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Fact or Fiction? The Use of Eighteenth-Century Criminal Biographies in Historical Studies

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FACT OR FICTION?
THE USE OF EIGHTEENTH-CENTURY
CRIMINAL BIOGRAPHIES IN
HISTORICAL STUDIES

by

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B.A. May 1984, St Anselm College

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ABSTRACT

FACT OR FICTION? THE USE OF EIGHTEENTH-CENTURY CRIMINAL BIOGRAPHIES IN HISTORICAL STUDIES.

Steven M. Wakefield
Old Dominion University, 1998
Director: Dr. Annette Finley-Croswhite

Marxist studies concerning crime and criminality in eighteenth-century England, and especially London, have explained the problem strictly in terms of a class based struggle between the elites and the working poor. Marxists further contend that the majority of criminals hanged for capital offenses during the eighteenth-century also came from the working poor. Using an analysis of criminal biographies written between 1723 and 1783, this study questions the Marxist paradigm by suggesting that eighteenth-century crime and criminality were not inter-class conflicts but more intra-class struggles, and hangings reflected this.

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CHAPTER I

INTRODUCTION

Most bookstores today have sections devoted to books written about contemporary criminals and their crimes. One of the prototypes for this literary genre was the short criminal biographies written during the eighteenth century. These narratives described the lives and crimes of criminals executed at that time. Many historians have neglected to use eighteenth-century biographies in their studies of crime. They fear the information contained in them cannot be verified, and is not relative to the studies they conduct. The criminal biographies of the eighteenth-century are discarded as mere fiction. However, if used properly, these works can assist with studies of eighteenth-century crime and criminality.

Historical studies involving crime and criminality in eighteenth-century England have gained in popularity among scholars only within the last twenty years. The area of study is still being explored and is limited to a relatively small field of social and cultural historians. Since the 1950s, historians studying crime and criminality have often used a Marxist approach. These historians view crime and criminality strictly in terms of a class struggle between the elite, who want their property protected, and the lower classes, who regard crime as a means to maintain a livelihood. The Marxists equate the growth and development of crime with a transition to a capitalist society epitomized by the ruling elite's desire to subvert and make the lower working class more submissive to upper class values.

The model used for this thesis is *A Manual for Writers of Term Papers, Theses, and Dissertations*, by Kate L. Turabian.

Crime in the eighteenth century was a multifaceted problem, one which Marxist historians explore with a narrow concept. The Marxists contend that the elite passed on their value system through the codification of laws. The ruling elite did make the laws but they applied to everyone, not just the laboring class, and whether the institutions designed to enforce and adjudicate these laws did so equitably are another issue altogether.

Evidence has disclosed that some of the laws were created and enacted with the goal of controlling working class behavior and protecting property, but this is not where the Marxists err. The Marxist studies reviewed for this thesis do not include any information indicating who eighteenth-century crime victims were. An examination of crime victims is crucial to any analysis of crime, and most importantly for ones that define crime as a class struggle. Without any knowledge of whom the victims of crime were in the eighteenth century can Marxists accurately explain crime as a conflict between elites and the laboring class? If victimologies had been incorporated into Marxist evaluations of crime and criminality, it would have altered their findings.

This study will examine 171 criminal biographies written between 1723 and 1783 in order to question the Marxist interpretation of crime. These biographies will be analyzed and the factual information will be used to develop statistical information concerning victims, crime, and criminals. These data will be used to suggest that crime and criminality in eighteenth-century London were not inter-class conflicts, but more intra-class oriented. An accurate conception of eighteenth-century crime can only be obtained by confronting who the criminals were and whom they victimized. Once this is established a better understanding of how crime affected the entire social structure can be realized.

The biographies are contained in *The Complete Newgate Calender*, a five volume

collection published in 1926.¹ For this work, G. T. Crook reviewed hundreds of criminal biographies written between 1500 and 1841, and used them to compile one of the most comprehensive collections of criminal biographies. These biographies were originally written by several authors who used information from contemporary court documents. The majority of this information was recorded in the Sessions' Papers of the Old Bailey. The Old Bailey was the courthouse adjacent to Newgate prison used to try and convict the criminals detailed in the biographies. Some of the authors also obtained their information from criminal narratives written by Newgate's chaplain, the Ordinary. The Ordinary often spoke with the criminals before their execution and documented his conversations. The criminal biographies used for this thesis came from volumes, two, three, and four. The stories overall are short, many not more than ten pages, and provide information concerning both the criminal's and the victim's lives. Only one historian has mentioned any reference to this collection in a study. Frank McLynn has referenced several biographies found in this collection to illustrate specific acts of criminality in his work entitled, *Crime and Punishment in Eighteenth-Century England*.

Most of the early work concerning crime and criminality in early modern England was presented in the historical novel format, possessing little scholarly merit. The authors merely recounted the lives of famous criminals and their crimes. The public hanging facility of Tyburn, in London, was a central theme in these narratives. One of the earliest authors to examine criminal life was Alfred Marks, who wrote around the turn of the century. His work, *Tyburn Tree: Its History and Annals*, provides a chronological history

¹G. T. Crook, ed., *The Complete Newgate Calendar*, 5 vols. (London: Navarre Society, 1926).

of the activities conducted at Tyburn. Marks begins his survey of Tyburn in 1108 when the first public hanging was conducted at the facility and charts the history of Tyburn until its demise in 1783. He does not develop an historical argument in his account, but simply describes the events at Tyburn.²

Christopher Hibbert, the noted English historian, wrote two monographs detailing English crime and criminality. Both works follow the example of Marks's earlier work. Hibbert's 1957 publication, *The Road to Tyburn: The Story of Jack Sheppard and the 18th Century London Underworld*,³ contains a good biographical portrayal of the notorious outlaw Jack Sheppard. Hibbert's work includes a detailed description of Newgate Prison and London in 1724. In 1963, Hibbert attempted to conduct an historical and sociological analysis of crime and criminality in England with his second book, *The Roots of Evil: A Social History of Crime and Punishment*, in which he used primarily secondary sources. His coverage of the period between 1500 and 1800 consists of a mere forty pages.⁴

Leon Razinowicz conducted one of the first legalistic surveys of English crime and criminality. His four volume work took more than twenty years to compile and is considered an excellent source for obtaining important background information for the study of English crime and criminality. Razinowicz's work contains a comprehensive examination of criminal statutes beginning with 1750. Razinowicz amassed a substantial

²Alfred Marks, *Tyburn Tree its History and Annals* (London: Brown Langham & Co, 1908).

³Christopher Hibbert, *The Road to Tyburn: The Story of Jack Sheppard and the 18th Century London Underworld* (New York: World Publishing Co, 1957).

⁴Christopher Hibbert, *The Roots of Evil: A Social History of Crime and Punishment* (London: Minerva Press, 1963).

collection of administrative documents, pamphlets, and commentaries relating to capital punishment, but he does not interpret them for any social or historical significance.⁵

The 1970s was a watershed decade for the growth and development of an historical and systematic approach to the study of English crime and criminality. Gerald Howson's 1970 book examines the life of one of England's most influential underworld personalities. His work, *Thief-Taker General: The Rise and Fall of Jonathan Wild (1682-1725)* was a ground-breaking biographical sketch of the noted criminal Jonathan Wild. Wild, known popularly as the Thief-Taker General, directed one of the most elaborate and organized fencing rings of early eighteenth-century London. Howson completed a thorough examination of primary sources including court documents, newspapers, and prison records to compile his biography of Wild. Howson's extensive exploration of archival records to write his biography was a research method employed by neither Marks nor Hibbert.⁶

In 1975, Douglas Hay edited a collaborative effort of scholarly essays from five social historians in an attempt to provide some direction for the study of crime and criminality in early modern England. The theme of *Albion's Fatal Tree, Crime and Society in Eighteenth-Century England*, emphasizes the value placed upon property and how it was reflected in the laws of eighteenth-century England. The historians contend that the value of property was symbolically reinforced by public hangings of criminals at Tyburn. Other articles in Hay's collection address smuggling, coastal plunder of wrecked

⁵Leon Razinowicz, *A History of English Criminal Law and Its Administration from 1750*, 4 vols. (London: Stevens, 1948-68).

⁶Gerald Howson, *Thief-Taker General: The Rise and Fall of Jonathan Wild (1682-1725)*. (London: Hutchinson, 1970).

vessels, and poaching.⁷

J. S. Cockburn followed the example set by Hay with his 1977 collection of historiographical essays analyzing crime in England, entitled *Crime in England, 1550-1800*. Cockburn's work examines the development of English criminal law and its administration between 1550-1800. The book was designed with two scholarly goals in mind. Cockburn wanted to encourage dialogue between scholars engaged in studies of crime, so that different techniques could be presented. Cockburn's second objective was to expose the study of crime and criminality to others, hopefully encouraging further research in this area. Eleven essays explore topics including English Game Laws, the development of court procedures, infanticide, conditions within Newgate prison, and witchcraft.⁸

Michael Weisser produced a comprehensive survey of crime and punishment in early modern Europe. Weisser's 1979 *Crime and Punishment in Early Modern Europe* analyzes early modern European society through the perspective of crime. His examination discloses that the rise in crime reflects a transformation in early modern European society. Weisser contends that the punishment of criminals was a reflection of the relationship between various social classes. According to Weisser, crime was an indication of the expanding tensions within the social class structure, with strict punishments revealing the upper class' response to these tensions. The increase in crime, and the change in punishment, Weisser argues, quantifies the transition of European

⁷Douglas Hay, ed., *Albion's Fatal Tree, Crime and Society in Eighteenth-Century England* (New York: Pantheon Books, 1975).

⁸J. S. Cockburn, ed., *Crime in England, 1550-1800* (New Jersey: Princeton University Press, 1977).

society from a system characterized by feudalism to one dominated by capitalism.⁹

Overall, comprehensive studies concerning crime in early modern Europe are limited, but there are some fairly good regional studies available. Mary Elizabeth Perry's monograph, *Crime and Society in Early Modern Seville*, contends that crime in early modern Seville developed through a partnership between the ruling elite and organized criminal elements. Her evidence discloses that a relationship existed between political authorities and the Seville underworld. While Spanish authorities tried to subvert underworld activities, the underworld covertly assisted with the city's commerce and military endeavors. Perry's study shows how legitimate bodies and groups in Seville, such as the Church, merchants, and lawmakers, were interwoven with underworld agencies who mutually assisted each others' growth and prosperity. Perry points out how this trend continues today in many countries whose political activities are supported by underworld associations.¹⁰

Another good regional study is the 1984 work *Crime, Justice and Public Order in Old Regime France 1696-1789*, by Julius R. Ruff. Ruff confines his study to the districts of Libourne and Bazas. His study comprises two parts, a comprehensive analysis of Old Regime justice through the review of court records, and an inquiry into the types of crimes the Old Regime sought to suppress, including violent and property crimes. One of the more interesting parts of his study includes the review of the crimes against the moral, political and religious order. Ruff then compares how the systems of justice changed

⁹Michael R. Weisser, *Crime and Punishment in Early Modern Europe* (New Jersey: Humanities Press, 1979).

¹⁰Mary Elizabeth Perry, *Crime and Society in Early Modern Seville* (Hanover, New Hampshire: The University Press of New England, 1980).

between the Old Regime and the post-revolutionary era in the two districts.¹¹

J. J. Tobias's 1979 monograph *Crime and Police in England, 1700-1900*, addresses the issue of policing in early modern England. The incidence of crime in eighteenth-century England grew rapidly, and the existing social structure needed to confront the problem. One of the means developed was the expansion of capital offenses. However, methods of response to the frequency of crime and attempts at prevention of crime emerged proportionately with the change in criminal statutes. Tobias concentrates on the development and implementation of parish watches and their effectiveness in responding to and preventing crime. He presents evidence indicating that Parliament was preoccupied throughout the eighteenth century with foreign affairs, and often left local authorities with the burden of policing crime and apprehending criminals. As a result, local authorities depended upon a network of informants, watchmen, and runners to combat crime until the creation of the Metropolitan Police and Scotland Yard.¹²

In 1980, John Brewer and John Styles edited another collection of essays concerning crime in England. *An Ungovernable People: The English and Their Laws in the Seventeenth and Eighteenth Century* examines the nature of authority, and how power was exercised in seventeenth- and eighteenth-century England. The essays grapple with the issues of how law was perceived by the social classes, and how people organized themselves to either take advantage of or avoid the law. The articles explore the dichotomy of English society, exemplified by one element dedicated to uphold and live the

¹¹Julius R. Ruff, *Crime, Justice and Public Order in Old Regime France, 1696-1789* (Great Britain: Biddles Ltd, 1984).

¹²John Jacob Tobias, *Crime and Police in England, 1700-1900* (New York: St. Martins Press, 1979).

law, and another element devoted to violating the law while trying to evade authorities.¹³ Another scholar, J. A. Sharpe, examines how the law influenced English society. Sharpe's 1984 work *Crime in Early Modern England, 1550-1750* assesses the way criminal law actually operated, and contends that the law echoed the attitudes of the ruling elite. Sharpe identifies some criminal orders of England, and evaluates their crimes and punishments.¹⁴

John L. McMullan was one of the first authors to examine the criminal elements of early modern England. His 1984 book, *The Canting Crew: London's Criminal Underworld, 1550-1700*, argues that a professional and organized criminal underworld existed and operated in a locally and contained form within the boundaries of London. The evidence presented to support McMullan's thesis was obtained through the examination of theft practices and prostitution. McMullan believes that the existence of organized criminal networks evolved from the lack of state control over social conditions which produced an atmosphere conducive to the growth and prosperity of underground criminal elements. McMullan investigated the relationships among labor markets, the law, and the growth of crime and criminality in early modern England.¹⁵

J. M. Beattie provides the best statistical survey of crime and criminality pertaining to early modern England. Beattie gives detailed information concerning the development

¹³John Brewer and John Styles, eds., *An Ungovernable People: The English and Their Laws in the Seventeenth and Eighteenth Centuries* (London: Hutchinson & Co., 1980).

