M. Lewis, 27 May 1772), 2. This is the latest Ordinary's Account I have encountered; it seems as though the Account ceased to be published regularly after the mid- to late 1760s.
sins, then with more fatal transgressions—enjoyed a certain currency long after the abolition of the Tyburn procession itself. As the editors of *The Bloody Register* were at pains to demonstrate,

vice brings its own punishment by a natural chain of circumstances, which, from first to last, leads its miserable victims from one step to another, till they come to the end which befits their proceedings. Now let a man call this what he will, chance, providence, accident, the common course of events, it alters not the case, for effects will still follow their causes, whatever notions we form about them.30

The editors of the 1773 *Newgate Calendar*, at the end of their collection, neatly sum up the root causes of crime in a list which differs little in its essentials from the responses solicited by the so-called "Question Monger", the late seventeenth-century Ordinary of Newgate, Samuel Smith: namely, 1. disobedience to parents; 2. "profane swearing and cursing"; 3. "profanation of the Sabbath"; 4. "love of pleasure" (including "an attachment to lewd women"); 5. "love of gaming"; and 6. "young men frequenting alehouses".31

The notion that vice was both addictive and progressive was equally persistent: according to the 1779 *Malefactor's Register*, "vice is not only rapid, but greedy in its progress. It is like a snow-ball rolled down a hill; its bulk increases by its own swiftness".32 However, it would appear that "vice" was defined in increasingly secular terms—as a rebellion against earthly rather than divine authority. Young people, of course, had always been exhorted to obey their parents and masters, and the "idle apprentice", as we have seen, was a stock-figure of earlier criminal literature. Yet in the "Newgate Calendars" the brunt of the editors' disapproval falls, not so much upon the private sinner (irrespective

30*Bloody Register* (1764), 1:259.

31*Newgate Calendar* (1773), 5:373-7.

32*Malefactor's Register* (1779), 1:168.
of his or her social rank), as upon those who refuse "to be content...in whatever stations of life Providence may think fit to place them". Over and over again, we are told that "Young people should be taught...to learn a due obedience to their superiors in general", and that "we" should "learn to be satisfied in our several stations, to support ourselves by our own industry, and to do our duty towards God and man, as the most certain road to happiness both here and hereafter".

And if the road to the gallows were still marked with much the same signposts, "viciousness" was increasingly seen, not in the context of a human depravity and propensity to sin which was universal, but as a negative quality—specifically, the want of virtuous examples, firm discipline and a "religious education". Perhaps inevitably, the connection between vice and poverty was becoming more and more explicit. We have seen that the Ordinary’s Account after the mid-1740s began to bill itself, not so much as a publication warning against the encroaches of vice in all walks of life, but as an "attempt to describe low-life in affliction". Crime was increasingly associated with a particular class—specifically, with that alarmingly expanding "tribe and cast", the urban poor, who "seemed to have no more sense of religion, or of any moral good than [brutes]", and "who are so confirmed in the most stupid wickedness, as to be a disgrace to human nature, and without some speedy means of reformation previous to corporal punishment, must grow upon our hands too fast to be easily eradicated". By mid-century, it would appear that a dependence

33Ibid., 2:263.
34Ibid., 1:137; Tyburn Chronicle (1768), 1:133.
35Malefactor's Register (1779), 1:325.
36OA (T. Parker and C. Corbett, 1 August 1746), introduction.
37OA (M. Cooper, 7 June 1745), 9.
on the idea of original sin as an adequate explanation for criminality was giving way to Enlightenment notions which stressed the importance of upbringing and of the social environment.

It is very certain, that People are not born with particular Inclination to these base Practices; but at the same Time it is no less certain, that their Principles are very early corrupted, and that they are in a Manner educated, if not in the direct exercise of such Rogueries, yet in the Ways that naturally lead to it. This is occasioned by a Decay of Industry, and by the prodigious Increase of late Years of Places of Diversion. There are many good Laws that require the lower sort of People to put their Children Apprentices, so that they may be provided for during the Space of seven Years, by the Care of their Masters, and be afterwards in a Condition to maintain themselves by their own Labour, in an honest Way, which Laws of late are not put in execution, but People are left at Liberty to breed their children how they will, by which Means they become frequently Burdens, and too often Nuisances to their Country.38

The anxiety about the growth of what can only be described as a "criminal class" expressed in the mid- and late 1740s by the editors of the Ordinary's Account (not to mention such social commentators as Henry Fielding), seemed to grow by leaps and bounds as the century progressed. By the early nineteenth century, editors of criminal collections equated vice with poverty as a matter of course. It was in "the lower ranks of life" that not only the "idle drunkard" but the habitual criminal was to be found.39 Given "their ignorance, and the want of precept in their early years", it was hardly surprising if "uneducated men" turned to crime; after all, "the perpetrators [of crime] are generally confined to the abandoned and irreligious—the illiterate and intemperate". However, "when men of liberal education descend to mean and vile practices, we are shocked at the debasement of human nature".40

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38OA (M. Cooper, 4 April 1746), 6; OA (J. Applebee, 5 October 1744), Appendix, 19.

39Criminal Chronology (1809), 2:262.

40Ibid., 2:328; Newgate Calendar (1824), 1:1.
indulged their vicious propensities was of course not new; what was new, however, was the assertion that some people were not naturally inclined to vice, and were thus unlikely criminals.

For even if people in a "meaner State" had always been seen as more likely to be "seduced into practises of [an] ignominious Nature"41, earlier accounts paid at least lip-service to the notion that no man or woman was immune from vicious tendencies: not only should all "that think they stand...take heed lest they fall", but those to whom fortune had granted special favours had even less justification than their poorer fellows if they turned to criminal courses.42 "Necessity" may not have been a sufficient excuse for crime, but in late seventeenth- and early eighteenth-century criminal literature it was often considered to be an extenuating factor: according to the anonymous author of the 1735 Lives of the Most Remarkable Criminals, we must all "feel...some kind of pitty [sic] for those who are brought to a violent and shameful Death, from a sudden and rash Act, excited either by necessity, or thro' the frailty of human Nature", but "when People Sin not only against Knowledge but deliberately, and without the Encitement of any violent Passion, such as Anger or Lust [or "necessity"]; as nothing can be said in Alleviation, so there is little or no room left for Compassion".43 In contrast, later accounts reserve most of their "Compassion" for the "better sort" who were less viciously inclined than their social inferiors:

Persons of superior stations, who, from incidental contingencies, become suddenly destitute of resources for present subsistence, may be urged by a kind of honest frenzy to rob on the highway, to discharge debts of necessity, or to supply calls of hunger, and thus forfeit their lives to the laws of their country,

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41Lives of the Most Remarkable Criminals (1735), 1:37.

42Increase Mather, The Wonders of Free-Grace; Or, a Compleat History of the all the Remarkable Penitents...Executed at Tyburn (John Dunton, 1690), 160.

from mistaken, rather than vicious motives. Such individuals are not irreclaimable, and at all times demand commiseration.**44**

While it had always been acknowledged (if only tacitly) that most criminals (particularly property offenders) were drawn from the poorer ranks of society, earlier "lives" and "last dying confessions", as I have argued in Chapter VI, emphasised the extent to which crime was first and foremost a choice, and that even the child of the most indigent parents had no one but himself (or herself) to blame if he turned to illegal courses. It was after all a constant refrain of late seventeenth- and early eighteenth-century accounts that the parents or "Friends" of the unhappy sufferers were, if perhaps too tender or overly indulgent, generally "honest" and almost invariably well-intentioned and long-suffering—more proper objects of commiseration than of censure.

In contrast, the working-class criminal—much like the female criminal discussed in the previous chapter—was, after mid-century, viewed less as an independent moral agent than a product of his (or her) socio-economic circumstances. Consequently parents—that is to say, lower-class parents—often bore the brunt of the blame. Complaints of poor parents, those "nurses for hell, and tutors for the Devil" who "not only damn[ed] their own souls, but those of their children...train[ing] up their dear babies from the cradle in swearing, lying, thieving, and all other immoralities" were, as we have seen, articulated in the Ordinary's *Account* as early as the mid-1740s, and voiced with increasing frequency as the century wore on.**45** The emphasis was no longer on the ill choices made or the countless opportunities to make good squandered by criminals, but on the degree to which "the deplorable fate of the many wretches who have fallen a sacrifice to the indulgence of irregular passions" could be

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**44** *Criminal Chronology* (1809), 3:426.

