

4

Crimes of Greed, Crimes of Lust

The offence most frequently prosecuted at the Old Bailey was theft. When fraud is included, over 90 percent of trials involved offences against property. But statute law did not see these crimes as occupying a single category. Instead, they were divided into an ever growing number of discrete capital offences, adding category after category to the common law offence of larceny to create the notorious 'Bloody Code'. Burglary, pickpocketing, robbery, shoplifting, theft from specified places (such as a warehouse), and forgery were all added to the range of crimes to be punished by hanging.

In the eyes of eighteenth-century men and women, this elaborate legal classification was necessary to combat an epidemic of theft that was in turn a product of loose morals. Many believed that minor sins such as profane swearing and cursing, Sabbath breaking, and getting drunk led inexorably down the slippery slope to the commission of more serious crimes including theft and murder. Although there is little evidence to support this theory of the causes of crime, there was some foundation to the contemporary belief that vice and theft were intimately associated. But, confounding eighteenth-century perceptions, it was generally the loose morals of the victims, rather than the perpetrators, of crime that did most to encourage theft. Men and women past caring, paralysed by the consumption of gin, staggered through the streets or lay unconscious in the gutters making tempting targets for pickpockets. And the clients of prostitutes, preoccupied by lust and their wits frequently dulled by drink, were perfect marks for pilfering hands that pretended to other business in a man's breeches. It was difficult for the victims of such thefts to stand up in court and explain how they happened to lose their valuables. Drunkenness and prostitution were not crimes, but to many contemporaries the first was a sign of weakness and the second distinctly immoral. In an even more awkward position were men who engaged in sodomy (a capital offence until 1867). They were vulnerable to theft and

extortion and their attempts to defend themselves could easily result in both prosecution and public humiliation. But regardless of these disincentives to prosecute, the *Proceedings* contain thousands of cases that arose out of awkward contexts such as these.

Despite the contemporary obsession with immorality, the motivation for most property crimes was simple poverty. Even a cursory exploration of the *Old Bailey Proceedings* reveals that many of the trials for theft involved the loss of goods valued at just a few pence – of handkerchiefs and items of clothing which were then immediately pawned or sold for small sums of money. A plain cotton handkerchief could be sold for six pence, while a silk one might fetch six shillings – enough to supply a hungry man or woman with hot dinners for a week. The same story of poverty and desperation that helps explain the motivation for most theft is also evident in the circumstances of many of the accused. They were from the vast body of London's poor: orphaned children, beggars, single women and the aged. Although in law necessity gave no excuse for theft, many pleaded hunger and destitution in their defence, pleas that while unlikely to lead to an acquittal, often led at least to a lesser punishment.

The single most important cause of poverty was unemployment and prosecution rates shot up at the end of every war, as demobilised soldiers made their way back to the metropolis and war-related industries laid off workers. Although these 'crime waves' were at least as much a product of public fears of what desperate men accustomed to violence might do in the absence of a foreign enemy (preferably a Frenchman) to fight as of actual increases in theft, the difficulty of finding work in this volatile economy undoubtedly caused many to resort to theft, particularly since immigrants to the metropolis frequently had few family or friends to turn to and no right to claim poor relief from the parish.

Although hunger and real need explain most thefts, it does not explain them all. Many trials resulted from a different sort of greed: the desire to wear the latest fashions or follow the lifestyle of a higher social class. London's extensive upper and middle classes fuelled a boom in luxury goods (particularly clothes and jewellery) that had an impact on all classes of society. For the first time in English history, keeping up with the latest fashions became important to people beyond the narrow aristocracy. The commonplace theft of fashionable goods testifies not only to their intrinsic monetary value but sometimes also to the motivation behind the crime: occasionally the thief was caught actually parading the stolen clothes about the streets. The phenomenon of the gentleman highway robber – men (and very occasionally women) who purportedly treated their victims politely as they relieved them of their watches and pocketbooks – reflects the contemporary belief that even common thieves might have social aspirations and might commit crimes in order to achieve them. And even if in practice there is little evidence of 'polite' robbery of this sort, the behaviour of men such as James Maclaine, who used the substantial profits derived from his crimes to set himself up as a

gentleman, suggests the possibilities of social mobility open to the successful criminal.

Other prosecutions for theft arose out of fundamental differences of opinion about the nature of property itself and who had the right to use it. In these trials the accused had no intention to commit a crime. The poor frequently borrowed from each other and from their employers and landlords, pawning their goods in order to make ends meet. Failure to obtain the consent of the owner in advance frequently led to disagreements over the terms of a loan, which in turn led to trials for theft, despite promises that the goods would be returned. Most poor Londoners, for instance, lived in furnished rooms rented out by the week. To the tenant, pawning the furniture for a few days (the use of which they had already paid for) often seemed a reasonable strategy to tide them over a rough patch; whereas to the landlord this same 'borrowing' could look like unadulterated theft. Disagreements between workers and their employers over the removal of scraps from the workplace, known as perquisites, also resulted in some prosecutions. The loose tobacco or sugar swept up after a ship was unloaded, for example, or the off-cuts of wood in a carpenter's shop, were often seen by workmen as a legitimate part of their wages. But as profits were squeezed towards the end of the century employers increasingly attempted to stop these practices, relabelling them as 'pilfering' and 'embezzlement'. As a result, workplace conflicts between employers and employees over remuneration sometimes led to criminal prosecutions at the Old Bailey.

The eighteenth century witnessed the creation of a panoply of new forms of property and business that created in their turn new forms of theft. From the late seventeenth century London's streets were increasingly lined with glass-fronted shops, which supplemented and gradually replaced traditional markets and hawkers. With their large bow windows filled with tempting goods, shops attracted thieves, often women dressed in large mantua gowns with plenty of space for secreting stolen goods. 'Shoplifting' became a separate capital offence in 1699. Later in the century the introduction of a postal service created the new crime of stealing letters from the post, a form of embezzlement defined by statute in 1767. Similarly, the growing use of paper credit, necessary in an expanding economy with limited hard currency, led to statutes against the embezzlement of notes, deeds and bills by officers or servants of a company (1742) and by employees of the Bank of England (1795 and 1797). More threatening still was the use of forgery to create false promissory notes as a way of obtaining lines of credit. Trust and credit, standing bond and surety for others, were the lubricants that allowed this economy to move; when these networks of trust turned out to be built on false foundations they could collapse with disastrous results for the entire business community. 'White-collar' crime of this sort frequently involved apparently respectable men and women from the upper classes and their trials attracted widespread attention as a result, raising difficult questions about the boundaries between acceptable and unacceptable business practices.