¹⁴J. A. Sharpe, *Crime in Early Modern England, 1550-1750* (New York: Longman, 1984).

¹⁵John L. McMullan, *The Canting Crew: London's Criminal Underworld, 1550-1700* (New Jersey, Rutgers University Press, 1984).

of formal judicial proceedings. Beattie's 1986 *Crime and the Courts in England, 1600-1800* examines prosecution methods, looks at the types of offenses which were tried, as well as the suspects charged for the offenses. Beattie devotes a major portion of his book to criminal trials, jury verdicts, and criminal punishment. Beattie's objective is to show the regional diversity of crime in England during this time period.¹⁶

More recently, Clive Emsley's *Crime and Society in England, 1750-1900*, published in 1987, attempts to summarize the majority of crime scholarship. He identifies what was considered crime in the eighteenth and nineteenth centuries, the crime patterns that have been detected by scholars, who committed crimes, how crime was treated and prevented, and how criminal offenders were handled during this time frame. Emsley makes a distinction between the criminal class and professional criminals. He analyzes class and environmental perceptions of crime and criminality, and provides information regarding prosecutorial methods and court administration.¹⁷

Frank McLynn continues this trend of legalistic approaches to the study of crime and criminality in early modern England. McLynn's 1989 *Crime and Punishment in Eighteenth-Century England* provides a detailed analysis of the Bloody Code (England's Laws of Capital Punishment) and concludes that the laws were used as a means of social control. The Bloody Code, according to McLynn, was an attempt by the ruling class of England to protect the burgeoning capitalist enterprises of eighteenth-century London. McLynn includes chapters concerning homicide, early attempts to control the rise of

¹⁶J. M. Beattie, *Crime and the Courts in England, 1660-1800* (New Jersey: Princeton University Press, 1986).

¹⁷Clive Emsley, *Crime and Society in England, 1750-1900* (New York: Longman, 1987).

criminal activity, women as both victims and criminals, and how the social attitudes changed concerning crime and criminals.¹⁸

One of the most recent works involving the study of crime and criminality in the eighteenth century is that of Peter Linebaugh. Linebaugh asserts with his 1992 work *The London Hanged; Crime and Civil Society in the Eighteenth Century*, that the growth of capitalism and industrialization caused a breakdown of the guild system. This breakdown in turn created thousands of displaced apprentices, who developed into a transitory work force that had a propensity toward crime. The absence of a stable work environment, resulting from the destruction of the guild system, forced workers to support themselves through jobs providing limited wages. These low income jobs, according to Linebaugh, were often supplemented through criminal activities. Linebaugh contends that the literature written about the criminals hanged at Tyburn is an accurate source of historical data. These works can be corroborated through other historical information such as parish records and apprenticeship files.¹⁹

V.A.C. Gatrell examines the role of capital punishment in English society between 1770 and 1868. Gatrell's 1994 *The Hanging Tree, Execution and the English People, 1770-1868* is an extensive review of English pardon documents which traces the history of public hangings in England from 1770 until their demise in 1868. The majority of Gatrell's work relates to nineteenth-century public justice and the movement to eliminate capital punishment, or at least public displays of capital punishment, from English

¹⁸Frank McLynn, *Crime and Punishment in Eighteenth-Century England* (London: Routledge, 1989).

¹⁹Peter Linebaugh, *The London Hanged, Crime and Civil Society in the Eighteenth Century* (Cambridge: Cambridge University Press, 1992).

society.²⁰

All of these historians have discovered a plethora of narrative literature from the eighteenth century written about criminals and the crimes they committed. Many of the biographies were printed prior to the criminal's execution at Tyburn, and sold to the public during the criminal's public execution. Some of the biographies, sold the morning after the execution, included the final words of the criminal prior to their hanging. Most of the biographies went through several editions, creating extensive revenues for London publishers.

Philip Rawlings' 1992 work *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century*, offers the complete texts of five original criminal biographies from the eighteenth century. Rawlings explains how these biographies can be used by historians studying eighteenth-century London society, and includes a discussion of the historical debate confronting the use of these biographies. Historians often conclude that the biographies are of little value. This assessment is based upon the belief that the criminal biographies are works of fiction containing little or no facts. Thus they cannot be used as a reliable source when examining eighteenth-century crime and criminality. Some historians have taken an opposing view to the validity of these criminal biographies. These historians contend that criminal biographies contain a realistic depiction of the criminal element in eighteenth-century London. This belief is based simply upon the vivid detail of eighteenth-century London society contained within the texts. The inclusion of street names, places, public houses, brothels, dates, people,

²⁰V. A. C. Gatrell, *The Hanging Tree, Execution and the English People, 1770-1868* (Oxford: Oxford University Press, 1994).

working conditions, and occupations are considered valuable to these historians when trying to recreate the milieu of eighteenth-century London.²¹

The criminal biographies of the eighteenth century have received some treatment in examinations of English literature during the eighteenth century from literary scholars. In 1907, Frank Wadleigh Chandler compiled the first study which dealt with criminal biographies. His two volume work, *The Literature of Roguery*, traces the development of rogue literature, or the picaresque novel, from its earliest forms, and their transformation into current crime detection novels. Chandler concludes that the criminal portrayed in the biographies is depicted more as a victim of their social circumstances than an outright hardened villain. For Chandler, a villain, is someone who is characterized by pure evil, while the rogue is merely an individual forced into crime by the conditions of his or her existence. He thus makes a clear distinction between what he terms the criminal by instinct and the criminal of passion. The criminal of passion, according to Chandler, is the one portrayed in rogue literature. This type of criminal is personified as an individual which is more social rather than anti-social. The demeanor of the rogue is attractive to readers, and it is only through criminal actions that his otherwise insignificant life becomes recognized. Chandler credits the origins of this genre to the Spanish during the sixteenth century, and traces the movement of this literary form through France, Holland, Germany and finally England. Chandler concludes that the criminal represented in the English biographies of the eighteenth century is exactly this type of individual, one who becomes a criminal through happenstance instead of intent. These criminals cultivate romanticism

²¹ Philip Rawlings, *Drunks, Whores and Idle Apprentices: Criminal Biographies of the Eighteenth Century* (London: Routledge, 1992).

and sympathy from the reading public, and are often viewed as merely victims of the social environment which generated them.²²

John J. Richetti's 1969 work, *Popular Fiction Before Richardson, Narrative Patterns, 1700-1739*, contains a chapter devoted to the significance of eighteenth-century criminal biographies. Richetti's main concern in his work is tracing the origin of the novel, and implies that the criminal biographies of the eighteenth century may have contributed to the development of the novel. Richetti points out that eighteenth-century criminal biographies offer the scholar an accurate picture of eighteenth-century London. Richetti further contends that crime in any age or in any society is a measure of the current social conditions, and has a specific historical meaning, if properly interpreted. The criminal biographies of the eighteenth century provide the reader with glimpses of the values, fears, hatreds, and the life that eighteenth-century English people grappled with on a daily basis.²³

Lincoln B. Faller's 1987 monograph, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth-and Early Eighteenth-Century England*, identifies hundreds of criminal biographies from the seventeenth and eighteenth centuries. Faller examines the criminal biographies from a literary perspective. Faller is concerned with what he defines as the sociopoetics of criminal literature. He claims the criminal literature of this period served two purposes. On the one hand the criminal biography of this period attempts to reestablish the criminal as a functional part of society;

²²Frank Wadleigh Chandler, *The Literature of Roguery*, 2 vols. (New York: Burt Franklin, 1958).

²³John J. Richetti, *Popular Fiction Before Richardson: Narrative Patterns 1700-1739* (Oxford: The Clarendon Press, 1969).

on the other hand it points out an irrational and fictitious aspect of criminal life. Faller's main thesis argues that these short criminal biographies helped to develop the longer more detailed fictional novel.²⁴

The 1987 work, *Fiction in The Archives, Pardon Tales and Their Tellers in Sixteenth Century France* by Natalie Zemon Davis, uses pardon tales to evaluate criminality in sixteenth-century France. Her work provides valuable insight into the study of narrative court documents. Davis' work centers around the examination of pardon documents, and she uses them to flesh out the voices and thoughts of those convicted of crime. She employs the use of "thick description" to reintroduce narrative in her work, and in the process, exposes the values and language of early modern non-elites. She recovers the social color of low-brow culture in her reconstruction of the early modern mind set. Davis' technique is thus a model for any historian confronted with the interpretation of contemporary chronicles and the stories they tell.²⁵

Robert Mayer examines some of the problems facing literary scholars as well as historians when challenged with the use of eighteenth-century literary works for source material. His 1997 work, *History and the Early English Novel*, details the major issues surrounding the use of literary fiction and how to resolve some of them. Mayer contends that there is a history fiction dualism connected to eighteenth-century novels. The history fiction dualism arises out of the eighteenth-century conception of history. Historical tracts written during this time frame meant either a true account or a narrative. These words

²⁴Lincoln B. Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth-and Early Eighteenth-Century England* (Cambridge: Cambridge University Press, 1987).

²⁵Natalie Zemon Davis, *Fiction in The Archives, Pardon Tales and Their Tellers in Sixteenth Century France* (California: Stanford University Press, 1987).

often appeared in the title of the work describing actual events. The narratives or true accounts addressed events and people without using any research references. Mayer argues these literary works documented what was known at the time, and were considered “matter of fact” by eighteenth-century readers.

These literary pieces, considered historical compositions at the time, have been dismissed by modern historians due to their lack of source documentation. Mayer claims that these works can still be cited as legitimate historical references. They convey matters of fact and represent what was known as history at the time. Based upon this premise, Mayer believes fact can be found in these literary works. The criminal biographies of the eighteenth century are one example of this type of eighteenth-century historical reference. Mayer maintains that the authors of these criminal biographies employed the same historical methodology as modern day historians. The authors obtained their information from contemporary court and prison records, newspaper accounts, diaries, and the actual words spoken by the criminals in court or before a hanging. According to Mayer, the criminal biographies, as well as other eighteenth-century literary pieces, contain matters of fact while allowing authors the liberty of choosing how to present the information to the reader. Scholars evaluating these sources must remember that people in the seventeenth and especially the eighteenth centuries created a taste for the extraordinary, which is often reflected by the literature of the period. Therefore, when examining the literature of the era, it is essential to balance the information detailed in the works with historical facts.²⁶

Many criminal biographies written during the eighteenth century contain accounts

²⁶Robert Mayer, *History and the Early Modern Novel* (Cambridge: Cambridge University Press, 1997).

of female criminals and can assist with studies of women and criminality, an area of study neglected by historians before the 1960s. Some informative studies have emerged recently examining this topic. E. J. Burford's and Sandra Shulman's 1992 book *Of Bridles and Burnings: The Punishment of Women* covers the treatment of women criminals in Britain over the past two thousand years. According to the authors, the nature of punishment for women can be linked to gender differences. The work comprises in-depth studies which analyze the types of punishments dispensed to women for violating laws. Some of the punishments women received were unique and designed specifically for them. Burford and Shulman cover tongue restraints, whippings, ducking-stools, burnings, hangings, and the treatment of imprisoned women, and compare them to the punishment of men. They also tie these kinds of punishments into the laws created specifically for women, by men.²⁷

Karlene Faith's 1993 work *Unruly Women, The Politics of Confinement & Resistance* uses a broad-based feminist approach to deal with the topic of women and crime. Her book details the historical and contemporary issues of crime with regards to women. Faith asserts that the image of female criminals or "unruly women" is "a product of the bourgeois imagination and the politics of patriarchal relations."²⁸ In the historical context, Faith examines particular crimes such as witchcraft, petty treason, prostitution, and other offences to illustrate how the image of the female criminal was gender related. In the second half of the book Faith uses contemporary feminist works to shatter historical misinterpretations of gender and crime. Faith also examines contemporary problems

²⁷E.J. Burford and Sandra Shulman, *Of Bridles and Burnings: The Punishment of Women* (New York: St Martin's Press, 1992).

²⁸Karlene Faith, *Unruly Women, The Politics of Confinement and Resistance* (Vancouver: The Press Gang Publishers, 1993), 3.

associated with the study of female criminality and how they can be approached.