**45** OA (M. Cooper, 20 June 1746), 37-8.
ascribed to "the negligence of parents, in not guarding their children, by all the means of instruction and example, against the first attacks of vice".46

Working-class parents were seen as particularly remiss: according to the editors of the Malefactor's Register, "it is but too common with women of the lower ranks of life to ruin their children with an extravagant fondness". This could be because they could not afford the sort of "good books" recommended by the editors: after all, "A religious education is the best preventive remedy against a life of vice, and it would well become parents to purchase such books as are most calculated to impress the mind with a proper idea of things sacred". (The editors include a footnote with a recommended reading list).47

In marked contrast to earlier criminal "lives", biographical sketches of criminals in later accounts often focused on the degree to which parents contributed to their delinquency. William Cox, a thief executed in 1773, and who "had the peculiar misfortune of being trained in the ways of thieving almost from his infancy", was portrayed by contemporary writers as something of an object of pity: "the youth who has never been enchant'd with the charms of integrity, may scarcely know that dishonesty is a crime".48 In the 1776 Annals of Newgate, we are told that

one of the practices of Cox's father, was to dress our hero in petticoats, as a child of three or four year of age, and having thus equipped him, to direct him to cry, and complain of his being lost; and when, as frequently happened, some good natured person has taken him into his house, in expectation of finding his parents; the father, being at no loss to know where his son was, used in about an hour after to come into the neighbourhood in search of the missing child, during which time our hero, agreeable to his instructions, commonly took care to secrete and bring away with him something or other of

46Tyburn Chronicle (1768), 1:iv.

47Malefactor's Register (1779), 1:325.

value.

"It is no wonder", the editors conclude, "that a youth thus trained to wickedness, by the very person who ought to have been his director and guide to the paths of virtue, should arrive in a few years to the pinnacle of villainy".49

The notion that criminals bred, as it were, to crime were less than responsible for their actions seems to have been gaining ground in the late eighteenth century. It was allowed that this "circumstance" could "plead, if anything can plead", on William Cox's "behalf"; similarly, in the case of a father and son who were executed in the late 1770s for coining, we are led to understand that it was the father, who "had trained [his son] to the business from his early youth", who "ought to be the general object of execration", rather than the unhappy son, who "though a professed coiner, appears to have been in some measure an object of pity".50 This argument applied even more to the very young: in contrast to earlier accounts, which tended to portray those whom we would today label "juvenile delinquents" as vivid illustrations of the depravity of human nature, later "Newgate Calendars" depicted youthful criminals as the victims of bad parenting. In one 1797 collection, we are told of one mother who was sentenced to seven years transportation, for encouraging, aiding, and assisting her son, a little lad, aged only ten years, in robbing his fellow-servants of their money at different times! Pitying the child's situation, the Court ordered him to be imprisoned six months. For our own parts, we must consider as innocent an offspring thus seduced and tempted; while no punishment—not even death itself—is adequate to such turpitude in a parent!51

Crime was thus not only increasingly associated with urban poverty, but also with the

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49Annals of Newgate (1776), 4:365.

50The Genuine Life of William Cox..., 4; Malefactor's Register (1779), 5:82.

51Anecdotes, Bon Mots, Traits, Stratagems...(1797), 215.
inability of working-class parents to instill moral and religious precepts in their children.

From the middle of the eighteenth century, a growing chorus of voices recommended not only more vigorous measures to combat urban crime, but even active intervention in the private sphere; for,

if ministers of parishes, church-wardens, overseers of the poor and other religious gentlemen would look into poor, wicked families, and take these unfortunate children into workhouses and other proper places, where they might be blessed with a Christian education, there would be less business for executioners everywhere.\(^{52}\)

By the early nineteenth century, most criminal chroniclers seemed to agree on the necessity for extra "care and attendance to the morality of the neighbouring poor"; as, by "an early and general attention to the employment, education, and morals of the lower orders of the people...a habit of industry and sobriety is thus acquired, which, universally imbibed in early life, 'grows with their growth, and strengthens with their strength'.\(^{53}\)

And it would seem that just as the criminal whose social origins as well as whose crimes could be designated as "common" became an "object of pity", he or she ceased to interest readers. After the execution of several property offenders in 1778, it was remarked with some astonishment in one newspaper that

the concourse of people at Tyburn, at the last execution, was so great, as even to surprize the populace; when they remembered that the unhappy sufferers had nothing remarkable in their rank, characters, or crimes, to strike the minds of the public; as, for example, the cases of a Dodd, the Perreaus, &c. &c.\(^{54}\)

The common criminal may have elicited a generalised pity, but real sympathy as well as interest were reserved for those offenders who were unlikely criminals--particularly genteel

\(^{52}\)OA (M. Cooper, 20 June 1746), 38.

\(^{53}\)Criminal Chronology (1809), 2:234; 2:238.

\(^{54}\)The Morning Chronicle and London Advertiser (24 October, 1778), 3. I am grateful to Simon Devereaux for this reference.
forgers such as "the unfortunate Doctor Dodd" and the Perreau brothers. The public seemed willing to believe "the Macaroni Parson's" protestations that he had had every intention of repaying the money he had "borrowed" by forging the signature of the Earl of Chesterfield; his 1777 execution, according to one scholar, "was widely regarded, not as the condign and exemplary punishment of a scoundrel but as the unmerited suffering of a victim more sinned against than sinning who had been heartlessly sacrificed to the letter, not the spirit of the law..." 55 Similarly, the Perreaus, who had been hanged the previous year—also for forgery—were seen by many as the innocent dupes of a scheming woman, the inimitable Mrs. Caroline Rudd. 56 In part such eminent criminals were of interest because they were unusual: it was, after all, hardly surprising if the "meaner sort" of people committed crimes, but it was something else when a gentleman (let alone a clergyman) of credit and unblemished character died a felon's death at Tyburn. It would also seem, however, as though the readers of later criminal literature were increasingly unable to identify with the "common" criminal: the latter was no longer "Everyman" or "Everywoman", but someone essentially "other", stripped as much of individuality as of independent moral agency.

The older notion that the advantages of birth, fortune and education aggravated an offender's guilt was fast being replaced by a sympathy for gentlemen who found themselves in straitened circumstances. Even before the cause célèbres of Dodd and the Perreaus in the 1770s, genteel forgers were painted as tragic figures whose choices may have been


56For more on the Perreaus and Mrs. Rudd, see Donna T. Andrew and Randall McGowan, "A Case of Faces" (Berkeley [CA], forthcoming).
unfortunate, but whose superior social class and finer sensibilities entitled them to a certain commiseration denied their more vulgar fellow sufferers. In one 1750 Ordinary's Account, we are led to understand that William Baker, executed for forgery, was a victim not of his own vicious inclinations but of the vicissitudes of fate. Once a prosperous tradesman, he had fallen on bad times which had

induc'd him to make use of the unhappy Methods for which he had suffer'd, to raise Money, only to supply present Purposes, without direct Intention to have defrauded any Person whatever, but on the contrary, in Hopes to have some lucky Chance or other...to have paid the Gentleman in full of whom he borrow'd the Money...He was a Man that bore an exceeding good Character in the World, which did appear from the Character given him by several worthy Gentlemen, and some of the most eminent Merchants of this great Metropolis, who appear'd on his Behalf upon the Trial; so that had his Intention been really inclin'd to have defrauded, he might have got many Thousands of Pounds of Money and Effects into his Hands, of other People's, and gone off with the same, without the least Suspicion from any Person whatever.

At the place of execution, Baker's "Behaviour all along was...such as was, by all that saw him to the last Minutes, admired and approved of".57

In 1763, John Rice, "a broker" was executed for forgery along with Paul Lewis, a highwayman, and Hannah Dagoe, a shoplifter. In contrast to his fellow sufferers, who were described as "unconcerned and hardy", Rice, "a man of strict honour and integrity", was described as "placid and composed, pious and resigned" in his behaviour.58 We are told that when Rice was found guilty, "he looked up to the bench with a most melting, piteous face, and many tears, imploring mercy", and that when the author (a clergyman) visited him before his trial, "it was with no little concern I saw him totter as if ready to fall when he entered the room, and bowed. His appearance of distress, with dejected mien, and low

57OA (T. Parker and C. Corbett, 31 December 1750), 36-7.

58A Genuine Account of the Remarkable Life and Transactions of John Rice, Broker, For Forgery. Paul Lewis, a Highwayman: and Hannah Dagoe, for stealing Goods out of a Dwelling-House...Written by a Gentleman who attended them before their Execution (T. Truman, 1763), 6; 30.
spirits, scarce supporting his fallen lot, could not fail to affect an humane heart with deep compassion".59

Criminals who could claim genteel status—for the most part forgers, although the occasional gentleman highwayman or thief can also be included in this category—were described not only in more moving terms than were malefactors of a more common stamp, but with more vividness and immediacy. Fairly typical was the portrait of John Martin, a jewel thief executed in 1769.

His behaviour was manly and decent. There were several of his friends in the press-yard, who came to take leave of him, which he did in so moving a manner, as to affect all that were present. Just before he was turned off, about eleven, he made a short speech to the spectators, exhorting them to take warning by his untimely end. He was about five feet ten inches high, forty years of age, genteelly dressed, with his own hair tied behind.60

According to the editors of the 1779 Malefactor’s Register, the finer sensibilities and superior moral sense of genteel offenders should be taken into account in sentencing decisions. While they recommended severe penalties (untempered by mercy) for most property offences, it was believed that forgery should not carry a death sentence, but a term of hard labour, their justification being that

forgers are seldom among the low and abandoned part of mankind. Forgery is very often the last dreadful refuge to which the distressed tradesman flies. These people then are so sensible of shame, [that] perpetual infamy would be abundantly more terrible to such men than the mere dread of death.

