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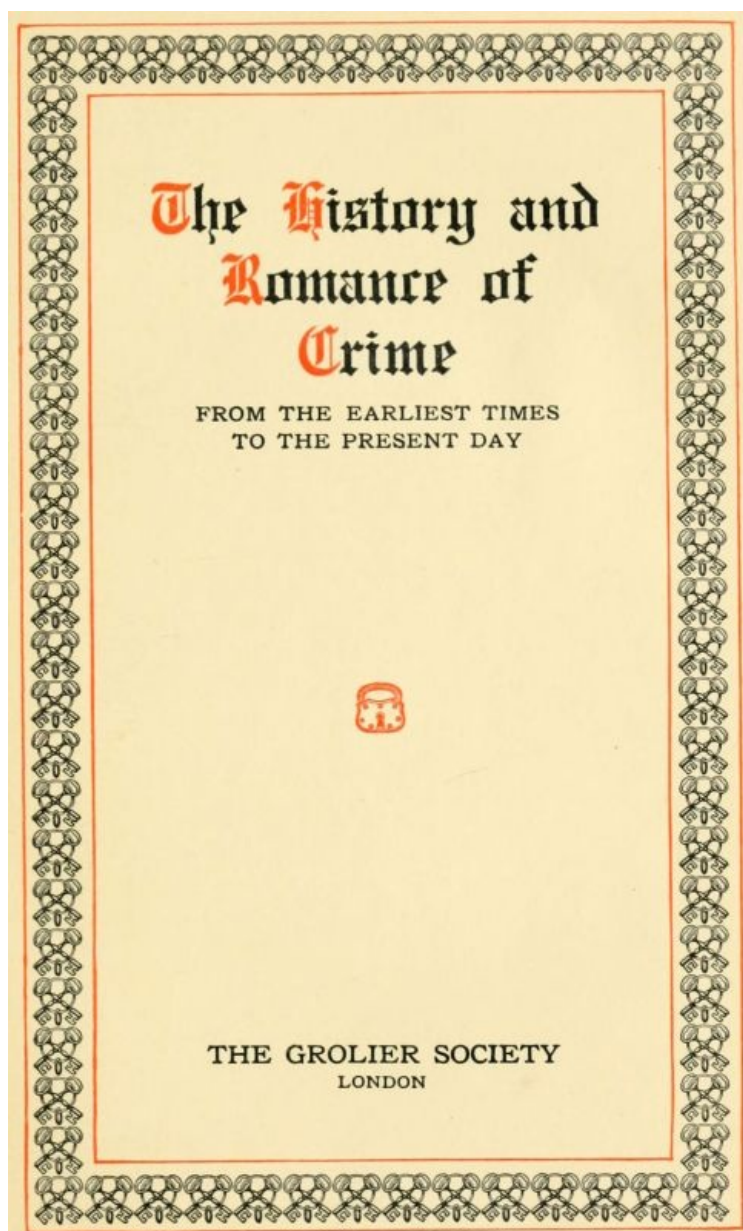
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# **The History and Romance of Crime**

**FROM THE EARLIEST TIMES  
TO THE PRESENT DAY**



**THE GROLIER SOCIETY**

**LONDON**



*Elizabeth Fry Reading to the Women Prisoners in Newgate*

The sympathies of the Quaker lady, Elizabeth Fry, were aroused by the sadly neglected condition of the women's quarters in Newgate in 1813. She formed the Ladies' Committee which secured many important reforms from Parliament. She was a constant visitor to the old prison, where she brought hope and comfort, and wrought great changes.

# Chronicles of Newgate

FROM THE TWELFTH TO  
THE EIGHTEENTH  
CENTURY

by

MAJOR ARTHUR GRIFFITHS  
*Late Inspector of Prisons in Great Britain*

*Author of*  
"The Mysteries of Police and Crime"  
"Fifty Years of Public Service," etc.

In Two Volumes

**Volume 1**

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## GENERAL INTRODUCTION

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The combat with crime is as old as civilization. Unceasing warfare is and ever has been waged between the law-maker and the law-breaker. The punishments inflicted upon criminals have been as various as the nations devising them, and have reflected with singular fidelity their temperaments or development. This is true of the death penalty which in many ages was the only recognized punishment for crimes either great or small. Each nation has had its own special method of inflicting it. One was satisfied simply to destroy life; another sought to intensify the natural fear of death by the added horrors of starvation or the withholding of fluid, by drowning, stoning, impaling or by exposing the wretched victims to the stings of insects or snakes. Burning at the stake was the favourite method of religious fanaticism. This flourished under the Inquisition everywhere, but notably in Spain where hecatombs perished by the *autos-da-fé* or "trials of faith" conducted with great ceremony often in the presence of the sovereign himself. Indeed, so terrible are the records of the ages that one turns with relief to the more humane methods of slowly advancing civilization,—the electric chair, the rope, the garotte, and even to that sanguinary "daughter of the Revolution," "la guillotine," the timely and merciful invention of Dr. Guillotin which substituted its swift and certain action for the barbarous hacking of blunt swords in the hands of brutal or unskilful executioners.

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Savage instinct, however, could not find full satisfaction even in cruel and violent death, but perforce must glut itself in preliminary tortures. Mankind has exhausted its fiendish ingenuity in the invention of hideous instruments for prolonging the sufferings of its victims. When we read to-day of the cold-blooded Chinese who condemns his criminal to be buried to the chin and left to be teased to death by flies; of the lust for blood of the Russian soldier who in brutal glee impales on his bayonet the writhing forms of captive children; of the recently revealed torture-chambers of the Yildiz Kiosk where Abdul Hamid wreaked his vengeance or squeezed millions of treasure from luckless foes; or of the Congo slave wounded and maimed to satisfy the greed for gold of an unscrupulous monarch;—we are inclined to think of them as savage survivals in "Darkest Africa" or in countries yet beyond the pale of western civilization. Yet it was only a few centuries ago that Spain "did to death" by unspeakable cruelties the gentle races of Mexico and Peru, and sapped her own splendid vitality in the woeful chambers of the Inquisition. Even as late as the end of the eighteenth century enlightened France was filling with the noblest and best of her land those *oubliettes* of which the very names are epitomes of woe: La Fin d'Aise, "The End of Ease;" La Boucherie, "The Shambles;" and La Fosse, "The Pit" or "Grave;" in the foul depths of which the victim stood waist deep in water unable to rest or sleep without drowning. Buoyed up by hope of release, some endured this torture of "La Fosse" for fifteen days; but that was nature's limit. None ever survived it longer.

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The *oubliettes* of the Conciergerie, recently revealed by excavations below the level of the Seine, vividly confirm the story of Masers de Latude, long confined in a similar one in Bicêtre. He says: "I had neither fire nor artificial light and prison rags were my only clothing. To quench my thirst, I sucked morsels of ice broken off from the open window; I was nearly choked by the effluvium from the cellars. Insects stung me in the eyes. I had nearly always a bad taste in my mouth, and my lungs were horribly oppressed. I endured unceasing pangs of hunger, cold and damp; I was attacked by scurvy; in ten days my legs and thighs were swollen to twice their ordinary size; my body turned black; my teeth loosened in their sockets so that I could not masticate; I could not speak and was thought to be dead."

Perhaps the refinement of torture, however, had been reached under the cowardly and superstitious Louis XI, whose iron cages were of such shape and size that the prisoners could languish in them for years unable either to stand upright or to stretch full length upon the floor. One feels the grim humour of fate that condemned the Bishop of Verdun, their inventor, to be the first to suffer in them.

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Life-long confinement under such conditions was the so-called "clemency" of rulers desiring to be thought merciful. Supported first by hope, then deadened by despair, men endured life in these prisons for years only to leave them bereft of health or reason. The famous names of those who languished in them is legion. Fouquet, the defaulting minister of Louis XIV, whose magnificence had rivalled that of the king himself, was punished by such captivity for twenty years. The "Man with the Iron Mask," whose identity, lost for three centuries, has been proved beyond a doubt after careful comparison of all theories,—pined his life away in one of them, accused, like Dreyfus, of having sold a secret of state.

Records of like cruelty and indifference to human suffering blackened the pages of English history until the merciful ministrations of John Howard and of Elizabeth Frye aroused the slumbering pity of Great Britain, and alleviated the conditions of prisoners all over the world.

In all lands, in all ages, in all stages of civilization, man has left grim records of vengeful passion. No race has escaped the stigma, perhaps no creed. It would almost seem that nations had vied with each other in the subtlety of their ingenuity for producing suffering. The stoical Indian, the inscrutable Chinese, the cruel Turk, the brutal Slav, the philosophic Greek, the suave and artistic Italian, the stolid German, the logical and pleasure-loving French, the aggressive English,—all have left their individual seal on these records of "man's inhumanity to man."

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From the gloom of these old prisons have sprung many of the most fascinating stories of the world,—stories so dramatic, so thrilling, so pathetic that even the magic fiction of Dickens or Dumas pales beside the dread realities of the Tower, the Bastile, the Spielberg, the "leads" of the Palace of the Doges, the mines of Siberia, or the Black Hole of Calcutta.

What heroic visions history conjures for us! Columbus languishing in chains in Spain; Savonarola and Jean d'Arc passing from torture to the stake; Sir William Wallace, Sidney, Raleigh, Lady Jane Grey, Sir Thomas More, irradiating the dim cells of London's Tower; Madame Roland, Charlotte Corday, Marie Antoinette, beautifying the foul recesses of the Conciergerie; gentle Madame Elizabeth soothing the sorrows of the Temple; Silvio Pellico in the Spielberg; Settembrini and the Patriots of the Risorgimento in the prisons of Italy; the myriad martyrs of Russia in the dungeons of the Czar or the wilds of Siberia—all pass before us in those magic pages, uttering in many tongues but in one accord their righteous and eternal protest against the blind vengeance of man.

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# INTRODUCTION

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In antiquity and varied interest old Newgate prison, now passed away before the ceaseless movement of London change, yields to no place of duration in the world. A gaol stood on this same site for almost a thousand years. The first prison was nearly as old as the Tower of London, and much older than the Bastille. Hundreds of thousands of "felons and trespassers" have from first to last been incarcerated within. To many it must have been an abode of sorrow, suffering, and unspeakable woe, a kind of terrestrial inferno, to enter which was to abandon every hope. Imprisonment was often lightly and capriciously inflicted in days before British liberties were fully won, and innumerable victims of tyranny and oppression have been lodged in Newgate. Political troubles also sent their quota. The gaol was the half-way house to the scaffold or the gallows for turbulent or short-sighted persons who espoused the losing side; it was the starting-place for that painful pilgrimage to the pillory or whipping post which was too frequently the punishment for rashly uttered libels and philippics against constituted power. Newgate, again, was on the highroad to Smithfield; in times of intolerance and fierce religious dissensions numbers of devoted martyrs went thence to suffer for conscience' sake at the stake. For centuries a large section of the permanent population of Newgate, as of all gaols, consisted of offenders against commercial laws. While fraudulent bankrupts were hanged, others more unfortunate than criminal were clapped into gaol to linger out their lives without the chance of earning the funds by which alone freedom could be recovered. Debtors of all degrees were condemned to languish for years in prison, often for the most paltry sums. The perfectly innocent were also detained. Gaol deliveries were rare, and the boon of arraignment and fair trial was strangely and unjustly withheld, while even those acquitted in open court were often haled back to prison because they were unable to discharge the gaoler's illegal fees. The condition of the prisoners in Newgate was long most deplorable. They were but scantily supplied with the commonest necessaries of life. Light scarcely penetrated their dark and loathsome dungeons; no breath of fresh air sweetened the fetid atmosphere they breathed; that they enjoyed the luxury of water was due to the munificence of a lord mayor of London. Their daily subsistence was most precarious. Food, clothing, fuel were doled out in limited quantities as charitable gifts; occasionally prosperous citizens bequeathed small legacies to be expended in the same articles of supply. These bare prison allowances were further eked out by the chance seizures in the markets; by bread forfeited as inferior or of light weight, and meat declared unfit to be publicly sold. All classes and categories of prisoners were herded indiscriminately together: men and women, tried and untried, upright but misguided zealots with hardened habitual offenders. The only principle of classification was a prisoner's ability or failure to pay certain fees; money could purchase the squalid comfort of the master's side, but no immunity from the baleful companionship of felons equally well furnished with funds and no less anxious to escape the awful horrors of the common side of the gaol. The weight of the chains, again, which innocent and guilty alike wore, depended upon the price a prisoner could pay for "easement of irons," and it was a common practice to overload a newcomer with enormous fetters and so terrify him into lavish disbursement. The gaol at all times was so hideously overcrowded that plague and pestilence perpetually ravaged it, and the deadly infection often spread into the neighbouring courts of law.

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The foregoing is an imperfect but by no means highly coloured picture of Newgate as it existed for hundreds of years, from the twelfth century to the nineteenth. The description is supported by historical records, somewhat meagre at first, but becoming more and more ample and better substantiated as the period grows less remote. It is this actual Newgate, with all its terrors for the sad population which yearly passed its forbidding portals, which I have endeavoured to portray.

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# CHRONICLES OF NEWGATE

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## CHAPTER I

### MEDIAEVAL NEWGATE

Earliest accounts of Newgate prison—The New Gate, when built and why—Classes of prisoners incarcerated—Brawlers, vagabonds, and "roarers" committed to Newgate—Exposure in pillory and sometimes mutilation preceded imprisonment—The gradual concession of privileges to the Corporation—Corporation obtains complete jurisdiction over Newgate—The sheriffs responsible for the good government of prisons on appointment—Forbidden to farm the prison or sell the post of keeper—The rule in course of time contravened, and keepership became purchasable—Condition of the prisoners in mediæval times—Dependent on charity for commonest necessities—A breviary bequeathed—Gaol fell into ruin and was rebuilt by Whittington's executors in 1422—This edifice two centuries later restored, but destroyed in the great fire of 1666.

The earliest authentic mention of Newgate as a gaol or prison for felons and trespassers occurs in the records of the reign of King John. In the following reign, A. D. 1218, Henry III expressly commands the sheriffs of London to repair it, and promises to reimburse them for their outlay from his own exchequer. This shows that at that time the place was under the direct control of the king, and maintained at his charges. The prison was above the gate, or in the gate-house, as was the general practice in ancient times. Thus Ludgate was long used for the incarceration of city debtors.

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To the gate-house of Westminster were committed all offenders taken within that city; and the same rule obtained in the great provincial towns, as at Newcastle, Chester, Carlisle, York, and elsewhere. Concerning the gate itself, the New Gate and its antiquity, opinions somewhat differ. Maitland declares it to be "demonstrable" that Newgate was one of the four original gates of the city; "for after the fire of London in 1666," he goes on to say, "in digging a foundation for the present Holborn bridge, the vestigia of the Roman military way called Watling Street were discovered pointing directly to this gate; and this I take to be an incontestable proof of an original gate built over the said way in this place."

Of that ancient Newgate, city portal and general prison-house combined, but scant records remain. A word or two in the old chroniclers, a passing reference in the history of those troublous times, a few brief and formal entries in the city archives—these are all that have been handed down to us.

But we may read between the lines and get some notion of mediæval Newgate. Foul, noisome, terrible, are the epithets applied to this densely crowded place of durance.<sup>[15:1]</sup> It was a dark, pestiferous den, then, and for centuries later, perpetually ravaged by deadly diseases.

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Its inmates were of all categories. Prisoners of state and the most abandoned criminals were alike committed to it. Howel, quoted by Pennant, states that Newgate was used for the imprisonment of persons of rank long before the Tower was applied to that purpose. Thus Robert de Baldock, chancellor of the realm in the reign of Edward II, to whom most of the miseries of the kingdom were imputed, was dragged to Newgate by the mob. He had been first committed to the Bishop's Prison, but was taken thence to Newgate as a place of more security; "but the unmerciful treatment he met with on the way occasioned him to die there within a few days in great torment from the blows which had been inflicted on him." Again, Sir Thomas Percie, Lord Egremont, and other people of distinction, are recorded as inmates in 1457. But the bulk of the prisoners were of meaner condition, relegated for all manner of crimes. Some were parlous offenders. There was but little security for life or property in that old London, yet the law made constant war against the turbulent and reckless roughs. Stowe draws a lively picture of the state of the city at the close of the twelfth century. One night a brother of Earl Ferrers was slain privately in London. The king (Edward I) on hearing this "swore that he would be avenged on the citizens." It was then a common practice in the city for "an hundred or more in company of young and old to make nightly invasions upon the houses of the wealthy, to the intent to rob them, and if they found any man stirring in the city they would presently murder him, insomuch that when night was come no man durst adventure to walk in the streets." Matters at length came to a crisis. A party of citizens, young and wealthy, not mere rogues, attacked the "storehouse of a certain rich man," and broke through the wall. The "good man of the house" was prepared and lay in wait for them "in a corner," and saw that they were led by one Andrew Bucquinte, who carried a burning brand in one hand and a pot of coals in the other, which he essayed to kindle with the brand. Upon this the master, crying "Thieves!" rushed at Bucquinte and smote off his

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right hand. All took to flight "saving he that had lost his hand," whom the good man in the next morning delivered to Richard de Lucy, the king's justice. The thief turned informer, and "appeached his confederates, of whom many were taken and many were fled." One, however, was apprehended, a citizen "of great countenance, credit, and wealth, named John Senex, or John the Old, who, when he could not acquit himself by the water dome, offered the king five hundred marks for his acquittal; but the king commanded that he should be hanged, which was done, and the city became more quiet."

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Long before this, however, Edward I had dealt very sharply with evil-doers. By the suspension of corporation government following that king's conflict with the city authority, "all kinds of licentiousness had got leave to go forward without control."

At length the frequency of robberies and murders produced the great penal statute of the 13 Edward I (1287). By this act it was decreed that no stranger should wear any weapon, or be seen in the streets after the ringing of the *couvre-feu* bell at St. Martin's-le-Grand; that no vintners and victuallers should keep open house after the ringing of the said bell under heavy fines and penalties; that "whereas it was customary for profligates to learn the art of fencing, who were thereby emboldened to commit the most unheard-of villainies, no such school should be kept in the city for the future upon the penalty of forty marks for every offence." Most of the aforesaid villainies were said to be committed by foreigners who incessantly crowded into London from all parts; it was therefore ordered that no person not free of the city should be suffered to reside therein; and even many persons thus avouched were obliged to give security for their good behaviour.

The "Liber Albus," as translated by Riley, gives the penalties for brawling and breaking the peace about this date. It was ordained that any person who should draw a sword, *misericorde* (a dagger with a thin blade used for mercifully despatching a wounded enemy), or knife, or any arm, even though he did not strike, should pay a fine to the city of half a mark, or be imprisoned in Newgate for fifteen days. If he drew blood the fine was twenty shillings, or forty days in Newgate; in striking with the fist two shillings, or eight days' imprisonment, and if blood was drawn forty pence, or twelve days. Moreover, the offenders were to find good sureties before release, and those on whom the offence was committed had still recovery by process of law.

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Nor were these empty threats. The laws and ordinances against prowlers and vagabonds, or night-walkers, as they were officially styled, were continually enforced by the attachment of offenders. Many cases are given in the memorials of London.

Thus Elmer de Multone was attached on indictment as a common night-walker in the ward of Chepe; in the day, it was charged, he was wont to entice persons and strangers unknown to a tavern and there deceive them by using false dice. He was furthermore indicted "in Tower ward for being a cruiser and night-walker against the peace, as also for being a common 'roarer.'<sup>[18:1]</sup> Multone was committed to prison. Others met with similar treatment. John de Rokeslee was attached as being held suspected of evil and of beating men coming into the city;" "Peter le Taverner, called Holer," the same, and for going with sword and buckler and other arms; John Blome was indicted "as a common vagabond for committing batteries and other mischiefs in the ward of Aldresgate and divers other wards." "A chaplain," our modern curate, Richard Heryng, was attached on similar charges, but was acquitted. Not only were the "roarers" themselves indicted when taken in this act, but also those who harboured them, like John Baronu, mentioned in the same document as attached for keeping open house at night, and receiving night-walkers and players at dice. The prohibition against fencing-masters was also rigorously enforced, as appears by the indictment of "Master Roger le Skirmisour, for keeping a fencing school for divers men, and for enticing thither the sons of respectable persons so as to waste and spend the property of their fathers and mothers upon bad practices, the result being that they themselves become bad men. Master Roger, upon proof to a jury that he was guilty of the trespasses aforesaid, was committed to Newgate."

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Incarceration in Newgate, however, was meted out promptly for other offences than those against which the last-mentioned legislation was directed. Priests guilty of loose living, Jews accused rightly or wrongly, now of infanticide, of crucifying children, now of coining and clipping, found themselves in the gaol for indefinite periods. People, again, who adulterated or sold bad food were incontinently clapped into gaol. Thus William Cokke of Hesse (or Hayes) was charged with carrying a sample of wheat in his hand in the market within Newgate, and following one William, the servant of Robert de la Launde, goldsmith, about from sack to sack, as the latter was seeking to buy wheat, telling him that such wheat as the sample could not be got for less than twenty-one pence per bushel, whereas on the same day and at the same hour the same servant could have bought the same wheat for eighteen pence. Cokke, when questioned before the mayor, recorder, and certain of the aldermen, acknowledged that he had done this to enhance the price of wheat to the prejudice of all the people. He was in consequence committed to gaol, and sentenced also to have the punishment of the pillory. The same fate overtook Alan de Lyndeseye and Thomas de Patemere, bankers, who were brought before the bench at Guildhall, and with them "bread they had made of false, putrid, and rotten materials, through which persons who bought such bread were deceived and might be killed." The fear of imprisonment, again, was before the eyes of all who sought to interfere with the freedom of the markets. Thus it is recorded in the ordinances of the cheesemongers, that "whereas the hokesters (hucksters) and others who sell such wares by retail do come and regrate such cheese and butter before prime rung, and before that the commonalty has been served, may it be ordained that no such hokesters shall buy of any foreigner before the hour of prime on pain of imprisonment at the will

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of the mayor." Similar penalties were decreed against "regrating" fish and other comestibles for the London markets.

In 1316 Gilbert Peny was bound in the third time in default for selling bread deficient in weight. He had been twice drawn on the hurdle, and it was therefore now adjudged that he should be drawn once more, and should then forswear the trade of a baker in the city for ever. One of many similar cases is that of William Spalyng, who, for selling putrid beef at "les Stokkes," the stocks market near Walbrook, was put upon the pillory, and the carcasses were burnt beneath. Another who made shoes of unlawful material had them forfeited. Bakers who stole dough from the moulding-boards of other bakers were exposed on the pillory with the dough hung about their necks. Richard le Forester, for attempting to defraud with a false garland or metal chaplet for the head, was sentenced to stand in the pillory, and afterwards to forswear the city for a year and a day. Traders convicted of having blankets vamped in foreign parts with the hair of oxen and of cows were punished, and the blankets were burnt under the pillory on Cornhill. Similarly, false gloves, braces, and pouches were burnt in the High Street of Chepe near the stone cross there. John Penrose, a taverner, convicted of selling unsound wine, was adjudged to drink a draught of the said wine, and the remainder was then poured out on his head. Alice, wife of Robert de Cranstom, was put in the "thew," or pillory for women, for selling ale by short measure; and so was Margery Hore for selling putrid soles, the fish being burnt, and the cause of her punishment proclaimed. Two servants of John Naylere were placed in the stocks upon Cornhill for one hour, and their sacks burnt beside them, for selling a deficient measure of charcoal, while their master's three horses were seized and detained by the mayor's sergeant until he (Naylere) came and answered for the aforesaid falsity and deceit. William Avecroft having unsound wine, the sheriffs were ordered to pour all the wine in the street and wholly make away with it, according to the custom of the city.

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Interesting reference may also be made to the "Liber Albus" which contains other ordinances against brawlers and loose livers. The former, whether male or female, were taken to the pillory, carrying a distaff dressed with flax and preceded by minstrels. The latter, whether male, female, or clerics, were marched behind music to Newgate and into the Tun in Cornhill.<sup>[23:1]</sup> Repeated offences were visited with expulsion, and the culprits were compelled to forswear the city for ever. The men on exposure had their heads and beards shaved, except a fringe on their heads two inches in breadth; women who made the penance in a hood of "rag" or striped cloth had their hair cut round about their heads. Worse cases of both sexes were shaved, like "an appealer," or false informer. The crime of riotous assembling was very sharply dealt with, as appears from the proclamation made on the king's (Edward III) departure for France. It was then ordained that "no one of the city, of whatsoever condition he shall be, shall go out of the city to maintain parties, such as taking leisure, or holding 'days of love' (days of reconciliation between persons at variance), or making other congregations within the city or without in disturbance of the peace of our lord the king, or in affray of the people, and to the scandal of the city." Any found guilty thereof were to be taken and put into the prison of Newgate, and there retained for a year and a day; and if he was a freeman of the city, he lost his freedom for ever.

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The city authorities appear to have been very anxious to uphold their prerogatives, jealous of their good name, and to have readily availed themselves of Newgate as a place of punishment for any who impugned it. A certain John de Hakford, about the middle of the fourteenth century, was charged with perjury in falsely accusing the chief men in the city of conspiracy. For this he was remanded by the mayor and aldermen to Newgate, there to remain until they shall be better advised as to their judgment. A little later, on Saturday the morrow of St. Nicholas (6 Dec., 1364), this judgment was delivered, to the effect that the said John shall remain in prison for one whole year and a day, and the said John within such year shall four times have the punishment of the pillory, that is to say, one day in each quarter of the year, beginning on the Saturday aforesaid, and in this manner: "The said John shall come out of Newgate without hood or girdle, barefoot and unshod, with a whetstone hung by a chain from his neck and lying on his breast, it being marked with the words 'a false liar,' and there shall be a pair of trumpets trumpeting before him on his way to the pillory, and there the cause of this punishment shall be solemnly proclaimed, and the said John shall remain in the pillory for three hours of the day, and from thence shall be taken back to Newgate in the same manner, there to remain until his punishment be completed in manner aforesaid." This investiture of the whetstone was commonly used as a punishment for misstatement;<sup>[25:1]</sup> for it is recorded in 1371 that one Nicholas Mollere, servant of John Toppesfield, smith, had the punishment of the pillory and whetstone for "circulating lies," amongst others that the prisoners at Newgate were to be taken to the Tower of London, and that there was to be no longer a prison at Newgate.

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A sharper sentence was meted out about the same date to William Hughlot, who for a murderous assault upon an alderman was sentenced to lose his hand, and precept was given to the sheriffs of London to do execution of the judgment aforesaid.

Upon this an axe was brought into court by an officer of the sheriffs, and the hand of the said William was laid upon the block, there to be cut off. Whereupon John Rove—the alderman aggrieved—in reverence of our lord the king, and at the request of divers lords, who entreated for the said William, begged of the mayor and aldermen that the judgment might be remitted, which was granted accordingly. The culprit was, however, punished by imprisonment, with exposure on the pillory, wearing a whetstone, and he was also ordered to carry a lighted wax candle weighing three pounds through Chepe and Fleet Streets to St. Dunstan's Church, where he was to make offering of the same.

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However sensitive of their good name, the mayor and aldermen of those times seem to have been fairly upright in their administration of the law. The following case shows this:

A man named Hugh de Beone, arraigned before the city coroner and sheriff for the death of his wife, stood mute, and refused to plead, so as to save his goods after sentence. For thus "refusing the law of England," the justiciary of our lord the king for the delivery of the gaol of Newgate, committed him back to prison, "there in penance to remain until he should be dead."

Long years elapsed between the building of Newgate and the date when the city gained complete jurisdiction over the prison. King Henry III's orders to repair the gaol at his own charge has been mentioned already. Forty years later the same monarch pretended to be keenly concerned in the good government of Newgate. Returning from Bordeaux when his son Edward had married the sister of the King of Spain, Henry passed through Dover and reached London on St. John's Day. The city sent to congratulate him on his safe arrival, the messengers taking with them a humble offering of one hundred pounds. The avaricious king was dissatisfied, and, instead of thanking them, intimated that if they would win his thanks they must enlarge their present; whereupon they gave him a "valuable piece of plate of exquisite workmanship, which pacified him for the present." But Henry was resolved to squeeze more out of the wealthy burgesses of London. An opportunity soon offered when a clerk convict, one John Frome, or Offrem,<sup>[27:1]</sup> charged with murdering a prior, and committed for safe custody to Newgate, escaped therefrom. The murdered man was a cousin of Henry's queen, and the king, affecting to be gravely displeased at this gross failure in prison administration, summoned the mayor and sheriffs to appear before him and answer the matter. The mayor laid the fault from him to the sheriffs, forasmuch as to them belonged the keeping of all prisoners within the city. The mayor was therefore allowed to return home, but the sheriffs remained prisoners in the Tower "by the space of a month or more;" and yet they excused themselves in that the fault rested chiefly with the bishop's officers, the latter having, at their lord's request, sent the prisoner to Newgate, but being still themselves responsible with the bishop for his safe-keeping. These excuses did not satisfy the king, who, "according to his usual justice," says Noorthouck, "demanded of the city, as an atonement of the pretended crime, no less than the sum of three thousand marks." The fine was not immediately forthcoming, whereupon he degraded both the sheriffs, and until the citizens paid up the enormous sum demanded, he caused the chief of them to be seized and clapped into prison.

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The city was ready enough, however, to purchase substantial privileges in hard cash. Many of its early charters were thus obtained from necessitous kings. In this way the Corporation ransomed, so to speak, its ancient freedom and the right of independent government.

In 1327 a further point was gained. The support of the citizens had been freely given to Queen Isabella and her young son in the struggle against Edward II. On the accession of Edward III a new charter, dated in the first year of his reign, was granted to the city of London. After confirming the ancient liberties, it granted many new privileges; chief among them was the concession that the mayor of London should be one of the justices for gaol delivery of Newgate, and named in every commission for that purpose. The king's marshal might in future hold no court within the boundary of the city, nor were citizens to be called upon to plead, beyond them, for anything done within the liberties. No market might be kept within seven miles of London, while the citizens were permitted to hold fairs and a court of "pye powder" therein; in other words, a court for the summary disposal of all offences committed by hawkers or peddlers, or perambulating merchants, who have *les pieds poudres*, or are "dusty-footed."<sup>[29:1]</sup> Other privileges were obtained from the king during his reign. A second charter granted them the bailiwick of Southwark, a village which openly harboured "felons, thieves, and other malefactors," who committed crimes in the city and fled to Southwark for sanctuary. Again, the election of the mayor was established on a more settled plan, and vested in the mayor and aldermen for the time being. Another charter conceded to the Corporation the honour of having gold and silver maces borne before the chief functionary, who about this period became first entitled to take rank as lord mayor. The vast wealth and importance of this great civic dignitary was to be seen in the state he maintained. The lord mayor even then dispensed a princely hospitality, and one eminent citizen in his reign, Henry Picard by name, had the honour of entertaining four sovereigns at his table, viz., the Kings of England, France, Scotland, and Cyprus, with the Prince of Wales and many more notables. This Picard was one of the Guild of Merchant Vintners of Gascony, a Bordeaux wine-merchant, in fact, and a Gascon by birth, although a naturalized subject of the English king. The vintners gave the city several lord mayors.

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Richard II was not so well disposed towards the city. Recklessly extravagant, wasteful and profuse in his way of living, he was always in straits for cash. The money needed for his frivolous amusements and ostentatious display he wrung from the Corporation by forfeiting its charters, which were only redeemed by the payment of heavy fines. The sympathies of the city were therefore with Henry Bolingbroke in the struggle which followed. It was able to do him good service by warning him of a plot against his life, and Henry, now upon the throne, to show his gratitude, and "cultivate the good understanding thus commenced with the city, granted it a new charter." The most important clause of Henry's charter was that which entrusted the citizens, their heirs and successors, with the custody "as well of the gates of Newgate and Ludgate, as all other gates and posterns in the same city."

By this time the gate and prison had passed under the control of the civic authorities, and they enjoyed the privilege of contributing to its charges. This appears from an entry as far back as

September, 1339, in the account of expenditure of Thomas de Maryus, chamberlain. The item is for "moneys delivered to William Simond, sergeant of the chamber, by precept of the mayor and aldermen, for making the pavement within Newgate, £7 6s. 8d." How complete became the power and responsibility of the Corporation and its officers is to be seen in the account given in the "Liber Albus" of the procedure when new sheriffs were appointed. They were sworn on appointment, and with them their officers, among whom were the governor of Newgate and his clerk. After dinner on the same day of appointment the old and new sheriffs repaired to Newgate, where the new officials took over all the prisoners "by indenture" made between them and the old.<sup>[31:1]</sup> They were also bound to "place one safeguard there at their own peril," and were forbidden to "let the gaol to fenn or farm."

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Other restrictions were placed upon them. It was the sheriffs' duty also, upon the vigil of St. Michael, on vacating their office, to resign into the hands of the mayor for the time being the keys of Newgate, the cocket or seal of Newgate, and all other things pertaining unto the said sheriffwick. All the civic authorities, mayor, sheriffs, aldermen, and their servants, including the gaoler of Newgate, were forbidden to brew for sale, keep an oven, or let carts for hire; "nor shall they be regrators of provisions, or hucksters of ale, or in partnership with such." Penalties were attached to the breach of these regulations. It was laid down that any who took the oath and afterwards contravened it, or any who would not agree to abide by the ordinance, should be forthwith "ousted from his office for ever." It was also incumbent upon the sheriffs to put "a man sufficient, and of good repute, to keep the gaol of Newgate in due manner, without taking anything of him for such keeping thereof, by covenant made in private or openly." Moreover, the gaoler so appointed swore before the lord mayor and aldermen that "neither he nor any of them shall take fine or extortionate charge from any prisoner by putting on or taking off his irons, or shall receive moneys extorted from such prisoners." He was permitted to levy fourpence from each upon release, "as from ancient time has been the usage, but he shall take fees from no person at his entrance there;" indeed, he was warned that if he practised extortion he would be "ousted from his office," and punished at the discretion of the mayor, aldermen, and common council of the city.

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It will be made pretty plain in subsequent pages, that these wise and righteous regulations were both flagrantly ignored and systematically contravened. The rule against farming out the prison may have been observed, and it cannot be clearly proved that the sheriffs ever took toll from the gaoler. But the spirit of the law, if not its letter, was broken by the custom which presently grew general of making the gaolership a purchasable appointment. Thus the buying and selling of offices, of army commissions, for instance, as we have seen practised till recent years in England, at one time extended also to the keeperships of gaols. It is recorded in the Calendar of State Papers that one Captain Richardson agreed for his place as keeper of Newgate for £3,000. A larger sum, viz., £5,000, was paid by John Huggins to Lord Clarendon, who "did by his interest" obtain a grant of the office of keeper of the Fleet Prison for the life of Huggins and his son. One James Whiston, in a book entitled "England's Calamities Discovered, or Serious Advice to the Common Council of London," denounces this practice, which he stigmatizes as "bartering justice for gold." "Purchased cruelty," the right to oppress the prisoners, that is to say, in order to recover the sums spent in buying the place, "is now grown so bold that if a poor man pay not extortionary fees and ruinous chamber-rent, he shall be thrown into holes and common sides to be devoured by famine, lice, and disease. I would fain know," he asks, "by what surmise of common sense a keeper of a prison can demand a recompense or fee from a prisoner for keeping him in prison? . . . Can he believe that any person can deserve a recompense for opening the door of misery and destruction? . . . But now such is the confidence of a purchaser, that to regain his sum expended he sells his tap-house at prodigious rates, . . . he farms his sheets to mere harpies, and his great key to such a piece of imperious cruelty (presumably his chief turnkey) as is the worst of mankind." Following the same line of argument, he says: "It will perhaps be thought impertinent to dispute a gaoler's demands for admitting us into his loathsome den, when even the common hangman, no doubt encouraged by such examples, will scarce give a malefactor a cast of his office without a bribe, demands very formally his fees, forsooth, of the person to be executed, and higgles with him as nicely as if he were going to do him some mighty kindness." Eventually an act was passed specifically forbidding the sale of such places. This statute affirms that "none shall buy, sell, let, or take to farm, the office of undersheriff, gaoler, bailiff, under pain of £500, half to the king and half to him that shall sue."

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Let us return to mediæval Newgate. Whatever the authority, whether royal or civic, the condition of the inmates must have been wretched in the extreme, as the few brief references to them in the various records will sufficiently prove. The place was full of horrors; the gaolers rapacious and cruel. In 1334 an official inquiry was made into the state of the gaol, and some of the atrocities practised were brought to light. It was found that prisoners detained on minor charges were cast into deep dungeons, and there associated with the worst criminals. All were alike threatened, nay tortured, till they yielded to the keepers' extortions, or consented to turn approvers and swear away the lives of innocent men. These poor prisoners were dependent upon the charity and good-will of the benevolent for food and raiment. As far back as 1237 it is stated that Sir John Pulteney gave four marks by the year to the relief of prisoners in Newgate. In the year 1385 William Walworth, the stalwart mayor whose name is well remembered in connection with Wat Tyler's rebellion, gave "somewhat" with the same good object. "So have many others since," says the record. The water-supply of the prison, Stowe tells, was also a charitable gift. "Thomas Knowles, grocer, sometime mayor of London, by license of Reynold, prior of St. Bartholomew's in Smithfield, and also of John Wakering, master of the hospital of St.

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Bartholomew, and his brethren, conveyed the waste of water at the cistern near unto the common fountain and Chapel of St. Nicholas (situate by the said hospital) to the gaols of Ludgate and Newgate, for the relief of the prisoners."

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In 1451, by the will of Phillip Malpas, who had been a sheriff some twelve years previous, the sum of £125 was bequeathed to "the relief of poor prisoners." This Malpas, it may be mentioned here, was a courageous official, ready to act promptly in defence of city rights. In 1439 a prisoner under escort from Newgate to Guildhall was rescued from the officers' hands by five companions, after which all took sanctuary at the college of St. Martin's-le-Grand. "But Phillip Malpas and Robert Marshal, the sheriffs of London, were no sooner acquainted with the violence offered to their officer and the rescue of their prisoner, than they, at the head of a great number of citizens, repaired to the said college, and forcibly took from thence the criminal and his rescuers, whom they carried in fetters to the Compter, and thence, chained by the necks, to Newgate."

For food the prisoners were dependent upon alms or upon articles declared forfeit by the law. All food sold contrary to the statutes of the various guilds was similarly forfeited to the prisoners. The practice of giving food was continued through succeeding years, and to a very recent date. A long list of charitable donations and bequests might be made out, bestowed either in money or in kind. A customary present was a number of stones of beef. Some gave penny loaves, some oatmeal, some coals. Without this benevolence it would have gone hard with the poor population of the Gate-house gaol. It was not strange that the prison should be wasted by epidemics, as when in 1414 "the gaoler died and prisoners to the number of sixty-four;" or that the inmates should at times exhibit a desperate turbulence, taking up arms and giving constituted authority much trouble to subdue them, as in 1457 when they broke out of their several wards in Newgate, and got upon the leads, where they defended themselves with great obstinacy against the sheriffs and their officers, insomuch that they, the sheriffs, were obliged to call the citizens to their assistance, whereby the prisoners were soon reduced to their former state.

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One other charitable bequest must be referred to here, as proving that the moral no less than the physical well-being of the prisoners was occasionally an object of solicitude. In the reign of Richard II a prayer-book was specially bequeathed to Newgate in the following terms:

"Be it remembered that on the 10th day of June, in the 5th year (1382), Henry Bever, parson of the church of St. Peter in Brad Street (St. Peter the Poor, Broad Street), executor of Hugh Tracy, chaplain, came here before the mayor and aldermen and produced a certain book called a 'Porte hors,' which the same Hugh had left to the gaol of Newgate, in order that priests and clerks there imprisoned might say their service from the same, there to remain so long as it might last. And so in form aforesaid the book was delivered unto David Bertelike, keeper of the gate aforesaid, to keep it in such manner so long as he should hold that office; who was also then charged to be answerable for it. And it was to be fully allowable for the said Henry to enter the gaol aforesaid twice in the year at such times as he should please, these times being suitable times, for the purpose of seeing how the book was kept."

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We are without any very precise information as to the state of the prison building throughout these dark ages. But it was before everything a gate-house, part and parcel of the city fortifications, and therefore more care and attention would be paid to its external than its internal condition. It was subject, moreover, to the violence of such disturbers of the peace as the followers of Wat Tyler, of whom it is written that, having spoiled strangers "in most outrageous manner, entered churches, abbeys, and houses of men of law, which in semblable sort they ransacked, they also brake up the prisons of Newgate and of both the Compters, destroyed the books, and set the prisoners at liberty." This was in 1381. Whether the gaol was immediately repaired after the rebellion was crushed does not appear; but if so, the work was only partially performed, and the process of dilapidation and decay must soon have recommenced, for in Whittington's time it was almost in ruins. That eminent citizen and mercer, who was three times mayor, and whose charitable bequests were numerous and liberal, left moneys in his will for the purpose of rebuilding the place, and accordingly license was granted in 1422, the first year of Henry VI's reign, to his executors, John Coventre, Jenken Carpenter, and William Grove, "to reëdify the gaol of Newgate, which they did with his goods." This building, such as it was, continued to serve until the commencement of the seventeenth century.

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I have been unable to ascertain any exact figure of this old Newgate, either in its ancient or improved aspect. The structure, such as it was, suffered so severely in the great fire of 1666 that it became necessary to rebuild it upon new and more imposing lines. This may be described as the third edifice: that of the twelfth century being the first, and Richard Whittington's the second. Of this third prison details are still extant, of which description will be given hereafter.

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## FOOTNOTES:

- [15:1] An entry in a letter book at Guildhall speaks of the "heyhouse gaol of Newgate," and its fetid and corrupt atmosphere. Loftie, "Hist. of London," vol. i. 437.
- [18:1] The term "roarer," and "roaring boy," signifying a riotous person, was in use in Shakespeare's day, and still survives in slang (Riley).
- [23:1] A prison for night-walkers and other suspicious persons, and called the Tun because the same was built somewhat in fashion of a Tun standing on the one end. It was built in 1282 by Henry Walers, mayor.
- [25:1] Our ancestors, with a strong love for practical jokes and an equally strong aversion to falsehood and boasting, checked an indulgence in such vices when they became offensive by very plain satire. A confirmed liar was presented with a *whetstone* to jocularly infer that his invention, if he continued to use it so freely, would require sharpening.—Chambers's "Book of Days," ii. 45.
- [27:1] Noorthouck calls him John Gate. See "Hist. of London," p. 49.
- [29:1] Sir Edward Coke derives the title of the court from the fact that justice was done in them as speedily as dust can fall from the foot.
- [31:1] Sheriff Hoare (1740-1) tells us how the names of the prisoners in each gaol were read over to him and his colleagues; the keepers acknowledged them one by one to be in their custody, and then tendered the keys, which were delivered back to them again, and after executing the indentures, the sheriffs partook of sack and walnuts, provided by the keepers of the prison, at a tavern adjoining Guildhall. Formerly the sheriffs attended the lord mayor on Easter Eve through the streets to collect charity for the prisoners in the city prison. Sheriffs were permitted to keep prisoners in their own houses, hence the Sponging Houses. The "Sheriffs' Fund" was started in 1807 by Sir Richard Phillips, who, in his letter to the Livery of London, states that he found, on visiting Newgate, so many claims on his charity that he could not meet a tenth part of them. A suggestion to establish a sheriffs' fund was thereupon made public and found general support. In 1867 the fund amounted to £13,000.

## CHAPTER II

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### NEWGATE IN THE SIXTEENTH CENTURY

Prison records meagre—Administration of justice and state of crime—Leniency alternates with great severity—Criminal inmates of Newgate—Masterless men—Robbery with violence—Debtors—Conscience prisoners—Martyrs in reign of Henry VIII—Religious dissidents: Porter, Anne Askew—Maryan persecutions—Rogers—Bishop Hooper—Alexander, the cruel gaoler of Newgate—Philpot—Underhill the Hot Gospeller in Newgate—Crime in Elizabeth's reign—The training of young thieves—Elizabethan persecutions: both Puritans and papists suffered—The seminary priests—Political prisoners—Babington's conspiracy—Conspiracies against the life of Elizabeth—Gaolers of the period generally tyrants—Crowder, keeper of Newgate, called to account.

The prison records of the sixteenth century are very meagre. No elaborate system of incarceration as we understand it existed. The only idea of punishment was the infliction of physical pain. The penalties inflicted were purely personal, and so to speak final; such as chastisement, degradation, or death. England had no galleys, no scheme of enforced labour at the oar, such as was known to the nations of the Mediterranean seaboard, no method of compelling perpetual toil in quarry or mine. The germ of transportation no doubt was to be found in the practice which suffered offenders who had taken sanctuary to escape punishment by

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voluntary exile,<sup>[41:1]</sup> but it was long before the plan of deporting criminals beyond seas became the rule. "In Henry VIII's time," says Froude, "there was but one step to the gallows from the lash and the branding-iron." Criminals did not always get their deserts, however. Although historians have gravely asserted that seventy-two thousand executions took place in this single reign, the statement will not bear examination, and has been utterly demolished by Froude. As a matter of fact offenders far too often escaped scot-free through the multiplication of sanctuaries—which refuges, like that of St. Martin's-le-Grand, existed under the very walls of Newgate—the negligence of pursuers, and not seldom the stout opposition of the inculpatated. Benefit of clergy claimed and conceded on the most shadowy grounds was another easy and frequent means of evading the law. Some judges certainly had held that the tonsure was an indispensable proof; but all were not so strict, and "putting on the book," in other words, the simple act of reading aloud, was deemed sufficient. So flagrant was the evasion of the law, that gaolers for a certain fee would assist accused persons to obtain a smattering of letters, whereby they might plead their "clergy" in court. It may be added that although the abuse of the privilege was presently greatly checked, it was not until the reign of William and Mary that benefit of clergy was absolutely denied to burglars, pickpockets, and other criminal offenders.

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Yet there were spasmodic intervals of the most extraordinary severity. Twenty thieves, says Sir Thomas More in his "Utopia," might then be seen hanging on a single gibbet. Special legislation was introduced to deal with special crimes. Although there was an appropriateness in the retribution which overtook him, the sentence inflicted upon the Bishop of Rochester's cook in 1531, under a new act passed for the purpose, was ferociously cruel. This man, one Richard Rose or Rouse, was convicted of having poisoned sixteen persons with porridge specially prepared to put an end to his master. The crime had been previously almost unknown in England, and special statutory powers were taken to cope with it. An act was at once passed defining the offence to be high treason, and prescribing boiling to death as the penalty. Rose was accordingly, after conviction, boiled alive in Smithfield. It may be added that this cruel statute, which may be read *in extenso* in Froude, was soon afterwards repealed, but not before another culprit, Margaret Davy by name, had suffered under its provisions for a similar offence.

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It is only a passing glimpse that we get of the meaner sort of criminal committed to Newgate in these times. The gaol, as I have said, was but the antechamber to something worse. It was the starting-point for the painful promenade to the pillory. The jurors who were forsworn "for rewards or favour of parties were judged to ride from Newgate to the pillory in Cornhill with paper mitres on their heads, there to stand, and from thence again to Newgate." Again, the ringleaders of false inquests, Darby, Smith, and Simson by name, were, in the first year of Henry VII's reign (1509), condemned to ride about the city with their faces to their horses' tails, and paper on their heads, and were set on the pillory at Cornhill. After that they were brought back to Newgate, where they died for very shame.

A few extracts will serve further to describe the criminal inmates of Newgate in those times. The quotations are from the "Remembrancia," 1579-1664. Searches appear to have been regularly made for suspected persons, who when caught were committed to ward. Thus, 1519, a search was made in the house of William Solcocke in Holborne, and it was found that one Christopher Tyllesley had lain there two nights. "He has no master, and is committed to Newgate." Again, "in the house of Christopher Arundell one Robert Bayley: has no master, and is committed to Newgate." To Newgate were also committed any who were bold enough to malign the great Cardinal Wolsey, in the plenitude of his power, as was Adam Greene in June, 1523, a prisoner in Ludgate, who repeated to the keeper what he had heard from a "bocher" (butcher), to the effect that Wolsey had told the king that all London were traitors to his Grace. Greene was

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warned to keep silent, but he said "he would abide by it, for he had it from a substantial man who would also abide by it."

Instances of more serious crimes are recorded. In March, 1528, Stephen reports to Thomas Cromwell that between the hours of six and seven, "five thieves knocked at the door of Roderigo the Spaniard, which dwelleth next the goldsmith against your door.<sup>[44:1]</sup> Being asked who was there, they answered, 'one from the court, to speak with Roderigo.' When the door was opened three of them rushed in and found the said Roderigo sitting by the fire with a poor woman dwelling next to Mrs. Wynsor. Two tarried and kept the door, and strangled the poor woman that she should not cry. They then took Roderigo's purse, and killed him by stabbing him in the belly, but had not fled far before two of them were taken and brought to Newgate."

Debtors were too small fry to be often referred to in the chronicles of the times. Now and again they are mentioned as fitting objects for charity, royal and private. In the king's book of payments is the following entry, under date May, 1515: "Master Almoner redeeming prisoners in Newgate, Ludgate, and the Compter, £20." The State Papers, 1581, contain a commission to the lord mayor, recorder, and sheriffs of London, and many others, all charitable folk, and some sixty in numbers, to compound with the creditors of poor debtors, at that time prisoners in Newgate, Ludgate, and the two Compters of the city. Although debtors in gaol who volunteered for service on shipboard were discharged by proclamation from the demands of their creditors, as a general rule committal to Newgate on account of monetary mismanagement appears to have been more easily compassed than subsequent release. The same volume of State Papers contains a petition from Richard Case to Lord Burghley, to the effect that he had been committed to Newgate "upon the unjust complaint of Mr. Benedict Spinola, relative to the lease of certain lands and tenements in London." The petitioner further "desires to be discharged from prison, and to have the queen's pardon," but there is no allusion to his enlargement.<sup>[45:1]</sup> The impolicy of confining debtors was not to be fully realized till three more centuries had passed away. But as early as 1700 a pamphlet preserved in the "Harleian Miscellany," and entitled "Labour in Vain," anticipates modern feeling and modern legislation. The writer protests against the imprisonment of debtors, which he compares to shutting up a cow from herbage when she gives no milk. "In England we confine people to starve, contrary to humanity, mercy, or policy. One may as reasonably expect his dog," he says, "when chained to a post should catch a hare, as that poor debtors when in gaol should get wherewithal to pay their debts."