The specific nature of female criminality is addressed in the 1994 work *Women, Crime and the Courts in Early Modern England* edited by Jenny Kermode and Gathrine Walker. The work is a collection of essays written by historians studying female criminality in early modern England. The essays emphasize the experience of women who confronted the legal system in England. These historians all agree that female criminality has been misrepresented by previous scholars. Females committed fewer crimes than their male counterparts, and any studies concerning female criminality should be compared to other aspects of female criminality. Female criminals cannot be compared to male offenders. An essay concerning female theft practices illustrates this point by disclosing that the types of items stolen by women differed from those stolen by men. Other essays point out how the prosecution of typical female crimes, such as witchcraft or scolding were inherently gender biased due to the predominance of males associated with court proceedings.²⁹

Sociologists over the years have conducted many studies about criminals. Although they are concerned with the contemporary cultural factors involved in the study of crime and criminality, some useful information regarding the nature of crime and criminality may be gained by historians for consideration in their studies of past crime. Marvin E. Wolfgang edited a 1968 accumulation of essays entitled *Crime and Culture*. The essays were written by some of the world's leading sociologists devoted to the study of criminology. The text begins with two essays detailing the field of study open to

²⁹Jennifer Kermode and Gathrine Walker, eds., *Women, Crime and the Courts in Early Modern England* (Chapel Hill: The University of North Carolina Press, 1994).

criminologists. The majority of the work describes the various theories developed to explain criminal behavior. The essays include analysis of social-cultural conflicts resulting in criminality, theories of anomie and culture conflict, the study of youth gangs, and consideration of how statistical information can be manipulated to prove or disprove results. There are also sections dealing with the issues surrounding contemporary prisons, both as places for the reform of criminals and schools where criminal knowledge is transmitted among criminals inside correctional institutions.³⁰

Although the essays contained in *Crime and Culture* represent a more traditional approach to the study of criminology, David Greenberg edited a more non-traditional collection of essays entitled *Crime and Capitalism*. This 1981 text offers a critique of mainstream criminology and embodies the movement toward more radical theories concerning crime. The book begins by examining the works of Marx and Engels and their theories concerning nineteenth-century Marxist approaches applied to the study of crime. The various authors examine issues concerning the causes of crime, the justice system, and the laws which define what is or what is not criminality. All of the issues addressed in this book posit a capitalist economy as the leading contributor toward the causation of crime.³¹ This is a contention historians continue to adhere to in their analysis of eighteenth-century crime.

Michael R. Gottfredson's and Travis Hirschi's 1990 work, *A General Theory of Crime*, developed from the frustration caused by interdisciplinary studies concerning the

³⁰Marvin E. Wolfgang, ed., *Crime and Culture* (New York: John Wiley & Sons, Inc, 1968).

³¹David F. Greenberg, ed., *Crime and Capitalism* (California: Mayfield Publishing Company, 1981).

causation and treatment of criminals. Both authors claim that each discipline engaged in the study of crime does so not for the interests of understanding and dealing with criminality and crime, but only to further the interests of a particular discipline. For example, the authors claim that sociologists attribute criminality to conflicting social structures, psychologists use personality, biologists cite the inheritance of specific gene pools, and economists blame the fluctuations and inequalities of economic systems. Gottfredson and Hirschi contend that this disciplinary fragmentation causes massive confusion with theories explaining crime. The two do not just point the finger but offer a solution, by creating their own general theory and applying it to interdisciplinary studies and theories of crime and criminality. The theory, simply stated, is that crime results from an individual lack of self-control under any given circumstance. The theory links criminal behavior to an individual's inability to control immediate self-gratification.³²

The study of crime and criminality can utilize many methods. Historians conducting eighteenth-century criminal studies have employed four methodologies in their inquiries: the legalistic study by Razinowicz's, the statistical method used by Beattie and Emsley, an analyzation of case studies exemplified by the Hay, Cockburn, Burford and Schulman, Tobias and the Kermode and Walker tracts, and finally the Marxist interpretations by Linebaugh, McLynn, McMullan, Sharpe, Weissner, Perry, and Ruff. The amount of information available for historians who conduct crime surveys is extensive, when compared to other disciplines studying crime. Every available source should be reviewed by the historian who studies crime to ascertain its value. Contemporary criminal

³²Michael R. Gottfredson and Travis Hirschi, *A General Theory of Crime* (California: Stanford University Press, 1990).

biographies are just one of these sources.

As described above, the debate surrounding the use of criminal biographies prohibits many historians from using them. Do these biographies contain fact? The people and events portrayed in them were real: and that is fact. Whether these events and people were recorded accurately by the authors is another question. We do know that prisoners in Newgate often assisted the Ordinary with writing their own biographies.³³ It has also been established that newspaper reporters were allowed into the court sessions to transcribe the proceedings, and often they recounted the content of the trials verbatim in their publications.³⁴

Can we accept these writings as a correct representation of the actual events or individuals? Obviously some embellishment of the incidents occurred in the writing process. But should the biographies be discounted because what the writers saw and what they wrote cannot be verified as completely accurate? Rawlings points out that an event the writer details can never be the thing itself.³⁵ But, if this methodology is adopted should all historical events recorded by eyewitnesses be discredited as a potential source? Can the diaries of Samuel Pepys be regarded as an actual representation of events he witnessed? Many historians have used the diaries as source material for researching the seventeenth century, so these diaries must contain facts valuable to historians investigating this period.

The historian must choose for him or herself what sources are considered actual

³³Rawlings, 7.

³⁴Howson, 385.

³⁵Rawlings, 13.

representations of fact. Have the biographies been sensationalized by the writers? Most certainly they have. Do they still contain facts? Yes, they most definitely do. Can the facts within the biographies be worked with by historians? Yes they can, if done so properly. There are facts in these biographies that probably could not have been sensationalized, and comparisons to official trial documents would likely substantiate these assertions. Since this type of methodology cannot be implemented for this study, these biographies will be analyzed for details not susceptible to exaggeration or sensationalism.

This is specific information and consists of the following: who the criminals and victims were, their educational, familial, and employment backgrounds, the circumstances surrounding the commissions of the crimes, geographical information (e.g. what parts of England the criminals came from and what brought them to London), and how many criminals were first time offenders in comparison to recidivists. This study will show how these facts can be used to discount the Marxist position.

Other issues which need to be addressed concerning the utilization of criminal biographies for this study are: do they as a whole represent the other eighteenth-century criminal biographies, and do they represent a valid portrayal of the criminals hanged for capital offenses? Rawlings claims that the number of criminal biographies written during the eighteenth century number somewhere between two and three thousand. Each of these biographies include detailed accounts of the crime, the life of the offender, the investigation of the crime, the trial and hanging of the criminal, and information concerning the victim.³⁶ The biographies used for this study are typical of the ones published during the eighteenth century.

³⁶Rawlings, 1-2.

Whether the biographies represent correctly the types of crimes criminals were hanged for is more difficult. Razinowicz's study provides detailed statistics in this area. However, information concerning the exact number of executions in London only exists from 1749 onward. There are no reliable figures for criminals hanged between 1723 and 1749. From 1749 until 1783, 1259 criminals were executed in London, and Razinowicz provides specific statistics for criminals hanged between 1749 and 1771. During this period, 678 offenders were executed; robbers accounted for the majority, followed by housebreakers, murderers, and forgers. A mixture of several other criminals comprised the remainder of those executed. Razinowicz's statistics indicate that from 1749 onward many criminals convicted for capital offenses received pardons or had their sentences commuted to either imprisonment or transportation. Murderers had the highest ratio of convictions and executions followed by forgers, robbers, and criminals who returned from transportation.³⁷

The criminal biographies used for this study follow the conviction and execution ratio established by Razinowicz's 1749-1771 data. There is no practical means for determining if the biographies represent an authentic sampling of capitally convicted criminals for the missing time periods. Since no reliable records exist to compile this information, there is no way to measure the biographies against actual statistics. Therefore, it cannot be assumed that the biographies are not representative of convictions versus executions, if the pattern disclosed by Razinowicz is maintained.

The time frame chosen for this study is significant because the passage of the Waltham Black Act in 1723 raised the number of capital offenses from fifty to more than

³⁷Razinowicz, vol. 1, 145-7.

100. Each year the number of capital offenses increased, and by 1815 over 200 capital offenses existed in England.³⁸ The year 1783 is noteworthy due to the fact that after that year Tyburn was no longer used for public executions, and hangings became confined to the interior of Newgate prison, limiting public access.

There is no doubt that all source material needs to be verified by some means before its use. The next chapter will examine what historians know to be true concerning the criminal justice system of eighteenth-century London. The factual information extracted from the biographies will be interpreted against this information to show its accuracy. Then a statistical analysis of factual information concerning the criminals and victims will be conducted to show general crime trends which conflict with Marxist views. The third chapter will analyze particular instances of crime such as murder, robbery, property offenses, and forgery, by creating criminal profiles for specific offenders and their victims. This information will be used to establish the class structures of criminals and victims. A short conclusion will summarize the information disclosed in this thesis.

³⁸McLynn, xi.

CHAPTER II

CRIME IN LONDON

1723-1783

Each culture creates specific symbols reflecting its values. These symbols take many forms, such as a monument erected to commemorate a national hero or a flag created to unify a group of people with a common cause. However, nothing embodies the values of a society more than its laws. Violators of these laws are criminals who must, if caught, submit to the institutions created to enforce the laws. An organized police force is one such institution, and a prison is another. During the eighteenth century in London, there was no organized police force to enforce the law. Prisons existed to house criminals, but nothing symbolized the measure of English law more than the public hanging facility of Tyburn. Today, at the London intersection of Edgware Road and Bayswater Road, a stone arch commemorates the spot where Tyburn stood. Perhaps, an eighteenth-century ballad does more to convey the symbolic nature of Tyburn Tree than the stone monument:

Behold a wicked hardened Wretch
Whose Neck in Justice must be stretched,
Upon the fatal Gallows Tree;
And not a soul to pity me,
Not one will my Just Fate bewail,
I must be hurried from the Gaol,
It is for Wilful Murder, I
A Fatal Death am doomed to die.¹

A justice system is based upon criminal laws, and the institutions designed to confront problems associated with criminality. Methods devised to police, judge, house,

¹Printed in: John Deane Potter, *The Art of Hanging* (New York: A.S. Barnes and Company, 1969), 8.

and punish criminals comprise some of the institutions incorporated into the overall criminal justice process. This chapter will review the laws and institutions which dealt with the eighteenth-century criminals depicted in contemporary criminal biographies. The subjects explored in this chapter include capital acts, the growth and spread of crime, the eighteenth-century courts and law enforcement methods, and Newgate prison.

The Waltham Black Act and Other Capital Acts

Edward and John Pink, Richard Parvin, Edward Elliot, Robert Kingshell, Henry Marshall, and James Asell met one day, in 1722, near the Waltham Forest in Hampshire England. As they blackened their faces and proceeded into the forest in search of game, they had no idea that the crime they were about to commit would change the English criminal justice system for the next hundred years. The Waltham Forest was part of the Bishop of Winchester's estate. The forest contained a healthy and plentiful supply of deer, rabbit, grouse, and other assorted game.²

Hunting game was a privilege reserved for men of property. This was reaffirmed in 1671 when Parliament confined hunting game to those whose estates exceeded a yearly value of 100 pounds.³ The English Game Laws went unheeded by poachers. Poachers often thought bagging a deer, hare, or a bird was worth the risk. English estates generally extended over hundreds of acres of land. The game keepers could not successfully patrol these estates and prevent poachers from killing game. As a result, the odds of a poacher being caught with his slain prey were minimal. However, on this particular day the band

²Crook, vol. 2, 306-7.

³Roy Porter, *English Society in the Eighteenth Century* (New York: Penguin Books, 1982) 77-8.

of poachers later known as the Waltham Blacks met an unfortunate fate. The Blacks not only managed to shoot a deer, but in the process killed the Bishop of Winchester's game keeper, as he attempted to restrain the poachers from making off with their prey. The bishop, obviously outraged over the loss of his game keeper and the constant poaching of his game, demanded more severe laws be passed which would punish the Waltham Blacks and future poachers.

The incident in the Waltham forest prompted the immediate passage of the Waltham Black Act by Parliament in 1723. The Act was conceived as a temporary statute designed specifically to punish the Waltham Blacks. However, the Waltham Black Act remained on the English law books until 1823. It was revised throughout the eighteenth century and made hundreds of offenses capital in nature.⁴ The exact number of capital offenses outlined in the Waltham Black Act is unclear. Some historians estimate about 200 while others contend it is closer to 300.

The Act itself was contrived as an emergency act. The characteristics of an emergency act, in the eighteenth-century English legislative system, were far-reaching and retaliatory in nature. The enactment of these emergency laws was deemed provisional and temporary by Parliament for response to a particular situation. Emergency laws contained elements which made certain preparatory acts leading up to the offense capital, as well as the criminal act itself. In this instance the situation was the punishment of a band of poachers for murdering a game keeper, killing a deer, and the deeds perpetrated by the offenders in furtherance of the crime.

The Waltham Black Act was passed initially with a three-year limit. Over the

⁴Potter, 46.

course of the eighteenth century the act was renewed several times and finally made permanent in 1757. Since the scope of the Waltham Black Act was limited to the circumstances surrounding the Waltham Forest incident, it had to be amended several times to fit other crimes. These supplementary statutes, in essence, made the Waltham Black Act the most severely punitive piece of legislature for criminals in eighteenth-century England.⁵ An appreciation for the severity of the Waltham Black Act may be obtained after examining its content:

After the first day of June 1723, any person appearing in any forest, chase, park, etc., or in any highroad, open heath, common or down, with offensive weapons, and having his face blacked, or otherwise disguised, or unlawfully and willfully hunting, wounding, killing, or stealing any red or fallow deer, or unlawfully robbing any warren, etc., or stealing any fish out of any river or pond, or (whether armed or disguised or not) breaking down the head or mound of any fishpond, whereby the fish may be lost or destroyed; or unlawfully and maliciously killing, maiming or wounding any cattle, or cutting down or otherwise destroying any trees planted in any avenue, or growing in any garden, orchard or plantation, for ornament, shelter or profit; or setting fire to any house, barn or outhouse, hovel, cock-mow or stack of corn, straw, hay or wood; or maliciously shooting at any person in any dwelling-house or other place; or knowingly sending any letter without any name, or signed with a fictitious name, demanding money, venison or other valuable thing, or forcibly rescuing any person being in custody for any of the offenses before mentioned, or procuring any person by gift, or promise of money, or other reward, to join in any such unlawful act, or concealing or succouring such offenders when, by Order of Council, etc., required to surrender--shall suffer death.⁶

The criminal acts prohibited in the Black Act cover a wide range of offenses. However, the interpretation and application of the act by magistrates when convicting criminals was broader than the act implied.

