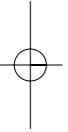
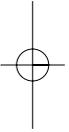


Tales from the Hanging Court



Tales from the Hanging Court

Tim Hitchcock
& Robert Shoemaker

Hodder Arnold

A MEMBER OF THE HODDER HEADLINE GROUP

First published in Great Britain in 2006 by
Hodder Arnold, an imprint of Hodder Education,
a member of the Hodder Headline Group,
338 Euston Road, London NW1 3BH

www.hoddereducation.com

Distributed in the United States of America by
Oxford University Press Inc.
198 Madison Avenue, New York, NY10016

If you have any comments to make about this, or any of our other titles,
please send them to educationenquiries@hodder.com

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library

Library of Congress Cataloguing-in-Publication Data

A catalog record of this book is available from the Library of Congress

ISBN-10: 0 340 91374 1

ISBN-13: 978 0 340 91374 1

Impression number 1 2 3 4 5 6 7 8 9 10

Year 2011 2010 2009 2008 2007 2006

© 2006 Robert Shoemaker and Tim Hitchcock

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, electronically or mechanically, including photocopying, recording or any information storage or retrieval system, without either prior permission in writing from the publisher or a licence permitting restricted copying. In the United Kingdom such licences are issued by the Copyright Licensing Agency: Saffron House, 6-10 Kirby Street, London EC1N 8TS.

Hodder Headline's policy is to use papers that are natural, renewable and recyclable products and made from wood grown in sustainable forests. The logging and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

Typeset in 10.5 on 12.5pt Caslon by Phoenix Photosetting, Chatham, Kent

Printed in Malta for Hodder Arnold, an imprint of Hodder Education, a member of the Hodder Headline Group, 338 Euston Road, London NW1 3BH

Contents

List of figures	vii
Acknowledgements and note on editorial method	ix
Prologue	x
Introduction	xiii
1 Stop Thief!	1
Ye Dogs, Do You Rob at this Time o' Day?	3
Mother Clap's Molly House	8
Thief-Catcher General	11
Sir John Fielding's Runners	17
The Roundhouse	22
The Justice's Parlour	28
Mary Cut-and-Come-Again	32
A Dismal Prison	35
Conclusion	39
2 Crimes of Blood	41
She Came out Through the Casement Window	43
He was None the Best of Husbands	48
He Behaved Honourably Enough	54
They Set Them To Like Two Cocks	60
Down With the Irish	64
Pull Down All the Bawdy Houses	69
Newgate, A-Hoy!	79
Rejoicing to See the Lights	89
The Monster	94
Conclusion	104
3 The Trial	107
He was a Frightful Corpse	110
Refusing to Plead	114
The Irish Prosecutor	119
Sarah Malcolm's Defence	121
A Man of my Age, Character and Way of Life	130
Marrying by Whatever Name They Pleased	136
Mr Garrow for the Defence	141
The Hanging Judge	147
Conclusion	155

4 Crimes of Greed, Crimes of Lust	157
Something Else Doing	160
A Quiet Assingation in Chelsea Fields	165
The Gentleman Highwayman	170
The Blackguard Children	180
Two Handkerchiefs upon the Counter	185
The Macaroni Parson	188
Conclusion	198
5 Retribution	199
Tyburn Fair	202
Exposed on the Pillory	210
The Great Escape	216
To be Devoured by Savages	225
Tools for a Breakout	233
Conclusion	237
Epilogue	238
Further reading	241
Notes	245
Index	255