Similarly, and evidently because it would deal the same injury to their pride, highwaymen should also be sentenced not to death, but to labour in chains on the King’s highways. The editors included a plate depicting a group of once-gallant highwaymen fitted with irons and

59Ibid., 6; 4.

60Annals of Newgate (1776), 4:228-9.
The "Newgate Calendars" also made some attempt to rehabilitate the reputation of the infamous Earl Ferrers, executed in 1760 for the murder of his steward. While most writers agreed that his sentence of death was just—indeed, as Douglas Hay has pointed out, Ferrers' execution was often cited as a dramatic example of the impartiality of the English law—the editors of later "Newgate Calendars" cast this "unhappy peer" as a figure of tragic proportions.

It would be unjust to the memory of his lordship, to conclude these memoirs without adding, that...he is said to have repaired, as much as possible, the faults he had committed, by generously giving handsome sums to those, whom, in the heat of passion, he had injured. And, in all probability, had not this unhappy peer early imbibed prejudices against the christian religion, he had proved a worthy member of society; and instead of suffering an ignominious death, have lived the ornament of his family, the delight of his friends, and a blessing to mankind.

Increasingly, later criminal accounts characterised the execution of genteel criminal in a tragic light: if not for one fatal misstep, they implied, such unfortunate sufferers would have lived to be an "ornament" to society. More significant perhaps, was the insinuation that, since these gentlemen were possessed of finer sensibilities and a superior moral sense than the more "hardened" common criminal, their "ignominious" deaths were bound to affect the reader more deeply than those of other convicts with whom he or she would not,
presumably, identify so closely. As for the "common" criminal, it would seem that he or she was no longer a metaphor for universal human frailty, but for the disorderliness and the viciousness of the subordinate classes. In 1758, the Ordinary of Newgate, Stephen Roe, described the execution of five petty criminals (three of them very young), not merely as "a most shocking Instance...of the dangerous corruption of Youth", but as an "Occasion" which "call[ed] aloud on all Parents, and Masters of Families, especially the labouring Class, no less than those of higher Stations, to revive and keep up better Means of Instruction, in Order to promote true Religion and Virtue among their Children, Servants, and Dependants".64

iv. Shifting Paradigms, c. 1745-1820

To focus on change rather than on continuity is one of the occupational hazards of the historian. In recent years, many of the grand narratives celebrating (or lamenting) England's transition from the traditional, pre-industrial "world we have lost" to "the first modern society" have come under attack, or have at least been subject to substantial modification and revision.65 Traditionally, at least for scholars, the late eighteenth century has been both the best of times and the worst of times—the age, not only of "Reason", but of the sweeping socio-economic changes ushered in by the Industrial Revolution: its advances and opportunities paving the way for the rise of the bourgeoisie; its hardships and dislocations, for the "making" of the working classes.66 This model of economic progress and, for some, moral regress, of change and class conflict has been criticised by many recent scholars who

64OA (T. Parker and M. Cooper, 2 October 1758), 68.

65These phrases are taken from Peter Laslett, The World We Have Lost (London, 1965), and A.L. Beier, David Cannadine and James M. Rosenheim, ed., The First Modern Society: Essays in English History in Honour of Lawrence Stone (Cambridge, 1989).

have focused rather on continuity and consensus, and who have claimed that this period was characterised not by the creation of two nations, but the "forging" of one; that the industrial revolution was preceded by a "consumer" revolution, or that traditional practices and methods persisted well into the nineteenth century; or simply, that we would be wiser not to speak of "Revolutions" at all.\(^6\)

Yet the England of 1775 was very different from the England of 1675. It was, in at least some respects, a much more secular society. Educated people no longer believed in witches and the active intervention of supernatural beings in everyday life; they scoffed at the earlier stories demonstrating the active hand of Providence in bringing malefactors to justice--of ghostly apparitions that drove the guilty to confess, and of corpses that twitched or bled in the presence of their murderers. Yet only a generation earlier, writers such as Fielding and Defoe had written (albeit a little self-consciously) of the "History of Apparitions" and of "Examples of the Interposition of Providence in the Detection and Punishment of Murder".\(^6\)

In a world in which so much criminal activity went unpunished or even undetected, readers no doubt took comfort in the fact that, just as surely as the hardened ill-liver, no matter how

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\(^6\)Daniel Defoe (under the pseudonym Andrew Moreton), *The Secrets of the Invisible World Disclos'd; or a Universal History of Apparitions Sacred and Prophane...* (J. Clarke, A. Millar & J. Brindley, 1738), and Henry Fielding, *Examples of the Interposition of Providence in the Detection and Punishment of Murder...* (A. Millar, 1752).
many narrow escapes he (or she) enjoyed, would eventually end his life at the gallows (after all, according to the old adage, "he that is born to be hanged, will never be drowned"), even "the best hid Criminal practices" would be brought to light by "sudden, dreadful, and unexpected Strokes...met with, from the unsearchable Conduct of divine Justice".  

Yet even by the 1730s, writers who included such material were clearly conscious that such "Relations" might "expose" them "to the Raillery and the Ridicule of a very numerous Tribe of Wits in this Age, who value themselves extremely on their Contempt of supernatural Stories". And, by the end of the century, such "supernatural Stories" were generally confined to the pages of the Gothic novel (and where, moreover, the reader usually discovered that the haunting music and phantasmagoric visions which sent shivers down his or her spine were the products of human rather than ghostly agency).

At the same time as the authors of late eighteenth- and early nineteenth-century criminal literature equated supernatural, even "Providential" occurrences with the superstitions of the common, or "Country" people, they increasingly framed their discussions of the criminal law in a secular and concrete rather than a morally abstract context. The editors of the later "Newgate Calendars" (for the most part lawyers) adopted a reformist position, turning their attention to criticising the inconsistencies and irrationalities of the criminal law: while many believed that in some cases the law should be more vigorously enforced, there was a growing conviction that "it is better to prevent crimes than to punish them", and quoted from the works of Beccaria, Colquhoun and even Voltaire to illustrate the

69 Lives of the Most Remarkable Criminals (1735), 3:393.

70 Ibid., 3:423. Captain Charles Johnson is similarly apologetic about including a reference to a witch's predictions in his 1734 General History of the Highwaymen: "This, at least is what was repeated in the Country, and those who give any Credit to the Stories of Witches, may believe as much of it as they please: Those who laugh at these Things can't blame us for relating what we have been informed of" (322).
utilitarian dictum that "the fundamental principle of good legislation, which is the art of conducting men to the maximum of happiness, and to the minimum of misery, if we apply this mathematical expression to good and evil of life". Rather than trusting in a higher court which would sort out the inequities of the "human Courts of Judicature (where the Mind of men can not otherwise appear, but by their Actions)"; such later criminal chroniclers seemed increasingly uncomfortable with convicting offenders "on circumstantial evidence"; after all, according to the authors of the 1809 Criminal Chronology, "is it not better that the guilty should escape, than the innocent be punished?". Even the late eighteenth-century Ordinary of Newgate, John Villette, conceded both that reform was possible, and that justice could err—claiming, in one 1774 pamphlet, that "whilst life remains there are Hopes. Criminals have been pardoned under the Gallows, who have turned out useful Members of Society". He also acknowledged that "many have been the Instances of Persons falsely accused" and "Persons" that "have innocently suffered"; therefore, "where the Life of a Person therefore is concerned, Prosecutors and Witnesses cannot be too tender and scrupulous in giving Evidence".

Just as there was a darker side to the reform of the criminal law, for instance, the notion that the law should be made less "sanguinary" primarily so that it could be enforced "to its fullest extent", the belief in the perfectibility, or at least reformability of mankind, seemed to justify greater interference on the part of moral reformers or parish officers in the

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71 The Criminal Recorder (1809), 2:58.
72 OA (J. Applebee, 17 June 1723), 6.
73 Criminal Chronology (1809), 1:396.
lives of the poor. Relying on much the same premise as Henry Fielding's argument that "a Murder behind the Scenes, if the Poet knows how to manage it, will affect the Audience with greater Terror than if it was acted before their Eyes", many recent historians—largely influenced by the work of Michel Foucault—have seen the late eighteenth- and early nineteenth-century penal reforms as underpinned less by humanitarian concerns than a desire to exercise social control over the poorer classes: a shift from a belief in the efficacy of punishments "directed at the body" to one in a "carceral discipline 'directed at the mind'".

We have seen that from the middle of the eighteenth century, crime was increasingly seen less as an individual moral failing than as a product of the environment; specifically, of the "vicious" and illiterate urban poor, or the "residuum". While many scholars of the nineteenth century have charted the rise of the notion of the "residuum" and a corresponding shift from "moralism" to "causalism", or from "individualism" to "individualisation", as I have argued here, the origins of both can be traced back to at least the middle of the eighteenth century. By the late eighteenth century, I have suggested, "viciousness" had acquired a more "classed" meaning: a distinction was made between the "fashionable" vices of the upper classes (for instance, duelling, gambling or adultery) and the criminality of the poor, which was increasingly viewed less as a species of moral transgression than as part of a

75 Newgate Calendar (1824), iii; Criminal Chronology (1809), 1:v.


larger social problem. While in the early eighteenth century, as I have discussed at some length in Chapter VII, it was a common literary device to juxtapose the vices of those in low-life with those of their superiors (not only in rank, but in the scale of their depredations on society), such parallels were seldom drawn in criminal literature after mid-century.