Details of the incarceration and sufferings of prisoners for conscience's sake, in an age when polemics were backed up by the strong arm of the law, are naturally to be met with more frequently in the partisan writings of the time. Throughout the reigns of Henry VIII, Mary, and even in that of Elizabeth, intolerance stalked rampant through the land, filling the prisons and keeping Smithfield in a blaze. Henry was by turns severe on all creeds. Now Protestants, now Catholics suffered. He began as an ardent champion of Romish doctrines, and ended by denying the supremacy of the Pope. In the first stage he persecuted so-called heretics, in the second he despoiled Church property, and sent monks and priors to gaol and to the gallows. Foxe gives a long and detailed list of the Protestant martyrs from first to last.

One of the most prominent was Richard Bayfield, a monk of Bury, who became an inmate of Newgate. Foxe relates that a letter of inquiry was issued by the Bishop of London to the lord mayor and sheriffs to be present at St. Paul's on the 20th November, 1531, to receive the said Richard Bayfield, alias Soundesam, "a relapsed heretic after sentence." The sheriffs carried him to Newgate, whence they were commanded again to bring him into Paul's upper choir, there to give attendance upon the bishop. Later on they are ordered to have him into the vestry, and then to bring him forth again in Antichrist's apparel to be degraded before them. "When the bishop had degraded him," says old Foxe, "kneeling upon the highest step of the altar, he took his crosier staff and smote him on the breast, then he threw him down backwards and brake his head, so that he swooned; and when he came to himself again he was led forth through the choir to Newgate, and there rested about an hour in prayer, and so went to the fire in his apparel manfully and joyfully, and there for lack of a speedy fire was two quarters of an hour alive."

Henry, was, however, impartial in his severity. In 1533 he suffered John Frith, Andrew Hewett, and other Protestants, to the number of twenty-seven, to be burned for heresy. The years immediately following he hunted to death all who refused to acknowledge him as the head of the Church. Besides such imposing victims as Sir Thomas More, and Fisher, Bishop of Rochester, many priests suffered. In 1534 the prior of the London Carthusians, the prior of Hexham, Benase, a monk of Sion College, and John Haite, vicar of Isleworth, together with others, were sentenced to be hanged and quartered at Tyburn. In 1538 a friar, by name Forrest, was hanged in Smithfield upon a gallows, quick, by the middle and the arm-holes, and burned to death for denying the king's supremacy and teaching the same in confession to many of the king's subjects. Upon the pile by which Forrest was consumed was also a wooden image, brought out of Wales, called "Darvell Gatheren," which the Welshmen "much worshipped, and had a prophecy amongst them that this image would set a whole forest on fire, which prophecy took effect."

The greatest trials were reserved for the religious dissidents who dared to differ with the king. Henry was vain of his learning and of his polemical powers. No true follower of Luther, he was a Protestant by policy rather than conviction, and he still held many tenets of the Church he had disavowed. These were embodied and promulgated in the notorious Six Articles, otherwise "the whip with six tails," or the Bloody Statute, so called from its sanguinary results. The doctrines enunciated were such that many could not possibly subscribe to them; the penalties were "strait

and bloody," and very soon they were widely inflicted. Foxe, in a dozen or more pages, recounts the various presentments against individuals, lay and clerical, for transgressing one or more of the principles of the Six Articles; and adds to the aforesaid, "Dr. Taylor, parson of St. Peter's, in Cornhill; South, parish priest of Allhallows, in Lombard Street; Some, a priest; Giles, the king's beer-brewer, at the Red Lion, in St. Katherine's; Thomas Lancaster, priest; all which were imprisoned likewise for the Six Articles." "To be short," he adds, "such a number out of all parishes in London, and out of Calais, and divers other quarters, were then apprehended through the said inquisition, that all prisons in London, including Newgate, were too little to hold them, insomuch that they were fain to lay them in the halls. At last, by the means of good Lord Audeley, such pardon was obtained of the king that the said Lord Audeley, then Lord Chancellor, being content that one should be bound for another, they were all discharged, being bound only to appear in the Star Chamber the next day after All Souls, there to answer if they were called; but neither was there any person called, neither did any appear."

Bonner, then Bishop of London, and afterwards one of the queen's principal advisers, had power to persecute even under Henry. The Bible had been set up by the king's command in St. Paul's, that the public might read the sacred word. "Much people used to resort thither," says Foxe, to hear the reading of the Bible, and especially by one John Porter, "a fresh young man, and of a big stature," who was very expert. It displeased Bonner that this Porter should draw such congregations, and sending for him, the Bishop rebuked him very sharply for his reading. Porter defended himself, but Bonner charged him with adding expositions of the text, and gathering "great multitudes about him to make tumults." Nothing was proved against Porter, but "in fine Bonner sent him to Newgate, where he was miserably fettered in irons, both legs and arms, with a collar of iron about his neck, fastened to the wall in the dungeon; being there so cruelly handled that he was compelled to send for a kinsman of his, whose name is also Porter, a man yet alive, and can testify that it is true, and dwelleth yet without Newgate. He, seeing his kinsman in this miserable case, entreated Jewet, the keeper of Newgate, that he might be released out of those cruel irons, and so, through friendship and money, had him up among other prisoners, who lay there for felony and murder." Porter made the most of the occasion, and after hearing and seeing their wickedness and blasphemy, exhorted them to amendment of life, and "gave unto them such instructions as he had learned of in the Scriptures; for which his so doing he was complained, and so carried down and laid in the lower dungeon of all, oppressed with bolts and irons, where, within six or eight days, he was found dead."

But the most prominent victim to the Six Articles was Anne Askew, the daughter of Sir William Askew, knight, of Lincolnshire. She was married to one Kyme, but is best known under her maiden name. She was persecuted for denying the Real Presence, but the proceedings against her were pushed to extremity, it was said, because she was befriended in high quarters. Her story is a melancholly one. First, one Christopher Dene examined her as to her faith and belief in a very subtle manner, and upon her answers had her before the lord mayor, who committed her to the Compter. There, for eleven days, none but a priest was allowed to visit her, his object being to ensnare her further. Presently she was released upon finding sureties to surrender if required, but was again brought before the king's council at Greenwich. Her opinions in matters of belief proving unsatisfactory, she was remanded to Newgate. Thence she petitioned the king, also the Lord Chancellor Wriottesley, "to aid her in obtaining just consideration." Nevertheless, she was taken to the Tower, and there tortured. Foxe puts the following words into her mouth: "On Tuesday I was sent from Newgate to the Sign of the Crown, where Master Rich and the Bishop of London, with all their power and flattering words, went about to persuade me from God, but I did not esteem their glosing pretences. . . . Then Master Rich sent me to the Tower, where I remained till three o'clock." At the Tower strenuous efforts were made to get her to accuse others. They pressed her to say how she was maintained in prison; whether divers gentlewomen had not sent her money. But she replied that her maid had gone abroad in the streets and made moan to the 'prentices, who had sent her alms. When further urged, she admitted that a man in a blue coat had delivered her ten shillings, saying it came from my Lady Hertford, and that another in a violet coat had given her eight shillings from my Lady Denny—"whether it is true or not I cannot tell." "Then they said three men of the council did maintain me, and I said no. Then they did put me on the rack because I confessed no ladies or gentlemen to be of my opinion, and thereon they kept me a long time; and because I lay still, and did not cry, my Lord Chancellor and Master Rich took pains to rack me with their own hands till I was nigh dead. Then the lieutenant (Sir Anthony Knevet) caused me to be loosed from the rack. Incontinently I swooned, and then they recovered me again. After that I sat two long hours, reasoning with my Lord Chancellor, on the bare floor." At last she was "brought to a house and laid in a bed with as weary and painful bones as ever had patient Job; I thank my Lord God therefor. Then my Lord Chancellor sent me word, if I would leave my opinion, I should want nothing; if I did not, I should forthwith to Newgate, and so be burned. . . ."

Foxe gives full details of her torture in the Tower. At first she was let down into a dungeon, and the gaoler, by command of Sir Anthony Knevet, pinched her with the rack. After this, deeming he had done enough, he was about to take her down, but Wriottesley, the Lord Chancellor, "commanded the lieutenant to strain her on the rack again; which, because he denied to do, tendering the weakness of the woman, he was threatened therefore grievously of the said Wriottesley, saying he would signify his disobedience to the king. And so consequently upon the same, he (Wriottesley) and Master Rich, throwing off their gowns, would needs play the tormentors themselves. . . . And so, quietly and patiently praying unto the Lord, she abode their tyranny till her bones and joints were almost plucked asunder, in such sort as she was carried away in a chair." Then the chancellor galloped off to report the lieutenant to the king; but Sir

Anthony Knevet forestalled by going by water, and obtained the king's pardon before the complaint was made. "King Henry," says Foxe, "seemed not very well to like of their so extreme handling of the woman."

Soon after this Mistress Askew was again committed to Newgate, whence she was carried in a chair to Smithfield, "because she could not walk on her feet by means of her great torments. When called upon to recant she refused, as did the martyrs with her." Whereupon the lord mayor, commanding fire to be put under them, cried, "Fiat Justitia," and they were burned.

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The Maryan persecutions naturally filled Newgate. It would weary the reader to give lengthened descriptions of the many martyrs who passed through that prison to Smithfield. But a few of the victims stand prominently forward. Two of the earliest were John Rogers, vicar of St. Sepulchre and prebendary of St. Paul's, and Hooper, Bishop of Gloucester. Rogers was the protomartyr—the first sacrificed to the religious intolerance of Mary and her advisers. Foxe says that after being a prisoner in his own house for a long time, Rogers was "removed to the prison called Newgate, where he was lodged among thieves and murderers for a great space." He was kept in Newgate "a full year," Rogers tells us himself, "at great costs and charges, having a wife and ten children to find for; and I had never a penny of my livings, which was against the law." He made "many supplications" out of Newgate, and sent his wife to implore fairer treatment; but in Newgate he lay, till at length he was brought to the Compter in Southwark, with Master Hooper, for examination. Finally, after having been "very uncharitably entreated," he was "unjustly, and most cruelly, by wicked Winchester condemned." The 4th February, 1555, he was warned suddenly by the keeper's wife of Newgate to prepare himself for the fire, "who being then found asleep, scarce with much shogging could be awakened." Being bidden to make haste, he remarked: "If it be so, I need not tie my points." "So was he had down first to Bonner to be degraded, whom he petitioned to be allowed to talk a few words with his wife before his burning"—a reasonable request, which was refused. "Then the sheriffs, Master Chester and Master Woodroove, took him to Smithfield; and his wife and children, eleven in number, ten able to go, and one at the breast, met him as he passed. This sorrowful sight of his own flesh and blood could nothing move him, but that he constantly and cheerfully took his death with wonderful patience in the defence and quarrel of Christ's gospel."

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While detained in Newgate, Master Rogers devoted himself to the service of the ordinary prisoners, to whom he was "beneficial and liberal," having thus devised "that he with his fellows should have but one meal a day, they paying, notwithstanding, the charges of the whole; the other meal should be given to them that lacked on the other (or common) side of the prison. But Alexander their keeper, a strait man and a right Alexander, a coppersmith, indeed . . . would in no case suffer that."

This Alexander Andrew or Alexander, as he is simply called, figures in contemporary records, more especially in the writings of Foxe, as a perfect type of the brutal gaoler. "Of gaolers," says Foxe, "Alexander, keeper of Newgate, exceeded all others." He is described as "a cruel enemy of those that lay there (Newgate) for religion. The cruel wretch, to hasten the poor lambs to the slaughter, would go to Bonner, Story, Cholmley, and others, crying out, 'Rid my prison! rid my prison! I am too much pestered by these heretics.'" Alexander's reception of an old friend of his, Master Philpot, when committed to Newgate, is graphically told by the old chronicler. "'Ah, thou hast well done to bring thyself hither,' he says to Philpot. 'I must be content,' replied Philpot, 'for it is God's appointment, and I shall desire you to let me have some gentle favour, for you and I have been of old acquaintance.' 'Well,' said Alexander, 'I will show thee great gentleness and favour, so thou wilt be ruled by me.' Then said Master Philpot, 'I pray you show me what you would have me to do.' He said, 'If you will recant I will show you any pleasure I can.' 'Nay,' said Master Philpot, 'I will never recant whilst I have my life, for it is most certain truth, and in witness thereof I will seal it with my blood.' Then Alexander said, 'This is the saying of the whole pack of you heretics.' Whereupon he commanded him to be set upon the block, and as many irons upon his legs as he could bear, for that he would not follow his wicked mind. . . . 'But, good Master Alexander, be so much my friend that these irons may be taken off.' 'Well,' said Alexander, 'give me my fees, and I will take them off; if not, thou shalt wear them still.' Then Master Philpot said, 'Sir, what is your fee?' He said four pounds was his fee. 'Ah,' said Master Philpot, 'I have not so much; I am but a poor man, and I have been long in prison.' 'What wilt thou give me, then?' said Alexander. 'Sir,' said he, 'I will give you twenty shillings, and that I will send my man for, or else I will lay my gown to gage. For the time is not long, I am sure, that I shall be with you, for the bishop said I should be soon despatched.' Then said Alexander unto him, 'What is that to me?' and with that he departed for a time, and commanded him to be had into limbo. And so his commandment was fulfilled; but before he could be taken from the block the clerk would have a groat. Then one Willerence, steward of the house, took him on his back and carried him down his man knew not whither. Wherefore Master Philpot said to his man, 'Go to Master Sheriff, and show him how I am used, and desire Master Sheriff to be good unto me;' and so his servant went straightway and took an honest man with him.

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"And when they came to Master Sheriff, which was Master Ascham, and showed him how Master Philpot was handled in Newgate, the sheriff, hearing this, took his ring off his finger and delivered it unto that honest man that comes with Master Philpot's man, and bade him go unto Alexander the keeper and command him to take off his irons and handle him more gently, and give his man again that which he had taken from him. And when they came to the said Alexander and told their message from the sheriff, Alexander took the ring, and said, 'Ah, I perceive that Master Sheriff is a bearer with him and all such heretics as he is, therefore to-morrow I will show

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it to his betters;' yet at ten by the clock he went to Master Philpot where he lay and took off his irons, and gave him such things as he had taken before from his servant."

Alexander's zeal must have been very active. In 1558 it is recorded that twenty-two men and women were committed to Newgate for praying together in the fields about Islington. They were two and twenty weeks in the prison before they were examined, during which Alexander sent them word that if they would hear a mass they should be delivered. According to Foxe a terrible vengeance overtook this hard-hearted man. He died very miserably, being so swollen that he was more like a monster than a man. The same authority relates that other persecutors came to a bad end.

Bishop Hooper soon followed Rogers to the stake. The same Monday night, February 4, 1555, the keeper of Newgate gave him an inkling that he should be sent to Gloucester to suffer death, "and the next day following, about four o'clock in the morning before day, the keeper with others came to him and searched him and the bed wherein he lay, to see if he had written anything, and then he was led to the sheriffs of London and other their officers forth of Newgate, to a place appointed not far from Dunstan's Church, Fleet Street, where six of the Queen's Guards were appointed to receive him and to carry him to Gloucester, . . ." where execution was to be done.

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We obtain a curious insight into the gaol at Newgate during Mary's reign from the narrative of the "Hot Gospeller." Edward Underhill, a yeoman of the Guard, was arrested in 1553 for "putting out" a ballad which attacked the queen's title. Underhill was carried before the Council, and there got into dispute with Bourne, a fanatic priest whom he called a papist. "Sir John Mason asked what he meant by that, and he replied, 'If you look among the priests of Paul's you will find some mumpsimusses there.' This caused much heat, and he was committed to Newgate." At the door of the prison he wrote to his wife, asking her to send his nightgown, Bible, and lute, and then he goes on to describe Newgate as follows:

"In the centre of Newgate was a great open hall; as soon as it was supper-time the board was covered in the same hall. The keeper, whose name was Alexander, with his wife came and sat down, and half a dozen prisoners that were there for felony, Underhill being the first that for religion was sent into that prison. One of the felons had served with him in France. After supper this good fellow, whose name was Bristow, procured one to have a bed in his (Underhill's) chamber who could play well upon a rebeck. He was a tall fellow, and after one of Queen Mary's guard, yet a Protestant, which he kept secret, or else he should not have found such favour as he did at the keeper's hands and his wife's, for to such as loved the gospel they were very cruel. 'Well,' said Underhill, 'I have sent for my Bible, and, by God's grace, therein shall be my daily exercise; I will not hide it from them.' 'Sir,' said he, 'I am poor; but they will bear with you, for they see your estate is to pay well; and I will show you the nature and manner of them, for I have been here a good while. They both do love music very well; wherefore, you with your lute, and I to play with you on my rebeck, will please them greatly. He loveth to be merry and to drink wine, and she also. If you will bestow upon them, every dinner and supper, a quart of wine and some music, you shall be their white son, and have all the favour they can show you.'"

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The honour of being "white son" to the governor and governess of Newgate was worth aspiring after, as it meant many privileges and much favour. Underhill duly provided the desired entertainment. The governor gave him the best room in the prison, with all other admissible indulgences.

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"At last, however, the evil savours, great unquietness, with over many draughts of air, threw the poor gentleman into a burning ague. He shifted his lodgings, but to no purpose; the evil savours followed him. The keeper offered him his own parlour, where he escaped from the noise of the prison; but it was near the kitchen, and the smell of the meat was disagreeable. Finally the wife put him away in her store closet, amidst her best plate, crockery, and clothes, and there he continued to survive till the middle of September, when he was released on bail through the interference of the Earl of Bedford."

There was a truce to religious persecution for some years after Mary's death. Throughout Edward's reign and the better part of Elizabeth's it was only the ordinary sort of criminal who was committed to the gaol of Newgate. The offences were mostly coining, horse-stealing, and other kinds of thefts.

"One named Ditcher was apprehended at the session holden at Newgate on 4th December, 1583, nineteen times indicted, whereof he confessed eighteen, who also between the time of his apprehension and the said sessions impeached many for stealing horses, whereof (divers being apprehended) ten were condemned and hanged in Smithfield on the 11th December, being Friday and horse-market there."<sup>[62:1]</sup> The "Remembrancia" gives a letter from Mr. Valentine Dale, one of the masters of the Court of Requests, to the lord mayor, stating that the wife of John Hollingshead had petitioned the queen to grant a reprieve and pardon to her husband, a condemned felon, and directing the execution to be stayed, and a full account of his behaviour and offence forwarded to her Majesty. The lord mayor in reply says that he had called before him the officers of Newgate, who stated that Hollingshead had been for a long time a common and notorious thief. This was the fourth time he had been in Newgate for felonies, and upon the last occasion he had been branded with the letter T (thief). Coiners were very severely dealt with. The offence was treason, and punished as such. There are many cases on record, such as—"On the 27th of January Phillip Meshel, a Frenchman, and two Englishmen were drawn from Newgate to Tyburn, and there hanged. The Frenchman quartered who had coined gold counterfeit; of the

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Englishmen, the one had clipped silver, and the other cast testers of tin." "The 30th of May Thomas Green, goldsmith, was drawn from Newgate to Tyburn, and there hanged, beheaded, and quartered, for clipping of coin, both gold and silver."

Towards the end of the reign, in spite of the stringent acts against vagrancy, the country swarmed with rogues and beggars—vagabonds who laid the farmers under contribution, and terrified all honest folk out of their lives. In London crime was rampant. Even then it had its organization; there were houses which harboured thieves, in which schools were maintained for the education of young pickpockets. Maitland tells us that in the spring of 1585, Fleetwood, the recorder, with several other magistrates searched the town and discovered seven houses of entertainment of felons. They found also that one Walton, a gentleman born, once a prosperous merchant, "but fallen into decay," who had kept an alehouse which had been put down, had begun a "new business." He opened his house for the reception of all the cutpurses in and about the city. In this house was a room to teach young boys to cut purses. Two devices were hung up; one was a pocket, the other was a purse. The pocket had in it certain counters, and was hung round with hawk's bells, and over them hung a little sacring<sup>[63:1]</sup> bell. The purse had silver in it, and he that could take out a counter without any noise was allowed to be a public *foyster*; and he that could take a piece of silver out of the purse without noise of any of the bells was adjudged a clever *nypper*. These places gave great encouragement to evil-doers in these times, but were soon after suppressed. [64]

In 1581 a fresh religious persecution began, happily without the sanguinary accessories of that of Mary's reign. Elizabeth had no love for the Puritans; she also began now to hate and fear the papists. Orthodoxy was insisted upon. People who would not go to church were sent first to prison, then haled before Sessions and fined a matter of twenty pounds each. Still worse fared the adherents or emissaries of Rome. In 1569 a man named John Felton had been drawn from Newgate into Paul's Churchyard, and there hanged and quartered as a traitor for affixing a bull of Pope Pius V on the gate of the Bishop of London's palace. In 1578 it is recorded that "the papists are stubborn." So also must have been the Puritans. "One Sherwood brought before the Bishop of London behaved so stubbornly that the bishop will show no more favour to those miscalled Puritans." Next began a fierce crusade against the "seminary" priests, who swarmed into England like missionaries, despatched *in partibus infidelium* to minister to the faithful few and bring back all whom they could to the fold. Newgate was now for ever full of these priests. They adopted all manner of disguises, and went now as soldiers, now as private gentlemen, now openly as divines. They were harboured and hidden by faithful Roman Catholics, and managed thus to glide unperceived from point to point intent upon their dangerous business. But they did not always escape observation, and when caught they were invariably laid by the heels and hardly dealt with. Gerard Dance, *alias* Ducket, a seminary priest, was arraigned in 1581 at the Old Bailey before the queen's justices, and affirmed that although he was in England, he was subject to the Pope in ecclesiastical causes, and that the Pope had now the same authority in England as he had a hundred years ago, and which he exercised at Rome, "with other traitorous speeches, for which he was condemned to be hanged, drawn, and quartered." The same year William Dios (a Spaniard), keeper of Newgate, sent a certificate of the names of the recusants now in Newgate, "viz., Lawrence Wakeman and others, . . . the two last being of the precise sort." April 20, 1586, Robert Rowley, taken upon seas by Captain Burrows going to Scotland, is committed first to the Marshalsea, and from thence to Newgate. Next year, August 26th, Richard Young reports to Secretary Walsyngham that he has talked with sundry priests remaining in the prisons about London. "Some," he says, "are very evil affected, and unworthy to live in England. Simpson, *alias* Heygate, and Flower, priests, have justly deserved death, and in no wise merit her Majesty's mercy. William Wiggles, Leonard Hide, and George Collinson, priests in Newgate, are dangerous fellows, as are also Morris Williams and Thomas Pounce, the latter committed as a layman, but in reality a professed Jesuit. Francis Tirrell is an obstinate papist, and is doubted to be a spy." [65]

We read as follows in an intercepted letter from Cardinal John Allen, Rector of the English College at Rheims, to Mr. White, seminary priest in the Clink Prison, and the rest of the priests in Newgate, the Fleet, and the Marshalsea. "Pope Sextus sends them his blessing, and will send them over for their comfort Dr. Reynolds, chief Jesuit of the college at Rheims, who must be carefully concealed," . . . with others, . . . "whose discourses would be a great joy to all heretics. They will bring some consecrated crucifixes, late consecrated by his Holiness, and some books to be given to the chiefest Catholics, their greatest benefactors." This letter was taken upon a young man, Robert Weston, travelling to seek service, "who seems to have had considerable dealings with recusants, and to have made very full confessions." [66]

It was easier for all such to get into Newgate, at that time, than to obtain release. Henry Ash and Michael Genison, being prisoners in Newgate, petition Lord Keeper Pickering for a warrant for their enlargement upon putting in good security for their appearance; "they were long since committed by Justice Young and the now Bishop of London for recusancy, where they remain, to their great shame and utter undoing, and are likely to continue, unless he extend his mercy." In 1598 George Barkworth petitions Secretary Cecil "that he was committed to Newgate six months ago on suspicion of being a seminary priest, which he is not; has been examined nine times, and brought up at Sessions four times; begs the same liberty of the house at Bridewell which was granted him at Newgate." [67]

Political prisoners were not wanting in Newgate in the Elizabethan period. In 1585 instructions are given to the recorder to examine one Hall, a prisoner in Newgate, charged with a design for

conveying away the Queen of Scots. This was a part of Babington's conspiracy, for which Throgmorton also suffered. Other victims, besides the unfortunate queen herself, were Babington, Tichbourne, and many more, who after trial at the Old Bailey, and incarceration in Newgate, were hanged in St. Giles's Fields. The execution was carried out with great barbarity; seven of the conspirators were cut down before they were dead and disembowelled. Another plot against Elizabeth's life was discovered in 1587, the actors in which were "one Moody, an idle, profligate fellow, then prisoner in Newgate, and one Stafford, brother to Sir Edward Stafford." The great Queen Bess in these last days of her reign went in constant terror of her life; and a third conspiracy to poison her, originating with her own physician and Lopez, a Jew, led to their execution as traitors. Again, Squires, a disbanded soldier, was charged with putting poison on the pommel of her saddle, and although he admitted his guilt upon the rack, he declared when dying that he was really innocent. [68]

All this time within Newgate there was turbulence, rioting, disorders, accompanied seemingly by constant oppression. The prisoners were ready to brave anything to get out. General gaol deliveries were made otherwise than in due course of law. Those that were fit to serve in the sea or land forces were frequently pardoned and set free. A petition to the Lord Admiral (1589) is preserved in which certain prisoners, shut out from pardon because they are not "by lawailable," beg that the words may be struck out of the order for release, and state that they will gladly enter her Majesty's service. Many made determined efforts to escape. "The 16th December, 1556," says Holinshed, "Gregory, carpenter and smith, and a Frenchman born were arraigned for making counterfeit keys wherewith to have opened the locks of Newgate, to have slain the keeper and let forth the prisoners; at which time of his arraignment, having conveyed a knife into his sleeve, he thrust it into the side of William Whiteguts, his fellow prisoner, who had given evidence against him, so that he was in great peril of death thereby; for the which fact he was immediately taken from the bar into the street before the justice hall, when, his hand being first stricken off, he was hanged on a gibbet set up for the purpose.

"The keeper of Newgate was arraigned and indicted for that the said prisoner had a weapon about him and his hands loose, which should have been bound." [69]

Yet the keeper of Newgate and other gaolers were sometimes kept within bounds. Two cases may be quoted in which these officials were promptly brought to book. In 1555 the keeper of the Bread Street Compter, by name Richard Husband, pasteler, "being a willful and headstrong man," who, with servants like himself, had dealt hardly with the prisoners in his charge, was sent to the gaol of Newgate by Sir Rowland Hill, mayor, with the assent of a court of aldermen. "It was commanded to the keeper to set those irons on his legs which were called widows' alms; these he wore from Thursday till Sunday in the afternoon." On the Tuesday he was released, but not before he was bound over in an hundred marks to act in conformity with the rules for the managing of the Compters. "All which notwithstanding, he continued as before: . . . the prisoners were ill-treated, the prison was made a common lodging-house at fourpence the night for thieves and night-walkers, whereby they might be safe from searches that were made abroad." He was indicted for these and other enormities, "but did rub it out, and could not be reformed, till the prisoners were removed; for the house in Bread Street was his own by lease or otherwise, and he could not be put from it." A searching inquiry was also made into the conduct of Crowder, the keeper of Newgate in 1580, or thereabouts. The State Papers contain an information of the disorders practised by the officers of Newgate prison, levying fines and taking bribes, by old and young Crowders, the gaolers. "Crowder and his wife," says the report, "be most horrible blasphemers and swearers." The matter is taken up by the lords of the Council, who write to the lord mayor, desiring to be fully informed of all disorders committed, and by whom. "They are sending gentlemen to repair to the prison to inquire into the case, and requesting the lord mayor to appoint two persons to assist them." Sir Christopher Hatton also writes to the lord mayor, drawing attention to the charges against Crowder. The lord mayor replies that certain persons had been appointed to inquire, but had not yet made their report. The Court of Enquiry are willing to receive Crowder, but he persists in refusing to explain. "He would not come to their meeting, but stood upon his reputation." The result, so far as can be guessed, was that Crowder was pensioned off. But he found powerful friends in his adversity. His cause was espoused by Sir Thomas Bromley, Lord Chancellor, who informs the lord mayor that he thinks Crowder has been dealt with very hardly, and that his accusers were persons unworthy of credit. [70]

## FOOTNOTES:

- [41:1] This abjuring the king's land was an act of self-banishment, akin in its effects to the old Roman penalty of *aquæ et ignis interdictio*. Any criminal who took sanctuary might escape the law, provided that within forty days he clothed himself in sackcloth, confessed his crime before the coroner, and after solemnly abjuring the land, proceeded, cross in hand, to some appointed port, where he embarked and left the country. If apprehended within forty days he was again suffered to depart.—Note in Thom's "Stow," p. 157.
- [44:1] Cromwell's house was in the city in Throgmorton Street, close to the site of the monastic house of the Austin Friars.
- [45:1] This Benedict Spinola must have been an Italian with some influence. His personal relations with Burghley are manifest from a letter of congratulation sent by him to Burghley on the safe arrival of the Earl of Oxford at Milan. Other more or less confidential matters are mentioned in connection with Pasqual and Jacob Spinola, Benedict's brothers.
- [62:1] Friday continued the day of horse-market until the closing of Smithfield as a market for live cattle.
- [63:1] The bell which was rung at mass on the elevation of the host.

## NEWGATE IN THE SEVENTEENTH CENTURY

Jesuit emissaries in Newgate—Richardson and others—Speaking ill of king's sister entails imprisonment for life—Criminal offenders—Condition of prisoners—Fanatical conduct of keeper—Nefarious practices of turnkeys—They levy blackmail—"Coney catching"—Arbitrary imprisonment imposed by House of Lords on Richard Overton—Case of Colonel Lilburne, "Freeborn John"—Royalists in gaol—Also prisoners of mark—Brother of the Portuguese ambassador charged with murder, and executed.

The disturbing elements of society continued much the same in the early part of the seventeenth century as in the years immediately preceding. There were the same offences against law and order, dealt with in the same summary fashion. Newgate was perpetually crowded with prisoners charged with the same sort of crimes. Bigotry and intolerance continued to breed persecution. All sects which differed from the faith professed by those in power were in turn under the ban of the law. The Romish priest still ventured into the hostile heretic land where his life was not worth a minute's purchase; Puritans and Non-conformists were committed to gaol for refusing to surrender their heterodox opinions: these last coming into power were ruthlessly strict towards the openly irreligious backslider. Side by side with these sufferers in the cause of independent thought swarmed the depredators, the wrong-doers, whose criminal instincts and the actions they produced were much the same as they had been before and as they are now. [72]

The devoted courage of the Jesuit emissaries in those days of extreme peril for all priests who dared to cross the channel claims for them a full measure of respect. They were for ever in trouble. When caught they met hard words, scant mercy, often only a short shrift. Repeated references are made to them. In the State Papers, July, 1602, is a list of priests and recusants in prison, viz., "Newgate—Pound (already mentioned), desperate and obstinate; . . . in the Clink, Marshalsea, King's Bench, are others; among them Douce, a forward intelligence, Tichborne, Webster, perverter of youth," etc. They were ever the victims of treachery and espionage. "William Richardson, a priest of Seville College (the date is 1603), was discovered to the Chief Justice by one whom he trusted, and arraigned and condemned at Newgate for being a priest and coming to England. When examined he answered stoutly, yet with great modesty and discretion, moving many to compassionate him and speak against the Chief Justice, on whom he laid the guilt of his blood." He was executed at Tyburn, hanged and quartered, but his head and quarters were buried. "Such spectacles," says the writer, Ant. Aivers, to Giacomo Creleto, Venice, "do nothing increase the gospel. . . ." A further account says that William Richardson, alias Anderson, was betrayed by a false brother, sent to Newgate, and kept close prisoner over a week, no one being allowed to see him. The Chief Justice, interrupting other trials, called for him and caused him to be indicted of high treason for being a priest and coming to England. All of which he confessed, and there being no evidence against him, the Chief Justice gave his confession in writing to the jury, who found him guilty. "He thanked God and told the Chief Justice he was a bloody man, and sought the blood of the Catholics. He denied that he was a Jesuit or knew Garnet. [73:1] . . ."

Priests were subject to espionage even beyond the realm. A deposition is given in the State Papers made by one Arthur Saul, to the effect that he had been employed by Secretary Winwood and the Archbishop of Canterbury to report what English were at Douay College, particulars of priests who have returned to England, of their meeting-places and conveyance of letters.

These were days of widespread oppression, when Strafford, Laud, the Star Chamber, and ecclesiastical courts gave effect to the king's eager longings for arbitrary power. The following is from a half-mad fanatic who has offended the relentless archbishop. "The petition of Richard Farnham, a prophet of the most high God, a true subject to my king, and a prisoner of my saviour Christ, in Newgate, to Archbishop Laud and the rest of the high commissioners, whom he prays to excuse his plainness, being no scholar. . . . Desires to know the cause of his being detained so long in prison, where he has been kept a year next April without coming to his answer. Thinks they have forgotten him. If he be a false prophet and a blasphemer and a seducer, as most people report that he is, the high commissioners would do well to bring him to trial. What he wrote before he came into prison and what he has written since he will stand to. . . . If he does not get his answer this summer he intends to complain to the king, believing that it is not his pleasure his subjects should suffer false imprisonment to satisfy the archbishop's mind." Of the same year and the same character is this other petition from William King, a prisoner in Newgate, "for a little treatise delivered to Lord Leppington." Has remained in thraldom twenty-seven months; expresses contrition and prays enlargement on bail, or that he may be called to answer. [74]

Forty years more were to elapse before the passing of the Habeas Corpus Act; but the foregoing will show how grievously this so-called palladium of an Englishman's liberties was required.

Pardons free or more or less conditional were, however, vouchsafed at times. Release from prison was still, as before, and for long after, frequently accompanied by the penalty of military [75]

service. This had long been the custom. On declaration of war in the earlier reigns, it was usual to issue a proclamation offering a general pardon to those guilty of homicides and felonies on condition of service for a year and a day. Even without this obligation prisoners in durance might sue out a pardon by intercession of some nobleman serving abroad with the king. But later on the release was distinctly conditional on personal service. The lord mayor certifies to the king (1619) that certain prisoners in Newgate, whose names and offences are given, are not committed for murder; so they are reprieved, as being able-bodied and fit to do service in foreign parts. Another certificate states that William Dominic, condemned to death for stealing a purse, value £4, is reprieved, "this being his first offence, and he an excellent drummer, fit to do the king service." Again, the king requires the keeper of Newgate to deliver certain reprieved prisoners to Sir Edward Conway, Junior, to be employed in his Majesty's service in the Low Countries. Recorder Finch reports that he has furnished "Conway's son with seven prisoners fit for service; sends a list of prisoners now in Newgate, but reprieved. Some have been long in gaol, and were saved from execution by the prince's return [with Buckingham from Spain?] on that day. They pester the gaol, which is already reported crowded, this hot weather, and would do better service as soldiers if pardoned, 'for they would not dare to run away.'" A warrant is made out June 5, 1629, to the sheriffs of London to deliver to such persons as the Swedish ambassador shall appoint, forty-seven persons, of whom one was Elizabeth Leech (was she to be employed as a sutler or *vivandière*?), being prisoners condemned of felonies, and remaining in the gaols of Newgate and Bridewell, who are released "to the end that they may be employed in the service of the King of Sweden"—Gustavus Adolphus, at that time our ally. There are numerous entries of this kind in the State Papers.

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Sometimes the prisoners volunteer for service. "John Tapps, by the displeasure of the late Lord Chief Justice and the persecution of James the clerk and one of the keepers, has been kept from the benefit of the pardon which has been stayed at the Great Seal. Begs Lord Conway to perfect his work by moving the lord keeper in his behalf, and in the mean time sending some powerful warrant for his employment as a soldier." Certain other convicted prisoners in Newgate, who had been pardoned in respect of the birth of Prince Charles II, petitioned that they are altogether impoverished, and unable to sue out their pardons. They pray that by warrant they may be transported into the State of Venice under the command of Captain Ludovic Hamilton.

This document is endorsed with a reference to the Lord Chief Justice of the Common Pleas to certify concerning these delinquents and their crimes.

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George Gardener, a prisoner in Newgate, also petitions the king in March, 1630, stating that he was committed by the council on the information of James Ingram, deputy warden of the Fleet, to prevent petitioner prosecuting the said Ingram for his notorious extortions. He has remained in Newgate since April previous, and by Ingram's procurement was shut up amongst felons in the common gaol, whereby he might have been murdered, and prays that he may be allowed to go abroad on security. Here is another petition; that of Bridget Gray to the council. She states (July 19, 1618) that her grandson, John Throckmorton, is a prisoner in Newgate for felony, and prays that he may be discharged, this being his first offence, and Sir Thomas Smythe being ready to convey him beyond seas. Upon this is endorsed an order that if the mayor or recorder will certify that Throckmorton was not convicted of murder, burglary, highway robbery, rape, or witchcraft, a warrant may be made for his banishment. The certificate is forthcoming, and is to the effect that Throckmorton's crime was aiding in stealing a hat, value 6s., for which the principal, Robert Whisson, an old thief, was hanged.

The gaol calendar reflects the vicissitudes of these changing, troublous times. There were many London citizens who, sharing the patriotic spirit of Hampden and Pym, found themselves imprisoned for refusing to submit to the illegal taxations of Charles I. In 1639, "three citizens stand committed to Newgate, not because they refuse to pay ship-money, but because they refuse to enter into bond to attend the Board to answer their not paying the same. Divers others refused, and were sent to Newgate; but upon better consideration they paid their money, and were released again." The temper of the Government as regards ship-money is further shown by the arrest and trial of the keeper of Newgate for permitting a prisoner committed for non-payment of this unlawful tax to go at large. It appears that the offender, Richard Chambers, had been several times remanded to the same custody, and had been allowed to escape.

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It was highly dangerous to speak lightly of dignities in these ticklish times. The State trials give an account of the hard measure meted out to one Edward Floyde for scandalizing the princess palatine, Elizabeth, daughter of James I, and titular Queen of Bohemia. Floyde was charged with having said, while he was a prisoner in the Fleet, "I have heard that Prague is taken, and Goodman Palsgrave and goodwife Palsgrave have taken to their heels and run away." This puerile gossip seriously occupied both houses of Parliament, and eventually the Lords awarded and adjudged that Edward Floyde be deemed an infamous person, incapable of bearing arms as a gentleman, whose testimony was not to be taken in any court or cause. He was also sentenced to ride with his head to his horse's tail from Westminster to the pillory in Cheapside; after this to be whipped from the Fleet to Westminster, there again to stand on the pillory. He was to pay a fine of £5,000 to the king, and be imprisoned in Newgate during his life.

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There is nothing especially remarkable in the purely criminal cases of this period; offences have a strong family likeness to those of our own day. Culprits are "cast" for life for taking a chest of plate out of a house; or for taking £100 from a gentleman and so forth. Now and again appears a case of abduction, a common crime in those and later days. Sarah Cox prays the king's pardon for Roger Fulwood, who was convicted of felony for forcibly marrying her against her will.



But she begs at the same time for protection for person and estate from any claims in regard to the pretended marriage. Knights of the road have already begun to operate; they have already the brevet rank of captain, and even lads of tender years are beguiled into adopting the profession of highway robbery. Counterfeiting the king's or other great seals was an offence not unknown. A Captain Farrar is lodged in Newgate (1639), accused of counterfeiting his Majesty's signature and privy signet. His method of procedure was simple. Having received a document bearing his Majesty's privy seal for the payment of a sum of £190, he removed the seal and affixed it to a paper purporting to be a license from the king to levy and transport two hundred men beyond seas. This he published as a royal license. When arraigned he admitted that the charge was true, but pleaded that he had done the same according to the king's commands. He was relieved until further orders.

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The condition of the prisoners within Newgate continued very deplorable. This is apparent from the occasional references to their treatment. They were heavily ironed, lodged in loathsome dungeons, and all but starved to death. Poor Stephen Smith, the fishmonger, who had contravened the precautionary rules against the plague, petitions the council that he has been very heavily laden with such intolerable bolts and shackles that he is lamed, and being a weak and aged man, is like to perish in the gaol. "Having always lived in good reputation and been a liberal benefactor where he has long dwelt, he prays enlargement on security." The prison is so constantly overcrowded that the prisoners have "an infectious malignant fever which sends many to their long home. The magistrates who think them unfit to breathe their native air when living bury them as brethren when dead." All kinds of robbery and oppression were practised within the precincts of the gaol. Inside, apart from personal discomfort, the inmates do much as they please. "There are seditious preachings by Fifth Monarchy men at Newgate," say the records, "and prayers for all righteous blood." Some time previous, when the Puritans were nominally the weakest, they also held their services in the prison. Samuel Eaton, a prisoner committed to Newgate as a dangerous schismatic, is charged with having conventicles in the gaol, some to the number of seventy persons. He was, moreover, permitted by the keeper to preach openly. The keeper was petitioned by one of the inmates to remove Eaton and send him to some other part of the prison, but he replied disdainfully, threatening to remove the petitioner to a worse place.

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An instruction to the lord mayor and sheriffs in the State Papers (Dec., 1649) directs them to examine the miscarriages of the under officers of Newgate who were favourers of the felons and robbers there committed, and to remove such as appear faulty. The nefarious practices of the Newgate officers were nothing new. They are set forth with much quaintness of diction and many curious details in a pamphlet of the period, entitled the "Black Dogge of Newgate." There was a tavern entitled the "Dogge Tavern in Newgate," as appears by the State Papers, where the place is indicated by an informer for improper practices. The pamphlet sheds a strong light upon the evil-doings of the turnkeys, who appear to have been guilty of the grossest extortion, taking advantage of their position as officers of the law to levy blackmail alike on criminals and their victims. Of these swindling turnkeys or bailiffs, whom the writer designates "coney-catchers," he tells many discreditable tales.

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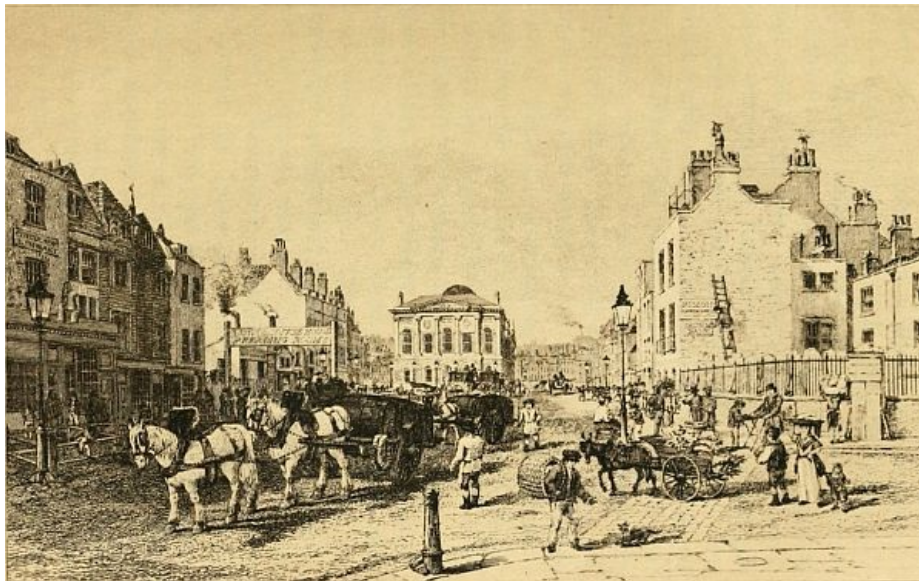
The term coney-catching had long been in use to define a species of fraud akin to our modern "confidence trick," or, as the French call it, the *vol à l'Américain*. Shakespeare, in the "Merry Wives of Windsor," makes Falstaff call Bardolph, Nym, and Pistol "coney-catching rascals." The fraud was then of but recent introduction. It is detailed at length by Robert Greene in his "Notable Discovery of Cozenage," published in 1591. He characterizes it as a new art. Three parties were needed to practise it, called respectively the "setter," the "verser," and the "barnacle;" their game, or victim, was the "coney." The first was the decoy, the second was a confederate who plied the coney with drink, the third came in by accident should the efforts of the others to beguile the coney into "a deceit at cards" have failed. In the end the countryman was completely despoiled. Later on there was a new nomenclature: the setter became the "beater," the tavern to which the rogues adjourned was the "bush," and the quarry was the "bird." The verser was the "retriever," the barnacle was the "pot-hunter," and the game was called "bat-fowling." Greene's exposure was supposed to have deprived the coney-catchers of a "collop of their living." But they still prospered at their nefarious practices, according to the author of the "Black Dogge."

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Plain symptoms of the approaching struggle between the king and the commons are to be met with in the prison records. Immediately after the meeting of the Long Parliament, orders were issued for the enlargement of many victims of Star Chamber oppression. Among them was the celebrated Prynne, author of the "Histriomatrix,"<sup>[83:1]</sup> who had lost his ears in the pillory; Burton, a clergyman, and Bastwick, a physician, who had suffered the same penalties—all came out of prison triumphant, wearing ivy and rosemary in their hats. Now Strafford was impeached and presently beheaded; Laud also was condemned. The active interference of Parliament in all affairs of State extended to the arrest of persons suspected of treasonable practices. There are many cases of imprisonment more or less arbitrary in these troubled times. Another petition may be quoted, that of Richard Overton, "a prisoner in the most contemptible gaol of Newgate," under an order of the House of Lords. Overton tells us how he was brought before that House "in a warlike manner, under pretence of a criminal fact, and called upon to answer interrogations concerning himself which he conceived to be illegal and contrary to the national rights, freedoms, and properties of the free commoners of England, confirmed to them by Magna Charta, the Petition of Right, and the Act for the Abolishment of the Star Chamber." Overton was therefore emboldened to refuse subjection to the said House. He was adjudged guilty of contempt, and committed to Newgate, where he was seemingly doomed to lie until their lordships' pleasure

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should be further signified, which "may be perpetual if they please, and may have their wills, for your petitioner humbly conceiveth that he is made a prisoner to their wills, not to the law, except their wills may be a law." On this account he appealed to the Commons "as the most sovereign Court of Judicature in the land," claiming from them, "repossession of his just liberty and freedom, or else that he may undergo the penalty prescribed by the law if he be found a transgressor." Whether Overton was supported by the Commons against the Lords does not appear, but within three years the Lower House abolished the House of Peers.



*Sessions House, Clerkenwell Green, London*

Here is yet another petition from a better known inmate of Newgate, the obstinately independent Colonel Lilburne, commonly called "Freeborn John." Lilburne was always at loggerheads with the government of the city. In 1637, when following the trade of a bookseller, he was convicted by the Star Chamber for publishing seditious libels, and sentenced to the pillory, imprisonment, and a fine of £5,000. In 1645 he fell foul of the Parliament, and wrote a new treatise, calling in question their power. Lilburne was eventually banished by the Rump Parliament; but in 1653 he returned to England and threw himself upon the tender mercies of the Protector. Cromwell would do nothing, and left him to the law. Lilburne was then arrested, and committed to Newgate. At the next sessions he was arraigned, but refused to plead unless furnished with a copy of his indictment. He managed to put off his trial by various expedients till the next sessions, when he was acquitted by the jury. In Thurloe's State Papers it is stated that "John Lilburne was five times at his trial at the Sessions House, where he most courageously defended himself from the recorder's violent assaults with his old buckler, the Magna Charta, so that they have let him alone." "Freeborn John" was so popular with malcontents of all shades of opinion, that the authorities, from Oliver Cromwell downward, were really afraid of him. Oliver professed to be enraged against him, and anxious for his punishment, yet he privately paid him a pension equal to the pay of a lieutenant-colonel, and, as Thurloe says, "thought the fellow so considerable, that during the time of his trial he kept three regiments continually under arms at St. James'." The jury which acquitted Lilburne were summoned to answer for their conduct before the Council of State. Yet there is little doubt that the court was overawed by the mob. For Thurloe says there were six or seven hundred men at the trial, with swords, pistols, bills, daggers, and other instruments, that, in case they had not cleared him, they would have employed in his defence. The joy and acclamation were so great after he was acquitted that the shout was heard an English mile.

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All this time prisoners of great mark were at times confined in Newgate. That noted royalist, Judge Jenkins, was among the number. His crime was publishing seditious books, and sentencing to death people who had assisted against the Parliament. He was indeed attainted of high treason under an ordinance passed by the House of Commons. A committee was sent from "the Commons' House to Newgate, which was to interview Judge Jenkins, and make the following offer to him—viz., that if he would own the power of the Parliament to be lawful, they would not only take off the sequestrations from his estates, amounting to £500 per annum, but they would also settle a pension on him of £1,000 a year." His reply was to the following effect: "Far be it from me to own rebellion, although it was lawful and successful." As the judge refused to come to terms with them, he remained in Newgate till the Restoration.

People of still higher rank found themselves in gaol. The brother of the "Portugal" ambassador, Don Pantaleon Sa, is sent, with others, to Newgate for a murder committed by them near the Exchange. It was a bad case. They had quarrelled with an English officer, Gerard, who, hearing the Portuguese discoursing in French upon English affairs, told them they did not represent certain passages aright. "One of the foreigners gave him the lie, and all three fell upon him, and stabbed him with a dagger; but Colonel Gerard being rescued out of their hands by one Mr. Anthuser, they retired home, and within one hour returned with twenty more, armed with breastplate and head-pieces; but after two or three turns, not finding Mr. Anthuser, they returned home that night." Next day the Portuguese fell upon a Colonel Mayo, mistaking him for

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Anthuser, wounded him dangerously, and killed another person, Mr. Greenaway. The murderers were arrested in spite of the protection afforded them by the Portuguese ambassador and committed to Newgate. Don Pantaleon made his escape from prison a few days later, but he was retaken. Strenuous efforts were then made to obtain his release. His trial was postponed on the petition of the Portuguese merchants. The Portuguese ambassador himself had an audience of Cromwell, the Lord Protector. But the law took its course. Don Pantaleon pleaded his relationship, and that he had a commission to act as ambassador in his brother's absence; this was disallowed, and after much argument the prisoners pleaded guilty, and desired "to be tried by God and the country." A jury was called, half denizens, half aliens, six of each, who, after a full hearing, found the ambassador's brother and four others guilty of murder and felony. Lord Chief Justice Rolles then sentenced them to be hanged, and fixed the day of execution; but by the desire of the prisoners it was respited two days. This was the 6th July, 1654. On the 8th, Don Pantaleon Sa had his sentence commuted to beheading. On the 10th he tried to escape, without success, and on the same day he was conveyed from Newgate to Tower Hill in a coach and six horses in mourning, with divers of his brother's retinue with him. There he laid his head on the block, and it was chopped off at two blows. The rest, although condemned, were all reprieved, except one, an English boy concerned in the murder, who was hanged at Tyburn. Their first victim, Colonel Gerard, survived only to be executed on Tower Hill the same year for conspiring to murder the Lord Protector.