List of figures

- Figure 0.01 Old Bailey Sessions House, from John Rocque's 1746 Map of London
- Figure 1.01 Lamb's Conduit Fields, from John Rocque's 1746 Map of London
- Figure 1.02 Field Lane, c. 1800
- Figure 1.03 A 'Ticket' to Jonathan Wild's Hanging (1725)
- Figure 1.04 'Barber Surgeon's Hall, from the Churchyard of St Giles, Cripplegate' (1791)
- Figure 1.05 The Holding Cell of the St Marylebone Watch House
- Figure 1.06 Newgate as it Appeared Prior to Rebuilding in 1770
- Figure 2.01 Hare Court, Built c. 1725
- Figure 2.02 Catherine Hayes, Thomas Billings and Thomas Wood Decapitating the Body of John Hayes (1726)
- Figure 2.03 'The Manner of Burning a Woman Convicted of Treason' (1777)
- Figure 2.04 'The Mob Assembled to Pull Down the Bawdy-House Kept by Peter Wood in the Strand, July 1, 1749'
- Figure 2.05 'The Devastations Occasioned by the Rioters of London Firing the New Gaol of Newgate and Burning Mr Akerman's Furniture, etc. June 6, 1780'
- Figure 2.06 'An Exact Representation of the Burning, Plundering and Destruction of Newgate on the Memorable 7th of June 1780' (Detail)
- Figure 2.07 'Renwick Williams, Commonly Called the Monster' (1790)
- Figure 3.01 'The Old Bailey', by Thomas Rowlandson (1809)
- Figure 3.02 'William Spiggot being Pressed in Newgate'
- Figure 3.03 Sarah Malcolm's Confession (1733)
- Figure 3.04 'Sarah Malcolm in Prison', by William Hogarth (1733)
- Figure 3.05 Joseph Baretti, after Sir Joshua Reynolds (1773)
- Figure 3.06 'Being Nervous and Cross Examined by Mr Garrow', by Thomas Rowlandson (1806)
- Figure 4.01 'The Ladies Hero, or the Unfortunate James McLeane Esq.' (1750)
- Figure 4.02 'An Exact Representation of Maclaine the Highwayman Robbing Lord Eglington on Hounslow Heath' (1750)
- Figure 4.03 'James Macleane, the Gentleman Highwayman at the Bar' (1750)
- Figure 4.04 'A Shoplifter Detected' (1787)

- Figure 4.05 William Dodd, by John Russell (1769)
- Figure 4.06 'Dr Dodd and Joseph Harris at the Place of Execution'
(1777)
- Figure 5.01 'View of an Execution at Tyburn', by John Hamilton (1767)
- Figure 5.02 'The Reward of Cruelty', plate iv of 'The Four Stages of
Cruelty', by William Hogarth (1751)
- Figure 5.03 'The Pillory at Charing Cross', by Thomas Rowlandson
(1809)
- Figure 5.04 Convicts from Newgate being taken to Blackfriars for
Transportation (c.1760)
- Figure 5.05 Newgate Prison, Rebuilt 1780–83 (1926)

Acknowledgements and note on editorial method

Most of the historical material reproduced in this volume has been taken from the *Old Bailey Proceedings Online* (www.oldbaileyonline.org, referred to in the endnotes as *OBP*). This website reproduces the full text of the *Old Bailey Proceedings* in a searchable format along with images of the original printed pages. In this book the spelling has been modernised throughout, and small changes, both elisions and insertions, have been made without comment. When quoting from this material, please refer to the original text available online rather than this modernised version. Individual trials can be located by searching for the trial reference number identified in the endnotes.

The authors would like to thank all those whose hard work contributed to the creation of the Old Bailey website, and the organisations which funded it: the Big Lottery Fund, the Arts and Humanities Research Council, and the Universities of Hertfordshire and Sheffield. We are grateful to the Humanities Research Institute, publishers of HRI Online, for permission to reproduce extensive quotations from the text of the *Proceedings*. For permission to reproduce images included in this volume we would also like to thank:

Prologue

Early on a cool Monday evening in January 1742 Susannah Nichols set off for home from Newgate Street, the bulk of St Paul's Cathedral looming above her in the darkness. She could feel the reassuring weight of 16 heavy silver shillings clinking in a green silk purse secreted in the pocket inside her dress as she walked purposefully into Blowbladder Street and then Cheapside. By 5 pm, when she set out, it was already dark, but there was a full moon and the shops on either side glowed gently with candle light. People rushed past her, flitting in to and out of the light, hurrying on to the warmth of a coffee-house or a domestic fireside. The streets through which she walked were well paved and orderly; filled with 'lofty buildings, well inhabited by goldsmiths, linen drapers, haberdashers and other great dealers'.¹ To her right, the small medieval lanes synonymous with the trades practised in them stretched down to the Thames: the Old Change and Bread Street, followed by Christopher Wren's towering parish church of St Mary Le Bow. On the hour, Bow Bells, in concert with those of 100 other churches filled the air, making conversation temporarily impossible. When the bells were silent, she could hear the click of wooden pattens on pavement and the squeal of wood on wood, as wagons and coaches went by, punctuated in turn by the cries of ballad singers and mackerel sellers, purveyors of cabbage nets and shoelaces.