In principle all eighteenth-century Londoners agreed that theft was undesirable, but they could not always agree on what was meant by theft. Defendants, jurors and even judges struggled to clarify when a perquisite became embezzlement, a loan became stealing and an unsubstantiated promise became fraud. As difficult, they struggled to justify punishing a man or woman driven to theft by poverty, hunger and real need. With the death penalty looming behind almost every prosecution, the stakes were high.

Something Else Doing

Over 800 trials at the Old Bailey in the eighteenth century involved women accused of picking the pockets of men. The overwhelming majority of these alleged crimes occurred during acts of prostitution, leaving both prosecutors and defendants in a quandary about how much detail they should reveal at the trial. At least one of the parties, usually the defendant, normally found it advantageous to acknowledge that sex was in the air and in the first decades of the century this did much to add titillating entertainment value to the Proceedings (and profits to the publisher). But since these crimes and the sexual acts associated with them were normally committed in private, the resulting trials often became a direct contest for the truth between the two parties involved. As both prosecutor and defendant were often drunk and, almost by definition, not entirely respectable, juries were faced with the difficult prospect of deciding whether a crime had actually occurred at all. Despite the dubious character of the women accused in these cases, this ambiguity helps to explain why most (61 percent) were eventually acquitted.

London possessed tens of thousands of drinking establishments. Alcohol was available everywhere and with the drink came almost ubiquitous prostitution. A ballad, 'The City Cheat Discovered, or, a New Coffee House Song', sung to the tune of Lillibulero, described how the keepers encouraged lewd women to prey on their male clientele:

*Kissing, kissing, nothing but kissing;
Kissing and billing is all that they do;
There's kissing and wooing, and something else doing;
And this is the ruin of Jack and Tom too.*

Miss with all her delicate cider and mum,
Can pick all their pockets before they well know.

*Yes sir, pray sir, do sir, stay sir;
What ye call, that ye shall, welcome sir.
Tho after his billing, he has not a shilling,
Which when he comes home makes a horrible stir.¹*

Men who lost their valuables in such situations had to choose between attempting to prosecute the culprit, thereby publicly exposing their own immoral behaviour, or refusing to prosecute and simply accepting the loss. Most men undoubtedly chose the latter. Of the minority who determined to prosecute, some tried to deny that there had been any sex involved. James Hughs prosecuted the unfortunately named Ann Hussey for picking his pocket of 8s and a piece of silver on the very dark night of 6 December 1724. As recorded in the third-person narrative published in the *Proceedings*, he told the court that Hussey propositioned him as he was going along Shoe Lane, but that he steadfastly resisted all her advances:

The prisoner caught hold of his arm, and, my dear, says she, where are you going? Won't you give me a pint? You saucy bitch (says he) what should I give you a pint for? By God, says she, I will have a kiss then; and throwing one hand round his neck, he felt the other in his pocket. Rot your impudence for a corrupted toad, says he; do you want to pick my pocket? He pushed her from him, felt for his money, missed it, stopped her, and she cried out murder.

The jurors might well have found this story plausible, for London's prostitutes were notorious for aggressively accosting pedestrians on the streets. But the story told by Hussey was rather different:

The prisoner in her defence said that as she was passing by Hughs, he threw his arm round her, and would needs go home with her. They went together to a neighbour's house, where he gave her 2 shillings to occupy her. He would have lain with her all night; but because she refused, he charged her with picking his pocket.

In this account James Hughs was the one seeking sex and Hussey argued that the prosecution arose from her refusal to satisfy all his demands. Faced with such contradictory accounts, the jury came to what amounted to a compromise, finding Hussey guilty on a partial verdict, of stealing goods but not privately, and only to the value of less than 5s. This meant that rather than being hanged, she was sentenced to transportation to North America.²

Although the trial report doesn't record this detail, it is likely that the missing money was found on Ann Hussey when she was searched. In such cases, the best defence was to say that the money had been freely given for services rendered. When James Lawson, for example, prosecuted Elizabeth Roberts, alias Bustock, for picking his pocket of two guineas in 1727, he was circumspect in his description of what the two had been doing together:

On the 18th of December I was going along Cornhill between eleven and twelve o'clock at night and the prisoner desired me to go and drink with her. So we went to the Salutation Alehouse in Bell Yard, and going upstairs the prisoner sat down at the end of the table, and I sat down at the side, and my money was in my left pocket, for I had taken it out of my right side pocket and put it into the left after I came into the room, and had only some farthings in my right pocket. But after we had been drinking and I went to change a guinea to pay the reckoning, indeed I

was in drink, but not so drunk neither but I can be sure the prisoner had picked my pocket, for my guineas were gone. I desired the prisoner to give me them back again, but she would not, so I stopped her, and spoke to the landlord to call a constable.

Elizabeth Roberts told a different story:

I was going along Cornhill near the Royal Exchange, and the prosecutor asked me to go and drink with him. I denied him at first, but afterwards went along with him to this alehouse. I own I am an unfortunate woman, and live by keeping company, but never wronged man, woman nor child in my life, but only what gentlemen please to give me (and what can be freer than a gift?) and when the constable came I offered to be searched, and told him if I had such money about me it was the prosecutor's, and that he must give it me among some half-pence which he gave me to buy a bunch of rods, for we were both drunk, and I did not mind what he gave me. I asked him what I was to do with the rods, and he said he wanted to be flogged, but the man of the house said he would not suffer any such doings in his house, and then the prosecutor sent for a constable, who carried us both to the compter.

Even though she confessed to the constable that she had 'cribbed' [pilfered] the money when it was found on her person, Robert's testimony, larded as it was with telling and titillating details that undermined Lawson's character, resulted in an acquittal.³

Other men, particularly in the first decades of the century, freely admitted that they had lost their valuables during a sexual encounter. Benjamin Gosling, for instance, seems to have felt little embarrassment when describing his encounter with Phillis Noble on a cold night in early January 1726:

I live in White Horse Alley in Drury Lane. I am a bricklayer's labourer, and it's well known that I work hard for my money, and so as I was saying, betwixt one and two a clock in the morning – and a mortal cold night it was – I am sure I have good cause to remember it, for as I was coming by the corner of Bennets Court, in Drury Lane; and who should I meet but the prisoner? And so says she, how d'ye do my dear, tis bloody cold weather, I wish you'd give me a dram. Whereof, says I again, I don't care if I do, if we can come to a good fire, and so – what signifies lying – we struck a bargain, and went to a gin shop, and I thought I had better do so than wander about the street all night, though I must needs say, I might as well have gone home to my wife – but that's neither here nor there. I was got a little in for it and when I am once in, I never mind which end goes foremost, and it's many a poor man's case as well as mine.

