

1

Stop Thief!

Eighteenth-century Britain did not have a police force. The very word 'police' in its modern sense of an organised body of state officials did not emerge until the very end of the century. When Britons contemplated the possibility of creating such a force, it appeared to them to smack of arbitrary and tyrannical government of the sort they denigrated in France and which seemed ill suited to a Britain that endlessly congratulated itself on its liberty and balanced constitution. The price of this freedom was the expectation that individual Britons themselves would play a significant role in enforcing the law and detecting crime: legally, anyone who witnessed a serious crime in progress or who heard the cry of 'murder!' or 'stop thief!', was, as already observed, obliged to join in the pursuit. The parish constables and night watchmen, who were typically part-time, unpaid local officials, generally restricted their activities to arresting suspects once they had been captured by victims or the wider public. As a result, at the heart of eighteenth-century justice was a kind of vigilantism that ensured a relatively high proportion of men and women found themselves involved in the enforcement of the law. It also ensured that many arrests were mistaken or malicious.

Some crimes were unlikely to be prosecuted in this 'do-it-yourself' manner. Those who committed victimless offences, including gambling, sodomy, prostitution, profane swearing and cursing and vagrancy (all considered crimes at this time) were prosecuted differently and more erratically. In these instances, the constables and night watchmen who normally stood idly by waiting for malefactors to be delivered up to their care were responsible for actively pursuing criminals. Unless pressured by zealous neighbours or specifically instructed to do so by a justice of the peace, however, they rarely took these duties too seriously. Only when officers and informers were motivated by the prospect of a financial reward or by a strong religious commitment, as was the case with the members of the reformation of manners societies established in the wake of the Revolution of 1688, were any attempts made

to prosecute vice systematically. At the height of their influence between the 1690s and the 1720s, the societies prosecuted thousands of minor criminals each year, employing informers to infiltrate the free and easy world of irregular London. Many crimes, sodomy for example, were prosecuted in large numbers only because of the religious fanaticism of men like those who promoted these societies.

This system of predominantly private arrest and prosecution had evolved in a rural society and by 1700 was creaking under the strain of trying to satisfy the needs of a rapidly growing metropolis. Fears of violent retribution and of criminal gangs made individual Londoners wary of getting involved or making an arrest. And unless criminals were caught in the act, it became ever more difficult to chase them down in the streets and alleys of Europe's largest city. Frustrated by the small number of criminals arrested and prosecuted, in the 1690s parliament and the crown began to offer substantial rewards (initially up to £40) to those responsible for the arrest and conviction of anyone guilty of certain serious crimes. These rewards encouraged the development of thief taking as a profession. Thieftakers lived on the borders of the criminal underworld, but they were seen as providing a useful service to the state. In addition to earning money from official rewards, these men also profited from a second source of income, derived from their knowledge of criminal networks.

Facilitated by the expansion of the newspaper press in the early eighteenth century, victims of theft in London resorted to advertising in an attempt to recover their lost goods, offering a reward with no questions asked. Prosecutors at the Old Bailey had to pay their own legal costs and even on conviction frequently failed to recover their stolen property. As a result many victims chose to bypass the judicial system altogether and advertise their goods. By responding to these advertisements, which were appearing regularly in the press by the 1710s, thieftakers acted as intermediaries in arranging the return of stolen goods and they received a portion of the rewards offered by the victims. Some, most notoriously Jonathan Wild, combined returning stolen goods and thief taking to create an extensive criminal network, using the threat (and occasional reality) of punishment by the criminal justice system to discipline their underlings. Wild himself went even further and engaged in thief making, growing his own thieves and then profiting from the rewards doled out when he stage managed their arrest and conviction, often leading to their execution.

As distasteful as the activities of thieftakers were, they rapidly became an essential part of the law enforcement system – without them, too much crime would go unpunished. So when the novelist Henry Fielding became a justice of the peace in 1748, shortly followed by his blind half-brother John, they set out to control thieftakers and make them respectable by hiring them on retainers and giving them a base of operations at their house in Bow Street. (Henry died in 1754, but John carried on as a justice until his death in 1780.) By advertising their services in the newspapers, the Fieldings hoped to make

Stop Thief!

3

these men (and the Fieldings themselves) an indispensable part of the judicial system, encouraging victims to report crimes to Bow Street immediately so that they could send out their men in search of the culprits. The Fieldings even gave these men a new, less pejorative, name – ‘runners’ – and in the process created one of the key foundations of modern policing in Britain: a body of experienced detectives.

Once arrested, those accused of felonies had to be kept imprisoned until they could be brought before a justice of the peace for a preliminary hearing. London was full of lockups, variously called watch-houses, roundhouses, compters, and prisons, which were used to hold suspected criminals for short periods of time until the legal process took its course. Like Newgate Prison, where both prisoners committed for trial and convicts awaiting transportation or execution were kept, lockups were run on an essentially commercial basis. For prisoners with money, keepers often provided services including a comfortable bed and good food and drink. Running London's prisons was such a lucrative business that the position of keeper was normally purchased only for a substantial sum. In contrast, prisoners without money were kept in squalid conditions and expected to survive on the county ration of a penny loaf per day, supplemented by charity and doles.

The preliminary hearing in front of a justice of the peace was a key feature of the judicial process. Typically, it took place in the parlour of the justice's own home and was often a very public event, conducted in front of spectators. According to the letter of the law, suspected felons should have been automatically forwarded to the Old Bailey for trial, but in practice preliminary hearings were used to filter out cases where the facts were insufficient to warrant a prosecution. Where the case was stronger, the hearing provided an opportunity to marshal the evidence against the accused in preparation for the trial. The use of the preliminary hearing in this way gave huge power to individual justices, sitting alone in almost God-like judgement. Some, including the Fieldings and their predecessor at Bow Street, Sir Thomas De Veil, used these hearings as a platform from which to build an extensive reputation as crime-fighting magistrates, establishing both a new resource for victims of crime and the model for the magistrates' courts of the next century and beyond.

Ye Dogs, Do You Rob at this Time o' Day?

Thousands of Old Bailey trials only took place because the culprit was arrested by passers-by who, responding to the cry of 'stop thief!' apprehended the suspect. As a method of policing, the 'hue and cry', as it was called, was open to error and abuse. Those making the arrest could easily be misled by either the supposed victim or the perpetrator, and defendants on trial for their lives frequently claimed that this is precisely what had happened in their case. One arrest made in response to a cry of this sort was reported in the London Evening Post in the late Spring of 1735:

4 Tales from the Hanging Court

Tuesday, about five in the afternoon, a gentleman was knocked down by one footpad in the long field by Pancras, who took from him his gold watch and ten guineas. But being closely pursued by a man who was at some distance when the robbery was committed, he took to a pond and stood in the middle, and bid defiance to his pursuer. But the latter calling three men who were passing by to assist him, the rogue was taken and carried to St Giles Roundhouse, and he proves to be one of the Suttons.¹

In 1734 and 1735 John Sutton, a former apprentice to a tobacconist, together with his brother George, was suspected of committing a series of robberies in London and its suburbs. John Sutton spent that particular Tuesday afternoon in May with three friends drinking, first at a public house, later moving on to a brandy shop and then an alehouse in one of the more disreputable neighbourhoods on the edge of the City. According to his later, possibly drunken, confession the four young men agreed to go out and find someone to rob. He told Justice John Poulson that:

I and Godson, Stockton and Benyan, met about two in the afternoon at Lloyd's, the Sun and Horseshoe in Dyer's Street, and there agreed to go into the fields and rob. From Lloyd's we went to an opposite brandy shop, and thence to an infamous house, the Two Fighting Cocks at the Brill, kept by Taylor alias Pritchard. Going from thence we met with William Power. One of us (who was in a black cap) fell upon Power. I took his watch and put it into my waistcoat pocket, but people coming up, and the watch string hanging out, I threw the watch on the ground.

'The fields' where these events took place were Lambs Conduit Fields, named after an Elizabethan system built to supply fresh drinking water to London's poor. In 1735 the fields stretched from just north of Great Ormond Street towards St Pancras and Highgate. Interspersed among the meadows were a bowling green and a burying ground for the new parish of St George Bloomsbury.

William Power, the victim of this robbery, set out that afternoon to meet William Howson, a servant or apprentice, in Red Lyon Street. According to Howson, Power was already inebriated when he offered the young man a drink at an alehouse across the fields:

My Master [James Brook, a poulterer in Holborn] sent me into Red Lyon Street to see for this gentleman. I found him there, and he said if I'd go to the Three Tuns, he'd make me drink. I went with him, and coming to a pond, we met four fellows who said to one another, 'He's drunk'. Power replied, 'Damn 'em'. 'What would they be at? Damn ye', says he in the black cap, 'Will ye fight?' And so stripping back his coat, he struck at Power on the breast. Then Sutton took Power's watch and put it into his own pocket. I desired them not to hurt the gentleman because he was in drink, though he was not quite drunk, for he could walk very well.

Power's account of the altercation leading up to the theft of his watch skated over the issue of his drunkenness, but was otherwise consistent:

Stop Thief!

5



Figure 1.01 Lamb's Conduit Fields, from John Rocque's 1746 Map of London. Credit Motco Enterprises Limited, ref: www.motco.com

On Tuesday the thirteenth of this month, between five and six in the evening, as I was walking in the fields not far from Lamb's Conduit with a neighbour's lad [William Howson] a little behind me, I was met by the prisoners and other fellows. One of them (in a jockey's black cap) struck me on the breast and collared me; and just as I was falling George Sutton came up and took out my watch.

Upon missing his watch, Power immediately cried out, and Howson immediately ran to secure help, shouting out some variant of the typical cry, 'stop thief!' Power later explained to the court:

I missed it immediately, and said, he has got my watch. Thereupon Howson went to the end of Red Lyon Street and called for help. When I was down, Sutton beat me violently.

In total five men answered Howson's call. Their testimony at the subsequent trial varied in some details from the newspaper report of the arrest. One of the first to arrive on the scene was Mr Elkins, a bricklayer. Elkins told the Old Bailey that:

Going into Lamb's Conduit Fields, I stood up a little for a shower of rain when William Power went by me. I followed and saw four men about him. A man and a woman came by and said, 'There's a man has been robbed,

and will be murdered.' I ran towards them with my trowel in my hand and called to Thomas Plunket to come along with the pistols. When we came up two of them got away, but the two prisoners stayed and Sutton collared Power and threw him on the grass.

According to Power, when Elkins arrived he said, 'Ye dogs, do you rob at this time o' day? I'll run my trowel in your guts'.

Thomas Plunket, another actor in this drama, told the court:

Going with Mr Elkins towards Pancras, we heard a gentleman had lost his watch. We ran up to the place. William Power said Sutton had robbed him. Sutton damned Power and struck him for saying so. Thomas Godson stood by and endeavoured to part them. I asked Sutton what he meant by abusing the man? He answered he would serve me the same, and so he and I had two or three struggles. I was sorry Sutton fell in my way, because I had some knowledge of his family.

Thomas Holloway and Alexander Christopher also ran to the scene. Both saw the struggle and witnessed Sutton's attempt to escape. Holloway recorded how:

Coming by the New Burying Ground, a little on this side of the bowling green, I saw five people in contest. Two had hold of each other's collar. Power said, 'For God's sake help me, for I am barbarously used, and robbed'. A man came up with a trowel, and Sutton ran away, but fell into a ditch, where he was taken.

Christopher backed up this version of events:

I was at my master's stables next to the fields and hearing a noise of a robbery I ran out with other servants, and saw five or six men together, and one sneaking along by a hedge, and when he came over the ditch he looked pale and frightened, and we stopped him.