She walked eastward to where Cheapside narrowed into the Poultry with its crush of alehouses and taverns. Today the Poultry is just one more anonymous street at the heart of financial London, around the corner from the Bank of England and the Stock Exchange, but in 1742, as Susannah walked on the north side of the roadway she was confronted by the narrow entrance to the Poultry Compter – one of the half dozen holding prisons that littered the City – and suddenly found herself jostled by four young men and a woman:

Just as I came to the apothecary's door, the woman came behind me, and held me fast down. I attempted to get from her into the middle of the highway, and some fellows jostled me, and kept me close to her. Immediately I felt a hand in my pocket.

Susannah struggled, and turned about to face her assailant. The woman she saw in the moonlight was named Eleanor Brown and as soon as Susannah realised what was happening, she cried out 'murder!' When Londoners were criminally attacked, their first instinct was to cry for help, knowing that passers-by on the crowded city streets would usually come to their assistance.

Eleanor Brown later claimed she had been on her way to Wapping to meet a country cousin just arrived from Newcastle. But when the cry of 'murder!' and 'stop thief!' first went up she was observed trying to slip away through

Prologue

xi

the gathering crowd. John Garnal had just turned into the Poultry from King Street when he heard the cry for help. He later described how Eleanor Brown rapidly:

Crossed the way on the other side of the Poultry. She went an exceeding pace, sometimes walked and sometimes ran, so that I could not keep pace with her without sometimes running myself. When she came to the corner of Walbrook Street she turned down and I believe might be a dozen yards before me. I followed her to see where she went and when I turned the corner I saw her take off her cloak and put it under her arm and run with full speed. I then thought she certainly had the purse about her, upon which I ran and grasped hold of her, and told her, she had stolen a purse. It was just by the poulterer's shop that I first seized her, and a man (George Lesley) came to my assistance, and took hold of her likewise.

Eighteenth-century London was a city policed by consent, and every member of the public was theoretically obliged to answer a call of 'stop thief' or 'murder'. George Lesley was walking up Walbrook Street towards Cheapside when he came across John Garnal trying to restrain Eleanor Brown just opposite the Mansion House. He stopped to watch. However, Eleanor had a confederate, James Robinson – probably one of the men who had originally jostled Susannah Nichols – who made matters more difficult:

I saw this man [Garnal] holding that woman [Brown]. He said, she had stole a watch and desired me to assist him. I was at a loss whether I should stop or go past, and just as I came up to them, a man rushed from Cheapside and struck me over the head. I asked him why he struck me? And he said, Eleanor was his wife, and he knew she was innocent. While he was repeating these words, he redoubled his blows, and struck me again.

In John Garnal's recollection:

Immediately I heard two blows behind me and the person that had got hold of the prisoner's arm reeled a little on one side. Soon afterwards I received a blow myself on the side of my head, and turning about to see from whence it came, Eleanor Brown sprang out of my arms.

Following this escape, 'stop thief' was once again cried out. Eleanor and James ran up Bucklersbury – the small street leading back towards Cheapside, famous for its apothecary shops and strange smells. William Lesley later said:

We pursued them, crying 'stop thief!' The other people ran faster than I, so that I was a little distanced, and saw no more of them till I came to the upper end of Bucklersbury, and perceiving the man using his stick as smartly as before, I seized him. The woman was taken by somebody else at the same time, and when they came together they denied that they had ever seen each other before.

Finally, at the top of Bucklersbury, John Garnal, William Lesley and William Lambkin managed to wrestle Eleanor and James Robinson to the ground. Adopting the role of a detective, Garnal then:

Desired the person, at whose door I seized Eleanor Brown, to let me bring her in, but he held the door against me. I then took her into the house of one Mr Bingham, a silk dyer, and searched her, and turned a purse and other things out of her pocket. She pretended that she was entirely innocent of the matter and that she was going to the bottom of Walbrook to see a friend who was going out of town. After we had stayed some time at Mr Bingham's the person was brought in that followed us [James Robinson] striking those that endeavored to take the prisoner, and we carried them both to the watch-house, where Robinson pulled out a purse and shook some silver out of it into his hand. They were carried the next day before the Alderman at Guildhall and ordered to be searched; and the woman then produced a green purse and the man a light blue one.