Following a round of drinks they appear to have decided to go elsewhere:

And so sir the reckoning came to 8 pence and I had got a brass box in my pocket, with 2 guineas in it, and a note upon command for 6 pounds 6 shillings, and some other odd matters. I takes out this box, in order to pay the shot. Now whether she saw the money in my box, or did not see

it, I can't be positive, she might or she might not, but howsoever I gave my landlady a shilling to change, and put up my box again, and some other people came in to drink. And by and by my landlady brings me a groat, and so I went out with the groat in my hand, and Phillis along with me; and I goes to put my money up, and missed my box, and so I called the watch, and carried her to the round house.

Evidence for the prosecution was completed by testimony from Benjamin Gosling's put-upon wife, who told the court that she (of all people) had searched the prisoner and found the box and the note upon her, but not the money.

Phillis Noble's defence suggested that something altogether more disturbing happened once they left the gin shop:

It being a cold night, I went into a gin shop for a dram of aniseed, and there I saw this Gosling a drinking along with a parcel of bunters (whores), and he was got very drunk, and fain would have been rude with me. But never caring to make myself familiar with any such fellows, I went out, and he followed me, and thrust me up against the wall, and there he pulled out his pistol, and swore he'd let fly at me, if I would not let him ravish me.

Her account of assault and attempted rape did not wash with the jury, however, and since at least some of the goods were found on her, they declared her guilty, though once again on a partial verdict.⁴

A few months later on a much warmer August evening, Alexander Watts lost several possessions during an open-air encounter with Isabel Lucky:

I was got drunk, and was going home to Cats Hole in St Catherines. In my waistcoat pocket I had got a pound of hair in a bladder, and a pocketbook, a pair of gloves, and a handkerchief in the other pocket; and so coming under Aldgate, I saw Isabel Lucky before me, and I gave her a tap upon the shoulder, and asked her where she was going, and she said a little farther, and so she walked sometimes before me, and sometimes behind, till she came to Goodman's Yard, and there she turned down, and went into a porch, and I after her. Well, says she, what will you give me now. Why indeed my dear, says I again, I have got no money at present, but if you'll oblige me so and so, I'll make you amends the next time I see you, for I live but a little way off. Truly, says she, I can do nothing without ready money, for I can't afford to trust. – Indeed my dear you must for this once. – Will you be as good as your word then? – Yes indeed I will child. – Well then if I must, I must, and so, sir, I laid her upon the ground, for she was not afraid of daubing her clothes, because she was then in as dirty a pickle as she is in now. But however as foul as she was, I can't deny but that I did commit that filthy sin upon her, and just in the heat of action, she cried out, the watch, the watch is a coming, get away and shift for your self. So I got off, and turned my back upon her, and put up my breeches, but the watch not coming, I went to the porch and felt for her there, but she was gone. Then I felt in my pockets, and found that all was lost. Well,

says I, to myself, the bitch has robbed me, she has taken away every thing that I had about me; my very hair and bladder and all, and I am an undone man! So having no body to make my apology to, I walked home in that condition.

Lucky was apprehended when another woman, Sarah Jones, tried to sell some of the hair to a barber. In this case, it was Lucky who denied any illicit sexual activity:

Lucky in her defence said, that as she was going along Goodman's Yard, in the dark, she kicked something soft before her, and taking it up, found it to be hair.

Sarah Jones told a rather different story. She 'said that meeting Lucky, she asked her to drink, and desired her to sell the hair for her, telling her that she had the hair from a sailor of her acquaintance'. Perhaps because Watts had been so reckless in his behaviour, Lucky was found guilty on only a partial verdict and Jones, who denied knowing that the goods were stolen, was acquitted.⁵

The sexual activities of London's prostitutes and their clients were occasionally unconventional. Joseph Richmond, for instance, certainly seems to have developed a taste for flagellation and humiliation that he expected to be pandered to. One Sunday in early July 1725 he approached two women with a rather unusual request:

About nine o'clock on Sunday night, Susan Brockway and Mary Gardner picked me up upon London Bridge. I went with them to the Cross Key Tavern upon Fish Street Hill, and there we stayed about an hour. I agreed to give them a crown apiece, to — to —, not to do them over, but for them to strip naked, and show me some tricks. And to satisfy them that I had money enough to be as good as my word, I took three broad pieces and three shillings out of my pocket.

Richmond went on to recount how:

Susan Brockway said, she supposed it was not right gold, and so she took a piece to look upon it, whereupon she said it was very good, and gave it me again; and by and by she snatches all the money out of my hand, and put it into her bosom, and said, you shall never see it again. I'll keep it, to learn you more wit; that another time you may know an honest woman from a whore.

According to Joseph Richmond he immediately called in the tavern keeper and sent him to fetch a constable. At the subsequent trial, however, Susan Brockway and Mary Gardner told a rather different and perhaps more believable story, implying that the prosecution arose because they had refused to satisfy all Richmond's requests.

This man took us to the tavern, and offered us a crown a piece to strip ourselves naked, and show him postures. He gave Mary Gardner money to fetch a penny-worth of rods, for him to whip us across the room, and make us good girls; and then for us to whip him to make him a good

boy. But we told him it was neither a proper time nor place for any such thing, for it was Sunday night, and others might overlook us in the room we were in, though the curtains were drawn. He bid us look to it; for it should be worse for us, if we would not do as he would have us; and so he called the tavern keeper, and said, we had got his money.

No money was found on the women when they were searched, and the jury, unsurprisingly, acquitted them.⁶

In 1725 when the publisher of the *Proceedings* was censured for 'lewd and indecent' reporting, the Court of Aldermen must have had cases like this (as well as that of the drunken Irish prosecutor) in mind. And as contemporary moral standards changed over the course of the century, not only did reports of this kind start to become more circumspect (this is already evident by the 1730s), but male victims and female defendants became less willing to admit their activities in open court. Reading between the lines, however, it is clear what was going on. Offering men sex for money continued to give poor women who were down on their luck easy opportunities to steal in circumstances where the victim was unlikely to prosecute. At the same time, though the number of prosecutions declined, some of the men who lost valuables in such seedy circumstances seem to have continued to believe (despite considerable evidence to the contrary) that the double standard, in combination with the poor character of the women involved, would make a conviction possible.