The components of the Waltham Black Act left the interpretation of the act to the discretion of the magistrates who adjudicated criminal offenses. Not only was the actual

⁵Radzinowicz, vol.1, 17-19.

⁶Crook, vol. 2, 307.

perpetrator of the crime dealt with harshly, but the Black Act dispensed justice equally to any accessories before or after the fact. Shortly after its passage, the addition of two provisions gave the act unprecedented scope in the prosecution of criminals. The act was modified to make it applicable in any English county, and the prosecutor was given the authority to change the venue of the trial at will. The second modification created a statute of limitations extending criminals' punishment three years beyond the crime's commission.⁷

The Waltham Black Act's ability to be used for a wide range of criminal offenses is delineated by some criminal case studies. In 1735, Parliament passed the Turnpike Act. This act made it a capital offense to destroy any turnpike, floodgate, and riverbank. James Bayliss and Thomas Reynolds were arrested in 1736 for cutting a turnpike gate near Herefordshire, England. However, both Bayliss and Reynolds received the death sentence for violating provisions of the Waltham Black Act rather than the Turnpike Act. Bayliss and Reynolds worked in the coal mines, and had been observed cutting the Herefordshire Turnpike gate with "blackened" faces. The blackened faces of Bayliss and Reynolds no doubt was a result of their occupation. The magistrate who tried the case applied the "blackened" face component contained in the Waltham Black Act and concluded that Bayliss and Reynolds should be sentenced to death for their activities. As the eighteenth century progressed, liberal interpretations of the Waltham Black became more common, as "disguised" could be broadly interpreted by magistrates. Disguised was construed to mean any form of appearance out of the ordinary. Therefore, if a criminal was caught wearing a wig, long coat, mask, or having a smudged face he or she fell within the

⁷Radzinowicz, vol. 1, 75-6.

guidelines of the Waltham Black Act.⁸

While the Waltham Black Act seems rather ambiguous in terms of punishing accessories, the case of Midwinter and Sims shows how magistrates used the law for convicting accessories in criminal offenses. Both Midwinter and Sims were tried in 1749 for killing a mare. Although, the Waltham Black Act did not specifically include any criminal offenses perpetrated toward horses or mares, the word “cattle” was applied very liberally.⁹ It was upon this premise that both Midwinter and Sims were convicted.

Midwinter and Sims had previously been accused of stealing rabbits. In retaliation, Midwinter and Sims decided to kill a breeding mare belonging to the owner of the rabbits. Midwinter and Sims succeeded in catching a mare, and while Sims held the bridle, Midwinter sliced the mare’s belly with a sharp hook. The mare died as result of the wound. Midwinter was sentenced to death for inflicting the fatal blow upon the mare. Although Sims only held the mare, he was given the death sentence as well.¹⁰ The court ruled that “Sims was undoubtedly a felon in consideration of the law: for he who takes any part in a felony, be it a felony at common law or by statute, is in construction of law a felon, according to the share which he takes in it;”¹¹ The case of Midwinter and Sims clearly indicates the liberal application of the Waltham Black act by magistrates.

Prior to the passage of the Waltham Black Act, about fifty criminal offenses were capital. Aside from treason, murder, arson, robbery, and rape, criminals convicted of

⁸McLynn, 221-2.

⁹Radzinowicz, vol. 1, 66.

¹⁰Ibid., 53.

¹¹Ibid., 53-4.

property offenses were subject to the death penalty. The types of property offenses for which a criminal could receive the death penalty varied in nature, and some statutes dated back to the sixteenth century. Housebreaking, or burglary of a dwelling house, first became capital in 1531. One provision of this particular statute indicated that the house must be occupied for it to be a capital offense, and the occupants must be placed in fear. If someone occupied the house while the burglary was committed, the value of property taken had to exceed twelve shillings. The property need not be removed from the house, only moved from its original place. In 1597, the law was made much more severe. A criminal convicted of burglarizing any dwelling or structure of another, and stealing anything worth more than five shillings could receive the death penalty. The law was further extended in 1691 to include shops and warehouses. Committing a burglary from a coach-house or stable became a capital offense in 1699. Until 1713, forcible entry into the structure was required. After 1713, the structure did not have to be occupied by another or entered by force for burglary and theft to become capital offenses.¹²

Throughout the course of the eighteenth century the creation of new capital statutes became commonplace. It is estimated that during the reign of George II sixty-five capital offenses were added to the English criminal code.¹³ This increase can be attributed to the lobbying of special interest groups. The groups placed pressure on Parliament who in turn created many of the new capital offenses. The Sheepstealing Act of 1741 made stealing sheep a capital offense. This legislation came about through the pressure applied by farmers. In 1731 and again in 1745 cloth merchants succeeded in making the theft of

¹²Ibid., 41-7.

¹³McLynn, xi.

cotton or linen products punishable by hanging. The 1741 Sheepstealing Act was followed by the 1742 Cattletheft Act. The theft of goods from barges and ships docked on the Thames river rose so dramatically that by 1751 shipping merchants and importers had persuaded Parliament to act. In 1751 and 1765, Parliament passed acts making the theft of goods from a ship on a navigable river a capital offense.¹⁴

At the close of the eighteenth century it was a capital offense to steal a horse, pickpocket a shilling, cut down trees in a garden, steal gathered fruit, break a pane of glass with the intent to steal from inside any structure, shoplift an item worth five shillings, or steal property worth forty shillings from a dwelling or outhouse.¹⁵ These capital offenses were in addition to the already capital offenses of murder, treason, arson or rape. English lawmakers conceived laws to cover almost every type of crime. Laws, however, are ineffectual if the method for law enforcement is inefficient. Law enforcement and the policing of crime in London during the eighteenth century was incapable of restraining the criminal element.

The Growth and Spread of Crime in London

From 1500, crime in Europe, especially in large urban centers, increased steadily. Between 1575 and 1630, crime levels in early modern Europe surged by more than 200 percent. Prior to this time, crime was largely a rural phenomenon, with larceny of subsistence items comprising the majority of criminal offenses. However, the growth of urban centers in early modern Europe, including London, created a new environment for crime. As London grew, its support network needed to expand proportionately. By the

¹⁴Ibid., xv.

¹⁵Ibid., xii-xiii.

close of the seventeenth century, London was receiving goods from Wales and Scotland, and North of London huge markets and trade centers flourished to ship goods into the city.¹⁶ This migration of people into London created new working conditions. The emergence of trade and industrial type jobs caused a decrease in the need for specialized and skilled labor. The labor force moved from a home based entity to a more mobile, less skilled type of workforce. This transient labor force fluctuated with the economy. In periods of strong economic growth the transient labor force experienced stable employment. If the economy slowed people found little work, but could move to areas where employment opportunities were better.¹⁷ Those who stayed in urban centers with no employment had to find other means for earning a livelihood. They could try to seek employment in another area of the city or turn to crime as a means to provide an income

When the eighteenth century began, the two largest cities in Europe were Paris and London. In 1700, the population of Paris was estimated to be around 500,000. By 1789, the population of Paris grew to 524,000. Over the course of the eighteenth century, the population of London expanded more rapidly than Paris, and by the middle of the century London became the largest city in Europe. The population of London surpassed 575,000 by 1750, and in 1801 the population was calculated to be around 900,000. During the span of the eighteenth century it was estimated that one out of every ten Englishmen and women were living in London.¹⁸

As the population of London swelled, so too did the incidence of crime, but the

¹⁶Weisser, 72-5.

¹⁷Ibid., 77.

¹⁸George Rude, *Paris and London in the Eighteenth Century* (New York: The Viking Press, 1952), 35-6.

city had no central police force, and relied upon law enforcement techniques left over from the Middle Ages. These police methods could not effectively cope with a growing criminal element. The establishment of a centralized police force was considered, by lawmakers, an infringement of basic English liberties.¹⁹

Criminality in eighteenth-century England was confined to three distinctive groups; the urban criminals, smugglers, and poachers. The urban criminals consisted of thieves, counterfeiters, forgers, and the receivers and sellers of stolen goods. These types of criminals made London their primary habitat for conducting criminal activities. The most sophisticated criminal element operating in eighteenth-century England consisted of smugglers. These bands of criminals worked with relative ease around the coast of England, making a very profitable living bringing untaxed goods into the country for sale to the public. These bands maintained an elaborate network for the distribution of their goods, and were especially ruthless individuals. Poaching was a particularly widespread criminal offense, being fairly common in all areas of England during the eighteenth century. Although the smugglers retained the most elaborate networks, the criminals working in London often were the most skilled. These London thieves, counterfeiters, receivers, and forgers became the envy of aspiring criminals. London's dense population provided the London criminal with a sense of anonymity, and a lucrative atmosphere for criminal activity.²⁰

Contemporaries believed that crime in England, especially London, reached epic proportions during the eighteenth century. An English bishop wrote from London in mid-

¹⁹McLynn, 17.

²⁰Tobias, *Crime and Police*, 7-9.

century: "There is not only no safety of living in this town, but scarcely any in the country now robbery and murder are grown so frequent. Our people are now become what they never before were, cruel and inhuman."²¹ The Swiss traveler Cesar de Saussure, who journeyed through England during the reigns of George I and II, wrote: "Pickpockets are legion. With extraordinary dexterity they will steal handkerchiefs, snuff-boxes, watches - in short anything they can find in your pockets."²² De Saussure even mentioned that there was no place where an adept pickpocket could not strike: "Their profession is practiced in the streets, in churches, at the play, and especially in crowds. These rascals are so impudent, they steal even under the gibbet. There never is any execution without handkerchiefs and other articles being stolen."²³ Throughout the eighteenth century it was as though no one was safe from crime. Horace Walpole once commented: "One is forced to travel even at noon as if one were going into battle."²⁴ The Lord Mayor of London was robbed within the city limits in 1776.²⁵

English lawmakers believed that public hangings served as an adequate deterrent to crime. Criminals in London during the eighteenth century knew they faced the hangman if convicted for one of the hundreds of capital offenses. However, the anonymity of London provided refuge for many criminals who had little fear of being caught. Although the lawmakers believed that hanging felons served to deter crime,

²¹Sean McConville, *A History of English Prison Administration, 1750-1877*, vol. 1 (Boston: Routledge and Kegan Paul, 1981), 57.

²²Radzinowicz, vol. 1, 706.

²³Ibid., 706-7.

²⁴McConville, 57.

²⁵McLynn, 79.

others believed the punishment criminals received was mild. Daniel Defoe commented in 1728: "I know I shall be tax'd with Barbarity, when I say in my Opinion, our Punishments are too mild. Hanging is the only Execution for Crimes of the blackest Dye for Male Criminals, which are certainly greatest in Number."²⁶

Eighteenth-Century Courts and Law Enforcement Methods

During the eighteenth century, London was a conglomeration of different administrative districts, each with varying systems of law enforcement. London proper contained the Cities of London and Westminster and the adjoining counties of Middlesex and Surrey. These confines included over one hundred different parishes. In each parish, criminals operated freely and one profitable crime, at any level, could provide a criminal with a comfortable lifestyle, one that was unavailable through traditional means.²⁷ To understand how crime in London flourished, a basic understanding of the eighteenth-century English criminal justice system is in order.

The criminal justice system of eighteenth-century London operated through four levels. At the top level was a magistrate or justice of the peace. The parish constable, the second level, was tasked with the supervision of the two lower levels, the parish beadle, and the night-watch.²⁸ If a criminal was not turned in for a reward by someone who knew of their activities, the criminal's first contact with London authorities was through the night watchman.

²⁶Daniel Defoe, *Street-Robberies Considered: The Reason of Their Being So Frequent* (London: 1728; reprint, New Jersey: Carolingian Press, 1973), 53.

²⁷Tobias, *Crime and Police*, 11-12.

²⁸*Ibid.*, 25.

The watchmen's system was enacted by the 1285 Statute of Winchester. This law provided the framework for the use and organization of night watchmen. According to the statute, each member of a parish was obligated to perform nightly watch duty in the neighborhood of his residence. These watchmen did not receive any payment, but could in turn pay another to fulfill their duties. This became an especially frequent practice in London during the eighteenth century. The sums offered to perform watch were often small, but provided a livelihood for those who could not obtain employment elsewhere. Military pensioners, living in London, often assumed night-watch duties for many householders. Each watchman arrived for duty around dusk, and was given a lantern and staff. The watchman reported to a predetermined street to maintain watch throughout the night. He was required to patrol the street every hour, and check the security of the buildings in his assigned area. It was the watchmen's responsibility to apprehend any person who was caught engaged in criminal activity.