Charges against James Robinson were dropped in the 11 days that elapsed between these events and Eleanor's trial at the Old Bailey for robbery. At her trial on 15 January 1742 Eleanor tried every strategy in order to get off. She cross-examined the witnesses and attempted to undermine Susannah Nichol's account of events. She called character witnesses who related a long and varied career as a charwoman and servant and brought others to verify her account of the innocent journey to Wapping to meet her country cousin. But it did not work. The jury found her guilty and she was sentenced to hang.

As the awful sentence was passed, Eleanor's expectation must have been that in just a few days she would be tumbled into a cart and drawn through the crowded streets from Newgate Prison – near where Susannah Nichols had set out for home – to Tyburn, where a noose would be placed around her neck and the cart driven from beneath her feet, leaving her slowly to strangle to death. In fact, this grisly punishment was never actually imposed. Instead, Eleanor Brown was taken back to Newgate Prison where she stayed for the next five months – the sentence of death hanging over her – while her friends and family petitioned the king for a pardon. She finally disappears from the records of Newgate in June of 1742, having been neither transported nor hanged. The likelihood is that she simply died of disease in the miserable prison conditions. Susannah Nichols, meanwhile, went on to collect part of the substantial reward offered by the government to encourage victims of crime to prosecute highway robbers. In the end she pocketed £17 2s, perhaps two years' wages for a female servant.

Eleanor Brown was one of 57,000 defendants tried at the Old Bailey in the eighteenth century and one of almost 6,000 individuals sentenced to death. But, while 1,600 men and women were actually hanged, Eleanor was one of the majority whose execution was never carried out.² Nevertheless, a report of her crime and her trial was published, like all the others, in the popular periodical, the *Proceedings of the Old Bailey*, and voraciously read by Londoners, who found entertainment, information and titillation in the details of these stories of true crime. Today these reports stand as stark testimony to the early history of our modern judicial system and to the unique and vibrant world of pre-industrial London. These stories from the Old Bailey courtroom evoke a lost world of violence and disorder in the world's first great modern city.³

Introduction

'One of the most diverting things a man can read in London'

Louis de Muralt (1726)

The eighteenth-century courtroom at the Old Bailey – the most important criminal court in the English-speaking world, and the place where the modern adversarial trial was created – witnessed all the tragedy of human life. Violence, sex, money and drugs; jealousy, love and hate were rehearsed by victims and criminals under the gaze of jaundiced judges and suspicious jurymen. The stories told here were then rendered into print in the *Proceedings of the Old Bailey*. Published eight times a year, after each court session, the *Proceedings* are the dam and sire of many published courtroom dramas and detective stories and contain in full measure the anger of a victim of a senseless crime and the stark terror of a man condemned to death. In 25 million words, they record the 100,000 trials held between 1674 and 1834. First created to entertain the generation of Samuel Pepys, the *Proceedings* were published decade after decade throughout the eighteenth century. Within their pages can be found pathetic tales of suffering and mendacious accusations of crimes never committed. There are chilling acknowledgements of violence perpetrated on the innocent, as well as impudent denials. Vivid accounts of murders and riots, robberies and rapes were published for an enthusiastic audience, keen to feast on the lurid details of crime.

Even two centuries later the emotions of the courtroom hold the reader's attention. But within these 25 million words of crime and courtroom drama, there is much, much more. Everyday life, down to the smallest gesture and most subtle emotion, is recorded: how to order a drink at an alehouse, how to empty a chamber pot or buy a leek; where to sit at the play, what to wear when setting out to beg. The *Proceedings* teach us how to speak to a hackney coachman, and what not to say when confronted by a highway robber. They introduce us to people like Mary 'Cut-and-Come-Again' who, when arrested for theft, took out her breasts and squirted mother's milk in the eyes of her accuser, who spat at the justice as he recorded her crime, and who went to the scaffold refusing almost to her last breath to give her proper name. They introduce us to Thomas De Veil, the sexually rapacious reforming magistrate who, along with his successors Henry and John Fielding, established the first modern police force. And to Princess Seraphina, the transvestite male prostitute who haunted the balls and masquerades of 1730s London in fine clothes and an elaborate wig; and William Garrow, the first and most eloquent Rumpole of the Bailey. Criminals, pathetic and vicious by turns, thieftakers

breaking the law while claiming to enforce it, barristers sometimes brilliant and frequently pompous and foolish and, above them all, the officers of the court sitting in cold judgement, are all here.