Power ran to call a constable, but it was only *after* the victims, aided by the five men who came to their assistance, had chased Sutton down and wrestled him into submission that official help in the form of a constable arrived. As so often happened in the eighteenth century the role of the constable was confined to carrying the suspect to a holding prison, in this case St Giles Roundhouse, to be held until he could be examined by a justice of the peace. But this approach of relying on ordinary Londoners to make arrests had its drawbacks. Frequently the men and women who apprehended suspects on the streets proved to be unreliable witnesses, while the absence of any figure of authority to verify their accounts allowed many defendants to plead false arrest.

The next day, Wednesday, John Sutton was brought before Justice John Poulson, who induced him to sign a confession, and on the strength of this both Sutton and Thomas Godson were transferred to Newgate to await trial. Following up its earlier report of the arrest, *The London Evening Post* also reported on the trial:

Thursday the Sessions began at the Old Bailey, when 21 prisoners were tried, four whereof were capitally convicted, viz. William Hughes for the murder of his mother; Elton Lewis, for the murder of Mary Robinson;

Stop Thief!

7

Charles Peele, for stealing a bill exchange of £170 out of the house of the Honourable Edward Carteret, Esq.; and John Sutton, for robbing of William Power on the highway of a silver watch.²

Sutton and Godson were indicted for 'assaulting William Power in an open field near the highway, putting him in fear, and taking from him a silver watch, a chain, and seal, value £3 9s'. The victim and Howson, plus the five men who helped arrest Sutton, testified for the prosecution.

The accused had two lines of defence. The first was to attempt to discredit Sutton's written confession. Sutton claimed: 'I was drunk when I made that confession, and the thieftakers persuaded me to say any thing'. In calling the men who apprehended him 'thieftakers', Sutton was attempting to cast doubt on their testimony, implying that they were motivated by the prospect of a financial reward and were probably corrupt. Unfortunately for Sutton, this claim was ignored by the court after Justice Poulson directly refuted his assertion that the confession was improperly obtained: 'He was sober – I bid him not be deceived, for it was an examination, and not an information. He read it over himself before he signed it'. An information provided evidence against others and would have ensured that the prosecution against Sutton would be dropped, but an examination meant that Sutton himself had been identified as the focus of the prosecution in this case.

Thomas Godson introduced a more effective argument, which questioned in a different way the motives of those who came to Power's assistance. He claimed that the altercation was not a robbery at all but a fight prompted by an argument. He told the court:

I am a shoemaker and lived at Rochester. I came to London on the Sunday night, and on the Tuesday following I went to see a brother-craft in Phoenix Street, but did not meet with him. As I was coming back I met Sutton and he asked me to drink, for I had some knowledge of him, having formerly done work for some of his family. We went to the Sun and Horseshoe where I found two more of his acquaintance. We drank together there and when we came out I was going towards Houndsditch, but by their persuasions I went with them to a house across the fields. I don't know the house for I was never there before. But I was in haste to go home and so we came away, and had not gone far before we met William Power with whom one of Sutton's acquaintance (in a black cap) had some words, upon which, Sutton stepped up and said, 'Damn ye, will you fight'. Presently Power said he had lost his watch, at hearing which I was frightened and trembled, but seeing a watch upon the ground I took it up and gave it to him.

As all the parties involved readily admitted to having been drinking, this story was plausible enough, and the testimony about the fight and returning the watch was confirmed by other witnesses. Thomas Godson, unsurprisingly, was acquitted.

In contrast, Sutton was convicted and sentenced to death. He had been tried and acquitted on a charge of robbery at the Old Bailey the previous December,³ and had also been charged with several robberies at the Surrey

Assizes during the course of the spring, although these had been thrown out by the grand jury and did not go to trial. Eighteenth-century juries were frequently aware of previous accusations and Sutton's notorious reputation almost certainly contributed to their verdict, despite the ambiguity of much of the evidence presented against him. His reputation must also account for his failure to obtain a pardon. On 5 June the *London Evening Post* once again picked up the story:

Yesterday morning between nine and ten, Sutton and Gregory (convicted of robbery, burglary and rape) in one cart, and Hughes and Lewis (both convicted of murder) in another, were carried under a strong guard to Tyburn. Sutton appeared not much concerned, but just before he was turned off shed a few tears, and made a speech to the spectators, his brother George Sutton was in the cart with him, to whom he spoke in private, and kissed him.⁴

After the hanging John Sutton's body was handed over to his friends, who arranged for the burial.⁵

Mother Clap's Molly House

While passers-by provided vital assistance in arresting those suspected of crime, typically they did so at the request of the victims, who normally provided the key prosecution evidence at the subsequent trial. But who was to provide the lead in the arrest and prosecution of those accused of victimless crimes such as sodomy? For the prosecution of this type of crime the English judicial system relied on informers, men who, for financial or other reasons, deliberately sought out offenders and brought them before the court. Such men were often reviled for profiting from the misery of others, and were believed to be, and often were, corrupt. But when their activities resulted in the prosecution of deeply unpopular groups such as homosexual men, they received a sympathetic hearing at the Old Bailey.



Figure 1.02 Field Lane, c. 1800. Credit: Guildhall Library, City of London

One Sunday in late June 1726 Gabriel Lawrence was caught up in a raid mounted against the 'molly houses', places where homosexual men socialised together. He was among the 40 or 50 men who congregated that night at Margaret Clap's house next to the Bunch of Grapes tavern in Field Lane, parallel to the

Stop Thief!

9

still open sewer of Fleet Ditch, and near the modern site of the Holborn Viaduct. A few decades later Field Lane was described as:

A sort of distinct town, or district calculated for the reception of the darkest and most dangerous enemies to society; in which when pursued for the commission of crimes they easily conceal themselves and readily escape.⁶

As described in testimony at the Old Bailey Mother Clap's, as it was known, was infamous as a place of rendezvous for London's vibrant male homosexual subculture:

The house bore the public character of a place of entertainment for sodomites. For the better convenience of her customers Margaret Clap had provided beds in every room in her house. She usually had 30 or 40 of such persons there every night, but more especially on a Sunday.

Molly houses were not new in the 1720s, but in 1726 they came under sustained attack by the Societies for the Reformation of Manners. These Societies were originally established following the Revolution in 1688 in an attempt to shore up the new government by eliminating vice and irreligiosity from public life. Many Londoners supported these aims, but the Societies' use of paid informers to gain convictions made them increasingly unpopular. In the decades before the 1720s the vast majority of the people the Societies prosecuted were prostitutes and Sabbath breakers, with informers and reforming constables cruising the public streets in search of offenders, but by 1726 they had turned their attention to homosexual men.

Thomas Newton was one of the most active agents provocateur. But in his testimony at the Old Bailey explaining how Gabriel Lawrence was arrested, he presented himself as a victim rather than a policeman. Newton went to Mother Clap's that night and:

Was conducted up one pair of stairs, and by the persuasions of Peter Bavidge (who was present all the time) he suffered the prisoner to commit the said crime of sodomy. He has attempted the same since that time, but I never would permit him any more. When Mrs Clap was taken up in February I went to put in bail for her; at which time Mr Williams and Mr Willis told me they believed I could give information, which I promised to do. I went the next day, and gave information accordingly.

But most of the evidence at this trial came from another agent of the Societies for the Reformation of Manners, Samuel Stephens. He had been quietly infiltrating the world of the molly houses for months. He told the court that he observed the mollies that night:

Making love to one another as they called it. Sometimes they'd sit in one another's laps, use their hands indecently, dance and make curtsies and mimic the language of women – O Sir! – Pray Sir! – Dear Sir! Lord how can you serve me so! – Ah you little dear toad! Then they would go by couples into a room on the same floor to be married as they called it. The door at that room was kept closed by Ecclestone, to prevent any body from balking their diversions. When they came out, they used to brag in plain terms

10 Tales from the Hanging Court

of what they had been doing, and Margaret Clap was present all the time, except when she went out to fetch liquor. There was William Griffin among them, who was since hanged for sodomy, and Derwin who had been carried before Sir George Martins for sodomitical practices with a link boy. I went thither 2 or 3 Sundays following, and found much the same practices as before. They talked all manner of the most vile obscenity in Margaret Clap's presence, and she appeared wonderfully pleased with it.

On some nights discussion could be even more animated. Several months before his arrest at Margaret Clap's Gabriel Lawrence spent an evening at the Tobacco Roll and Crown, another molly house. At the trial of Martin Mackintosh for attempted sodomy, Joseph Sellers, a constable and another agent of the Societies, described Lawrence's behaviour. He:

Began to scold at Mark Partridge, calling him vile dog, a blowing up bitch and other ill names because Partridge had blabbed out something about one Harrington's being concerned with him in sodomy. Partridge excused himself by telling the company that Harrington first divulged the secret and that what he said was only to be even with him. Upon this they seemed to be pretty well reconciled.

The same evening Lawrence also met up with Mackintosh, who:

Sold oranges and for that reason he went by the maiden name as they called it Orange Deb. He and Lawrence appeared very fond of one another, they hugged and kissed and employed their hands in a very vile manner.

Sellers also portrayed himself as a victim. He recounted how, on that same evening, 'Orange Deb' had:

Put his hands in my breeches, thrust his tongue into my mouth swore that he would go 40 miles to enjoy me and begged of me to go backward, and let him – but I refusing, he offered to sit bare in my lap, upon which Partridge snatched a red hot poker out the fire and then run it into his arse.

Lawrence called his friends to give evidence at his trial about his character as a respectable heterosexual. Henry Hoxton described how he had:

Served him with milk these 18 years, for he is a milkman and I am a cow-keeper. I have been with him at the Oxfordshire Feast, and there we have both got drunk and come home together in a coach, and yet he never offered any such thing to me.

And his father-in-law, Thomas Fuller, said Lawrence, 'married his daughter 18 years ago. She has been dead these 7 years and he has a girl by her that is 13 years old'. In addition, the *Proceedings* reported that: 'Several others deposed that he was a very sober man and that they had often been in his company when he was drunk, but never found him inclinable to such practices'.

Despite this evidence of his good character, Lawrence was convicted on the evidence of Thomas Newton and Samuel Stephens and sentenced to death. He was executed on 14 May, along with two other men convicted on

Newton's evidence. Executions of homosexual men were intended to send a dire warning to the wider populace, but in this instance the lesson was overshadowed by the collapse of the scaffolding erected for the audience and the concurrent gruesome execution of Catherine Hayes by burning alive for the murder of her husband John.⁷

In total, seven men were convicted of sodomy in 1726, five of whom were convicted on the evidence of the informers Newton, Stephens and Sellers. Despite the notoriously poor reputation of informers, these men were able to secure convictions in these cases owing to the deeply rooted hostility to 'sodomites'. This hostility was equally evident when, three months later, Margaret Clap was convicted of running a brothel and procuring and sentenced to the pillory. According to a report in the *London Journal*, she, 'stood in the pillory last Tuesday in Smithfield for keeping an house for the entertainment of sodomites. The populace treated her with so much severity that she fell once off of the pillory and fainted upon it several times'. And in rather more florid language, the *Weekly Journal: or, The British Gazetteer*, described how, 'Being unable to bear the salutes of the rabble, she swooned away twice, and was carried off in convulsion fits to Newgate'.⁸

Thief-Catcher General

The difficulty of locating and convicting thieves in an ever growing city meant that new methods were constantly being sought. Informers, long used for the prosecution of vice, began to play a new and increasingly important role in the prosecution of theft. Their activities were encouraged by large rewards offered for the prosecution and conviction of the most serious offenders. Although this system of rewards meant the authorities frequently paid large sums to members of the criminal underworld, in the absence of a detective police force there seemed to be few alternatives. By combining thief taking with the seemingly contradictory activity of facilitating the return of stolen goods by paying rewards to the thieves who stole them, Jonathan Wild managed to control much of London's criminal underworld in the early 1720s. Ultimately, his methods threatened the very integrity of the judicial system and the authorities were forced to act against him.