To be sure, much of the late eighteenth-century attack on duelling took the form of a larger reaction against aristocratic privilege; specifically, "the privileges which allowed that class to enjoy immunity from the Law"; however, the sentiment that "gold from law can take out the sting", subscribed to so avidly by such "game" criminals like Paul Lewis was, as we have seen, voiced less and less in criminal accounts as the century progressed. Most social critics of the late eighteenth century, like Fielding a generation earlier, distinguished at least implicitly between the "diversions" of the rich and the "luxuriousness" of the poor. The former may have been viewed as wasteful, extravagant or even immoral, but the latter encouraged "the Dregs of the People" to "[abandon] themselves to Idleness"—with "the more simple and poor-spirited betak[ing] themselves to a State of Starving and Beggary", and "those of more Art and Courage" becoming "Thieves, Sharpers and Robbers". While, by the early nineteenth century, it had become something of a truism that property offenses were the exclusive province of a "criminal class", this had not always been the case, Francis Place believed; in the eighteenth century,

pilfering and Thieving especiall[y] were not then as now [in the early nineteenth century] almost wholly confined to the very lowest of the people, but were practiced by tradesmens [sic] sons, by youths and young men who would now no more commit such act[s] than would the sons of a well bred gentlemen, thieving had not as yet [become] a trade to be followed by those

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81 Henry Fielding, An Enquiry into the Causes of the Late Increase of Robbers, 77.
who lived by it as it has now become.82

This redefinition of crime in social (and class-specific) rather than in purely moral (and universal) terms coincided not only with "the disenchantment of the world", but with a growing gulf between the educated and the illiterate or semi-literate classes. Historians of popular culture such as Peter Burke have seen the early modern period as one in which the "big" cultural tradition (i.e., that of the elite) began to consciously distance itself from the "little" tradition (i.e., of the common people). By the early nineteenth century this separation was complete: the antiquarians had begun to rediscover the "folk", viewing the "popular songs, beliefs and festivals as exotic, quaint, fascinating" and "worthy of collection and record", rather than part of a larger culture that they themselves shared.83 Other historians have seen this period as one in which surviving popular recreations and practices elicited from the middle and upper classes not so much nostalgia or anthropological curiosity, but rather a generalised disapproval or even hostility. According to Robert Malcolmson, after the middle of the eighteenth century, "refinement had triumphed over rusticity"; and as "most gentlemen came to regard [traditional recreations and pastimes] as brutal, gross and uncivilized", efforts were made to systematically repress or at least to "overhaul" them.84

The newly refined sensibilities of the educated classes extended into the realm of criminal justice: scholars such as Pieter Spierenburg, largely influenced by Norbert Elias's work on the "civilizing process", have linked the late eighteenth-century discomfort with blood-sports and other forms of cruelty in general and public executions in particular to "a transformation of sensibilities", in which the elites "identified to a certain degree with


83Peter Burke, Popular Culture in Early Modern Europe (New York, 1978), 281.

84Popular Recreations in English Society, 1700-1850 (Cambridge [England], 1973), 163.
convicts on the scaffold. These delicate persons disliked the sight of physical suffering: even that of the guilty". 85 Many recent scholars have been careful to emphasise that this "transformation of sensibilities" should not be seen in terms of a humanitarian advance; as V.A.C. Gatrell has argued, we should not confuse "squeamishness with sympathy or empathy". 86

However we interpret the nature of the late eighteenth-century "transformation of sensibilities", it seems apparent that the elites were fast losing interest in the "lives" of individual criminals whose offences and social origins alike could be considered "common". The quintessential criminal celebrity was no longer the repentant murderer or the "game" street-robber or highwayman, but the genteel forger. The Ordinary's Account and other publications featuring the "lives" and "Last Dying Confessions" of criminals had all but died out by the 1760s: "common criminals"—at least those long dead and thus effectively silenced—still lived on in the pages of the "Newgate Calendars", but, as the property offender became synonymous with the "viciousness" and disorderliness of the "residuum" rather than a symbol of a more universal human depravity, such figures were increasingly stripped not only of independent moral agency, but even of individuality. Newspapers tended to gloss over the exploits of such common criminals, and seldom, if ever, printed or solicited their confessions or life stories.

There were still execution broadsheets, but they were ephemeral publications, seldom dated or bearing an imprint, and obviously intended for an unambiguously "popular" (that is, plebeian) audience. In William Godwin's 1794 novel, Caleb Williams, the protagonist


86 Gatrell, Hanging Tree, 267.
somewhat sheepishly buys one such "paper" from a hawker "bawling his wares". Yet the reader is given to understand that the hero would not have had the slightest interest in "this species of publication" if the "life" he had purchased had not been purported to have been his very own. A truly "popular" (in the sense of being inclusive) criminal literature seems not to have existed after the middle of the eighteenth century. In many respects this appears to have been because the viciousness of the lower orders was seen as essentially different from the frailties of their social superiors. Newspapers and pamphlets often described the "fashionable vices" of the age, but focused on the viciousness of the urban poor only insofar as they were encouraging their readers to reform the morals of a class of people from whom they were as culturally estranged as they were geographically and socially removed; conversely, Hannah More's tracts were fairly specific in seeing crime as a product of the lower class audience they were ostensibly addressing.

It seems plausible that the literature of crime ceased to address a wide-cross section of society at a time when the middle and upper classes were distancing themselves from the "vulgarity" and "grossness" of the very same kinds of publications enjoyed (however covertly) by their parents and grandparents; when crime itself was seen less in the context of universal human frailty than as a product of "low-life in affliction"; and when "delicate persons" were becoming increasingly uncomfortable with the idea of hanging men and women for property offences. But, as I have suggested in previous chapters, the writers and editors of criminal literature seem to have become increasingly uncomfortable, not only with

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87 William Godwin, Things as They are; or the Adventures of Caleb Williams, ed. Maurice Hindle (Harmondsworth, 1988), 278-9.

the "vulgarity" of their material, but of the way in which it provided a forum for the common criminal—and a forum, moreover, in which the "game" highwayman or sinner-cum-saint could often appropriate or even redefine the formula of the "life" or the "Last Dying Confession" to suit his or her own purposes.

One of the major themes of this study has been the way in which, until the middle of the eighteenth century, the relatively undiscriminating and seemingly unsatiable public demand for details of malefactors' lives enabled or even facilitated a certain freedom of expression on the part of the criminal about to be hanged. While I would not go so far as to suggest that the "confessional" or "rogue" literature discussed here was subversive rather than normative in its intent, both drew from traditions which were implicitly egalitarian—even if this only meant that all men and women were sinners, or that "all the world" was "a rogue". Many condemned criminals appeared to have, consciously or unconsciously, appropriated the satirical or moral messages inherent to such traditions to suit their own needs: by dying "in peace with all the world", and by expressing a willingness to die for his or her sins, the condemned criminal could (and often did) imply that he or she was more virtuous than the undiscovered "private sinner" whose crimes went unpunished and unexpiated. Similarly, the "game" highwayman could suggest that he, unlike the "great" or "state" villain who preyed, with impunity, on all mankind, was willing to take responsibility for his actions and pay for them with his life.

As I have argued in Chapter VI, an explanatory paradigm predicated on the belief that crime was an individual choice—a failure of a moral rather than a congenital order—was one which, while often fraught with ambiguities and rent with contradictions, still managed to tolerate and even successfully incorporate such inconsistencies. In part, it would seem, this was because criminals as well as moralists clung with surprising tenacity to a moral definition
of crime. A large number of criminals denied having committed the crimes for which they were to suffer; many women (as I have discussed in the previous chapter) cast themselves as helpless victims of overbearing or abusive men; and many more men and women cited various factors which would seem to extenuate the gravity of their crimes—most notably poverty, or "necessity". Yet the vast majority of all criminals, as we have seen, seemed willing enough to admit that they were egregious sinners and ill-livers who were not only deserving, but willing to die for crimes both public and public.

Instances of criminals seriously questioning the justice of their sentences, let alone the legitimacy of the criminal law, were surprisingly rare. There were some exceptions; for instance, John Davis, who when "intreated" to "resign himself wholly to God, and to submit to the divine pleasure", remarked sourly that "it was the Will of Man, but he hop'd for better things from God".89 A few men and women, like one horsethief executed in 1726, "could not forbear complaining of the Severity of the Law, and find fault with its Rigour", but for the most part such grumbling was confined to the punishment of what historians have termed "social crimes"—i.e., smuggling, poaching or similar "victimless" crimes, like returning early from transportation.90 Charles Graven, while behaving with "utmost Resignation to the Will of God, and his Sentence", nonetheless observed, that "if being a Smuggler deserves Death, he said he had his Due; but forgave, as he hoped to be forgiven..."; similarly, John Catt, while behaving "exceedingly well", "thought Smuggling an Offence, but no great Sin, and could not be persuaded to think or say otherwise, pretending one Excuse or other".91

89OA (J. Applebee, 28 May 1733), 10.