Tales from the Hanging Court brings to a modern audience this world of characters, emotions and detail. It recreates the life and death dramas on which Daniel Defoe, Henry Fielding and Charles Dickens based their novels. It presents a few dozen of the most colourful and revealing trials from the 50,000 witnessed by the court in the eighteenth century; trials that evoke this place and time, these fears and emotions; trials that allow the modern reader to feel the grit and humanity of life in eighteenth-century London, its cruelty and its charms.

London was at turns beautiful and squalid, orderly and chaotic. Rebuilt following the disastrous fire of 1666, the City's medieval streets were now home to brick buildings in the classical style. The fire damaged heart of the City was remade with houses fronted by serried ranks of sash windows; their structures made uniform by some of the most stringent building regulations ever imposed. The major thoroughfares, backstreets and side alleys were filled with houses in a style laid down in the crisp prose of a government commission, making London one of the architectural jewels of Europe. Equally impressive were the aristocratic urban palaces lining the new streets and formal squares of Westminster. Chains, iron railings and padlocks attempted to segregate the inhabitants of these new suburbs from their poorer neighbours, creating gated communities reserved for the powdered and bewigged. But as London spread into the open fields in every direction, other suburban developments, notably those to the east and north of the City, outside the areas governed by planning regulations, were haphazard and of poor quality. Here speculators threw up squalid houses made with poor materials and even poorer workmanship. Every jobbing carpenter who could scrape together a few pounds in capital tried to become a property developer. House collapses in these crowded neighbourhoods were common, with whole families occasionally crushed in their beds.

At the start of the century London had a population of just under 600,000; by 1800 it had reached nearly one million. It had become the largest city in the western world. This inexorable growth, this seemingly unstoppable urban bloat, was almost entirely the result of migration. High mortality rates and unhealthy living conditions, in combination with a relatively late age at marriage, ensured that Londoners could not rely on nature to fill the shoes of the dead. Instead, London depended on the thousands of immigrants, primarily young and predominantly female, who came to the capital each year.

They moved in order to escape poverty and exploitation back home, but as important was the prospect of jobs and adventure in the big city. London's economy grew and diversified over the course of the century. In the West End, the growing importance of the London season to Britain's aristocracy and gentry led to increasing demand for luxury goods and services, employing an army of servants, shopkeepers, coachmakers, dancing masters and an

Introduction

xv

ever more finely graded set of other flunkies. At the other end of town, in the districts of the East End, jobs could be found in manufacturing, brewing and distilling, sugar processing and textile production. By the river, London's port served as the centre of a growing network of national and international trade, the home of thousands of sailors, dockworkers, shipbuilders and watermen, who in turn contributed to the livelihoods of fishwives, prostitutes and alehouse keepers. The City of London itself fed on all these activities. Its warehouses bulged with an ever expanding list of commodities. Its coffeehouses were filled with men raising cash and capital, while its courts adjudicated on an ever more complex set of business dealings. In most years, in most decades in the eighteenth century, London was booming. But its economy was vulnerable to sudden downturns and disastrous collapse. Mad speculation, the disruption of trade routes during wars, or the sudden drop in demand heralded by peace, regularly turned economic boom into bust.

Few people could know this vast metropolis in its full variety. Much as today, Londoners saw their world as a patchwork of competing communities and neighbourhoods. As Tom Brown wrote in 1700, 'We daily discover more new countries, and surprising singularities, than in all the universe besides. There are among the Londoners so many nations differing in manners, customs and religion, that the inhabitants themselves don't know a quarter of them.'¹ Immigrants came from England, Scotland, Wales and Ireland, and from every corner of the globe. Just as it is today, London was by far England's largest city, accounting for over 10 percent of the total population. When the circulation of migrants to and from the capital is included, historians have calculated that one in every six Englishmen and women lived in London at some point during their lives. But the city's attraction was not restricted to Britain alone. It provided a new home to Protestants fleeing repression in France, blacks fleeing slavery or discharged onto the streets from the armies of a growing empire, and Jews from Spain and eastern Europe. Each new group of immigrants found its own neighbourhoods, contributing to the cacophony of voices to be heard in the alleys and streets. When James Dawson Burns recollected his eighteenth-century London childhood it was the different accents that came to mind. He recalled St Giles in the Fields, filled with the 'blackguard slang of landmen of all nations, mixed up with the technicalities of prigs and professional beggars', while around the river he remembered 'the jargon of salt junk and the fo'-castle, refined with coal dust and the elegant vocabulary of Billingsgate.'² The wealth and complexity of this social geography left many visitors bewildered. Even that most knowledgeable of Londoners, Henry Fielding, was confused and a little frightened. For him London was 'a vast wood or forest, in which a thief may harbour with as great security as wild beasts do in the deserts of Africa or Arabia.'³