Katharine Stetham, an old blind woman who kept a lace shop near Holborn Bridge on the main road between the City and the West End, became a victim of theft on 22 January 1725. She testified to her experience at the Old Bailey four months later:

Between three and four in the afternoon a man and woman came into my shop, under a pretence of buying some lace. They were so very difficult that I had none below that would please them and so, leaving my daughter in the shop, I stepped upstairs and brought down another box. We could not agree about the price and so they went away together; and in about half an hour after I missed a tin box of lace, that I valued at £50.

The painstaking labour that went into its production ensured that lace was incredibly valuable. After discovering the theft and believing she had little chance of finding the culprits once they had escaped into a city of half a million inhabitants, Stetham did what many victims in similar circumstances did. She went to see Jonathan Wild, a man well known as someone who could secure the return of stolen goods in exchange for a reward and no questions asked.

Taking advantage of Londoners' willingness to pay such rewards, Wild built up an extensive network of thieves and confederates whose stolen goods he redeemed. At the same time, he kept this coterie of criminals in check by the simple expedient of occasionally turning a few over to the authorities for prosecution in exchange for even more substantial rewards. Between the 1690s and 1725 the maximum reward available for securing a felony conviction grew to £140. At a time when even a relatively skilled artisan such as a carpenter or bricklayer could expect to earn between £20 and £30 a year this was a huge amount of money. It was Wild's activities in claiming rewards for convicting his own confederates that led him immodestly to style himself the 'Thief-Catcher General of Great Britain'. In a sense, he was – between 1716 and 1725 Wild served as a witness in at least 36 Old Bailey trials, and claimed his evidence was instrumental in the conviction and execution of at least 67 individuals. Wild thus lived on the boundaries of illegality. He performed a service for the state, but he was also master of a criminal underworld.

Jonathan Wild cleverly manipulated not just the thieves in his control, but also the victims who used his services. His first response to Stetham's plea for help was to avoid her altogether, thereby increasing her desire to make use of his services. She told the court, 'The same night as the theft, and the next, I went to Jonathan Wild's house', but he was not available. Consequently, she 'advertised the lace', which means she placed an advertisement in a newspaper offering a 15 guinea reward for the return of the stolen goods (a guinea was worth 21s, or just over £1). This advertisement threatened to cut Wild out of the case, so the next time she went to see him, he agreed to speak to her:

He desired me to give him a description of the persons that I suspected, which I did as near as I could. And then he told me that he'd make enquiry, and bade me call again in two or three days. I did so, and then he said that he had heard something of my lace, and expected to know more of the matter in a little time.

Wild was in no rush to solve this case and did nothing for about two weeks, until Stetham visited him again, offering an even higher reward: 'I came to him again on the 15th of February. I told him that though I had advertised but 15 Guineas reward yet I'd give 20 or 25 rather than not have my goods'. Wild's response was to present himself as an honest broker, disinterested in the extra money:

Stop Thief!

13

Don't be in such a hurry, says he, I don't know but I may help you to it for less, and if I can, I will. The persons that have it are gone out of town. I shall set them to quarrelling about it and then I shall get it the cheaper.

That same day Wild was arrested on another charge and committed to Newgate. His specific offence was assisting one of his thieves in escaping arrest, but the authorities were aware he was involved in a much wider range of illegal activities, as the 'warrant of detainer' issued against him listed 11 different sorts of crime.⁹ Wild had become too big for the authorities and it was time to bring him to book, but they did not yet have the evidence to secure a conviction.

Eighteenth-century prisons were in many ways remarkably casual institutions. Visitors could more or less come and go as they pleased, and as a result Wild was able to continue running his empire from Newgate. According to Elizabeth Stetham, 'On the 10th of March he sent me word that if I would come to him in Newgate, and bring 10 Guineas in my pocket, he could help me to my lace'. In arranging for the exchange of the reward for the goods, Wild tried to ensure that he was not seen to visibly profit from the theft. Accepting a reward without attempting to prosecute the thief was a felony under a clause of the 1718 Transportation Act, a provision which was popularly known as 'Jonathan Wild's Act', since it represented an early attempt to stop his activities. Stetham described the transaction:

He desired me to call a porter; but I not knowing where to find one, he sent a person who brought one that appeared to be a ticket-porter. Wild gave me a letter, which he said was sent him as a direction where to go for the lace; but I could not read, and so I delivered it to the porter. Then he desired me to give the porter ten Guineas, or else (he said) the persons that had the lace would not deliver it. I gave the porter the money. He went away and in a little time returned and brought me a box that was sealed up, but not the same that was lost. I opened it and found all my lace but one piece. Now, Mr Wild, (says I) what must you have for your trouble? Not a farthing, says he, not a farthing for me. I don't do these things for worldly interest, but only for the good of poor people that have met with misfortunes.

Although pretending to be charitable, Wild actually had his eye on a further bit of business. He told Stetham:

As for the piece of lace that is missing, I hope to get it for you e'er be long; and I don't know but that I may help you not only to your money again, but to the thief too; and if I can, much good may it do you. And as you're a good woman and a widow, and a Christian, I desire nothing of you but your prayers, and for them I shall be thankful. I have a great many enemies and God knows what may be the consequence of this imprisonment.

By conducting this transaction within the walls of Newgate, however, Wild played directly into the hands of the authorities, and provided them with the evidence they needed to prosecute him for a specific criminal act. He was indicted in May 1725 on two charges: the theft of Mrs Stetham's lace, and arranging the return of the stolen goods without attempting to prosecute the

thieves. During the trial his illegal practices, long known but never proven, were exposed in the cruel light of the Old Bailey courtroom. The 'man and woman' who had stolen the lace were Henry Kelly and Margaret Murphy, and it emerged that it was only under Wild's prompting that they had actually committed the crime. Kelly testified first. He explained that on 22 January he had gone to visit Mr and Mrs Jonathan Wild in their house.

Wild was in company. We drank two or three more quarterns of Holland gin, and then I and Mrs Murphy got up to go away together. Wild asked me which way I was going? I told him to my lodgings at the Seven Dials. I suppose you go Holborn Way, says he. We answered, Yes. Why then, says he, I'll tell you what, There's an old blind bitch that sells fine Flanders lace just by Holborn Bridge. Her daughter is as blind as herself, and if you call there, you may speak with a box of lace [that is, steal a box]. I'll go along with you and show you the door. So Wild and I and Murphy went together, till we came within sight of the door. He pointed and showed us which it was, and said he would wait for us, and bring us off, if any disturbance should happen. Murphy and I went to, and turned over a great deal of lace, but could see none that would please us, not a piece that was broad enough and fine enough, for it was our business to be very nice and difficult. At last the old woman stepped upstairs to fetch another piece, and as people of our profession are seldom guilty of losing an opportunity, I made use of this. I took a tin box of lace, gave it to Mrs Murphy, and she hid it under her cloak. The old woman came down with another box, and showed us several pieces, for which she asked 6s. a yard. We offered her 4s. and not being likely to agree about the price, we came away and found Wild waiting where we left him. We told him what success we had had, and so went back with him to his house. There we opened the box and found eleven pieces in it. He asked us if we would have ready money, or stay till an advertisement came out. Stock being pretty low with us at that time, we chose the first, and so he gave us three Guineas and four broad pieces. I took for my share three Guineas and a Crown, and Mrs Murphy had the rest. I can't afford to give you any more, (says he) for though I have got some influence over her, by helping her to goods two or three times before, yet I know her to be a stingy hard-mouthed old bitch, and I shan't get above ten Guineas out of her.

Margaret Murphy confirmed this evidence, as did Katharine Stetham with respect to what had occurred in the shop.

As the *Proceedings* reported, 'The evidence was full and positive against the prisoner'. Jonathan Wild was caught with his metaphorical pants down. He was not only a thieftaker, he was a thief*maker*. He had encouraged thieves to steal, purchased the stolen goods and then (indirectly) received a reward for their return. In other cases he had gone on to collect rewards for convicting the very persons he had encouraged to steal in the first place. The only real defence Wild could come up with was to appeal to his supposed record of public service. He mentioned the dozens of thieves he had been instrumental in convicting (and hanging) over the years. He also attempted to use this

Stop Thief!

15

history of prosecution as a means of questioning the integrity and motives of the witnesses brought against him. When these arguments failed, his counsel (paid for, no doubt, by the profits of his illegal practices) attempted to secure an acquittal on a technicality.

Early on the day of his trial Wild employed the first tactic. He:

Dispersed about the court a considerable number of printed lists of the felons that he had apprehended, which concluded in these words: In regard therefore of the numbers above convicted, some that have yet escaped justice are endeavouring to take away the life of the said Jonathan Wild.

This was not a ridiculous argument. Wild had been useful to the authorities, and he did have many enemies, who would not have hesitated to perjure themselves to get rid of him. This strategy, however, backfired when the prosecution counsel (probably funded by a government keen to be rid of Wild) used it as an excuse to launch an attack on his character. The prosecuting lawyer noted with some glee that the circulation of the list constituted an improper attempt to influence the jury. He observed:

That such practices were unwarrantable and not to be suffered in any court of justice. That this was apparently intended to take off the credit of the King's witnesses, and to prepossess and influence the jury. But as he believed them to be men of integrity he was under no apprehensions that it would have such an effect, nor, on the contrary, could he suppose that they would give any other than a conscientious verdict, according to evidence.

And he suggested:

That if a strict enquiry was to be made after the motives of Wild apprehending those criminals named in his list, we should find that they were private interest, old grudges, or fresh quarrels, and not the least regard to justice and his country, etc.

After the first prosecution witnesses had testified, Wild's second tactic was brought into play. His counsel, who as the *Proceedings* sarcastically observed, 'waited in readiness if any point of law should arise', stood to his feet and objected that Wild had been indicted for theft, but it had not been proved that he had actually entered the shop. The court, conscious that a second indictment, on 'Jonathan Wild's Act', had also been laid against him for receiving the stolen goods, accepted the argument and the charge of theft was essentially dropped. Stetham's testimony in support of the second charge of failing to prosecute a known felon was then heard.

It was now time for Wild to make his case for the defence, which essentially rested on a claim that the indictment against him was flawed in its specification of who had stolen the lace. Wild:

Said nothing in his defence, but that he had convicted a great number of criminals; only he desired that Murphy and Kelly might be called in again, which was granted. Then (this Indictment being laid for helping Katharine Stetham to goods that had been stole from her by persons UNKNOWN) he

prayed, that Murphy might be asked who stole the lace? In expectation that she would unwarily swear, that herself and Kelly were the persons (for though such evidence was given in the former trial, the law could take no notice of it in this, except it had been sworn over again). But the court informed him that as Murphy was an evidence upon oath nobody could require her to answer any questions to accuse herself. Then he prayed the court would ask her, if he Wild stole the lace? To which she answered, No, but he was concerned with those that did steal it, and he received it after it was stolen.

Once again, Wild's tactics had backfired, as it had led Murphy to confirm his role in receiving the stolen goods.