90Lives of the Most Remarkable Criminals (1735), 2:258.

91OA (T. Parker, 26 March 1750), 24; OA (J. Applebee, 18 March 1740-1), Part I, 11. See also OA (T. Parker and C. Corbett, 31 December 1750), 32; OA (J. Applebee, 3 April 1721), 3; Lives of the Most Remarkable Criminals (1735), 1:75.
But for the most part criminals seemed willing enough to portray themselves as sinners so hardened as to be irreclaimable. While James Dalton "absolutely denied...the Crime for which he suffered", he freely forgave even his prosecutor, and "owned...that for twenty Years past he never rose out of his Bed, but he deserved the Gallows". He admitted to first visiting "Common Whores" at the age of eleven, and "he said he could scarce remember the Tenth Part of the Villainies he had committed for in short, his whole Life was nothing but a Complication of the worst of Vices, Robberies, Thefts, Whoredoms, drinking to Excess, swearing and blaspheming, cheating, lying, &c....".92 Charles Vanderhuys, hanged in 1719, was like many criminals in that, despite having made several resolutions to reform his life, such "Thoughts" were "but...slight and transient", and he would, "(with the Dog to his Vomit, and the wash'd Sow to her wallowing in the Mire) soon [return] to his foul Practices".93 Others, like the shoplifter Arabella Thomas, "wished she had dy’d when under Condemnation before; for then she could have repented more easily: She should not have been under such hard Circumstances: She should not have abus’d so much Mercy, nor have had so many Sins to answer for, as now she had".94

I have argued that such admissions should be seen less as a expression of "false consciousness" or even as kind of "internalised obedience", than as a strategy by which condemned men and women could make a good end in the context of a society which stressed the importance of assuming individual responsibility for one's actions and of exonerating others of blame; that, is of "dying in peace with all the world". Dying well could not only be empowering, but allowed the criminal to remind spectators that he (or she) was in essence

93OA (Samuel Briscoe, 22 July 1719), 5.
94OA (J. Morpew, 23 December 1713), 3.
no worse than they were (after all, all men and women were sinners), and in some respects perhaps better, because he at least was willing to die for his sins, and thus "expiate" his "Crime" with his "Blood". 95

In Chapter VII, I have discussed how the "game" criminal in particular flaunted his willingness to die, and often in the process at least implicitly encouraged spectators to compare his behaviour with that of his social "betters". As we have seen, early eighteenth-century writers made frequent use of the "game" criminal to draw parallels between high life and low: between the petty criminal hanged for theft, and the state robber rewarded for his crimes. Yet, after roughly the middle of the eighteenth century, it would seem that criminal literature no longer lent itself to social satire. One early nineteenth-century "Newgate Calendar" quoted some verses penned in honour of the 1738 execution of the lawyer Thomas Carr for robbery: "How equally unjust and hard the fate/ (From murder free and crimes against the state)/ To die for theft thou knew'st not to conceal/ Why thy fraternity per legem steal/ And did justice impartial decide (sans reproaches)/ They all by St. Andrew would ride in their coaches". As the editors explain, "in the times in which he suffered it was a fashion to court the muse upon the exit of a remarkable or notorious character". 96 Clearly, those times were gone.

As I have argued here, the 1740s were a critical decade—the period in which criminal literature reached its apogee, and also began its precipitous decline. The Ordinary's Account was transformed from a semi-picaresque publication featuring extensive "autobiographies" of criminals, to one focusing on editorial discussions of social issues rather than on the

95Select Trials (1742) 2:94.

96Newgate Calendar (1824), 1:362-3.
confessions of criminals—whose stated purpose was, on one hand, to recruit its readers to the cause of reforming the morals of the working poor, and on the other, to "attempt to describe low-life in affliction". In this same period, highwayman literature began to die out as an original genre—its social critique blunted as its claims to contemporary relevance were slowly abandoned—and even the Old Bailey Sessions Papers were under increasing pressure from the City to dispense with all inappropriate levity and to purge themselves of salacious or graphically sexual material.

To some degree, the very openness and inclusiveness of early eighteenth-century criminal literature contributed to its decline. An increasingly competitive market which solicited the "true" accounts of criminals, and prided itself on its objective commitment to reporting facts, presented to its audience a possibly too-vivid and realistic picture of the urban criminal. The mythical and semi-fictitious highwayman was perhaps a more satisfactory vehicle for social satire than his living counterpart, who might be tempted to appropriate the medium for his own use. The celebrity of the "game" criminal who presided over "Tyburn Fair" and who was not averse to using the gallows as a very public forum for his own particular brand of courage and passive-aggressive defiance, it would appear, jarred more and with the sensibilities of middle- and upper-class observers as the century progressed. It may be significant that the genre of criminal literature which demonstrated the greatest resilience was what I have referred to as the "legal tradition": these were the publications, after all, best suited to deflate the pretensions of the common criminal by portraying him or her as clumsy and inept, a pathetic creature whose own barbs not only often misfired, but who was himself (or herself) all too often the butt of ridicule.

By the mid-1760s the Ordinary's Account had died out as a regular serial publication, and other forms of criminal literature dealing with contemporary "common" criminals were
fast losing the broad audience they had once enjoyed. The "common" criminal himself (or herself) had metamorphosed into a symbol of the viciousness of the lower orders, an object of pity, but also a possible source of contagion. Much like women or children, the working-class criminal was stripped of independent moral agency and even of individuality. Crime itself was seen, not in the context of a universal human propensity to sin, but as the product of a particular socio-economic environment. The expressions of "game" highwayman were "stifled", rather than employed in the service of social satire; the common criminal had lost the broad audience he or she had once commanded.

I am not postulating a kind of "golden age" of the criminal, in which he or she may have fallen victim to the rigours of "the Bloody Code", but in which he or she maintained a modicum of dignity and even exercised a certain degree of agency. It would be misplaced nostalgia indeed to lament the passing of an age in which—to cite a famous example—it was a misdemeanour to kidnap a child, but a criminal offence punishable by hanging to steal that same child's shoes (if they were valued at over a shilling). Yet I would argue that any study of crime in the late seventeenth or early eighteenth century should acknowledge that the problems contemporaries dealt with were formidable and seemingly intractable, and that while the terms in which they may have framed such problems, or justified their solutions, may seem strange or foreign to us today, that does not mean that they were irrational or maliciously informed.

It would be wrong, moreover, to view the men and women hanged at Tyburn simply as the pathetic and inherently passive victims of an age which placed a higher premium on property than on human life. And, while we may be thankful that people (in the western world at least) are no longer hanged for property crimes, it would also be wrong to view crime—whether in the past or in the present—simply as a social construction, or as a problem
that has any simple or easy solution. To borrow the words of Edward Thompson (albeit in a context slightly different than that of their original), "our only criterion of judgement should not be whether or not a man's [or a society's] actions are justified in the light of subsequent evolution. After all, we are not at the end of social evolution ourselves".\textsuperscript{97} Nor should we forget that many of the problems with which late seventeenth- and early eighteenth-century criminal accounts grappled are still, in one form or another, with us today.

\textsuperscript{97}E.P. Thompson, \textit{The Making of the English Working Class}, 12.
Table 1: Criminals Condemned at the Old Bailey, Reprieved and Executed from 1 November 1700 to 31 October 1718

<table>
<thead>
<tr>
<th>Mayoral year</th>
<th>Number of criminals condemned</th>
<th>Number of criminals pardoned or reprieved</th>
<th>Number dying between condemnation and execution</th>
<th>Executed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nov. 1700-Oct. 1701</td>
<td>118</td>
<td>48</td>
<td>4</td>
<td>66</td>
</tr>
<tr>
<td>Nov. 1701-Oct. 1702</td>
<td>49</td>
<td>36</td>
<td>0</td>
<td>13</td>
</tr>
<tr>
<td>Nov. 1702-Oct. 1703</td>
<td>38</td>
<td>20</td>
<td>0</td>
<td>18</td>
</tr>
<tr>
<td>Nov. 1703-Oct. 1704</td>
<td>35</td>
<td>18</td>
<td>0</td>
<td>17</td>
</tr>
<tr>
<td>Nov. 1704-Oct. 1705</td>
<td>44</td>
<td>28</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>Nov. 1705-Oct. 1706</td>
<td>33</td>
<td>28</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>Nov. 1706-Oct. 1707</td>
<td>23</td>
<td>5</td>
<td>0</td>
<td>18</td>
</tr>
<tr>
<td>Nov. 1707-Oct. 1708</td>
<td>34</td>
<td>16</td>
<td>0</td>
<td>18</td>
</tr>
<tr>
<td>Nov. 1708-Oct. 1709</td>
<td>39</td>
<td>29</td>
<td>0</td>
<td>10</td>
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<tr>
<td>Nov. 1709-Oct. 1710</td>
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<td>28</td>
<td>0</td>
<td>8</td>
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<tr>
<td>Nov. 1710-Oct. 1711</td>
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<td>23</td>
<td>0</td>
<td>13</td>
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<tr>
<td>Nov. 1711-Oct. 1712</td>
<td>43</td>
<td>29</td>
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<td>15</td>
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<td>25</td>
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<tr>
<td>Nov. 1713-Oct. 1714</td>
<td>108</td>
<td>48</td>
<td>1</td>
<td>59</td>
</tr>
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<td>Nov. 1714-Oct. 1715</td>
<td>76</td>
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<td>38</td>
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<td>Nov. 1715-Oct. 1716</td>
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<td>52</td>
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<td>70</td>
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<td>55</td>
</tr>
<tr>
<td>Nov. 1717-Oct. 1718</td>
<td>91</td>
<td>60</td>
<td>1</td>
<td>30</td>
</tr>
<tr>
<td>Totals</td>
<td>1117</td>
<td>617</td>
<td>6</td>
<td>494</td>
</tr>
</tbody>
</table>