National origin, religion and class all marked the divisions between London's many communities. The largest Irish colony, dubbed 'little Dublin', was in St Giles in the Fields, just to the north and west of the medieval City. But by the end of the century Irish communities could also be found in

Whitechapel and Saffron Hill, Poplar and Southwark and, perhaps most notoriously, in the Camel Buildings off Orchard Street in Marylebone. Twenty thousand Jews lived in London. The relatively wealthy Sephardim from Spain and Portugal came first and congregated around Aldgate, where they built the Great Synagogue in 1697. They were followed by Ashkenazi from central and eastern Europe, fleeing religious persecution, who found work in the disreputable used clothing market known as 'Rag Fair', by the Tower of London at the eastern boundary of the City. French Protestants, the Huguenots, established thriving communities in the silk-weaving district of Spitalfields in the east and at the Savoy in the west. Many young men about to set off for the grand tour spent a few weeks polishing their accent in the courts and coffeehouses of these districts. Blacks, from Africa, the Caribbean and North America could be found in all the neighbourhoods of the capital. Brought as personal servants and slaves by returning plantation owners, by the vagaries of international war and as refugees from the American Revolution, the black population of London numbered several thousand by the 1780s. Gypsies, working as hawkers and peddlers, fortune tellers and tinkers, wintered around Seven Dials in St Giles in the Fields, and occupied established encampments in the rural hinterlands of the capital.

Money and occupation divided and defined still other communities. At the beginning of the century London was in many respects still a medieval city. The gentry could still be found living side by side with the poor. By the end of the century London was increasingly subdivided between the rich, the poor and the middling sort. As the city spread out over the nearby fields, the elegant aristocratic squares of the West End, populated by lords, gentlemen, and the tradesmen and servants who catered for their needs, contrasted ever more starkly with the densely populated East End, composed of men and women who worked in the weaving trades and on the docks. In between the City and the West End lay socially heterogeneous and conflict-ridden parishes like St Giles in the Fields, the parish that witnessed the largest number of crimes prosecuted at the Old Bailey. By 1800 a member of the gentry would no more consider leaving his West End haunts to walk to the East End, than he would consider walking to the moon. Neither would he consider living in the mercantile City. In 1808 Robert Southey noted sarcastically that: 'London is more remarkable for the distribution of its inhabitants than any city on the continent. A nobleman would not be found by any accident to live in that part which is properly called the City, unless he should be confined for treason or sedition in Newgate or the Tower.'⁴

But for most of the century the residential divisions of wealth and poverty, nationality and religion that divided Londoners were easily crossed. The city's narrow streets witnessed a disorderly co-mingling of pedestrians of all backgrounds, for whom these public spaces were much more than a means of getting from one place to another. For hawkers, ballad sellers, stall keepers and shoeblacks, the streets were their workplace, where they sold their wares and services. Beggars took up prominent positions from which to appeal to

Introduction

xvii

the charity of the better off, while prostitutes aggressively pursued their clients, often consummating the transaction in a side alley. Official and unofficial celebrations such as processions and bonfires took place in the streets, while working people used them for a host of recreational activities including throwing at cocks, football and boxing and wrestling matches. Picking their way through the hawkers and beggars, and the processions and fights, were shoppers and strollers, and men and women hurrying onto their next job, or to meet a friend, to go for dinner or to see a play.