Wild and his counsel made one last desperate argument. They suggested that because Murphy had testified that Wild was guilty of a felony, and Jonathan Wild's Act was intended to punish those who were *not* felons, but who were guilty only of assisting felons, Wild could not be found guilty on that statute. The court peremptorily rejected the argument and ruled:

That felons were so far from being excepted in that Act, that it was principally intended against them; for it particularly mentions, 'Those that make it their business to help people to stolen goods'. And that the case of the prisoner came within almost every circumstance of the Act; it being evident that he was a person that had secret acquaintance with felons, who made it his business to help people to stolen goods, and by that means gained money from them.

The jury concurred and Wild was found guilty of the charge of receiving stolen goods without attempting to prosecute the thieves. He was sentenced to hang.

Ordinary Londoners were delighted at this turn of events. Wild had become deeply unpopular since his participation in the arrest and conviction of the highwayman and escape artist Jack Sheppard the previous year. He had many enemies, particularly the friends and families of those who he had helped convict and have executed. A mock invitation celebrating the fact of his execution was published; it was directed to all the 'thieves, whores, pickpockets, family felons etc.' in Great Britain and Ireland.

The traditional procession from Newgate to Tyburn on the day of his execution became an occasion of vocal public celebration. The *London Journal* claimed:

Never was there a greater crowd assembled on any occasion, than to see this unhappy person; and so outrageous were the mob in their joy to behold him on the road to the gallows that they huzza'd him along to the Triple Tree, and showed a temper very uncommon on such a melancholy occasion, for they threw stones at him; with some of which his head was broke.¹⁰

When he reached the gallows the executioner, as tradition demanded, allowed Wild some time for reflection before he was turned off. But, as Daniel Defoe reported, the crowd grew impatient: 'The mob called furiously upon the



Figure 1.03 A 'Ticket' to Jonathan Wild's Hanging (1725) © British Museum

formed the basis for the odious 'Peachum' in John Gay's *Beggars Opera* (1728).¹²

Sir John Fielding's Runners

At mid-century, as well as being a successful novelist and essayist, Henry Fielding and his half-brother John were London's most active magistrates. As a part of an ambitious programme of reform, they attempted to rehabilitate the thieftakers by bringing them under their wings. The Fieldings employed ex-constables and former thieftakers on a retainer, sending them out from their house in Bow Street on missions to search for stolen goods and make arrests. To attract business, Londoners were encouraged to report all crimes to the Bow Street 'rotation office'. Since much of this activity was still funded by the rewards offered for successful convictions, the Fieldings faced the challenge of convincing the public that their officers could be trusted. They tried to solve this problem by giving them a new name: 'runners'.

At 1 o'clock in the morning of 31 October 1774 thieves broke in through a window into the Surgeons' Hall, on Monkwell Street near the churchyard of St Giles, Cripplegate, and stole several pieces of the Surgeons' Company's ceremonial silver (a soup ladle, tablespoons, teaspoons, a pint mug, two salvers, a coffee pot, and a cream pot), as well as some clothes and money. The Hall was not only the meeting place of the Surgeons' Company, but also the home of Joseph Cruttendon, clerk to the company, whose quarters formed an integral part of the Hall.

Cruttendon told the court at the Old Bailey how he discovered the theft:

I have the whole dwelling, there is no one resides in it but myself. On the first of November, when we were going to breakfast about nine o'clock we missed the milk pot. The maid servant then went into the back room, and missed most of the things mentioned in the indictment upon which I went up into my office, and found the drawers in which I keep my money broke open with a chisel, in a rough and clumsy manner. I took all the money out of it a day or two before, except three shillings in halfpence, which was gone. I missed a shirt out of a drawer that is always left open for the washerwoman, and two silk handkerchiefs that I laid the night before upon the desk in the store room, out of which the plate was taken. I saw the mark of a dirty foot upon the table. There is a square window to that room and it appeared plainly that somebody had entered in at this window, and shut it down again. The window looks upon the steps in the main street that goes up to the hall. I concluded from the circumstances of the robbery, the drawer being broke where I kept my money, and no other, and a pair of candlesticks being left, which were not silver, but plated, that William Pritchard who had lived with me four months, and had the care of my plate, and knew the drawers where I kept my money, must be concerned in this business. Pritchard left me on the 10th of September last and he perfectly knew the situation of the plate.

Along with Peter Thane and Edward Parker, Pritchard had indeed been

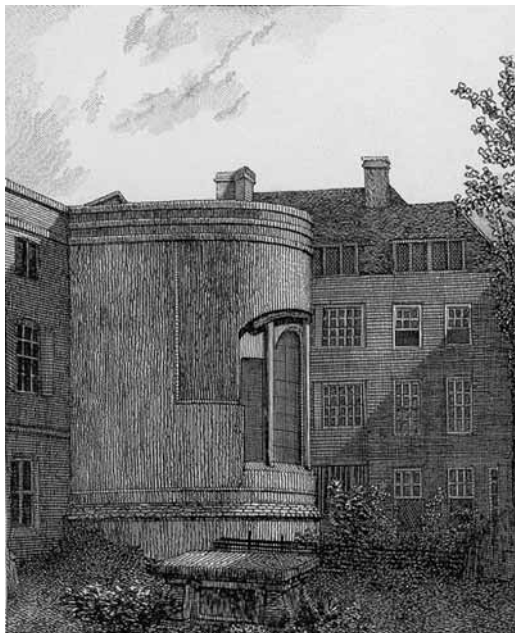


Figure 1.04 'Barber Surgeons' Hall, from the Churchyard of St Giles, Cripplegate' (1791)
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responsible for the robbery. The three of them were poor and down on their luck. Pritchard told an acquaintance that 'he had pawned his shirt the night before, and not one of them had a farthing'. 'Two or three days before, Thane had hardly any clothes to his back.' Another witness at the trial said 'all three of them had very ragged clothes'.

Although Pritchard was suspected, Cruttendon was unable to find him or recover the stolen goods. Instead, it was information provided by John Vince, a copperplate music printer living in Parker's Lane, off Drury Lane, which led to the arrest of the thieves. Vince told the court:

Stop Thief!

19

On the Tuesday after Mr Cruttenden's house was robbed, Thane came into my room. He had good clothes on, and silver shoe and knee buckles. I asked him how he came by them. He was a long while before he would say any thing, and at last he said he had been concerned with Parker and Pritchard in a robbery at Surgeons' Hall. I asked him how he came by the buckles. He said, he bought them with part of the money he got for the plate.

When Vince met the thieves the next morning at the Chequer's pub in Shire Lane, near Lincoln's Inn Fields, they were spending the proceeds of the theft with abandon. Vince:

Found Pritchard reading the paper. He had a pair of stockings and a pair of shoes tied up in a handkerchief, and a hat on, which he said, he had bought with the money he sold the plate for. We sat down there and he asked us if we would have any breakfast? I said we were going to have some. He said, no my lads, you have no money, I have money, therefore call for what you like. We got some herrings and a loaf and butter. I asked where Thane was? He said that he had bought a great coat in Monmouth Street, and was waiting while the collar was altering, and would be with us in about half an hour. He came in about that time. He was dressed in a great coat.

Later that evening the blowout continued:

Pritchard asked us if we would have any supper. We made answer, it was rather late-ish, we would have a pot of beer, or so. No, says he, we will have something to eat, and he sent Thane for some pork. He brought both roast and boiled. We ate it together, and had two or three pots of beer; and about ten o'clock we went from the house, because Thane was in a hurry. He was going to lie with a girl he knew. He said he was in a hurry, he could not stay any longer. We parted with Thane at the door. Pritchard and Grigg and Shields and I, went all together to the Noah's Ark, at St Giles's. Pritchard there treated ever so many people with aniseed, to the amount of about a shilling's worth.

In the course of their conversations, it became clear that Pritchard and Thane were deeply suspicious of Parker, their partner in the theft:

There was a great deal of talk among them. They said, Parker was a great rogue, that he had slanged them, that they were to have but five pounds a piece, and they were sure the plate was worth forty pounds.

When the money was divided up, Thane worried that the coins he was given had been clipped and were thus of reduced value:

I think my half guinea looks light. Pritchard said, I think mine does too, we will have them both weighed. Accordingly they went to the bar, and had them weighed. They came back, and said, they were both rather too good weight.

At the same time, Pritchard also distrusted Thane because of his youth. While in the pub, he told Samuel Wade: 'I ventured my life last night for the plate which many a one would not have done with that lad'. But it was

not just their mutual distrust which began to make the thieves uneasy. Pritchard was deeply concerned that they might be apprehended by the Bow Street runners. After some drinks at the Noah's Ark, Pritchard confided to Vince that 'He believed it was all over with him, for the traps were all after him – meaning Sir John Fielding's runners'. Fielding's self-publicity had made Londoners fully aware of the runners and while this semi-official police force maintained some dubious links with the criminal underworld, it still struck fear in the hearts of many thieves. Later, as they walked through the streets towards Piccadilly, Pritchard said: 'If I am taken, I am a dead man, and he cried almost all the way'. Fear of arrest may explain why Thane used some of the profits from the crime to purchase a pair of pistols, although according to Samuel Wade, Pritchard and Thane told him they intended to commit further crimes. They reportedly said 'now they got tools [meaning the pistols] that would get money and money they would have for they would go upon the scamp [meaning to go upon the highway]'.¹³

Powerful as the runners were, they could not arrest criminals until they obtained information about their identity and whereabouts. In order to attract business, the Fieldings placed advertisements in the newspapers encouraging Londoners to make use of the runners' services. One advertisement in the *Public Advertiser* in 1754 read:

Whereas many thieves and robbers daily escape justice for want of immediate pursuit, it is therefore recommended to all persons who shall henceforth be robbed on the highway or in the streets, or whose shops or houses shall be broke open, that they give immediate notice thereof, together with as accurate a description of the offenders as possible, to *John Fielding*, esq. at his house in Bow Street, Covent Garden.

Upon receiving a report, Fielding promised he 'would immediately despatch a set of brave fellows in pursuit'.¹⁴ In this case, John Vince provided the runners with the information because he bore a grudge against Parker. Vince went to Justice Saunders Welch, a former high constable who manned one of the 'rotation offices' established by the Middlesex magistracy to complement the Fieldings' office in Bow Street. Open at regular hours, these offices provided Londoners with a place to report crimes and seek assistance. There Vince encountered Charles Jealous, one of the Bow Street runners and a man whose extensive activities as a thieftaker are documented in the *Proceedings*, his name appearing in 127 trials between 1774 and 1794. Vince informed Jealous and two other runners (James Jenkins and John Evans) of the theft and where they could find the culprits, Parker, Pritchard and Thane. Evans later told the court:

The last hanging day but one Vince came to my house, and said, some people that were concerned in robbing Mr Cruttenden's house were going to Tyburn in a coach and mentioned the prisoners at the bar.

On the morning of 7 November 1774, a day when seven men were due to be hanged at Tyburn, the three thieves went to watch the spectacle. They

Stop Thief!

21

went perhaps out of some subconscious knowledge that their own destiny lay at Tyburn, but more likely simply because executions were treated as a form of entertainment by the London mob. Pritchard and Thane took a coach. At nine o'clock, the three runners, accompanied by Vince, set out to catch them. According to Evans:

I and Jenkins and Jealous went to the bottom of Wells Street and took a coach to meet these people. When we came to Tyburn Turnpike, as we stopped to pay, a coach came up, which Vince informed us was the coach. They were in that coach.