The method of policing London during the eighteenth century allowed criminals to operate with little fear of capture. The watch system was little use for preventing crime. A contemporary ad in a local London newspaper echoed the popular sentiments concerning the watch:

Wanted, a thousand men for London watchmen. None need apply for this lucrative situation under the age of seventy, eighty or ninety years; blind in one eye and seeing very little with the other; crippled in one or both legs; deaf as a post; with an asthmatical cough that tears them to pieces; whose speed will keep pace with a snail, and the strength of whose arm would not be able to arrest an old washerwoman of fourscore returned from a hard day's fag at the washtub; whose constitution is worn out in hard service, either in the army or navy, some unhealthy business, or from the effects of a gay profligate life; and such as will neither see nor hear what belongs to their duty, unless well palmed or garnished for the same.²⁹

²⁹Printed in: Potter, 49.

When a criminal was apprehended, he was taken to the parish watch house and turned over to the beadle.³⁰

The beadle was a paid parish employee. A large parish often employed several beadles, as they performed a variety of functions. The beadle maintained order during church services, gave notice of meetings, assisted with tax collections, arrested beggars and vagabonds, and supervised the night-watch. Any criminal apprehended by the night-watch was held by the beadle who ascertained the facts surrounding the apprehension. The criminal was locked in the watch house until he could be seen by the parish constable.³¹

The parish constable was an unpaid office filled every year by members of the parish. The responsibilities of a parish constable in London were quite burdensome. Many business owners and merchants paid the 10 pound fine to the parish, and hired someone to act in their place. The constable's duties included serving search and arrest warrants, safekeeping of prisoners, controlling beggars, arresting vagrants, insuring the watch was maintained, transportation of prisoners to jail, and any other tasks assigned by the justice of the peace.³² There was one advantage for the parish by having someone assume constabulary duties. Often the replacement constable provided the service for many years. This afforded some parishes with a little measure of consistency, for an otherwise inconsistent means of law enforcement.

The magistrate or justice of the peace was the most important eighteenth-century

³⁰Tobias, *Crime and Police*, 33-5.

³¹*Ibid.*, 32-3.

³²*Ibid.*, 30-1.

English law enforcement official. The office was filled by someone within the parish who had the status of a gentleman. The justice of the peace performed a myriad of administrative duties, many outside of the law enforcement realm. Outside of London, the justice of the peace discharged his duties in addition to his livelihood. In London, the number of duties carried out by the justices of the peace did not allow them to work in another area. The London justices, appointed by Parliament, received payment through the collection of fees for services connected with official duties. The justices conducted three vital law enforcement functions: holding court sessions for minor offenses and rendering decisions, supervising basic law enforcement functions, and maintaining public order.³³

The majority of court cases heard by the justice were often petty in nature. For example, the justice of the peace rendered judgement in cases of prostitution, dealt with beggars and vagrants, and settled civil disputes among parish residents. For more serious offenses, the justice of the peace conducted preliminary investigations and reported his findings to higher court authorities. The majority of victims conducted their own investigation into offenses, but the justice had the option of conducting or assuming the investigation if he desired. Since there was no formal police agency responsible for investigating crime, the justice of the peace, especially in London, organized many criminal investigations. In conjunction with these investigations, whether conducted privately or by the justices, they issued search and arrest warrants.³⁴

The justice of the peace, in addition to basic law enforcement functions, had to

³³Ibid., 26.

³⁴Ibid., 27.

ensure that public order was maintained. It was the justices' duty to suppress all riots within their areas. In this matter, the justice had two options. After the justice read the Riot Act, he could dispatch a local force or call for the army to expurgate riotous activities. This was a very delicate situation for any justice, because a justice could be sued or face criminal charges for their actions. The justice of the peace during the eighteenth century had to walk a very fine line. Too little action and the justice was considered incompetent, too much force and he suffered the consequences.³⁵

The prosecution of criminal offenses was largely a personal issue. The state, however, did see the need for controlling crime and used the reward system as its main weapon. Highway robbery and destroying turnpikes received the most attention by the state. Any information leading to the capture of a highwayman garnered a reward of forty pounds, and English lawmakers offered rewards of up to four hundred pounds for information leading to the arrest of criminals who damaged turnpikes. The reward for criminals who committed property offenses usually did not exceed forty pounds. In 1750, the English government reduced the amount of rewards offered for crimes committed against private individuals, but continued to offer rewards when government interests became exploited by crime. Until the establishment of a centralized police force, the victims of crime in England could only hope to obtain justice by offering their own money for rewards. Once the criminal was caught, in addition to the reward, the victim was expected to finance the burden of prosecuting the criminal.³⁶

In 1749, the Bow Street magistrate, Henry Fielding organized a small group of

³⁵McLynn, 18-19.

³⁶Ibid., 21-2.

constables to fight crime in his jurisdiction. Under the direction of Fielding and another constable, Saunders Welch, the group made a proactive attempt to apprehend criminals and bring them to justice. Through the use of local newspapers, Fielding encouraged crime victims to report them either to him or his brother John in the shortest time span possible. Armed with the information provided by the victims, the Bow Street constables immediately began searching for the criminals. Once apprehended the criminals were interrogated and tried by Fielding. This method became very successful, and many criminals were apprehended, tried and convicted as a result.

When Henry died unexpectedly in 1754, his blind brother John moved into Bow Street office, and continued the operation. John established quarterly registers listing descriptions of all criminals not yet apprehended. This information was distributed nationwide to all magistrates, who in turn provided Bow Street with the same information concerning criminals from other jurisdictions. Under John, the Bow Street Runners eventually evolved into the only experienced detectives in England.

Eventually the English Government began to subsidize the expenses of the Runners, and by 1790 sixty-eight Bow Street Runners working from seven offices patrolled the London streets from dark until dawn. A horse patrol was created in 1805 to prevent robberies on the roads leading into the city. In 1822 the foot patrols were expanded to include the daytime. Until 1829, the Bow Street Runners were the only organized means of fighting crime in London, or Britain for that matter. Despite the fact that many Bow Street members accepted bribes, their success influenced the Home Secretary, Sir Robert Peel, to push for the creation of an organized police force. The Bow Street office was used as the model for the creation of the Metropolitan Police in

1829. The Bow Street Office was closed in 1881.³⁷

Newgate Prison

Once arrested, the majority of felons awaited their trials or executions inside Newgate prison. Newgate was the oldest prison in London. Its existence can be traced to the twelfth century. Newgate was rebuilt in 1425 and remained virtually unchanged until the middle of the eighteenth century. The newly remodeled Newgate prison was burned during the 1780 Gordon Riots. The prison was located almost directly in the center of London; many drawings of Newgate show the dome of St. Paul's Cathedral in the background, and the Bank of England was located only a few blocks to the east.

The location of the prison was a constant bother to the merchants and residents who resided near the prison. One Newgate resident complained; "The foul and constant smell polluted what little food and water the prisoners could get hold of and impregnated their clothes and clung to their hair. It was everywhere and it was inescapable; revolting their nostrils and clogging their lungs, pervading their whole existence."³⁸ The conditions inside Newgate prison were indeed horrific. In 1750, when a new ventilation system was installed, seven out of eleven workers contracted typhus and died as a result.³⁹ The living conditions did indeed pose a severe problem to the inmates, but Newgate prison mirrored eighteenth-century English society. If an inmate had money and was willing to pay, his suffering could be alleviated.

³⁷Percy Fitzgerald, *Chronicles of the Bow Street Police Office* (London: Chapman & Hall, 1888; reprint, Montclair, New Jersey: Patterson Smith Publishing Corporation, 1972), xiii-xxiii.

³⁸McConville, 50.

³⁹Ibid., 50.

Prisons in eighteenth-century England operated with little or no government regulation. The jail keeper was often appointed by a local magistrate, and was allowed to operate the prison independently. The jail keeper was responsible for the daily operation of the prison, and had the power to hire whomever he desired to work in the prison. The jail keeper in Newgate was a lucrative position, in many instances, the office passed from father to son.⁴⁰ Richard Akerman was the Newgate jail keeper for thirty-eight years. When he died, in 1792, Akerman had amassed a fortune of over 20,000 pounds.⁴¹ The Newgate jail keepers provided for the prisoners, but not out of public mindedness. The Newgate jail keepers received very little operating funds from government sources. As a result, a prisoner paid for anything received while incarcerated. Recompense began in the Newgate holding room.

The holding room was an area used for the reception of new prisoners, and housed condemned prisoners. The fifteen by twenty foot room was dark and enclosed. If the prisoner desired better conditions, he or she had a choice between the Master and Common side. The cost for relocation was 2s. 6d. This sum, however, only got the prisoner to the general prison population. If the prisoner desired to go to the Master's side, the fee was 14s. 10d. In the winter, coal on the Master's side cost 1s per day. A bed in the Master's side ran about 3s 6d per week. A minimal amount of food was supplied, and the prisoner had the option of purchasing more. If the prisoner could afford only the minimal relocation fee, 2s 6d, he or she got no further than the Common side. Life on the

⁴⁰Michael Ignatieff, *A Just Measure of Pain: The Penitentiary in the Industrial Revolution, 1750-1850* (New York: Pantheon Books, 1978) 37-8.

⁴¹McConville, 71.

Common side was described as “most terrible, wicked, and dreadful.”⁴²

Incarceration on the Common side was in the underground dungeon. The floor was stone, and if prisoners wanted bedding they had to purchase straw. Those who lived on the Common side spent over fifteen hours a day in the dark and damp dungeon.

Typhus, or “gaol fever,” was commonplace and spread rapidly. The Middle Ward, which cost 2s 6d, was less severe than the Common side. The floor was wood instead of stone, and some windows allowed light to shine into the ward. The conditions for women in Newgate equaled those of their male counterparts. The prisoners could, however, receive as many visitors as they liked, although the cost for visitation was 1s 6d.⁴³

The prisoners confined in Newgate paid for everything, even their freedom. Every felon who was discharged from Newgate had to pay the jail keeper and the clerk prior to leaving. The keeper received 18s 10d and the clerk received 6s 2d. For misdemeanants the fee to the jail keeper was 14s 10d and the clerk was entitled to 10s. The criminals who obtained pardons needed to pay 25s to the keeper and 6s 2d to the clerk. If a prisoner finished his or her sentence they remained in Newgate until they paid all the discharge fees.⁴⁴

The tap house was another means for the Newgate jail keeper to make money. The tap house was a profitable enterprise. Those prisoners who had money drank ale or gin while passing their time in prison. Visitors and prisoners spent a majority of their time and money in the tap house. Male prisoners could have some privacy with their female

⁴²Tobias, *Crime and Police*, 153.

⁴³*Ibid.*, 154.

⁴⁴*Ibid.*, 156-7.

guests for a fee, and prisoners of the opposite sex could spend the night together in privacy for a small fee.⁴⁵

Many of the workers inside Newgate came from the criminal element or the fringes of eighteenth-century London society. The keeper paid them a nominal fee and allowed them to extort money from the prisoners at will. If prisoners wanted fresh air, they had to pay the turnkey. If they wanted relief from their irons, a turnkey removed them for a fee. If prisoners wanted exercise, they were escorted to the yard for a fee.⁴⁶

The population of the London prisons swelled during the eighteenth century. Complete statistics about the prison population were not compiled until the middle of the century. In 1776, John Howard, an early prison reformer, estimated the prisons in England and Wales contained approximately 4,084 prisoners. Of these 4,084 prisoners, 2,437 prisoners were held in four London prisons, King's Bench, Newgate, the Fleet, and Clerkenwell. Debtors made up the majority of London prisoners. Out of all the prisons, Newgate had the largest prison population. Howard estimated that between 1756 and 1764, the daily Newgate population ranged from a minimum of 130 to a maximum of over 830.⁴⁷ The work of John Howard improved the conditions of English prisons, and by the close of the century jail keepers were paid regular salaries, and the charging of fees to prisoners slowly disappeared.

Imprisonment offered little punishment, especially for those who could afford the jail keepers' fees. If sentenced to prison a criminal could live in relative luxury provided he

⁴⁵Ignatieff, 39.

⁴⁶McConville, 72-3.

⁴⁷Ibid., 51.

or she had the funds. Daniel Defoe spent six months in Newgate prison. He commented about how felons spent their time in Newgate: "I have known poor Wretches that have not seen a sober Moment from the Time of their Sentence to the Day of their Execution."⁴⁸ Indeed imprisonment for some in Newgate was not a memorable experience, but those who had the means could live quite comfortably

There was another option used by magistrates to punish some criminals.

Transportation was often used in less serious cases to dispose of convicted criminals. The criminals were shipped to the American colonies, and used as a labor force. The English government contracted with shipping merchants, who were responsible for providing the criminals' transportation to the colonies. Once the criminal arrived, the contractor had the rights to sell the criminals' service. Once hostilities commenced with England and the colonists, a new penal colony was established for transportation purposes in Australia.⁴⁹

What Criminal Biographies Reveal

Criminal biographies can be used as a source to confirm or discount information disclosed in research. They may also be used to create new data examining eighteenth-century criminality. Examination of contemporary biographies can add depth to studies by providing readers interesting background information concerning the development of laws and describing the functions of eighteenth-century law enforcement institutions. Material derived from biographies can help supplement other information uncovered by researchers investigating particular aspects of criminality during the eighteenth century. They can also be analyzed for specific data concerning the types of crimes committed over time, create

⁴⁸Defoe, 53.

⁴⁹Tobias, *Crime and Police*, 160.

victimologies, and disclose criminal trends and patterns.