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Other distinguished inmates, a few years later, were Charles Lord Buckhurst, Edward Sackville, and Sir Henry Bellayse, K. B., who, being prisoners in Newgate, petitioned the Lord Chief Justice, March 10th, to be admitted to bail, one of them being ill of the smallpox. They were charged seemingly with murder. Their petition sets forth that while returning from Waltham to London, on the 8th February, they aided some persons, who complained that they had been robbed and wounded in pursuit of the thieves, and in attacking the robbers wounded one who afterward died. Sir Thomas Towris, baronet, petitions the king (Charles II) "not to suffer him to lie in that infamous place, where he has not an hour of health, nor the necessaries of life. He states that he has been four months in the Tower, and five weeks in Newgate, charged with counterfeiting his Majesty's hand, by the malice of an infamous person who, when Registrar Accountant at Worcester House, sold false debentures." Sir Thomas wished to lay his case before his Majesty at his first coming from Oxford, but was deceived, and the way to bounty was thus stopped.

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## FOOTNOTES:

[73:1] Chief of the Jesuits in England, afterwards executed (1608).

[83:1] A homily against play-acting and masquerades.

## NEWGATE AFTER THE GREAT FIRE

Newgate refronted in 1638—Destroyed in great fire of 1666—Suicides frequent—The gaoler Fells indicted for permitting escapes—Crimes of the period—Clipping and coining greatly increased—Enormous profits of the fraud—Coining within the gaol itself deemed high treason—Heavy penalties—Highway robbery very prevalent—Instances—Officers and paymasters with the king's gold robbed—Stage-coaches stopped—Whitney—His capture, and attempts to escape—His execution—Efforts to check highway robbery—A few types of notorious highwaymen—"Mulled Sack"—Claude Duval—Nevison—Abduction of heiresses—Mrs. Synderfin—Miss Rawlins—Miss Wharton—Count Konigsmark—The "German Princess"—Other criminal names—Titus Oates—Dangerfield—The Fifth Monarchy men—William Penn—The two bishops, Ellis and Leyburn.

Newgate was refronted and refaced in 1638, but no further change or improvement was made in the building until a total reëdification became inevitable, after the great fire in 1666.

It is difficult to exaggerate the horrors of Newgate, the mismanagement, tyranny, and lax discipline which prevailed at that time. Its unsanitary condition was chronic, which at times, but only for influential inmates, was pleaded as an excuse for release. Luttrell tells us Lord Montgomery, a prisoner there in 1697, was brought out of Newgate to the King's Bench Court, there to be bailed, upon two affidavits, which showed that there was an infectious fever in Newgate, of which several were sick and some dead. He was accordingly admitted to bail himself in £10,000, and four sureties—the Duke of Norfolk, the Earl of Yarmouth, Lord Carrington, and Lord Jeffereys—in £5,000 each. An effort to secure release was made less successfully some years later in regard to Jacobite prisoners of note, although the grounds alleged were the same and equally valid. Some effort was made to classify the prisoners: there was the master's side, for debtors and felons respectively; the common side, for the same two classes; and the press-yard, for prisoners of note.

If a prisoner was hopelessly despondent, he could generally compass the means of committing suicide. A Mr. Norton, natural son of Sir George Norton, condemned for killing a dancing-master, because the latter would not suffer him to take his wife away from him in the street, poisoned himself the night before his reprieve expired. The drug was conveyed to him by his aunt without difficulty, "who participated in the same dose, but she is likely to recover." Nor were prisoners driven to this last desperate extremity to escape from durance. Pepys tells us in 1667, August 1, that the gates of the city were shut, "and at Newgate we find them in trouble, some thieves having this night broken open prison."

Within the gaol all manner of evil communication went forward unchecked among the prisoners. That same year Sir Richard Ford, the recorder, states that it has been made appear to the court of aldermen "that the keeper of Newgate hath at this day made his house the only nursery of rogues, prostitutes, pickpockets, and thieves in the world, where they were held and entertained and the whole society met, and that for the sake of the sheriffs<sup>[92:1]</sup> they durst not this day commit him for fear of making him let out the prisoners, but are fain to go by artifice to deal with him." The keeper at this time was one Walter Cowday, as appears from a State pardon "for seven prisoners ordered to be transported by their own consent," which he endorses. Sharper measure was dealt out to his successor, Mr. Fells, the keeper in 1696, who was summoned to appear before the Lords Justices for conniving at the escape of Birkenhead, *alias* Fish, *alias* South, East, West, etc., one of the conspirators in Sir John Fenwick's business, and who lay in prison "to be speedily tried." On examination of Fells, it was stated that Birkenhead's escape had been effected by a bribe, whereupon the sheriffs were instructed to find out the truth in order to displace Fells. Fells was furthermore charged with showing favour to Sir John Fenwick by suffering him to have pens, ink, and paper "alone;" a little later he was convicted on two indictments before Lord Chief Justice Holt at Guildhall, viz., for the escape of Birkenhead already mentioned, and of another prisoner imprisoned for non-payment of fine. Fells's sentence was postponed till the next term at the King's Bench Bar; but he moved the court in arrest of judgment, a motion which the King's Bench took time to consider, but which must have been ultimately decided in his favour, as two years later Fells still held the office of gaoler of Newgate.

The crimes of the latter half of the seventeenth century are of the same character as those of previous epochs. Many had, however, developed in degree, and were more widely practised. The offence of clipping and coining had greatly increased. The extent to which it was carried seems almost astounding. The culprits were often of high standing. A clipper, by name White, under sentence of death, was reprieved by the king upon the petition of the House of Commons in order that a committee of the House might examine him in Newgate as to his accomplices and their proceedings. Accordingly, White made "a large discovery" to the committee, both of clippers and coiners, and particularly of Esquire Strode, who had been a witness at the trial of the Earl of Bath (1697). Luttrell says, among twenty persons convicted of coining was Atkinson, the beau who made such a figure in town about eight years before, and spent an estate of £500 per annum in Yorkshire. In the lodgings of a parson, by name Salisbury, who was arrested for counterfeiting

stamped paper, several instruments for clipping and coining were found. University men were beguiled into the crime of clipping; so were seemingly respectable London tradesmen. Goldsmiths and refiners were repeatedly taken up for these malpractices. A goldsmith in Leicester Fields and his servants are committed to Newgate for receiving large quantities of broad money from Exeter to clip it. A refiner's wife and two servants were committed to Newgate for clipping; the husband escaped. Bird, a laceman, in custody for coining, escaped; but surrendered and impeached others. Certain gilders committed to Newgate petitioned therefrom, that if released they would merit the same by a discovery of a hundred persons concerned in the trade.

The numbers engaged in these nefarious practices were very great. In 1692, information was given of three hundred coiners and clippers dispersed in various parts of the city, for several of whom warrants were issued, some by the Treasury, others by the Lord Chief Justice. The profits were enormous. Of three clippers executed at Tyburn in 1696, one, John Moore, "the tripe-man," was said to have got a good estate by clipping, and to have offered £6,000 for his pardon. Three other clippers arrested in St. James's St., and committed to Newgate, were found to be in possession of £400 in clippings, with a pair of shears and other implements. The information of one Gregory, a butcher, who "discovered" near a hundred persons concerned in the trade, went to prove that they made as much as £6,000 a month in counterfeit money. "All their utensils and moulds were shown in court, the latter being in very fine clay, which performed with great dexterity." The extent of the practice is shown by the ingenuity of the machinery used. "All sorts of material for coining was found in a house in Kentish town, with stamps for all coins from James I." The work was performed "with that exactness no banker could detect the counterfeit." So bold were the coiners, that the manufacture went forward even within the walls of Newgate. Three prisoners were taken in the very act of coining in that prison. One of the medals or tokens struck in Newgate as a monetary medium among the prisoners is still to be seen in the Beaufoy Collection at Guildhall. Upon the obverse of the coin the legend is inscribed: "Belonging to the cellar on the master's side, 1669;" on the reverse side is a view of Newgate and the debtors' prison.

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The heaviest penalties did not check this crime. The offence was high treason; men sentenced for it were hanged, drawn, and quartered, and women were burnt. In 1683 Elizabeth Hare was burnt alive for coining in Bunhill Fields. Special legislation could not cope with this crime, and to hinder it the Lords of the Treasury petitioned Queen Mary (in the absence of William III) to grant no pardon to any sentenced for clipping unless before their conviction they discovered their accomplices.

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Highway robbery had greatly increased. The roads were infested with banditti. Innkeepers harboured and assisted the highwaymen, sympathizing with them, and frequently sharing in the plunder. None of the great roads were safe: the mails, high officials, foreigners of distinction, noblemen, merchants, all alike were stopped and laid under contribution. The following are a few of the cases which were of constant occurrence. "His Majesty's mails from Holland robbed near Ilford in Essex, and £5,000 taken, belonging to some Jews in London." "The Worcester wagon, wherein was £4,000 of the king's money, was set upon and robbed at Gerard's Cross, near Uxbridge, by sixteen highwaymen. The convoy, being near their inn, went on ahead, thinking all secure, and leaving only two persons on foot to guard it, who, having laid their blunderbusses in the wagon, were on a sudden surprised by the sixteen highwaymen, who took away £2,500, and left the rest for want of conveniences to carry it." Two French officers (on their way to the coast) were robbed by nine highwaymen of one hundred and ten guineas, and bidden to go home to their own country. Another batch of French officers was similarly dealt with on the Portsmouth road. Fifteen butchers going to market were robbed by highwaymen, who carried them over a hedge and made them drink King James's health. The Portsmouth mail was robbed, but only of private letters; but the same men robbed a captain going to Portsmouth with £5,000 to pay his regiment with. Three highwaymen robbed the Receiver-General of Bucks of a thousand guineas, which he was sending up by the carrier in a pack; the thieves acted on excellent information, for although there were seventeen pack-horses, they went directly to that which was laden with the gold. Seven on the St. Alban's road near Pinner robbed the Manchester carrier of £15,000 king's money, and killed and wounded eighteen horses to prevent pursuit. The purser of a ship landed at Plymouth and rode to London on horseback, with £6,000 worth of rough diamonds belonging to some London merchants which had been saved out of a shipwreck. Crossing Hounslow Heath, the purser was robbed by highwaymen. "Oath was thereupon made before a justice of the peace," says Luttrell, in "order to sue the Hundred for the same." The Bath coach was stopped in Maidenhead thicket, and a footman who had fired at them was shot through the head. The Dover stage-coach, with foreign passengers, was robbed near Shooter's Hill, but making resistance, one was killed.

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The western mail was robbed by the two Arthurs, who were captured and committed to Newgate. They soon escaped therefrom, but were again arrested at a tavern by Doctors' Commons, being betrayed by a companion. They confessed that they had gone publicly about the streets disguised in Grecian habits, and that one Ellis, a tobacconist, assisted them in their escape, for which he was himself committed to Newgate. John Arthur was soon afterwards condemned and executed. Henry Arthur was acquitted, but soon after quarrelling about a tavern bill in Covent Garden, he was killed in the *mêlée*.

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All manner of men took to the road. Some of the royal guards were apprehended for robbing on the highway. Lifeguardsmen followed the same gentlemanly occupation when off duty.

Thompson, a lifeguardsman, committed on suspicion of robbing Welsh drovers, was refused bail, there being fresh evidence against him. Captain Beau, or Bew, formerly of the Guards, was seized at Knightsbridge as a highwayman, and afterwards poisoned himself. Seven of his gang were committed to Newgate. Harris, the lifeguardsman tried at the Old Bailey for robbing "on the black mare" and acquitted, was again tried a month later, and condemned. He was then reprieved, and Sir William Penn obtained the queen's pardon for him, with a commission as lieutenant in the Pennsylvania militia, to which colony he was to transport himself. Persons of good social status engaged in the perilous trade. One Smith, a parson and a lecturer at Chelsea, when brought up at Westminster for perjury, was found to be a confederate with two highwaymen, with whom they had shared a gold watch, and planned to rob Chelsea Church of its plate. Smith when arraigned appeared in court in his gown, but he was "sent to Newgate, and is like to be hanged." Disguised highwaymen were often detected in reputable citizens and quiet tradesmen, who upon the surface seemed honest folk. A mercer of Lombard Street was taken out of his bed and charged by a cheesemonger as being the man that robbed him two years previously. Another mercer was taken up near Ludgate on suspicion of being a highwayman, and committed. Saunders, a butcher of St. James's market, was charged with robbing the Hampton coach, and discovered three confederates, who were captured on Sunday at Westminster Abbey. "Of two highwaymen taken near Highgate, one was said to be a broken mercer, the other a fishmonger." Two of Whitney's gang were said to be the tradesmen in the Strand—one a goldsmith and one a milliner.

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Nothing could exceed the cool impudence with which reputed robbers showed themselves in public places. They did not always escape capture, however. "A noted highwayman in a scarlet cloak," says Luttrell, "and coat laced with gold taken in Covent Garden." Another was taken in the Strand and sent to Newgate. Five more were captured at the Rummer, Charing Cross; three others, notorious highwaymen, taken at the "Cheshire Cheeze." At times they fought hard for liberty. "One Wake, a highwayman, pursued to Red Lion Fields, set his back against the wall and faced the constables and mob. He shot the former, and wounded others, but was at last taken and sent to Newgate." Whitney, the famous highwayman, was taken without Bishopsgate, being "discovered by one Hill, as he (Whitney) walked the street. Hill observed where the robber 'housed,' and calling for assistance, went to the door." Whitney defended himself for about an hour, but the people increasing, and the officers of Newgate being sent for, he surrendered himself, but not before he had stabbed Hill with a bayonet, "not mortal." He was handcuffed and shackled with irons, and committed to Newgate.

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Whitney had done business on a large scale. He had been arrested before by a party of horse despatched by William III, which had come up with him lurking between St. Alban's and Barnet. He was attacked, but made a stout defence, killing some and wounding others before he was secured. He must have got free again very soon afterwards. His second arrest, which has just been detailed, was followed by that of many others of his gang. Three were seized near Chelsea College by some soldiers; two more were in company, but escaped. On Sunday two others were taken; one kept a livery stable at Moorfield's. Soon after his committal there was a strong rumour that he had escaped from Newgate, but he continued closely confined there, and had forty pounds weight of irons on his legs. He had his tailor make him a rich embroidered suit with peruke and hat, worth £100; but the keeper refused to let him wear them, because they would disguise him.

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Whitney made many attempts to purchase pardon. He offered to discover his associates, and those that give notice when and where the money is conveyed on the roads in coaches and wagons. He was, however, put upon his trial, and eventually convicted and sentenced to death. He went in the cart to the place of execution, but was reprieved and brought back to Newgate with a rope round his neck, followed by a "vast" crowd. Next night he was carried to Whitehall and examined as to the persons who hired the highwaymen to rob the mails. But he was again ordered for execution, and once more sought to gain a reprieve by writing a letter in which he offered, if he might have his pardon, to betray a conspiracy to kill the king. His last appeal was refused, and he suffered at Porter's Block, near Cow Cross, Smithfield.

Determined efforts were made from time to time to put down these robberies, which were often so disgracefully prevalent that people hardly dared to travel along the roads. Parties of horse were quartered in most of the towns along the great highways. Handsome rewards were offered for the apprehension of offenders. A proclamation promised £10 for every highwayman taken, and this was ere long increased to £40, to be given to any one who might supply information leading to an arrest. Horses standing at livery in and about London, whose ownership was at all doubtful, were seized on suspicion, and often never claimed. It was customary to parade before Newgate persons in custody who were thought to be highwaymen. They were shown in their riding-dresses with their horses, and all gentlemen who had been robbed were invited to inspect this singular exhibition. But the robberies flourished in spite of all attempts at repression.

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One or two types of the highwaymen of the seventeenth century may here be fitly introduced. One of the earliest and most celebrated was Jack Cottington, *alias* "Mulled Sack," who had been a depredator throughout the Commonwealth epoch, and who enjoyed the credit of having robbed Oliver Cromwell himself on Hounslow Heath. His confederate in this, Horne, once a captain in Downe's foot regiment, was overtaken, captured, and hanged, but Cottington escaped. Jack Cottington began as a chimney-sweep, first as an apprentice, then on his own account, when he gained his soubriquet from his powers of drinking mulled sack. From this he graduated, and soon

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gained a high reputation as a pickpocket, his chief hunting-ground being churches and Puritan meeting-houses, which he frequented demurely dressed in black with a black *roquelaire*. He succeeded in robbing Lady Fairfax of a gold watch set with diamonds, and a gold chain, as she was on her way to Doctor Jacomb's lecture at Ludgate; and a second time by removing the linchpin from her ladyship's carriage when on her way to the same church, he upset the coach, and giving her his arm, relieved her of another gold watch and seals. After this he became the captain of a gang of thieves and night prowlers, whom he organized and led to so much purpose that they alarmed the whole town. His impudence was so great that he was always ready to show off his skill as a thief in any public-house if he was paid for it, in a performance he styled "moving the bung." He was not content to operate in the city, but visited the Parliament House and Courts of Law at Westminster, and was actually caught in the act of picking the Protector's pocket. He narrowly escaped hanging for this, and on coming out of gaol took permanently to the highway, where he soon achieved a still greater notoriety. With half a dozen comrades he robbed a government wagon conveying money to the army, and dispersed the twenty troopers who escorted it, by attacking them as they were watering their horses. The wagon contained £4,000, intended to pay the troops quartered at Oxford and Gloucester. Another account states that near Wheatley, Cottingham put a pistol to the carrier's head and bade him stand, at which both carter and guard rode off for their lives, fearing an ambushade. The town of Reading he laid under frequent contribution, breaking into a jeweller's shop in that town and carrying off the contents, which he sported on his person in London. Again at Reading, hearing that the Receiver-General was about to send £6,000 to London in an ammunition wagon, he entered the receiver's house, bound the family, and decamped with the money. Being by this time so notorious a character, he was arrested on suspicion, and committed for trial at Abingdon Assizes. There, however, being flush of cash, he found means to corrupt the jury and secure acquittal, although Judge Jermyn exerted all his skill to hang him. His fame was now at its zenith. He became the burthen of street songs—a criminal hero who laughed the gallows to scorn. But about this time he was compelled to fly the country for the murder of Sir John Bridges, with whose wife he had had an intrigue. He made his way to Cologne, to the court of Charles II, whom he robbed of plate worth £1,500. Then he returned to England, after making overtures to Cromwell, to whom he offered certain secret papers if he might be allowed to go scot-free. But he was brought to the gallows, and fully deserved his fate.

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Claude Duval is another hero whose name is familiar to all readers of criminal chronology. A certain halo of romance surrounds this notorious and most successful highwayman. Gallant and chivalrous in his bearing towards the fair sex, he would spare a victim's pocket for the pleasure of dancing a *corranto* with the gentleman's wife. The money he levied so recklessly he lavished as freely in intrigue. His success with the sex is said to have been extraordinary, both in London and in Paris. "Maids, widows, and wives," says a contemporary account, "the rich, the poor, the noble, the vulgar, all submitted to the powerful Duval." When justice at length overtook him, and he was cast for death, crowds of ladies visited him in the condemned hold; many more in masks were present at his execution. After hanging he lay in state in the Tangier Tavern at St. Giles, in a room draped with black and covered with escutcheons; eight wax tapers surrounded his bier, and "as many tall gentlemen in long cloaks." Duval was a Frenchman by birth—a native of Domfront in Normandy, once a village of evil reputation. Its curé was greatly surprised, it is said, at finding that he baptized as many as a hundred children and yet buried nobody. At first he congratulated himself in residing in an air producing such longevity; but on closer inquiry he found that all who were born at Domfront were hanged at Rouen.

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Duval did not long honour his native country with his presence. On the restoration of Charles II he came to London as footman to a person of quality, but soon took to the road. Numerous stories are told of his boldness, his address, and fertility of resource. One of the most amusing is that in which he got an accomplice to dress up a mastiff in a cow's hide, put horns on his head, and let him down a chimney, into a room where a bridal merrymaking was in progress. Duval, who was one of the guests, dexterously profited by the general dismay to lighten the pockets of an old farmer whom he had seen secreting a hundred pounds. When the money was missed it was supposed that the devil had flown away with it. On another occasion, having revisited France, he ingratiated himself with a wealthy priest by pretending to possess the secret of the philosopher's stone. This he effected by stirring up a potful of molten inferior metal with a stick, within which were enclosed a number of sprigs of pure gold, as black lead is in a pencil. When the baser metals were consumed by the fire, the pure gold remained at the bottom of the pot. Overjoyed at Duval's skill as an alchemist, the priest made him his confidant and bosom friend, revealing to him his secret hoards, and where they were bestowed. One day, when the priest was asleep after dinner, Duval gagged and bound him, removed his keys, unlocked his strong boxes, and went off with all the valuables he could carry. Duval was also an adroit card-sharper, and won considerable sums at play by "slipping a card;" and he was most astute in laying and winning wagers on matters he had previously fully mastered. His career was abruptly terminated by his capture when drunk at a tavern in Chandos Street, and he was executed, after ten years of triumph, at the early age of twenty-seven.

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William Nevison, a native-born member of the same fraternity, may be called, says Raine, "the Claude Duval of the north. The chroniclers of his deeds have told us of his daring and his charities, for he gave away to the poor much of the money he took from the rich." Nevison was born at Pontefract in 1639, and began as a boy by stealing his father's spoons. When chastised by the schoolmaster for this offence, he bolted with his master's horse, having first robbed his father's strong box. After spending some time in London thieving, he went to Flanders and served, not without distinction, in a regiment of English volunteers commanded by the Duke of

York. He returned presently to England, and took to the road. Stories are told of him similar to those which made Duval famous. Nevison was on the king's side, and never robbed Royalists. He was especially hard on usurers. On one occasion he eased a Jew of his ready money, then made him sign a note of hand for five hundred pounds, which by hard riding he cashed before the usurer could stop payment. Again, he robbed a bailiff who had just distrained a poor farmer for rent. The proceeds of the sale, which the bailiff thus lost, Nevison restored to the farmer. In the midst of his career, having made one grand *coup*, he retired from business and spent eight years virtuously with his father. At the old man's death he resumed his evil courses, and was presently arrested and thrown into Leicester Gaol. From this he escaped by a clever stratagem. A friendly doctor having declared he had the plague, gave him a sleeping draught, and saw him consigned to a coffin as dead. His friend demanded the body, and Nevison passed the gates in the coffin. Once outside, he was speedily restored to life, and now extended his operations to the capital. It was soon after this that he gained the soubriquet, "Swift Nick," given by Charles II, it is said. There seems to be very little doubt that Nevison was actually the hero of the great ride to York, commonly credited to Turpin. The story goes that he robbed a gentleman at Gadshill, then riding to Gravesend, crossed the Thames, and galloped across Essex to Chelmsford. After baiting he rode on to Cambridge and Godmanchester, thence to Huntingdon, where he baited his mare and slept for an hour; after that, holding to the north road, and not galloping his horse all the way, reached York the same afternoon. Having changed his clothes, he went to the bowling-green, where he made himself noticeable to the lord mayor. By and by, when recognized and charged with the robbery at Gadshill, Nevison called upon the mayor to prove that he had seen him at York; whereupon he was acquitted, "on the bare supposition that it was impossible for a man to be at two places so remote on one and the same day."

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Nevison appears to have been arrested and in custody in 1676. He was tried for his life, but reprieved and drafted into a regiment at Tangier. He soon deserted, and returning to England, again took to the road. He was next captured at Wakefield, tried, and sentenced to death; but escaped from prison, to be finally taken up for a trifling robbery, for which he suffered at York. The depositions preserved by the Surtees' Society show that he was the life and centre of a gang of highway robbers who worked in association. They levied blackmail upon the whole countryside; attended fairs, race meetings, and public gatherings, and had spies and accomplices, innkeepers and ostlers, who kept them informed of the movements of travellers, and put them in the way of likely jobs to be done. Drivers and farmers who paid a tax to them escaped spoliation; but all others were very roughly handled. The gang had its headquarters at the Talbot Inn, Newark, where they kept a room by the year, and met at regular intervals to divide the proceeds of their robberies.

Many instances are recorded of another crime somewhat akin to highway robbery. The forcible abduction of heiresses was nothing new; but it was now prosecuted with more impudence and daring than heretofore. Luttrell tells us, under date 1st June, 1683, that one Mrs. Synderfin, a rich widow, was taken out of her carriage on Hounslow Heath, by a Captain Clifford and his comrades. They carried her into France to "Calice" against her will, and with much barbarous ill-usage made her marry Clifford. Mrs. Synderfin or Clifford was, however, rescued, and brought back to England. Clifford escaped, but presently returning to London, was seized and committed to custody. He pleaded in defence his great passion for the lady, and his seeing no other way to win her. It was not mere fortune-hunting, he declared, as he possessed a better estate than hers. But the Lord Chief Justice charged the jury that they must find the prisoners guilty, which they did, and all were sentenced to imprisonment in Newgate for one year. Captain Clifford was also to pay a fine of £1,000, two of his confederates £500 each, and two more £100. In the same authority is an account how—"Yesterday a gentleman was committed to Newgate for stealing a young lady worth £10,000, by the help of bailiffs, who arrested her and her maid in a false action, and had got them into a coach, but they were rescued." Again, a year or two later, "one Swanson, a Dane, who pretends to be a Deal merchant, is committed to Newgate for stealing one Miss Rawlins, a young lady of Leicestershire, with a fortune of £4,000. Three bailiffs and a woman, Swanson's pretended sister, who assisted, are also committed, they having forced her to marry him. Swanson and Mrs. Bainton were convicted of this felony at the King's Bench Bar; but the bailiffs who arrested her on a sham action were acquitted, with which the court was not well pleased. Swanson was sentenced to death, and executed. As also the woman; but she being found with child, her execution was respited."

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A more flagrant case was the abduction of Miss Mary Wharton in 1690, the daughter and heiress of Sir George Wharton, by Captain James Campbell, brother to the Earl of Argyll, assisted by Sir John Johnson. Miss Wharton, who was only thirteen years of age, had a fortune of £50,000. She was carried away from her relations in Great Queen Street, on the 14th November, 1690, and married against her will. A royal proclamation was forthwith issued for the apprehension of Captain Campbell and his abettors. Sir John Johnson was taken, committed to Newgate, and presently tried and cast for death. "Great application was made to the king and to the relations of the bride to save his life," but to no purpose, "which was thought the harder, as it appeared upon his trial that Miss Wharton had given evident proof that the violence Captain Campbell used was not so much against her will as her lawyers endeavoured to make it." Luttrell says, "Sir John refused pardon unless requested by the friends of Mrs. Wharton. On the 23d December, he went in a mourning coach to Tyburn, and there was hanged." No mention is made of the arrest of Captain Campbell, whom we may conclude got off the continent. But he benefited little by his violence, for a bill was brought into the House of Commons within three weeks of the abduction to render the marriage void, and this, although the Earl of Argyll on behalf of his brother petitioned against it, speedily passed both Houses.

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The affair of Count Konigsmark may be classed with the foregoing, as another notorious instance of an attempt to bring about marriage with an heiress by violent means. The lady in this case was the last of the Percies, the only child and heiress to the vast fortune of Jocelyn, the Earl of Northumberland. Married when still of tender years to the Earl of Ogle, eldest son of the Duke of Newcastle, she was a virgin widow at fifteen, and again married against her consent, it was said, to Thomas Thynne, Esq., of Longleat;<sup>[112:1]</sup> "Tom of Ten Thousand," as he was called on account of his income. This second marriage was not consummated; Lady Ogle either repented herself of the match and fled into Holland, or her relatives wished to postpone her entry into the matrimonial state, and she was sent to live abroad.

Previous to her second marriage, a young Swedish nobleman, Count Konigsmark, when on a visit to England, had paid his addresses to her, but he had failed in his suit. After his rejection he had conceived a violent hatred against Mr. Thynne. [113]

The count was "a fine person of a man, with the longest hair I ever saw, and very quick of parts. He was also possessed of great wealth and influence;" "one of the greatest men," Sir John Reresby tells us, "in the kingdom of Sweden; his uncle being at that time governor of Pomerania, and near upon marrying the King of Sweden's aunt." Konigsmark could command the devoted service of reckless men, and among his followers he counted one Captain Vratz, to whom he seems to have entrusted the task of dealing with Mr. Thynne. Vratz, although a brave soldier, who had won his promotion at the siege of Mons, under the Prince of Orange, and to whom the King of Sweden had given a troop of horse, was willing to act as an assassin. The count came to London, living secretly in various lodgings, as he declared to hide a distemper from which he suffered, but no doubt to direct privately the operations of his bravoes. Vratz associated with himself one Stern, a Swedish lieutenant, and Boroski, "a Polander," who had arrived in England destitute, and whom, it was subsequently proved, the count had furnished with clothes and arms. The murderers, having set a watch for their victim, attacked him at the corner of Pall Mall, about the spot where Her Majesty's Theatre now stands, as he was riding on Sunday night, the 21st February, 1681, in his carriage from the Countess of Northumberland's house. One of them cried to the coachman, "Stop, you dog!" and a second, Boroski, immediately fired a blunderbuss charged with bullets into the carriage. Four bullets entered Mr. Thynne's body, each of which inflicted a mortal wound. The murderers then made off. [114]

The unfortunate gentleman was carried dying to his own house, where he was presently joined by the Duke of Monmouth, his intimate friend, Lord Mordaunt, and Sir John Reresby, specially sent by King Charles, who feared that some political construction would be put upon the transaction and was anxious that the perpetrators of the crime should be apprehended. Reresby, who was an active magistrate, granted warrants at once against several suspected persons, and he himself, accompanied by the Duke of Monmouth and others, made a close search, which ended in the arrest of Vratz in the house of a Swedish doctor, in Leicester Fields. His accomplices were also soon taken, and all three were examined by the king in Council, when they confessed that they had done the deed at the instigation of Count Konigsmark, "who was lately in England."

At the same time a Monsieur Foubert, who kept an Academy in London which a younger brother of Count Konigsmark attended, was arrested as being privy to the murder, and admitted that the elder brother had arrived incognito ten days before the said murder, and lay disguised till it was committed, which gave great cause to suspect that the count was at the bottom of the whole bloody affair. The king despatched Sir John Reresby to seize Konigsmark, but the bird had flown; he went away early, on the morning of the day after the deed was perpetrated. He went down the river to Deptford, then to Greenwich, and the day after to Gravesend, where he was taken by two king's messengers, accompanied by "Mr. Gibbons, servant to the Duke of Monmouth, and Mr. Kidd, gentleman to Mr. Thynne." He was dressed "in a very mean habit, under which he carried a naked sword." When seized he gave a sudden start, so that his wig fell off, and the fact that he wore a wig, instead of his own hair as usual, was remembered against him at his trial, as an attempt at disguise. The count was carried to an inn in Gravesend, where he expressed very great concern when he heard that his men had confessed; declaring that it (the murder) was a stain upon his blood, "although one good action in the wars, or lodging on a counterscrap, would wash all that away." His captors received the £200 reward, promised in the *Gazette*, and in addition the £500 offered by Sir Thomas Thynne, Mr. Thynne's heir. [115]

They carried him at once to London, before the king in Council, where he was examined, but the Council being unwilling to meddle on account of his quality, as connected with the kingdom of Sweden, he was then taken before Chief Justice Pemberton, who could, if he thought fit, send him to gaol. He was examined again till eleven at night, and at last, "much against the count's desire," was committed to Newgate. He stood upon his innocency, and confessed nothing, yet "people are well satisfied that he is taken." While in Newgate, Count Konigsmark was lodged in the governor's house, and was daily visited by persons of quality. Great efforts were now made to obtain his release. The M. Foubert, already mentioned, came to Sir John Reresby, and offered him any money to withdraw from the prosecution, but the overtures were stoutly rejected, and his emissary was warned to be cautious "how he made any offers to pervert justice." A more effectual attempt at bribery was probably made on the jury, of whom the prisoner challenged eighteen. He had their names on a list, and knew beforehand whom he could or could not trust. The judge, Lord Chief Justice Pemberton, was also clearly in his favour. The defence set up was that Vratz had taken upon himself to avenge an affront offered by Mr. Thynne to his master, and Count Konigsmark denied all knowledge of his follower's action. The count tried to explain the privacy in which he lived, and his sudden flight. But the counsel for the prosecution laid great [116]



stress on the intimacy between him and the murderers; the absence of any object on the part of the latter, unless instigated by the former. The Chief Justice, however, summed up for the count, assuring the jury that a master could not be held responsible for the acts of his servants, if ignorant of them, and that if they thought the count knew nothing of the murder till after it was done, they must acquit him, which they did, "to the no small wonder of the auditory," as Luttrell says, "as more than probable good store of guineas went amongst them." Konigsmark was set at liberty at the end of the trial, but before his discharge he was bound in heavy securities, in £2,000 himself, and £2,000 from two friends, to appear at the King's Bench Bar the first day of the following term. "Yet notwithstanding, the count is gone into France, and it is much doubted whether he will return to save his bail."

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After his departure he was challenged by Lord Cavendish and Lord Mordaunt, but no duel came off, Konigsmark declaring that he never received the cartel till too late. His agents or accomplices, or whatever they may be called, were convicted and executed.

Count Konigsmark did not long survive Mr. Thynne, nor did he succeed in winning Lady Ogle's hand. That doubly widowed yet virgin wife presently married the Duke of Somerset, by whom she had two sons. As for Konigsmark, according to the "Amsterdam Historical Dictionary," quoted in Chambers's "Book of Days," he resumed the career of arms, and was wounded at Cambray in 1683. He afterwards went to Spain with his regiment, and distinguished himself on several occasions; after that he accompanied an uncle Otto William to the Morea, where he was present at the battle of Argas. In this action he so overheated himself that he was seized with pleurisy, and died at the early age of twenty-seven, within little more than four years of the murder of Mr. Thynne. It was another Count Konigsmark, near relative of this one, Count Philip, whose guilty intrigue with Sophia Dorothea, wife of George I, when Elector of Hanover, led to his assassination in the electoral palace.

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In the foregoing the softer sex were either victims or the innocent incentives to crime. In the case of that clever and unscrupulous impostor Mary Moders, otherwise Carelton, commonly called the German Princess, it was exactly the opposite. The daughter of a chorister in Canterbury Cathedral, she first married a shoemaker; then, dissatisfied with her lot, ran off to Dover and committed bigamy with a doctor. She was apprehended for this, tried, and acquitted for want of evidence. She next passed over to Holland, and went the round of the German spas, at one of which she encountered a foolish old gentleman of large estate, who fell in love with her and offered marriage. She accepted his proposals and presents; but having cajoled him into entrusting her with a large sum to make preparations for the wedding, she absconded to Amsterdam and Rotterdam, where she took ship and came over to London. Alighting at the Exchange Tavern, kept by a Mr. King, she assumed the state and title of a princess, giving herself out as the ill-used child of Count Henry Van Wolway, a sovereign prince of the empire. John Carelton, a brother-in-law of her landlord, at once, "in the most dutiful and submissive manner," paid his addresses to her, and she at last condescended to marry him. Carelton was presently undeceived by an anonymous letter, which proved his wife to be a cheat and impostor.

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The princess was arrested, committed to Newgate, and tried for polygamy at the Old Bailey, but was again acquitted. On her release, deserted by Carelton, she took to the stage, and gained some reputation, in a piece especially written for her entitled the "German Princess." Her fame spread through the town, and she was courted by numberless admirers, two of whom she played off against each other; and having fleeced both of several hundred pounds, flouted them for presuming to make love to a princess. Another victim to her wiles was an elderly man, worth about £400 per annum, who loaded her with gifts; he was continually gratifying her with one costly present or another, which she took care to receive with an appearance of being ashamed he should heap so many obligations on her, telling him she was not worthy of so many favours. One night when her lover came home in liquor, she got him to bed, and when he was asleep rifled his pockets, securing his keys and a bill on a goldsmith for a hundred pounds. Opening all his escritaires and drawers, she stole everything, gold pieces, watches, seals, and several pieces of plate, and then made off. After this she led a life of vagabondage, moving her lodgings constantly, and laying her hands on all she could steal. She was adroit in deceiving tradesmen, and swindled first one and then another out of goods. At last she was arrested for stealing a silver tankard in Covent Garden, and committed again to Newgate. This time she was found guilty and cast for death, but the sentence was commuted to transportation. She was sent in due course to Jamaica, but within a couple of years escaped from the plantations, and reappeared in England. By some means she managed to pass off as a rich heiress, and inveigled a rich apothecary into marriage, but presently robbed him of above £300 and left him. Her next trick was to take a lodging in the same house with a watchmaker. One night she invited the landlady and the watchmaker to go to the play, leaving her maid, who was a confederate, alone in the house. The maid lost no time in breaking open the watchmaker's coffers, and stole therefrom thirty watches, with about two hundred pounds in cash, which she carried off to a secure place in another part of the town. Meanwhile the "princess" had invited her dupes to supper at the Green Dragon Tavern in Fleet Street, where she managed to give them the slip and joined her maid. This was one of the last of her robberies. Soon afterwards fate overtook her quite by accident. The keeper of the Marshalsea, in search of some stolen property, came to the house where she lodged, in New Spring Gardens, and saw her "walking in the two-pair-of-stairs room in a nightgown." He went in, and continuing his search, came upon three letters, which he proceeded to examine. "Madam seemed offended with him, and their dispute caused him to look at her so steadfastly that he knew her, called her by her name, and carried away both her and her letters." She was committed and kept a prisoner till 16th January, 1673, when she was arraigned at the Old Bailey,

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as the woman Mary Carelton, for returning from transportation. On the last day of the Sessions she received sentence of death, "which she heard with a great deal of intrepidity."

She appeared more gay and brisk than ever on the day of her execution. When the irons were removed from her on her starting for Tyburn, she pinned the picture of her husband Carelton to her sleeve, and carried it with her to the gallows. She discovered herself to a gentleman in the crowd as a Roman Catholic, and having conversed with him for some time in French, on parting said, "*Mon ami, le bon Dieu vous benisse.*" At the gallows she harangued the crowd at some length, and died as she had lived, a reckless although undoubtedly a gifted and intelligent woman.

Prominent among the criminal names of this epoch is that of the informer, Titus Oates, no less on account of the infamy of his conduct than from the severe retribution which overtook him in the reign of James II. The arraignment of Green, Berry, and Laurence Hill for the trial of Sir Edmundbury Godfrey, who were brought for the purpose "from Newgate to the King's Bench Bar," is a well-known judicial episode of the year 1678. Oates was the principal witness against them; but he was followed by Praunce, an approver, and others. After much evidence for and against, and much equivocation, the Lord Chief Justice Scroggs summed up the evidence strongly for conviction. When the jury soon returned a verdict of guilty, the Lord Chief Justice commended them, and said if it were the last word he had to speak he would have pronounced them guilty. Sentence was then given, and within a fortnight they were executed. These victims of the so-called Popish Plot were, however, amply and ruthlessly avenged. Macaulay tells the story. Oates had been arrested before Charles II's death for defamatory words, and cast in damages of £100,000. He was then, after the accession of James II, tried on two indictments of perjury, and it was proved beyond doubt that he had by false testimony deliberately murdered several guiltless persons. "His offence, though in a moral light murder of the most aggravated kind, was in the eye of the law merely a misdemeanour." But the tribunal which convicted made its punishment proportionate to the real offence. Brutal Judge Jeffries was its mouthpiece, and he sentenced him to be unfrocked and pilloried in Palace Yard, to be led round Westminster Hall, with an inscription over his head declaring his infamy; to be pilloried in front of the Royal Exchange, to be whipped from Aldgate to Newgate, and after an interval of two days to be whipped from Newgate to Tyburn. He was to be imprisoned for life, and every year to be brought from his dungeon and exposed in different parts of the capital. When on the pillory he was mercilessly pelted, and nearly torn to pieces. His first flogging was executed rigorously in the presence of a vast crowd, and Oates, a man of strong frame, long stood the lash without a murmur. "But at last his stubborn fortitude gave way. His bellows were frightful to hear. He swooned several times; but the scourge still continued to descend. When he was unbound it seemed he had borne as much as the human frame could bear without dissolution. . . . After an interval of forty-eight hours Oates was again brought out from his dungeon. He seemed unable to stand, and it was necessary to drag him to Tyburn on a sledge." He was again flogged, although insensible, and a person present counted the stripes as seventeen hundred. "The doors of the prison closed upon him. During many months he remained ironed in the darkest hole in Newgate." A contemporary account written by one of his own side declares he received "upwards of two thousand lashes—such a thing was never inflicted by any Jew, Turk, or heathen but Jeffries. . . . Had they hanged him they had been more merciful; had they flayed him alive it is a question whether it would have been so much torture."[\[124:1\]](#)

Dangerfield, another informer of the Oates type, but of lesser guilt, was also convicted and sentenced to be similarly flogged from Aldgate to Newgate, and from Newgate to Tyburn. "When he heard his doom he went into agonies of despair, gave himself up for dead, and chose a text for his funeral. His forebodings were just. He was not indeed scourged quite so severely as Oates had been; but he had not Oates's iron strength of body and mind." On his way back to prison he was assaulted by Mr. Francis, a Tory gentleman of Gray's Inn, who struck him across the face with a cane and injured his eye. "Dangerfield was carried dying into Newgate. This dastardly outrage roused the indignation of the bystanders. They seized Francis, and were with difficulty restrained from tearing him to pieces. The appearance of Dangerfield's body, which had been frightfully lacerated by the whip, inclined many to believe that his death was chiefly if not wholly caused by the stripes which he had received." The Government laid all the blame on Francis, who was tried and executed for murder.

Religion and politics still continued to supply their quota of inmates. The law was still cruelly harsh to Roman Catholics, Quakers, and all Non-conformists.

The Fifth Monarchy men in 1661, when discomfited and captured, were lodged in Newgate, to the number of twenty or more. Venner, the ringleader, was amongst them. The State Trials give the trial of one John James, who was arraigned at the King's Bench for high treason. He was found guilty of compassing the death of the king, and suffered the cruel sentence then in force for the crime. James has left some details of the usage he received in Newgate, especially in the matter of extortion. Fees to a large amount were exacted of him, although a poor and needy wretch, "originally a small coal-man." In the press-yard he paid 16s. to the keeper Hicks for the use of his chamber, although he only remained there three or four days. The hangman also came to demand money, that "he might be favourable to him at his death," demanding twenty pounds, then falling to ten, at last threatening, unless he got five, "to torture him exceedingly. To which James said he must leave himself to his mercy, for he had nothing to give him." Yet at the execution, the report says the sheriff and the hangman were so civil to him as to suffer him to be dead before he was cut down. After that he was dismembered; some of the parts were burnt, but

the head and quarters brought back to Newgate in a basket, and exposed upon the gates of the city. Venner and several others suffered in the same way.

Many Quakers were kept in Newgate, imprisoned during the king's pleasure for refusing to take the oaths of allegiance and supremacy. Thus John Crook, Isaac Grey, and John Bolton were so confined, and incurred a *præmunire* or forfeiture of their estates. But the most notable of the Quakers were Penn and Mead. In its way this is a most remarkable trial, on account of the overbearing conduct of the Bench towards the prisoners. In 1670 these two, the first described as gentleman, the second as linen-draper, were indicted at the Old Bailey for having caused a tumultuous assembly in Gracechurch Street. The people collected, it was charged, to hear Penn preach. The demeanour of the prisoners in the court was so bold, that it drew down on them the anger of the recorder, who called Penn troublesome, saucy, and so forth. The jury were clearly in their favour, and brought in a verdict of not guilty, but the court tried to menace them. The lord mayor, Sir Samuel Stirling, was especially furious with Penn, crying, "Stop his mouth; gaoler, bring fetters and stake him to the ground." At last the jury, having refused to reconsider their verdict, were locked up; while Penn and Mead were remanded to Newgate. Next day the jury came up, and adhered to their verdict. Whereupon the recorder fined them forty marks apiece for not following his "good and wholesome advice," adding, "God keep my life out of your hands." [127:1] The prisoners demanded their liberty, "being freed by the jury," but were detained for their fines imposed by the judge for alleged contempt of court. Penn protested violently, but the recorder cried, "Take him away!" and the prisoners were once more haled to Newgate. Edward Bushell, one of the above-mentioned jurors, who was committed to Newgate in default of payment of fine, subsequently sued out a Habeas Corpus, and was brought before Lord Chief Justice Vaughan, who decided in his favour, whereon he and the other jurymen were discharged from gaol.

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There were Roman Catholics too in Newgate, convicted of participation in the Popish Plot. Samuel Smith, the ordinary, publishes in 1679 an account of the behaviour of fourteen of them, "late Popish malefactors, whilst in Newgate." Among them were Whitehead, provincial, and Fenwick, procurator, of the Jesuits in England, and William Harcourt, pretended rector of London. The account contains a description of Mr. Smith's efforts at conversion and ghostly comfort, which were better meant than successful.

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After the revolution of 1688 there was an active search after Romish priests, and many were arrested; among them two bishops, Ellis and Leyburn, were sent to Newgate. They were visited in gaol by Bishop Burnet, who found them in a wretched plight, and humanely ordered their situation to be improved. Other inmates of Newgate at this troublous period were the ex-Lord Chief Justice Wright and several judges. It was Wright who had tried the seven bishops. Jeffries had had him made a judge, although the lord keeper styled him the most unfit person in the kingdom for that office. Macaulay says very few lawyers of the time surpassed him in turpitude and effrontery. He died miserably in Newgate about 1690, where he remained under a charge of attempting to subvert the Government.

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## FOOTNOTES:

- [92:1] Who were responsible for the keeper and the prison generally.
- [112:1] Still the seat of the Thynnes; and the property of the head of the family—the present Marquis of Bath.
- [124:1] Doctor Oates in the next reign was to some extent indemnified for his sufferings. When quite an old man he married a young city heiress with a fortune of £2,000; and a writer who handled this "Salamanca wedding," as it was called, was arrested. Oates was in the receipt of a pension of £300 from the Government when he died in 1705.
- [127:1] The practice of fining jurors for finding a verdict contrary to the direction of the judge had already been declared arbitrary, unconstitutional, and illegal.

## THE PRESS-YARD

The press-yard described—Charges for admission—Extortionate fees paid to turnkeys and governor—The latter's perquisites—Arrival of Jacobite prisoners—Discussed by lower officials—Preparations for them—Their appearance and demeanour—High prices charged for gaol lodgings—They live royally—First executions abate their gaiety—Escapes—Keeper superseded by officials specially appointed by lord mayor—Strictness of new *régime*—A military guard mounts—Rioting and revels among the Jacobites once more checked by execution of members of the party—Rumours of an amnesty—Mr. Freeman, who fired a pistol in theatre when Prince of Wales was present, committed to Press-yard—Freeman's violent conduct—Prisoners suffer from overcrowding and heat—Pardons—Rob Roy in Newgate—Other prisoners in press-yard—Major Bernardi—His history and long detentions—dies in gaol after forty years' imprisonment.

The press-yard of the prison was intended especially for State prisoners, or those incarcerated on "commitments of State," and was deemed to be part and parcel of the governor's house, not actually within the precincts of the prison. This was a pious fiction, put forth as an excuse for exacting fees in excess of the amounts prescribed by act of Parliament. A sum of twenty guineas was charged for admission to this favoured spot; in other words, "for liberty of having room enough to walk two or three of a breadth." "The gentlemen admitted here are moreover under a necessity of paying 11s. each per week, although two and sometimes three lie in a bed, and some chambers have three or four beds in them." The act referred to specially provided that keepers might not charge more than half a crown per week as rent for every chamber.

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This rule the governor of Newgate—for this haughty commander-in-chief over defenceless men was styled by the same name as the constable of the Tower—entirely ignored, and the prisoner committed to his custody had to decide between submitting to the extortion, or taking up his abode in the common gaol, where he had thieves and villains for his associates, and was perpetually tormented and eaten up by distempers and vermin.

The extortion practised about 1715 is graphically described by one who endured it. The author of the "History of the Press-yard," after having been mulcted on first arrival at the lodge for drink and "garnish," was, although presumably a State prisoner, and entitled to better treatment, at once cast in the condemned hold. In this gruesome place, he lay "seized with a panic dread" at the survey of his new tenement, and willing to change it for another on almost any terms. "As this was the design of my being brought hither, so was I made apprized of it by an expected method; for I had not bewailed my condition more than half an hour, before I heard a voice from above crying out from a board taken out of my ceiling, which was the speaker's floor, 'Sir, I understand your name is —, and that you are a gentleman too well educated to take up your abode in a vault set apart only for thieves, parricides, and murderers. From hence criminals after sentence of death are carried to the place of execution, and from hence you may be removed to a chamber equal to one in any private house, where you may be furnished with the best conversation and entertainment, on a valuable consideration.'" The speaker went on to protest that he acted solely from good-will; that he was himself a prisoner, and had suffered at first in the same manner, but had paid a sum to be removed to better quarters, and which he thanked God he enjoyed to his heart's content, wanting for nothing that a gaol could afford him. The victim begged to know the terms, and to be put in communication with the proper officer to make a contract for release. The other promised accordingly, and a quarter of an hour afterwards "clang went the chain of my door and bolts, and in comes a gentleman-like man of very smiling aspect," who apologized profusely, swearing that those who had ill-used a gentleman in such an unhandsome manner should be well trounced for it. "He moreover excused the want of suitable entertainment for persons of condition in prison-houses, and assured me that I should be immediately conducted to the governor's house, who would take all imaginable care of my reception. After this he very kindly took me by the hand to lead me down into the lodge, which I rightly apprehended as a motive to feel my pulse, and therefore made use of the opportunity to clap two pieces, which he let my hand go to have a fast grip of, in his." His deliverer was the head turnkey, by name Bodenham Rouse, whom he accompanied to the lodge, and there again stood drink and was his firm friend.