The runners approached the coach gingerly, fearing that the culprits were armed:

I went to one door and opened it, and desired Mr Jenkins to jump into the coach at the other door. We found Pritchard and Thane in the coach. Pritchard put his hand inside his coat and took out a handkerchief. I snatched it out of his hand, and said, if I saw him put his hand there again I would blow his brains out. Then I told them, I insisted upon every man in the coach putting his hands on his knees, and the first that refused I would make a couple of eyelet holes in his body. They did put their hands on their knees. There were only Pritchard and Thane in the coach, Parker was afterwards taken at the gallows by Charles Jealous.

Following the arrests, the three prisoners, dressed in the fine clothes they had purchased with the proceeds of the theft, were brought to the office of Justice Welch. As Evans later told the court:

I searched Pritchard and found this pistol (producing it) upon him was loaded, and he had powder and balls. In his coat pocket I found this chisel (producing it). He had another pistol but by some means they handed it from one to another, and it is gone. These buckles (producing a pair of shoe and a pair of knee buckles) I took out of Thane's shoes and knees. They are new. I was informed they were bought with part of the money received for the plate stole from Mr Cruttenden.

Jenkins took the chisel and went to Cruttendon's house to see if it matched the marks that had been made in prying open the set of drawers, and discovered that it did. Justice Welch then examined the prisoners, and satisfied that they had a case to answer, he committed them to Newgate Prison to await trial.

At the Old Bailey, the witnesses for the prosecution included Cruttendon (the victim), his wife and servant, John Vince, the three runners, and Dennis Shields, a drinking companion of the defendants. The defence attempted to discredit the runners, calling them 'thief-catchers', evoking memories of the corrupt practices of earlier thieftakers such as Jonathan Wild and more recently the McDaniel Gang (broken up in 1754), and claiming they had bribed the witnesses. Parker charged: 'These men have been with the thief-catchers, and they have fed them up, and said, if they would not swear against me in particular – I beg your lordship will ask Shields, whether he has not

been maintained by the thief-catchers'. Shields denied this, saying he had been in prison ever since the defendants were arrested.

Unable to discredit the runners, the prisoners' defence rested on explanations for why they had suddenly acquired so much spending money, and on attacking the character of John Vince. Pritchard claimed that an acquaintance had lent him 35s, and Thane explained that he had won about a guinea and a half gambling. Neither provided witnesses to corroborate their evidence. Parker attacked the prosecution:

The witnesses are men of very bad characters. Vince was tried here for robbing his master two or three sessions ago, and I was a witness against him. Jealous came up to me and shook his fist at me, and said, he should do for me now. I have no friends in the world only God and myself.

Vince had indeed been tried and acquitted the previous September, but for receiving stolen goods, not theft, and although Parker had been involved in the case he had not been a witness against him.¹⁵ In fact the prosecution evidence had implicated Parker heavily in selling the stolen goods. The fact that witness testimony in that trial accused Parker of cheating his accomplices of much of the proceeds may explain why Vince was willing to inform against him in this instance.

All three defendants were convicted and sentenced to death. As if to justify the sentence, the *Proceedings* reported that Pritchard had been tried for a highway robbery the previous session, 'when the good character given him by Mr Cruttenden, conduced in great measure to his acquittal'.¹⁶ This time he received no sympathy. The three were hanged at Tyburn five weeks later, on Tuesday 10 January 1775.¹⁷

The Roundhouse

When Londoners were arrested for a crime, whether the offence was petty or serious, they had to be interviewed by a justice of the peace. If no justice were available, or the arrest took place at night, the accused were temporarily kept in a lockup, such as the St Martin's Roundhouse. In some cases large numbers of suspected petty criminals could be incarcerated at once. Like all eighteenth-century prisons, conditions for those unable to pay for special treatment were primitive. Those with money, however, provided a business opportunity for the keepers.

The watchhouse, or roundhouse as it was normally called, belonging to St Martin in the Fields stood almost opposite the parish church on St Martin's Lane, just south of Duke's Court on what is now part of Trafalgar Square. It was made up of three floors, and a set of stocks capped by an ornate wooden carving of one man flogging another stood in the street outside. On the lower ground floor there were two cells, called 'the holes', one each for men and women:

You go up four stone steps into the roundhouse, and this place is below these steps. The height of it is six foot two inches; the length and breadth

Stop Thief!

23

six foot six, by six foot two; the window is two foot six, by one foot six. There are some iron bars, but no glass. There is a shutter which puts up with three slits, about a quarter of an inch wide, and about eighteen inches long. There is a door to the passage leading to the hole, and opens into the hole, two foot wide. The door does not go up to the top by nine inches or thereabouts, and there is another room for the men which is eight foot five, by six foot three, and there is a passage nine foot three by four foot ten, which leads from the women's hole to the men's hole; and there is a door at the head of the stairs.

Above the cells, on the upper ground floor was the drinking room, where in the years before July 1742 watchmen, constables and prisoners sat through the long nights, fortified by a constant stream of beer and gin sold by Eleanor Bird, the watch-house keeper's wife. Above this was a floor with two rooms, where William Bird and Eleanor lived with their four children. At his later trial for murder, William Bird cut a sorry figure. His papers were in disarray and his witnesses failed to arrive; while Eleanor was harried and jeered by an angry crowd at the Old Bailey. But, on any day prior to 15 July 1742, William and Eleanor would have counted themselves lucky. They had made a successful life for themselves as servants of the parish, William as constable and Eleanor assisting him in running the watch-house, and they had risen from the insecure status of working-class artisans to that of literate functionaries in a growing bureaucracy.

The watchhouse was the centre from which the policing of the parish was organised. The constable of the night and the watch-house keeper oversaw the work of 43 watchmen employed by the parish and six beadles appointed by the City of Westminster. Each night they set out from the watchhouse alternatively to sit in their watch boxes, or to do the rounds of their beat, calling out the hour as they went.

Thursday night, 15 July 1742, was hot and humid, and the watch-house at St Martins was set to play host to an aggressive sweep of prostitutes and beggars from the streets. Booker Holden, a 'midnight reformer' and the High Constable of Westminster had decided to clear the parish of these undesirables. And on the authority of a general warrant issued by Sir Thomas De Veil, Britain's most powerful justice and the Fieldings' immediate predecessor, and with the aid of an army of constables, beadles and watchmen, he swept through the streets in the hours after the watch was set at 11 pm, entering homes and shops and bathhouses, picking up both pre-selected individuals and anyone who had the misfortune to present a suspicious appearance by wandering in the wrong clothes or in the wrong place. Those arrested were to be kept at the roundhouse until they could be brought before Justice De Veil in the morning.

A washerwoman, Elizabeth Surridge, was one of those arrested:

I was carried to St Martin's Roundhouse between twelve and one, and I stayed drinking till about three o'clock in the watch house up stairs. Then I happened to fall asleep by the fire side and Mr Bird came to me, and said,

Come, you Bitch, you shall not sleep here. And then he put me and two other women into the hole. Mr Bird himself put us down.

So was Elizabeth Amey. She was a prostitute who had previously worked at a notorious brothel, The Rose in Oxenden Street just west of Leicester Fields, and was arrested in a cook shop:

I was taken up about twelve o'clock at night. We went up stairs and staid there till between two and three in the morning. We drank three or four pots of beer, and some shrub [a mixture of rum, sugar and lemon]. I went down into the hole on my occasions. Bird followed me down, pulled my cap off and beat me with a key. I cried and screamed and desired to go up and pay my reckoning, and he said I should not. The air on opening the door was as that of an oven.

And Sarah Starks:

I was carried to the roundhouse about half an hour after eleven and put into the hole by Mr Bird.

The vast majority of the people taken up that evening were the poorest of London's women, dressed in what cheap finery they could afford, or if past prostitution, in the rags of a beggar. Between 11 at night and 4 in the morning more and more women were brought in, so that by the time the constable of the night set off for bed, there were 26 people being held in the woman's hole, and nine men in the cell next door.

The conditions quickly became intolerable. Elizabeth Surridge later described the situation:

It was very hot, not fit for so many people to be there, and there was the stench of a necessary house. The door was fastened presently after we were put in. Some of us sat in our shifts, one woman sat naked for it was so hot.

But at first, there was something of a party atmosphere:

Some of the prisoners joined to get a dram. There was a poor woman brought it in a bottle, and William Bird's son Thomas said, You will all get drunk before morning, and shut the window up, to prevent our having a dram, but he opened it himself again, in about ten minutes.

In her testimony at the Old Bailey, Mary Cosier described the conditions in the hole:

Cosier. I was taken up the 15th between eleven and twelve at night.

Question. What place were you carried to?

Cosier. To the watch-house in St Martin's.

Q. What room were you put into?

Cosier. I was put into the hole directly.

Q. Who put you down?

Stop Thief!

25

- Cosier. The man of the watch-house.
- Q. Look round and see whether you know the person that put you down?
- Cosier. It was that man, the man with a paper in his hand [that was the prisoner at the bar, William Bird].
- Q. How many people do you reckon were there when you were first put in?
- Cosier. I cannot say exactly – there might be about twenty people. The place was almost full.
- Jury. You say it was almost full; how near was it being full?
- Cosier. I cannot say how many more it would hold, for I think the place was full when I went down, but they crowded in more afterwards till four o'clock in the morning. It was so dark I could not well tell how many were there; but in the whole I believe there were twenty-seven or twenty-eight.
- Q. Was there any complaint of heat in the place?
- Cosier. Yes, and we cried out, Fire, Murder, for Christ's sake let us have water, for the Lord's sake a little water, for we are stifled with heat. I would have given four shillings for a gallon of water.
- Q. Did you say so to any body that came down stairs from the roundhouse?
- Cosier. I cannot say that. We cried out as loud as we could cry out. When the window was open a woman came and brought her sister-in-law a quartern of gin, and Bird's son told his father and Bird came out and pushed her down, and shut up the window of the hole himself and said they should have nothing at all.
- Q. Did you hear him say so?
- Cosier. Yes, I did. It was between four and five o'clock in the morning and the window was shut up from that time till a quarter of an hour after ten. It was that time when I went out.
- Q. How were you forced to sit?
- Cosier. We were very much crowded, I never have been my self since. (The witness appeared to be in a weak condition, and soon after she had given her evidence fainted away.) My thighs were so black I could not tell what to do with them. This handkerchief was as stiff as buckram with sweat from the heat of the place.

26 Tales from the Hanging Court

Q. Were any of the poor creatures in fits?

Cosier. In the time I was there, there were four or five in fits from the heat of the place. But Ann Branch, the little crooked body in the red cloak, died on this side of me, about seven o'clock in the morning. I held her up as long as I could, for I was very weak myself.

Q. Were there any people lying dead upon the ground?

Cosier. Yes, but I did not know they were dead for I strove to awake them, thinking they were asleep. I was the last that came out alive but three and I shook two of them to awake them.

Q. How many were found dead when you were let out?

Cosier. Four, sir.

Q. If that door had been open that leads to the stairs would there have been room enough for you?

Cosier. Yes, I believe there would. I would have given a shilling for a little air for half an hour.

The sweep of London's streets was finished by four in the morning and William Bird went to bed, while one after the other the women in the hole fainted, four dying of dehydration and alcohol poisoning.

The door to the hole was finally opened at 10 o'clock the next morning by one of the parish beadles, William Anderson:

There was a particular acquaintance of mine taken up and put in the hole. I went about ten o'clock and asked for Bird. They said he was in bed, and I went up and called him, and he came down. I opened the door in order to let her out. As soon as the door was open, the people bounced out directly upon us. The place was very nauseous, and the smell so strong that I thought it would have struck me down. They called out for water, for they were quite stifled. I fetched some water from the pump. They drank that up, and I got them some more.