Percentage of condemned criminals reprieved: 55.2%

Percentage of condemned criminals executed: 44.2%

Average number of criminals sentenced at the Old Bailey hanged per year during period from November 1700-November 1718: 27.4

Average number of criminals executed on a hanging day during this period (assuming that there are, on average, six hanging days a year): 4.6

Source: These figures are from the Ordinary's Account (OA [S. Briscoe, 31 October]). Paul Lorrain, Ordinary during this period, occasionally appended statistics to his Account.
Table 2: Male and Female Criminals Reprieved and Executed in 34 Ordinary's Accounts, 1713-1730

The Ordinaries of Newgate sometimes provided details in their Account of the number of male and female criminals condemned at the Old Bailey, and later either pardoned/reproved/respited or executed. While I do not possess a perfect run of the Account, I have selected several periods (i.e., from 1713 to 1719, 1723 to 1724, and 1726 to 1730) in which I can provide a large enough sample to give a general picture of the proportion of female offenders executed. (Note the low number of pardons and reprieves during the "crime wave" of the early 1720s).

<table>
<thead>
<tr>
<th>Date of Ordinary's Account</th>
<th>Criminals under sentence of death in Newgate&lt;sup&gt;1&lt;/sup&gt;</th>
<th>Criminals pardoned, reprieved or respited</th>
<th>Criminals executed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Total</td>
</tr>
<tr>
<td>29 April 1713</td>
<td>6</td>
<td>0</td>
<td>6</td>
</tr>
<tr>
<td>23 Dec. 1713</td>
<td>17</td>
<td>6</td>
<td>23</td>
</tr>
<tr>
<td>29 Jan. 1713/4</td>
<td>9</td>
<td>0</td>
<td>9</td>
</tr>
<tr>
<td>27 Oct. 1714</td>
<td>8</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>22 Dec. 1714</td>
<td>8</td>
<td>0</td>
<td>8</td>
</tr>
<tr>
<td>2 Feb. 1714/5</td>
<td>5</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>3 Aug. 1715</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>23 Dec. 1715</td>
<td>8</td>
<td>5</td>
<td>13</td>
</tr>
<tr>
<td>19 Sept. 1716</td>
<td>20</td>
<td>12</td>
<td>32</td>
</tr>
<tr>
<td>20 March 1716/7</td>
<td>23</td>
<td>5</td>
<td>28</td>
</tr>
<tr>
<td>27 Jan. 1717/8</td>
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<td>11</td>
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<td>13 Feb. 1718/9</td>
<td>15</td>
<td>4</td>
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</tr>
<tr>
<td>23 July 1719</td>
<td>6</td>
<td>4</td>
<td>10</td>
</tr>
<tr>
<td>8 Feb. 1722/3</td>
<td>5</td>
<td>2</td>
<td>7</td>
</tr>
<tr>
<td>8 April 1723</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>9 Sept. 1723</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>6 Nov. 1723</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
</tbody>
</table>

<sup>1</sup>This includes not only those men and women sentenced to death at the last "gaol-delivery" at the Old Bailey Sessions, but those who had been condemned previously, only to be temporarily respited, and then finally (in the contemporary term) "called down to their former judgement".

<sup>2</sup>One criminal died of a "feaver" between condemnation and execution.

<sup>3</sup>Lorraine's statistics do not add up here; he claims that 32 prisoners were condemned, that 17 were reprieved and 5 temporarily respited, and that 11 were ordered for execution. This indicates that a total of 21 rather than 22 felons were reprieved or respited.

<sup>4</sup>Again, Lorraine gives the number of criminals reprieved as 12, which would leave 16 ordered for execution. But as only 14 men and 1 woman were executed, I will assume that Lorraine neglected to include one male prisoner respited or reprieved (he does not record anyone dying in prison during this period).

<sup>5</sup>The number would have been 9, but one died prisoner between condemnation and execution.

499
Table 2 cont.

<table>
<thead>
<tr>
<th>Date of Ordinary's Account</th>
<th>Criminals under sentence of death in Newgate</th>
<th>Criminals pardoned, reprieved or respited</th>
<th>Criminals executed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Total</td>
</tr>
<tr>
<td>4 Dec. 1723</td>
<td>7</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>3 Dec. 1723</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>3 Feb. 1723/4</td>
<td>5</td>
<td>0</td>
<td>5</td>
</tr>
<tr>
<td>29 April 1724</td>
<td>10</td>
<td>1</td>
<td>11</td>
</tr>
<tr>
<td>15 June 1724</td>
<td>3</td>
<td>1</td>
<td>4</td>
</tr>
<tr>
<td>9 May 1726</td>
<td>13</td>
<td>2</td>
<td>15</td>
</tr>
<tr>
<td>27 June 1726</td>
<td>7</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>13 Feb. 1726/7</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>20 Nov. 1727</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>12 Feb. 1727/8</td>
<td>7</td>
<td>0</td>
<td>7</td>
</tr>
<tr>
<td>11 Nov. 1728</td>
<td>15</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>7 Feb. 1728/9</td>
<td>6</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>25 July 1729</td>
<td>1</td>
<td>0</td>
<td>1</td>
</tr>
<tr>
<td>22 Aug. 1729</td>
<td>4</td>
<td>2</td>
<td>6</td>
</tr>
<tr>
<td>22 Dec. 1729</td>
<td>6</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>17 April 1730</td>
<td>9</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>12 May 1730</td>
<td>9</td>
<td>1</td>
<td>10</td>
</tr>
</tbody>
</table>

Total number of condemned (N.B., in sample; not for the whole period).

<table>
<thead>
<tr>
<th>Men</th>
<th>Women</th>
<th>Men and women</th>
</tr>
</thead>
<tbody>
<tr>
<td>266</td>
<td>69</td>
<td>335</td>
</tr>
</tbody>
</table>

Percentage of condemned male or female

<table>
<thead>
<tr>
<th>Men</th>
<th>Women</th>
</tr>
</thead>
<tbody>
<tr>
<td>79.4</td>
<td>20.6</td>
</tr>
</tbody>
</table>

6The one woman in this group died between condemnation and execution.

7Two male prisoners had died between condemnation and execution.

8One of the prisoners had died between condemnation and execution (although it was believed likely that he would have received a pardon).
Table 2 cont.

<table>
<thead>
<tr>
<th>Total number of prisoners pardoned, reprieved or temporarily respite</th>
<th>Percentage of those reprieved</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Men</strong></td>
<td><strong>Women</strong></td>
</tr>
<tr>
<td>96</td>
<td>53</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total number of prisoners executed (in sample)</th>
<th>Percentage of total executed male or female</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Men</strong></td>
<td><strong>Women</strong></td>
</tr>
<tr>
<td>166</td>
<td>15</td>
</tr>
</tbody>
</table>

Based on this sample, the average number of criminals executed on a hanging day between April 1713 and May 1730: 5.2
Table 3: Male and Female Criminals Reprieved and Executed in 22 Ordinary's Accounts, 1741-1746

While I do not possess a perfect run of the Ordinary's Account, the records from the early 1740s are complete enough to give a general picture of the proportion of female offenders executed. The following table is composed of the information found in 22 Accounts from March 1740/1 to August 1746. While there are many Accounts from this period I have been unable to locate, those that remain should be fairly representative.