The biography depicting the “Waltham Black” incident not only described the criminals, but provided information disclosing the outrage associated with the crime leading to creation of the most notorious capital act in England. None of the studies reviewed that mentioned the Waltham Black Act provided any detailed account of the circumstances involved with the creation and implementation of this act. Not only did the criminal biography provide this information, it included the complete eighteenth-century wording of the act. In another instance, the criminal biography of Jonathan Wild discloses how his activities led to the passage of the 1718 Receiving Act. This act made it capital for a person to receive knowingly or dispose of stolen property. The biography also divulges information about how Wild developed methods to evade the law and continue his criminal enterprise.

The criminal biographies also contain accounts of the law enforcement methods used during the eighteenth century. Although the overall method of investigating crime during the eighteenth century was erratic, the biographies present information demonstrating how some sound investigative procedures were used to capture criminals or release those wrongfully charged of criminal offenses. In the case of Robert Fuller, he was convicted of shooting at and attempting to rob Francis Bailey in February 1743. The biography points out that Fuller was wrongfully identified by Bailey and subsequently received a pardon and was released.⁵⁰

As the eighteenth century progressed more resources became available for investigating crimes. The biography of Francis Lewis indicates that in some sections of

⁵⁰Crook, vol. 3, 127-9.

London watch-houses began to experiment with allocating men to investigate incidents of crime. Francis Lewis worked as a servant and filed a fictitious report to the night watchman in 1778. Lewis reported the house was entered by three men who tied him up and threw him into a closet. The burglars then stole some valuable items from the house. The next day an investigator named Clarke came to the house to follow up on the report. During the course of his investigation, Clarke determined that the report was false. The window through which Lewis claimed the intruders entered and exited through was not damaged, nor were the cobwebs disturbed. Lewis was arrested and eventually executed for the theft along with making the false report.⁵¹

The conditions of the various London prisons, and especially Newgate, are depicted in many of the biographies. Some of the accounts describe how the criminals spent their time, who visited them, and describe the atmosphere of eighteenth-century prison life. John Rann, convicted for highway robbery in 1774 was sentenced to Newgate, and on the eve before his hanging ordered an elaborate dinner for himself and several female acquaintances. In contrast George Price was convicted for murdering his wife in 1738, but died of jail fever in Newgate while awaiting his execution.

Statistical information has been extracted from a collective review of the 171 biographies used for this study. The data, shown in table 1, indicate that crimes committed by eighteenth-century criminals were varied. Out of the 171 crimes surveyed, fifty-six (33%) criminals were hanged for murder, while multiple crimes accounted for twenty-four (14%) offenses. Of these multiple crimes nineteen (79%) involved murder. Forgery offenses were relatively high, with twenty-one (12%) criminals hanged for this

⁵¹Crook, vol. 4, 133-6.

offense. Only fifteen (9%) criminals committed highway robbery, and fourteen (8%) criminals were hanged for robbery alone.

Table 1. Breakdown of Crimes by Number of Offenders and Gender

Crime	Number of Offenders	Percentage of Offenders
Murder	56	34
Forgery	21	12
Multiple Crimes	24	14
Robbery	14	8
Highway Robbery	15	9
Theft	10	6
Burglary	9	5
Other Offenses	22	12
Totals	171	100
Male Offenders	152	89
Female Offenders	19	11
Totals	171	100

Source: G. T. Crook ed., *The Complete Newgate Calendar*, 5 vols. (London: Navarre Society, 1926), vols. 2, 3, and 4.

Crimes against property were much lower than anticipated. Only ten (6%) criminals received capital punishment for theft. Burglary offenses were equally as low, with nine (5%) criminals hanged for this offense. Housebreaking and other miscellaneous property offenses accounted for the remainder of offenses and included sheep-stealing, swindling, smuggling, and mail robbery. The offenders executed for each of these offenses did not exceed two. Four criminals were hanged for treason, two for arson, three for manslaughter, two for maiming, and counterfeiting, perjury, and piracy each accounted for one capital offense.

There were only nineteen (11%) females hanged among the group, and only two

offenses led them to the gallows. Murder was the most common offense, with sixteen (84%) of the women hanged for that crime. Robbery was the next highest, with three (16%) women executed for that violation.

Just as many criminals were hanged for first time offenses as those executed for repeated criminal activity, as indicated in table 2. The biographies indicated that eighty (47%) criminals had a history of criminal activity, while seventy-three (42%) had no prior history of criminality. In eighteen (11%) biographies no information was given concerning prior criminal activity.

Table 2. Crimes Committed by First Time and Repeat Offenders

Offender Status and Crime	Number	Percentage
First Time		
Murder	47	65
Forgery	14	19
Robbery	4	6
Other Crimes	8	11
Totals	<u>73</u>	<u>100</u>
Repeat		
Robberies(including highway)	31	39
Property Crimes	28	35
Murder	16	20
Other Offenses	5	6
Totals	<u>80</u>	<u>100</u>

Source: Crook, vols. 2, 3, and 4.

The majority of first time offenders committed either murder or forgery. Murder accounted for forty-seven (65%) crimes perpetrated by first time offenders. There were fourteen (19%) forgery offenses, and four (6%) robberies attributed to first time offenders. Arson, perjury, burglary, counterfeiting, and manslaughter comprised the

remainder of first time offender crimes. A large proportion of first time offenders were employed, with thirty-nine (54%) being gainfully employed, while only twenty-five (35%) were not employed. In eight (11%) instances it could not be determined if first time offenders had employment. From this data, it may be inferred that during the eighteenth century first time criminal offenders were more likely to engage in violent crimes than professional criminals. Those first time offenders who did not commit violent crimes and were employed, used crime as a means to alleviate their debt.

From the descriptions contained in the biographies, it was easy to determine from what class structure the criminals and victims came. On average, the criminals studied tended to commit crimes inside their own class structure. Overall, eighty-three (49%) crimes did not involve victims outside the class structure of the criminal, while only forty-two (25%) of the crimes studied affected victims outside the class structure of the criminals. The State was victimized in nineteen (11%) offenses, and twenty-three (13%) criminals committed crimes outside and inside their class structures. The class of the victim could not be identified in four cases.

In crimes where the victim came from outside the criminals' class structure, murder accounted for eighteen (41%) victims. Some form of robbery involved nine (22%) victims, while property and forgery victims totaled fourteen (34%).

Murder was by far the predominant crime committed by criminals inside their social class with sixty (73%) murder victims disclosed by this study. Victims of property offenses totaled twelve (15%), with thirteen (16%) victims combined from forgery and robbery offenses. All of these victims came from inside the criminals' social class.

In offenses with the State as a victim, forgery and treason were the most common

with eleven (58%) forgery offenses and four (21%) treason offenses. Other offenses where the state was victimized included counterfeiting, mail robbery, arson, and smuggling. One offender was hanged for each of these crimes.

For criminals whose crimes went beyond their class structure robbery was the most common crime, with a total of ten (43%) victims, followed by eight victims resulting (35%) from property offenses. There were only five (22%) murder victims in this category. Table 3 presents a class structure victimology.

Table 3. Analysis of Crime Victims by Class Structure

Victims	Number	Percentage
Within Same Class	83	49
Outside Class	42	25
Outside/Inside Class	23	13
State	19	11
No Information Obtained	4	2
Totals	171	100

Source: Crook, vols. 2, 3, and 4.

The majority of criminals studied were not London natives. Only thirty-one (18%) criminals were born inside the boundaries of London. Some 105 (61%) criminals moved to London and used crime to either support themselves or supplement their income. Overall, the crimes committed by these criminals tended to be violent, with 121 (71%) criminals using some form of violence during the commission of their crimes. Only fifty (29%) criminals committed non-violent crimes. These London criminals tended to plan their criminal activity as well, with 148 (87%) committing premeditated crimes, while only nineteen (11%) criminals carried out opportunistic crimes. In only six (4%) criminal biographies it could not be determined if the crimes were premeditated or opportunistic.

The majority of these criminals had some type of trade. This study disclosed that 109 (64%) criminals had a trade while only thirty-five (20%) had no skill. In twenty-seven (16%) criminal biographies no skill was listed for the criminals. While a large proportion of the criminals had employable skills, only sixty-nine (40%) were gainfully employed when they engaged in criminal activities. The percentage of criminals who were not employed was slightly larger, with seventy-five (44%) criminals unemployed when they engaged in criminal activity. Again, in twenty-seven (16%) biographies no employment information could be determined. Employment status and trade skills for all criminals are configured in table 4.

Table 4. Employment Status and Trade Skills

Offender	Number	Percentage
Overall		
Employed	69	40
Not Employed	75	44
No Info Obtained	27	16
Totals	<u>171</u>	<u>100</u>
Trade Skills	109	64
No Trade Skills	35	20
No Information Obtained	27	16
Totals	<u>171</u>	<u>100</u>

Source: Crook, vols. 2, 3, and 4.

There was not a large contingent of military personnel represented in this study. Only twenty-eight (16%) criminals had prior military experience, or were affiliated with the military. Military personnel (either active or discharged) did not appear to be a problem as far as crime was concerned. In the period immediately following the Seven

Years War (1756-1763) only two of the criminals studied engaged in criminal activity had military experience.

In summary, the criminals surveyed for this analysis tended to commit violent crimes. First time criminal offenders were the most likely to have murder be their first and only crime. Repeat offenders, on the whole, engaged in low risk crimes involving some form of violence. The victims, overall, came from the same social background as the criminals. A large majority of criminals were not London natives, indicating the London criminal element was an external phenomenon. The London criminal was reasonably well educated, as many had some type of skill or trade prior to conducting criminal activities. Many criminals resorted to crime in order to support themselves because an overwhelming number of criminals in this study were not employed, even though they had employable skills. The general pattern for crime and criminality, according to this survey, was well planned and methodical. Opportunistic criminal activity was the exception, while premeditation was the rule. Thus, it may be concluded that the eighteenth-century London criminal element was becoming a structured and professional group. Within this group of criminals those who committed like crimes had distinctive similarities which may be defined by a criminal profile.

CHAPTER III

“HANGED BY THE NECK UNTIL DEAD”

Criminologists today study criminal patterns and criminals to create criminal profiles. These profiles are used by law enforcement agencies to assist in solving crimes, identify criminals, and are especially useful when law enforcement agencies are confronted with multiple unsolved crimes such as murder, rape, and arson, usually committed by a single criminal. They provide law enforcement agents with general descriptions of murderers, rapists, and arsonists. Profiles allow law enforcement agents to focus their investigation, and target specific individuals who match a criminal profile. These profiles are created by interviewing the criminals, analyzing their crimes, studying their backgrounds, and compiling a victimology.

As stated earlier, criminal biographies written during the eighteenth century offer the historian a great deal of information concerning contemporary crime and criminality. The crimes and criminals are identified, the backgrounds of the criminals are provided, the victims are described at length, details concerning the actual commission of the crime are explained, and the dates of execution are included in the biographies. The only component not available for the historian is the possibility of an actual interview with the criminals portrayed in the biographies. However, some of the biographies provide the reader with a transcript of the criminal's confession and motives for their criminal behavior. In this manner, the historian is able to have a one way interview with the criminal. Once criminal biographies are reviewed and analyzed it is possible to obtain a better understanding of whom these criminals were. This chapter will apply the methodology used by twentieth-

century criminal profilers to create victimologies and profiles for some of the criminals executed at Tyburn between 1723 and 1783. The crimes of murder, forgery, robbery, along with burglary, housebreaking and other property related offenses will be examined. Females and their crimes will also be examined. After some specific case studies are recounted, the profile created from the analysis of these biographies will be discussed.

Murder

Murders are high profile crimes for every society, and eighteenth-century London was no exception. Some of the murders were grisly and premeditated crimes, while others only impulsive acts of violence. By 1752, the English government believed the murder rate was spiraling out of control, especially in London. This prompted the king to pass the 1752 Murder Act. The act sped up the legal process for accused murderers. Once the accused was convicted, only two days could lapse between conviction and execution. A further provision of the law required that all murderers, once hanged, had their bodies dissected in public at Surgeons' Hall. Only after dissection was the body buried.¹

The first murderer prosecuted under the provisions of the 1752 act, was Thomas Wilford. Wilford was born without an arm and as a consequence of his disability, was shuffled off to a workhouse. In the workhouse, he met an orphaned girl; the two married shortly thereafter. The two seventeen-year-olds moved into lodgings within London. The lived together for only one week, when Wilford brutally murdered his wife.

The murder was committed on a Sunday after Wilford's wife returned home late in the evening. When asked about her whereabouts by her husband, she replied that she was out with an acquaintance. In a fit of rage and jealousy, Wilford threw his wife to the

¹Marks, 247.

kitchen floor, and slit her throat. His fatal strike was so severe he almost decapitated her. The youth was tried and convicted on the following Friday. Following his execution on Monday, his body was delivered to Surgeon's Hall in accordance with the provisions of the new act.²

Murder was not a crime limited to the native population, foreign visitors and foreigners living in the metropolis became victims or subjects in murder cases. In one instance a Frenchman killed his fellow countrymen for monetary gain. When Jaques Mondroyte arrived from France to establish a new market for his goods, he hired Francis Mercier as an interpreter. Mercier resided in London for some time before the meeting, so he was familiar with all the shops and merchants of London. The French merchant brought trunks filled with expensive watches and jewelry from France, hoping to establish some type of London network. After discovering Mondroyte's cache of valuables, his companion immediately made plans to kill him, steal the items and sell them.