Differences of wealth and status could be transcended, or at least so many Londoners believed. There was a high degree of social mobility as newly minted fortunes transformed the fortunate into gentry, while sudden debts or unemployment could throw just about anyone into prison or the workhouse. The definition of a gentleman, once strictly rooted in heredity, landholding and a coat of arms, loosened, so that by 1730 Nathaniel Bailey could claim: 'All are accounted gentlemen that have money, and if he has no coat of arms, the King of Arms can sell him one.'⁵ Or indeed, if a man *looked and acted* like he had money, he would be regarded by many as a gentleman. Contemporaries fretted about the breakdown of the social order, as status was increasingly determined by ever deceptive appearances. 'Of all the follies and fallacies which reign in London', one anonymous author complained, 'none is more glaring than affectation, of endeavouring to impose ourselves on the world, for what we are not.'⁶ This uncertainty could be a source of amusement (the masquerade was a uniquely eighteenth-century entertainment), but as many novels testified, it could also lead to disaster when promised wealth failed to materialise. The problem of trust became ever more critical as traditional signs of class and wealth became less certain. It was impossible to conduct business without it, but it was difficult to know who to trust in this world where identities seemed to be taken up and discarded like so many coats and wigs. In this context, the independence and apparent lack of subservience of working people seemed ever more intolerable: servants dressed like their masters and mistresses, and journeymen and mechanics seemed to grow more ungovernable with every passing generation.

This fast paced and chaotic world formed the context for the crimes prosecuted at the Old Bailey. Almost all prosecutions recorded in the *Proceedings* were for felonies and therefore, in principle, shared the possibility of being punished with death. But much more than their legal status, the crimes of violence, property and immorality tried in the court shared a metropolitan wellspring. They grew from bigotry and prejudice, defensiveness, fear and greed; from all the emotions and insecurities unleashed when a traditional society was confronted with diversity and change. National and religious differences led to riots and attacks on immigrants, foreign visitors and non-conformists; attempts to defend men's honour and reputations resulted in swordfights among the gentry and boxing matches among working people; and attempts by men to maintain control over their wives in a city where women could aspire to financial independence resulted in domestic violence

and spousal murders. And self-serving politicians, confronted with new opportunities for rabble rousing and populism, used the mob to press home their sectarian agendas.

Property crimes, by far the most common type of offence tried in the court, were motivated above all by the dire poverty experienced by those thrown out of work by sudden economic downturns and personal misfortune. Single women, whose employment opportunities were at the best of times limited to a narrow range of low-paid jobs, were the most vulnerable. But poverty was not the only cause of theft. At every turn in a city where new consumer goods were piled high in the newly invented shop windows the poor were confronted by objects of desire and some men and women, desperate to follow the latest fashion, succumbed to temptation. Other prosecutions for theft arose out of workplace conflicts and more or less genuine differences of opinion about property rights. Moralists never tired of pointing out the vices of the metropolis and blamed crime on the personal failings of Londoners. But that immorality was itself driven by the opportunities created by London life. Alcohol was readily available in any of 10,000 drinking establishments, from the more respectable inns and coffeehouses to neighbourhood alehouses, spirit shops and even women selling shots of gin from a bottle on the streets. Drunkenness was frequently harmless, but it did occasionally lead to violent disputes. In contrast to the fears of contemporary commentators, however, the 'gin craze' of the 1730s and 1740s contributed to crime not because an inebriated population lost its moral compass and were driven to steal in order to pay for their addiction, but because drunken Londoners, often distracted by lust, provided an easy target for opportunistic but more sober thieves.

Only a tiny proportion of crime committed in London actually led to a trial. The vast majority of crimes went undetected or at least unpunished. Taking someone to court was both time consuming and costly and many victims accepted informal 'satisfaction' from the culprit, for example by securing the return of their stolen goods in exchange for dropping the charges. The relatively primitive forces of policing were simply not up to the task of preventing or effectively investigating crime and the burden of detection and prosecution fell overwhelmingly on the victim. Those crimes that did end up at the Old Bailey did so either as a result of the zeal of individual prosecutors aided by the haphazard efforts of constables and watchmen, or the entrepreneurial activities of informers and 'thieftakers' motivated by the prospect of financial reward.

Even were the victim determined to prosecute, this did not ensure that the case would ever come to trial. It first had to be vetted by the propertied men of the Grand Jury, to determine whether there was a case to answer. If a 'true bill' was found it was only then allowed to proceed to a trial, held during one of the eight annual sittings of the court. Each trial lasted on average no more than 30 minutes, and was held at the Old Bailey courthouse, just 200 yards northwest of St Paul's Cathedral. The court was named after the original fortified wall, or 'bailey', marking the edge of the medieval City of London. The building was destroyed by the Great Fire and was rebuilt and rebuilt again on