A Quiet Assniation in Chelsea Fields

The eighteenth-century world of commercial sex was not limited to heterosexual encounters, neither were the early eighteenth-century Proceedings unwilling to report the details of less conventional sexual activity. As part of a vibrant 'molly house' culture, gay sex was also available for a price. Link boys and shoe blacks, children at the bottom of the economic pile, were frequently forced to sell sexual favours for a few pence, while the up-market masquerades and pleasure gardens of the capital played witness to more fortunate young men on the make. Despite the fact that sodomy was punishable by death, and despite the existence of virulent homophobia, many men and women seem to have taken a rather more relaxed attitude. Many Londoners agreed with John Bowes, who was caught sodomising Hugh Ryley up against the rails of the church yard at Covent Garden one early December evening in 1718. When challenged, Bowes replied 'Sirrah what's that to you, can't I make use of my own body?'

John Cooper was a male prostitute and transvestite who went by the nickname Princess Seraphina. On 7 June 1732 he strutted his stuff at the democratic pleasure garden at Vauxhall just south of the river. He was dressed in a woman's gown and mob hat and attended the *Ridotto al Fresco*, or open-air masquerade, that marked the triumphant reopening of Vauxhall Gardens. Everyone was there, including the Prince of Wales. Cooper's ability to live in this extraordi-

nary way, to dress as a woman in public and to tout for trade as a male prostitute among the pleasure-seeking crowds at Vauxhall, reflects the 'double-think' practised by most Londoners. Until you were called a 'molly' or a sodomite, you were relatively safe in the unthinking tolerance of a great city, but once the finger of accusation was pointed, life could become very much more difficult very quickly. That summer, John Cooper certainly felt safe enough to prosecute Thomas Gordon for the theft of his clothes, after a night on the tiles. Unfortunately for Cooper, what began as an attempt to gain recompense quickly degenerated into a mocking judgment of Cooper's lifestyle and sexuality. At Gordon's trial, Cooper described the events of the evening:

On Whit Monday, May 29, I dressed myself and went abroad, and returning between 1 and 2 the next morning to my lodging at number 11 in Eagle Court, in the Strand, I knocked once, but finding nobody answered I went to a night cellar hard by. I called for a pint of beer and sitting down on a bench Thomas Gordon came and sat by me. He asked me if I did not know Mr Price and some other persons, and so we fell into discourse. We drank 3 hot pints together. I paid the reckoning, 9½ pence, and went up. I was got about 15 or 20 yards off when the prisoner came up to me, said it was a fine morning, and asked me to take a walk. I agreed, and we went into Chelsea Fields, and turned up to a private place among some trees.

According to Cooper, at this point what had been a pleasant interlude on a warm night turned suddenly dangerous:

Gordon clapped his left hand to the right side of my coat, and tripped up my heels, and holding a knife to me, God damn you, says he, if you offer to speak or stir I'll kill you. Give me your ring. I gave it him and he put it on his own finger. Then he made me pull off my coat and waistcoat and breeches. I begged that he would not kill me, nor leave me naked. No, says he, I'll only change with you, come pull off your shirt, and put on mine. So he stripped and dressed himself in my clothes and I put on his.

He asked me where I lived, and I told him. I suppose, says he, you intend to charge me with a robbery by and by, but if you do, I'll swear you are a sodomite and gave me the clothes to let you bugger me.

The threat of a charge of sodomy was very real. Just two years earlier the Netherlands was rocked by the arrest of over 250 men, dozens of whom were eventually executed in the largest pogrom of its sort in European history prior to the twentieth century. And in London six years earlier the Old Bailey and the lesser courts witnessed a spate of sodomy trials that resulted in both hangings and the pillory. Cooper, however, did not let the threat deter him from his attempts to recover his clothes:

Then Thomas Gordon bid me come along, and I followed him to Piccadilly, and so to Little Windmill Street, and there I called to 2 men, who took him into an alehouse. I told them he had robbed me, and he said that I had given him the clothes to let me bugger him. The men

Crimes of Greed, Crimes of Lust

167

said they expected to be paid for their day's work, if they lost their time about my business. I promised them they should be satisfied.

The turning point came when the two men who had come to Cooper's assistance heard Gordon's accusation:

So we went toward Tyburn Road, into Marybone Fields, and there the men let the prisoner go. What do ye do? says I. Why what would you have us do? said they. He charges you with sodomy and says you gave him the clothes on that account. Another man coming by at the same time, I desired his assistance, but they telling him that I was a molly, he said I ought to be hanged, and he would have nothing to do with me.

Then Gordon began to run, and I after him; but one of the two men, who expected to be paid for their day's work, kicked up my heels, and as I was rising, he struck me down again. I was very much hurt, and spit blood, so that I could not follow them. And so they all got over a ditch and escaped.

Cooper did not give up easily. He discovered Gordon's name from a neighbour and had him arrested for theft at the door of a brandy shop in Drury Lane.

At Thomas Gordon's eventual trial, he gave a very different account of the events in Chelsea Fields:

I was locked out and went to Mrs Holder's night cellar. The prosecutor came and sat by me and asked me to drink. I thought I had seen him before and we fell into discourse, and had 3 hot pints of gin and ale between us. About 4 in the morning he asked me to take a walk. We went into Chelsea Fields and coming among some trees and hedges, he kissed me and put his privy parts into my hand. I asked him what he meant by that, and told him I would expose him. He begged me not to do it, and said he would make me amends. I asked him what amends? He said he would give me all his clothes, and so we agreed, and changed clothes.

At this point the trial took a significantly different turn. Margaret Holder, the owner of the night cellar where the two men had been drinking, was called. She confirmed that Cooper and Gordon had been there, but ended her testimony with a disastrous aside:

I keep the night cellar. Thomas Gordon came in about 10 at night and staid till 2 in the morning, and then John Cooper came in and sat down by him, and said, Your servant, sir, have you any company belonging to you, for I don't love much company? Then they had 3 pints of Huckle and Buss, as we call it, that's gin and ale made hot. And so about 4 o'clock Gordon said he would go home, for his mother would be up and he might get in without his father's knowledge. And Cooper said, If you go, I'll go too. So Gordon went up first and Cooper stayed to change a shilling, and went out after him. I believe Thomas Gordon is an honest man; but John Cooper and Kitt Sandford too, use to come to my cellar with such sort of people.