Mercier commissioned a cohort to construct a weapon small enough for concealment, so when the time was right, he could implement his scheme. The murder weapon was similar to an Indian tomahawk, but smaller in size. One evening Mondroyte invited Mercier to his lodgings for dinner and comradeship. As the night grew long and the two grew weary, Mondroyte asked his companion to spend the evening. The two could leave in the morning and conduct their business. That night while Mondroyte slept, Mercier bludgeoned him to death. Before leaving the apartment, Mercier stuffed his dead countryman into a trunk, stole sixteen gold watches, some money, and vast quantities of jewelry.

²Crook, vol. 3, 223-4

The next day Mercier returned to the apartment and asked the neighbors where his friend was. The neighbors replied they had not seen the Frenchman all morning. Acting surprised, he informed them that the two planned a holiday in the country, and Mondroyte's absence was irregular. The continuation of this routine aroused the neighbors' suspicions who entered Mondroyte's apartment, and discovered his decaying body in a trunk. Mercier was arrested, tried, and convicted for the murder. He was executed on December 8, 1777.³

Murder Profile

Before the 1950s, the existence of serial murderers was not well documented whereas today, serial murderers account for one third of all homicides in the United States. In the eighteenth-century, conventional homicide, when there are only one victim or multiple victims but one incident, was the norm.⁴ In this study, three types of murderers existed: those whose victims came from inside their social class, those whose victims crossed the class structure of the murderer, and in some instances those whose victims came from inside and outside the criminal's class structure. The first two categories of murderers fall into conventional homicide, but the last group of murderers committed their acts in connection with another crime, and may be categorized as serial criminals, but not serial murderers. The type of crime associated with this category is robbery and will be discussed below.

The murderer who committed the act within his or her social class was the most

³Crook, vol. 4, 123-5.

⁴Roland M. Holmes and Stephen M. Holmes, *Profiling Violent Crimes: An Investigative Tool* (London: Sage Publications, 1996) 61.

frequent type of murderer among the group studied, and tended to be male. This criminal had some type of marketable trade which provided a livelihood. Some of these criminals were, at one time, attorneys, watchmakers, innkeepers, butchers, teachers or had some prior military service. They were not considered part of the lower strata of society. They were not London natives, and at the time of their crime had no gainful means of employment. This type of criminal saw homicide as a means to achieve some form of monetary gain from the commission of their crime. All of these criminals went to great lengths to conceal their crime.

Murderers who committed their crimes outside of their social class did so more for revenge, or to personally right a wrong they felt was perpetrated against them rather than for monetary gain. These criminals all had skills and were employed when the murder occurred. As with the aforementioned murderers, these murderers were not natives of London. All of the victims were known to the murderer, and when confronted with their actions by authorities openly confessed.

Female Criminals

Women committed many crimes during the eighteenth century. Prostitution was the most common crime associated with women. However, women executed some of the most heinous crimes during the eighteenth century, and received some of the most brutal punishments. When a female was convicted of murdering her husband, her crime was not murder, but petty treason. This required the female to suffer hanging followed by burning.⁵ Although this may seem harsh, women were more likely to be acquitted, transported or pardoned than men. This difference was attributed to the fact that women

⁵McLynn, 121.

were perceived to be less of a threat to society and authority than men.⁶ Women did not appear to commit their crimes as impulsively as men during the period under examination. Their crimes appear to have been more calculated. Overall, women and their crimes during the eighteenth century offer interesting case studies.

Mary Young, better known as Jenny Diver, was one of the most successful and ingenious pick pockets of her day. A woman of Irish descent, she arrived in London and became friends with another Irish woman, Anne Murphy. Murphy belonged to a gang of prosperous pick pockets, and Mary soon became a member. The gang instructed Mary in the skills necessary to become a successful thief. She learned the trade, excelled in her craft, and devised several ingenious ploys which produced astounding and lucrative results.

Mary's touch was so light that she could steal a ring off someone's finger without being detected. She practiced her criminal talents in crowds gathered outside churches, theaters, and public events. Ingeniously, she had a false pair of arms and hands constructed which became part of her disguise as a pregnant woman. The arms and hands rested on her stomach, while she concealed her real hands underneath a dress. She often sat in church between wealthy men and women, and during the course of the service stole watches, wallets, and rifled pocketbooks.

Another scam practiced by the criminals was the "fainting spell" which was utilized at outdoor gatherings. Mary pretended to faint, and while a crowd gathered around to assist, her counterparts picked pockets. This trick was also used in another manner. Mary's male accomplice knocked on the door of houses, and claimed her mistress fell ill

⁶Ibid., 128.

and needed assistance. Once admitted to the house, the male rifled drawers stealing valuables, and while the occupants tended to Mary she picked their pockets. She was eventually arrested for her misdeeds, but instead of receiving the death penalty, was sentenced to transportation. When Mary boarded the boat for Virginia, she had so many belongings, it required a considerable effort to load them on the ship.

After selling her possessions in Virginia, Mary lived an elegant lifestyle. However, Virginia was not to her liking and she persuaded a gentleman to take her back to London. Once the ship was docked, Mary stole all the man's valuables and went to London. She tried to find part of her old gang but was unsuccessful. Returning to her former practices, Mary was eventually caught. Brought before a magistrate, she used an alias and once again escaped death by being sentenced to transportation. In less than a year, Mary returned to London, resumed her criminal lifestyle, leading to her final capture and subsequent execution on March 18, 1740.⁷

James Brownrigg was a plumber living in London. His wife, Elizabeth, bore him sixteen children. Elizabeth worked with young women housed in the parish and nearby workhouses. As a result of her work with orphaned girls, the parish placed two apprentices in her charge. Mary Mitchell and Mary Jones became the first two apprentices. The young girls, treated with much civility, soon became the object of Elizabeth's wrath. Mary Jones was the first recipient of Elizabeth's cruelty.

For no known reason Jones was placed across two chairs one day and beaten severely. This activity was repeated on several occasions. Elizabeth whipped the young girl until weariness forced her to stop. At such time Jones was splashed with a pail of cold

⁷Crook, vol. 2, 102-8.

water, then forced to take a cold bath. Jones sneaked out of the house one evening to avoid further beatings, and complained of the cruel treatment to parish officials. The officials sent a letter to Elizabeth detailing that further cruelties warranted prosecution. Mary Mitchell attempted to escape, but was caught by Elizabeth's son and returned to the house. Mitchell received the same treatment as Jones, but when Mary Clifford arrived for an apprenticeship, Elizabeth's harshness turned toward her.

Elizabeth tied a naked Clifford to a ceiling pipe, and flogged her on a daily basis with a hearth-broom, horsewhip, or cane. When Elizabeth grew weary of thrashing Clifford, her son resumed the activity. Following these floggings, the girl was confined to a coal storage hole in the cellar, where she received minimal food and drink. In one instance Clifford broke into a cupboard searching for food. This act, discovered by Elizabeth, resulted in even harsher punishment. Elizabeth placed a chain around Clifford's neck and fastened it to a nearby door. The chain tightened to the point of near strangulation, remained in place during the beatings. The chain was not removed, and Clifford's hands stayed tied while she slept in the coal bin. The young woman made an attempt to help herself by complaining to a French lady who lodged with the Brownriggs. After which her tongue was cut in two places to ensure silence. The parish authorities eventually removed Clifford and Mitchell from the Brownrigg's house. Clifford died in the hospital shortly thereafter.

Mr. Brownrigg was jailed pending a trial, but Elizabeth and her son escaped custody and hid from authorities. They managed to escape capture, until the landlord from the lodgings they occupied recognized the two, and turned them over to a constable. Elizabeth's trial lasted over eleven hours, and she was convicted of causing the murder of

Mary Clifford. Mr. Brownrigg and his son received convictions for misdemeanor offenses and each served six months in jail. Elizabeth was hanged on September 14, 1767. As she made her way to Tyburn the crowd jeered and yelled obscenities at her. After the execution her body was taken to Surgeon's Hall, where her skeleton was displayed for several years.⁸

Female Profile

The female murderers surveyed in this study do not fit into any specific category of murderers. Their victims came from either inside or outside of their respective social class. Some of the motives for their murders ranged from monetary gain, to romantic entanglements gone sour, while others were just blatant acts of cruelty or torture subsequently ending with the victim's death. Some females killed their husbands because of ill treatment. With the exception of four women, the female murderers did not have a trade, nor were they employed when their murders were committed. Some of the females enlisted outside help for their actions, and none of them were London natives.

Highway Robbery

Travel on the eighteenth-century English roads was sometimes a dangerous undertaking. The roads themselves were physically hazardous to travel, but if the natural hazards were not enough, travelers more often than not ran the risk of being robbed. The highway robber was a living dichotomy. On the one hand the English revered all the highwaymen stood for. His free lifestyle, his ability to outwit the authorities, his compassion toward women all conjured up images of a Robin Hood like hero. On the other hand the highwayman's presence on the highway filled travelers with fear, and his

⁸Crook, vol. 4, 46-50.

crime, if caught, was punishable by death. However, as some criminal biographies indicate, the English highwayman was considered a different kind of criminal, treading the fine line between common criminal and hero.

Richard Turpin was born just outside London in Essex County, received an education, and after his studies apprenticed to a butcher in Whitechapel. Once he returned to Essex, he married and set himself up as a butcher. His business did not fare in the manner he desired so he began stealing game, processing it, then selling it to supplement his income. After disposing of an ox in this manner, the owner demanded recompense from Turpin, who fled into the countryside avoiding prosecution.

A gang of smugglers recruited Turpin, who in turn persuaded, the gang they might have more success plundering houses. After conducting surveillance they entered the houses, tied up the occupants, ransacked the houses, and stole any valuables they came across. These crimes created great fear among the residents of Essex county. Local authorities, under pressure from the community, offered a 100 pound reward for the capture of Turpin and his gang. One evening, authorities learned of the gang's presence at an inn near Westminster and made an attempt to arrest them. The gang was captured, but Turpin escaped and took to the highway. He headed toward Cambridge and met another highway robber. The men formed a bond and decided to work together as highway robbers.

The two conducted highway robberies for over three years. In order to preserve their livelihood, they lived in a cave large enough to provide for themselves and their horses. This cave, located near a highway, allowed them to observe who approached, conduct a robbery, and return to the cave unmolested. One evening outside an inn near

the outskirts of London, a constable attempted to arrest the two. Turpin's accomplice was in the grips of the constable and was killed when Turpin tried to shoot at the constable. After the incident, he went to the northern countryside, his partner dying a few days later.

Once in the north, Turpin took on a new identity. He lived quietly as "John Palmer" near Yorkshire and became a horse trader. Perhaps he might have lived the rest of his life undetected if not for a bizarre incident that led to his discovery.

For no apparent reason, Turpin shot his landlord's rooster. The landlord demanded compensation and references from the robber. He wrote to his brother, explained his circumstances and asked him to forward some references to the landlord. The correspondence did not have enough postage, and his brother not recognizing who "John Palmer" was sent it back. The letter went back through the Essex postmaster, and somehow Turpin's old schoolmaster recognized the handwriting. The Essex postmaster and the schoolmaster informed the magistrates in Yorkshire that "John Palmer" was Richard Turpin, the notorious highway robber. Turpin was tried, convicted, and hanged for highway robbery on April 7th, 1739. Thousands turned out to watch the nefarious highwayman hang. Paid mourners dressed in black followed his cart, and from the cart Turpin waved happily to the crowd. With a rope dangling from his neck, he gave a resounding half-hour speech to the crowd, then threw himself from the ladder.⁹

William Page took his career as a highwayman very seriously. When Page was captured, he possessed detailed maps of all the highways within a twenty-mile radius of London, three loaded pistols, and the black wig he used to disguise himself. Prior to his

⁹Crook, vol. 3, 88-97.

criminal career, Page lived and worked in his cousin's London haberdashers shop. He found that relieving the till of money was more to his liking. Page's light fingered tendencies ended in dismissal from his cousin's shop. This proclivity toward theft also terminated his father's financial support. He procured work in a livery stable, and when his employer was robbed on the highway, decided highway robbery was a more lucrative career option.

Page used a great deal of ingenuity in his new career. He purchased an open coach and a team of horses. With the coach parked near the highway, he put on a disguise, unhitched one horse, committed the robbery, returned to his coach, then drove back to London. Page became an extremely successful highway robber using this method. One day while in London he met an old associate and the two agreed to work together. They committed over 300 hundred robberies in three years. When his partner was eventually apprehended, he turned Page over to authorities. Convicting Page proved a costly and lengthy endeavor, as only one robbery victim recalled being robbed by him. This was enough, and Page hanged on April 6, 1758.¹⁰

Robbery Profile

A serial criminal is defined as one who commits three or more of the same crimes without being detected.¹¹ Eighteenth-century robbers could be considered serial criminals, because they continued their criminal activities, sometimes conducting 100 robberies or more, until caught by authorities. The eighteenth-century London robber was not a London native, and was typically very organized. These criminals were not employed but

¹⁰Ibid., 261-5.

¹¹Holmes, 62.

had trades, with many having some military background. The average age was twenty-five, and their victims came from all aspects of London society. Their ability to handle a horse was above average. They came to London and found their lifestyles could not be supported through conventional means. Most came from wealthy backgrounds, had good educations, and generally worked alone, but some had partners. They did not limit their criminal activities to one specific area, thus complicating attempts to capture them.

Robbers used the threat of violence to perpetrate their crimes, and had no reservations carrying out their threats. This is indicated by the number of murders connected with robbery offenses. These murder victims of robbers came from different classes, indicating the robber did not confine his actions to one social class.