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The moment was one of considerable political excitement. The Pretender's first attempt had collapsed in the north, and the press-yard was about to be crowded with more eminent guests. Our author is aroused one fine morning by loud joy-bells pealing from the churches, and he immediately learns from his Jacobite companion that the "king's affairs were ruined, and that the generals Willis and Carpenter had attacked the Jacobite forces in Preston, and taken all prisoners at discretion." Newgate is convulsed by the news. Its officers are wild with delight, "calling for liquor after an extravagant manner, and drinking to their good luck, which was to arise from the ruin and loss of lives and fortunes in many good families." In 1716 Mr. Pitt, the governor, appears upon the scene, accompanied by other officials, to survey the rooms, and estimate the number of new tenants that could be accommodated therein. All due preparations made, a few days more

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brought to Newgate the unfortunate noblemen and gentlemen who had surrendered at discretion, hoping thus, although vainly, to save both life and estate. On their arrival in London they were led in triumph through the streets to their respective places of durance—viz., the Tower, the Marshalsea, Newgate, and the Fleet. The prisoners on arrival at Highgate were met by Major-General Tarlton with two battalions of Royal Foot Guards, completely armed. Cords were also brought sufficient to pinion each prisoner after the manner of condemned criminals, and to lead their horses, for each, from the lord to the footman, was accommodated with a grenadier to that end. Thus under safe conduct they marched from the Hill of Highgate to their several places of confinement. The major-general led the way, being "preceded by several citizens of more loyalty than compassion, who made repeated huzzas to excite the mob to do the like." After the general commanding came a company of the first regiment of Guards, who made a very fine appearance. Then came the division for the Tower, two and two, the Earl of Derwentwater and Lord Widdrington in the first rank, the other lords and noblemen following with haltered horses, bound like common malefactors, and reviled and hooted.

Those for Newgate brought up the rear. They were civilly and humanely treated on arrival there. The prison officers received them under the gateway, and no sooner were the prisoners alighted from their horses and their names called over, than their cords were immediately cut from their arms and shoulders, and refreshment of wine brought to them. [134]

"Their number was about seventy," says our author. "And amongst them in particular I could not but cast my eye upon one Mr. Archibald Bolair, who in the sixteenth year of his age was said to have signalized his courage, and have displayed as much skill and dexterity in feats of arms in the battle of Preston as the oldest commander of them, Brigadier Macintosh himself, though trained up in warlike affairs, not excepted. What induced me to distinguish him from the rest was the fearless way of expression he made use of when the clerk of the prison cut his cords. 'By my soul, man,' said he, 'you should not have done that, but kept it whole that I might either have been hanged with it, or have it to show, if I escaped the gallows, how I had been led like a dog in a string for twice two miles together.' Mr. Bolair then inquired feelingly for his followers, who had been brought so many miles from home out of observance of his orders, and he was anxious that they should not want." Young Mr. Bolair was told off to the same room as our author, in which two additional beds were placed, for the convenience of the keeper, who by four beds in one room, filled each with three tenants, got £6 per week, besides the sums paid as entrance money.

The prisoners included many persons of note. Two of them—Mr. Forster, who thought himself slighted and ill-used because, in consideration of his seat in Parliament, he had not been imprisoned in the Tower; and Francis Anderson, esquire, commonly called Sir Francis, a gentleman of £2,000 per annum—had apartments in the governor's house at £5 per head per week. There were also Colonel Oxborough, Brigadier Macintosh, the two Talbots, the Shaftos, Mr. Wogan, and Captain Menzies, who with their adherents and servants were thrust into the worst dungeons,—such as "the lion's den" and the "middle dark,"—till for better lodgment they had advanced more money than would have rented one of the best houses in Piccadilly or St. James's Square. The fee or premium paid by Mr. Forster and Sir Francis Anderson for being accommodated in the governor's house was £60, and it cost the latter twenty-five guineas more to keep off his irons. Mr. Widdrington, Mr. Ratcliffe, and others paid twenty guineas apiece for the like favour at their first coming in; and every one that would not be turned to the common side, ten guineas, besides one guinea and ten shillings per man for every week's lodging, although in some rooms the men lay four in a bed. As the result of these extortions it was computed that Mr. Pitt cleared some £3,000 or £4,000 in three or four months, besides "valuable presents given in private, and among others a stone horse." [135]

Money was, however, plentiful among the incarcerated Jacobites, and so far as was consistent with their situation, they lived right royally. Sympathetic friends from without plied them with wines and luxurious diet. They had every day a variety of the choicest eatables in season, "and that too as early as the greatest and nicest ladies."<sup>[136:1]</sup> Forty shillings for a dish of peas was nothing to their pockets, nor 13s. for a dish of fish. These, "with the best French wine, was an ordinary regale." They "lived in this profuse manner, and fared so sumptuously through the means of daily visitants and helps from abroad." Money circulated plentifully within the prison. While it was difficult to change a guinea at any house in the street, nothing was more easy than to have silver for gold in any quantity in Newgate. Nor did many of them lack female sympathy. Ladies of the first rank and quality, even tradesmen's wives and daughters, "made a sacrifice of their husbands' and parents' rings and precious movables for the use of those whom the law had appointed to be so many sacrifices themselves." "It is not to be supposed that a champion so noted for the cause as Captain Silk was neglected; for he had his full share of those treats which soon made his clothes too little for his corpse." When not feasting and chambering, the prisoners found diversion in playing shuttlecock, "at which noble game the valiant Forster beat all who engaged him, so that he triumphed with his feather in the prison though he could not do it in the field."<sup>[137:1]</sup> [136]

"For long there was nothing among them but flaunting apparel, venison pasties, hams, chickens, and other costly meats." But soon all their jollity came abruptly to an end. The news of the sad fate of the two peers Derwentwater and Kenmure, who had been brought to trial and executed upon Tower Hill, abated their gaiety. They were yet more unmistakably reminded of their perilous position by the notice which now came to them to provide themselves with counsel and witnesses for their own defence. Fresh committals, too, were made to Newgate; prisoners [137]



were sent in from the Tower and the Fleet. Among them were Mr. Howard, brother to the Duke of Norfolk, the Master of Nairn, Mr. Baird Hamilton, "a gentleman who behaved with wonderful gallantry at the action of Preston;" Mr. Charles Radcliffe, Lord Derwentwater's brother, "a youth of extraordinary courage;" Mr. Charles and Mr. Peregrine Widdington, "two gentlemen of diversion and pleasure, both papists;" the two Mr. Cottons, father and son, "nonjurant Protestants, and of great estate in Huntingdonshire;" Mr. Thomas Errington, "a gentleman that had been in the French service, . . . with the laird of Macintosh, Colonel McIntosh, and Major McIntosh, together with other Scotch gentlemen."

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Brought thus face to face with their very pressing danger, all more or less cast about them for some means of escape. Several desperate attempts were made to break prison. Thus on the 14th March, 1717, it was discovered that several had tried to get out by breaking through the press-yard wall, "from which they were to be let down by a rope, instead of being tucked up by one at Tyburn." For this several were placed in irons.

Some time later Mr. Forster got clean away, as did Brigadier Macintosh and eight others. Mr. George Budden, formerly an upholsterer near Fleet Bridge, also effected his escape; and last, but not least, Mr. Charles Radcliffe, Lord Derwentwater's brother. After Mr. Forster's escape the Government took greater precautions, and a lieutenant with thirty men of the Foot Guards was ordered to do constant duty at Newgate. Mr. Pitt, the keeper, was strongly suspected of collusion, and was attached on a charge of high treason, being after arrested committed to the custody of one Wilcox, a messenger, "who used him in a barbarous manner, contrary, no doubt, to the instruction of the noble lord that issued the warrant for his confinement." The city authorities, no doubt exercised at the insecurity of their gaol, also roused themselves "to look better after their prison of Newgate," and instead of leaving Mr. Rouse chief turnkey in charge of the whole place, specially appointed Mr. Carleton Smith, an officer of the lord mayor's, and with him Mr. Russell, to take care of the rebels in the press-yard. These new officials "performed their part so well," it is said, "by examining all the visitors, debarring entrance to all riding-hoods, cloaks, and arms, and by sitting up all night in the prison, each in his turn, that not one man escaped from thence during their time."

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The new keepers appear to have stirred up much animosity from their punctual discharge of their duties. Mr. Russell, we read, shortly after his appointment was very much abused and threatened by Captain Silk and some of the rebels, who surrounded him in the press-yard, but he made his retreat without any harm. There must have been some in the reigning monarch's service with secret sympathies for the Pretender; for it is recorded, May 14th, that "an officer of the guards with two others conversed with the rebels all day." They were, moreover, humorous and abusive to the new keepers because of their care in looking after their prisoners; whereof Messrs. Carleton Smith and Russell complained to the lord mayor, who thereupon ordered that no officer should be permitted to visit the prisoners without the express permission of the Secretary of State; and next day it is stated the officer in fault was "submissive and sorry for his offence." This was not the first offence of the kind. A few days previous to this the officer of the guard went in, contrary to custom, with his sword on, to see the prisoners. He continued with them for some hours, and whether heated with wine or otherwise, beat one of the turnkeys as he brought in a rebel from trial. This officer was placed in arrest, and another mounted guard in his place, who "prevented the drunkenness and other irregularities of the soldiers which might have given the prisoners an opportunity to escape."

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Matters were not too comfortable for the military guard. The men at the gate were liable to insults as on the 19th May, when they were reviled by a Tory constable. They were also exposed to efforts to wean them from their allegiance. One day Mr. Carleton Smith detected a prisoner, Isaac Dalton, [\[140:1\]](#) in durance for libel, endeavouring to corrupt the sentinels by giving them money to drink the Pretender's health. "But he missed his aim." The soldiers heartily drank to King George in wine supplied by Mr. Smith, and declared they would oppose the Pretender to the last drop of their blood. All the guards were not equally loyal, however. On another occasion the soldiers of the guard "had the impudence to sing Captain Silk's dearly beloved tune, 'The king shall have his own again,' for which their officer, Captain Reeve, a very loyal gentleman, threatened them with imprisonment."

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The peril of the prisoners bred a certain reckless turbulence among them. On the 29th May a mob collected in great numbers outside, carrying oaken boughs on pretence of commemorating the restoration. The guard was reinforced, lest the mob should attempt to break open the gaol. Inside the rebels were very noisy, and insulted their keepers; "but they were soon put out of a capacity of doing much harm, for by way of precaution they were all locked up before ten o'clock." This hour of early closing was continued, and greatly resented by them. A few days later they made a great disturbance at the sound of a bell set up by order of the lord mayor to ring them to their apartments at the regular hour. They asked for the order. It was read to them, to their manifest dissatisfaction, for it referred the recent escapes to the unaccountable liberty of indulgence permitted them, and insisted that upon the ringing of the bell in question all should betake themselves to their apartments. Ten was the hour of retiring "at farthest;" any infringement of the rule would be followed by the deprivation of all freedom, and double irons for the offenders. Except Captain Silk, however, all acquiesced in the order. He alone, "with his usual impudence, bullied the keeper, and made many unbecoming reflections upon the lord mayor and sheriffs." Nor did insubordination end here. A day or two later the lord mayor's notice, which had been posted up in the various press-yard rooms, was torn down by the rebels in contempt of authority.

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A fresh and more serious riot soon occurred in the streets, on the occasion of the thanksgiving on the anniversary of Preston fight. Several visitors came to the rebels with rue and thyme in their hats and bosoms in contempt of the day; but the new keepers made bold to strip them of their badges and strew the floors with them, "as more worthy to be trodden underfoot than be worn by way of insult on that glorious day." About midnight brickbats were thrown from the neighbouring houses upon the soldiers on guard; and the guard in retaliation fired up at the places whence came the attack. Mr. Carleton Smith whose turn it was to sit up, feared some attempt was being made to break the gaol, and "leaping out to know the occasion of the firing, searched several of the houses; in doing which he was like to have been shot by a ball which came up to the room where he was." But the attachment of the rebels to their cause was not to be checked. It broke out again on the 10th June, the anniversary of the Pretender's birth. "Captain Booth, whose window looked into Phoenix Court, was so insolent as to put out a great bunch of white roses at his window," and several visitors of both sexes came wearing the same rebellious badges. But again the keepers pulled them out and threw them on the floor.

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In all these disturbances Captain Silk was a ringleader. He is continually ready to make a noise. Now he swears revenge upon the keeper for not allowing supper to be carried in to him and his "conrogues" after 10 P. M.; now he incites other prisoners to riot. "They are for the most part very drunk and rude, so that it was with great difficulty that they were got to their rooms by one o'clock in the morning." Next day Captain Silk continues his insolence. He threatens Mr. Smith for refusing to pass in visitors after regulated hours. Again he and his companions are drunk and insolent, and cannot be got to their rooms till the same late hour. A night or two later they crowded about the doors when they were opened, cursing and assaulting the person who rang the night-bell. Captain Silk, as before, encouraged them, and to provoke them further, when the bell sounded cried out, "Get up, ye slaves, and go."

Sadder moments soon supervened. The trials were proceeding, and already the law had condemned several. Among the first to suffer were Colonel Oxborough and Mr. Gascoigne: the latter was offered his pardon on conditions which he rejected, and both began to make great preparations for "their great change." Colonel Oxborough, who lay in the condemned hold, behaved with an astonishing serenity of mind; and when his friends expressed their concern in tears, he gravely rebuked them, showing an easiness very unaccustomed in the bravest minds under such a sentence. Next an order of the court came down for the execution of twenty-four more who had been condemned, and "universal sorrow" prevailed in the gaol. Parson Paul, [\[144:1\]](#) one of the number, was "so dejected he could not eat;" most of the other prisoners retired to their apartments to vent their grief, and a vast number of their friends in tears came to condole with them. After this all were busy with petitions to the court. Some were immediately successful. Handsome young Archibald Bolair was discharged, "at which Lady Faulconbridge, his supposed benefactress, went out with a smiling countenance." Next night he returned in his kilt to visit his friends, but was denied entrance. That same midnight there were great shouts of joy in the prison: a reprieve had come down for all but Parson Paul and Justice Hall, [\[144:2\]](#) both of whom were led next day to Tyburn. Neither would admit the ministrations of the ordinary, to whom they "behaved rudely," and they were attended at the place of execution by priests of their own stamp in a lay habit. The condemned were hardened to the highest degree, says their implacable opponent, and gave free vent to their treason in seditious speeches at the gallows.

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Great consternation prevailed after these executions. It was greatly increased by the known displeasure of the Government at the demeanour of some of the condemned at Tyburn. But the king (George I) was now gone on a visit to Hanover; and the Prince of Wales, as regent, was pleased to put an end to the further effusion of blood. Rumours of an Act of Indemnity were spread abroad, and abundance of visitors came to congratulate the prisoners on their approaching release. But the happy day being still postponed, the Jacobites became turbulent once more; Mr. Pitt, the old governor, who had been tried for neglect in allowing Mr. Forster and others to escape, had been acquitted, upon which the lord mayor and sheriffs recalled Messrs. Carleton Smith and Russell. The latter delivered up their charge, "having performed it so well that not one prisoner had escaped." But Mr. Pitt was again unfortunate; and suffering another man (Flint) to escape, the court of aldermen resolved to reinstate Smith and Russell. This gave great dudgeon to the rebels in the press-yard, who soon proved very refractory, refusing to be locked up at the proper time. Then they made bitter reflections on the advice given to the new keepers in the *Flying Post*, a Whiggish organ, who were, as the author of the "Secret History" observes sarcastically, "so inhuman, that they would let none of the rebels make their escape, either in the habits of women, footmen, or parsons." It was difficult for the keepers not to give cause of offence. Their prisoners were angry with them because they would not sit down and drink with them, as did their former keepers, even upon the bribe offered when the indemnity loomed large, of swallowing a bumper to King George. Captain Silk was troublesome as ever. One Sunday he cursed and swore prodigiously because the doors had been shut during divine service, and his roaring companions could not have access to him. Another time the prisoners insulted the keepers, asking them why they carried arms? The Jacobites declared they could not endure the sight since the battle of Preston.

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Another prisoner added greatly to the trials of the keepers about this period. This was Mr. Freeman, who was committed for firing a pistol in the playhouse when the prince was present. Freeman was continually intoxicated when in gaol. He was also very mischievous, and kept a burning candle by him the greater part of the night, to the danger of the prison, especially when in his mad freaks. "He is a lusty, strong, raw-boned man, has a stern, dogged look, is of an obstinate temper when vexed, but fawning and treacherous when pleased." In a day of two

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Freeman showed the cloven foot. He flew into a violent passion, and beat one of the female servants of the prison, shutting the door against the keepers, after he had wounded one of them with a fork which he held in one hand, having a knife and pistol in the other. He was overpowered, and carried to the condemned hold, where he was put in irons. His villainous designs there appeared by his setting his handkerchief alight, and concealing it in his hat near his bed, and it was suspected that he wished to set the gaol on fire, so that the prisoners might have the opportunity to escape. A day later Mr. Freeman "regretted that he had not murdered his keeper in the last scuffle;" and the same day Mr. Menzies and Mr. Nairn did honestly tell the keepers that the prisoners meant to injure them, Freeman's disturbance having been raised "chiefly to that end, and that the female servant he only pretended to assault, so as to make her cry out murder before she was in the least hurt."

Royal clemency was still delayed, and the advancing summer of 1717 was intensely hot. The close confinement of so many persons in a limited space began to tell seriously on the prisoners. A spotted fever, which had before shown itself with evil effects, reappeared. It had proved fatal to Mr. Pitcairn the previous August, and in the winter Mr. Butler had died of the same. Now it carried off Mr. Kellet, Sir Francis Anderson's man. Mr. Thornton was also attacked, but through the care of his doctors recovered. The following month Mr. David Drummond died, and Mr. Ratcliffe was indisposed. It was generally feared that the distemper would become contagious; whereupon some of the principal inmates, among them Mr. Ratcliffe, the two Mr. Widdingtons, Mr. Murray, and Mr. Seaton, "who is styled by them the Earl of Dumferline," petitioned the prince regent and Council for enlargement to more commodious prisons. The king's physicians were accordingly despatched to the prison to inquire into its sanitary condition. Their report was that no contagious distemper existed. The matter was therefore ordered to stand until his Majesty's pleasure should be known at his arrival from Hanover. George I soon afterwards returned, and signified his orders for an Act of Grace, which duly passed both Houses of Parliament.

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The news of an amnesty was joyfully received in the press-yard. One of the first acts of the prisoners so soon to be set free was to get in a poor fiddler, "whom they set to play tunes adapted to their reasonable ballads; . . . but this was so shocking to the keepers that they turned the fiddler out." Next the prisoners had a badger brought in, and baited him with dogs. Other already pardoned rebels came and paid ceremonious visits, such as Mr. Townley, who appeared with much pomp and splendour after his discharge from the Marshalsea. Several clergymen also visited, and a noted common council man, whose friends stood a bowl of punch that night in Captain Silk's room. The State prisoners were soon "very busy in getting new rigging, and sending away their boxes and trunks; so that they looked like so many people removing from their lodgings and houses on quarter-day."

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On July 4th a member of Parliament came to assure Mr. Grierson that the Act of Indemnity would surely pass in a few days. This occasioned great joy. A fortnight later the pardon was promulgated, and all the prisoners remaining were taken to Westminster to plead the Act, "where many were so very ungrateful that they refused to kneel or speak out in asking the king's pardon till they were forced to it."

According to this last-quoted writer, the rebels in Newgate were not of exemplary character. Their daily practice in prison was profane swearing, drunkenness, gluttony, gaming, and lasciviousness. That such was permitted speaks volumes as to the shameful negligence of prison rule in those unsettled times.

There were other rebel prisoners, who do not seem to have benefited by this Act of Grace, and who remained much longer in prison. It is recorded in the *Weekly Journal*, of January 24th, 1727, that George I had pardoned another batch of Jacobites, who had been capitally convicted in the first year of his reign for levying war against him. The pardoned traitors were Robert Stuart, of Appin; Alexander Macdonald, of Glencoe; Grant, of Glenmorrison; Maclimmin, of that Ilk; Mackenzie, of Fairburn; Mackenzie, of Dachmalnack; Chisholm, of Shatglass; Mackenzie, of Ballumakie; MacDougal, of Lorne; and two others, more notable than all the rest, "James, commonly called Lord, Ogilvie," and "Robert Campbell, *alias* Macgregor, commonly called Rob Roy." They had been under durance in London, for it is added that "on Tuesday last they were carried from Newgate to Gravesend, to be put on shipboard for transportation to Barbadoes." Rob Roy marching handcuffed to Lord Ogilvie through the London streets from Newgate to the prison barge at Blackfriars, and thence to Gravesend, is an incident that has escaped the notice of Walter Scott, and all of Rob's biographers. The barge-load of Highland chiefs, and of some thieves, seems, however, to have been pardoned, and allowed to return home.

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Before leaving the press-yard some reference must be made to certain political "suspects" who were lodged therein for terms varying from nineteen to forty years. Their case is remarkable, as being the last instance of the suspension of the Habeas Corpus Act in England, with the full knowledge and sanction of Parliament, and in spite of repeated strongly urged petitions from the prisoners for release. Their names were John Bernardi, Robert Cassilis, Robert Meldrum, Robert Blackburne, and James Chambers. Of these, the first-named, Major Bernardi, has told his own story in a volume penned in Newgate, and "printed by J. Newcomb, in the Strand, for the benefit of the author, 1729." Macaulay is disposed to discredit the version given by Bernardi, although there is a certain air of truthfulness in the prisoner's narrative. Bernardi begins at the beginning. He was of Italian extraction, he tells us. His ancestors had been in the diplomatic service. Count Philip de Bernardi, his grandfather, came to England with a Genoese embassy. Francis Bernardi, son of the former, and father of Major John, was also accredited to Charles II on the restoration,

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but when replaced as resident, being English born, he preferred to live and die in the land of his birth. According to his son, he was a stern parent, ready to award him penal treatment, with imprisonment for trifles, "in a little dark room or dungeon, allowing only bread and small beer when so confined." By and by John ran away from home, and through the favour of Lady Fisher was employed as a "listed soldier" in a company at Portsmouth when barely fifteen years of age. A year or two later his godfather, Colonel Anselme, took him to the Low Countries, where by gallant conduct in the wars he gained an ensigncy from the Prince of Orange. At the siege of Maestricht he lost an eye, and was badly wounded in the arm. When scarcely twenty he was promoted to a lieutenancy, and eight years later obtained a company in Colonel Monk's regiment. He was now, by his own account, arrived "at a high pitch of fortune." He was a captain at twenty-seven in an established service, was personally well known to the Prince of Orange (afterwards William III), had married well, and was, with his wife's fortune, in the receipt of "a considerable income."

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James II, on coming to the throne, summoned home all English officers in the service of the States. Among the few who obeyed was Major Bernardi, and he then gave up, as he says, a certainty for an uncertainty. Very soon his former chief, the Prince of Orange, replaced James upon the throne, and Bernardi, unfortunately for himself, thereafter espoused the wrong side. He refused to sign the "association put about by General Kirk," under which all officers bound themselves to stand by William "against all persons whomsoever," and proceeded to France to throw in his lot with the exiled king. When James embarked for Ireland, Bernardi followed in command of a party of newly organized adherents. He was at several of the engagements in that island, and was presently commissioned major. After that he went to the Highlands with Seaforth Mackenzie on a special mission, and on his return had the honour of dining at the same table with King James. A second mission to Scotland followed, after which Bernardi made his way south, and escaping great perils by the way, reached London, meaning, when he had disposed of horses and effects, to cross over to Flanders. At Colchester, however, from which he hoped to reach easily a port of embarkation, he was seized and committed on suspicion, first to the town gaol, then to that of Chelmsford. After being much harassed he at length obtained his release, only to be soon involved in still greater trouble.

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To his great misfortune he now fell in with one Captain Rookwood. It was about the time of the discovery of the assassination plot, of which Major Bernardi declares that he was in absolute ignorance till he heard of it like the rest of the world. He was by chance in the company of Captain Rookwood at a tavern, and was with him arrested on suspicion of being "evil-minded men." While in the Compter Rookwood incautiously revealed his own identity, and was lost. Rookwood seems at the same time to have unintentionally betrayed Bernardi, whose name had, it appears, and in spite of his protestations of perfect innocence, been included in a proclamation. The inference is that the Government was in the possession of certain information that Bernardi was mixed up in the plot.<sup>[153:1]</sup> Both men were carried before the Council, and committed close prisoners to Newgate, "loaded with heavy irons, and put into separate dismal, dark, and stinking apartments." Rookwood was speedily condemned and executed at Tyburn. Bernardi remained in prison without trial, until after Sir John Fenwick had suffered. Then with his fellow prisoners he was taken to the Old Bailey to be bailed out, but at the instance of the Treasury solicitor, who "whispered the judges upon the bench," they were relegated to Newgate, and a special act passed rapidly through the House to keep them for another twelvemonth on the plea of waiting for further evidence against them. A second act was passed prolonging the imprisonment for another year; then a third, to confine them during the king's pleasure. On the death of the king (William III), a fresh act extended the imprisonment during the reign of Queen Anne. During this long lapse of time repeated applications were made to judges, but the release of the prisoners was always bitterly opposed by the law officers. Bernardi's doctors certified that imprisonment was killing him; he was said to suffer from fits and the constant trouble of an old wound. Nevertheless he lived on; and when in his sixty-eighth year he married, in Newgate, a second, "virtuous, kind, and loving wife, who proved a true helpmeet," supporting him by her good management, and keeping his heart from breaking in the "English Bastile." Bernardi had ten children born in Newgate of this second wife. The imprisonment continued through the reigns of George I and II. Frequent petitions were unheeded, and finally Bernardi died in Newgate in 1736, the last survivor, after forty years' incarceration, and aged eighty-two.

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## FOOTNOTES:

- [136:1] "Secret History of the Rebels in Newgate: giving an account of their daily behaviour from their commitment to their gaol delivery." Taken from "the diary of a gentleman in the same prison"—one who was evidently no particular admirer of theirs.
- [137:1] It will be remembered that Mr. Forster's want of generalship lost the battle of Prestonpans.
- [140:1] For this Dalton was convicted and fined fifty marks, with imprisonment for one year, also to find security for three more years.
- [144:1] Parson Paul was the Rev. William Paul, M. A., vicar of Orton-on-the-Hill, in Leicestershire. He met the rebels at Preston, and performed service there, praying for the Pretender as King James the Third. When the royal troops invested Preston, Mr. Paul escaped "in coloured clothes, a long wig, a laced hat, and a sword by his side." He came to London, and was recognized in St. James's Park by a Leicestershire magistrate, who apprehended him, and he was committed to Newgate.
- [144:2] One of the Halls of Otterburn, Northumberland, and a magistrate for the county. He joined the Pretender early, and was one of his most active and staunch supporters.
- [153:1] According to the deposition of Harris, the informer, Bernardi came with Rookwood to London on purpose to meet Barclay, the chief conspirator.

## CHAPTER VI

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### NOTABLE EXECUTIONS

Reasons for legal punishments—Early forms—Capital punishment universal—Methods of inflicting death—Awful cruelties—The English custom—Pressing to death—Abolition of this punishment—Decapitation and strangulation—The guillotine and gallows—Smithfield, St. Giles, Tower Hill, Tyburn—Derivation of Tyburn—An execution in 1662—Fashionable folk attend—George Selwyn—Breakfast party at Newgate—Ribald conduct of the mob at executions—Demeanour of condemned: effrontery, or abject terror—Improper customs long retained—St. Giles's Bowl—Saddler of Bawtry—Smoking at Tyburn—Richard Dove's bequest—The hangman and his office—Resuscitation—Sir William Petty's operation—Tyburn procession continues—Supported by Doctor Johnson—The front of Newgate substituted as the scene of execution.

The universal instinct of self-preservation underlies the whole theory of legal punishments. Society, from the earliest beginnings, has claimed through its rulers to inflict penalties upon those who have broken the laws framed for the protection of all. These penalties have varied greatly in all ages and in all times. They have been based on different principles. Many, especially in ruder and earlier times, have been conceived in a vindictive spirit; others, notably those of Mosaic law, were retaliatory, or aimed at restitution. All, more or less, were intended to deter from crime. The criminal had generally to pay in his person or his goods. He was either subjected to physical pain applied in degrading, often ferociously cruel ways, and endured mutilation, or was branded, tortured, put to death; he was mulcted in fines, deprived of liberty, or adjudged as a slave to indemnify by manual labour those whom he had wronged. Imprisonment as practised in modern times has followed from the last-named class of punishments. Although affecting the individual, and in many of its phases with brutal and reckless disregard for human suffering, it can hardly be styled a purely personal punishment, as will be shown from a closer examination of the various methods of corporeal punishment.

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In sharp contrast with the privations and terrible discomforts of the poorer sort was the wild revelry of the aristocratic prisoners of the press-yard. They had every luxury to be bought with money, freedom alone excepted, and that was often to be compassed by bribing dishonest officials to suffer them to escape.

Taking first the punishments which fell short of death, those most common in England, until comparatively recent times, were branding, mutilation, dismemberment, whipping, and degrading public exposure. Branding was often carried out with circumstances of atrocious barbarity. Vagabonds were marked with the letter V, idlers and masterless men with the letter S, betokening a condemnation to slavery; any church brawler lost his ears, and for a second offence might be branded with the letter F, as a "fraymaker" and fighter. Sometimes the penalty was to bore a hole of the compass of an inch through the gristle of the right ear. Branding was the commutation of a capital sentence on clerk convicts, or persons allowed benefit of clergy, and it was inflicted upon the brawn of the left thumb, the letter M being used in murder cases, the letter T in others. In the reign of William and Mary, when the privilege of benefit of clergy was found to be greatly abused, an act was passed, by which the culprit was branded or "burnt in the most visible part of the left cheek nearest the nose."

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Mutilation was an ancient Saxon punishment, no doubt perpetuating the Mosaic law of retaliation which claimed an eye for an eye, a tooth for a tooth, a limb for a limb. William the Conqueror adopted it in his penal code. It was long put in force against those who broke the forestry laws, coiners, thieves, and such as failed to prove their innocence by ordeal. Although almost abandoned by the end of the sixteenth century, the penalty of mutilation, extending to the loss of the right hand, still continued to be punishment for murder and bloodshed within the limits of a royal residence. The most elaborate ceremonial was observed. All the hierarchy of court officials attended; there was the sergeant of the wood-yard, the master cook to hand the dressing-knife, the sergeant of the poultry, the yeoman of the scullery with a fire of coals, the sergeant farrier, who heated and delivered the searing irons, which were applied by the chief surgeon after the dismemberment had been effected. Vinegar, basin, and cloths were handed to the operator by the groom of the salcery, the sergeant of the ewry, and the yeoman of the chandrey. "After the hand had been struck off and the stump seared, the sergeant of the pantry offered bread, and the sergeant of the cellar a pot of red wine, of which the sufferer was to partake with what appetite he might." Readers of Sir Walter Scott will remember how Nigel Olifaunt, in the "Fortunes of Nigel," was threatened with the loss of his hand for having committed a breach of privilege in the palace of Greenwich and its precincts. Pistols are found on his person when he accidentally meets and accosts James I. For the offence he may be prosecuted, so Sir Mungo Malagrowth complacently informs him, *usque ad mutilationem*, "even to dismemberation."

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The occasion serves the garrulous knight to refer to a recent performance, "a pretty pageant when Stubbs, the Puritan, was sentenced to mutilation for writing and publishing a seditious pamphlet against Elizabeth. With Stubbs, Page, the publisher, also suffered. They lost their right

hands," the wrist being divided by a cleaver driven through the joint by the force of a mallet.

"I remember," says the historian Camden, "being then present, that Stubbs, when his right hand was cut off, plucked off his hat with his left, and said with a loud voice, 'God save the queen.' The multitude standing about was deeply silent, either out of horror of this new and unwonted kind of punishment, or out of commiseration towards the man. . . ." The process of mutilation was at times left to the agonized action of the culprit: as in the brutal case of one Penedo, who in 1570, for counterfeiting the seal of the Court of Queen's Bench, was twice put in the pillory on market-day in Cheapside. The first day one of his ears was to be nailed to the pillory in such a manner that he should be compelled "by his own proper motion" to tear it away; and on the second day he was to lose his other ear in the same cruel fashion. William Prynne, it will be remembered, also lost his ears on the pillory, but at the hands of the executioner. The Earl of Dorset, in giving the sentence of the Star Chamber Court, asked his fellow judges "whether he should burn him in the forehead, or slit him in the nose? . . . I should be loth he should escape with his ears; . . . therefore I would have him branded in the forehead, slit in the nose, and his ears cropt too." Having suffered all this on the pillory, he was again punished three years later, when he lost the remainder of his ears, and was branded with the letters S. L. (seditious libeller) on each cheek. Doctor Bastwick and others were similarly treated. Doctor Bastwick's daughter, Mrs. Poe, after his ears were cut off, called for them, put them in a clean handkerchief, and carried them away with her. Prynne was a voluminous writer, and is said to have produced some two hundred volumes in all. A contemporary, who saw him in the pillory at Cheapside, says that they burned his huge volumes under his nose, which almost suffocated him.

Although mutilations and floggings were frequently carried out at the pillory, that well-known machine was primarily intended as a means of painful and degrading exposure, and not for the infliction of physical torture. The pillory is said to have existed in England before the Norman Conquest, and it probably dates from times much more remote. The *ετηλη* of the Greeks, the pillar on which offenders were publicly exhibited, seems to have been akin to the pillory, just as the *κυρων*, or wooden collar, was the prototype of the French *carcan* or iron circlet which was riveted around the culprit's neck, and attached by a chain to the post or pillory. In England the pillory or "stretch neck" was at first applied only to fraudulent traders, perjurers, forgers, and so forth; but as years passed it came to be more exclusively the punishment of those guilty of infamous crimes, amongst whom were long included rash writers who dared to express their opinions too freely before the days of freedom of the press. Besides Prynne, Leighton, Burton, Warton, and Bastwick, intrepid John Lilburne also suffered, under the Star Chamber decree, which prohibited the printing of any book without a license from the Archbishop of Canterbury, the Bishop of London, or the authorities of the two universities. Daniel Defoe, again, was pilloried in 1703 for his pamphlet, "The Shortest Way with the Dissenters." Defoe gave himself up, and was pilloried first in Cheapside, and afterwards in the Temple. The mob so completely sympathized with him, that they covered him with flowers, drank his health, and sang his "Ode to the Pillory" in chorus. Doctor Shebbeare was pilloried in 1759, for his "Letters to the People of England." But he found a friend in the under-sheriff, Mr. Beardmore, who took him to the place of penitence, in a stage-coach, and allowed a footman in rich livery to hold an umbrella over the doctor's head, as he stood in the pillory. Beardmore was afterwards arraigned for neglect of duty, found guilty, and sentenced to fine and imprisonment.

In 1765, Williams, the publisher, who reprinted Wilkes's *North Briton*, stood in the pillory in Palace Yard for an hour. For the moment he became popular. He arrived in a hackney-coach numbered 45, [\[162:1\]](#) attended by a vast crowd. He was cheered vociferously as he mounted the pillory with a sprig of laurel in each hand; and a gentleman present made a collection of two hundred guineas for him in a purple purse adorned with orange ribbons. In front of the pillory the mob erected a gallows, and hung on it a boot, with other emblems, intended to gibbet the unpopular minister Lord Bute. Williams was conducted from the pillory amid renewed acclamations, and the excitement lasted for some days. Lampoons and caricatures were widely circulated. Several street ballads were also composed, one of which began:

"Ye sons of Wilkes and Liberty,  
Who hate despotic sway,  
The glorious Forty-Five now crowns  
This memorable day.  
And to New Palace Yard let us go, let us go."

Lord Dundonald in 1814 was actually sentenced to the pillory, but the Government shrank from inflicting the punishment upon that much wronged naval hero. The pillory ceased to be a punishment, except for perjury, in 1815, but was not finally abolished until 1837, and as late as 1830 one Doctor Bossy suffered on it for perjury.

The earliest form of pillory was simply a post erected in a cross-road by the lord of the manor, as a mark of his seignury. [\[164:1\]](#) It bore his arms, and on it was a collar, the *carcan* already mentioned, by which culprits were secured. This was in course of time developed, and the pillory became a cross-piece of wood fixed like a sign-board at the top of a pole, and placed upon an elevated platform. In this cross were three holes, one for the head, the other two for the wrists. The cross-piece was in two halves, the upper turning on a hinge to admit the culprit's head and hands, and closed with a padlock when the operation of insertion was completed. A more elaborate affair, capable of accommodating a number of persons, is figured in mediæval woodcuts, but this sort of pillory does not appear to have been very generally used. The curious

observer may still see specimens in England of this well-known instrument of penal discipline: one is preserved in the parish church of Rye, Sussex, another is in the museum at Brighton.

The stocks served like the pillory to hold up offenders to public infamy. The first authentic mention of them is in a statute of Edward III, by which they were to be applied to unruly labourers. Soon after this they were established by law in every village, often near the parish church. They were the punishment for brawling, drunkenness, vagrancy, and all disorderly conduct. Wood-stealers or "hedge-tearers" were set in the stocks, about the year 1584, for a couple of days with the stolen wood in front of them. [165]

The story goes that Cardinal Wolsey, when a young parish priest, was put in the stocks at Lymington by Sir Amyas Poulett, for having "exceeded" at a village feast. The old "Chap" books contain numerous references to the stocks of course. Welch Taffy, "the unfortunate traveller," was put into the stocks for calling a justice of the peace a "boobie;" and "Simple Simon," when he interfered in a butter-woman's quarrel, was adjudged to be drunk and put into the stocks between the two viragoes, who scolded him all the time. The story of Lord Camden is probably well known. When a young barrister he had a desire to try the stocks, and was left in them by an absent-minded friend, for the greater part of the day. The last stocks in London were those of St. Clement's Dane's in Portugal Street, which were removed in 1826, to make way for local improvements. As late as 1860 one John Gambles of Stanningly was sentenced to sit in the stocks for six hours for Sunday gambling, and actually endured his punishment. [165:1] Stocks were last to be seen at Heath near Wakefield, Painswick in Gloucestershire, and other places. In all cases the physical discomfort of the stocks, no less than that of the pillory, was generally aggravated by the rude horse-play of a jeering and actively offensive mob. A reference to the inconvenient attentions of the bystanders at such an exhibition will be found in an old "Chap" book, entitled "The True Trial of the Understanding," in which among other riddles the following is given: [166]

"Promotion lately was bestowed  
Upon a person mean and small:  
Then many persons to him flowed,  
Yet he returned no thanks at all.  
But yet their hands were ready still  
To help him with their kind good-will."

The answer is, a man pelted in the pillory.

Worse sometimes happened, and in several cases death ensued from ill-usage in the pillory. Thus when John Waller, *alias* Trevor, was pilloried in 1732, in Seven Dials, for falsely accusing innocent men, so as to obtain the reward given on the conviction of highwaymen, so great was the indignation of the populace that they pelted him to death. The coroner's inquest returned a verdict of wilful murder, but against persons unknown. In 1763 a man who stood in the pillory at Bow, for an unnatural crime, was killed by the mob. Ann Marrow, who had been guilty of the strange offence of disguising herself as a man, and as such marrying three different women, was sentenced to three months' imprisonment, and exposure on the pillory, at Charing Cross. So great was the resentment of the populace, principally those of the female sex, that they pelted her till they put out both her eyes. [167:1] [167]

No account of the minor physical punishments formerly inflicted would be complete without reference to the methods of coercing ill-conditioned females. These were mostly of the same character as the pillory and stocks. Chief among them was the ducking or cucking-stool, a scourge for scolds, and once as common in every parish as the stocks. Other varieties of it were known under the names of tumbrel, the gumstole, the triback, the trebucket, and the reive. It may be described briefly as consisting of a chair or seat fixed at the end of a long plank, which revolved on a pivot, and by some simple application of leverage upset the occupant of the chair into a pond or stream. Mr. Cole, 1782, describes one which was hung to a beam in the middle of a bridge. The Leominster stool, which is still preserved, is a plank upon a low substantial framework, having the seat at one end, and working like an ordinary seesaw: that at Wooton Bassett was of the tumbrel order, and was a framework on a pair of wheels, with shafts at one end, the stool being at the other. In this, as in the Leicester "scolding cart," and other forms of tumbrels, the culprit was paraded through the town before immersion. The punishment was primarily intended for scolds, shrews, and "curst queens," but it was also applied to female brewers and bakers who brewed bad ale, and sold bad bread. It was inflicted pursuant to sentence in open court, but in some parts the bailiffs had the power within their own jurisdictions, and the right of gallows, tumbrel, and pillory was often claimed by lords of the manor. The greatest antiquity is claimed for this sort of punishment. Bowine declares that it was used by the Saxons, by whom it was called "Cathedra in qua rixosæ mulieres sedentes aquæ demergebantur." No doubt the ducking was often roughly and cruelly carried out. We have in the frontispiece of an old "Chap" book, which relates how "an old woman was drowned in Ratcliffe highway," a pictorial representation of the ceremony of ducking, and it is stated that she met her death by being dipped too often or too long. That the instrument was in general use through the kingdom is proved by numerous entries in ancient records. Thus Lysons, in his "Environs of London," states that at a court of the Manor of Edgware in 1552 the inhabitants were presented for not having a tumbrel and a ducking-stool as laid down by law. In the Leominster town records the bailiff and chamberlains are repeatedly brought up and fined either for not providing "gumstoles" or not properly repairing them, while in the same and other records are numerous statements of bills paid to carpenters for making or mending these instruments. The use of them, [168] [169]



moreover, was continued to very recent times. A woman was ducked under Kingston Bridge in 1745 for scolding. At Manchester, Liverpool, and other Lancashire towns the stool was in use till the commencement of this century. So it was at Scarborough, where the offender was dipped into the water from the end of the old pier. But the latest inflictions seemingly were at Leominster, where in 1809 a woman named Jenny Pipes was paraded and ducked near Kerwater Bridge, while another, Sarah Leeke, was wheeled round the town in 1817, but not ducked, the water being too low.

The ducking-stool was not always an effectual punishment. It appears from the records of the King's Bench that in the year 1681 Mrs. Finch, a notorious scold, who had been thrice ducked for scolding, was a fourth time sentenced for the same offence, and sentenced to be fined and imprisoned. Other measures were occasionally taken which were deemed safer, but which were hardly less cruel. The "branks," or bridle, for gossips and scolds, was often preferred to the ducking-stool, which endangered the health, and, moreover, gave the culprit's tongue free play between each dip.

The branks was a species of iron mask, with a gag so contrived as to enter the mouth and forcibly hold down the unruly member. It consisted of a kind of crown or framework of iron, which was locked upon the head and was armed in front with a gag,—a plate or a sharp-cutting knife or point. Various specimens of this barbarous instrument are still extant in local museums, that in the Ashmolean at Oxford being especially noticeable, as well as that preserved in Doddington Park, Lincolnshire. The branks are said to have been the invention of agents of the Spanish Inquisition, and to have been imported into England from the Low Countries, whither it had travelled from Spain.

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The brutality of the stronger and governing to the weaker and subject sex was not limited to the ducking-stool and branks. It must be remembered with shame in this more humane age that little more than a hundred years ago women were publicly whipped at the whipping-post near the stocks, or at any cart's tail. The fierce statute against vagrants of Henry VIII's and Elizabeth's reign made no distinction of sex, and their ferocious provisions to the effect that offenders "should be stripped naked from the middle upwards, and whipped till the body should be bloody," long continued in force. Men with their wives and children were flogged publicly, and sometimes by the order of the clergyman of the parish. Girls of twelve and thirteen, aged women of sixty, all suffered alike; women "distracted," in other words out of their minds, were arrested and lashed; so were those that had the smallpox, and all who walked about the country and begged. On the first introduction of the treadmill in the early decades of the last century, its use was not restricted to males, and women were often made to suffer this punishment. Whipping females was not abolished till 1817. The constable's charge for whipping was fourpence, but the sum was increased latterly to a shilling. The whipping-post was often erected in combination with the stocks. A couple of iron clasps were fixed to the upright which supported the stocks, to take the culprit's hands and hold him securely while he was being lashed. A modification of this plan has long been used at Newgate for the infliction of corporal punishment, and it may still be seen in the old ward at the back of the middle yard.

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Ferocious as were most of the methods I have detailed of dealing with offenders against the law, they generally, except by accident, fell short of death. Yet were there innumerable cases in those uncompromising and unenlightened ages in which death alone would be deemed equal to the offences. Rulers might be excused, perhaps, if they were satisfied with nothing less than a criminal's blood.

As Maine says, "The punishment of death is a necessity of society in certain stages of the civilizing process. There is a time when an attempt to dispense with it balks two of the great instincts which lie at the root of all penal law. Without it the community neither feels that it is sufficiently revenged on the criminal, nor thinks that the example of his punishment is adequate to deter others from imitating him." Hence all penal legislation in the past included some form of inflicting the death sentence. These have differed in all ages and in all climes: about some there was a brutal simplicity; others have been marked by great inventiveness, great ingenuity, much refinement of cruelty. Offenders have been stoned, beaten, starved to death; they have been flayed alive, buried alive, cast headlong from heights, torn to pieces by wild animals, broken on the wheel, crucified, impaled, burnt, boiled, beheaded, strangled, drowned. They have been killed outright or by inches, enduring horrible agonies; [\[172:1\]](#) after death their bodies have been dismembered and disembowelled, as a mark of degradation. Irresponsible tyrants went further than lawgivers in devising pains. The Sultan Mechmed cut men in the middle, through the diaphragm, thus causing them to die two deaths at once. It is told of Cræsus that he caused a person who had offended him to be scratched to death by a friller's carding-combs. What the Vaivod of Transylvania did to the Polish leader, George Jechel, may be read in the pages of Montaigne. The frightful barbarity to which he and his followers were subjected need not be repeated here.

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The tender mercies of continental nations towards criminals may be realized by a reference to one or two of their contrivances for the infliction of death. The Iron Coffin of Lissa, for example, wherein the convicted person lay for days awaiting death from the fell pressure of the heavily weighted lid, which slid down slowly, almost imperceptibly, upon his helpless frame; or the Virgin of Baden Baden, the brazen statue whose kiss meant death with frightful tortures, the unhappy culprit being commanded to prostrate himself and kiss the statue, but as he raised his lips a trap-door opened at his feet, and he fell through on to a spiked wheel, which was set in motion by his fall. There was the *chambre à crucer*, a short hollow chest lined with sharp stones, in which the

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victim was packed and buried alive; or the "bernicles," a mattress which clutched the sufferer tight, while his legs were broken by heavy logs of wood; or the long lingering death in the iron cages of Louis XI, the occupant of which could neither sit, stand, nor lie down. Again, the devilish tortures inflicted upon the murderers Ravailac and Damiens caused a shudder throughout Europe. Ravailac was burnt piecemeal, flesh was torn from him by red-hot pincers, scalding oil and molten lead were poured upon his bleeding wounds, he was drawn and dismembered by horses while still alive, and only received his *coup de grace* from the sticks and knives of the hellish bystanders, who rushed in to finish more savagely what the executioner had been unable to complete. As for Damiens, the process followed was identical, but the details preserved of an event nearer our own time are more precise and revolting. He was fastened down upon a platform by iron gyves, one across his breast, the other just above his thighs; his right hand was then burnt with brimstone, he was pinched with red-hot pincers, after which boiling oil, molten wax, rosin, and lead were poured upon his wounds. His limbs were next tightly tied with cords, a long and protracted operation, during which he must have suffered renewed and exquisite torture; four stout, young, and vigorous horses were attached to the cords, and an attempt made to tear his limbs asunder, but only with the result of "extending his joints to a prodigious length," and it was necessary to second the efforts of the horses by cutting the principal sinews of the sufferer. Soon after this the victim expired. Then his body was burnt and the ashes scattered to the winds.

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In this country the simpler forms of executions have generally obtained. The stake was no doubt in frequent use at certain periods for particular offences, but the axe and the rope were long the most common instruments of despatch. Death was otherwise inflicted, however. Drowning is mentioned by Stowe as the fate of pirates, and a horrible method of carrying out capital punishment remained in force until 1772. Pressing to death, or the *peine forte et dure*, was a development of the ancient prison *forte et dure*, the punishment of those who refused "to stand to the law;" in other words, stood mute, and refused to plead to a charge. Until the reign of Henry IV such persons were condemned to penance and perpetual imprisonment, but the penance meant confinement in a narrow cell and absolute starvation. Some evaded the dread consequences, and therefore a more awful form of torture was introduced with the object of compelling the silent to speak. An accused person who persistently stood mute was solemnly warned three times of the penalty that waited on his obstinacy, and given a few hours for consideration. If the prisoner continued contumacious, the following sentence was passed upon him, or her:

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"That you be taken back to the prison whence you came to a low dungeon, into which no light can enter; that you be laid on your back on the bare floor with a cloth round your loins, but elsewhere naked; that there be set upon your body a weight of iron as great as you can bear—and greater; that you have no sustenance, save on the first day three morsels of the coarsest bread, on the second day three draughts of stagnant water from the pool nearest the prison door, on the third day again three morsels of bread as before, and such bread and such water alternately from day to day till you die."

The press was a form of torture with this difference that, when once applied, there was seldom any escape from it. The practice of tying the thumbs with whipcord was another form of torture inflicted to oblige an accused person to plead, and in force as late as the reign of Queen Anne.

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Regarding the *peine forte et dure* Holinshed says, that when accused felons stood mute of malice on arraignment they were pressed to death "by heavy weights laid upon a board that lieth over their breasts and a sharp stone under their backs, and these commonly hold their peace thereby to save their goods unto their wives and children, which if they were condemned should be confiscated to the prince." There are continual references to the *peine forte et dure* in the legal records throughout the fifteenth to the seventeenth centuries. In 1605 Walter Calverly, Esq., of Calverly in Yorkshire, who was arraigned for the murder of his wife and two children, stood mute, and was pressed to death in York Castle. Another notable instance of the application of this fearful punishment was in the case of Major Strangways, who was arraigned in February, 1657-58, for the murder of his brother-in-law Mr. Fussell. He refused to plead unless he was assured that if condemned he might be shot as his brother-in-law had been. In addition he said that he wished to preserve his estate from confiscation. Chief Justice Glyn reasoned with him at length, but could not alter his decision, and he was duly sentenced to the *peine forte et dure*. The sentence ran that he was to be put into a mean room where no light could enter, and where he was to be laid upon his back with his body bare; his legs and arms were to be stretched out with cords, and then iron and stone were to be laid upon him "as much as he could bear—and more;" his food the first day was to be three morsels of barley bread, and on the second day he was "to drink thrice of water in the channel next to the prison, but no spring or fountain water—and this shall be his punishment till he dies."