At this point the judge intervened:

Court. What sort of people?

A. Why, to tell you the truth, he is one of the runners that carries messages between gentlemen in that way.

Court. In what way?

A. Why he is one of them as you call molly culls. He gets his bread that way. To my certain knowledge he has got many a crown under some gentlemen.

For John Cooper the trial of Thomas Gordon might as well have ended here. There was no way that Gordon would be found guilty after Margaret Holder's revelation. And in due course the jury acquitted him, but not before John Cooper's lifestyle was paraded before the court. In testimony after testimony, his situation just got worse. Next to address the court (and to be interrogated by the bemused judge) was Jane Jones:

Jones. I am a washer-woman in Drury-Lane. I went into Mr Poplet's, my next door neighbour, for a pint of beer, and said, there's the Princess Seraphina! So I looked at her, and Thomas Gordon was in the same box; and says he to the Princess, What a vile villain was you to –

Court. What Princess?

Jones. John Cooper, he goes by that name. What a villain was you, says Gordon, to offer so vile a thing? Did not you do so and so?

Court. So and so; explain your self.

Jones. Why in the way of sodomity, whatever that is! So says the Princess, If you don't give me my clothes again, I'll swear a robbery against you, but if you'll let me have them, I'll be easy. No, you villain, you shan't, says Gordon. Next day I went to Mr Stringer the pawnbroker's, facing Vinegar Yard in Drury Lane. I wash for him, and there I saw the Princess a pawning her shirt. O Princess! says I, are you there? You will be very fine by and by; you will have no occasion to pawn your linen when you get the reward for hanging Tom Gordon. But how can you be so cruel to swear his life away, when you have owned that you changed with him? What if I did, says he, I don't value that, I shall do nothing but what I have been advised to.

Next to give evidence was Mary Poplet:

I keep the Two Sugar Loaves in Drury Lane. Gordon and the Princess came into my house, and the Princess charged the prisoner with taking

her clothes, and the prisoner called her villain, and said she gave them to him.

I have known her Highness a pretty while. She used to come to my house to enquire after some gentlemen of no very good character. I have seen her several times in woman's clothes. She commonly used to wear a white gown and a scarlet cloak, with her hair frizzled and curled all round her forehead, and then she would so flutter her fan and make such fine curtsies that you would not have known her from a woman. She takes great delight in balls and masquerades, and always chooses to appear at them in a female dress that she may have the satisfaction of dancing with fine gentlemen. Her Highness lives with Mr Tull in Eagle Court in the Strand, and calls him her master because she was nurse to him and his wife when they were both in a salivation for venereal disease. But the Princess is rather Mr Tull's friend than his domestic servant. I never heard that she had any other name than the Princess Seraphina.

And finally, Mary Robinson:

I was trying on a suit of red damask at my mantua maker's in the Strand when the Princess Seraphina came up and told me the suit looked mighty pretty. I wish, says he, you would lend them to me for a night to go to Mrs Green's in Nottingham Court by the Seven Dials, for I am to meet some fine gentlemen there. Why, says I, can't Mrs Green furnish you? Yes, says he, she lends me a velvet scarf and a gold watch sometimes. Another time he comes to me, and says, Lord, Madam, I must ask your pardon. I was at your mantua maker's yesterday and dressed my head in your laced pinners, and I would fain have borrowed them to have gone to the *Ridotto* at Vauxhall last night, but I could not persuade her to lend them to me. But however she lent me your calamanco gown and Madam Nuttal's mob hat and one of her smocks. And so I went thither to pick up some gentlemen to dance. And did you make a good hand of it Princess? says I. No, Madam, says he, I picked up two men who had no money, but however they proved to be my old acquaintance, and very good gentlewomen they were. One of them has been transported for counterfeiting masquerade tickets; and the other went to the masquerade in a velvet domino and picked up an old gentleman, and went to bed with him. But as soon as the old fellow found that he had got a man by his side, he cried out, murder.

Princess Seraphina lived in a vibrant world of alcohol, sex and cross-dressing, of the splendour of Vauxhall and the squalor of Margaret Holder's night cellar. It was a world full of contradictions. His female friends lent him clothes one day, only to humiliate him in open court on the next. He endeavoured to navigate the difficult waters of eighteenth-century sexuality and was pulled under by their turbulence. Put on trial for a capital offence, Thomas Gordon knew he had a powerful weapon in the counter-accusation of sodomy and he deployed it with devastating effect.⁸

The Gentleman Highwayman

Even at the beginning of the eighteenth century highwaymen had a romantic reputation, but as new forms of popular literature emerged they became almost heroes in the public imagination. For the men who stood trial for highway robbery this image, with its pretence to gentility and politeness, was important. It allowed them to differentiate themselves, both in the courtroom and in the court of public opinion, from the maligned street robbers and footpads who were held responsible for London's increasingly severe crime waves. But it did not necessarily spare them the ultimate penalty, since regardless of public opinion the courts treated highway robbery as a serious offence.

The son of an Irish Presbyterian minister, James Maclaine showed an 'aversion to a mechanic employment' from an early age.⁹ He squandered his own small inheritance, and came to London in 1743, attempting to recoup his fortune by courting rich women. He managed to marry one with a fortune of £500 in 1744 or 1745 and with this money set himself up as a grocer, while developing the expensive tastes suitable to a gentlemanly lifestyle. His economic security did not last long, however, and following his wife's death in 1748 he rapidly dissipated her wealth on luxuries and gambling. When down on his luck, he met William Plunket, an equally hard-up apothecary. Plunket told him he needed to take matters into his own hands:

A brave man cannot want – he has a right to live, and need not want the conveniences of life, while the dull, plodding, busy knaves carry cash in their pockets. We must draw upon them to supply our wants. There needs only impudence, and getting the better of a few silly scruples. There is scarce courage necessary; all we have to deal with are such mere poltroons.