Forgery

As stated earlier, criminals in eighteenth-century England came from all segments of London society. Forgery is the crime which indicates this fact. Forgery required a criminal be literate and possess above average writing skills to effect the crime. An examination of the criminals hanged for forgery shows how diverse and imaginative these criminals were.

John Rice received a fine education, and after the completion of his studies, began his career as a London stockbroker. His work enabled him to live more luxuriously than most Londoners, earning a yearly salary exceeding 1,200 pounds. However, Rice began to live well beyond his means and soon found himself in need of more money. This led him to forge letters of attorney in the name of one of his clients.

Mrs. Ann Pierce, a wealthy Yorkshire lady, held a considerable amount of stock with The South Sea Company. Rice forged several letters of attorney enabling him to

receive over 19,000 pounds of funds drawn on Mrs. Pierce's South Sea stock. It did not take long for his client to hear of the transaction, and she decided to speak with him. It was about this time Rice chose to leave London for a prolonged stay on the continent. He decided to take up residence in Cambrai, and sent for his wife to join him.

Mrs. Rice departed for Cambrai, but rough seas forced her return to London. When she returned, the authorities met her at the boat and wanted to know the whereabouts of her husband. Mrs. Rice's complicity in the circumstances surrounding her husband's forgery was compounded by the fact she was found carrying 4,000 pounds worth of bank notes. Confronted with the consequences of her action, she told London authorities her husband was in France. Once London officials knew Rice was living in Cambrai, an emissary was sent to France for negotiation of his expeditious return to England. His return to England and pending trial created great interest in London. On May 4, 1763, Rice was hanged at Tyburn. Rice's mother was spared the distressing news of her son's fate, as local officials told her he died while on holiday in France.¹²

The forgery trial and subsequent execution of Dr. William Dodd on June 27, 1777 created a tremendous uproar with the population of London. Dr. Dodd was born in 1729, after receiving a Doctor of Divinity moved to London. He became an extremely popular London preacher and literary figure. In 1763 he was appointed as one of the king's chaplains. Dodd established many public charities to help those less fortunate than himself. He tutored a young Lord Chesterfield, and this connection proved to be fatal.

Dr. Dodd's lifestyle grew in such a manner that his expenses exceeded his income. The need for money forced him to forge a bond totaling 4,200 pounds drawn on the

¹²Crook, vol. 4, 11-14.

account of his ex-patron Lord Chesterfield. The bond was paid and afterwards Lord Chesterfield declared it a forgery. The Lord Mayor of London issued a warrant for Dodd's arrest and the trial commenced on February 22, 1777. Prior to the trial, Dr. Dodd made arrangements to return all the funds except for 400 pounds, and assured he would make restitution on the remainder. Lord Chesterfield and the Lord Mayor refused the money, and Dr. Dodd's trial began. The jury rendered a decision on him in less than ten minutes, finding him guilty of forgery. He was sentenced to death, but the jury recommended Dodd's case be considered for Royal mercy. The verdict was very unpopular with Londoners.

Samuel Johnson was one of the most outspoken opponents of the verdict. Many other prominent Londoners tried to assist Dodd. The newspapers, filled with editorials against the verdict, clamored for Dodd's pardon. Local parish officials gathered a petition exceeding 23 pages with over 100,000 signatures recommending a pardon. Nothing swayed the judgement of the king. When the petition to pardon Dodd was presented to the king, he rejected it. Dodd would hang for his crime, and so he did, but efforts to save him did not end at the gallows. Dr. Dodd's cart rode up to Tyburn on the morning of his execution through an estimated crowd of 200,000 spectators. This crowd proved a burden in the attempt to save Dodd from his fate.

The executioner, either through bribery or an act of mercy, altered the knot on Dodd's noose. This altercation would allow him to remain alive longer than an hour after the cart moved suspending his body from the gallows. When Dodd fell from the cart, the executioner immediately stilled his legs and very soon afterwards the body was taken down. The plan called for Dodd's body to be rushed into a nearby house, where a

renowned surgeon awaited. The surgeon planned to place Dodd's body into a hot bath, and begin resuscitation efforts. The body made it to the house, but because of the large crowd the delay in transportation proved fatal. Many believed the efforts to save Dodd succeeded, and he was eventually secreted out of the country. This rumor was never substantiated.¹³

Forgery Profile

Eighteenth-century London forgers were the best educated of all the London criminals. In order to commit their crime they had to be able to read, write, and had an excellent knowledge of England's financial workings. They had well paying jobs, and were gainfully employed when they committed their crimes. Some forgers worked as merchants, apothecaries, clerks, or attorneys. Even though forgers had stable employment, they tended to live outside their means and accumulated large debts. Forgery was viewed as a short term solution to alleviate a financial burden. Forgers were easily caught due to the nature of the crime itself. Thus, the forger was not very often a repeat offender. The limited number of documents a forger could use for monetary gain also insured the criminal was readily caught. Bank notes, stocks in trading companies such as the India and South Sea Company, wills, and insurance documents were most commonly forged. Because of their prominent societal position and education, eighteenth-century forgers did not consider themselves criminals. Many thought their attempt to repay their ill-gotten gains absolved them from criminality. If the State was not victimized by the forger's actions, the victim belonged to the same social class as the forger.

¹³Crook, vol. 4, 114-19.

Burglary and Housebreaking

Two of the most common crimes committed during the eighteenth-century were housebreaking and burglary. Housebreaking, which defined by statute, was limited to the daytime, while burglary was differentiated from housebreaking because the offense had to occur during the night.¹⁴ In the previous chapter the statutory requirements for each offense were outlined, including the development of particular elements of the crime which developed over the eighteenth century. Both of these crimes provided a criminal with a lucrative living for a relatively low risk factor.

Peter M'Cloud whose criminal career developed gradually from petty theft, to picking pockets, finally culminated with housebreaking and burglary. His career ended at 16 when he was hanged at Tyburn on May 27, 1771, for housebreaking. The youth was brought to London by his father early in his life. Shortly after the two arrived in London M'Cloud's father died. His mother turned to prostitution to support them. His mother encouraged him to assist the family's support by engaging in criminal activities.

M'Cloud fell in with a group of like-minded youths who used crime as a means of support. As the gang grew older their criminal aspirations grew in proportion, eventually leading to housebreaking. During one burglary, the gang awoke the dog and the entire household. The entire gang managed to escape capture except for M'Cloud. The youth failed to turn over his criminal associates and as a result met the gallows alone.¹⁵

William Cox was another unfortunate youth whose circumstances, combined with his personal ingenuity, eventually drew him into a criminal career. His father brought him

¹⁴McLynn, 87.

¹⁵Crook, vol. 4, 68-70.

to London, and after being sentenced to transportation, the boy was left alone in London to fend for himself. Young Cox began his criminal career by picking pockets. He was caught committing this crime and spent some time in prison as a result. After his release, he moved in with his uncle, who encouraged the lad to continue his criminal enterprises.

Cox found and tamed a sparrow which he used to assist in his crimes. He let the sparrow fly through the window of houses, and under the pretense of retrieving his pet was admitted into the houses. Once inside the house, Cox not only left with his sparrow but some of the owner's belongings. The sparrow died and he developed another method for housebreaking.

Cox, who was very young looking, used this trait to his advantage. He played marbles with boys much younger than himself, and during the course of the game, received information about where they lived and what valuable property their parents owned. Once Cox obtained this information, he broke into the houses and stole the property. During one housebreaking, he stole some banknotes and gave some of them to his uncle and a criminal acquaintance named Claxton. Local authorities apprehended Claxton, when he tried to cash one of the notes and after questioning gave evidence against Cox. Cox was tried, convicted and hanged on October 27, 1773.¹⁷

Burglary and Housebreaking Profile

These criminals tended to be repeat offenders, who had some job skills but were not employed when they committed their crimes. A significant number of these offenders were not London natives, and the overall nature of their crimes was one of non-violence. Their crimes were always premeditated and involved low risk ventures. The majority of

¹⁷Ibid., 95-7.

their victims came from the same class structure, with few engaging in activities outside their class system.

Summary

In this chapter, review of the biographies disclosed general information concerning criminal groups and their victims. The collective examination of these biographies illustrates that some murderers, forgers, and highway robbers tended to come from a different class than burglars and housebreakers. For example, analysis of eighteenth-century murderers revealed that they killed for two motives, reward or as a result of uncontrollable emotional activity. The reward killer generally came from a higher social class than the emotional killer. The reward killer used his crime to gain money to live off of, while the emotional killer worked within societal norms to maintain a livelihood. The same may be said for forgers and highway robbers. These criminals did not come from lower class elements. They had good educations and family backgrounds, but failed to conform to societal norms established, by what one would imagine, their relative social equals. Burglars and housebreakers all have similarities with most coming from broken homes, or once abandoned in London, had to establish a means to support themselves.

The collective analysis of female biographies showed some similarities as well. Female criminals were more likely to be involved with accomplices than males. One trend is easily identifiable, women received different punishment for their crimes than males, even if males acted as accessories for the crime. This is easily recognized in the Brownrigg case, and many other female biographies examined in this study. However, while women received more harsh punishment for violent crimes, in non-violent crimes women tended to receive less severe punishment than their male counterparts. This is

illustrated by the punishment Mary Young received. She was twice sentenced to transportation after being convicted for capital crimes, only after it was discovered that she returned from transportation did Young receive the death penalty.

CHAPTER IV

CONCLUSION

“The authors of the death statutes belonged to the ruling and propertied classes. Those who suffered at Tyburn belonged to the propertyless and oppressed.”¹ Linebaugh uses this phrase to define the criminals executed at Tyburn during the eighteenth century. In one form or another, this analogous depiction is echoed throughout the pages of other Marxist historians investigating crime and criminality for the same time period. This study has shown that crime and criminality in eighteenth-century England does not always fit into such a neat categorization.

The facts disclosed by this thesis indicate that the Marxist interpretation of eighteenth-century crime needs to be re-evaluated. Eighteenth-century criminality cannot be categorized as simply a class struggle between elites and non-elites. Even though McLynn and Linebaugh employed the use of criminal biographies in their studies, a better analysis of them might have altered their findings. The collective examination of these biographies points out that the victims of crime rarely extended beyond the social class of the criminal. Prosecuting a criminal during the eighteenth century was a costly matter, with the victim assuming all the financial burdens. Given these circumstances, a reasonable person might conclude that the majority of criminals would choose to victimize those who did not have the financial means to prosecute them.

The contention made by Marxist historians that the laws of the eighteenth-century were designed to protect the ruling elite’s property may have some foundation. But the criminal profiles developed in this study show that some of the criminals hanged during the

¹Linebaugh, 75.

eighteenth century came from the same social class as the lawmakers. This indicates that some elites did not conform to the laws created by their own social equals. Linebaugh's study discloses that the majority of criminals hanged at Tyburn came from the working poor, but in his study he fails to examine the criminals who were hanged for murder, forgery, or robbery offenses. Overwhelmingly, the majority of criminals surveyed by this study, and hanged for those crimes were not the working poor.

Although the number of female criminal biographies found in the research sampling was limited, they nevertheless reveal some interesting facts. The biography of Mary Young was very useful for providing details about how female criminals worked within male gangs. Her biography describes in detail some characteristics about the structure of professional criminal groups, and shows how criminals prepared themselves for successful criminal careers. Mary's biography illustrates that a female working within the structure of a criminal group was treated as an equal, and her skill as a thief eventually allowed her to become the leader of the gang. The female engaged in underworld activity was apparently not confined by patriarchal societal norms which functioned outside the criminal gang in respectable English society.

The biographies, in some instances, mirror the eighteenth-century perception of women. Women were still viewed as inherently evil, and this attitude is introduced in a number of biographies. Women were often depicted as one of the causes for male criminality. Some biographies conveyed that a male who became romantically involved with a female soon outspent himself. Thus, the male was forced to pursue crime as a means to maintain his relationship with the female. Edward Bellamy, executed in 1724 for theft, was said to have "associated with some women of ill-fame, and became a thief in

order to support their extravagance.”²

Overall, the information disclosed by the female biographies tends to concur with recent scholarship in the area. Burford’s and Shulman’s work is an accurate portrayal of how the punishment of women differed from men, demonstrating that punishment was gender based. The biographies clearly point out how women consistently received more harsh treatment for violent crimes, and fewer severe penalties for nonviolent crimes than male criminals. The study of female criminal biographies also supports the findings disclosed by Kermode’s and Walker’s examination which says that women committed fewer crimes than men. In another area, Kermode and Walker indicate that female criminality extended beyond the crimes of witchcraft, scolding, and infanticide normally associated with women, a conclusion substantiated by this study. Furthermore, no information was disclosed by the criminal biographies suggesting that female crime and criminality conforms to Marxist interpretations.

The analyzation of contemporary criminal biographies shows clearly that criminals were not all propertyless and oppressed. Crime during the eighteenth century was not always a conflict between the haves and have-nots. The class structure of the criminals and victims depicted in the biographies was clearly identifiable. Dr. Dodd was certainly not propertyless, nor was Mary Young oppressed, in fact she lived quite well. This reinforces the fact that when studying crime it is essential to determine who the victims of crime were. Investigations of crime and criminality cannot just be consumed by assessments and classifications of criminals and their acts in relationship to governing bodies. An understanding of why the criminal engaged in criminal activity can provide

²Crook, vol 3, 47.

explanations for many questions concerning criminality in general. This is shown by the profiles created in the last chapter. Crime is a complex and multifaceted phenomenon and must be examined as such.

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