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Strangways suffered in Newgate. He was attended to the last by five pious divines, and spent much of his time in prayer. On the day of execution he appeared all in white "waistcoat, stockings, drawers, and cap, over which was cast a long mourning-cloak," and so was "guarded down to a dungeon in the press-yard, the dismal place of execution." On his giving the appointed signal, "his mournful attendants performed their dreadful task. They soon perceived that the weight they laid on was not sufficient to put him suddenly out of pain, so several of them added their own weight, that they might sooner release his soul." He endured great agonies. His groans were "loud and doleful," and it was eight or ten minutes before he died. After death his body was exposed to view, and it was seen that an angle of the press had been purposely placed over his

heart, so that he might the sooner be deprived of life, "though he was denied what is usual in these cases, to have a sharp piece of timber under his back to hasten execution."

In 1721, Nathaniel Hawes, who had come to be what we should to-day call an habitual criminal, and who had been frequently in Newgate, took to the road. After various successful adventures, he stopped a gentleman on Finchley Common, who was more than his match and made him prisoner. He was conveyed to London and committed to Newgate. When brought to the bar of the Old Bailey he refused to plead, giving as his reason that he meant to die as he had lived, like a gentleman. When he was seized, he said he had on a fine suit of clothes, which he intended to have gone to the gallows in, but they had been taken from him. "Unless they are returned, I will not plead," he went on, "for no one shall say that I was hanged in a dirty shirt and a ragged coat." He was warned what would be the consequences of his contempt of the law, but he obstinately persevered, and was accordingly sentenced to the press. He bore a weight of 250 pounds for about seven minutes, and then gave in, being unable any longer to bear the pain. On return to court he pleaded "Not guilty," but was convicted and sentenced to death.

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Two years later, William Spiggot and Thomas Phillips, arraigned for highway robbery, refused to plead, and were also sentenced to the press. Phillips, on coming into the press-yard, was affrighted by the apparatus, and begged that he might be taken back to court to plead, "a favour that was granted him; it might have been denied him." Spiggot, however, remained obdurate, and was put under the press, where he continued half an hour with a weight to the amount of 350 pounds on his body; "but, on addition of the fifty pounds more, he likewise begged to plead." Both were then convicted and hanged in the ordinary course of law.

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*Central Criminal Court at the Old Bailey, London*

From an old engraving representing a session at the Old Bailey, the principal criminal court in all England, which has been the scene of many sensational and historic trials and is connected with history of London from the earliest times.

Again, Edward Burnworth, the captain of a gang of murderers and robbers which rose into notoriety on the downfall of Wild, was sentenced to the press at Kingston in 1726, by Lord Chief Justice Raymond and Judge Denton. He bore the weight of 1 cwt. 3 qrs. 2 lbs. on his breast for the space of an hour and three minutes, during which time the high sheriff who attended him used every argument to induce him to plead, but in vain. Burnworth, all the time, was trying to kill himself by striking his head against the floor. At last he was prevailed on to promise to plead, was brought back to court, and duly sentenced to death.

The last instance in which the press was inflicted was at Kilkenny in Ireland. A man named Matthew Ryan stood mute at his trial for highway robbery, and was adjudged by the jury to be guilty of "wilful and affected dumbness and lunacy." He was given some days' grace, but still remaining dumb, he was pressed to death in the public market of Kilkenny. As the weights were put upon him the wretched man broke silence and implored that he might be hanged, but the sheriff could not grant his request.

In 1731 a new press was made and fixed in the press-yard, for the punishment of a highwayman named Cook, but it was not used. At length, in 1772, the law on this head was altered and judgment was awarded against mutes as though convicted or they had confessed. In 1778 one so suffered at the Old Bailey. Finally, it was provided that the court should enter a plea of "Not guilty" when the prisoner refused to plead.

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The principal forms of capital punishment, however, as the derivation of the expression implies, have dealt with the head as the most vulnerable part of the body. Death has been and still is most generally inflicted by decapitation and strangulation. The former, except in France, where it came to be universal, was the most aristocratic method; the latter was long applied only

to criminals of the baser sort. Until the invention of the guillotine, culprits were beheaded by sword or axe, and were often cruelly mangled by a bungling executioner. It is asserted by the historian that the executioner pursued the Countess of Salisbury about the scaffold, aiming repeated blows at her, before he succeeded in striking off her head. This uncertainty in result was only ended by the ingenious invention of Doctor Guillotin, the prototype of which existed in the time of the Scotch "Maiden." The regent Morton, who introduced this instrument into Scotland, and who himself suffered by it, is said to have patterned it after the Halifax Gibbet.

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[\[181:1\]](#) Guillotin's machine was not altogether original, but it owed more to the Italian "Mannaia" than to the "Maiden." Nor, according to Sanson, the French headsman, was he the actual inventor of the notorious instrument guillotine, which bears his name. The guillotine was designed by one Schmidt, a German engineer and artificer of musical instruments. Guillotin enthusiastically adopted Schmidt's design, which he strongly recommended in the assembly, declaring that by it a culprit could not suffer, but only feel a slight freshness on the neck. Louis XVI was decapitated by the guillotine, as was the doctor, its sponsor and introducer.

Strangulation, whether applied by the bowstring, cord, handkerchief, or drop, is as old as the hills. It was inflicted by the Greeks as an especially ignominious punishment. The "sus per coll." was not unknown in the penal law of the Romans, who were in the habit also of exposing the dead convict upon the gibbet, "as a comfortable sight to his friends and relations."

In London various places have been used for the scene of execution. The spot where a murder had been committed was often appropriately selected as the place of retribution. Execution Dock was reserved for pirates and sea-robbers, Tower Hill for persons of rank who were beheaded. Gallows for meaner malefactors were sometimes erected on the latter place, the right to do so being claimed by the city. In the reign of Edward IV, however, there was a conflict of authority between the king and the Corporation on this point. The king's officer set up a scaffold and gallows on Tower Hill, whereupon the mayor and his brethren complained to the king, who replied, that he had not acted in derogation of the city liberties, and caused public proclamation to be made that the city exercised certain rights on Tower Hill. Executions also took place, according to Pennant, at the Standard in Chepe. Three men were beheaded there for rescuing a prisoner, and in 1351 two fishmongers for some unknown crime. Smithfield had long the dismal honour of witnessing the death-throes of offenders. Between Hozier and Cow Lanes was anciently a large pool called Smithfield Pond or Horse Pool, "from the watering of horses there;" to the southwest lay St. John's Court, and close to it the public gallows on the town green. There was a clump of trees in the centre of the green, elms, from which the place of execution was long euphemistically called "The Elms." It was used as such early in the thirteenth century, and distinguished persons, William Fitzosbert, Mortimer, and Sir William Wallace suffered here.

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About 1413 the gibbet was removed from Smithfield and put up at the north end of a garden wall belonging to St. Giles's Leper Hospital, "opposite the Pound where the Crown Tavern is at present situate, between the end of St. Giles High Street and Hog Lane." But Smithfield must have been still used after the transfer of the gallows to St. Giles. In 1580 another conflict of jurisdiction, this time between the city and the Lieutenant of the Tower. A gibbet was erected in that year in East Smithfield, at Hog Lane, for the execution of one R. Dod, who had murdered a woman in those parts. "But when the sheriff brought the malefactor there to be hanged Sir Owen Hopton, the Lieutenant of the Tower, commanded the sheriff's officers back again to the west side of a cross that stood there," and which probably marked the extent of the liberties of the Tower. Discussion followed. The sheriffs with their prisoner accompanied the lieutenant into a house to talk it over, "whence after a good stay they all departed." The city gave way—the gibbet was taken down, and the malefactor carried to Tyburn in the same afternoon, where he was executed.

The gallows were no doubt all ready for the business, for Tyburn had been used for executions as long as Smithfield. There were elms also at Tyburn, hence a not uncommon confusion between the two places of execution. Tyebourne has been ingeniously derived from the two words "Tye" and "bourne," the last a bourne or resting-place for prisoners who were taken bound. Pennant gives the derivation "Tye," the name of a brook or "bourne" which flowed through it.

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In Loftie's "History of London" he points out that the Tyburn of earliest times was a bleak heath situated at the end of the Marylebone Lane as we know it, and which, as it approached the town, had two branches. He suggests that the brook or "bourne" also divided into two, hence the name "Teo Burne," or two streams. Mr. Waller gives the same derivation, and in one of the earliest mentions of the Tyburn, an ancient charter at Westminster, dated 951, it is called Teoburne.

There were many Tyburns, however, and as in London the gallows were moved farther and farther westward of the building of houses, so the name of Tyburn travelled from Marylebone Lane to Edgeware Road. As time passed on it came to be the generic name for all places of execution, and was used at York, Liverpool, Dublin, and elsewhere. Tyburn was a kind of Golgotha, a place of infamy and disgrace. When Colonel Blood seized the Duke of Ormond in St. James's Street it was with the avowed intention of carrying him to Tyburn, there to be hanged like a common criminal.

The exact position of the Tyburn gallows has been a matter of some controversy. Mr. Robins places the Elms Lane as the first turning to the right in the Uxbridge Road after getting into it from the Grand Junction Road opposite the Serpentine. In Smith's "History of Marylebone," he states that the gallows stood on a small eminence at the corner of the Edgeware Road near the

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turnpike. Other authorities fix the place in Connaught Square; because in a lease of one of the houses, No. 49, granted by the Bishop of London, the fact that the gallows once stood on the site is expressly mentioned in the parchment. It was commonly reported that many human bones were exhumed between Nos. 6 and 12, Connaught Place, as well as in the garden of Arklow House, which stands at the southwest angle of the Edgeware Road. But Mr. Loftie states as a matter of fact that no such discovery was ever made. A careful but fruitless search at the time Connaught Place was built produced a single bone, probably part of a human jaw-bone, but nothing more. As to Arklow House, the report is distinctly denied by the owner himself. It is, however, pretty certain that at a later date the gallows were kept at a house at the corner of Upper Bryanston Street and the Edgeware Road, in front of which they were erected when required.

A detailed account has been preserved of the execution of Colonel John Turner in 1662, which presents a strange picture of the way in which the extreme penalty of the law was carried out in those days. The scene of the execution was not Tyburn but a place in Leadenhall Street at Lime Street end, a spot near the place where the deed for which Turner suffered was perpetrated. An immense crowd had gathered, as usual, to witness the convict's death. Pepys was there of course, as he tells us; "and after sending my wife to my Aunt Wright's, to get a place to see Turner hanged, I to Change." On his way he met people flocking to the place of execution, and mingling with the crowd, somewhere about St. Mary Axe, "got to stand upon the wheel of a cart for a shilling in great pain above an hour before the execution was done: he delaying the time by long discourses and prayers one after another in hopes of a reprieve, but none came."

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Turner was drawn in a cart from Newgate at eleven in the morning, accompanied by the ordinary and another minister with the sheriffs, keeper of the gaol, and other officials in attendance. On coming to the gibbet he called the executioner to him, and presented him with money in lieu of his clothes, which his friends desired to keep. Then standing in the cart, he addressed the crowd with great prolixity. He dwelt on the cardinal sins; he gave a circumstantial account of his birth, parentage, family history; he detailed his war services as a loyal cavalier, with his promotions and various military rewards. With much proper feeling he sought to lessen the blame attached to his accomplices in the murder, and to exonerate the innocent accused. At intervals in this long discourse he was interrupted now by the sheriffs with broad hints to despatch, now by the ordinary as to the irrelevance and impropriety of such remarks from a man about to die. Again the keeper of Newgate taxed him with other crimes, saying, for example, "Pray, Colonel Turner, do you know nothing of a glass jewel delivered to the Countess of Devonshire in room of another?" or "How about the fire in Lothbury, or the mysterious death of your namesake Turner, who died in your house?"

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The condemned man discoursed at great length upon these various points, and was again and again reminded that it would be better for him to prepare for his approaching end. Still he continued his harangue and took a new departure when he remembered the condition of the condemned hold of Newgate, into which he had been cast after coming from the sessions. This hole, as it was called, he characterizes as "a most fearful, sad, deplorable place. Hell itself in comparison cannot be such a place. There is neither bench, stool nor stick for any person there; they lie like swine upon the ground, one upon another, howling and roaring—it was more terrible to me than this death. I would humbly beg that hole may be provided with some kind of boards, like a court of guard, that a man may lie down upon them in ease; for when they should be best prepared for their ends they are most tormented; they had better take them and hang them as soon as they have their sentence." This aspersion, however, on this part of his gaol the keeper tried to refute by stating that seventeen out of the nineteen poor wretches confined in the hole managed to escape from it.

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But the reprieve for which Turner looked in vain still tarried. He was obliged now to fall to his prayers. These, by the Christian charity of the officials, he was permitted to spin out as long as he pleased. Then he went through the ceremony of distributing alms-money for the poor, money for his wife, to be passed on to his young son's schoolmaster. At last he directed the executioner to take the halter off his shoulders, and afterwards, "taking it in his hands, he kissed it, and put it on his neck himself; then after he had fitted the cap and put it on, he went out of the cart up the ladder." The executioner fastened the noose, and "pulling the rope a little, says Turner, "What, dost thou mean to choke me? Pray, fellow, give me more rope—what a simple fellow is this! How long have you been executioner, that you know not how to put the knot?" At the very last moment, in the midst of some private ejaculations, espying a gentlewoman at a window nigh, he kissed his hand, saying, "Your servant, mistress," and so he was "turned off," as Pepys says of him, "a comely-looking man he was, and kept his countenance to the last. I was sorry to see him. It was believed there were at least twelve or fourteen thousand people in the street."

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There was nothing new in this desire to gloat over the dying agonies of one's fellow creatures. The Roman matron cried "habet," and turned down her thumb when the gladiator despatched his prostrate foe. Great dignitaries and high-born dames have witnessed without a shudder the tortures of an *auto da fé*; to this day it is the fashion for delicately nurtured ladies to flock to the Law Courts, and note the varying emotions, from keenest anguish to most brutal *sang-froid*, of notorious murderers on trial. It is not strange, then, that in uncultivated and comparatively demoralized ages the concourse about the gallows should be great, or the conduct of the spectators riotous, brutal, often heartless in the extreme. There was always a rush to see an execution. The crowd was extraordinary when the sufferers were persons of note or had been concerned in any much-talked-of case. Thus all London turned out to stare at the hanging of

Vratz, Boroski, and Stern, convicted of the murder of Mr. Thynne, of which Count Konigsmark had been acquitted. The execution took place in 1682 on the gallows which had been set up in Pall Mall, the scene of the crime. "Many hundreds of standings were taken up by persons of quality and others." The Duke of Monmouth, one of the most intimate friends of the murdered man, was among the spectators in a balcony close by the gallows, and was the cynosure of every eye, fixing the glance of even one of the convicts, Captain Vratz, who stared at him fixedly till the drop fell.

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The fashion of gazing at these painful exhibitions grew more and more popular. Horace Walpole satirizes the vile practice of thus glorifying criminals. "You cannot conceive," he says to Sir Horace Mann, "the ridiculous rage there is of going to Newgate, the prints that are published of the malefactors, and the memoirs of their lives set forth with as much parade as Marshal Turrene's." George Selwyn, chief among the wits and beaux of his time, was also conspicuous for his craving for such horrid sights. He was characterized by Walpole as a friend whose passion it was to see coffins, corpses, and executions. Judges going on assize wrote to Selwyn, promising him a good place at all the executions which might take place on their circuits. Other friends kept him informed of approaching events, and bespoke a seat for him, or gave full details of the demeanour of those whose sufferings he had not been privileged to see. Thus Henry St. John writes to tell him of the execution of Waistcott, Lord Huntington's butler, for burglary: which he attended, with his brother, at the risk of breaking their necks, "by climbing up an old rotten scaffolding, which I feared would tumble before the cart drove off with the six malefactors." St. John goes on to say that he had a full view of Waistcott, "who went to the gallows with a white cockade in his hat as an emblem of his innocence, and died with some hardness, as appeared through his trial." Another correspondent, Gilly Williams, gives additional particulars. "The dog died game: went in the cart in a blue and white frock . . . and the white cockade. He ate several oranges on his passage, inquired if his hearse was ready, and then, as old Rowe would say, was launched into eternity." Again George Townshend, writing to Selwyn from Scotland of the Jacobites, promises him plenty more entertainment on Tower Hill. The joke went round that Selwyn at the dentist's gave the signal for drawing a tooth by dropping his handkerchief, just as people did to the executioner on the scaffold. He would go anywhere to see men turned off. He was present when Lord Lovat was decapitated, and justified himself by saying that he had made amends in going to the undertaker's to see the head sewn on again. So eager was he to miss no sight worth seeing, that he went purposely to Paris to witness the torture of the unhappy Damiens. "On the day of the execution," Jesse tells us, "he mingled with the crowd in a plain undress suit and bob wig; when a French nobleman, observing the deep interest he took in the scene, and imagining from the plainness of his attire that he must be a person in the humbler ranks of life, resolved that he must infallibly be a hangman. 'Eh bien, monsieur,' he said, 'Etes vous arrivé pour voir ce spectacle?' 'Oui, monsieur.' 'Vous êtes bourreau?' 'Non, monsieur,' replied Selwyn, 'je n'ai pas l'honneur; je ne suis qu'un amateur.'"

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It was in these days, or a little later, when Newgate became the scene of action, that an execution was made the occasion of a small festivity at the prison. The governor gave a breakfast after the ceremony to some thirteen or fourteen people of distinction, and his daughter, a very pretty girl, did the honours of the table. According to her account, few did much justice to the viands: the first call of the inexperienced was for brandy, and the only person with a good appetite for her broiled kidneys, a celebrated dish of hers, was the ordinary. After breakfast was over the whole party adjourned to see the cutting down.

That which was a morbid curiosity among a certain section of the upper classes became a fierce hungry passion with the lower. The scenes upon execution days almost baffle description. Dense crowds thronged the approaches to Newgate and the streets leading to Tyburn or other places of execution. It was a ribald, reckless, brutal mob, violently combative, fighting and struggling for foremost places, fiercely aggressive, distinctly abusive. Spectators often had their limbs broken, their teeth knocked out, sometimes they were crushed to death. Barriers could not always restrain the crowd, and were often borne down and trampled underfoot. All along the route taken by the procession people vented their feelings upon the doomed convicts: cheering a popular criminal to the echo, offering him nose-gays or unlimited drink; railing and storming, on the other hand, at those they hated or, worse still, despised. When Earl Ferrers was hanged in 1760 the concourse was so great that the procession took three hours to travel from Newgate to Tyburn. Lord Ferrers told the sheriff that passing through such a multitude was ten times worse than death itself. The same brutality was carried to the foot of the gallows. The mob surged around the cart conversing with the condemned: now encouraging, now upbraiding, anon making him a target for all manner of missiles, and this even at the last awful moment, when the convict was on his knees wrapped in prayer. A woman named Barbara Spencer was beaten down by a stone when actually in supplication upon her knees. When Jack Sheppard, that most popular but most depraved young criminal, was executed, an incredible number of persons was present. The crowd was unruly enough even before execution, but afterwards it grew perfectly frantic. When the body had hung the appointed time, an undertaker ventured to appear with a hearse to carry it off, but being taken for a surgeon's man about to remove Jack Sheppard to the dissecting-room, he incurred the fierce displeasure of the mob. They demolished the hearse, then fell upon the undertaker, who with difficulty escaped with life. After that they seized the body and carried it off, throwing it from hand to hand, until it was covered with bruises and dirt. It was taken as far as the Barley Mow in Long Acre, where it lay some hours, and until it was discovered that the whole thing was a trick devised by a bailiff in the pay of the surgeons, and that the body had been forcibly taken from a person who really intended to bury it. The mob was now excited to frenzy, and a serious riot followed. The police being quite inadequate to quell it, the military were called

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in, and with the aid of several detachments of Guards the ringleaders were secured. The body was given over to a friend of Sheppard's to bury, the mob dispersed to attend it to St. Martin's Fields, where it was deposited under a guard of soldiers and eventually buried.

While these wild revels were kept up both before and after the execution the demeanour of the doomed partook too often of the general recklessness. The calendars are full of particulars of the manner in which condemned convicts met their fate. Many awaited the extreme penalty and endured it with callous indifference or flippant effrontery. Only now and again did their courage break down at the eleventh hour, and so prove that it was assumed. A few notable examples may be cited as exhibiting their various moods. Paul Lewis, once a lieutenant in the royal navy, but an irreclaimable scoundrel, who took eventually to the road, and was sentenced to death for highway robbery, was boldly unconcerned after sentence. In Newgate he was the leader of the revels: they dubbed him captain, like Macheath; he sat at the head of the table, swore at the parson, and sang obscene songs. It was not until the warrant of execution arrived at the prison, that all bravado evaporated, and he became as abject as he had before appeared hardened. John Rann the highwayman, better known as Sixteen String Jack, had a farewell dinner-party after he was convicted, and while awaiting execution: the company included seven girls; "all were remarkable cheerful, nor was Rann less joyous than his companions." Dick Turpin made elaborate preparations for his execution; purchased a new suit of fustian and a pair of pumps to wear at the gallows, and hired five poor men at ten shillings per head, to follow his cart as mourners, providing them with hat-bands and mourning-bands. Nathaniel Parkhurst, who, when in the Fleet for debtors, murdered a fellow prisoner, demolished a roast fowl at breakfast on the morning of his execution, and drank a pint of liquor with it. Jerry Abershaw was persistently callous from first to last. Returning from court across Kennington Common, he asked his conductors whether that was the spot on which he was to be twisted? His last days in the condemned cell he spent in drawing upon the walls with the juice of black cherries designs of the various robberies he had committed on the road. Abershaw's *sang-froid* did not desert him on the last day. He appeared with his shirt thrown open, a flower in his mouth, and all the way to the gallows carried on an incessant conversation with friends who rode by his side, nodding to others he recognized in the crowd, which was immense. The season was the summer, and on the Sunday following the execution, London was like a deserted city; hundreds of thousands went out to see him hanging in chains.

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Still more awful was the conduct of Hannah Dagoë, a herculean Irish woman, who plied the trade of porter at Covent Garden. In Newgate while under sentence she was most defiant. She was the terror of her fellow prisoners, and actually stabbed a man who had given evidence against her. When the cart was drawn in under the gallows she got her arms loose, seized the executioner, struggled with him, and gave him so violent a blow on the chest that she nearly knocked him down. She dared him to hang her, and tearing off her hat, cloak, and other garments, the hangman's perquisites, distributed them among the crowd in spite of him. After a long struggle he got the rope around her neck. This accomplished, she drew her handkerchief from round her head over her face, and threw herself out of the cart before the signal was given with such violence that she broke her neck and died instantly. Many ancient customs long retained tended to make them more hardened. Chief among these was the offer of strong drink by the way. When the gallows stood at St. Giles it was the rule to offer malefactors about to be hanged a great bowl of ale, "as the last refreshment they were to receive in this life." This drink was long known as the "St. Giles's Bowl." The practice of giving drink was pretty general for years later and in many parts of the country. In Yorkshire at Bawtry, so the story runs, a saddler was on his way to be hanged. The bowl was brought out, but he refused it and went on to his death. Meanwhile his reprieve was actually on the road, and had he lingered to drink time sufficient would have been gained to save him. Hence came the saying that "the saddler of Bawtry was hanged for leaving his ale." Other convicts are mentioned in an uncomplimentary manner because they dared to smoke on their road to the gallows. "Some mad knaves took tobacco all the way as they went to be hanged at Tyburn." This was in 1598, when the use of the weed introduced by Sir Walter Raleigh was still somewhat rare. A hundred years later the misbehaviour was in "impudently calling for sack" and drinking King James's health; after which the convicts affronted the ordinary at the gallows, and refused his assistance.

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There were few who behaved with the decency and self-possession of Lord Ferrers, who went to his shameful death in a suit of white and silver, that, it is said, in which he had been married. He himself provided the white cap to be pulled over his face, and the black silk handkerchief with which his arms were to be bound. His last words were, "Am I right?" and immediately the drop fell. In his case there had been an unseemly wrangle upon the gallows between the executioner and his assistant. Lord Ferrers had given the latter, in mistake for his chief, a fee of five guineas, which the head executioner claimed, and the assistant would not readily surrender. Some were in abject terror till the last act commenced. Thus John Ayliffe, a forger, was in the utmost agonies the night preceding his execution; his agitation producing an intolerable thirst, which he vainly sought to allay by copious draughts of water. Yet his composure quite returned on his road to Tyburn, and he "behaved with decency at the fatal tree." It was just the reverse with Mrs. Meteyard, who with her daughter murdered a parish apprentice. She was in a fit when put into the cart, and she continued insensible all the way to Tyburn. Great efforts were made to restore her, but without avail, and she was in an unconscious state when hanged.

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It may be questioned whether that close attention was paid to the spiritual needs of the condemned which is considered indispensable in these more humane days. No doubt many rejected the offers of the ordinary, refusing to attend chapel, pretending to belong to out-of-the-

way persuasions, and still declining the ministrations of clergymen of any creed; others pretended, like Dean Swift's Tom Clinch, that they went off with a clear conscience and a calm spirit, without prayer-book or psalm. But very probably this indifference to the ordinary and his ghostly counsels arose from a suspicion that he was not very earnest in what he said. The Newgate ordinary, although a sound Protestant, was a father confessor to all criminals. Not the least profitable part of his emoluments came from the sale of his account of the execution of convicts, a species of gaol calendar which he compiled from information the condemned men themselves supplied. That the ordinary attached great value to this production is clear from the petition made by one of them, the Reverend Paul Lorraine, to the House of Commons, that his pamphlet might be exempted from the tax levied upon paper. It is easy to understand that the ordinary might have been better employed than in compiling these accounts, however interesting they may be, as illustrating the crime of the last century. It is also pretty certain that, although, doubtless, blameless and exemplary men, Newgate chaplains were not always over-zealous in the discharge of their sacred office in regard to the condemned. There were many grim jokes among the prisoners themselves as to the value of the parson's preaching. Thus in the Reverend Mr. Cotton's time as ordinary, convicts were said to go out of the world with their ears stuffed full of cotton; and his interpretation of any particular passage in Scripture was said to go in at one ear and out at the other.<sup>[200:1]</sup> Hence the intrusion, which must have seemed to them unwarrantable, of dissenting and other amateur preachers, or well-meaning enthusiasts, who devoted themselves with unremitting vigour to the spiritual consolation of all prisoners who would listen to them. It is impossible to speak otherwise than most approvingly of the single-minded, self-sacrificing devotion of such men as Silas Told, the forerunner of Howard, Mrs. Fry, the Gurneys, and other estimable philanthropists. Nevertheless unseemly polemical wrangles appeared to have been the result of this interference, which was better meant than appreciated by the authorized clerical officer. Doctor Doran, referring to the execution of James Sheppard (Jacobite Sheppard, not Jack), gives an account of a conflict of this kind. "Sheppard's dignity," he says, "was not even ruffled by the renewed combat in the cart of the Newgate chaplain and the nonjuror. Each sought to comfort and confound the culprit according to his way of thinking. Once more the messengers of peace got to fisticuffs, but as they neared Tyburn the nonjuror kicked Paul (the ordinary) out of the cart, and kept by the side of Sheppard till the rope was adjusted. There he boldly, as those Jacobite nonjurors were wont, gave the passive lad absolution for the crime for which he was about to pay the penalty; after which he jumped down to have a better view of the sorry spectacle from the foremost ranks of spectators."

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It was no doubt on account of the insufficiency of the spiritual consolations offered to the condemned that led old Richard Dove, or Dow, to make his endowment for tolling the prisoner's bell. He bequeathed fifty pounds a year for ever, so Stowe tells us, for this philanthropic purpose.

When condemned prisoners were being "drawn to their executions at Tyburn," a man with a bell stood in the churchyard by St. Sepulchre's, by the wall next the street, and so to put them in mind of their death approaching. Later on these verses took the form of exhortation, of which the following is the substance:

"You prisoners that are within, who for wickedness and sin, after many mercies shown you, are now appointed to die to-morrow in the forenoon: give ear and understand that to-morrow morning the greatest bell of St. Sepulchre's shall toll for you, in form and manner of a passing bell, as used to be tolled for those who are at the point of death, to the end that all godly people hearing that bell, and knowing it is for you going to your death, may be stirred up heartily to pray to God to bestow His grace and mercy upon you whilst you live. I beseech you, for Jesus Christ His sake, to keep this night in watching and prayer for the salvation of your own souls, whilst there is yet time and place for mercy; as knowing to-morrow you must appear before the judgment-seat of your Creator, there to give an account of all things done in this life, and to suffer eternal torments for your sins, committed against Him, unless upon your hearty and unfeigned repentance you find mercy, through the merits, death, and passion of your only Mediator and Advocate, Jesus Christ, who now sits at the right hand of God, to make intercession for as many of you as penitently return to Him."

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In times when scaffold and gallows were perpetually crowded, the executioner was a prominent if not exactly a distinguished personage. The office might not be honourable, but it was not without its uses, and the man who filled it was an object of both interest and dread. In some countries the dismal paraphernalia—axe, gibbet, or rack—have been carried by aristocratic families on their arms. The Scotch Dalziels bear sable, a hanged man with his arms extended; a Spanish hidalgo has in his coat armour a ladder with gibbet; and various implements of torture have been borne by German families of distinction.

In France the post of executioner was long hereditary, regularly transmitted from father to son, for many generations, and enjoyed eventually something of the credit vouchsafed to all hereditary offices. With us the law's finisher has never been held in great esteem. He was on a par rather with the Roman *carnifex*, an odious official, who was not suffered to live within the precincts of the city. The only man who would condescend to the work was usually a condemned criminal, pardoned for the very purpose. Derrick, one of the first names mentioned, was sentenced to death, but pardoned by Lord Essex, whom he afterwards executed. Next to him I find that one Bull acted as executioner about 1593. Then came Gregory Brandon, the man who is generally supposed to have decapitated Charles I, and who was commonly addressed by his Christian name only. Through an error Brandon was advanced to the dignity of a squire by Garter, king at arms, and succeeding executioners were generally honoured with the same title.

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Brandon was followed by his son; young Brandon by Squire Dun, who gave place in his turn to John Ketch, the godfather of all modern hangmen. Many of the immediate successors of Brandon above-mentioned were called Gregory. Jack Ketch did not give entire satisfaction. It is recorded in Luttrell that Ketch was dispossessed in favour of Pascal Roose, a butcher, who served only a few months, when Ketch was restored. After Ketch, John Price was the man, a pardoned malefactor, who could not resist temptation, and was himself executed for murder by some one else. Dennis, the hangman at the Lord George Gordon riots, had also been sentenced to death for complicity, but obtained forgiveness on condition that he should string up his former associates.

They did their work roughly, these early practitioners. Sometimes the rope slipped or the drop was insufficient, and the hangman had to add his weight, assisted by that of zealous spectators, to the sufferer's legs to effect strangulation. Now and again the rope broke, and the convict had to be tied up a second time. This happened with Captain Kidd, the notorious pirate, who was perfectly conscious during the time which elapsed before he was again tied up. The friends of another pirate, John Gow, were anxious to put him out of his pain, and pulled his legs so hard, that the rope broke before he was dead, necessitating the repetition of the whole ceremony. Even when the operation had been successfully performed, the hanged man sometimes cheated the gallows.

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There are several well-authenticated cases of resuscitation after hanging, due doubtless to the rude and clumsy plan of killing. To slide off a ladder or drop from a cart might and generally did produce asphyxia, but there was no instantaneous fracture of the vertebral column as in most executions of modern times. The earliest case on record is that of Tiretta de Balsham, whom Henry III pardoned in 1264 because she had survived hanging. As she is said to have been suspended from one morning till sunrise the following day, it is difficult to believe the story, which was probably one of many mediæval impostures. Females, however, appear to have had more such escapes than males. Doctor Ploto gives several instances; one, that of Anne Green, who in 1650 came to when in the hands of the doctors for dissection; another of Mrs. Cope, hanged at Oxford in 1658, who was suspended for an unusually long period, and afterwards let fall violently, yet she recovered, only to be more effectually hanged next day. A third substantiated case was that of half-hanged Maggie Dickson, who was hanged at Edinburgh in 1728, and whom the jolting of the cart in which her body was removed from the gallows recovered. The jolting was considered so infallible a recipe for bringing to, that it was generally practised by an executed man's friends in Ireland, where also the friends were in the habit of holding up the convict by his waistband after he had dropped, "so that the rope should not press upon his throat," the sheriff philanthropically pretending not to see.

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Sir William Petty, the eminent surgeon in Queen Anne's time, owed his scientific fame to his having resuscitated a woman who had been hanged. The body had been begged, as was the custom, for the anatomical lecture; Petty finding symptoms of life, bled her, put her to bed with another woman, and gave her spirits and other restoratives. She recovered, whereupon the students subscribed to endow her with a small portion, and she soon after married and lived for fifteen years. The case of half-hanged Smith was about the date 1705. He was reprieved, but the reprieve arrived after he had been strung up; he was taken down, bled, and brought to. Smith afterwards described his sensations minutely. The weight of his body when he first dropped caused him great pain; his "spirits" forced their way up to his head and seemed to go out at his eyes with a great blaze of light, and then all pain left him. But on his resuscitation the blood and "spirits" forcing themselves into their proper channels gave him such intolerable suffering "that he could have wished those hanged who cut him down." William Duell, hanged in 1740, was carried to Surgeon's Hall, to be anatomized; but as his body was being laid out, one of the servants who was washing him perceived that he was still alive. A surgeon bled him, and in two hours he was able to sit up in his chair. Later in the evening he was sent back to Newgate, and his sentence changed to transportation. In 1767, a man who had hanged for twenty-eight minutes was operated on by a surgeon, who made an incision into the windpipe. In less than six hours the hanged man revived. It became a constant practice for a condemned man's friends to carry off the body directly it was cut down to the nearest surgeon's, who at once operated on it by bleeding, and so forth. The plan was occasionally, but rarely, successful. It was tried with Doctor Dodd, who was promptly carried to an undertaker's in Tottenham Court Road and placed in a hot bath; but he had been too well hanged for recovery. A report was long current that Fauntleroy the banker, who was executed for forgery, had been resuscitated, but it was quite without foundation.

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The Tyburn procession survived till towards the end of the eighteenth century. It had many supporters, Doctor Johnson among the number. "Sir," he told Boswell, when Tyburn had been discontinued, "executions are intended to draw spectators. If they do not draw spectators they do not answer their purpose. The old method was most satisfactory to all parties: the public was gratified by a procession, the criminal is supported by it. Why is all this to be swept away?" The reason is given by the sheriffs in the year 1784, and it is convincing. In a pamphlet published that year it is set forth that the procession to Tyburn was a hideous mockery on the law; the final scene had lost its terrors; it taught no lesson of morality to the beholders, but tended to the encouragement of vice. The day of execution was deemed a public holiday to which thousands thronged, many to gratify an unaccountable curiosity, more to seize an opportunity for committing fresh crimes. "If we take a view of the supposed solemnity from the time at which the criminal leaves the prison to the last moment of his existence, it will be found to be a period full of the most shocking and disgraceful circumstances. If the only defect were the want of ceremony, the minds of the spectators might be supposed to be left in a state of indifference; but

when they view the meanness of the apparatus, the dirty cart and ragged harness, surrounded by a sordid assemblage of the lowest among the vulgar, their sentiments are inclined more to ridicule than pity. The whole progress is attended with the same effect. Numbers soon thicken into a crowd of followers, and then an indecent levity is heard." The crowd gathered as it went, the levity increased, "till on reaching the fatal tree it became a riotous mob, and their wantonness of speech broke forth in profane jokes, swearing, and blasphemy." The officers of the law were powerless to check the tumult; no attention was paid to the convict's dying speech—"an exhortation to shun a vicious life, addressed to thieves actually engaged in picking pockets." The culprit's prayers were interrupted, his demeanour if resigned was sneered at, and only applauded when he went with brazen effrontery to his death. "Thus," says the pamphlet, "are all the ends of public justice defeated; all the effects of example, the terrors of death, the shame of punishment, are all lost."

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The evils it was hoped might be obviated "were public executions conducted with becoming form and solemnity, if order were preserved and every tendency to disturb it suppressed." Hence the place of execution was changed in 1784 from "Tyburn to the great area that has lately been opened before Newgate." The sheriffs were doubtful of their power to make alterations, and consulted the judges, who gave it as their opinion that it was within the sheriffs' competence. "With this sanction, therefore," the sheriffs go on to say, "we have proceeded, and instead of carting the criminals through the streets to Tyburn, the sentence of death is executed in the front of Newgate, where upwards of five thousand persons may easily assemble; here a temporary scaffold hung with black is erected, and no other persons are permitted to ascend it than the necessary officers of justice, the clergyman, and the criminal, and the crowd is kept at a proper distance. During the whole time of the execution a funeral bell is tolled in Newgate, and the prisoners are kept in the strictest order."

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The horrors of executions were but little diminished by the substitution of the Old Bailey as the scene. Seventy-four years were to elapse before the wisdom of legislators and the good sense of the public insisted that the extreme penalty of the law should be carried out in strictest privacy within the walls of the gaol.

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## FOOTNOTES:

- [162:1] No. 45 of the *North Briton* charged the king with falsehood, and was the basis of the prosecutions; forty-five became in consequence a popular number with the patriots. Tradesmen called their goods "forty-five;" and snuff so styled was sold in Fleet Street for many years. Horne Tooke declares that the Prince of Wales aggravated his august father, when the latter was flogging him, by shouting "Wilkes and forty-five for ever!"
- [164:1] Lords of Leet were obliged to keep up a pillory or tumbrel, on pain of forfeiture of the leet; and villages might also be compelled to provide them.
- [165:1] "Punishments in the Olden Time," by William Andrews, F. R. H. S., to which I am indebted for many of my facts.
- [167:1] This was not an uncommon offence. One Mary Hamilton was married fourteen times to members of her own sex. A more inveterate, but a more natural, bigamist was a man named Miller, who was pilloried, in 1790, for having married thirty different women on purpose to plunder them.
- [172:1] Bernardo Visconti, Duke of Milan, in the 14th century, made a capital punishment, or more exactly the act of killing, last for forty days.
- [181:1] By "Halifax law" any thief who within the precincts of the liberty stole thirteen pence could on conviction before four burghers be sentenced to death. The same law obtained at Hull, hence the particular prayer in the thieves' Litany, which ran as follows: "From Hull, Hell, and Halifax, good Lord, deliver us."
- [200:1] The negligence and perfunctory performance of duty of the ordinary, Mr. Forde, is strongly animadverted upon in the "Report of Commons' Committee in 1814."

## CHAPTER VII

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### REMARKABLE ESCAPES

Escapes from Newgate mostly commonplace—Causes of escapes—Mediæval prison breaking—Scheme of escape in a coffin—Other methods—Changing clothes—Setting fire to prison—Connivance of keepers—Ordinary devices—Quarrying walls, taking up floors, cutting of fetters—Jack Sheppard—His escapes from Newgate—His capture—Special instructions from Secretary of State for his speedy trial and execution—Burnworth's attempt—Joshua Dean—Daniel Malden's two escapes—His personal narrative and account of his recapture—Stratagem and disguise—Female clothing—Mr. Barlow the Jacobite detected in a woman's dress and taken to the Old Bailey—General Forster's escape—Mr. Pitt the governor suspended and suspected of complicity—Brigadier Macintosh and fifteen other Jacobites escape—Some retaken—Mr. Ratcliffe gets away—Again in trouble and executed in 1745.

Escapes from Newgate have been numerous enough, but except in a few cases not particularly remarkable. They miss the extraordinary features of celebrated evasions, such as those of Casanova Von Trenck and Latude. The heroes of Newgate, too, were mostly commonplace criminals. There was but little romance about their misdeeds, and they scarcely excite the sympathy which we cannot deny to victims of tyrannical oppression immured under the Piombi of Venice or in the Bastile. They lacked aptitude, moreover, or perhaps opportunity, to weave their stories into thrilling narratives, such as have been preserved from the pens of more scholarly prisoners. Hence the chronicle of Newgate is somewhat bald and uninteresting as regards escapes. It rings the changes upon conventional stratagems and schemes. All more or less bear testimony to the cunning and adroitness of the prisoners, but all equally prove the keepers' carelessness or cupidity. An escape from prison argues always a want of precaution. This may come of mere neglectfulness, or it may be bought at a price. Against bribery there can be no protection, but long experience has established the watchful supervision, which to-day avails more than bolts and bars and blocks of stone. A prisoner can sooner win through a massive wall than elude a keen-eyed warder's care. Hence in all modern prison construction the old idea of mere solidity has been abandoned, and reliance is placed rather upon the upright intelligence of that which we may term the prison police. The minute inspection of cells and other parts occupied by prisoners; the examination of the prisoners themselves at uncertain times; above all, the intimate acquaintance which those in authority should have of the movements and doings of their charges at all seasons—these are the best safeguards against escapes.

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In early days attempts to break prison were generally rude and imperfect. Now and again a rescue was accomplished by force, at risk, however, of a levée of the citizens in vindication of the law. This was the case in 1439, when Phillip Malpas and Robert Marshall, the sheriffs of London, recovered a prisoner who had been snatched from their officers' hands. Sometimes the escape followed a riotous upheaval of the inmates of Newgate, as when two of the Percies and Lord Egremond were committed to Newgate for an affray in the North Country between them and Lord Salisbury's sons. Soon after their committal these turbulent aristocrats "broke out of prison and went to the king; the other prisoners took to the leads of the gate, and defended it a long while against the sheriffs and all their officers," till eventually the aid of the citizens had to be called in. In 1520 a prisoner who was so weak and ill that he had to be let down out of Newgate in a basket broke through the people in the Sessions Hall, and took sanctuary in Grey Friars Church. The rest of the story, as told by Holinshed, states that after staying six or seven days in the church, before the sheriffs could speak with him, "because he would not abjure (the country) and asked a crowner, they took him hence, with violence, and cast him again into prison, but the law served not to hang him."

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In the "Calendar of State Papers," under date 1593, there is a reference to a more ingenious method of compassing the enlargement of a prisoner. The scheme was to convey a living body out of Newgate in a coffin, instead of the dead one for which it had been prepared. The prisoner was a member of the congregation or secret conventicle, and the coffin had been made by subscription of the whole society, at a cost of four and eightpence. The State Papers give the examination of one Christopher Bowman, a goldsmith, on the subject, but unfortunately gives few details as to the meditated escape. The idea was to write a wrong name on the coffin-lid, and no doubt to trust to a corrupt officer within the prison for the substitution of the bodies. I find another curious but brief reference to escapes in the State Papers about this date. It is the endorsement of "the examination of Robert Bellamy, of the manner of his escape from Newgate, from thence to Scotland, and then over to Hamburgh. His arrest in the Palsgrave's country, and his conveyance to Duke Casimir."

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As time passed the records become fuller, and there is more variety in the operations of the prisoners in their efforts towards freedom. In 1663 a man escaped by his wife changing clothes with him, and got into a hole between two walls in Thomas Court; "but though he had a rug and food, yet the night being wet he wanted beer, and peeping out, he was taken, is brought back prisoner, and will, it is thought, be hanged." Sometimes the prisoners rose against their keepers, and tried to set the prison on fire, hoping to get out during the confusion. This was repeatedly

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tried. In 1615, for instance, and again in 1692, when the prison was actually alight; but the fire was discovered just as certain of the prisoners were in the act of breaking open the prison gates. Sometimes no violence was used, but the prisoner walked off with the connivance of his keeper. This was what occurred with Sir Nicholas Poyntz, who escaped between Newgate and the King's Bench, on the road to the latter prison, to which he was being transferred. The references to this case throw some light upon the interior of Newgate in the year 1623. Poyntz had been arrested for killing a man in a street brawl. He had been committed first to the King's Bench, whence, on pretence of his having excited a mutiny in that prison, he was transferred to Newgate, and lodged in a dungeon without bed or light, and compelled to lie in a coffin. All this he sets forth in a petition to the high and mighty prince, George, Duke of Buckingham, for whose use he paid the sum of £500 to Sir Edward Villiers, and prays that he may have leave to sue out his Habeas Corpus, or have back his money. No notice having been taken of this appeal, he made shift for himself in the manner described. He was soon afterwards retaken, as appears from other petitions from the under-sheriffs, against whom actions had been commenced for allowing the escape.

Another somewhat similar case is reported in 1635, where the deputy keeper of Newgate, Edward James by name, was attached and committed to the Fleet for allowing Edward Lunsford, a prisoner in his custody, to go at large. Lunsford was concerned with Lewis and others in a foul attempt to kill Sir Thomas Pelham, on a Sunday going to church, and committed under an order of the Star Chamber to Newgate, where he lay for a year. His imprisonment was from time to time relaxed by James: first that he might prosecute his suit to a gentlewoman worth £10,000; and afterwards on account of the prosecutions against him in the Star Chamber; ultimately on account of his lameness and sickness James gave him liberty for the recovery of his health, and he was allowed to lodge out of prison, his father being his surety, and promising that he should be produced when required. But he abused his kindness, and instead of showing himself at regular periods to the keeper, made off altogether. All this is stated in a petition from James, who prays for enlargement on bail that he may pursue and recapture Lunsford. "Lunsford is so lame that he can only go in a coach, and though it is reported that he has been at Gravelines and Cologne, yet he had been seen in town within ten days." This petition, which is in the State Papers, is underwritten that the Attorney-General be directed to prosecute the petitioner in the Star Chamber, and upon it are Secretary Windebank's notes; to the effect that James had received a bribe of £14 to allow Lunsford and his companions to go abroad without a warrant, and one of them to escape. Various sentences were proposed. Lord Cottington suggested that James should pay a fine of £1,000 to the king, imprisonment during pleasure, to be bound to good behaviour when he comes out, and acknowledgments. Secretary Windebank added that he should be put from his place; the earl marshal suggested standing with a paper in Westminster Hall, and prosecution of the principal keeper; Archbishop Laud concluded with whipping, and that the chief keeper should be sent for to the Council Board.

The ordinary methods of attempting escape were common enough in Newgate. Quarrying into the walls, breaking up floors, sawing through bars, and picking locks were frequent devices to gain release. In 1679 several prisoners picked out the stones of the prison walls, and seven who had been committed to Newgate for burglary escaped. No part of the prison was safe from attack, provided only the prisoners had leisure and were unobserved, both of which were almost a matter of course. Now it is a passage through the back of a chimney in a room occupied by the prisoner, now a hole through a wall into a house adjoining the prison. Extraordinary perseverance is displayed in dealing with uncompromising material. The meanest and seemingly most insufficient weapons served. Bars are sawn through like butter; [\[217:1\]](#) prisoners rid themselves of their irons as though they were old rags; one man takes a bar out of the chapel window, climbs through, and gets away over the house-tops; a gang working in association saw through eight bars, "each as thick as a man's wrist, leaving enough iron to keep the bars together, and fitting up the notches with dirt and iron-rust to prevent discovery;" but they are detected in time, and for proper security are all chained to the floor. Another lot are discovered "working with large iron crows," meaning to get through the floor. On this occasion "a great lot of saws, files, pins, and other tools" were found among the prisoners, plainly revealing the almost inconceivable license and carelessness prevailing. Again, two men under sentence of death found means to break out of Newgate "through walls six feet in thickness." They were brothers, and one of them being ill, he was out of humanity removed from his cell to an upper room, where the other was suffered to attend him. As they were both bricklayers by trade, they easily worked through the wall in a night, and so escaped. They were, however, retaken and hanged. The ease with which irons are slipped is shown repeatedly. One man having attempted to escape was as usual chained to the floor, yet he managed to get himself loose from an iron collar in which his neck was fastened and his hands extended. This man, when disengaged from the floor, had the resolution to wring the collar from his neck by fixing it between two of the bars of the gaol window, and thus by main strength he broke it in two. Others cut through their handcuffs and shackles two or three times in succession with the ease of the Davenport brothers freeing themselves from bonds.

Jack Sheppard's escapes from Newgate are historical, although much embellished by the novelist's art. Sheppard's success was really marvellous, but it may be explained to some extent by his indomitable pluck, his ingenuity, and his personal activity. As he was still quite a lad when he was hanged in 1724, he could have been barely twenty-two at the time of his escapes. In the proclamation for his apprehension after his second escape, he is described as about twenty-two years of age, five feet four inches in height, very slender, of a pale complexion, having an

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impediment or hesitation in his speech and wearing a butcher's blue frock with a greatcoat over it; a carpenter or house-joiner by trade. Twenty guineas reward was offered to any who might discover or apprehend him. From his early apprenticeship to a carpenter he had much skill and knowledge in the handling of tools. He first became celebrated as a prison-breaker by his escapes from the St. Giles's Round House and from the New Prison. His first escape, from the condemned hold of Newgate, where he lay under sentence of death, was more a proof of ingenuity than of prowess. The usual neglect of proper precautions allowed two female visitors to have access to him and to supply him with tools, probably a file and saw. With these he partly divided a spike on the top of the hatch which led from the condemned hold.

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Upon a second visit from his fair friends he broke off the spike, squeezed his head and shoulders through the opening, the women then pulling him through. How he got past the lodge where the turnkeys were carousing is not recorded, but it was probably in female disguise. His second escape, following his recapture, and a second sentence of death, was much more remarkable. This escape was, however, only rendered possible by the negligence of his keepers. They visited him at dinner-time, and after a careful examination of his irons, having satisfied themselves that he was quite secure, left him for the day. Released thus from all surveillance, time was all that Sheppard needed to effect his escape.