<table>
<thead>
<tr>
<th>Date of Ordinary's Account</th>
<th>Criminals under sentence of death in Newgate</th>
<th>Criminals pardoned, reprieved or respite</th>
<th>Criminals executed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Men</td>
<td>Women</td>
<td>Total</td>
</tr>
<tr>
<td>18 March 1740/1</td>
<td>18</td>
<td>13</td>
<td>31</td>
</tr>
<tr>
<td>12 June 1741</td>
<td>5</td>
<td>1</td>
<td>6</td>
</tr>
<tr>
<td>16 Sept. 1741</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>13 Jan. 1741/2</td>
<td>11</td>
<td>5</td>
<td>16</td>
</tr>
<tr>
<td>7 April 1742</td>
<td>10</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>12 July 1742</td>
<td>9</td>
<td>1</td>
<td>10</td>
</tr>
<tr>
<td>22 Nov. 1742</td>
<td>15</td>
<td>1</td>
<td>16</td>
</tr>
<tr>
<td>13 April 1743</td>
<td>20</td>
<td>4</td>
<td>24</td>
</tr>
<tr>
<td>21 Oct. 1743</td>
<td>8</td>
<td>1</td>
<td>9</td>
</tr>
<tr>
<td>17 Feb. 1743/4</td>
<td>16</td>
<td>1</td>
<td>17</td>
</tr>
<tr>
<td>8 June 1744</td>
<td>6</td>
<td>3</td>
<td>9</td>
</tr>
<tr>
<td>5 Oct. 1744</td>
<td>11</td>
<td>2</td>
<td>13</td>
</tr>
<tr>
<td>7 Nov. 1744</td>
<td>4</td>
<td>3</td>
<td>7</td>
</tr>
<tr>
<td>24 Dec. 1744</td>
<td>20</td>
<td>1</td>
<td>21</td>
</tr>
<tr>
<td>15 March 1744</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>7 June 1745</td>
<td>5</td>
<td>3</td>
<td>8</td>
</tr>
<tr>
<td>9 July 1745</td>
<td>6</td>
<td>2</td>
<td>8</td>
</tr>
<tr>
<td>26 July 1745</td>
<td>4</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>4 April 1746</td>
<td>7</td>
<td>5</td>
<td>12</td>
</tr>
<tr>
<td>20 June 1746</td>
<td>3</td>
<td>0</td>
<td>3</td>
</tr>
<tr>
<td>1 August 1746</td>
<td>8</td>
<td>0</td>
<td>8</td>
</tr>
</tbody>
</table>

1This figure includes James Hall, a condemned murderer who was executed near the scene where the crime had been committed, two days before the other convicts where hanged at Tyburn.

2Included in this figure is Thomas Pinks, who escaped from prison several days before he was scheduled to be executed. He was, however, recaptured and hanged the following month.

3This figure includes one prisoner who died while awaiting execution.
Table 3 cont.

<table>
<thead>
<tr>
<th>Total number of prisoners sentenced to death (N.B., in sample: not for whole period)</th>
<th>Percentage of those sentenced male or female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>191</td>
<td>52</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total number of prisoners pardoned, reprieved or temporarily respite</th>
<th>Percentage of those reprieved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>53</td>
<td>30</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total number of prisoners executed</th>
<th>Percentage of total executed male or female</th>
</tr>
</thead>
<tbody>
<tr>
<td>Men</td>
<td>Women</td>
</tr>
<tr>
<td>137</td>
<td>22</td>
</tr>
</tbody>
</table>

Based on this sample, the average number of criminals executed on a hanging day between March 1741 and August 1746: 7.2
Appendix: The Ordinaries and their Account c. 1675-1760.

The earliest Accounts (from c. 1675 to c. 1685), are generally divided into the following sections: 1. opening paragraph explaining or defending moral utility of Account; e.g., "this Sheet is made publick, as a Seaman to all that read or hear it, that they may avoid those fatal rocks of sin..."; 2. Short summary of trials, often prefaced or followed by a recapitulation of the Ordinary's sermon; 3. Brief description of behaviour of condemned in prison; 4. description of last confessions and behaviour at place of execution.

After c. 1685, the Account generally consists of three sections: 1. summary of Ordinary's sermon and visits to prisoners; 2. confession/short biographical sketches of criminals; 3. short summary of behaviour of criminals at Tyburn. The Account maintains this general format throughout its existence, although beginning in the 1720s, the biographies of individual criminals are also preceded by indictments.

Samuel Smith (Ordinary from 1675—when the earliest Accounts make their appearance—until his death in August 1698 at the age of 72). A former fellow of St. John Baptist's College in Oxford. According to Defoe's (seldom completely reliable) chronology, this is the Ordinary who disgusted Moll Flanders by "preaching Confession and Repentance...in the Morning" and being "drunk with Brandy and Spirits by Noon". Labelled "the Question-Monger" by the anonymous author (sometimes identified as Defoe himself) of The History of the Press-Yard (1717), notorious for his somewhat frenzied efforts to bring condemned criminals to a confession of sins as well as crimes, and rather excessive in his emphasis on the dangers of Sabbath-breaking. Very unsympathetic to "Papists".

The Account: During Samuel Smith's tenure as Ordinary, there are many publications vying for the market in "Last Dying Speeches". Smith's Accounts can generally be distinguished from competitors by the fact that they are dated and signed by him, and place greater emphasis on the sermons to the condemned.

Title: in the 1670s and early 1680s, Smith's Account generally begins with The Behaviours, Confessions, Last Speeches, and Execution...; after around 1685, A True Account of the Prisoners Executed at Tyburn...

Printers: many different printers publish both the authorised Accounts and those of competitors (it is in fact common for a printer to switch back and forth between printing both authorised and non-authorised Accounts); some of the more prominent printers are David and Elizabeth Mallet, Langley Curtiss and George Croom.

Format: varies, but Account tends to take the form of a short pamphlet in the earlier part of Smith's tenure and a single or double-sided broadsheet in the later part (i.e., a quarter- or half-folio sheet). Until around 1690, the Account tends to be written in the third person (i.e., "the Ordinary visited the prisoners every day").

Price: 2d.

John Allen (August 1698 to May 1699). Dismissed for "undue practices" such as "extorting money from several convicts, under pretence of procuring them reprieves or pardons...as also for his frequent prevarications in the printing and publishing the pretended confessions of the respective criminals that are executed at Tyburn, contrary to the duty of his place and function"(CLRO, Rep. 10, f. 340 [28 May 1700]).

The Account:

Title: begins with A True Account of the Prisoners Executed at Tyburn...

Printer: Elizabeth Mallet.

Format: double-sided page (half-folio sheet).

Price: 2 d.

Roger Wykes (June to October 1700).

The Account:

Title: changes to The Confession, Behaviour and Dying Speeches... in July 1700.

Printer: Elizabeth Mallet.

Format: double-sided page (half-folio sheet).

Price: 2 d.

Paul Lorrain (November 1700—November 1719). Speaks French fluently (probably from family of French refugees), defensive about his integrity; plays up the rigours of his "ungrateful" and "melancholy" office, often closes the Account complaining of his fatigue; diligent in compiling statistics; described by Linebaugh as "one of
Appendix cont.

the most enterprising of eighteenth-century Ordinaries" ("The Ordinary of Newgate and His Account", 248), he is reputed to have died with an estate of £5000; runs his own show (using the Account to advertise his own devotional tracts), changes printers at will, and apparently for profit. Dryden Leach, one printer thus dismissed, complains that Lorrain gave his copy of the Account to a rival, claiming "That truly he must take him that would pay him best, by this he excluded me: And now whether this is a Practice becoming a Clergyman or a Tradesman, I leave to the judicious part of Mankind, to make their own just Reflections" (A True Account of the Behaviour, Confession, and Last Dying Speech of John Herman Bryan [Dryden Leach, October 1707], 2).

The Account:
Title: changed in January 1700-1 to Ordinary of Newgate, His Account of the Behaviour, Confessions and Dying Speeches of the Condemned Criminals that were Executed at Tyburn...; several months afterwards, this is prefaced with a "the", and the name changes for the last time: i.e., The Ordinary of Newgate, etc...
Printers: printer changes from E. Mallet to J. Downing in March 1703-4; to Dryden Leach in May 1706; to T. Bradylyl (sold by Benjamin Bragg) in October 1707; to J. Morphew in July 1710; to S. Briscoe in July 1718; to S. Briscoe in July 1718; to J. Jefferies (sold by J. Morphew) in May 1719; to Samuel Briscoe in June 1719. to Boreham in November 1719.
Format: 6 page pamphlet.
Price: 3 or 2 d.

Thomas Purney (November 1719—November 1727). Born 1 August 1695; only 24 when he assumes office; frustrated poet (pastoral odes) with Cambridge education; seems rather soft on criminals; lacks energy, health and perhaps personal courage to pressure criminals to confession; often takes "sick leave". Does not put much energy into accounts, although such famous criminals as Jack Sheppard (while James Wagstaff acting Ordinary in his place), Blueskin and Jonathan Wild fall under his jurisdiction. After "A fit of Sickness" compels him to go "into the Country to re-establish his Health" in August 1724 (OA 28 Aug, 1724)—Wagstaff takes over; Purney also absent in October 1724. After September 1725, Purney is regularly replaced by Guthrie until the former's official resignation in November 1727.

The Account
Printers: from Boreham to John Applebee in January 1719-20.
Format: changes from six page pamphlet to double-sided sheet (i.e., folio sheet folded to make up four pages) around 1725.
Price: generally priced at 2 d.

James Guthrie (November 1727-June 1746)—Seen as a particularly ineffective Ordinary by some historians. Apparently loses editorial control over the Account to his printer, John Applebee, who, some time in the mid-1730s, persuades Guthrie "with fair speeches and plausible pretences" to accept an annual payment instead of a percentage (CLRO, Journal, "Humble complaint of James Guthrie Ordinary of Newgate", 19 February 1744). Applebee's sensationalist format and ever-lengthening "appendices" seem to conflict with Guthrie's views of how a serious publication should be produced. Guthrie fires Applebee in 1744 and retires several years later, supposedly because "his Great Age and other infirmities" had "rendred" him "incapable of performing the Duty" of his Office (CLRO, Rep. 150 fo. 240).