Elizabeth Surridge recalled how:

St Martin's clock had struck ten before the window was opened. I thought every minute an hour. Then a watchman came and opened the window. I took hold of a woman's arm that was dead. Said I, Here is one woman dead, and the rest are a-dying, and they took no notice of that. But Mr Bird hurried us before the justice. When I came out of the place, I drank a pint of dirty water myself, and said, For God Almighty's sake, to Mrs Bird, give me a little water for I am almost perished, and at last she gave me a pint of fresh water.

And Mary Cosier later said:

I was so thirsty by the confinement and heat of the place that I drank four pints of dirty water, and then I drank all the water out of a tea kettle which

Stop Thief!

27

stood in the corner of the place. I do not know whether that was clean water or not. A gentleman brought three pails of water and I drank three quarts of that, but I brought it up again.

George Colclough, a barber, periwig maker, and surgeon, who lived nearby was called at about 10 or 11 o'clock:

The person that came, said, For God's sake, Mr Colclough, come and bleed one who is very ill. I went to the roundhouse and when I went down the stairs, I saw a young woman lying upon the ground. I bled them first who were in the most danger. One Mr Perkins was there, said he, Mr Colclough, shall I come to your assistance? I said, there is need enough of it, so he assisted me. There was one of the women, I believe, had been dead two hours. When I came to this woman that I saw first, she was got up to the ground-floor. I bled her, sent for a chair, and put her into it, and gave her wine and water. Then I went and bled another woman at the door in the street, and took others to the workhouse. One of those in the workhouse was two days before she spoke to me. One was quite dead when I went in, another was near expiring, and two more died.

At the end of a long night four women were dead and several, including Sarah Starks and Sarah Bland had been admitted into the parish workhouse for treatment. Thirteen others were marched through the streets south of Covent Garden to the house of Sir Thomas De Veil.

In 1742, at the age of 58, De Veil was at the height of his power and from his recently acquired house in Bow Street (later to be taken over by the Fieldings) just east of Covent Garden he ran an extensive network of informers, thieftakers and spies. His study was the centre of the administration of local government and justice for Westminster, and it was he who had signed the general warrant that led to the roundup of the night before. In many ways De Veil was responsible for the resulting deaths, but he quickly made sure that it was William Bird, the watch-house keeper, who eventually stood trial for murder. On Saturday the 17th De Veil published an advertisement in the *London Evening Post* in which he prominently named Booker Holden as the originator of the warrant and downplayed his own role. The advertisement went on to blame the constables for having 'greatly misbehaved' themselves, before successfully offering up William Bird as a possible scapegoat.

A coroner's inquest on the four deaths was held on Saturday morning and Bird was bound over on a charge of wilful murder. Later that night an angry crowd gathered at the watch-house. 'Stones, bricks and other things were flung into and against the house by the mob' and the whole brick front of the building collapsed. The eventual cost of repairing the watch-house came to £84 10s. While awaiting trial, Bird was confined first in the Gatehouse Prison and later in Newgate. On the occasion of his transfer between prisons a few days after the tragedy, a loud and boisterous mob of several thousand people followed his progress, jeering and catcalling as he went. Eleanor Bird and their four children, Thomas aged 12, Hannah aged 7, Eleanor 4 and

John, a babe in arms at five weeks, were forced to enter the parish workhouse, where they shared house room with several victims of the disaster.

Eight weeks later on 9 September, William Bird was delivered to the Old Bailey in chains to the jeers and insults of the crowded courtroom. The watchmen, beadles, and constables, the women themselves, and even Sir Thomas De Veil were called to give evidence, with Bird making ineffectual interjections along the way. At the end of an almost unprecedented ten hour trial, the jury declared a verdict of 'special', essentially refusing to pass judgment on a technicality. As soon as this was announced the Grand Jury processed indictments on two further deaths and a second trial was arranged for the next sessions. On this occasion the indictment was drawn up more carefully, avoiding any possibility Bird would get off. After seven more hours of evidence, he was found guilty and sentenced to hang.

Bird's life, however, did not end on the gallows. Instead, perhaps because of his status as an employee of the parish, his sentence was commuted to 14 years' transportation, and he was shipped to Maryland on 13 April the following year. The ship, the *Justitia*, was under the command of Barnett Bond and, on his orders, Bird was denied food and water. He died, some might say appropriately, of starvation and dehydration before the ship reached Maryland. Eventually Bond himself stood trial for murder at the Court of Admiralty held at the Old Bailey and was acquitted. A year later, Bird's widow, Eleanor, married a neighbour, Thomas Pettart, a shoe closer at the Fleet, and in the early 1750s was once again admitted with her four children to the parish workhouse.¹⁸

The Justice's Parlour

When suspected criminals were brought before them, justices of the peace conducted a preliminary hearing in order to determine if the case was strong enough to be sent to the Grand Jury for possible trial at the Old Bailey or a lower court. Although these hearings were conducted in the justice's home, they often took place before an audience. They gave self-promoting justices like Sir Thomas De Veil considerable power, and De Veil seems to have relished the opportunity of publicly demonstrating his activity and skill in shaping the outcomes of the judicial process.

On a busy Sunday evening in the summer of 1735, the Hoop Tavern was crowded with drinkers. Located in a courtyard off the Strand, one of London's busiest thoroughfares, the keeper of the Hoop, Phillip Shirley, kept a watchful eye on his clients. He paid particular attention to two new arrivals who acted suspiciously:

On Sunday the 29th of June at about a quarter before ten at night, my house being very full of company, two young gentlemen came up my passage and went into a ground room in the yard, and rung the bell. I went my self with a candle. One of them turned his face aside under pretence of wiping it, and then laid his head down on the table, which gave me some suspicion. The

Stop Thief!

29

other called for half a pint of red, which being carried in they bid the drawer send for a coach. Do they take this for a coffee-house? says I, Do they think it is worth my while to keep servants to run on their errands? Let them walk.

The drinks were brought, as was conventional in the more upmarket London pubs, in fashionable (and valuable) silver tankards:

In two minutes my drawer, Giles Wilton, came with a pint of Lisbon in a cool tankard. I bid him take care of the tankard for I did not like my customers. He said he'd warrant the tankard should be safe and so he carried it in. They afterwards ordered twelve pennyworth of beef steaks, some of which were set by the fire to keep warm for another person, whom as they pretended they waited for. They bid Joseph Fisher, another of my servants, bring them a tankard of oat ale, and thereupon he carried in another tankard. They sent my porter on three errands, and while he was gone the last time they made off with both the tankards. A little before this I saw one of them looking out. The large tankard weighed sixty nine ounces twelve penny-weight, the other cost me ten pound.

The next day Phillip Shirley went to a printer and commissioned a handbill offering a reward for the return of the stolen tankards. The 'printed advertisement' asking pawnbrokers to apprehend anyone who attempted to sell the stolen goods was distributed by a messenger from the Goldsmith's Company. One was given to James Barthelemi, a goldsmith.

The advertisement, however, was not the instrument that led Patrick Gaffney, a 22-year-old Irishman who had served with the army in Scotland, to be identified as one of the thieves, leading to his trial for theft, and Barthelemi's trial for receiving stolen goods, at the Old Bailey in September. Indeed, the two were not the first to be tried for the theft. On the basis of Phillip Shirley's suspicions, one of his servants, John Dun, was arrested for the crime and tried at the Old Bailey in July. But the evidence against him was uncertain. He also had a solid alibi and good character references and as a result was acquitted.¹⁹ Instead, it was information provided the next month by Gaffney's alleged accomplice and fellow Irishman, John Ratcliff, and the detective work of Thomas De Veil which made the second trial possible.

De Veil became a justice in 1729 and was extraordinarily active in carrying out his duties – attracting both the attention of the government, which rewarded him financially, and also the poor. Londoners flocked to his house in Leicester Fields (now Leicester Square) both to make criminal accusations and to watch him conduct the preliminary hearings which would decide whether or not accused criminals would face trial. A few years after the events described here, he moved to Bow Street, and his habit of holding public criminal hearings in his front room formed the basis of the more formal tribunals later conducted by Henry and John Fielding in the same building. De Veil was also renowned for his qualities as a detective. He once solved a burglary case by pretending to have a sudden need for a penknife and asking a suspect if he could lend him one. When the penknife was handed over, its broken

blade matched the point of a knife found at the scene of the crime.²⁰ But he was also well known for his philandering, frequently conducting private interviews in a small room in his house where he allegedly offered suspects clemency in return for sexual favours. He was also suspected of protecting brothel keepers and others in return for their services. De Veil was a man with many enemies, among whom could be numbered the women he exploited for sex, the members of the criminal gangs which he broke up, and even some of his fellow justices. The last group complained that he stole their business and they feared that his willingness to hear the complaints of the poor diminished the standing of the office of justice of the peace. De Veil was a vain and self-promoting man who rarely missed a trick to further his reputation.

In the middle of August, Ratcliff was brought to Justice De Veil's house charged with an entirely different crime, the capital offence of stealing a mare. In this predicament Ratcliff did what many accused felons did in the same situation and attempted to turn king's evidence by informing on an alleged fellow criminal – in this case Gaffney. Ratcliff told De Veil about the theft of the tankards and explained how he and Gaffney had used Frances Charnock, Ratcliffe's common law wife, to dispose of them:

Next day about three in the afternoon I sent Frances Charnock with the least tankard to Barthelemi, a goldsmith at Charing Cross. She stayed till the evening, and when she returned she said she had sold it to him for six pound.

Ratcliff explained that he had chosen Barthelemi because he knew he would not ask any awkward questions about the source of the tankards. He explained that the other tankard:

Was melted down in three or four lumps in Gaffney's room while he was present, and three or four days afterwards I carried it myself to Barthelemi. He weighed it and gave me nine guineas, but I said it came to nineteen shillings more. He reckoned it at four shillings and nine pence or four shillings and ten pence an ounce, I cannot say which. He asked me if I dealt in the country, and I answered, Yes, I deal in small wares. I sent Charnock next day for the nineteen shillings, and he gave it her.

This information was taken down in writing and De Veil summoned Charnock and Shirley to his house, who confirmed the story.

Why De Veil chose to prosecute this crime, in return for letting Ratcliff off the more serious offence of horse theft, is unclear. Perhaps he had long suspected that Barthelemi was a receiver of stolen goods and shared the view of many Londoners at the time that such receivers bore a major responsibility for encouraging theft in the city. Barthelemi was probably a Jew and there is more than a hint of anti-Semitism in De Veil's actions. Jews were frequently suspected of being heavily involved in trading stolen goods and popular prejudice labelled them as devious and untrustworthy. In any case, De Veil accepted Ratcliff's information and signed a warrant for Barthelemi's arrest.

When Barthelemi was brought before De Veil, the justice secreted Ratcliff

Stop Thief!

31

and Charnock in a separate room and confronted him with the evidence. De Veil described the confrontation in his testimony at the Old Bailey:

When he came I read Ratcliff's whole information to him, and he absolutely denied that he knew any thing of the matter. But when I brought out Ratcliff and Charnock to confront him, he owned that he bought the tankards, and said he gave ten pound seven shillings for one of them.