Introduction

xix

two more occasions during the course of the eighteenth century. Until 1737 the courtroom was open to the elements – both judges and defendants suffering the cold and the heat. The western wall was left open in order to increase the supply of fresh air and reduce the risk that prisoners with gaol fever (typhus) would infect others. In front of the courthouse was the Sessions House Yard, where litigants, witnesses, and spectators gathered to marshal their forces and observe the proceedings. In 1737 the building was remodelled and enclosed, purportedly in order to keep out the weather, but also to limit the influence of unruly spectators. In 1774 the court was rebuilt again by George Dance at a cost of £15,000 and this time included a semi-circular brick wall immediately in front of the courthouse – the bail dock. This wall provided better security for the prisoners awaiting trial and was intended to prevent communication between them and the public clamouring outside. The wall also obstructed views of the courtroom through its external windows, and provided a narrow and easily controlled entrance to the court, preventing a sudden influx of spectators. Gradually built into the fabric of the building was an increasingly fraught relationship between court and public. This came to a head during the Gordon riots in 1780 when the courtroom was badly damaged and crowds carried away the furniture and burned it on bonfires in the streets.

Until 1824 there was only one courtroom, in which carefully positioned seating was provided for the judges, jurors, officers of the court, legal council, and spectators. A semi-circle of seats surrounded the accused standing at the bar, with jurors and judges looking down from a raised position. Below, their papers spread before them, sat the lawyers and clerks who ran the machinery of justice. A large glass mirror was positioned to reflect daylight on to the face of the accused as they stood at the bar and pleaded for their lives – a bright light designed to help the jurors see into the motives and morality of the defendant. Spectators had to pay a fee of 6d or 1s to secure admittance. The trials attracted a mixed audience of London's more and less



Figure 0.01 Old Bailey Sessions House, from John Rocque's 1746 Map of London. Credit: Motco Enterprises Limited, ref: www.motco.com

respectable inhabitants and it was alleged that criminals attended in order to devise strategies for when their turn would come to stand at the bar. The crowd's presence could influence or intimidate the jurors, who often reached a verdict without leaving the courtroom. There were two juries, one for crimes committed in Middlesex, and another for those originating in London. Both sat throughout each session, passing judgement, turn and turnabout.

Those who were unable to attend the trials at the Old Bailey read about them in the printed *Proceedings*. First published in serial form in 1674 as part of an explosion of popular literature about crime, the Mayor and Aldermen of the City moved to established control over their content from 1679. Early editions were between four and nine pages long and comprised the briefest trial summaries. In the 1710s the *Proceedings* begin to include some verbatim reports, especially of trials thought to be salacious, amusing or otherwise entertaining. In December 1729, in the face of growing competition from daily newspapers and published collections of trials, the publisher introduced a number of changes to the format in order to make the *Proceedings* more attractive to readers. They were expanded to 24 pages, and included yearly indexes, cross-referencing between trials, and advertisements. But, most importantly, the growing sophistication of shorthand note taking allowed the publisher to include an increasing number of verbatim accounts of the testimonies of prosecutors, witnesses, and defendants, as well as judges' comments and questions. As the number of trials held at the Old Bailey grew and the City of London demanded ever higher standards of accuracy, the *Proceedings* increased in length, reaching, on average, over 100 pages per issue by the beginning of the nineteenth century.

As the *Proceedings* increased in cost and respectability over the course of the eighteenth century, readership actually declined. Londoners had plenty of other opportunities to read about the crimes tried at the Old Bailey, much of it written in a far more accessible and titillating style. With the expiration of press licensing in 1695 and the huge increase in popular literacy in the eighteenth century (male literacy rates in London reached over 70 percent), there was a large market for the cheap printed literature produced by 'Grub Street'. As the century passed, the *Proceedings* became just one of several types of publication designed to meet the demand for literature about crime. Some alternatives were relatively sober, including reports found in newspapers and the *Ordinary's Accounts* (biographies of condemned convicts written by the chaplain of Newgate Prison). But others, such as pamphlet accounts, single-page broadsides, and ballads, were often self-consciously scurrilous and sensational. This potpourri of publications certainly satisfied public demand, but the competing accounts of individual crimes were often contradictory, and Londoners were left to draw their own conclusions about whether the men and women forced to stand at the bar of the Old Bailey were guilty or innocent, heroes or villains.

In the tales that follow, stories of individual crimes have been pieced together from the *Proceedings* and a wide range of other sources in order to recreate for a modern readership the events Londoners first pored over more than two centuries ago.