According to the Ordinary of Newgate it did not take Maclaine long to understand the meaning of this suggestion:

This discourse was soon understood by the unhappy Maclaine, who though at first shocked with the bare mention of it, yet the necessity of his pride and indolence suggested so strong, that he yielded to the temptation, and from that time, which might be about eight months after his wife's death, entered into a particular intimacy with Plunket, agreed to run all risks together, and, present or absent at any enterprise, to share all profits, of which, till the fatal discovery, they kept a fair and regular account.¹⁰

Although their early crimes met with mixed success, with Maclaine often acting the coward, the pair soon amassed a considerable fortune, which allowed them to pursue their favourite vices:

The money went as it came, for Plunket loved his bottle and a girl, and spent his share that way; and Maclaine was doatingly fond of gay clothes, balls, masquerades, etc., at all which places he made a very gay and impudent figure.¹¹



Figure 4.01 'The Ladies Hero, or the Unfortunate James McLeane Esq.' (1750). Note the Venetian mask (used in masquerades) lying on the ground next to his left foot.
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According to the Ordinary, with the proceeds of a series of robberies on the highway, Maclaine:

Lived in splendour, but to avoid impertinent questions, often shifted his lodgings; though he appeared in the greatest splendour in all public places, and kept company not only with the most noted ladies of the

town, but some women of fortune and reputation were unguarded enough to admit him into their company, without any other recommendation than his appearing at all public places with great impudence, and a variety of rich clothes.¹²

The pair first acquired notoriety in November 1749 following their robbery in Hyde Park of Horace Walpole, author and son of the former prime minister, Robert Walpole. Horace Walpole later recorded the incident:

One night in the beginning of November 1749 I was returning from Holland House by moonlight about ten at night. I was attacked by two highwaymen in Hyde Park, and the pistol of one of them going off accidentally razed the skin under my eye, and left some marks of shot on my face and stunned me. The ball went through the top of the chariot, and, if I had sat an inch nearer to the left side, must have gone through my head.

Walpole was not seriously injured and, following the robbery, he placed an advertisement offering a reward for the return of his watch. Shortly afterwards, in the first indication we have that Maclaine's social pretensions had begun to shape his criminal behaviour, he sent Walpole a letter. It was written on gilt-edged paper and, in spite of the poor spelling and grammatical errors, was full of polite and genteel phrases. The letter, transcribed literally, began:

Sir,
Seeing an advertisement in the papers of today giveing an account of your being robbed by two highwaymen on Wednesday night last in Hyde Parke and during that time a pistol being fired whether intended or accidentally was doubtfull. Oblidges us to take this method of assureing you that it was the latter. And by no means designed either to hurt or frighten you for tho we are reduced by the misfortunes of the world and obliged to have recourse to this method of getting money, yet we have humanity enough not to take any bodys life where there is not a nessecety for it.¹³

Maclaine tried (unsuccessfully) to extort double the reward offered by Walpole in his advertisement, but he also told him of his intention to repay the 'trifle' he had robbed from the footman who had attended the chariot. From this one robbery alone, Maclaine and Plunket secured 20 guineas, and it was only one of dozens committed by the pair over a period of several months.

When Maclaine was finally arrested on 27 July the following year after robbing the Salisbury Flying Coach on 26 June, he was described in the papers as a 'very genteel, tall young fellow, and very gay in his dress'.¹⁴ The arrest made Maclaine the talk of the town. Writing to his friend Horace Mann a few days later, Walpole reported: 'I have been in town for a day or two, and heard no conversation but about Maclaine, a fashionable highwayman, who is just taken'. He and Plunket (who was not arrested) had certainly been living the high life:

Maclaine had a lodging in St James's Street over against White's, and another at Chelsea; Plunket one in Jermyn Street, and their faces are as known about St James's as any gentleman's who lives in that quarter, and who perhaps goes upon the road too. There was a wardrobe of clothes, three and twenty purses, and the celebrated blunderbuss found at his lodgings, besides a famous kept mistress.¹⁵

While imprisoned in the Gatehouse, Maclaine was visited by many elite Londoners. After a few days, almost as if to ensure that he retained his notoriety, he indicated that he wished to make a confession. According to the *Gentleman's Magazine*.

Before a large company of lords and ladies, etc., he owned that he, with one Plunket, committed these robberies, also the robbing of Mr Walpole in Hyde Park, and appeared so concerned that some of the ladies shed tears.¹⁶

When Maclaine indicated he was in need of money several persons made him 'considerable presents'.¹⁷ But when the justice, Thomas Lediard, read him back his confession, Maclaine prudently refused to sign it.

Such was the public sympathy for Maclaine that some of his victims refused to testify against him at his trial. A 'Mr L—r' was so impressed by his polite behaviour during the robbery of the Salisbury Coach that he told the robbers at the time:

Gentlemen, as persons of your employ are very liable to come into trouble on these occasions, if it should so happen, for your civil treatment, I will do what lies in my power to serve you.¹⁸

Indeed, no person whose name matches this spelling appeared at the trial. Similarly, Lord Eglington, who was robbed of his purse and blunderbuss (and threatened with having his brains blown out), refused to prosecute and Walpole claimed he was 'honourably mentioned in a grub street ballad' for not appearing at the trial.¹⁹

Nonetheless, one passenger on the Salisbury Coach, Josiah Higden, was willing to prosecute and Maclaine's trial went ahead on 12 September. At the Old Bailey, Higden described the robbery:

On the 26th of June, I was passenger in the Salisbury Flying Coach, going thither. There were four gentlemen and one gentlewoman with me. Betwixt Turnham Green and Brentford, betwixt the five and six mile stone in the parish of Chiswick, between 1 and 2 o'clock in the morning, a man came up to the side of the coach and put his pistol in, demanding our money; at the same time calling to his companion who lagged behind to come up. Then came up another person. They were both armed and masked. The second acted but little; he rather sat on horseback as a guard. I gave about twelve or fourteen shillings to the man that came up first. They declared that should not do, and ordered us out of the coach into the highway. They took six shillings out of another pocket of mine, and four penny worth of halfpence out of my breeches pocket and threatened to blow my brains out for concealing it. He on



Figure 4.02 'An Exact Representation of Maclaine the Highwayman Robbing Lord Eglinton on Hounslow Heath' (1750). © Copyright The Trustees of The British Museum

horseback I believe threatened as much as the other. After this, the person who came up first, declared he would see what was in the boot of the coach, and accordingly jumped up, and by the help of the coachman, took out two cloak bags; one of which was my property. They made the coachman help them up before them, and each rode off with one.

The robbers were sufficiently disguised (allegedly wearing Venetian masks) that Higden could not positively identify either of them: something that had become apparent when Maclaine cross-examined Josiah Higden at the preliminary hearing.

Q. Did not Mr Higden declare before the justice he never saw me before?

Higden. No, my Lord, I did not.

Q. Did not Mr Higden say, the man's voice that robbed him did not agree with mine?

Higden. I said, I could not say it was the prisoner's voice.