De Veil's explanation of what happened next confirms his view of Barthelemi as a shifty, untrustworthy character and illustrates De Veil's ability to manipulate the publicity of the magistrate's preliminary examination for his own ends:

After I had brought him to own that he bought the tankards, he took me aside into another room and told me this matter might prove very troublesome to him, but it was in my power to make it more agreeable, and if I would go to his shop he would make it easy to me, or words to that effect. When I came back with him into the other room, I asked him before twenty or thirty people, if he was not ashamed to offer to bribe me? He answered that what he intended to give me was only his prayers.

But Phillip Shirley, the tavern keeper, reported a similar experience with Barthelemi: 'He sent for me into the same room, and offered me twenty, twenty five, and then thirty Guineas if I would be easy'.

At Barthelemi's trial, Frances Charnock described Barthelemi's purchase of the first tankard:

On Monday, about three in the afternoon, I went to Barthelemi's house with the small tankard. He was not at home, but his wife desired me to stay, which I did, and soon after he came in. He lighted candles and shut up the shop. He asked me no questions how I came by it, but I told him without asking, that I came from Mr Ratcliff. Then he weighed the tankard in a room behind the shop, and cast it up on a piece of paper, and told me how many ounces it weighed, and how much it was an ounce, but I have forgot both, only I remember he said it came to six pound three shillings, or wanting three shillings, I do not know which.

In cross-examining Charnock, Barthelemi's attempt to discredit her evidence only made him appear less credible:

Barthelemi. Did not I ask you how you came by it?

Charnock. No, not a word.

Barthelemi. Did not you pass for the wife of one Johnson, and bring a note?

Charnock. No.

Barthelemi. You did, and you said your husband had had a suit of law in the country, and on that account you was forced to sell the tankard. What letters was it marked with?

32 Tales from the Hanging Court

Charnock. I do not know.

Barthelemi. It was not on Monday that you brought it, but on Thursday.

Court. Produce your books and contradict her if you can, by showing a regular entry.

Barthelemi. I keep no books. I cannot write. (As this was hardly spoke loud enough for the court to hear him distinctly, he dropt this pretence and said): I set it down so in my book, and that I gave her six pound nineteen shillings.

Despite the fact that, as Gaffney pointed out, Ratcliffe testified 'to save his own life' and despite the witnesses provided by Barthelemi who confirmed that he had paid the true value of the tankard (and therefore must have assumed the seller was bona fide), that he was a hard-working shopkeeper with a good reputation, and that he had once stopped a woman trying to sell a teapot that he thought might have been stolen, he was convicted and sentenced to be transported for 14 years. Patrick Gaffney, who had been acquitted of pick pocketing at the same sessions and only testified briefly in this trial, was sentenced to death. He was hanged on 21 September, still protesting his innocence.²¹ De Veil, whose reputation was constantly under attack, must have enjoyed this opportunity to present himself publicly as a good detective and an incorruptible magistrate, though London's Jewish community no doubt thought differently.²²

Mary Cut-and-Come-Again

Despite the power of justices like Sir Thomas De Veil, some criminals were not afraid to stand up to them, as is evident in the case of this ballad seller accused of theft. Ballads were a common feature of street life in eighteenth-century London and the crowds they attracted provided rich opportunities for pickpockets and other thieves.

A good ballad singer could always gather a crowd and in the dusk of a Saturday evening in late March 1745, a motley collection of singers and music lovers converged on Leicester Square, or Leicester Fields as it was known in the eighteenth century. The square was the well-heeled home of a rich community. William Hogarth lived here, as did Joshua Reynolds and, prior to 1742, Sir Thomas De Veil. But despite its wealthy inhabitants, the square also formed an important public space for poorer people.²³

By late March the long evenings of a northern spring had only recently taken hold and Londoners were eager to stay out late, after the confines of a long winter.²⁴ In the early nineteenth century Francis Place recalled that a lustily sung street ballad provided a perfect excuse to linger.

There was always a considerable crowd of fools, idlers and pickpockets to hear them. There were many such groups in different parts of London

Stop Thief!

33

in proportion to the vileness of the songs and the flash manner of singing.

Many of the songs were religious or historical in nature, but most, as Place complained, were about sex and crime. Among the songs he recalled hearing was 'Bawl Away', which he remembered 'was sung by two women at the end of Swan Yard opposite Somerset House in the Strand, every evening'. This particular ballad was accompanied with an exhibitionist cancan, made all the more outrageous by the absence of undergarments. The lyrics went:

My smock's above my knee she did say, she did say

My smock's above my knee she did say.

My smock's above my knee and you may plainly see

You may have a smack at me. Bawl away, Bawl away.²⁵

But, even more popular than the sexually charged songs like 'Bawl Away' were the tales of gentlemen highwaymen and criminal heroes. Dick Turpin and Jack Rann, or 'Sixteen-String Jack' as he was known, were immortalised in popular ballads that celebrated their lives, crimes, adventures and 'game' deaths on the gallows at Tyburn. Songs such as these could be heard even in the respectable confines of Leicester Fields.

On this particular evening, between 7 and 8 o'clock, Elizabeth Turner 'Was going along Leicester Fields. There were some people singing ballads, and I stopped to hear the ballad singing'. And as she did so, another woman sidled up beside her:

There was some talk of her being a ballad singer, but then she only stood to hear. And as I was standing there, she cut my apron off my sides and took my bundle that was in my apron from me, and she hit me a slap on the face and run away. It was a violent blow, my mouth was in a gore of blood, and she knocked me down and put me in fear of my life.

Elizabeth's apron, tied up around her waist, contained another apron, a shift, and a mob cap, altogether worth only around 4s 3d. But, Elizabeth's attacker was poor enough to make even this small sum seem worth risking her life to steal. Her assailant only provided her proper name, Mary White, to the Ordinary of Newgate Prison a few days before her death. She was tried under her slang name, Mary Cut-and-Come-Again. She was born to poor parents in St James's parish, and had only the most rudimentary charity school education. By 1745 she was living on the streets, making money as a prostitute and ballad singer, having garnered her nickname, 'for her dexterity in cutting off women's pockets'.²⁶ In the eighteenth century pockets did not form an integral part of a dress or pair of breeches, but were cloth sacks secured inside one's clothes with a long string. They were a tempting target for thieves.

After the assault, Mary fled. First, she ran towards Cranbourne Alley, opening just to the northeast corner of the square and then through Ryder's Court and Bearbone Square, until finally she reached Grafton Street and then

Monmouth Street, one of the centres of the second-hand clothes trade, where she perhaps hoped to quickly sell on her ill-gotten goods. Dickens would later describe Monmouth Street as 'the burial place of the fashions',²⁷ but more importantly it was a marketplace in which no one enquired too carefully about the ownership of the goods on sale.

Mary thought she had gotten clean away, but in fact Elizabeth had followed her and, as she reached the corner of Grafton Street and Monmouth Street, Elizabeth grabbed Mary and wrestled her for the bundled apron of clothes, calling for help as she did so. This time Elizabeth was the more powerful. Henry Juratt and Mary McPherson, who were standing near by, came to Elizabeth's assistance and between them secured both the bundle and Mary.

Mary's first response was anger. She cried out:

The bitch wants to take my life away. And said, the things were her own. She wished the blessed God Almighty would shut heaven's gate against her, and as her mouth was open, she wished it might never shut again, if the apron was not hers; and to her accuser she said, Damn her eyes, she should not have the apron.

Henry Juratt replied:

I dare say they are not yours, how can you say the things are yours? I have seen many a ballad singer, and I never saw one with two aprons.

Mary seems to have believed that her time was up. She fulminated and screamed at her accusers, defiant to the last. Like many of the characters in the ballads she sang about the streets, Mary seems to have decided to play the 'game' criminal in the face of an unfair criminal justice system. To Mary McPherson, who helped subdue her, Mary said:

She would not be taken away till a proper officer came. Mary then pulled her breasts out, and spurted milk in the fellows' faces, and said, Damn your eyes, what do you want to take my life away?

The watchmen finally arrived, and holding Mary firmly, escorted her and the small band of witnesses to the nearest justice of the peace, probably Thomas De Veil. By the time they arrived, her blood was up and her behaviour almost mad:

She licked Elizabeth Turner before the justice and said, she longed for it; and said she would spit upon the justice's seat, and she did so. The justice said he would send her to Newgate, and she said, Damn my eyes then I shall have a ride for the money. Then the justice ordered her to be fettered and handcuffed; and she said, if he would take the handcuffs off, she would tell him her right name, otherwise she would not.

Later, in court, Mary claimed that she and Elizabeth Turner had been drinking together:

Mrs Turner asked me to drink a dram, and I told her, I had rather have a pint of beer, and she tied the apron upon me herself, and said, she wanted to

Stop Thief!

35

tie her garter; so I run away with the things and she run after me and cried out stop thief.

Mary pointed out the quarter-mile distance that separated Monmouth Street and the scene of the crime and asked why she had not been challenged sooner. She asked to see the apron Elizabeth had been wearing in hopes of being able to demonstrate that the strings had not been cut at all. But when it was produced in court, 'one of the strings was a quarter of a yard shorter than the other'. In the end she was found guilty of 'highway robbery', an offence whose legal definition included violent thefts committed on the streets of London as well as on country highways. When it came to the sentencing, the court may well have been aware of her previous convictions for theft, under the name of Mary White, in 1741, 1743 and 1744. Like the subject of so many ballads, she went to her death at Tyburn, asking that 'the spectators would pray for her' and declaring that 'she bore no body any spite'.²⁸

A Dismal Prison

Anyone waiting to be tried for a felony at the Old Bailey was incarcerated in nearby Newgate Prison. Like the roundhouse, Newgate was run as a business by its keeper, and those who could afford to pay for special treatment could find luxurious accommodation on the 'keeper's side'. The poor, by the same token, were confined in the squalid conditions of the 'common side', where the prisoners were left to run prison life according to their own autocratic rules.

The furnished lodgings Elizabeth Bennet rented from Mary Bakewell on Thursday 15 March 1742 were basic. They comprised little more than a small room, with a bed, a mattress, a blanket and a few sticks of furniture. But to rent even this tiny corner of London, Elizabeth had to spin a tale to convince her landlady that she could afford it. She claimed 'that she was married and that her husband was butler to a gentleman in Bloomsbury'.

This helped to explain why she was alone and at least temporarily assured Mary Bakewell that her furnishings were safe. But something did not seem quite right and Mary became suspicious. When Elizabeth returned home late the next day, she demanded to be allowed into the room so she could check that nothing was amiss. Elizabeth claimed to have mislaid the key, but Mary, with the assistance of another lodger, Thomas Test, searched her clothes, found the key and pushed in to the room. A blanket was missing and Elizabeth was arrested.