He had been chained to the floor by heavy irons, which were riveted into a staple fixed in the ground. Various fancy sketches exist of the means of restraint employed, but none can be relied upon as accurate or authentic. Some irons still in existence at Newgate may be akin to those by which Sheppard was secured, but they are hardly the identical fetters. Sheppard was also handcuffed. He is said to have rid himself of these by holding the connecting chain firmly between his teeth, squeezing his fingers as small as possible, and drawing the manacles off. "He next twisted the gyves, [\[220:1\]](#) the heavy gyves, round and round, and partly by main strength, partly by a dexterous, well-applied jerk, snapped asunder the central link by which they were attached to the padlock." He was now free to move about, but the basils still confined his ankles, and he dragged at every step the long connecting chain. He drew up the basils on his calf, and removing his stockings, used them to tie up the chains to his legs. He first attempted to climb up the chimney, but his upward progress was impeded by an iron bar that crossed the aperture. He descended, therefore, and from the outside, with a piece of his broken chain set to work to pick out the stones and bricks so as to release the bar. This he accomplished and thus obtained an implement about an inch square and nearly a yard long, which was of the utmost service to him in his further operations. The room in which he had been confined was a part of the so-called "castle;" above it was the "Red-room," and into this he effected an entrance by climbing the chimney and making a fresh hole on the level of the floor above. In the "Red-room" he found a rusty nail, with which he tried to pick the lock, but failing in this, he wrenched off the plate that covered the bolt and forced the bolt back with his fingers. This Red-room door opened on to a dark passage leading to the chapel. There was a door in it which he opened by making a hole in the wall and pushing the bolt back, and so reached the chapel. Thence he got into an entry between the chapel and the lower leads. "The door of this entry was very strong, [\[221:1\]](#) and fastened with a great lock. What was worse, the night had now overtaken him, and he was forced to work in the dark. However, in half an hour, by the help of the great nail, the chapel spike, and the iron bar, he forced off the box of the lock and opened the door which led him to another yet more difficult, for it was not only locked, but barred and bolted. When he had tried in vain to make this lock and box give way, he wrenched the fillet from the main post of the door and the box and staples came off with it. . . . There was yet another door betwixt him and the lower leads; but it being bolted within side he opened it easily, and mounting to the top of it he got over the wall and so to the upper leads." All that remained for him to do was to descend. There was a house adjoining, that of Mr. Bird, a turner, on to which he might drop, but he deemed the leap too dangerous, and coolly resolved to retrace his steps to the prison chamber, from whence he had so laboriously issued, and secure his blanket. Having accomplished this risky service, he returned to the leads, made fast his blanket, slid down it, entered the turner's house by a garret window, and eventually, after some delay and no little danger of detection, got away down into the street.

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Mr. Austin, the Newgate turnkey, who was specially in charge of Sheppard, and who, on unbolting the castle strong room next morning, found that his prisoner was gone, was amazed beyond measure. The whole of the prison warders ran up, and at sight of the cart-loads of rubbish and débris "stood like men deprived of their senses." After their first surprise they got their keys to open the neighbouring strong rooms, hoping that he might not have got entirely away. It was not difficult to follow his track. Six great doors, one of which it was said had not been opened for seven years, had been forced, and their massive locks, screws, and bolts lay broken in pieces, and scattered about the gaol. Last of all they came to the blanket hanging pendent from the leads, and it was plain that Sheppard was already far beyond pursuit.

It may be interesting to mention here that he was recaptured, mainly through his own negligence and drunkenness, within a fortnight of his escape. In the interval, after ridding himself of his irons, he had committed several fresh robberies, the most successful being a burglary at a pawnbroker's, where he furnished himself with the fine suit, sword, and snuff-box he possessed at the time of his arrest. "When he was brought back to the gaol," says a contemporary account, "he was very drunk, carry'd himself insolently, defy'd the keepers to hold him with all their irons, art, and skill." He was by this time quite a notorious personage. "Nothing contributes so much to the entertainment of the town at present," says another journal of the time, "as the adventures of the house-breaker and gaol-breaker, John Sheppard. 'Tis thought the

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keepers of Newgate have got above £200 already by the crowds who daily flock to see him." "On Wednesday several noblemen visited him." He sat for his portrait to Sir James Thornhill, the eminent painter,<sup>[223:1]</sup> and the likeness was reproduced in a mezzotint which had a large circulation. Seven different histories or narratives of his adventures were published and illustrated with numerous engravings. His importance was further increased by the special instructions issued to the Attorney-General to bring him to immediate trial. A letter from the Duke of Newcastle, then Secretary of State, is preserved in the Hardwicke MSS., wherein that great official condescends to convey the king's commands to Sir Philip Yorke that Sheppard, having made two very extraordinary escapes, and being a very dangerous person, should be forthwith brought to trial, "to the end that execution may without delay be awarded against him." This letter is dated the 6th November; he was arraigned on the 10th, found guilty, and sentenced the same day. His execution took place on the 16th November, just one month after his escape. He exhibited great coolness and effrontery during his trial. He told the court that if they would let his handcuffs be put on he by his art would take them off before their faces. The largest crowds ever seen in London paid testimony to his notoriety as he passed through the streets; and Westminster Hall had not been so densely thronged in the memory of man as at the time of his trial. No pains were spared to ensure his safe custody in Newgate. He was chained to the floor in the condemned hold, and constantly watched night and day by two guards.

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But up to the last Sheppard entertained schemes for eluding justice. He had obtained a penknife by some means or other, and he had intended to cut his cords while actually in the cart going to Tyburn, throw himself in amongst the crowd at a place called Little Turnstile, and run for his life through the narrow passage, along which the mounted officers could not follow him. But this plan was nullified by the discovery of the knife on his person just before he left Newgate. It is said that he had also hopes of resuscitation, and that friends had agreed to cut him down promptly, and to apply the usual restoratives. This scheme, if it had ever existed, was probably rendered abortive by the proceedings of the mob after the execution.

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Sheppard had many imitators, but few equals. Possibly the ease with which he broke prison led to an increase in precautions, and I can find no other cases of evasion in Jack Sheppard's manner. There are several instances of attempted escapes by the reverse process, not over the walls, but through them or along the sewers. Burnworth, while in Newgate in 1726, projected a plan of escape. He got an iron crow, and assisted by certain prisoners, pulled stones out of the walls, while others sung psalms to put the turnkeys off their guard. Next day the officers came to remove five convicts awaiting execution, but found the room so full of stones and rubbish that some hours elapsed before the prisoners could be got out, and Burnworth was still in durance. Joshua Dean, capitally convicted in 1731 for counterfeiting stamps, formed a design with seven other prisoners awaiting transportation to the plantations to break gaol. They found means to get down into the common sewer, no doubt by taking up the floor. Thence four of them reached a vault under a house in Fleet Lane, and so into the shop, through which three got off, but the fourth was secured and carried back to Newgate. The fate of two at least of the remaining three was not known till long afterwards. In 1736, a certain Daniel Malden, who had already escaped once, again got out of Newgate, by sawing his chains near the staple with which they were fastened to the wall of the condemned hold and getting through the brickwork and dropping into the common sewer. "Several persons were employed to search after him, but to no purpose, though the chains about him weighed nearly a hundred pounds." Malden was not discovered, but the searchers came upon "the bodies of two persons who had been smothered in trying to escape." These were no doubt two of those mentioned above. This method of evasion continued to be practised till long afterwards. In 1785 two convicts cut a hole in the floor of their cell, and got into the common sewer to make their escape. "But wading till they were almost suffocated, they at length reached the gully-hole, and calling for help, were taken out alive, but too weak to walk, and carried to their former quarters."

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Daniel Malden, who twice in successive years escaped from the condemned hold in Newgate, in a manner little less surprising, although less notorious, than Jack Sheppard, had been a man-of-war's man, and served on several of his Majesty's ships. After his discharge he took to burglary and street-robberies, for which he was presently arrested and sentenced to suffer death. While lying in the condemned hold, on the very morning of his execution he effected his escape. A previous occupant of the same cell in the condemned hold had told him that a certain plank was loose in the floor, which he found to be true. Accordingly, between ten and eleven on the night of October 21, 1736, before execution, he began to work, and raised up the plank with the foot of a stool that was in the cell. He soon made a hole through the arch under the floor big enough for his body to pass through, and so dropped into a cell below from which another convict had previously escaped. The window-bar of this cell remained cut just as it had been left after this last escape, and Malden easily climbed through with all his irons still on him into the press-yard. When there he waited a bit, till, seeing "all things quiet," he pulled off his shoes and went softly up into the chapel, where he observed a small breach in the wall. He enlarged it and so got into the penthouse. Making his way through the penthouse, he passed on to the roof. At last, using his own words, "I got upon the top of the cells by the ordinary's house, having made my way from the top of the chapel upon the roofs of the houses, and all round the chimneys of the cells over the ordinary's house;" from this he climbed along the roofs to that of an empty house, and finding one of the garret windows open, entered it and passed down three pairs of stairs into the kitchen, where he put on his shoes again, "which I had made shift to carry in my hand all the way I came, and with rags and pieces of my jacket wrapped my irons close to my legs as if I had been gouty or lame; then I got out at the kitchen window, up one pair of stairs into Phoenix Court, and from

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thence through the streets to my home in Nightingale Lane."

Here he lay till six o'clock, then sent for a smith, who knocked off his irons, and took them away with him for his pains. Then he asked for his wife, who came to him; but while they were at breakfast, hearing a noise in the yard, he made off, and took refuge at Mrs. Newman's, "the sign of the Black-boy, Millbank; there I was kept private and locked up four days alone and no soul by myself."

Venturing out on the fifth day, he heard they were in pursuit of him, and again took refuge, this time in the house of a Mrs. Franklin. From thence he despatched a shoemaker with a message to his wife, and letters to two gentlemen in the city. But the messenger betrayed him to the Newgate officers, and in about an hour "the house was beset. I hid myself," says Malden, "behind the shutters in the yard, and my wife was drinking tea in the house. The keepers, seeing her, cried, 'Your humble servant, madam; where is your spouse?' I heard them, and knowing I was not safe, endeavoured to get over a wall, when some of them espyed me, crying, 'Here he is!' upon which they immediately laid hold of me, carried me back to Newgate, put me into the old condemned hold as the strongest place, and stapled me down to the floor."

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Nothing daunted by this first failure, he resolved to attempt a second escape. A fellow prisoner conveyed a knife to him, and on the night of June 6, 1737, he began to saw the staple to which he was fastened in two. His own story is worth quoting.

"I worked through it with much difficulty, and with one of my irons wrenched it open and got it loose. Then I took down, with the assistance of my knife, a stone in front of the seat in the corner of the condemned hold: when I had got the stone down, I found there was a row of strong iron bars under the seat through which I could not get, so I was obliged to work under these bars and open a passage below them. To do this I had no tool but my old knife, and in doing the work my nails were torn off the ends of my fingers, and my hands were in a dreadful, miserable condition. At last I opened a hole just big enough for me to squeeze through, and in I went head foremost, but one of my legs, my irons being on, stuck very fast in the hole, and by this leg I hung in the inside of the vault with my head downward for half an hour or more. I thought I should be stifled in this sad position, and was just going to call out for help, when, turning myself up, I happened to reach the bars. I took fast hold of them by one hand, and with the other disengaged my leg to get it out of the hole."

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When clear he had still a drop of some thirty feet, and to break his fall he fastened a piece of blanket he had about him to one of the bars, hoping to lower himself down; but it broke, and he fell with much violence into a hole under the vault, "my fetters causing me to fall very heavy, and here I stuck for a considerable time." This hole proved to be a funnel, "very narrow and straight; I had torn my flesh in a terrible manner by the fall, but was forced to tear myself much worse in squeezing through." He stuck fast and could not stir either backward or forward for more than half an hour. "But at last, what with squeezing my body, tearing my flesh off my bones, and the weight of my irons, which helped me a little here, I worked myself through."

The funnel communicated with the main sewer, in which, as well as he could, he cleaned himself. "My shirt and breeches were torn in pieces, but I washed them in the muddy water, and walked through the sewer as far as I could, my irons being very heavy on me and incommoding me much." Now a new danger overtook him: his escape had been discovered and its direction. Several of the Newgate runners had therefore been let into the sewer to look for him. "And here," he says, "I had been taken again had I not found a hollow place in the side of the brickwork into which I crowded myself, and they passed by me twice while I stood in that nook." He remained forty-eight hours in the sewer, but eventually got out in a yard "against the pump in Town Ditch, behind Christ's Hospital." Once more he narrowly escaped detection, for a woman in the yard saw and suspected him to be after no good. However, he was suffered to go free, and got as far as Little Britain, where he came across a friend who gave him a pot of beer and procured a smith to knock off his fetters.

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Malden's adventures after this were very varied. He got first to Enfield, when some friends subscribed forty-five shillings to buy him a suit of clothes at Rag Fair. Thence he passed over to Flushing, where he was nearly persuaded to take foreign service, but he refused and returned to England in search of his wife. Finding her, the two wandered about the country taking what work they could find. While at Canterbury, employed in the hop-fields, he was nearly discovered by a fellow who beat the drum in a show, and who spoke of him openly as "a man who had broken twice out of Newgate." Next he turned jockey, and while thus employed was betrayed by a man to whom he had been kind. Malden was carried before the Canterbury justices on suspicion of being the man who had escaped from Newgate, and a communication was sent to the authorities of that prison. Mr. Akerman and two of his officers came in person to identify the prisoner, and, if the true Malden, to convey him back to London. But Malden once more nearly gave his gaolers the slip. He obtained somehow an old saw, "a spike such as is used for splicing ropes, a piece of an old sword jagged and notched, and an old knife." These he concealed rather imprudently upon his person, where they were seen and taken from him, otherwise Mr. Akerman, as Malden told him, "would have been like to have come upon a Canterbury story" instead of the missing prisoner. However, the Newgate officers secured Malden effectually, and brought him to London on the 26th of September, 1737, which he reached "guarded by about thirty or forty horsemen, the roads all the way being lined with spectators." "Thus was I got to London," he says in his last dying confession, "handcuffed, and my legs chained under the horse's belly; I got to Newgate that Sunday evening about five o'clock, and rid quite up into the lodge, where I was taken off my

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horse, then was conveyed up to the old condemned hole, handcuffed, and chained to the floor."

On Friday, the 15th October, the last day of Sessions, Malden was called into court and informed that his former judgment of death must be executed upon him, and he was accordingly hanged upon the 2d November following.

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Stratagem and disguise in some shape or other were, however, the most favourite and generally the most successful forms of escape. Extraordinary and quite culpable facilities for changing clothes were given by the lax discipline of the prison. The substitution of persons, devoted wife or friend, taking the place of the accused, as in the story of Sydney Carton, as told by Dickens; or the well-known exchange between Lord and Lady Nithsdale, which occurred at Newgate. George Flint, an imprisoned journalist, who continued to edit his objectionable periodical from the prison, got away in the costume of a footman. His wife was suffered to live with him, and helped him to the disguise. She concealed the escape for two or three days, pretending that her husband was dangerously ill in bed, and not fit to be disturbed; for which fidelity to her husband, who was now beyond the seas, having made the most of the time thus gained, Mrs. Flint was cast into the condemned hold, and "used after a most barbarous manner to extort a confession." Another very similar and unsuccessful case was that of Alexander Scott, a highwayman suspected of robbing the Worcester and Portsmouth mails. Scott attempted to get out in the "habit" of an oyster-woman, whom his wife had persuaded to favour their design. The change was made, and the lodge bell rung to give egress to Scott. Unfortunately for the prisoner the gatekeeper was dilatory. Meanwhile, an assistant turnkey, missing Scott, conjectured that he had escaped, and seeing the oyster-woman standing at the gate, began to question her, and insisted upon looking at her face. Scott being at once detected, he struck the turnkey a blow in the face, hoping to knock him down. A scuffle ensued, the turnkey proved the strongest, and Scott was secured.

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Female disguise was one of the many methods employed by the imprisoned Jacobites to compass escape, but it was not always successful. Among others Mr. Barlow of Burton Hall tried it. In the first instance a crazy woman, Elizabeth Powell, well known in Westminster Market, came to Mr. Barlow with a whole suit of female apparel, but "he, fearing it might be a trick, or that he might fail in the attempt, discovered her." A week or two later, as if inspired by the proposal, Mr. Barlow did make the attempt. Close shaved and neatly dressed in female clothes, he came to the gate with a crowd of ladies who had been visiting their Jacobite friends, hoping to pass out unobserved with the others. But the turnkey—escapes had been very frequent, and all officials were on the alert—caught hold of him, turned him about, and in the struggle threw him down. The rest of the women cried out in a lamentable tone, "Don't hurt the poor lady; she is with child;" and some of them cried, "Oh, my dear mother!" whereupon the turnkey, convinced he had to do with a lady, let him go. Mr. Barlow, says the account, acted the part to the life. He was padded, his face was painted red and white, and he would certainly have made his escape had not Mr. Carleton Smith, one of the special commissioners appointed to ensure the safe custody of the rebels, strictly examined the would-be fugitive and detected his disguise. Mr. Barlow offered Smith ten guineas to let him go, but instead of accepting the bribe, Mr. Smith carried his prisoner just as he was, in female disguise, before the court then sitting at the Old Bailey. Mr. Barlow declared that the clothes had been brought him by his wife. "The court," says the account, "was very well pleased to see him thus metamorphosed, but ordered him to be put in heavy irons, and the clothes to be kept as a testimony against him."

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The circumstances under which Mr. Pitt, the governor of Newgate, was superseded in his functions have been described in a previous chapter. Mr. Pitt was so strongly suspected of Jacobite leanings that he was tried for his life. No doubt escapes were scandalously frequent during his régime, and it is just possible that they were due to the governor's complicity, although Mr. Pitt was actually acquitted of the charge. More probably they owed their success to the ingenuity of desperate men easily triumphing over the prevailing carelessness of their keepers. The first escape which made a considerable noise was that of Mr. Forster, commonly known as General Forster, who headed the Northumbrian rising in 1715, and lost the battle of Preston Pans. Mr. Forster was allowed considerable liberty, and lodged in apartments in the keeper's house. One afternoon, when Forster and another were drinking "French wine" with Mr. Pitt, Mr. Forster sent his servant to fetch a bottle of wine from his own stock to "make up the treat." The servant on pretence of going to the vault left the room. Being long away, Mr. Forster pretended to be very angry, and followed him out. Meanwhile the servant had sent the governor's black man, a species of hybrid turnkey, down to the cellar for the wine, and had locked him up there. The black thus disposed of, Forster's servant returned and waited for his master just outside Mr. Pitt's parlour door. Being an adept at the locksmith's art, as well as a smart and intelligent fellow, the servant had previously obtained an impression in clay of Mr. Pitt's front door key, and had manufactured a counterfeit key. Directly Mr. Forster appeared, the front door was unlocked, master and servant passed through and went off together, first taking care to lock the door on the outside and leave the key in the lock to prevent their being readily pursued. Mr. Forster got to Prittlewell in Essex by four o'clock next morning, with two more horsemen that had been waiting to attend them. From Prittlewell, they hastened on to Leigh, where a vessel was provided, in which they made a safe voyage to France. "By this it appears," says the chronicler, evidently a stout Whig, "that Mr. Forster was much better skilled in contriving an escape than leading an army, which shows the weakness of the Pretender and his council, who put so great a trust in the hands of a person who was altogether unfit for it, and never made other campaign than to hunt a fox and drink down his companions."

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The next attempt was on a larger scale. It was planned by Brigadier Macintosh, with whom were Mr. Wogan, two of the Delmehoys, Mr. James Talbot, and the brigadier's son, with several others, to the number of fifteen in all. The prime mover was the brigadier, who, having "made a shift to get off his irons, and coming down with them in his hand under his gown, caused a servant to knock at the gaol door outside, himself sitting close by it." As soon as the door was opened he pushed out with great violence, knocking down the turnkey and two or three of the sentinels. One of the soldiers made a thrust at him with his bayonet; but the brigadier parried the charge, seized the piece, unscrewed the bayonet, and "menaced it at the breast of the soldier, who thereupon gave way and suffered him and fourteen more to get into the street." Eight of the fugitives were almost immediately recaptured, but the other gentlemen got clean off. One of them was Mr. James Talbot, who, unhappily, fell again into the hands of the authorities. He was discovered by the chance gossip of a garrulous maid servant, who, chattering at an ale-house in Windmill Street, near the Haymarket, said her master had a cousin come to see him who had the whitest hands she ever saw in her life. This caused suspicion, and suspicion brought discovery. A reward of £500 had been offered by proclamation for the arrest of any fugitives, except the brigadier, who was valued at £1,000, and Talbot was given up.

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The escapes did not end here. The next to get away was Mr. George Budden, an upholsterer, who had a shop near Fleet Bridge, a Jacobite, but not in the rebellion of 1715. He effected his escape at the time when Mr. Pitt was himself a prisoner, suspected of collusion in the previous evasions. Mr. Budden's plan was simple. He was possessed of money, and had friends who could help to convey him away could he but get out of Newgate. One night as he sat drinking with the head turnkey, Mr. Budden purposely insulted the officer grossly, and even went so far as to strike him. The turnkey was furious, and carried off his prisoner to the lodge, there to be heavily ironed, Mr. Budden trusting that either on the way there or back he might contrive to escape. On reaching the lodge Mr. Budden apologized and "made atonement to the good-natured keeper, who was a little mellowed than ordinary," and was led back to his former apartment; on the way he turned up the keeper's heels and made off through the gate. Once outside, Budden ran into Newgate Market, and thence by many windings and turnings out of London, riding post-haste seventy miles to the coast, and so across to France.

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There were other attempts, such as that of Mr. Robertson, who tried to make off in a clergyman's habit, but was discovered and stopped before he had passed one of the doors; and of Mr. Ramsay, who escaped with the crowd that came to hear the condemned sermon. Now and then there was the concerted action of a number, as when the prisoners thronged about the gates in order to make their escape. Trouble, again, was only prevented by timely warning that there was a design to convey large iron crows to the rebels, by which they might beat open the gaol and escape. The most important and about the last of the rebel escapes was that of Mr. Ratcliffe, brother of the unfortunate Lord Derwentwater. This was effected so easily, indeed, with so much cool impudence, that connivance must assuredly have been bought. Mr. Ratcliffe seized his opportunity one day when he was paying a visit to Captain Dalziel and others on the master's side. At the gate he met by previous agreement a "cane-jobber," or person who sold walking-sticks, and who had once been an inmate of Newgate himself. Mr. Ratcliffe paused for a time and bargained for a cane, after which he passed under the iron chain at the gate, and upon the canceller's saying that he was no prisoner, the turnkey and guard suffered Ratcliffe to get off. The author of the "History of the Press-yard" says that Mr. Ratcliffe bribed the officer, "which," as another writer adds, "must be owned to be the readiest way to turn both lock and key."

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Mr. Ratcliffe, thirty years later, paid the penalty to the law which he had escaped on this occasion. A warm adherent of the Pretender, he embarked from France for Scotland to take part in the Jacobite rising in 1745. The French ship was captured, and Ratcliffe sent as a prisoner to the Tower. He was presently arraigned at the bar of the King's Bench for having escaped from Newgate in 1716, when under sentence of death for high treason. Ratcliffe at first refused to plead, declaring that he was a subject of the French king, and that the court had no jurisdiction over him. Then he denied that he was the person named in the record produced in court, whereupon witnesses were called to prove that he was Charles Ratcliffe. Two Northumbrian men identified him as the leader of five hundred of the Earl of Derwentwater's men, remembering him by the scar on his face. They had been to see him in the Tower, and could swear to him; but could not swear that he was the same Charles Ratcliffe who had escaped from Newgate prison. A barber who had been appointed "close shaver" to Newgate in 1715, and who attended the prison daily to shave all the rebel prisoners, remembered Charles Ratcliffe, Esq., perfectly as the chum or companion of Basil Hamilton, a reputed nephew of the Duke of Hamilton; but this barber, when closely pressed, could not swear that the prisoner at the bar was the very same Charles Ratcliffe whom he had shaved, and who had afterwards escaped out of Newgate. No evidence indeed was forthcoming to positively fix Mr. Ratcliffe's identity; but "a gentleman" was called who deposed that the prisoner had in the Tower declared himself to be the same Charles Ratcliffe who was condemned in the year 1716, and had likewise told him, the witness, that he had made his escape out of Newgate in mourning, with a brown tie wig, when under sentence of death in that gaol. Upon this evidence the judge summed up against the prisoner, the jury found a verdict of guilty, and Ratcliffe was eventually beheaded on Tower Hill.

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## FOOTNOTES:

- [217:1] The most ingenious and painstaking attempt of this kind was that made by some Thugs awaiting sentence in India, who sawed through the bars of their prison with packthread smeared with oil and coated with fine stone-dust.
- [220:1] Taken from the text of Ainsworth's novel, which gives a clear and picturesque account. It is also accurate, and based on the best accounts extant.
- [221:1] Quoted from the "Tyburn Calendar," the wording of which is copied in all other accounts.
- [223:1] The following stanzas were written at the time, and appeared in the *British Journal* of Nov. 28, 1724:

"Thornhill, 'tis thine to gild with fame  
The obscure and raise the humble name;  
To make the form elude the grave,  
And Sheppard from oblivion save.  
Tho' life in vain the wretch implores,  
An exile on the farthest shores,  
Thy pencil brings a kind reprieve,  
And bids the dying robber live.

. . . . .

Apelles Alexander drew,  
Cæsar is to Aurelius due,  
Cromwell in Lilly's works doth shine,  
And Sheppard, Thornhill, lives in thine."

## CHAPTER VIII

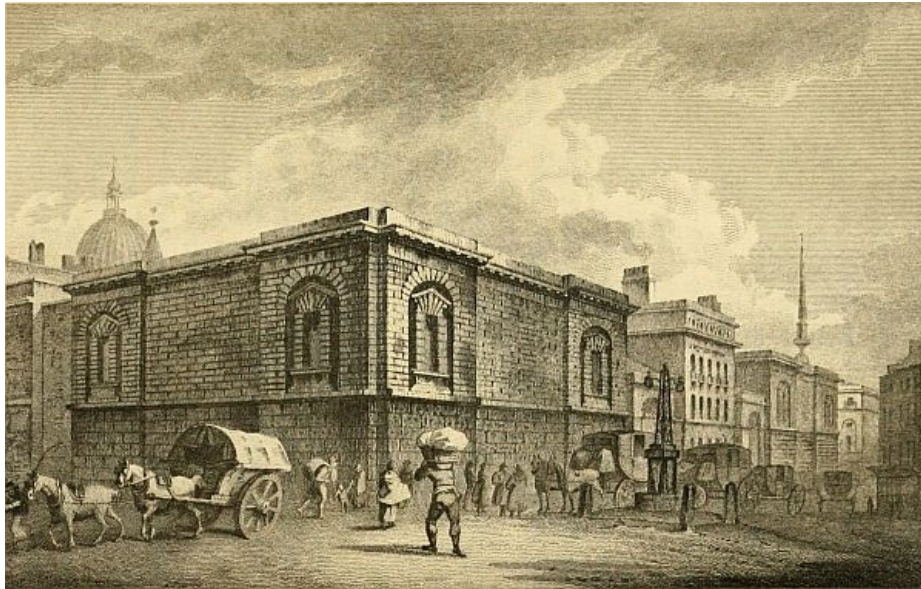
### NEWGATE IN THE EIGHTEENTH CENTURY

Newgate Calendars—Their editors and publishers—All based on sessions' papers—Demand for this literature fostered by prevalence of crime—Brief summary of state of crime in the first half of the 18th century—State of the metropolis—Street-robberies—Burglaries—Henry Fielding on the increase of robbers—The Thieves' Company—The Resolution Club—Defiance in the Law Courts—Causes of the increase of crime—Drunkenness—The Gin Act—Gaming universal—Faro's daughters—State Lotteries—Repression of crime limited by hanging—No police—The "Charlies" or watchmen—Civil power lethargic—Efforts made by private societies for reformation of manners—Character of crimes—Murders, duels, and affrays—Richard Savage, the poet, in Newgate for murder—Major Oneby commits suicide—Marquis de Paleoti committed for murder—Colonel Charteris sentenced to death, but pardoned—Crime in high place—The Earl of Macclesfield, Lord Chancellor, convicted of venal practices—Embezzlement by public officials.

Prison calendars obviously reflect the criminal features of the age in which they appear. Those of Newgate since the beginning of the eighteenth century are numerous and voluminous enough to form a literature of their own. To the diligence of lawyers and publishers we owe a more or less complete collection of the most remarkable cases as they occurred. These volumes have been published under various titles. The "Newgate Calendar," compiled by Messrs. Knapp and Baldwin, attorneys at law, is one of the best known. This work, according to its title-page, professes to contain "interesting memoirs of notorious characters who have been convicted of outrages on the law of England; with essays on crimes and punishments and the last exclamations of sufferers." There are many editions of it. The first was undoubtedly published by Nuttall, Fisher, and Dixon, of Liverpool; a later edition issued from the Albion Press, Ivy Lane, London, under the auspices of J. Robins and Co. But another book of similar character had as its compiler "George Theodore Wilkinson, Esq.," barrister at law. It was published by Cornish and Co. in 1814, and the work was continued by "William Jackson, Esq.," another barrister, with Alexander Hogg, of Paternoster Row, and by Offor and Sons of Tower Hill as publishers. Early and perfect editions of these works are somewhat rare and curious, fondly sought out and carefully treasured by the bibliophile. But all of them were anticipated by the editors of the "Tyburn Calendar," or "Malefactor's Bloody Register," which appeared soon after 1700 from the printing-office of G. Swindells, at the appropriate address of Hanging Bridge, Manchester. The compilers of these volumes claimed a high mission. They desired "to fully display the regular progress from Virtue to Vice, interspersed with striking reflections on the conduct of those unhappy wretches who have fallen a sacrifice to the injured laws of their country. The whole tending to guard young minds from allurements of vice and the paths that lead to destruction." Another early work is the "Chronicle of Tyburn, or Villainy displayed in all its branches," which gave the authentic lives of notorious malefactors, and was published at the Shakespeare's Head in 1720. Yet another, dated 1776, and printed for J. Wenman, of 144 Fleet Street, bears the title of "The Annals of Newgate," and claims, upon the title-page, that by giving the circumstantial accounts of the lives, transactions, and trials of the most notorious malefactors it is "calculated to expose the deformity of vice, the infamy, and punishments naturally attending those who deviate from the paths of virtue; and is intended as a beacon to warn the rising generation against the temptations, the allurements, and the dangers of bad company."

All Newgate calendars have seemingly a common origin. They are all based primarily upon the sessions' papers, the official publications which record the proceedings at the Old Bailey. There is a complete early series of these sessions' papers in the Library of the British Museum, and another in the Home Office from the year 1730, including the December sessions in 1729. The publisher, who is stated on the title-page to be "T. Payne, at the corner of Ivy Lane, near Paternoster Row," refers in his preface to an earlier series, dating probably from the beginning of the century, and a manuscript note in the margin of the first volume of the second series also speaks of a preceding folio volume. These sessions' papers did not issue from one publisher. As the years pass the publication changes hands. Now it is "J. Wilford, behind the Chapter House, St. Paul's;" now "I. Roberts at the Oxford Arms in Warwick Lane." Ere long "T. Applebee in Bolt Court, near the Leg Tavern," turns his attention to this interesting class of periodical literature. He also published another set of semi-official documents, several numbers of which are bound up with the sessions' papers already mentioned, and like them supplying important data for the compilation of calendars. These were the accounts given by the ordinary of Newgate of the behaviour, confessions, and dying words of the malefactors executed at Tyburn, a report rendered by command of the mayor and Corporation, but a private financial venture of the chaplain's. As the ordinary had free access to condemned convicts at all times, and from his peculiar duties generally established the most confidential relations with them, he was in a position to obtain much curious and often authentic information from the lips of the doomed offenders. Hence the ordinary's account contained many criminal autobiographies, and probably was much patronized by the public. Its sale was a part of the reverend gentleman's perquisites; and that the chaplains looked closely after the returns may be gathered from the already

mentioned application made by the Rev. Mr. Lorraine, chaplain in 1804, who petitioned Parliament to exempt his "execution brochure" from the paper tax.



*Newgate*

The most notorious prison in England and the most interesting because intimately connected with the early annals of London. Chancellor's Gate to the City of London, originally called Westgate, was rebuilt in the reign of Henry I and named Newgate. When the county of Middlesex was added to the territory of London, Newgate was first used as a place of detention for prisoners from that county.

In the advertisement sheets of these sessions' papers are notices of other criminal publications, proving how great was the demand for this kind of literature. Thus in 1731 is announced "The History of Executions: being a complete account of the thirteen malefactors executed at Tyburn for robberies, price 4*d.*," and this publication is continued from year to year. In 1732 "T. Applebee and others" published at 3*s.* 6*d.* the "Lives of the Most Remarkable Criminals," a volume containing as a frontispiece the escape of Jack Sheppard from Newgate. In the description of this book the public is assured that the volume contains a first and faithful narration of each case, "without any additions of feigned or romantic adventures, calculated merely to entertain the curiosity of the reader." Jack Sheppard had many biographers. Seven accurate and authentic histories were published, all purporting to give the true story of his surprising adventures, and bequeathing a valuable legacy to the then unborn historical novelist, Mr. Harrison Ainsworth. Again, Rich, the manager of the Lincoln's Inn Theatre, brought out "Harlequin Jack Sheppard" in the year of that desperado's execution, an operatic pantomime founded upon his exploits. A little before this another dramatic performance, the "Beggar's Opera," having a criminal for its hero, had taken the town by storm; and many strongly and with reason condemned the degradation of national taste which could popularize the loves of "Polly Peachum" and "Captain Macheath." Besides these books and plays there was a constant publication of broad sheets and chap-books of a still lower type, intended to pander to the same unwholesome taste, while a great novelist like Fielding did not hesitate to draw upon his personal acquaintance with crime, obtained as a police magistrate, and write the life of Jonathan Wild.

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The demand was no doubt fostered by the extraordinary prevalence of crime in England. Criminal records would probably be read with avidity at times when ruffianism was in the ascendant, and offences of the most heinous description were of daily occurrence. New crimes cropped up daily. The whole country was a prey to lawlessness and disorder. Outrages of all kinds, riots, robberies, murders, took place continually. None of the high-roads or by-roads were safe by night or day. Horsemen in the open country, footpads in or near towns, harassed and pillaged wayfarers. Armed parties ranged the rural districts attacking country-houses in force, driving off cattle and deer, and striking terror everywhere.

The general turbulence often broke out into open disturbance. The Riot Act, which was a product of these times, was not passed before it was needed. Riots were frequent in town and country. The mob was easily roused, as when it broke open the house of the Provost Marshal Tooley in Holborn, to whom they owed a grudge for impressing men to sell as recruits to Flanders. They burned his furniture in the street, and many persons were killed and wounded in the affray. Now political parties, inflamed with rancorous spirit, created uproars in the "mug houses;" now mutinous soldiers violently protested against the coarse linen of their "Hanover" shirts; again the idle flunkies at a London theatre rose in revolt against new rules introduced by the management and produced a serious riot. In the country gangs of ruffians disguised in female attire, the forerunners of Rebecca and her daughter, ran amuck against turnpike gates, demolishing all they found. There were smuggling riots, when armed crowds overpowered the customs officers and broke into warehouses sealed by the Crown; corn riots at periods of

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scarcity, when private granaries were forced and pillaged. A still worse crime prevailed—that of arson. I find in "Hardwicke's Life," reference to a proclamation offering a reward for the detection of those who sent threatening letters "to diverse persons in the citys of London, Westminster, Bristol, and Exeter, requiring them to deposit certain sums of money in particular places, and threatening to set fire to their houses, and to burn and destroy them and their families in case of refusal, some of which threats have accordingly been carried into execution."

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Other threats were to murder unless a good sum was at once paid down. Thus Jephthah Big was tried in 1729 for writing two letters, demanding in one eighty-five guineas, in the other one hundred guineas from Nathaniel Newnham, "a fearful old man," and threatening to murder both himself and wife unless he got the money. Jephthah Big was found guilty and sentenced to death.

The state of the metropolis was something frightful in the early decades of the eighteenth century. Such was the reckless daring of evil-doers that there was but little security for life and property. Wright, in his "Caricature History of the Georges," says of this period: "Robbery was carried on to an extraordinary extent in the streets of London even by daylight. Housebreaking was of frequent occurrence by night, and every road leading to the metropolis was beset by bands of reckless highwaymen, who carried their depredations into the very heart of the town. Respectable women could not venture in the streets alone after nightfall, even in the city, without risk of being grossly insulted." In 1720 ladies going to court were escorted by servants armed with blunderbusses "to shoot at the rogues." Wright gives a detailed account of five and twenty robberies perpetrated within three weeks in January and February of the year above mentioned. A few of the most daring cases may be quoted. Three highwaymen stopped a gentleman of the prince's household in Poland Street, and made the watchman throw away his lantern and stand quietly by while they robbed and ill-used their victim. Other highwaymen the same night fired at Colonel Montague's carriage as it passed along Frith Street, Soho, because the coachman refused to stand; and the Dutchess of Montrose, coming from court in her chair, was stopped by highwaymen near Bond Street. The mails going out and coming into London were seized and rifled. Post-boys, stagecoaches, everybody and everything that travelled, were attacked. A great peer, the Duke of Chandos, was twice stopped during the period above mentioned, but he and his servants were too strong for the villains, some of whom they captured. People were robbed in Chelsea, in Cheapside, in White Conduit Fields, in Denmark Street, St. Giles. Wade, in his "British Chronology," under the head of public calamities in 1729, classes with a sickly season, perpetual storms, and incessant rains, the dangerous condition of the cities of London and Westminster and their neighbourhoods, which "proceeded from the number of footpads and street-robbers, insomuch that there was no stirring out after dark for fear of mischief. These ruffians knocked people down and wounded them before they demanded their money." Large rewards were offered for the apprehension of these offenders. Thief-catchers and informers were continually active, and the law did not hesitate to strike all upon whom it could lay its hands. Yet crime still flourished and increased year after year.

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The Englishman's house, and proverbially his castle, was no more secure then than now from burglarious inroads. Housebreakers abounded, working in gangs with consummate skill and patience, hand and glove with servants past and present, associated with receivers, and especially with the drivers of night coaches. Half the hackney-coachmen about this time were in league with thieves, being bribed by nocturnal depredators to wait about when a robbery was imminent, and until it was completed. Then, seizing the chance of watchmen being off their beat, these useful accomplices drove at once to the receiver with the "swag."

Towards the middle of the century, Henry Fielding, the great novelist, and at that time acting magistrate for Westminster, wrote:<sup>[251:1]</sup> "I make no doubt but that the streets of this town and the roads leading to it will shortly be impassable without the utmost hazard; nor are we threatened with seeing less dangerous groups of rogues amongst us than those which the Italians call banditti. . . ." Again, "If I am to be assaulted and pillaged and plundered, if I can neither sleep in my own house, nor walk the streets, nor travel in safety, is not my condition almost equally bad whether a licensed or an unlicensed rogue, a dragoon or a robber, be the person who assaults and plunders me?" Those who set the law at defiance organized themselves into gangs, and coöperated in crime. Fielding tells us in the same work that nearly a hundred rogues were incorporated in one body, "have officers and a treasury, and have reduced theft and robbery into a regular system." Among them were men who appeared in all disguises and mixed in all companies. The members of the society were not only versed in every art of cheating and thieving, but they were armed to evade the law, and if a prisoner could not be rescued, a prosecutor could be bribed, or some "rotten member of the law" forged a defence supported by false witnesses. This must have been perpetuated, for I find another reference later to the Thieves or Housebreaker's Company which had regular books, kept clerks, opened accounts with members, and duly divided the profits. According to the confession of two of the gang who were executed on Kensington Common, they declared that their profits amounted on an average to £500 a year, and that one of them had put by £2,000 in the stocks, which before his trial he made over to a friend to preserve it for his family. Another desperate gang, Wade says, were so audacious that they went to the houses of the peace officers, and made them beg pardon for endeavouring to do their duty, and promise not to molest them. They went further, and even attacked and wounded a "head borough" in St. John's Street in about forty places, so that many of the threatened officers had to "lie in Bridewell for safety."

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In Harris's "Life of Lord Hardwicke" is a letter from the solicitor to the Treasury to Sir Philip Yorke, referring to "the gang of ruffians who are so notorious for their robberies, and have lately

murdered Thomas Bull in Southwark, and wounded others. Their numbers daily increase, and now become so formidable that constables are intimidated by their threats and desperate behaviour from any endeavour to apprehend them." One of these ruffians was described in the proclamation offering rewards for their apprehension as "above six feet high, black eyebrows, his teeth broke before;" another had a large scar under his chin.

Still worse was the "Resolution Club," a numerous gang, regularly organized under stringent rules. It was one of their articles, that whoever resisted or attempt to fly when stopped should be instantly cut down and crippled. Any person who prosecuted, or appeared as evidence against a member of the club, should be marked down for vengeance. The members took an "infernal oath" to obey the rules, and if taken and sentenced to "die mute." Another instance of the lawlessness of the times is to be seen in the desperate attack made by some forty ruffians on a watch-house in Moorfields, where an accomplice was kept a prisoner. They were armed with pistols, cutlasses, and other offensive weapons. The watchman was wounded, the prisoner rescued. After this the assailants demolished the watch-house, robbed the constables, "committed several unparalleled outrages, and went off in triumph." The gang was too numerous to be quickly subdued, but most of the rioters were eventually apprehended, and it is satisfactory to learn that they were sentenced to imprisonment in Newgate for three, five, or seven years, according to the part they had played.

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The contempt of the majesty of the law was not limited to the lower and dangerous classes. A gentleman's maid servant, having resisted the parish officers who had a distress warrant upon the gentleman's house for unpaid rates, was committed by the magistrates to Newgate. "The gentleman," by name William Frankland, on learning what had happened, armed himself with a brace of pistols, and went to the office where the justices were then sitting, and asked which of them had dared to commit his servant to prison. "Mr. Miller," so runs the account, "smilingly replied, 'I did,' on which the gentleman fired one of his pistols and shot Mr. Miller in the side, but it is thought did not wound him mortally. He was instantly secured and committed to Newgate." At the following Old Bailey Sessions, he was tried under the Black Act, when he pleaded insanity. This did not avail him, and although the jury in convicting him strongly recommended him to mercy, he was sentenced to death. Another case of still more flagrant contempt of court may fitly be introduced here. At the trial of a woman named Housden for coining at the Old Bailey in 1712, a man named Johnson, an ex-butcher and highwayman by profession, came into court and desired to speak to her. Mr. Spurling, the principal turnkey of Newgate, told him no person could be permitted to speak to the prisoner, whereupon Johnson drew out a pistol and shot Mr. Spurling dead upon the spot, the woman Housden loudly applauding his act. The court did not easily recover from its consternation, but presently the recorder suspended the trial of the woman for coining, and as soon as an indictment could be prepared, Johnson was arraigned for the murder, convicted, and then and there sentenced to death; the woman Housden being also sentenced at the same time as an accessory before and after the fact.

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Various causes are given for this great prevalence of crime. The long and impoverishing wars of the early years of the century, which saddled England with the national debt, no doubt produced much distress, and drove thousands who could not or would not find honest work into evil ways. Manners among the highest and the lowest were generally profligate. Innumerable places of public diversion, *ridottos*, balls, masquerades, tea-gardens, and wells, offered crowds a ready means for self-indulgence. Classes aped the habits of the classes above their own, and the love of luxurious gratification "reached to the dregs of the people," says Fielding, "who, not being able by the fruits of honest labour to support the state which they affect, they disdain the wages to which their industry would entitle them, and abandoning themselves to idleness, the more simple and poor-spirited betake themselves to a state of starving and beggary, while those of more art and courage became thieves, sharpers, and robbers."

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Drunkenness was another terrible vice, even then more rampant and wildly excessive than in later years. While the aristocracy drank deep of Burgundy and port, and every roaring blade disdained all heel-taps, the masses fuddled and besotted themselves with gin. This last-named pernicious fluid was as cheap as dirt. A gin-shop actually had on its sign the notice, "Drunk for 1*d.*; dead drunk for 2*d.*; clean straw for nothing," which Hogarth introduced into his caricature of Gin Lane. No pencil could paint, no pen describe the scenes of hideous debauchery hourly enacted in the dens and purlieus of the town. Legislation was powerless to restrain the popular craving. The Gin Act, passed in 1736 amidst the execrations of the mob, which sought to vent its rage upon Sir Joseph Jekyll, the chief promoter of the bill, was generally evaded. The much-loved poisonous spirit was still retailed under fictitious names, such as "Sangree," "Tow Row," the "Makeshift," and "King Theodore of Corsica." It was prescribed as a medicine for colic, to be taken two or three times a day. Numberless tumults arose out of the prohibition to retail spirituous liquors, and so openly was the law defied, that twelve thousand persons were convicted within two years of having sold them illegally in London. Informers were promptly bought off or intimidated, magistrates "through fear or corruption" would not convict, and the act was repealed in the hope that more moderate duty and stricter enforcement of the law would benefit the revenue and yet lessen consumption. The first was undoubtedly affected, but hardly the latter.

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Fielding, writing nearly ten years after the repeal of the act, says that he has reason to believe that "gin is the principal sustenance (if it may be so called) of more than a hundred thousand people in the metropolis," and he attributed to it most of the crimes committed by the wretches with whom he had to deal. "The intoxicating draught itself disqualifies them from any honest

means to acquire it, at the same time that it removes sense of fear and shame, and emboldens them to commit every wicked and desperate enterprise."

The passion for gaming, again, "the school in which most highwaymen of great eminence have been bred," was a fruitful source of immoral degeneracy. Every one gambled. In the *Gentleman's Magazine* for 1731 there is the following entry: "At night their Majesties played for the benefit of the groom porter, and the king (George II) and queen each won several hundreds, and the Duke of Grafton several thousands of pounds." His Majesty's lieges followed his illustrious example, and all manner of games of chance with cards or dice, such as hazard, Pharaoh, basset, roly-poly, were the universal diversion in clubs, public places, and private gatherings. The law had thundered, but to no purpose, against "this destructive vice," inflicting fines on those who indulged in it, declaring securities won at play void, with other penalties, yet gaming thrived and flourished. It was fostered and encouraged by innumerable hells, which the law in vain strove to put down. Nightly raids were made upon them. In the same number of the *Gentleman's Magazine* as that just quoted it is recorded, that "the High Constable of Holborn searched a notorious gaming-house behind Gray's Inn Road; but the gamesters were fled, only the keeper was arrested and bound over for £200." Again, I find in Wade's "Chronology" that "Justice Fielding, having received information of a rendezvous of gamesters in the Strand, procured a strong party of the Guards, who seized forty-five of the tables, which they broke to pieces, and carried the gamesters before the justice. . . . Under each of the broken tables were observed two iron rollers and two private springs, which those who were in the secret could touch and stop the turning whenever they had flats to deal with." No wonder these establishments thrived. They were systematically organized, and administered by duly appointed officers.

There was the commissioner, who checked the week's accounts and pocketed the takings; a director to superintend the room; an operator to deal the cards, and four to five *croupiers*, who watched the cards and gathered in the money of the bank. Besides these there were "puffs," who had money given them to decoy people to play; a clerk and a *squib*, who were spies upon the straight dealings of the puffs; a flasher to swear how often the bank was stripped; a dunner to recover sums lost; a waiter to snuff candles and fill in the wine; and an attorney or "Newgate solicitor." A flash captain was kept to fight gentlemen who were peevish about losing their money; at the door was a porter, "generally a soldier of the foot-guards,"<sup>[259:1]</sup> who admitted visitors after satisfying himself that they were of the right sort. The porter had aides-de-camp and assistants—an "orderly man," who patrolled the street and gave notice of the approaching constables; a "runner," who watched for the meetings of the justices and brought intelligence of the constables being out; and a host of link-boys, coachmen, chair-men, drawers to assist, with "common-bail affidavit" men, ruffians, bravos, and assassins for any odd job that might turn up requiring physical strength.

As the years passed the vice grew in magnitude. Large fortunes were made by the proprietors of gaming-houses, thanks to the methodized employment of capital (invested regularly as in any other trading establishment), the invention of E. O. tables, and the introduction of the "foreign games of *roulet* and *rouge et noir*. Little short of a million must have been amassed in this way," individuals having acquired from £10,000 to £100,000 apiece.

The number of the gambling establishments daily multiplied. They were mounted regardless of expense. Open house was kept, and free luxurious dinners laid for all comers. Merchants and bankers' clerks entrusted with large sums were especially encouraged to attend. The cost of entertainment in one house alone was £8,000 for eight months, while the total expenditure on all as much as £150,000 a year. The gambling-house keepers, often prize-fighters originally, or partners admitted for their skill in card-sharpping or cogging dice, possessed such ample funds that they laughed at legal prosecutions. Witnesses were suborned, officers of justice bribed, informers intimidated. Armed ruffians and bludgeon men were employed to barricade the houses and resist the civil power. Private competed with public hells.

Great ladies of fashion, holding their heads high in the social world, made their drawing-rooms into gambling-places, into which young men of means were enticed and despoiled. This was called "pidgeoning," probably the first use of the expression. The most noted female gamesters were Lady Buckinghamshire, Lady Archer, Lady Mount Edgecombe, a trio who had earned for themselves the soubriquet of "Faro's Daughters." Their conduct came under severe reprehension of Lord Kenyon, who, in summing up a gambling case, warned them that if they came before him in connection with gambling transactions, "though they should be the first ladies of the land," they should certainly exhibit themselves in the pillory. This well-merited threat was reproduced in various caricatures of the day, under such heads as, "Ladies of Elevated Rank;" "Faro's Daughters, Beware!" "Discipline à la Kenyon."

The Government itself was in a measure responsible for the diffusion of the passion for gambling. The pernicious custom of public lotteries practically legalized this baneful vice. State lotteries began in the reign of Elizabeth, and existed down to 1826. They brought in a considerable revenue, but they did infinite mischief by developing the rage for speculation, which extended to the whole community. The rich could purchase whole tickets, or "great goes;" for the more impecunious the tickets were sub-divided into "little goes." Those who had no tickets at all could still gamble at the lottery insurance offices by backing any particular number to win. The demoralization was widespread. It reached a climax in the South Sea Bubble, when thousands and thousands were first decoyed, then cruelly deceived and beggared. But lotteries lingered on till the Government at length awoke to the degradation of obtaining an income from such a source.

While crime thus stalked rampant through the land, the law was nearly powerless to grapple and check it. It had practically but one method of repression—the wholesale removal of convicted offenders to another world. Prevention as we understand it had not yet been invented. The metropolis, with its ill-paved, dimly lighted streets, was without police protection beyond that afforded by a few feeble watchmen, the sorely tried and often nearly useless "Charlies." The administration of justice was defective; the justices had not sufficient powers; they were frequently "as regardless of the law as ignorant of it," or else were defied by pettifoggers and people with money in their pockets. A mob of chair-men or servants, or a gang of thieves, were almost too big for the civil authority to repress; and the civil power generally, according to Fielding, was in a lethargic state.