Q. Did he never declare he would have my life, and hoped on that account to be made a great man?

Higden. No, I never declared any such thing. I said I would go through with it in duty to my country.

But the trial did not rest entirely on this identification. Maclaine sold the stolen goods to a shopkeeper, William Loader, despite the fact that their theft

had been advertised. Showing a remarkable lack of caution, Maclaine even left his name and address at the shop. The shopkeeper told the court:

The prisoner came himself to me, and desired I would come and look at some things he had to dispose of. I think this was the 19th of July. He lived with one Mr Dunn in St James's Street. He showed me a light coloured cloth coat and breeches, and a waistcoat with the lace ripped off. I bought them of him with other things. Mr Higden came to my shop some time after and found the things lying on the counter and owned them. I went and got a warrant for the prisoner in the name of Maclaine, the name he left with me of his own hand writing, for a direction for me to come to see the clothes. He was taken.

Josiah Higden described how other items were then found in Maclaine's lodgings:

I found there a light perruwig, three pair of stockings, a pair of double channel pumps, a handkerchief, and two canisters without tea. They were found on the 27th of July in his trunk, and they are my property, taken out of my cloakbag.

The portmanteau (or suitcase) in which Higden had been carrying the goods was found three weeks later in the Kensington Gravel Pits.

Since all this was circumstantial evidence, the trial eventually turned on the confession Maclaine had made before Justice Lediard and then repudiated. Maclaine appears to have hoped he could turn king's evidence and win a reprieve at the expense of Plunket's life, but Maclaine himself was far too big a catch to be let off and Lediard would not do a deal. In his testimony at the Old Bailey, Lediard described their encounters:

The prisoner and the things were brought before me. He denied the fact at first, he said if I would be of any service to him he would make a confession. I told him I could not admit him as an evidence, but if he had a mind to make a voluntary confession I would hear it, but I would not at all press him to it. I gave him an hour's time to do it. I went down stairs and up again, and then he told me he had committed this and several other robberies in company with one Plunket. I bid him recollect, as nearly as he could, all the robberies he had committed, and come again the next day. He brought it to me the next day in writing, I did not ask him to sign it, he gave it me to read, and said the contents of that paper were true. I left the paper in his hands and never asked it of him. He confessed the taking the two portmanteaus, and among the rest, the things that lay then before him. He confessed this when I went to him at the Gatehouse, and likewise when he was examined by me the first of August.

For his defence, Maclaine read out a prepared written statement, redolent of his social pretensions. Although it was the jury that would determine his fate, he presumptuously addressed the judge:

My Lord, I am persuaded from the candour and indulgence shown me in the course of my trial, that your lordship will hear me with patience, and

make allowance for the confusion I may show before an awful assembly, upon so solemn an occasion.

Your lordship will not construe it vanity in me, at this time, to say, that I am the son of a divine of the kingdom of Ireland, well known for his zeal and affection to the present royal family, and happy government; who bestowed an education upon me becoming his character, of which I have in my hand a certificate from a noble lord, four members of parliament, and several justices of peace for the country where I was born, and received my education. About the beginning of the late French war, my lord, I came to London, with a design to enter into the military service of my king and country; but unexpected disappointments obliged me to change my resolution; and having married the daughter of a reputable tradesman, to her fortune I added what little I had of my own, and entered into trade in the grocery way, and continued therein till my wife died. I very quickly after her death found a decay in trade, arising from an unavoidable trust reposed in servants; and fearing the consequence, I candidly consulted some friends, and by their advice, sold off my stock, and in the first place honestly discharged my debts, and proposed to apply the residue of my fortune in the purchase of some military employment, agreeable to my first design.

Turning to the crime of which he was accused, he denied all, blaming Plunket for supplying the stolen goods without his knowledge:

During my application to trade, my lord, I unhappily became acquainted with one Plunket, an apothecary, who, by his account of himself, induced me to believe he had travelled abroad, and was possessed of clothes and other things suitable thereto, and prevailed on me to employ him in attending on my family, and to lend him money to the amount of 100 pounds and upwards.

When I left off trade, I pressed Plunket for payment, and after receiving, by degrees, several sums, he proposed, on my earnestly insisting that I must call in all debts owing to me, to pay me part in goods and part in money. These very clothes with which I am now charged, my lord, were clothes he brought to me to make sale of, towards payment of my debt, and accordingly, my lord, I did sell them, very unfortunately, as it now appears; little thinking they were come by in the manner Mr Higden hath been pleased to express, whose word and honour are too well known to doubt the truth.

He then explained why it would be unreasonable to expect him to produce witnesses to these dealings with Plunket and suggested how implausible it was that he would attempt to dispose of stolen goods in such a reckless manner:

My lord, as the contracting this debt between Plunket and myself was a matter of a private nature, so was the payment of it; and therefore, it is impossible for me to have the testimony of any one single witness to these facts, which (as it is an unavoidable misfortune) I hope, and doubt not, my lord, that your lordship and the gentlemen of the jury will duly weigh.

Crimes of Greed, Crimes of Lust

177

My lord, I cannot avoid observing to your lordship, is it probable, nay, is it possible, that if I had come by those clothes by dishonest means, I should be so imprudent as to bring a man to my lodgings at noon day to buy them, and give him my name and place of residence, and even write that name and residence myself in the salesman's book? It seems to me, and I think must to every man, a madness that no one, with the least share of sense, could be capable of.

Finally, he tried to explain away the confession:

My lord, it is very true, when I was first apprehended, the surprise confounded me, and gave me the most extraordinary shock. It caused a delirium and confusion in my brain, which rendered me incapable of being myself, or knowing what I said or did. I talked of robberies as another man would do in talking of stories; but, my lord, after my friends had visited me in the Gatehouse, and had given me some new spirits, and when I came to be reexamined before Justice Lediard, and then asked, if I could make any discovery of the robbery, I then recovered from my surprise.

He then produced a clever answer to anyone demanding an alibi for the time of the robberies.

It might be said, my lord, that I ought to show where I was at this time. To which, my lord, I answer, that I never heard the time, nor the day of the month, that Mr Higden was robbed; and, my lord, it is impossible for me, at this juncture, to recollect where I was, and much more to bring any testimony of it.

He concluded by calling evidence to his good character:

My lord, I have lived in credit, and have had dealings with mankind, and therefore humbly beg leave, my lord, to call about a score to my character, or more, if your lordship pleases. And then, my lord, if in your lordship's opinion the evidence against me should be by law only circumstantial, and the character given of me by my witnesses should be so far satisfactory, as to have equal weight, I shall most willingly and readily submit to the jury's verdict.