In the first instance, she was taken to one of London's miscellaneous lockups to await a preliminary hearing. But all prisoners who were to stand trial at the Old Bailey were eventually transferred to Newgate Prison, just north of the courthouse. On Sunday 22 April, a few days before her trial, Elizabeth Bennet was escorted there in possession of nothing more than the clothes she stood up in. Newgate stood at the junction of Holborn and Newgate Street and

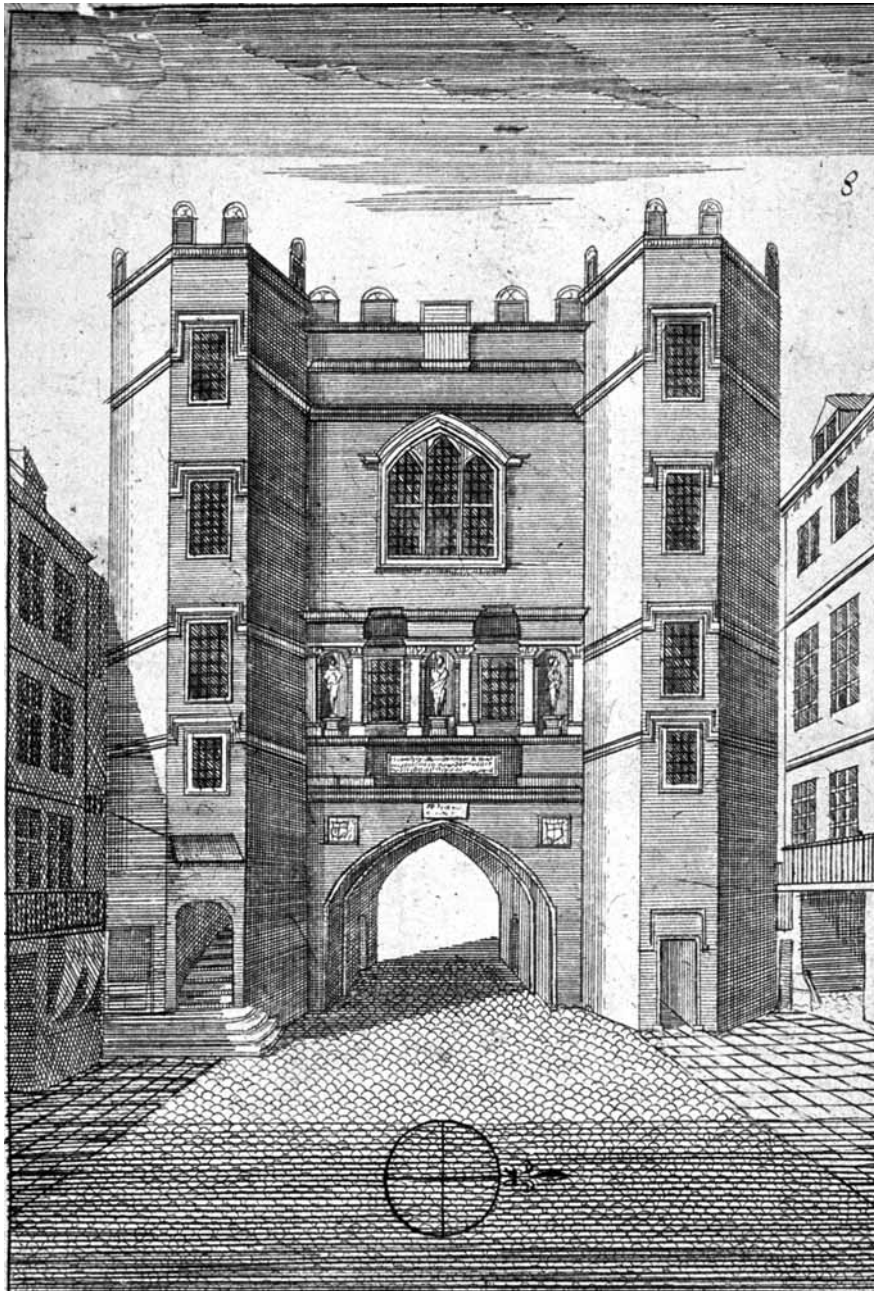


Figure 1.06 View of Newgate prison and adjacent buildings, with a description below.
C 1750 engraving. Credit: Guildhall Library, City of London

incorporated a gate through the City walls. The passageway underneath was a favourite haunt of pickpockets. In 1748, as he was 'going under Newgate', Benjamin Johnson 'felt something bobbing against my pocket, and saw John Kates with my handkerchief in his hand'. As he explained to the court, 'as I had lost three handkerchiefs before, it made me the more cautious'.²⁹ Open grates in the walls of the passageway allowed the prisoners to beg for money from the passers-by, and eight times a year the area outside the prison filled with a ghoulish crowd of onlookers as condemned men and women were shunted into carts for their last journey through London to Tyburn.

The prison itself was five storeys high, and had been substantially rebuilt after the great fire of 1666 and would be rebuilt again in 1770, only to be badly damaged in the Gordon riots a decade later. In 1742, however, it was run down and overcrowded. On hot days the stench of unwashed bodies and human suffering filled the neighbourhood, while the population of the prison was regularly scoured by waves of typhus. In 1750 half the court officers at the Old Bailey, including the Lord Mayor and two judges, died, along with some 40 others, when prisoners brought the contagion into the courtroom.

The world that Elizabeth entered that Sunday was a place apart, governed by its own rules and its own logic. The ward she was conducted to was little more than a bare room, but it played witness to a complex hierarchy, at the top of which stood Elizabeth Newbury, who had been imprisoned until she was able to pay a fine. Elizabeth Bennet's first encounter with Newbury proved frightening and difficult:

When I was brought to Newgate, Elizabeth Newbury demanded a shilling for ward dues. I told her I had no money, but if she would please to stay till my friends came, I would give it to her. She said that would not do, for she must have something in pledge. I told her I had nothing to give her but my gown, and I was not willing to part with that. Upon that she and two more fell a swearing at me, and she said she would take it off by violence if I would not give it her. I asked her whether she could answer for stripping people? She said, – yes, who could hinder her? And then she took my gown off my back by force, and I have never seen it since. I demanded it again once since that time; and she said she could not give it me without I gave her the shilling.

Elizabeth Bennet had come up against the system of prisoner-financed and prisoner-run government by which Newgate was managed. At her trial for the theft of Bennet's gown, Elizabeth Newbury explained the system:

I was made a ward-woman by the partners, and when I got a shilling I always gave them 9 pence out of it, and they told me if people had no money, I must make it, or else I must pay it myself; and as for this gown, Bennet was starving with cold and hunger, and pulled it off and I lent her 7 pence half penny upon it.

The practice of asking the prisoners to manage their own affairs was centuries old and had originated in the City's other gate prison, Ludgate, being

extended to Newgate at the request of the Court of Aldermen in 1633. Originally, the prisoners were meant to hold a monthly meeting where they would elect a steward and wardsmen and discuss their problems. By the mid-eighteenth century this system had degenerated into a more autocratic one, in which four 'partners' were simply appointed by the keeper of the prison and these partners in turn appointed the wardsmen and women. Together these prisoner trustees ensured that each of the 18 wards of Newgate was cleaned daily and that the regular routines of prison life were adhered to – the monotonous rituals of locking and unlocking, of cleaning up and slopping out. And the whole system was greased by the liberal application of ward dues or 'garnish'.

Bennet was housed in one of the prison's 13 'common side' wards, reserved for those too poor to afford the more comfortable accommodation and ample provisions available on the 'keeper's side'. For food she received only the most basic allowance of a penny loaf of bread a day, supplemented by charitable donations. If she was lucky she might be allowed to beg at the grate from passers-by, although with so many prisoners all seeking this privilege, it was available to only the most needy or most insistent. Fourteen years after Bennet's incarceration Thomas Gresham was killed by William Thornton in a dispute over the right to beg at the grate.³⁰

The ward Bennet shared with as many as 30 other women was only 26 by 32 feet, and crammed with hammocks and rough bedding. Her fellow prisoners included a ragtag collection of debtors and vagrants, as well as a much rougher element, all of whom seemed to owe some allegiance to Bennet's persecutor, Elizabeth Newbury. One of the prisoners was Mary Smith, who later gave evidence at Newbury's trial in an attempt to undermine Bennet's complaint:

I am a prisoner, and saw Bennet when she was going to pay her dues. She said she had no money, but she would pawn her gown and apron for them. Newbury offered to stay till her friends came, but Bennet immediately took off her gown and coloured apron, and insisted on pledging them. What became of them afterwards I can't tell, but we all paid 1s. for ward dues at our first coming in.

Smith was little more than a girl. She was not very bright and seems to have adapted well to prison life. She had been in Newgate for at least nine months awaiting transportation to North America. Along with her younger sister, Mall, she had lured 5-year-old Elizabeth Minton from her home in Albemarle Street with the promise of a piece of plum cake. They dragged her by the hand to Tottenham Court Road and stripped her of a quilted calamanco coat and a set of stays, before leaving her 'sitting on a dung hill'.

The two sisters were eventually run to ground, and the coat and stays found in a nearby ditch. Taken before Thomas De Veil, Mary as good as admitted the theft. Everyone in the room heard her say to her younger sister: 'Mall, if it had not been to buy you a new gown, I had not committed this robbery'.³¹ By the time of Bennet's trial nine months later she was clearly under the

Stop Thief!

39

influence of the older and more experienced, and altogether smarter, Elizabeth Newbury.

The ward also housed two other women who gave evidence at Newbury's trial – Margaret Wheatley and Margaret Clark. Aware that she might have to return to Newgate and co-exist with the prisoners following the trial, Wheatley chose to keep her head down. She testified:

I heard the ward woman ask Bennet to pull off her gown for the ward dues; she said she would not, but Newbury bid her strip for she must have her ward dues, and she accordingly had the gown, but I could not see whether she took it off herself, for I was a-bed.

Margaret Clark also studiously avoided committing herself:

I know nothing at all but that Newbury behaved in a civil manner. I saw nothing of it. Newbury never stripped me of any thing, but demanded eight pence, which was her due, and I paid it.

Perhaps ironically, the person who navigated the treacherous waters of Newgate and the Old Bailey most successfully was the apparent victim in this crime, Elizabeth Bennet. At her own trial for the theft of the blanket, her only defence was the bitter complaint that:

She had been very ill used in gaol by a woman who lay for a fine, and that she had taken her gown from her by violence because she had not money to pay the ward dues.

Despite hearing clear evidence of her earlier theft of a blanket, the jury acquitted Bennet, while the court brought Elizabeth Newbury to book for stealing the gown, finding her guilty of theft and sentencing her to be branded in the thumb. The rules of the wider society did occasionally apply to Newgate prisoners.³²

Conclusion

In modern Britain, despite the occasional 'have-a-go hero' and private prosecution, we expect crime to be dealt with by the police and prosecution to be led by the state. In eighteenth-century London there were no professional policemen and there was no public prosecution service. As a result private individuals were forced to take on a much more active role in the arrest and prosecution of criminals. From the first cry of 'murder!' and 'stop thief!' to the final prosecution at the Old Bailey, ordinary men and women were expected to take the lead. It was down to the victim and anyone they could corral off the streets to secure the suspect and deliver them up to the constable. And it was again down to the victim to make a credible case in court. For these reasons, the vast majority of criminals escaped prosecution. Those arrested by informers and vigilantes or by thieftakers playing the system against itself could be forgiven for cursing their luck as they whiled away the hours in London's commercially run prisons awaiting their trials.

In part, this made for an arbitrary and brutal system in which wealth, zealotry and prejudice weighed more heavily in the scales of justice than did truth. Your chances of prosecution rested as much on whether your victim had the spare time and the spare cash to see it done as on your actual guilt. But it is also clear that this was a form of policing requiring consent. Criminal justice was the result of negotiated understandings of what was acceptable behaviour and what ought to be punished. Where the general public saw no crime, no crime could be prosecuted. And where public anger focused attention on an individual or a specific offence, the forces of the state were largely powerless to shape the outcome. Even justices of the peace such as Thomas De Veil and Henry Fielding, sitting smugly in their parlours, wavered in the face of public outrage. Many historians have seen in eighteenth-century justice the workings of a 'Bloody Code' in which raw and arbitrary power were visited on working people by an unfeeling aristocracy. There is no doubt about the arbitrary and bloodthirsty nature of the system. But at the same time it is important to remember that every prosecutor and witness, every informer and juryman, many of whom came from modest social backgrounds, was implicated in the final outcome.