The private enterprise of citizens had sought for some time past to second the efforts of the State, and various societies for the reformation of manners laboured hard, but scarcely with marked success, to reduce crime. The first of these societies originated in the previous century by six private gentlemen, whose hearts were moved by the dismal and desperate state of the country "to engage in the difficult and dangerous enterprise;" and it was soon strengthened by the addition of "persons of eminency in the law, members of Parliament, justices of the peace, and considerable citizens of London of known abilities and great integrity." There was a second society of about fifty persons, tradesmen, and others; and a third society of constables, who met to consider how they might best discharge their oaths; a fourth to give information; while other bodies of householders and officers assisted in the great work. These in one year, 1724, had prosecuted over twenty-five hundred persons, and in the thirty-three years preceding nearly ninety thousand; while in the same period they had given away four hundred thousand good books. However well meant were these efforts, it is to be feared that they were of little avail in stemming the torrent of crime which long continued to deluge the country.

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The character of offences perpetrated will best be understood by passing from the general to the particular, and briefly indicating the salient points of a certain number of typical cases, all of which were in some way or other connected with Newgate. Crime was confined to no one class; while the lowest robbed with brutal violence, members of the highest stabbed and murdered each other on flimsy pretences, or found funds for debauchery in systematic and cleverly contrived frauds. Life was held very cheap in those days. Every one with any pretensions carried a sword, and appealed to it on the slightest excuse or provocation. Murderous duels and affrays were of constant occurrence. So-called affairs of honour could only be washed out in blood. Sometimes it was a causeless quarrel in a club or coffee-house ending in a fatal encounter. Richard Savage, the poet, was tried for his life for a murder of this kind in 1727. In company with two friends, all three of them being the worse for drink, he forced his way into a private room in Robinson's coffee-house, near Charing Cross, occupied by another party carousing. One of Savage's friends kicked down the table without provocation. "What do you mean by that?" cried one side. "What do *you* mean?" cried the other. Swords were drawn, and a fight ensued. Savage, who found himself in front of one Sinclair, made several thrusts at his opponent, and ran him through the body. Lights were put out, and Savage tried to escape, but was captured in a back court. He and his associates were committed first to the gatehouse and thence to Newgate. Three weeks later they were arraigned at the Old Bailey, found guilty of murder, and cast for death. The king's pardon was, however, obtained for Savage through the intercession of influential friends, but contrary, it is said, to the expressed wish of his mother. Savage was tried before Sir Francis Page, commonly known as "the hanging judge." He afterwards admitted that he had been anxious to hang Savage. In his old age, when his health was inquired after, he is reported to have replied, "I keep hanging on, hanging on." Savage was the illegitimate child of the Countess of Macclesfield, the fruit of a guilty intrigue with Captain Richard Savage, afterwards Earl Rivers. Lady Macclesfield was divorced, and subsequently married Earl Rivers; but she conceived a violent hatred for the child, and only consented to settle an annuity of £50 upon him when grown to man's estate, under threat of exposure in the first publication of Savage's poems. Savage, after his release from Newgate, retired into Wales, but he continued in very distressed circumstances, and being arrested for debt, lingered for the remainder of his days in Bristol Gaol.

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The case of Major Oneby is still more typical of the times. He was a military officer who had served in Marlbro's wars, and not without distinction, although enjoying an evil reputation as a duellist. When the army lay in winter quarters at Bruges, he had been "out," and had killed his man; again in Jamaica he had wounded an adversary who presently died. After the Peace of Utrecht Major Oneby was placed on half-pay, and to eke out his narrow means he became a professional gambler, being seldom without cards and dice in his pocket. He was soon known as a swaggerer and a bully, with whom it was wisest not to quarrel. One night in 1727, however, he was at play in the Castle Tavern in Drury Lane, when a Mr. Gower and he fell out about a bet. Oneby threw a decanter at Gower, and Gower returned the fire with a glass. Swords were drawn, but at the interposition of others put up again. Gower was for making peace, but Oneby sullenly swore he would have the other's blood. When the party broke up he called Gower into another room and shut the door. A clashing of swords was heard within, the waiter broke open the door, and the company rushed in to find Oneby holding up Gower with his left hand, having the sword in his right. Blood was seen streaming through Gower's waistcoat, and his sword lay upon the floor. Some one said to Oneby, "You have killed him;" but the major replied, "No, I might have done it if I would, but I have only frightened him," adding, that if he had killed him in the heat of passion the law would have been on his side. But his unfortunate adversary did actually die of his wound the following day, whereupon Major Oneby was apprehended and locked up in Newgate. He was tried the following month at the Old Bailey, but the jury could not decide as to the exact measure of the major's guilt, except that it was clear he had given the first provocation, while it

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was not denied he had killed the deceased.

A special verdict was agreed to, and the case with its various points referred to the twelve judges. The prisoner, who had hoped to escape with a conviction of manslaughter, was remanded to Newgate, and remained there in the State side without judgment for the space of two years. Becoming impatient, he prayed the Court of King's Bench that counsel might be heard in his case, and he was accordingly brought into court before the Lord Chief Justice Raymond, when his counsel and those for the Crown were fully heard. The judge reserved his judgment till he had consulted his eleven brethren; but the major, elated at the ingenious arguments of his lawyer, fully counted upon speedy release. On his way back to gaol he entertained his friends at a handsome dinner given at the Crown and Anchor Tavern. [267:1] He continued to carouse and live high in Newgate for several months more, little doubting the result of the judges' conference. They met after considerable delay in Sergeant's Inn Hall, counsel was heard on both sides, and the pleadings lasted a whole day. A friend called in the evening, and told him when he was making merry over a bowl of punch that eleven of the judges had decided against him. This greatly alarmed him; next day the keeper of Newgate (Mr. Akerman) came to put irons on him, unless he was prepared to pay for a special keeper to occupy the same room. Oneby was indignant, but helpless. He felt the ground slipping from under his feet, and he was almost prepared for the judgment delivered in open court that he had been guilty of murder, his threat that he would have Gower's blood having had great weight in his disfavour. [268]

Oneby spent the days before execution, in 1729, in fruitless efforts to get relations and friends to use their influence in obtaining pardon for him. But he was so overbearing that his relations would not visit him in Newgate, and his friends, if he had any, would not stir a finger to help him. His last moments seem to have been spent between laughing at the broad jokes of his personal gaoler, who now never left him, one John Hooper, afterwards public executioner, [268:1] and fits of rage against those who had deserted him in his extremity. He was further exasperated by a letter from an undertaker in Drury Lane, who, having heard that the major was to die on the following Monday, promised to perform the funeral "as cheap and in as decent a manner as any man alive." Another cause of annoyance was the publication of a broad sheet, entitled "The Weight of Blood, or the Case of Major John Oneby," the writer of which had visited the prisoner, ostensibly to offer to suppress the publication, but really as an "interviewer" to obtain some additional facts for his catchpenny pamphlet. The major was so indignant that he laid a trap for the author by inviting him to revisit Newgate, promising himself the pleasure of thrashing him when he appeared, but the man declined to be caught. On the Saturday night before execution Oneby, learning that a petition had been presented and rejected, prepared to die. He slept soundly till four in the morning, then calling for a glass of brandy and writing materials, he wrote his will. It was brief, and to the following effect: [269]

"Cousin Turvill, give Mr. Akerman, for the turnkey below stairs, half a guinea, and Jack Hooper, who waits in my room, five shillings. The poor devils have had a great deal of trouble with me since I have been here." After this he begged to be left to sleep; but a friend called about seven: the major cried feebly to his servant, "Philip, who is that?" and it was found that he was bleeding to death from a deep gash in his wrist. He was dead before a surgeon could be called in.

In these disastrous affrays both antagonists were armed. But reckless roisterers and swaggering bobadils were easily provoked, and they did not hesitate, in a moment of mad passion, to use their swords upon defenceless men. Bailiffs and the lesser officers of justice were especially obnoxious to these high-tempered bloods. I read in "Luttrell," under date February, 1698, "Captain Dancy of the Guards killed a bailiff in Exeter Street, and is committed to Newgate." Again, in 1705, "Captain Carlton, formerly a justice of the peace for Middlesex, is committed to Newgate for running a marshal's man through the body who endeavoured to arrest him on the parade by the Horse Guards in St. James's Park, of which wound it is thought the man will die." I can find no mention of the fate which overtook these murderers; but the "Calendars" contain a detailed account of another murder of much the same kind; that perpetrated by the Marquis de Paleoti upon his servant, John Niccolo, otherwise John the Italian, in 1718. The marquis had come to England to visit his sister, who had married the Duke of Shrewsbury in Rome, and had launched out into a career of wild extravagance. The duchess had paid his debts several times, but at length declined to assist him further. He was arrested and imprisoned, but his sister privately procured his discharge. After his enlargement, being without funds, the marquis sent Niccolo to borrow what he could. But "the servant, having met with frequent denials, declined going, at which the marquis drew his sword and killed him on the spot." The marquis seems to have hoped to have found sanctuary at the Bishop of Salisbury's, to whose house he repaired as soon as Niccolo's body was found. But he was arrested there after having behaved so rudely, that his sword, all bloody with gore, had to be taken from him, and he was conveyed to Newgate. His defence was weak, his guilt clear, and much to his surprise, he was sentenced to be hanged. He declared that it was disgraceful "to put a nobleman to death like a common malefactor for killing a servant;" but his plea availed little, and he suffered at Tyburn five weeks after the murder. [270] [271]

Forty years later an English nobleman, Earl Ferrers, paid the same extreme penalty for murdering his steward. His lordship was tried by his peers, and after sentence until his execution was lodged in the Tower, and not in Newgate. His case is sufficiently well known, and has already been briefly referred to.

Another aristocratic miscreant, whose crimes only fell short of murder, was Colonel Francis



Charteris. Well born, well educated, well introduced into life, he joined the army under Marlborough in the Low Countries as a cornet of horse, and soon became noted as a bold and dexterous gambler. His greed and rapacity were unbounded; he lent money at usurious rates to those whom he had already despoiled of large sums by foul play, and having thus ruined many of his brother officers, he was brought to trial, found guilty of disgraceful conduct, and sentenced by court martial to be cashiered. On his way back to Scotland, by falsely swearing he had been robbed at an inn, he swindled the landlord out of a large sum of money as an indemnity, and does not seem to have been called to account for his fraud. In spite of his antecedents, Charteris obtained a new commission through powerful friends, and was soon advanced to the grade of colonel. Moving in the best society, he extended his gambling operations, and nearly robbed the Duchess of Queensbury of £3,000 by placing her near a mirror, so that he could see all her cards. Escaping punishment for this, he continued his depredations till he acquired a considerable fortune and several landed estates. Fate overtook him at last, and he became the victim of his own profligacy. Long notorious as an unprincipled and systematic seducer, he effected the ruin of numbers, by means of stratagems and bribes, but was at length arrested on a charge of criminal assault. He lay in Newgate on the State side, lightly ironed, and enjoying the best of the prison until the trial at the Old Bailey in February, 1730. He was convicted and sentenced to die, but through the strenuous exertions of his son-in-law, the Earl of Wemyss, obtained the king's pardon. He died two years later, miserably, in Edinburgh, whither he had retired after his release. He was long remembered with obloquy. Doctor Arbuthnot, who wrote his epitaph, has best depicted his detestable character, as a villain, "who with an inflexible constancy and inimitable impunity of life persisted, in spite of age and infirmity, in the practice of every human vice except prodigality and hypocrisy, his insatiable avarice exempting him from the first, and his matchless impudence from the latter, . . . and who, having done every day of his life something worthy of a gibbet, was once condemned to one for what he had not done." Doctor Arbuthnot appears from this to have dissented from the verdict of the jury by which Charteris was tried.

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In times of such general corruption it was not strange that a deplorable laxity of morals should prevail as regards trusts, whether public or private. Even a Lord Chancellor was found guilty of venal practices—the sale of offices, and the misappropriation of funds lodged in the Chancery Court. This was the twelfth Earl of Macclesfield,<sup>[273:1]</sup> who sought thus dishonestly to mend his fortunes, impaired, it was said, by the South Sea Bubble speculations. He was tried before his peers, found guilty, and declared for ever incapable of sitting in Parliament, or of holding any office under the Crown; and further sentenced to a fine of £30,000 with imprisonment in the Tower until it was paid.

Lord Macclesfield promptly paid his fine, which was but a small part of the money he had amassed by his speculations, and was discharged. "To the disgrace of the times in which he lived," says the biographer of Lord Hardwicke, "the infamy with which he had been thus covered debarred him neither from the favour of the great nor even from that of his sovereign."

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Various cases of embezzlement by public officials previous to this are mentioned by Luttrell. Frauds upon the Exchequer, and upon persons holding Government annuities, were not infrequent. The first entry in "Luttrell" is dated 1697, May, and is to the effect that "Mr. Marriott, an underteller in the Exchequer, arrested for altering an Exchequer bill for £10 to £100, pleaded innocency, but is sent to Newgate;" others were implicated, and a proclamation was issued offering a reward for the apprehension of Domingo Autumes, a Portuguese, Robert Marriott, and another for counterfeiting Exchequer bills. A little later another teller, Mr. Darby, is sent to Newgate on a similar charge, and in that prison Mr. Marriott "accuses John Knight, Esq., M. P., treasurer of customs, who is displaced."

Marriott's confession follows: "He met Mr. Burton and Mr. Knight at Somerset House, where they arranged to get twenty per cent. by making Exchequer bills specie bills; they offered Marriott £500 a year to take all upon himself if discovered. It is thought greater people are in it to destroy the credit of the nation." Following this confession, bills were brought into the House of Commons charging Burton, Knight, and Duncombe with embezzlement, but "blanks are left for the House to insert the punishment, which is to be either fine, imprisonment, or loss of estates." Knight was found guilty of endorsing Exchequer bills falsely, but not of getting money thereby. Burton was found guilty; Duncombe's name is not mentioned, and Marriott was discharged. But this does not end the business. In the May following "Mr. Ellers, master of an annuity office in the Exchequer, was committed to Newgate for forging people's hands to their orders, and receiving a considerable sum of money thereon." Again in October, "Bellingham, an old offender, was convicted of felony in forging Exchequer bills; and a Mrs. Butler, also for forging a bond of £20,000, payable by the executors of Sir Robert Clayton six years after his death." Later on (1708) I find an entry in "Luttrell" that Justice Dyot, who was a commissioner of the Stamp-office, was committed to Newgate for counterfeiting stamps, which others whom he informed against distributed. Of the same character as the foregoing was the offence of Mr. Lemon, a clerk in the Pell office of the Exchequer, who received £300 in the name of a gentlewoman deceased, and kept it, for which he was turned out of his place. Other unfaithful public servants were to be found in other departments. Robert Lowther, Esq., was taken into custody on the 25th October, 1721, by order of the Privy Council, for his tyrannical and corrupt administration when governor of the Island of Barbadoes. Twenty years later the House of Commons fly at still higher game, and commit the Solicitor of the Treasury to Newgate for refusing to answer questions put to him by the secret committee which sat to inquire into Sir Robert Walpole's administration. This official had been often charged with the Prime Minister's secret disbursements, and he was accused of being recklessly profuse.

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## FOOTNOTES:

- [251:1] "An inquiry into the causes of the late increase of robbers," etc. London, 1751.
- [259:1] Soldiers in the Guards, after long and faithful service, were granted leave of absence from military duty in order to take civil situations which did not monopolize all their time. By this means they eked out their scanty pay.
- [267:1] Thornbury, in his "Old Stories Retold," calls it the King's Arms, on what authority he does not say.
- [268:1] "What do you bring this fellow here for?" Oneby had cried to the keeper of Newgate when he appeared with Hooper. "Whenever I look at him I shall think of being hanged." Hooper had a forbidding countenance, but he was an inimitable mimic, and he soon made himself an agreeable companion to the condemned man.
- [273:1] The husband of the Lady Macclesfield who was mother to Richard Savage.

## CHAPTER IX

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### LATER RECORDS

Crimes more commonplace, but more atrocious—Murder committed by Catherine Hayes and her accomplices—She is burned alive for petty treason—Sarah Malcolm, the Temple murderess—Other prominent and typical murders—Wife murderers—Theodore Gardelle, the murderer of Mrs. King—Two female murderers—Mrs. Meteyard—Her cruelty to a parish apprentice—Elizabeth Brownrigg beats Mary Clifford to death—Governor Wall—His severe and unaccommodating temper—Trial of Sergeant Armstrong—Punished by drumhead court martial and flogged to death—Wall's arrest and escape to the Continent—Persons of note charged with murder—Quin, the actor, kills Williams in self-defence—Charles Macklin kills Hallam, a fellow actor at Drury Lane—Joseph Baretti, author of the "Italian Dictionary," mobbed in the Haymarket, defends himself with a pocket-knife, and stabs one of his assailants.

Returning to meaner and more commonplace offenders, I find in the records full details of all manner of crimes. Murders the most atrocious and bloodthirsty; robberies executed with great ingenuity and boldness by both sexes; remarkable instances of swindling and successful frauds; early cases of forgery; coining carried out with extensive ramifications; piracies upon the high seas, long practised with strange immunity from reprisals.

Perhaps the most revolting murder ever perpetrated, not excepting those of later date, was that in which Catherine Hayes assisted. The victim was her husband, an unoffending, industrious man, whose life she made miserable, boasting once indeed that she would think it no more sin to murder him than to kill a dog. After a violent quarrel between them she persuaded a man who lodged with them, named Billings, and who was either her lover or her illegitimate son, to join her in an attempt upon Hayes. A new lodger, Wood, arriving, it was necessary to make him a party to the plot, but he long resisted Mrs. Hayes's specious arguments, till she clenched them by declaring that Hayes was an atheist and a murderer, whom it could be no crime to kill; moreover that at his death she would become possessed of £1,500, which she would hand over to Wood.

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Wood at last yielded, and after some discussion it was decided to do the dreadful deed while Hayes was in his cups. After a long drinking bout, in which Hayes drank wine, probably drugged, and the rest beer, the victim dragged himself to bed and fell on it in a stupor. Billings now went in, and with a hatchet struck Hayes a violent blow on the head and fractured his skull; then Wood gave the poor wretch, as he was not quite dead, two more blows and finished him. The next job was to dispose of the murdered man's remains.

To evade identification Catherine Hayes suggested that the head should be cut off, which Wood effected with his pocket-knife. She then proposed to boil it, but this was overruled, and the head was disposed of by the men, who threw it into the Thames from a wharf near the Horseferry at Westminster. They hoped that the damning evidence would be carried off by the next tide, but it remained floating near shore, and was picked up next day by a watchman, and handed over to the parish officers, by whom, when washed and the hair combed, it was placed on the top of a pole in the churchyard of St. Margaret's, Westminster. Having got rid of the head, the murderers next dealt with the body, which they dismembered, and packed the parts into a box. This was conveyed to Marylebone, where the pieces were taken out, wrapped in an old blanket, and sunk in a pond.

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Meanwhile the exposed head had been viewed by curious crowds, and at last a Mr. Bennet, an organ-builder, saw a resemblance to the face of Hayes, with whom he had been acquainted; another person, a journeyman tailor, also recognized it, and inquiries were made of Catherine as to her husband. At first she threw people off the scent by confessing that Hayes had killed a man and absconded, but being questioned by several she told a different story to each, and presently suspicion fell upon her. As it had come out that Billings and Wood had been drinking with Hayes the last time he was seen, they were included in the warrant, which was now issued for the apprehension of the murderers. The woman was arrested by Mr. Justice Lambert in person, who had "procured the assistance of two officers of the Life Guards," and Billings with her. One was committed to the Bridewell, Tothill Fields, the other to the Gatehouse. Catherine's conduct when brought into the presence of her murdered husband's head almost passes belief. Taking the glass bottle in which it had been preserved into her arms, she cried, "It is my dear husband's head," and shed tears as she embraced it. The surgeon having taken the head out of the case, she kissed it rapturously, and begged to be indulged with a lock of his hair. Next day the trunk and remains of the corpse were discovered at Marylebone without the head, and the justices, nearly satisfied as to the guilt of Catherine Hayes, committed her to Newgate. Wood was soon after captured, and on hearing that the body had been found confessed the whole crime. Billings shortly did the same; but Mrs. Hayes obstinately refused to admit her guilt. This atrocious creature was for the moment the centre of interest; numbers visited her in Newgate, and sought to learn her reasons for committing so dreadful a crime; but she gave different and evasive answers to all.

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At her trial she pleaded hard to be exempted from the penalty of petty treason, which was at

that time burning, alleging that she was not guilty of striking the fatal blow. The crime of petty treason was established when any person out of malice took away the life of another to whom he or she owed special obedience—as when a servant killed his master, a wife her husband, or an ecclesiastic his superior. The wife's accomplices in the murder of a husband were not deemed guilty of petty treason. She was told the law must take its course. Billings and Wood hoped they might not be hung in chains, but received no answer. Wood actually died in prison before execution; Billings suffered at Tyburn, and was hung in chains near the pond in Marylebone. Mrs. Hayes tried to destroy herself, but failed, and was literally burnt alive. The fire reaching the hands of the hangman, he let go the rope by which she was to have been strangled, and the flames slowly consumed her, as she pushed the blazing fagots from her, and rent the air with her agonized cries. Her execution, which took place on 9th May, 1726, was not the last of its kind. In November, 1750, Amy Hutchinson was burnt at Ely, after a conviction of petty treason, having poisoned a husband newly married, whom she had taken to spite a truant lover. In 1767, again, Ann Sowerly underwent the same awful sentence at York. She also had poisoned her husband. Last of all, on the 10th March, 1788, a woman was burnt before the debtors' door of Newgate. Having been tied to a stake and seated on a stool, the stool was withdrawn and she was strangled. After that she was burnt. Her offence was coining. In the following year, 1789, an act was passed which abolished this cruel custom of burning women for petty treason.

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Sarah Malcolm was another female monster, a wholesale murderess, whose case stands out as one of peculiar atrocity even in those bloodthirsty times. She was employed as a laundress in the Temple, where she waited on several gentlemen, and had also access in her capacity of charwoman to the chambers occupied by an aged lady named Mrs. Duncombe.<sup>[282:1]</sup> Sarah's cupidity was excited by the chance sight of her mistress's hoarded wealth, both in silver plate and broad coins, and she resolved to become possessed of it, hoping when enriched to gain a young man of her acquaintance named Alexander as her husband. Mrs. Duncombe had two other servants, Elizabeth Harrison, also aged, and a young maid named Ann Price, who resided with her in the Temple. One day (Feb. 2, 1733) a friend coming to call upon Mrs. Duncombe was unable to gain admittance. After some delay the rooms were broken into, and their three occupants were found barbarously murdered, the girl Price in the first room, with her throat cut from ear to ear, her hair loose, hanging over her eyes, and her hands clenched; in the next lay Elizabeth Harrison on a press bed, strangled; and last of all, old Mrs. Duncombe, also lying across her bed, quite dead. The strong box had been broken open and rifled.

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That same night one of the barristers, returning to his chambers late, found Sarah Malcolm there kindling a fire, and after remarking upon her appearance at that strange hour, bade her begone, saying, that no person acquainted with Mrs. Duncombe should be in his chambers till the murderer was discovered. Before leaving she confessed to having stolen two of his waistcoats, whereupon he called the watch and gave her into custody. After her departure, assisted by a friend, the barrister made a thorough search of his rooms, and in a cupboard came upon a lot of linen stained with blood, also a silver tankard with blood upon the handle. The watchmen had suffered Sarah to go at large, but she was forthwith rearrested; on searching her, a green silk purse containing twenty-one counters was found upon her, and she was committed to Newgate. There, on arrival, she sought to hire the best accommodation, offering two or three guineas for a room upon the Master Debtors' side. Roger Johnston, a turnkey, upon this searched her, and discovered "concealed under her hair," no doubt in a species of a chignon, "a bag containing twenty moidores, eighteen guineas, and a number of other broad pieces." This money she confessed had come from Mrs. Duncombe; but she stoutly denied all complicity with the murder, or that she had done more than contrive the robbery. She charged two brothers, named Alexander, one the man she desired to marry, and a woman, Mary Tracy, with the greater crime. Upon her information they were arrested and confronted with her. She persisted in this line of defence at her trial, but the circumstantial evidence against her was so strong that the jury at once found her guilty. She herself had but little hope of escape, and had been heard to cry out on her first commitment, "I am a dead woman." She was duly executed at Tyburn. The Alexanders and Tracy were discharged.

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I have specially instanced these foul murders as exhibiting circumstances of atrocity rarely equalled in the records of crime. Catherine Hayes and Sarah Malcolm were unsexed desperadoes, whose misdeeds throw into the shade those of the Mannings and Kate Websters of later times. But women had no monopoly of assassination, in those days when life was held so cheap. Male murderers were still more numerous, and also more pitiless and bloodthirsty. The calendars are replete with homicides, and to refer to them in anything like detail would both weary and disgust the reader. I shall do no more, therefore, than briefly indicate here a certain number of the more prominent cases remarkable either from the position of the criminals, the ties by which they were bound to their victims, or the horrible character of the crime.

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The hangman figures among the murderers of this epoch. John Price, who filled the office in 1718, and who rejoiced in the usual official soubriquet of "Jack Ketch," was a scoundrel rendered still more callous and cruel by his dreadful calling. He had begun life well, as an apprentice, but he absconded, and entering the navy, "served with credit on board different kings' ships for eighteen years." On his discharge, seeking employment, he obtained the situation of public executioner. He might have lived decently on the hangman's wages and perquisites, but he was a spendthrift, who soon became acquainted with the interiors of the debtors' prisons for Middlesex. Once he was arrested on his way back from Tyburn after a good day's work, having in his possession, besides fees, the complete suits of three men who had just been executed. He gave up all this to liquidate the debt, but the value being insufficient, he was lodged in the Marshalsea.

When released, in due course he returned to his old employment, but was soon arrested again, and on a serious charge—that of a murderous assault upon a poor woman who sold gingerbread through the streets. He had shamefully attacked her, and maddened by her resistance, had ill-used her terribly. "He beat her so cruelly," the account says, "that streams of blood issued from her eyes and mouth; he broke one of her arms, knocked out some of her teeth, bruised her head in a most shameful manner, and forced one of her eyes from the socket."

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One account says that he was taken red-handed close to the scene of his guilt; another, the more probable, that he was arrested on his way to Tyburn with a convict for the gallows. In any case his unfortunate victim had just life left in her to bear testimony against him. Price was committed to Newgate, and tried for his life. His defence was, that in crossing Moorfields he found something lying in his way, which he kicked and found to be the body of a woman. He lifted her up, but she could not stand on her legs. The evidence of others was too clear, and the jury did not hesitate to convict. After sentence he abandoned himself to drink, and obstinately refused to confess. But on the day before his execution he acknowledged that he had committed the crime while in a state of intoxication. He was hanged in Bunhill Fields, and his body afterwards exhibited in chains in Holloway near the scene of the murder.

Wife-murder was of common occurrence in these reckless times. The disgraceful state of the marriage laws, and the facility with which the matrimonial knot could be tied, often tempted unscrupulous people to commit bigamy.<sup>[286:1]</sup> Louis Houssart was of French extraction, settled in England, who married Ann Rondeau at the French church in Spitalfields. After about three years "he left his wife with disgust," and going into the city, passed himself off as a single man. Becoming acquainted with a Mrs. Hern, he presently married her. He had not been long married before his new wife taxed him with having another wife. He swore it was false, and offered to take the sacrament upon it. She appeared satisfied, and begged him to clear his reputation. "Do not be uneasy," he said; "in a little time I will make you sensible I have no other wife." He now resolved to make away with the first Mrs. Louis Houssart, otherwise Ann Rondeau, and reopened communications with her. Finding her in ill-health, one day he brought her "a medicine which had the appearance of conserve of roses, which threw her into such severe convulsive fits that her life was despaired of for some hours; but at length she recovered." This attempt having failed, he tried a simpler plan. Dressed in a white coat, with sword and cane, he went one evening to the end of Swan Alley, where his wife lived with her mother, and finding a boy, gave him a penny to go and tell Mrs. Rondeau that a gentleman wanted to speak to her in a neighbouring public-house. When she left the house, Houssart went in, found his wife alone, and cut her throat with a razor.

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Thus murdered she was found by her mother on her return, after inquiring in vain for the gentleman who was said to be waiting for her. Suspicion fell on Houssart, who was arrested and tried, but for want of the boy's evidence acquitted of the murder. But he was detained in Newgate to take his trial for bigamy. While waiting sentence, the boy, a lad of thirteen, who knew of the murder and arrest, and who thought he would be hanged if he confessed that he had carried the message to Mrs. Rondeau, came forward to give evidence. He was taken to Newgate into a room, and identified Houssart at once among seven or eight others. The brother of the deceased, Solomon Rondeau, as heir, now lodged an appeal, in the names of John Doe and Richard Roe (an ancient form of legal procedure), against Houssart, who was eventually again brought to trial. Various pleas were put forward by the defence in bar of further proceedings, among others that there were no such persons as John Doe and Richard Roe, but this plea, with the rest, was overruled, the fact being sworn to that there was a John Doe in Middlesex, a weaver, also a Richard Roe, who was a soldier, and the trial went on. The boy's evidence was very plain. He remembered Houssart distinctly, had seen him by the light of a lantern at a butcher's shop; he wore a whitish coat. The boy also recognized Mrs. Rondeau as the woman to whom he gave the message. Others swore to the white coat which Houssart had on; but the most damning evidence was that of a friend whom he had summoned to see him in Newgate, and whom he asked to swear that they had been drinking together in Newgate Street at the time the murder was committed. Houssart offered this witness a new shirt, a new suit of clothes, and twenty guineas to swear for him. The prisoner, however, owned that he did give the boy a penny to call the old woman out, and that he then went in and gave his wife "a touch with the razor, but did not think of killing her." The prisoner was found guilty and hanged at the end of Swan yard in Shoreditch.

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Vincent Davis was another miscreant who murdered his wife, under much the same conditions. He had long barbarously ill-used her; he kept a small walking-cane on purpose to beat her with, and at last so frightened her by his threats to kill her that she ran away from him. She returned one night, but finding that he had put an open knife by the bedside, she placed herself under the protection of the landlady, who advised her to swear the peace against him and get him imprisoned. Next day the brutal husband drove her out of the house, declaring she had no right to be in his company, as he was married to "Little Jenny." But she implored him to be friends, and having followed him to an ale-house seeking reconciliation, he so slashed her fingers with a knife that she came back with bleeding hands. That same night, when his wife met him on his return home, he ordered her to light him to his room, then drawing his knife, stabbed her in the breast. The poor woman bled to death in half an hour. Davis after the deed was done was seized with contrition, and when arrested and on his way to Newgate, he told the peace officer that he had killed the best wife in the world. "I know I shall be hanged," he added; "but for God's sake don't let me be anatomized." This man is said to have assumed an air of bravado while he lay under sentence of death, but his courage deserted him as the time for execution approached. He had

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such a dread of falling into the hands of the surgeons that he wrote to several friends begging them to rescue his body if any attempt should be made at the gallows to remove it. He was hanged at Tyburn on the 30th April, 1725; but the calendar does not state what happened to his corpse.

George Price, who murdered his wife in 1738, had an analogous motive: he wished to release himself from one tie in order to enter into another. He was in service in Kent, his wife lived in lodgings in Highgate, and their family increased far more rapidly than he liked. Having for some time paid his addresses to a widow in Kent, he at length resolved to remove the only obstacle to a second and more profitable marriage. With this infernal object in view he went to Highgate, and told his wife that he had secured a place for her at Putney, to which he would himself drive her in a chaise. She was warned by some of his fellow servants against trusting herself alone with him, but "she said she had no fear of him, as he had treated her with unusual kindness." They drove off towards Hounslow. On the way she begged him to stop while she bought some snuff, but he refused, laughingly declaring she would never want to use snuff again. When they reached Hounslow Heath it was nearly ten o'clock at night. The time and place being suitable, he suddenly threw his whip-lash round his wife's throat and drew it tight. As the cord was not quite in the right place he coolly altered it, and disregarding her entreaties, he again tightened the rope; then finding she was not quite dead, pulled it with such violence that it broke, but not till the murder was accomplished. Having stripped the body, he disfigured it, as he hoped, beyond recognition, then left it under a gibbet on which some malefactors were hanging in chains, and returned to London with his wife's clothes, part of which he dropped about the street, and part he gave back to her landlady, to whom they belonged. Being seen about, so many inquiries were made for his wife that he feared detection, and fled to Portsmouth.

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Next day he heard the murder cried through the streets by the bellman, and found that it was his own case, with an exact description of his appearance. He at once jumped out of the window—the inn was by the waterside—and swam to another part of the shore. Thence he made his way into the country and got chance jobs as a farm-labourer. At Oxford he found that he was advertised in the local paper, and he again decamped, travelling on and on till he reached his own home in Wales. His father gave him refuge for a couple of days, but a report of his being in the house got about, and he had to fly to Gloucester, where he became an ostler at an inn. In Gloucester he was again recognized as the man who had killed his wife on Hounslow Heath, by a gentleman who promised not to betray him, but warned him that he would be taken into custody if he remained in town. "Agitated by the momentary fear of detection, Price knew not how to act," and he resolved at length to go back to London and give himself up to justice. He called first on his former master, was apprehended, and committed to Newgate. He took his trial in due course, and was, on "the strongest circumstantial evidence ever adduced against an offender," cast for death, but fell a victim to the gaol-fever in October, 1738.

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Mention of two more heinous cases of wife-murder may be made. The second marriage of Edward Joines, contracted at the Fleet, was not a happy one. His wife had a violent temper, and they continually disagreed. A daughter of hers lived with them, and the two women contrived to aggravate and annoy Joines to desperation. He retaliated by brutal treatment. On one occasion he pushed his wife into the grate and scorched her arm; frequently he drove her out-of-doors in scanty clothing at late hours and in inclement weather. One day his anger was roused by seeing a pot of ale going into his house for his wife, who was laid up with a fractured arm. He rushed in, and after striking the tankard out of her hand, seized her by the bad arm, twisted it till the bone again separated. The fracture was reset, but mortification rapidly supervened, and she died within ten days. The coroner's jury in consequence brought in a verdict of wilful murder against Joines. He was in due course convicted of murder, although it was difficult to persuade him that he had had a fair trial, seeing that his wife did not succumb immediately to the cruel injury she had received at his hands. In December, 1739, he was executed.

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The second wife of John Williamson received still more terrible and inhumane treatment at his hands. This ruffian within three weeks after his marriage drenched his wife with cold water, and having otherwise ill-used her, inflicted the following diabolical torture. Having fastened her hands behind with handcuffs, he lifted her off the ground, with her toes barely touching it, by a rope run through a staple. She was locked up in a closet, and close by was placed a small piece of bread and butter, which she could just touch with her lips. She was allowed a small portion of water daily. Sometimes a girl who was in the house gave the poor creature a stool to rest her feet on, but Williamson discovered it, and was so furious that he nearly beat the girl to death. The wretched woman was kept in this awful plight for more than a month at a time, and at length succumbed. She died raving mad. Williamson when arrested made a frivolous defence, declaring his wife provoked him by treading on a kitten and killing it. In 1760 he was found guilty and executed.

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The victim of Theodore Gardelle was a woman, although not his wife. This murder much exercised the public mind at the time. The perpetrator was a foreigner, a hitherto inoffensive miniature painter, who was goaded into such a frenzy by the intolerable irritation of the woman's tongue, that he first struck and then despatched her. He lodged with a Mrs. King in Leicester Fields, whose miniature he had painted, but not very successfully. She had desired to have the portrait particularly good, and in her disappointment gave the unfortunate painter no peace. One morning she came into the parlour which he used, and which was *en suite* with her bedroom, and immediately attacked him about the miniature. Provoked by her insults, Gardelle told her she was a very impertinent woman; at which she struck him a violent blow on the chest. He pushed her

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from him, "rather in contempt than anger," as he afterwards declared, "and with no desire to hurt her;" her foot caught in the floor-cloth, she fell backward, and her head came with great force against a sharp corner of the bedstead, for Gardelle apparently had followed her into her bedroom. The blood immediately gushed from her mouth, and he at once ran up to assist her and express his concern; but she pushed him away, threatening him with the consequences of his act. He was greatly terrified at the thought of being charged with a criminal assault; but the more he strove to pacify the more she reviled and threatened, till at last he seized a sharp-pointed ivory comb which lay upon her toilet-table and drove it into her throat. The blood poured out in still greater volume and her voice gradually grew fainter and fainter, and she presently expired. Gardelle said afterwards he drew the bedclothes over her, then, horrified and overcome, fell by her side in a swoon. When he came to himself he examined the body to see if Mrs. King were quite dead, and in his confusion staggered against the wainscot and hit his head so as to raise a great bump over his eye.

Gardelle now seems to have considered with himself how best he might conceal his crime. There was only one other resident in the house, a maid servant, who was out on a message for him at the time of his fatal quarrel with Mrs. King. When she returned she found the bedroom locked, and Gardelle told her her mistress had gone into the country for the day. Later on he paid her wages on behalf of Mrs. King and discharged her, with the explanation that her mistress intended to bring home a new maid with her. Having now the house to himself, he entered the chamber of death, and stripped the body, which he laid in the bed. He next disposed of the blood-stained bedclothes by putting them to soak in a wash-tub in the back wash-house. A servant of an absent fellow lodger came in late and asked for Mrs. King, but Gardelle said she had not returned, and that he meant to sit up for her and let her into the house. Next morning he explained Mrs. King's absence by saying she had come late and gone off again for the day.

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This went on from Wednesday to Saturday; but no suspicion of anything wrong had as yet been conceived, and the body still lay in the same place in the back room. On Sunday Gardelle began to put into execution a project for destroying the body in parts, which he disposed of by throwing them down the sinks, or spreading in the cockloft. On Monday and Tuesday inquiries began to be made for Mrs. King, and Gardelle continued to say that he expected her daily, but on Thursday the stained bedclothes were found in the wash-tub. Gardelle was seen coming from the wash-house, and was heard to ask what had become of the linen. This roused suspicion for the first time. The discharged maid servant was hunted up, and as she declared she knew nothing of the wash-tub or its contents, and as Mrs. King was still missing, the neighbours began to move in the matter. Mr. Barron, an apothecary, came and questioned Gardelle, who was so much confused in his answers that a warrant was obtained for his arrest. Then Mrs. King's bedroom was examined, and that of Gardelle, now a prisoner. In both were found conclusive evidence of foul play. By and by in the cockloft and elsewhere portions of the missing woman were discovered, and some jewelry known to be hers was traced to Gardelle, who did not long deny his guilt. When he was in the new prison at Clerkenwell he tried to commit suicide by taking forty drops of opium; but it failed even to procure him sleep. After this he swallowed halfpence to the number of twelve, hoping that the verdigreese would kill him, but he survived after suffering great tortures. He was removed then to Newgate for greater security, and was closely watched till the end. After a fair trial he was convicted and cast for death. His execution took place in the Haymarket near Panton Street, to which he was led past Mrs. King's house, and at which he cast one glance as he passed. His body was hanged in chains on Hounslow Heath.

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Women were as capable of fiendish cruelty as men, and displayed greater and more diabolical ingenuity in devising torments for their victims. Two murders typical of this class of crime may be quoted here. One was that committed by the Meteyards, mother and daughter, upon an apprentice girl; the other that of Elizabeth Brownrigg, also on an apprentice. The Meteyards kept a millinery shop in Bruton Street, Berkeley Square, and had five parish apprentices bound to them. One was a sickly girl, Anne Taylor by name. Being unable to do as much work as her employers desired, they continually vented their spite upon her. After enduring great cruelty Anne Taylor absconded; she was caught, brought back to Bruton Street, and imprisoned in a garret on bread and water; she again escaped, and was again recaptured and cruelly beaten with a broom-handle. Then they tied her with a rope to the door of a room so that she could neither sit nor lie down, and she was so kept for three successive days, but suffered to go to bed at night-time. On the third night she was so weak she could hardly creep upstairs. On the fourth day her fellow apprentices were brought to witness her torments as an incentive to exertion, but were forbidden to afford her any kind of relief. On this, the last day of her torture, she faltered in speech and presently expired. The Meteyards now tried to bring their victim to with hartshorn, but finding life was extinct, they carried the body up to the garret and locked it in. Then four days later they enclosed it in a box, left the garret door ajar, and spread a report through their house that "Nanny" had once more absconded. The deceased had a sister, a fellow apprentice, who declared she was persuaded "Nanny" was dead; whereupon the Meteyards also murdered the sister and secreted the body. Anne's body remained in the garret for a couple of months, when the stench of decomposition was so great that the murderesses feared detection, and after chopping the corpse in pieces, they burnt parts and disposed of others in drains and gully-holes. Four years elapsed without suspicion having been aroused, but there had been constant and violent quarrels between mother and daughter, the former frequently beating and ill-using the latter, who in return reviled her mother as a murderess. During this time the daughter left her home to live with a Mr. Rooker as servant at Ealing. Her mother followed her, and still behaved so outrageously that the daughter, in Mr. Rooker's presence, upbraided her with what they had done. He became uneasy, and cross-questioned them till they confessed the crime. Both women

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were arrested and tried at the Old Bailey, where they were convicted and sentenced to death. The mother on the morning of her execution was taken with a fit from which she never recovered, and she was in a state of insensibility when hanged.

Elizabeth Brownrigg was the wife of a plumber who carried on business in Flower de Luce Court, Fleet Street. She practised midwifery, and received parish apprentices, whom she took to save the expense of keeping servants. Two girls, victims of her cruel ill-usage, ran away, but a third, Mary Clifford, bound to her by the parish of Whitefriars, remained to endure still worse. Her inhuman mistress repeatedly beat her, now with a hearth-broom, now with a horsewhip or a cane. The girl was forced to lie at nights in a coal-hole, with no bed but a sack and some straw. She was often nearly perished with cold. Once, after a long diet of bread and water, when nearly starved to death, she rashly broke into a cupboard in search of food and was caught in the act. Mrs. Brownrigg, to punish her, made her strip, and while she was naked repeatedly beat her with the butt end of a whip. Then fastening a jack-chain around her neck she drew it as tight as possible without strangling, and sent her back to the coal-hole with her hands tied behind her back. Mrs. Brownrigg's son vied with his mother in ill-treating the apprentices, and when the mistress was tired of horse-whipping, the lad continued the savage punishment. When Mary Clifford complained to a French lodger of the barbarity she experienced, Mrs. Brownrigg flew at her and cut her tongue in two places with a pair of scissors. Other apprentices were equally ill-used, and they were all covered with wounds and bruises from the cruel flagellations they received.

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At length one of the neighbours, alarmed by the constant moaning and groanings which issued from Brownrigg's house, began to suspect that "the apprentices were treated with unwarrantable severity." It was impossible to gain admission, but a maid looked through a skylight into a covered yard, and saw one of the apprentices, in a shocking state of filth and wretchedness, kept there with a pig. One of the overseers now went and demanded Mary Clifford. Mrs. Brownrigg produced another, Mary Mitchell, who was taken to the workhouse, but in such a pitiable state that in removing her clothes her bodice stuck to her wounds. Mary Mitchell having been promised that she should not be sent back to Brownrigg's, gave a full account of the horrid treatment she and Mary Clifford had received. A further search was made in the Brownriggs' house, but without effect. At length, under threat of removal to prison, Mrs. Brownrigg produced Clifford from a cupboard under a buffet in the dining-room. "It is impossible," says the account, "to describe the miserable appearance of this poor girl; nearly her whole body was ulcerated." Her life was evidently in imminent danger. Having been removed to St. Bartholomew's Hospital, she died there within a few days. The man Brownrigg was arrested, but the woman and son made their escape. Shifting their abode from place to place, buying new disguises from time to time at rag-fairs, eventually they took refuge in lodgings at Wandsworth, where they were recognized by their landlord as answering the description of the murderers of Mary Clifford, and arrested. Mrs. Brownrigg was tried and executed; the men, acquitted of the graver charge, were only sentenced to six months' imprisonment. The story runs that Hogarth, who prided himself on his skill as a physiognomist, wished to see Mrs. Brownrigg in Newgate. The governor, Mr. Akerman, admitted him, but at the instance of a mutual friend played a trick upon the painter by bringing Mrs. Brownrigg before him casually, as some other woman. Hogarth on looking at her took Akerman aside and said, "You must have two great female miscreants in your custody, for this woman as well as Mrs. Brownrigg is from her features capable of any cruelty and any crime." This story, although *ben trovato*, is apocryphal. At the time of this alleged visit to Newgate Hogarth was not alive.

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I pass now to murders of less atrocity, the result of temporary and more or less ungovernable passion, rather than of malice deliberate and aforethought. In this class must be included the case of Mr. Plunkett, a young gentleman of Irish extraction, who murdered a peruke-maker, when asked an exorbitant price for a wig. Brown had made it to order for Mr. Plunkett, and wanted seven pounds for it. After haggling he reduced it to six. Plunkett offered four, and on this being refused, seized a razor lying handy and cut Brown's throat.

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A somewhat similar case was that of Mr. Edward Bird, a well-born youth, who had been educated at Eton, and after making the grand tour had received a commission in a regiment of horse. Unfortunately he led a wild, dissolute life, associating with low characters. One morning, after spending the night in a place of public resort, he ordered a bath. One waiter deputed the job to another, the latter went to Bird to apologize for the delay. Bird, growing furious, drew his sword, and made several passes at the waiter, who avoided them by holding the door in his hand, and then escaped down-stairs. Bird pursued, threw the man down, breaking his ribs. On this the master of the house and another waiter, by name Loxton, tried to appease Bird, but the latter, frantic at not having the bath when ordered, fell upon Loxton and ran him through with his sword. Loxton dropped and died almost instantaneously. Bird was arrested, committed to Newgate, and eventually tried for his life. He was convicted and received sentence of death, but great interest was made to get it commuted to transportation. His powerful friends might have obtained it but for the protests of Loxton's representatives, and Bird was ordered for execution. The night before he first tried poison, then stabbed himself in several places, but survived to be taken the following morning to Tyburn in a mourning coach, attended by his mother and the ordinary of Newgate. At the gallows he asked for a glass of wine and a pinch of snuff, which "he took with apparent unconcern, wishing health to those who stood near him. He then repeated the Apostle's Creed and was launched into eternity."

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The military were not overpopular at times, when party disputes ran high, and the soldiery

were often exposed to contumely in the streets. It must be admitted too that they were ready enough to accept any quarrel fastened upon them. Thus William Hawksworth, a guardsman, while marching through the park with a party to relieve guard at St. James's, left the ranks to strike a woman who he thought had insulted his cloth. It was not she, however, but her companion who had cried, "What a stir there is about King George's soldiers!" This companion, by name Ransom, resented the blow, and called Hawksworth a puppy, whereupon the soldier clubbed his musket and knocked the civilian down. Hawksworth marched on with his guard; Ransom was removed to the hospital with a fractured skull, and died in a few hours. But a bystander, having learned the name of the offender, obtained a warrant against Hawksworth, who was committed to Newgate. He was ably defended at his trial, and his commanding officer gave him an excellent character. But the facts were so clearly proved that conviction was imperative. For some time he was buoyed up with the hope of reprieve, but this failed him at the last, and he went to Tyburn solemnly declaring that Ransom hit him first; that he had no malice against the deceased, and he hardly remembered leaving the ranks to strike him.

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Two cases may well be inserted here, although belonging to a somewhat later date. Both were murders committed under the influence of strong excitement: one was the fierce outburst of passionate despair at unrequited love; the other the rash action of a quick-tempered man who was vested for the moment with absolute power. The first was the murder of Miss Reay by the Rev. James Hackman, the second the flogging to death of the Sergeant Armstrong by order of Colonel Wall, Lieutenant-Governor of Goree.

Mr. Hackman had held a commission in the 68th Foot, and while employed on the recruiting service at Huntingdon, had been hospitably received at Hinchingbroke, the seat of Lord Sandwich. At that time a Miss Reay resided there under the protection of his lordship, by whom she had had nine children. Hackman fell desperately in love with Miss Reay, and the lady did not altogether reject his attentions. A correspondence between them, which bears every appearance of authenticity, was published after the murder under the title of "Love and Madness," and the letters on both sides are full of ardent protestations. Hackman continued to serve for some time, but the exile from the sight of his beloved became so intolerable that he sold out, took orders, and entered the Church, obtaining eventually the living of Wiverton in Norfolk.

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He had determined to marry Miss Reay if she would accept him, and one of the last letters of the correspondence above quoted proves that the marriage arrangements were all but completed. On the 1st March, 1779, he writes: "In a month or six weeks at farthest from this time I might certainly call you mine. Only remember that my character now I have taken orders renders exhibition necessary. By to-night's post I shall write into Norfolk about the alterations at *our* parsonage." But within a few weeks a cloud overshadowed his life. It is only vaguely indicated in a letter to a friend, dated the 20th March, in which he hints at a rupture between Miss Reay and himself. "What I shall do I know not—without her I do not think I can exist." A few days later he wrote to the same friend: "Despair goads me on—death only can relieve me. . . . What then have I to do, who only lived when she loved me, but cease to live now she ceases to love?"

At this period it is evident that the idea of suicide only occupied his overwrought brain. He wrote on the 7th April: "When this reaches you I shall be no more. . . . You know where my affections were placed; my having by some means or other lost hers (an idea which I could not support) has driven me to madness." So far he does not appear to have contemplated any violence against Miss Reay, for in his letter he commends her to the kind offices of his friend. He spent that day in self-communing and in reading a volume of Doctor Blair's sermons. In the evening he went from his lodgings in Duke's Court, St. Martin's Lane, towards the Admiralty, and saw Miss Reay drive by to the Covent Garden Theatre. He followed her into the theatre and gazed at her for the last time. Then, unable to restrain the violence of his passion, he returned to his lodgings, and having loaded two pistols, returned to Covent Garden, where he waited in the piazza till the play was over. When Miss Reay came out he stepped up with a pistol in each hand. One he fired at her, and killed her on the spot; the other he discharged at himself, but without fatal effect. He was at once arrested, and when his wound had been dressed, was committed by Sir John Fielding to Tothill Fields, and afterwards to Newgate. He wrote from prison to the same friend as follows:

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"I am alive—and she is dead. I shot her, shot her, and not myself. Some of her blood and brains is still upon my clothes. I don't ask you to speak to me, I don't ask you to look at me, only come hither and bring me a little poison, such as is strong enough. Upon my knees I beg, if your friendship for me ever was sincere, do, *do* bring me some poison."