The Account
Printers: until December, 1744, John Applebee; in March 1744-5, J. Watson; in June 1745, Mary Cooper; in April 1746, J. Thompson.
Format: from c. 1725, four to five pages (printed on double-sided folio sheet); from the middle of the 1730s the Account reverts to a pamphlet format and gets increasingly longer, reaching up to 40 pages in the early 1740s, and often issued in several parts and with appendices. After 1746, Account back down to around 14 pp.
Price: generally 2 d. (although occasionally 3 d.) until mid-1730s, when price rises to 6 d.

Samuel Rossell (August 1746-to 1747 [month?]). Account continues to shrink in size.
Printers: from August 1746, T. Parker and C. Corbett.
Format: varies from c. 1746, 10-20 pp.
Price: 6 d.
Appendix cont.

John Taylor (1747-1755)
Printers: from T. Parker and C. Corbett to T. Parker and R. Griffiths by April 1754.
Format: varies from c. 10-20 pp; sermon frequently omitted and replaced by newspaper-type essays dealing with social issues, etc; on several occasions, two sessions merged into one Account.
Price: 6 d.

Stephen Roe (1755-64)—Accounts begin to die out in this period.
Printers: after October 1758, T. Parker, sold by M. Cooper; after 1763, M. Lewis.
Price: 6 d.

After Roe's term as Ordinary, the Account seems to die out as a regular serial publication, although it is occasionally revived in special cases (e.g., Dr. Dodd) by John Villette. Ordinary after 1774.
Select Bibliography of Primary Sources (in order of publication)

Note: in works published before 1800, the publisher's name is given before date; unless otherwise indicated place of publication is London. Several accounts, notably those that contain both reports of the trials and the "lives" of criminals, may be listed twice.

I. Rogue Literature


--- *A Disputation between a He-Cony Catcher and a She-Cony-Catcher*. 1592; reprinted in A. V. Judges, ed., *The Elizabethan Underworld*.


G[orge]. F[jidge]., Hind's Ramble, or the Description of his manner and course of Life. George Latham, 1651.

George Fidge, The English Gusman; or the History of that Unparallel'd Thief James Hind... Printed by T.N. for George Latham Junior, 1652.

No Jest Like a true jest: Being a Compendious Record of the Merry Life, and Mad Exploits of Capt. James Hind, the Great Robber of England... J. Deacon, 1657.

The Life and Death of Mrs. Mary Frith. Commonly Called Mal Cutpurse, exactly Collected and now Published for the Delight and Recreation of all Merry disposed Persons. W. Gilbertson, 1662.


The Memoires of Monsieur Du Vall: Containing the History of his Life and Death. Henry Brome, 1670.

The Memoires of Mary Carleton: Commonly stiled, the German Princess... Nath. Brooke, 1673.

K[irkman]., F[rancis]., The Counterfeit Lady Unveiled: Being a full Account of the Birth, Life, most remarkable Actions, and untimely Death of Mary Carleton, Known by the Name of the German Princess. Peter Parker, 1673.

The Case of Madam Mary Carleton, Lately stiled The German Princess, Truely Stated: With an Historical Relation of her Birth, Education, and Fortunes; in an Appeal to his Illustrious Highness Prince Rupert. By the said Mary Carleton. Sam. Speed, 1673.

Sadler's Memoirs: or, the History of the Life and Death of that Famous Thief THOMAS SADLER...P. Brooksby, 1677.

Lorrane, Paul [intentional misspelling of Lorrain]. The Ordinary's Account of the Life, Birth, Death and Parentage of John Hall [&c]... B. Briggs, December, 1707. Forgery of Ordinary's Account; very picaresque in content and tone. Name of publisher is probably also a deliberate misspelling of Benjamin Bragg, the printer of the Ordinary's Account.

Memoirs of the Right Villanous John Hall, The Late Famous and Notorious Robber, penn'd from his own Mouth some time before his Death..., 4th ed. H. Hills, 1708.

The Highland Rogue: or, the Memorable Actions of the Celebrated Robert Mac-gregor, commonly called Rob-Roy [sometimes attributed to Defoe]. J. Billingsley, 1723.
Authentic Memoirs of the Life and Surprising Adventures of John Sheppard...Joseph Marshall, 1724.

P., N. ("for many Years [Jonathan Wild's] intimate Acquaintance"), Weighley, alias Wild: A Poem in Imitation of Hudibras. To which is annex'd, A more genuine and particular Account in Prose, than any yet published, of the most remarkable Events, and Transactions of his Life, from the Time of his Birth to his Execution. J. Roberts, 1725.


The Life and Glorious Actions of the most Heroic and Magnanimous Jonathan Wilde, Generalissimo of the Prig-Forces in Great-Britain and Ireland... H. Whitridge, 1725.

A Genuine Narrative of all the Street Robberies Committed since October last, by James Dalton, and his Accomplices, Who are now in Newgate, to be try'd next Sessions, and against whom, Dalton (call'd their Captain) is admitted an Evidence [includes "some merry Stories of Dalton's biting the Women of the Town" and "exposing the mollies", as well as a canting dictionary]..."Taken from the Mouth of James Dalton". J. Roberts, 1728.

Street-Robberies, Consider'd: the Reason of their being so Frequent, with Probable Means to Prevent 'em... "Written by a Converted Thief" [sometimes attributed to Defoe]. J. Roberts, 1728.

The Life and Adventures of Gibert Langley...Written by Himself in Maidstone Gaol, when under Condemnation, for a Robbery committed on the Highway. J. Applebee, 1740.

The Discoveries of John Poulter, alias Baxter...being a full Account of all the Robberies he has committed, and the surprizing Tricks and Frauds he has practised for the Space of five Years last past, in different Parts of England, Written Wholly by Himself... 9th ed., "with additions". R. Goadby, 1754.

The Life, Travels, Exploits, Frauds and Robberies, of Charles Speckman, alias Brown, who was Executed at Tyburn, on Wednesday the 23d of November, 1763...written by HIMSELF, whilst under Sentence of Death in Newgate. J. Fuller, 1763.

II. Collections of Highwayman "Lives"

The Lives of Sundry Notorious villains Memorable for their Base and abominable Actions....Samuel Crouch, 1678.

Smith, Captain Alexander. The History of the Lives of the most Noted Highway-men, Foot-pads, House-breakers, Shop-lifts and Cheats, Of both Sexes, in and about London, and other Places of Great-Britain, for above fifty Years last past. Wherein their most secret and barbarous Murders, unparalleled'd Robberies, notorious Thefts, and unheard of Cheats, are
expos'd to the Publick. 2 vols. 2nd ed. J. Morpew, 1714.

Johnson, Captain Charles. A General History of the Robberies and Murders of the most notorious Pyrates, and also their Policies, Discipline and Government, From their first Rise and Settlement in the Island of Providence, in 1717, to the present Year 1724. With the remarkable Actions and Adventures of the two Female Pyrates, Mary Read and Anne Bonny...[sometimes attributed to Daniel Defoe] Ch. Rivington, 1724.


Johnson, Captain Charles. A General History of the Lives and Adventures of the Most Famous Highwaymen, Murderers, Street Robbers &c. To which is added, a Genuine Account of the Voyages and Plunders of the most Notorious Pyrates... J. Janeway, 1734.

Johnson, Captain Charles. A General History of the Lives and Adventures of the Most Famous Highwaymen, Murderers, Street Robbers &c. To which is added, a Genuine Account of the Voyages and Plunders of the most Notorious Pyrates... 2nd ed. H. Slater, 1742.

Johnson, Captain Charles. A General and True History of the Lives and Actions of the Most Famous Highwaymen, Murderers, Street Robbers &c. To which is added, a Genuine Account of the Voyages and Plunders of the most Notorious Pyrates...Birmingham: R. Walker, 1742.

The Lives of Noted Highwaymen, viz. Du Vall, Atkinson, Rowland [etc]... H. Fenwicks, [1750].


Mackdonald, Capt. A General History of the Lives and Adventures of the most Famous Highwaymen, Murderers, Pirates, Street-Robbers and Thief-Takers...J. Warcus and H. Serjeant, 1758.

Johnson, Captain Charles. The Lives and actions of the most noted highwaymen, street-robbers, pirates, &c. 3rd ed. T. Teggs, 1839.

Lives of the Most Notorious and Daring Highwaymen, Robbers and Murderers. Compiled from Authentic Sources, and Brought Down to the Present Time. A new Edition... Liverpool, [1850].

III. Individual Criminal "Lives" and "Confessions" (excluding the Ordinary's Account)

The Penitent Murderer: or, An Exact and True Relation taken from the Mouth of Mr. Wiliam Ivy...Roger Vaughan, 1673.
Three Inhuman Murthers, committed by one Bloudy Person...H.F., 1675.

Jackson's Recantation, or the Life and death of the Notorious High-Way-Man, now hanging in Chains at Hampstead...T.B, 1674.

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*The True Account of the Behavior and Confession of the Criminals Executed...16 Dec...* D. Mallet, 1687.

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