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Next day he was more composed, and declared that nothing should tempt him to escape justice by suicide. "My death," he writes, "is all the recompense I can make to the laws of my country." He was tried before Mr. Justice Blackstone of the Commentaries, and convicted on the clearest evidence. A plea of insanity was set up in his defence, but could not be maintained. His dignified address to the jury had nothing of madness in it, and it is probable that he had no real desire to escape the just punishment for his crime. This is shown by his answer to Lord Sandwich, who wrote:

17th April, 1779.

"TO MR. HACKMAN IN NEWGATE

"If the murderer of Miss — wishes to live, the man he has most injured will use all his interest to procure his life."

To this Hackman replied:

THE CONDEMNED CELL IN NEWGATE,  
17th April, 1779.

"The murderer of her whom he preferred, far preferred to life, respects the hand from which he has just received such an offer as he neither desires nor deserves. His wishes are for death, not life. One wish he has. Could he be pardoned in this world by the man he has most injured—oh, my lord, when I meet her in another world enable me to tell her (if departed spirits are not ignorant of earthly things) that you forgive us both, that you will be a father to her dear infants!

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"J. H."

The condemned man continued to fill many sheets with his reflections in the shape of letters to his friend. But they are all rhapsodical to the last degree. The 19th April was the day fixed for his execution, and on that morning he rose at five o'clock, dressed himself, and spent some time in private meditation. About seven o'clock he was visited by Mr. Boswell and some other friends, with whom he went to the chaplain and partook of the sacrament. During the procession to Tyburn he seemed much affected, and said but little. After having hung the usual time his body was carried to Surgeon's Hall. He appears to have written a few last words in pencil at Tyburn while actually waiting to be turned off.

"My dear Charlie," he wrote, "farewell for ever in this world. I die a sincere Christian and penitent, and everything I hope you can wish me. Would it prevent my example's having any bad effect if the world should know how I abhor my former ideas of suicide, my crime? — will be the best judge. Of her fame I charge you to be careful. My poorly will . . .

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"Your dying H."

Miss Reay was buried at Elstree, Herts., where her grave is still pointed out.

Twenty years elapsed between the commission of the murder with which Governor Wall was charged and his trial and atonement. The date of his execution was 1802, a date which would bring the story within the scope of a later rather than the present chapter. But while postponing the particulars of the execution, I propose to deal here with the offence, as it falls naturally into this branch of my subject. Colonel Wall was governor and commandant of Goree, a small island off the coast of Africa close to Cape Verde, and now in the possession of the French. It was mainly dependent upon England for its supplies, and when these ran short, as was often the case, the troops received a money compensation in lieu of rations. A sum was due to them in this way on one occasion when both the governor and paymaster were on the point of leaving the island for England, and a number of men, anxious for an adjustment of their claims, set off in a body to interview the paymaster at his quarters. They were encountered en route by the governor, who reprimanded them, and ordered them to return to their barracks. An hour or two later a second party started for the paymaster, at the head of which was a certain Sergeant Armstrong. The governor met them as before, and addressing himself to Sergeant Armstrong, again ordered the men back to their quarters.

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Upon the nature of this demonstration the whole of the subsequent proceedings hinged. Governor Wall and his witnesses declared it was a tumultuous gathering, seventy or eighty strong; other testimony limited the number to about a dozen. Governor Wall alleged that the men with Armstrong were armed and menacing; others that they comported themselves in a quiet, orderly manner. It was sworn that Armstrong, when spoken to by the governor, came up to him submissively, hat in hand, addressed him as "Your Excellency," used no disrespectful language, and withdrew, with his comrades, without noise or disturbance. This view was supported by the evidence of several officers, who swore that they saw no appearance of a mutiny on the island that day; on the other hand, the governor urged that the men had declared they would break open the stores and help themselves if they were not settled with at once; that they prevented him from going to the shore, fearing he meant to leave the island in a hurry; and that they forced the main guard and released a prisoner. It is difficult to reconcile statements so widely divergent; but the fact that Governor Wall left the island next day, and took with him three officers out of the seven in the garrison; that he made no special report of the alleged mutiny to the military authorities in London, and did not even refer to it in minute returns prepared and forwarded at the time, must be deemed very detrimental to Governor Wall's case, and no doubt weighed with the jury which tried him. The only conclusion was that no mutiny existed, but one was assumed merely to screen the infliction of an unauthorized punishment.

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To return to the events on the island. It is pretty certain that Governor Wall's mind must have been thrown off its balance after he had dismissed the party headed by Armstrong. He was either actually apprehensive for the safety of his command, or was momentarily blinded by passion at

the seeming defiance of discipline, and he felt that he must make an example if his authority was to be maintained. Although many old comrades of high rank bore witness at his trial to his great humanity and good temper, there is reason to fear that to those under his command he was so severe and unaccommodating as to be generally unpopular, and this no doubt told against him at his trial. He was not a strong, self-reliant commander. It is nearly certain that he gave trifles exaggerated importance, and was only too ready to put in practice the severest methods of repression he had at hand. In this instance, however, he did not act without deliberation. It was not until six in the evening that he had resolved to punish Armstrong as the ringleader of the mutiny. By that time he had fully laid his plans. The "long roll" was beat upon the drums, the troops were assembled hurriedly as in the case of alarm, and a gun-carriage was dragged into the centre of the parade. The governor then constituted a drumhead court martial, which proceeded to try Armstrong for mutiny, convict, and sentence him without calling upon him to plead to any charge, or hearing him in his defence; so that he was practically punished without a trial. He was ordered eight hundred lashes, which were forthwith inflicted, not as in ordinary cases by the regimental drummers, whom the governor thought were tinged with insubordination, but by the black interpreters and his assistants; nor was the regulation cat-of-nine-tails used, as the governor declared they had all been destroyed by the mutineers, but a very thick rope's end, which, according to the surgeon's testimony, did more mischief than the cat. Armstrong's punishment was exemplary. It was proved that the governor stood by, threatening to flog the blacks themselves unless they "laid on" with a will, and crying again and again, "Cut him to the heart! cut him to the liver!" Armstrong begged for mercy, but he received the whole eight hundred lashes, twenty-five at a time; and when he was cast loose, he said that the sick season was coming on, which with the punishment would certainly do for him. A surgeon was present at the infliction, but was not called upon to certify as to Armstrong's fitness or otherwise for corporal punishment, nor did he enter any protest. Armstrong was taken at once to hospital, and his back was found "as black as a new hat." From the moment of his reception the doctors had no hope of his recovery; he gradually grew worse and worse, and presently died.

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The day after the punishment Governor Wall left Goree and came to England, where he arrived in August, 1782. The news of Armstrong's death followed him, and various reports as to the governor's conduct, which were inquired into and dismissed. But in 1784 a more detailed and circumstantial account came to hand, and two messengers were despatched to Bath by Lord Sidney, then Secretary of State, to arrest Wall. They apprehended him and brought him as far as Reading, in a chaise and four, where they alighted at an inn. While the officers were at supper he gave them the slip and got over to France, whence he wrote promising to surrender in the course of a few months. His excuse for absconding was that many of those who would be the principal witnesses were his personal enemies. He continued abroad, however, for some years, residing sometimes in Italy, more constantly in France, "where he lived respectably and was admitted into good company." He affected the society of countrymen serving in the French army, and was well-known to the Scotch and Irish Colleges in Paris. In 1797 he returned to England and remained in hiding, occupying lodgings in Lambeth Court, where his wife, who was a lady of good family, regularly visited him. He is described as being unsettled in mind at this time, and even then contemplating surrender. His means of subsistence were rather precarious, but he lived at the time of delivering himself up in Upper Thornhaugh St., Bedford Square. In October, 1801, he wrote twice to Lord Pelham, stating that he had returned to England for the purpose of meeting the charge against him. It was generally supposed that, had he not thus come forward voluntarily, the matter had nearly passed out of people's memory, and he would hardly have been molested. He was, however, arrested on his own letter, committed to Newgate, and tried at the Old Bailey for the murder of Benjamin Armstrong at Goree in 1782. He was found guilty and sentenced to death. After several respites and strenuous exertions to save his life, he was executed in front of Newgate on the 28th January, 1802. The whole of one day was occupied by the judges and law officers in reviewing his case, but their opinion was against him.

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Three persons of note and superior station found themselves in Newgate about but rather before this time upon a charge of murder. The first was James Quin, the celebrated actor, the popular diner-out and *bon vivant*, who went to the west coast of England to eat John Dory in perfection, and who preferred eating turtle in Bristol to London. He made his first hit as Falstaff in the "Merry Wives of Windsor." He had understudied the part, but Rich, manager of the Theatre Royal, Lincoln's Inn Fields, substituted him for it in an emergency with great reluctance. His next hit was as Cato, in which, with many other parts, he succeeded Booth. Quin was modest enough on his first appearance as Cato to announce that the part would be attempted by Mr. Quin. The audience were, however, fully satisfied with his performance, and after one critical passage was applauded with shouts of "Booth outdone!" It was through this, his great part of Cato, that he was led into the quarrel which laid him open to the charge of murder. One night in 1769 an inferior actor named Williams, taking the part of messenger, said, "Cæsar sends health to Cato," but pronounced Cato "Keeto." Quin, much annoyed, replied instantly with a "gag"—"Would that he had sent a better messenger."<sup>[316:1]</sup> Williams was now greatly incensed, and in the Green Room later in the evening complained bitterly to Quin that he had been made ridiculous, that his professional prospects were blighted, and that he insisted upon satisfaction or an apology. Quin only laughed at his rage. Williams, goaded to madness, went out into the piazza at Covent Garden to watch for Quin. When the latter left the theatre Williams attacked him with his sword. Quin drew in his defence, and after a few passes ran Williams through the body. The ill-fated actor died on the spot. Quin surrendered himself, was committed, tried, found guilty of manslaughter, and sentenced to be burned in the hand.

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Another well-known actor, Charles Macklin, was no less unfortunate in incurring the stain of blood. He was a hot-headed, intemperate Irishman, who, when he had an engagement at Drury Lane Theatre, quarrelled with another actor over a wig. Going down between the pieces into the scene-room, where the players warmed themselves, he saw a Mr. Hallam, who was to appear as Sancho in the "Fop's Fortune," wearing a stock wig which he (Macklin) had on the night before. He swore at him for a rogue, and cried, "What business have you with my wig?" The other answered that he had as much right to it as Macklin, but presently went away and changed it for another. Macklin still would not leave the man alone, and taking the wig, began to comb it out, making grumbling and abusive remarks, calling Hallam a blackguard and a scrub rascal. Hallam replied that he was no more a rascal than Macklin was; upon which the latter "started from his chair, and having a stick in his hand, made a full lunge at the actor, and thrust the stick into his left eye;" pulling it back again he looked pale, turned on his heel, and in a passion threw the stick on the fire. Hallam clapped his hand to his eye and said the stick had gone through his head. Young Mr. Cibber, the manager's son, came in, and a doctor was sent for; the injured man was removed to a bed, where he expired the following day. Macklin was very contrite and concerned at his rash act, for which he was arrested, and in due course tried at the Old Bailey. Many of the most renowned actors of the day, Rich, Fleetwood, Quin, Ryan, and others, bore testimony to his good character and his quiet, peaceable disposition. He also was found guilty of manslaughter only, and sentenced to be burnt in the hand.

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The third case of killing by misadventure was that of Joseph Baretta, the author of the well-known Italian and English dictionary. Baretta had resided in England for some years, engaged upon this work; he was a middle-aged, respectable man, of studious habits, the friend and associate of the most noted literary men and artists of the day. He was a member of the club of the Royal Academicians at that time (1769), lodged in Soho, and went there one afternoon after a long morning's work over his proofs. Finding no one at the club, he went on to the Orange coffee-house, and returning by the Haymarket to the club, was madly assaulted by a woman at the corner of Panton Street. Very unwisely he resented her attack by giving her a blow with his hand, when the woman, finding by his accent he was a foreigner, cried for help against the cursed Frenchman, when there was at once a gathering of bullies, who jostled and beat Baretta, making him "apprehensive that he must expect no favour nor protection, but all outrage and blows." There was, generally, a great puddle at the corner of Panton Street, even when the weather was fine, and on this particular day it had rained incessantly, and the pavement was very slippery. Baretta's assailants tried hard to push him into the puddle, and at last in self-defence he drew his pocket-knife, a knife he kept, as he afterwards declared, to carve fruit and sweetmeats, and not to kill his fellow creatures with. Being hard pushed, "in great horror, having such bad eyes," lest he should run against some, and his pursuers constantly at him, jostling and beating him, Baretta "made a quick blow" at one who had knocked off his hat with his fist; the mob cried, "Murder, he has a knife out," and gave way. Baretta ran up Oxenden Street, then faced about and ran into a shop for protection, being quite spent with fatigue. Three men followed him; one was a constable, who had called upon Baretta to surrender. Morgan, the man whom he had stabbed, three times, as it appeared, "the third wound having hurt him more than the two former," was fast bleeding to death. Baretta was carried before Sir John Fielding; his friends came from the club and testified to his character, among others Sir Joshua Reynolds himself, but he was committed to prison. It was urged in Baretta's defence that he had been very severely handled; he had a swollen cheek, and was covered with bruises. Independent witnesses came forward, and swore that they had been subjected to personal outrage in the neighbourhood of the Haymarket. A number of personal friends, including Sir Joshua Reynolds, Doctor Johnson, Mr. Fitz-Herbert, and Mr. Edmund Burke, spoke in the highest terms of Mr. Baretta as a "man of benevolence, sobriety, modesty, and learning." In the end he was acquitted of murder or manslaughter, and the jury gave a verdict of self-defence.

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## FOOTNOTES:

- [282:1] As barristers often preferred to do business at their own homes, chambers in the Temple were rather at a discount just then, and their landlords, "preferring tenants of no legal skill to no tenants at all, let them out to any that offered, . . ." consequently many private people creep about the Inns of Court.—"Newgate Calendar," i. 470.
- [286:1] "Beau" Fielding, who was tried at the Old Bailey in 1706 for committing bigamy with the Duchess of Cleveland, is one of the most remarkable instances of this. See "Celebrated Trials," iii. 534. Also see the trial of the Duchess of Kingston, "Remarkable Trials," 203. She was tried by the House of Lords, found guilty, but pleaded her peerage and was discharged.
- [316:1] Quin could not resist the chance of making a sharp speech. When desired by the manager of Covent Garden to go to the front to apologize for Madame Rollau, a celebrated dancer, who could not appear, he said, "Ladies and gentlemen, Madame Rollau cannot dance to-night, having dislocated her ankle—I wish it had been her neck."

## CHAPTER X

### HIGHWAYMEN AND PIRATES

Chronic dangers and riots in the London streets—Footmen's riot at Drury Lane—James Maclane, a notorious knight of the road, has a lodging in St. James's Street—Stops Horace Walpole—Hanged at Maidstone—John Rann, *alias* Sixteen-string Jack—Short career ends on the gallows—William Parsons, a baronet's son, turns swindler and is transported to Virginia—Jonathan Wild, the sham thief-taker and notorious criminal—Captain Kidd—English peers accused of complicity—Kidd's arrest, trial, and sentence—John Gow and his career in the *Revenge*—His death at Execution Dock.

Inoffensive persons were constantly in danger, day and night, of being waylaid and maltreated in the streets. Disturbance was chronic in certain localities, and a trifling quarrel might at any moment blaze into a murderous riot. On execution days the mob was always rampant; at times, too, when political passion was at fever-heat, crowds of roughs were ever ready to espouse the popular cause. Thus, when the court party, headed by Lord Bute, vainly strove to crush the demagogue John Wilkes, and certain prisoners were being tried at the Old Bailey for riot and wounding, a crowd collected outside the Mansion House carrying a gibbet on which hung a boot and a petticoat. The mayor interfered and a fray began. Weapons were used, some of the lord mayor's servants were wounded, and one of the prisoners was rescued by the mob. Sometimes the disturbance had its origin in trade jealousies. [322]

An especially turbulent class were the footmen, chair-men, and body-servants of the aristocracy. The Footmen's Riot at Drury Lane Theatre, which occurred in 1737, was a serious affair. It had long been the custom to admit the parti-coloured tribe, as the licensed lackeys are called in contemporary accounts, to the upper gallery of that theatre gratis, out of compliment to their masters on whom they were in attendance. Then, when established among "the gods," they comported themselves with extraordinary license; they impudently insulted the rest of the audience, who, unlike themselves, had paid for admission, and "assuming the prerogative of critics, hissed or applauded with the most offensive clamour." Finding the privilege of free entrance thus scandalously abused, Mr. Fleetwood, the manager, suspended the free list. This gave great offence to the footmen, who proceeded to take the law into their own hands. "They conceived," as it was stated in *Fog's Weekly Journal*, "that they had an indefeasible hereditary right to the said gallery, and that this expulsion was a high infringement of their liberties." Accordingly, one Saturday night a great number of them—quite three hundred, it was said—[323] assembled at Drury Lane doors, armed with staves and truncheons, and "well fortified with three-threads and two-penny." [323:1] The night selected was one when the performance was patronized by royalty, and the Prince and Princess of Wales, with other members of the royal family, were in the theatre. The rioters attacked the stage door and forced it open, "bearing down all the box-keepers, candle-snuffers, supernumeraries, and pippin women that stood in the way." In this onslaught some five and twenty respectable people were desperately wounded. Fortunately Colonel de Veil, an active Westminster justice, happened to be in the house, and at once interposed. He ordered the Riot Act to be read, but "so great was the confusion," says the account, "that they might as well have read Cæsar's 'Commentaries.'" Colonel de Veil then got the assistance of some of the guards, and with them seized several of the principal rioters, whom he committed to Newgate.

These prisoners were looked upon as martyrs to the great cause, and while in gaol were liberally supplied with all luxuries by the subscription of their brethren. They were, however, brought to trial, convicted of riot, and sentenced to imprisonment. This did not quite end the disturbance. Anonymous letters poured into the theatre, threatening Fleetwood and vowing vengeance. The following is a specimen: [324]

"SIR:—We are willing to admonish you before we attempt our design; and provide you use us civil and admit us into your gallery, which is our property according to formalities, and if you think proper to come to a composition this way you'll hear no further; and if not, our intention is to combine in a body, incognito, and reduce the playhouse to the ground. Valuing no detection, we are

INDEMNIFIED."

The manager carried these letters to the Lord Chamberlain and appealed to him for protection. A detachment of the guards, fifty strong, was ordered to do duty at the theatre nightly, and "thus deterred the saucy knaves from carrying their threats into execution. From this time," says the "Newgate Calendar," "the gallery has been purged of such vermin."

The footmen and male servants generally of this age were an idle, dissolute race. From among them the ranks of the highwaymen were commonly recruited, and it was very usual for the gentleman's gentleman, who had long flaunted in his master's apparel, and imitated his master's vices, to turn gentleman on the road to obtain funds for the faro-table and riotous living. A large

proportion of the most famous highwaymen of the eighteenth century had been in service at some time or other. Hawkins, James Maclane, John Rann, William Page, had all worn the livery coat. John Hawkins had been butler in a gentleman's family, but lost his place when the plate chest was robbed, and suspicion fell upon him because he was flush of money. Hawkins, without a character, was unable to get a fresh place, and he took at once to the road. His operations, which were directed chiefly against persons of quality, were conducted in and about London. He stopped and robbed the Earl of Burlington, Lord Bruce, and the Earl of Westmoreland, the latter in Lincoln's Inn Fields. When he got valuable jewels he carried them over to Holland and disposed of them for cash, which he squandered at once in a "hell," for he was a rash and inveterate gambler.

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Working with two associates, he made his headquarters at a public-house in the London Wall, the master of which kept a livery-stable, and shared in the booty. From this point they rode out at all hours and stopped the stages as they came into town laden with passengers. One of the gang was, however, captured in the act of robbing the mail and executed at Aylesbury. After this, by way of revenge, they all determined to turn mail-robbers. They first designed to stop the Harwich mail, but changed their mind as its arrival was uncertain, being dependent on the passage of the packet-boat, and determined to rob the Bristol mail instead. They overtook the boy carrying the bags near Slough, and made him go down a lane where they tied him to a tree in a wet ditch, ransacked the Bath and Bristol bags, and hurried off by a circuitous route to London, where they divided the spoil, sharing the bank-notes and throwing the letters into the fire. Soon after this, the post-office having learned that the public-house in the London Wall was the resort of highwaymen, it was closely watched. One of Hawkins's gang became alarmed, and was on the point of bolting to Newcastle when he was arrested. He was hesitating whether or not he should confess, when he found that he had been forestalled by an associate, who had already given information to the post-office, and he also made a clean breast of it all. The rest of the gang were taken at their lodgings in the Old Bailey, but not without a fight, and committed to Newgate. Hawkins tried to set up an alibi, and an innkeeper swore that he lodged with him at Bedfordbury on the night of the robbery; but the jury found him guilty, and he was hanged at Tyburn, his body being afterwards hung in chains on Hounslow Heath.

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The defence of an alibi was very frequently pleaded by highwaymen, and the tradition of its utility may explain why that veteran and astute coachman, Mr. Weller, suggested it in the case of "Bardell v. Pickwick." In one genuine case, however, it nearly failed, and two innocent men were all but sacrificed to mistaken identity. They had been arrested for having robbed, on the Uxbridge road, a learned sergeant-at-law, Sir Thomas Davenport, who swore positively to both. His evidence was corroborated by that of Lady Davenport, and by the coachman and footman. Also the horses ridden by the supposed highwaymen, one a brown and the other a gray, were produced in the Old Bailey courtyard, and sworn to. Yet it was satisfactorily proved that both the prisoners were respectable residents of Kentish town; that one, at the exact time of the robbery, was seated at table dining at some club anniversary dinner, and never left the club-room; that the other was employed continuously in the bar of a public-house kept by his mother. It was proved too that the prisoners owned a brown and a gray horse respectively. The judge summed up in the prisoners' favour, and they were acquitted. But both suffered severe mental trouble from the unjust accusation. A few years later the actual robbers were convicted of another offence, and in the cells of Newgate confessed that it was they who had stopped Sir Thomas Davenport.

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A very notorious highwayman, who had also been in service at one time of his varied career, was James Maclane. He was the son of a dissenting minister in Monaghan, and had a brother a minister at The Hague. Maclane inherited a small fortune, which he speedily dissipated, after which he became a gentleman's butler, lost his situation through dishonesty, determined to enlist in the Horse Guards, abandoned the idea, and turned fortune-hunter. He was a vain man, of handsome exterior, which he decked out in smart clothes on borrowed money. He succeeded at length in winning the daughter of a respectable London horse-dealer, and with her dowry of £500 set up in business as a grocer. His wife dying early, he at once turned his stock in trade into cash, and again looked to win an heiress, "by the gracefulness of his person and the elegance of his appearance." He was at last reduced to his last shilling, and being quite despondent, an Irish apothecary, who was a daring robber, persuaded him to take to the highway. One of his earliest exploits was to stop Horace Walpole when the latter was passing through Hyde Park. A pistol went off accidentally in this encounter, and the bullet not only grazed Walpole's cheek-bone, but went through the roof of the carriage. At this time Maclane had a lodging in St. James's Street, for which he paid two guineas a week; his accomplice Plunkett lived in Jermyn Street. "Their faces," says Horace Walpole, "are as well known about St. James's as any gentleman's who lives in that quarter, and who perhaps goes upon the road too."

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Maclane accounted for his style of living by putting out that he had Irish property worth £700 a year. Once when he had narrowly escaped capture he went over to his brother in Holland for safety, and when the danger was passed he returned and recommenced his depredations. He made so good a show that he was often received into respectable houses, and was once near marrying a young lady of good position; but he was recognized and exposed by a gentleman who knew him. Maclane continued to rob, with still greater boldness, till the 26th June, 1750. On this day he and Plunkett robbed the Earl of Eglinton on Hounslow Heath. Later in the day they stopped and rifled the Salisbury stage, and among the booty carried off two portmanteaus, which were conveyed to Maclane's lodgings in St. James's. Information of this robbery was quickly circulated, with a description of the stolen goods. Maclane had stripped the lace off a waistcoat, the property of one of his victims, and recklessly offered it for sale to the very laceman from

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whom it had been purchased. He also sent for another salesman, who immediately recognized the clothes offered as those which had been stolen, and pretending to go home for more money, he fetched a constable and apprehended Maclane. He made an elaborate defence when brought to trial, but it availed him little, and he was sentenced to death. While under condemnation he became quite a popular hero. "The first Sunday after his trial," says Horace Walpole, "three thousand people went to see him. He fainted away twice with the heat of his cell. You can't conceive the ridiculous rage there is for going to Newgate; and the prints that are published of the malefactors, and the memoirs of their lives, set forth with as much parade as Marshal Turenne's." Maclane suffered at Tyburn amidst a great concourse.

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William Page did a better business as a highwayman than Maclane. Page was apprenticed to a haberdasher, but he was a consummate coxcomb, who neglected his shop to dress in the fashion and frequent public places. His relations turned him adrift, and when in the last stage of distress he accepted a footman's place. It was while in livery that he first heard of what highwaymen could do, and conceived the idea of adopting the road as a profession. His first exploits were on the Kentish road, when he stopped the Canterbury stage; his next near Hampton Court. When he had collected some £200 he took lodgings in Lincoln's Inn Fields and passed as a student of law. He learnt to dance, frequented assemblies, and was on the point of marrying well, when he was recognized as a discharged footman, and turned out-of-doors. He continued his depredations all this time, assisted by a curious map which he had himself drawn, giving the roads round London for twenty miles. His plan was to drive out in a phaeton and pair. When at a distance from town he would turn into some unfrequented place and disguise himself with a grizzle or black wig and put on other clothes. Then saddling one of his phaeton horses, he went on to the main road and committed a robbery. This effected, he galloped back to his carriage, resumed his former dress, and drove to London. He was often cautioned against himself; but laughingly said that he had already lost his money once and could now only lose his coat and shirt. He was nearly detected on one occasion, when some haymakers discovered his empty phaeton and drove it off with his best clothes. He had just stopped some people, who pursued the haymakers with the carriage and accused them of being accomplices in the robbery. Page heard of this, and throwing the disguise into a well, went back to town nearly naked, where he claimed the carriage, saying the men had stripped him and thrown him into a ditch. The coach-builder swore that he had sold him the carriage, and they were committed for trial, but Page did not appear to prosecute. Page after this extended his operations, and in company with one Darwell, an old schoolfellow, committed more than three hundred robberies in three years. He frequented Bath, Tunbridge, Newmarket, and Scarbro', playing deep everywhere and passing for a man of fortune. Darwell and he next "worked" the roads around London, but while the former was near Sevenoaks he was captured by Justice Fielding. He turned evidence against Page, who was arrested in consequence at the Golden Lion near Hyde Park, with a wig to disguise him in one pocket and his map of the London roads in another. He was remanded to Newgate and tried for a robbery, of which he was acquitted; then removed to Maidstone and convicted of another, for which he was hanged at that place in 1758.

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John Rann was first a helper, then postboy, then coachman to several gentlemen of position. While in this capacity he dressed in a peculiar fashion, wearing breeches with eight strings at each knee, and was hence nicknamed Sixteen-string Jack. Having lost his character he turned pickpocket, and then took to the road. He was soon afterwards arrested for robbing a gentleman of a watch and some money on the Hounslow road. The watch was traced to a woman with whom Rann kept company, who owned that she had had it from him. Rann denied all knowledge of the transaction, which could not be brought home to him. He appeared in court on this occasion in an extravagant costume. His irons were tied up with blue ribbons, and he carried in his breast a bouquet of flowers "as big as a broom." He was fond of fine feathers. Soon afterwards he appeared at a public-house in Bagnigge Wells, dressed in a scarlet coat, tambour waistcoat, white silk stockings, and laced hat. He gave himself out quite openly as a highwayman, and getting drunk and troublesome, he was put out of the house through a window into the road. Later on he appeared at Barnet races in elegant sporting style, his waistcoat being blue satin trimmed with silver. On this occasion he was followed by hundreds who knew him, and wished to stare at a man who had made himself so notorious. At last he stopped Dr. Bell, chaplain to the Princess Amelia, in the Uxbridge Road, and robbed him of eighteen pence and a common watch in a tortoise-shell case; the latter was traced to the same woman already mentioned, and Rann was arrested coming into her house. Dr. Bell swore to him, and his servant declared that he had seen Rann riding up Acton Hill twenty minutes before the robbery. Rann was convicted on this evidence and suffered at Tyburn, in 1774, after a short career of four years. It was not the first time he had seen the gallows. A short time previously he had attended a public execution, and forcing his way into the ring kept by the constables, begged that he might be allowed to stand there, as he might some day be an actor in the scene instead of a spectator.

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The road was usually the last resource of the criminally inclined, the last fatal step in the downward career which ended abruptly at the gallows. Dissolute and depraved youths of all classes, often enough gentlemen, undoubtedly well-born, adopted this dangerous profession when at their wit's ends for funds. William Butler, who did his work accompanied by his servant Jack, was the son of a military officer. Kent and Essex was his favourite line of country, but London was his headquarters, where they lived in the "genteel lodgings, Jack wearing a livery, and the squire dressed in the most elegant manner."

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A baronet, Sir Simon Clarke, was convicted of highway robbery at Winchester assizes, with an associate, Lieutenant Robert Arnott; although the former, by the strenuous exertions of his

country friends, escaped the death penalty to which he had been sentenced. A very notorious highwayman executed in 1750 was William Parson, the son of a baronet, who had been at Eton, and bore a commission in the Royal Navy. He had hopes of an inheritance from the Duchess of Northumberland, who was a near relative, but her Grace altered her will in favour of his sister. He left the navy in a hurry, and, abandoned by his friends, became quite destitute, when his father got him an appointment in the Royal African Company's service. But he soon quarrelled with the governor of Fort James on the Gambia, and returned to England again so destitute that he lived on three halfpence for four days and drank water from the street pumps. His father now told him to enlist in the Life Guards, but the necessary purchase-money, seventy guineas, was not forthcoming. He then, by personating a brother, obtained an advance on a legacy which an aunt had left the brother, and with these funds made so good a show that he managed to marry a young lady of independent fortune, whose father was dead and had bequeathed her a handsome estate. His friends were so delighted that they obtained him a commission as ensign in a marching regiment, the 34th. He immediately launched out into extravagant expenditure, took a house in Poland Street, kept three saddle-horses, a chaise and pair, and a retinue of servants. He also fell into the hands of a noted gambler and sharper, who induced him to play high, and fleeced him. Parsons was compelled to sell his commission to meet his liabilities, and still had to evade his creditors by hiding under a false name.

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From this time he became an irreclaimable vagabond, put to all sorts of shifts, and adroit in all kinds of swindles, to raise means. Having starved for some time, he shipped as captain of marines on board a galley-privateer. He returned and lived by forgery and fraud. One counterfeit draft he drew was on the Duke of Cumberland for £500; another on Sir Joseph Hankey & Co. He defrauded tailors out of new uniforms, and a hatter of 160 hats, which he pretended he had contracted to supply to his regiment. He also robbed a jeweller, by a pretended marriage, of a wedding and several valuable diamond rings. In the '45 he borrowed a horse from an officer intending to join the rebels, but he only rode as far as Smithfield, where he sold the nag, and let the officer be arrested as a supposed traitor. He was arrested for obtaining money on a false draft at Ranelagh, tried at Maidstone, sentenced to transportation, and despatched to Virginia. There, "after working as a common slave about seven weeks," a certain Lord F. rescued him and took him as a guest into his house. Parsons robbed Lord F. of a horse and took the highway. With the proceeds of his first robbery he got a passage back to England. On arriving at Whitehaven, he represented himself as having come into a large estate, and a banker advanced him seventy pounds. With this he came on to London, took lodgings in the West End, near Hyde Park corner, and rapidly got through his cash. Then he hired a horse and rode out on to Hounslow Heath to stop the first person he met.

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This became his favourite hunting-ground, although he did business also about Kensington and Turnham Green. Once having learnt that a footman was to join his master at Windsor with a portmanteau full of notes and money, he rode out to rob him, but was recognized by an old victim. The latter let him enter the town of Hounslow, then ordered him to surrender. He might still have escaped, but the landlord of the inn where he lodged thought he answered the description of a highwayman who had long infested the neighbourhood. Parsons was accordingly detained and removed to Newgate. He was easily identified, and his condemnation for returning from transportation followed as a matter of course. His father and his wife used all their interest to gain him a pardon, but he was deemed too old an offender to be a fit object for mercy.

Paul Lewis was another reprobate, who began life as a king's officer. He was the son of a country clergyman, who got him a commission in the train of artillery; but Lewis ran into debt, deserted from his corps, and took to the sea. He entered the Royal Navy, and rose to be first midshipman, then lieutenant. Although courageous in action, he was "wicked and base;" and while on board the fleet he collected three guineas apiece from his messmates to lay in stores for the West Indian voyages, and bolted with the money. He at once took to the road. His first affair was near Newington Butts, when he robbed a gentleman in a chaise. He was apprehended for this offence, but escaped conviction through an alibi; after this he committed a variety of robberies. He was captured by a police officer on a night that he had first stopped a lady and gentleman in a chaise, and then tried to rob a Mr. Brown, at whom he fired. Mr. Brown's horse took fright and threw him; but when he got to his feet he found his assailant pinned to the ground by Mr. Pope, the police officer, who was kneeling on his breast. It seemed the lady and gentleman, Lewis's first victims, had warned Pope that a highwayman was about, and the police officer had ridden forward quickly and seized Lewis at the critical moment. Lewis was conveyed to Newgate, and in due course sentenced to death. "Such was the baseness and unfeeling profligacy of this wretch," says the Newgate Calendar, "that when his almost heart-broken father visited him for the last time in Newgate, and put twelve guineas into his hand to repay his expenses, he slipped one of the pieces of gold into the cuff of his sleeve by a dexterous sleight, and then opening his hand, showed the venerable and reverend old man that there were but eleven; upon which his father took another from his pocket and gave it him to make the number intended. Having then taken a last farewell of his parent, Lewis turned round to his fellow prisoners, and exultingly exclaimed, 'I have flung the old fellow out of another guinea.'"

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Pope's capture of the highwayman Lewis was outdone by that of William Belchier, a few years previous, by William Norton, a person who, according to his own account of himself, kept a shop in Wych Street, and who "sometimes took a thief." Norton at the trial told his story as follows. "The chaise to Devizes having been robbed two or three times, as I was informed, I was desired to go into it, to see if I could take the thief, which I did on the third of June, about half an hour after one in the morning. I got into the post-chaise; the post-boy told me the place where he had

been stopped was near the half-way house between Knightsbridge and Kensington. As we came near the house the prisoner (Belchier) came to us on foot and said, 'Driver, stop.' He held a pistol and tinder-box to the chaise, and said: 'Your money directly, you must not stop; this minute, your money.' I said, 'Don't frighten us, I have but a trifle—you shall have it.' Then I said to the gentlemen,—there were three in the chaise,—'Give your money.' I took out a pistol from my coat pocket, and from my breeches pocket a five-shilling piece and a dollar. I held the pistol concealed in one hand and the money in the other. I held the money pretty hard. He said, 'Put it in my hat.' I let him take the five-shilling piece out of my hand. As soon as he had taken it I snapped my pistol at him. It did not go off. He staggered back and held up his hands, and said, 'Oh, Lord! oh, Lord!' I jumped out of the chaise; he ran away, and I after him about six or seven hundred yards, and then took him. I hit him a blow on his back; he begged for mercy on his knees. I took his neckcloth off and tied his hands with it, and brought him back to the chaise. Then I told the gentlemen in the chaise that was the errand I came upon, and wished them a good journey, and brought the prisoner to London."

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No account of the thief-taking or of the criminality of the eighteenth century would be complete without some reference to Jonathan Wild. What this astute villain really was may be best gathered from the various sworn informations on which he was indicted. It was set forth that he had been for years the confederate of highwaymen, pickpockets, burglars, shoplifters, and other thieves; that he had formed a kind of corporation of thieves of which he was head, or director, and that, despite his pretended efforts at detection, he procured none to be hanged but those who concealed their booty or refused him his share. It was said that he had divided the town and country into districts, and had appointed distinct gangs to each, who accounted to him for their robberies; that he employed another set to rob in churches during divine service, and other "moving detachments to attend at court on birthdays and balls, and at the Houses of Parliament." His chosen agents were returned transports, who lay quite at his mercy. They could not be evidence against him, and if they displeased him he could at any time have them hanged. These felons he generally lodged in a house of his own, where he fed and clothed them, and used them in clipping guineas or counterfeiting coin. Wild at last had the audacity to occupy a house in the Old Bailey, opposite the present Sessions House. He himself had been a confederate in numerous robberies; in all cases he was a receiver of the goods stolen; he had under his care several warehouses for concealing the same, and owned a vessel for carrying off jewels, watches, and other valuables to Holland, where he had a superannuated thief for a factor. He also kept in his pay several artists to make alterations and transform watches, seals, snuff-boxes, rings, so that they might not be recognized, which he used to present to people who could be of service to him. It was alleged that he generally claimed as much as half the value of all articles which he pretended to recover, and that he never gave up bank-notes or paper unless the loser could exactly specify them. "In order to carry out these vile practices, and to gain some credit with the ignorant multitude, he usually carried a short silver staff as a badge of authority from the government, which he used to produce when he himself was concerned in robbing." Last of all he was charged with selling human blood; in other words, of procuring false evidence to convict innocent persons; sometimes to prevent them from giving evidence against himself, and at other times for the sake of the great reward offered by the government.

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Wild's career was brought to an abrupt conclusion by the revelations made by two of his creatures. He absconded, but was pursued, captured, and committed to Newgate. He was tried on several indictments, but convicted on that of having maintained a secret correspondence with felons, receiving money for restoring stolen goods, and dividing it with the thieves whom he did not prosecute. While under sentence of death he made desperate attempts to obtain a pardon, but in vain, and at last tried to evade the gallows by taking a large dose of laudanum. This also failed, and he was conveyed to Tyburn amidst the execrations of a countless mob of people, who pelted him with stones and dirt all the way. Among other curious facts concerning this arch-villain, it is recorded that when at the acme of his prosperity, Jonathan Wild was ambitious of becoming a freeman of the city of London. His petition to this effect is contained among the records of the town clerk's office, and sets forth that the petitioner "has been at great trouble and charge in apprehending and convicting divers felons for returning from transportation from Oct. 1720 . . . that your petitioner has never received any reward or gratuity for such his service, that he is very desirous of becoming a freeman of this honourable city. . . ." The names follow, and include Moll King, John Jones, etc., "who were notorious street robbers." The petition is endorsed as "read Jan. 2d, 1724," but the result is not stated.

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Before closing this chapter I must refer briefly to another class of highway robbers—the pirates and rovers who ranged the high seas in the first half of the eighteenth century. There were sometimes as many as sixty or seventy pirates at a time awaiting trial in Newgate, about this period. In those days there was no efficient ocean police, no perpetual patrolling by war-ships of all nations to prevent and put down piracy as a crime noxious to all. Later, on the ascendancy of the British navy, this duty was more or less its peculiar province; but till then every sea was infested with pirates sailing under various flags. The growth of piracy has been attributed, no doubt with reason, to the narrow policy of Spain with regard to her transatlantic colonies. To baffle this colonial system the European powers long tolerated, even encouraged these reckless filibusters, who did not confine their ravages to the Spanish-American coast, but turned their hands, like nautical Ishmaels, against all the world. The mischief thus done was incalculable. About 1720, one notorious rover, Captain Roberts, took four hundred sail. They were as clever in obtaining information as to the movements of rich prizes on the seas as were highwaymen concerning the traffic along the highroads. They were particularly cunning in avoiding war-ships, and knew exactly where to run for supplies. As Captain Johnson tells us,

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speaking of the West Indies in the opening pages of his "History of Pirates," "they have been so formidable and numerous that they have interrupted the trade of Europe in those parts; and our English merchants in particular have suffered more by their depredations than by the united force of France and Spain in the late war."

Pirates were the curse of the North American waters when Lord Bellamont went as Governor of New England in 1695, and no one was supposed to be more in their secrets at that time, or more conversant with their haunts and hiding-place, than a certain Captain John Kidd, of New York, who owned a small vessel, and traded with the West Indies. Lord Bellamont's instructions were to put down piracy if he could, and Kidd was recommended to him as a fitting person to employ. For some reason or other Kidd was denied official status; but it was pointed out to Lord Bellamont that, as the affair would not well admit delay, "it was worthy of being undertaken by some private persons of rank and distinction, and carried into execution at their own expense, notwithstanding public encouragement was denied to it." Eventually the Lord Chancellor, Lord Somers, the Duke of Shrewsbury, the Earl of Romney, the Earl of Oxford, with some others, subscribed a sum of £6,000 to fit out an expedition from England, of which Kidd was to have the command; and he was granted a commission by letters patent under the great seal to take and seize pirates, and bring them to justice. The profits of the adventure, less a fifth, which went to Kidd and another, were to be pocketed by the promoters of the enterprise, and this led subsequently to a charge of complicity with the pirates, which proved very awkward, especially for Lords Orford and Somers.

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Kidd sailed for New York in the *Adventure* galley, and soon hoisted the black flag. From New York he steered for Madeira, thence to the Cape of Good Hope, and on to Madagascar. He captured all that came in his way. French ships, Portuguese, "Moorish," even English ships engaged in legitimate and peaceful trade. Kidd shifted his flag to one of his prizes, and in her returned to the Spanish main for supplies. Thence he sailed for various ports of the West Indies, and having disposed of much of his booty, steered for Boston. He had been preceded there by a merchant who knew of his piratical proceedings, and gave information to Lord Bellamont. Kidd was accordingly arrested on his arrival in New England.

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A full report was sent home, and a man-of-war, the *Rochester*, despatched to bring Kidd to England for trial. As the *Rochester* became disabled, and Kidd's arrival was delayed, very great public clamour arose, caused and fed by political prejudices against Lord Bellamont and the other great lords, who were accused of an attempt to shield Kidd. It was moved in the House of Commons that the "letters patent granted to the Earl of Bellamont and others respecting the goods taken from pirates were dishonourable to the king, against the law of nations, contrary to the laws and statutes of the realm, an invasion of property, and destructive to commerce." The motion was opposed, but the political opponents of Lord Somers and Lord Orford continued to accuse them of giving countenance to pirates, while Lord Bellamont was deemed no less culpable. The East India Company, which had suffered greatly by Kidd's depredations, and which had been refused letters of marque to suppress piracy in the Indian Ocean, joined in the clamour, and petitioned that Captain Kidd "might be brought to speedy trial, and that the effects taken unjustly from the subjects of the Great Mogul may be returned to them as a satisfaction for their losses."

It was ruled at last that Kidd should be examined at the bar of the House of Commons, with the idea of "fixing part of his guilt on the parties who had been concerned in sending him on his expedition." Kidd was accordingly brought to England and lodged first in the Marshalsea, the prison of the Admiralty Court, and afterward committed to Newgate. It was rumoured that Lord Halifax, who shared the political odium of Lord Somers and Orford, had sent privately for Kidd from Newgate to tamper with him, but "the keeper of the gaol on being sent for averred that it was false." It is more probable that the other side endeavoured to get Kidd to bear witness against Lord Somers and the rest; but at the bar of the House, where he made a very contemptible appearance, being in some degree intoxicated, Kidd fully exonerated them. "Kidd discovered little or nothing," says Luttrell. In their subsequent impeachment they were, notwithstanding, charged with having been Kidd's accomplices, but the accusation broke down.

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Kidd in the meantime had been left to his fate. He was tried with his crew on several indictments for murder and piracy at the Admiralty Sessions of the Old Bailey, and hung in 1701. He must have prospered greatly in his short and infamous career. According to Luttrell, his effects were valued at £200,000, and one witness alone, Cogi Baba, a Persian merchant, charged him with robbing him in the Persian Gulf of £60,000. No case was made out against the above mentioned peers. Lord Orford set up in his defence that in Kidd's affair he had acted legally, and with a good intention towards the public, though to his own loss; and Lord Somers denied that he had ever seen or known anything of Kidd. Hume sums up the matter by declaring that "the Commons in the whole course of the transaction had certainly acted from motives of faction and revenge." Other ventures are of interest.

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John Gow, who took the piratical name of Captain Smith, was second mate of the *George* galley, which he conspired with half the crew to seize when on the voyage to Santa Cruz. On a given signal, the utterance of a password, "Who fires first?" an attack was made on the first mate, surgeon, and supercargo, whose throats were cut. The captain, hearing a noise, came on deck, when one mutineer cut his throat, and a second fired a couple of balls into his body. The ship's company consisted of twenty: four were now disposed of, eight were conspirators, and of the remaining eight, some of whom had concealed themselves below decks and some in the shrouds, four had joined the pirates. The other four were closely watched, and although allowed to range

the ship at pleasure, were often cruelly beaten. The ship was rechristened *The Revenge*; she mounted several guns, and the pirates steered her for the coast of Spain, where several prizes were taken—the first a ship laden with salted cod from Newfoundland, the second a Scotch ship bound to Italy with a cargo of pickled herrings, the third a French ship laden with oil, wine, and fruit. The pirates also made a descent upon the Portuguese coast and laid the people under contributions.

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Dissensions now arose in the ship's company. Gow had a certain amount of sense and courage, but his lieutenant was a brutal ruffian, often blinded by passion, and continually fermenting discord. At last he attempted to shoot Gow, but his pistol missed fire, and he was wounded himself by two of the pirates. He sprang down to the powder-room and threatened to blow up the ship, but he was secured, and put on board a vessel which had been ransacked and set free, the commander of it being desired to hand the pirate over to the first king's ship he met, to be dealt with according to his crimes. After this the pirates steered north for the Orkneys, of which Gow was a native, and after a safe passage anchored in a bay of one of the islands. While lying there one of his crew, who had been forced into joining them, escaped to Kirkwall, where he gave information to a magistrate, and the sheriff issued a precept to the constables and others to seize *The Revenge*. Soon afterwards ten more of the crew, also unwilling members of it, laid hands on the long-boat, and reaching the mainland of Scotland, coasted along it as far as Leith, whence they made their way to Edinburgh, and were imprisoned as pirates. Gow meanwhile, careless of danger, lingered in the Orkneys, plundering and ransacking the dwelling-houses to provide himself with provisions, and carrying off plate, linen, and all valuables on which they could lay hands.

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Arriving at an island named Calf Sound, Gow planned the robbery of an old schoolmate, a Mr. Fea, whom he sought to entrap. But Mr. Fea turned the tables upon him. Inviting Gow and several of the crew to an entertainment on shore, while they were carousing Mr. Fea made his servants seize the pirates' boat, and then entering by different doors, fell upon the pirates themselves, and made all prisoners. The rest, twenty-eight in number, who were still afloat, were also captured by various artifices, and the whole, under orders of the Lord Chief Justice, were despatched to the Thames in H. M. S. *Greyhound*, for trial at the Admiralty Court. They were committed to the Marshalsea, thence to Newgate, and arraigned at the Old Bailey, where Gow refused to plead, and was sentenced to be pressed to death. He pretended that he wished to save an estate for a relation; but when all preparations for carrying out the sentence were completed, he begged to be allowed to plead, and "the judge being informed, humanely granted his request." Gow and six others were eventually hanged at Execution Dock.

Pirates who fell in with ships usually sought to gain recruits among the captured crews. The alternative was to walk the plank or to be set adrift in an open boat, or landed on an uninhabited island. For those who thus agreed under compulsion a still harder fate was often in store. Captain Massey was an unfortunate instance of this. While serving in the Royal African Company he was for some time engaged in the construction of a fort upon the coast with a detachment of men. They ran short of food, and suffered frightfully from flux. When at the point of death a passing ship noticed their signals of distress, and sent a boat on shore to bring them on board. The ship proved to be a pirate. Captain Massey did not actually join them, but he remained on board while several prizes were taken. However, he gave information at Jamaica, the pirate captain and others were arrested and hanged, and Captain Massey received the thanks of the governor, who offered him an appointment on the island. But Massey was anxious to return to England, whither he proceeded armed with strong letters of recommendation to the lords of the Admiralty. To his intense surprise, "instead of being caressed he was taken into custody," tried, and eventually executed. His case evoked great sympathy. "His joining the pirates was evidently an act of necessity, not choice," and he took the earliest opportunity of giving up his involuntary associates to justice—a conduct by which he surely merited the thanks of his country, and not the vengeance of the law.

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From the foregoing account it is easy to draw conclusions concerning the state of public morals and manners in the eighteenth century. Both the atrocity of the crimes and the barbarity of the punishments surpass everything the twentieth century can show, while to the populace generally the highwayman and the bully were heroes. Though our century is by no means free from crime, we may congratulate ourselves that we have advanced beyond the eighteenth, at least so far as crimes of violence are concerned.

END OF VOLUME I.

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**FOOTNOTES:**

[323:1] Cant names of the period for drinks.

## TRANSCRIBER'S NOTES:

Pages 10 and 12 are blank in the original.

Variations in spelling and hyphenation have been left as in the original.

Ellipses match the original.

The following corrections have been made to the original text:

Page 56: perfect type of the brutal gaoler[original has "goaler"]

Page 63: In London crime was rampant[original has "rampart"].

Page 75: Another certificate states that William[original has "Wililam"] Dominic

Page 77: a warrant may be made for his banishment.[period missing in original]

Page 82: the "verser," and the "[quotation mark missing in original]barnacle;"

Page 99: when brought up at Westminster[original has "Westminister"] for perjury

Page 99: charged by a cheesemonger[original has "chesemonger"] as being the man

Page 137: [quotation mark missing in original]"For long there was nothing among them

Page 154: On the death of the king (William[original has "Wililam"] III)

Page 159: found on his person when he accidentally[original has "acidentally"] meets

Page 186: execution was done: he[original has "He"] delaying the time

Page 199: calm spirit, without prayer-book or psalm. [original has extraneous quotation mark]

Page 209: the prisoners are kept in the strictest order." [quotation mark missing in original]

Page 220: well-applied jerk, snapped asunder[original has "assunder"] the central link

Page 249: Housebreaking was of frequent occurrence[original has "ocurence"] by night.

Page 253: duty, and promise not to molest them.[original has a comma]

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