In fact, the *Proceedings* report that 'He called nine gentlemen of credit, who gave him a very good character'. Playing on the romantic image of the gentleman highwayman, one anonymous print suggested that a tenth character witness had given evidence. In 'James Maclean, the Gentleman Highwayman at the Bar', the judge is depicted asking a well-dressed lady, 'What has your Ladyship to say in favour of the prisoner at the bar?', to which she replies with an undisguised *double entendre*. 'My Lord, I have had the pleasure to know him well, he has often been about my house and I never lost anything.'

Maclaine conducted a bold and legally clever defence, but in the view of the court he had to be held to account. Without leaving the room, the jury returned a verdict of guilty. When he was called to receive his sentence, he attempted to

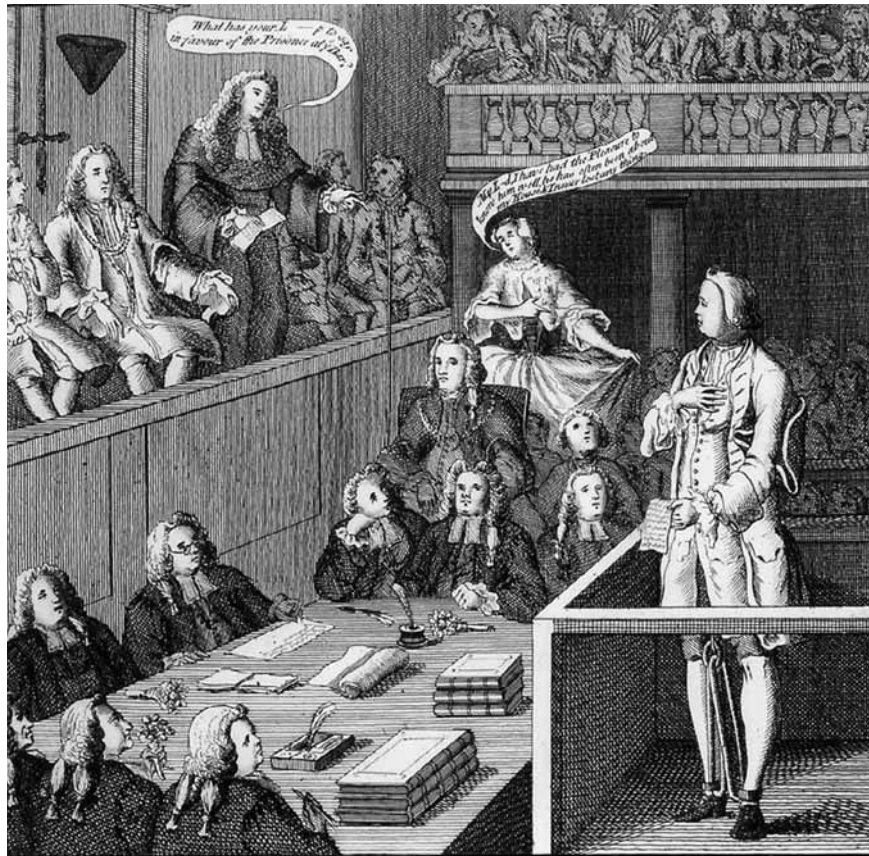


Figure 4.03 'James Macleane, the Gentleman Highwayman at the Bar' (1750).
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make an apology, but overwhelmed by grief he was unable to speak. As was inevitable with such a notorious robber, he was sentenced to hang.

London in 1750 was in the midst of a serious crime wave, in which robberies were thought to be not only more numerous than ever before, but also more violent and audacious. The following year, Henry Fielding published his famous *Enquiry into the Causes of the Late Increase of Robbers*. Despite these inauspicious circumstances, Macleane quickly became a celebrity. Several prints and pamphlets were published which depicted him as a gentleman who only robbed reluctantly, in opposition to the qualms of his conscience, and who always acted politely. There was, in fact, no evidence of polite behaviour in Higden's testimony at the Old Bailey, but in pamphlet accounts of the robbery Plunket was described as having put away his pistol 'for fear of frightening the lady, and without forcing her out of the coach, they took what small matter she offered without further search'. As the robbers rode off, they allegedly bid a 'polite adieu to the passengers'. During

the course of the robbery they took a bag of clothes belonging to a Catholic priest. When he 'expostulated with Plunket on the ungentle treatment of taking a man's apparel from him', Plunket replied 'that it was necessity that forced them upon those hazardous enterprises; they did not rob through wantonness but they were forced to it for their immediate subsistence'.²⁰

As implausible as these claims may seem, they worked, to the extent of securing Maclaine a good press. While he awaited his execution in Newgate he was again visited frequently. Walpole reported that:

The first Sunday after his condemnation, 3,000 people went to see him. You can't conceive of this ridiculous rage there is of going to Newgate; and the prints that are published of the malefactors, and the memoirs of their lives and deaths set forth with as much parade as – as – Marshall Turenne's – we have no generals worth making a parallel!²¹

Turenne was a seventeenth-century French military hero.

But not everyone was taken in. Although Walpole appears to have been bemused by all the publicity, he viewed highway robbery as 'no joke'.²² The Ordinary of Newgate commented that although Maclaine:

Has been called the gentleman highwayman, and in his dress and equipage very much affected the fine gentleman, yet to a man acquainted with good breeding, that can distinguish it from impudence and affectation, there was little in his address or behaviour, that could entitle him to that character.²³

Over time, the pretensions of Maclaine and other gentleman highwaymen were treated with increasing scepticism in print as elite worries about crime trumped the celebration of highway robbery's fashionable, polite and courageous qualities. Ten years after Maclaine's death the alleged superiority of the gentleman highwayman over the street robber was directly challenged in an exchange of letters in the *Public Advertiser*. One, purportedly written by Maclaine to 'Ned Slinker, footpad, pickpocket and housebreaker', boasted that:

My irregularities were always conducted more with the spirit of a gentleman. There has not been for some years an instance in the papers of generosity, complaisance to ladies, or dexterity of contrivance, that I cannot justly claim the honour of. I was the person who obliged a couple of sneaking footpads to refund the week's wages they had taken from a poor labourer.

In reply, Slinker claimed:

There is no great difference between us, either in point of honour, courage or genius. I confess I do not see the difference whether a man robs on horseback, or on foot; with a pistol, or a dash of his pen. If you avoid robbing the poor, I cannot but fancy, if your motives were examined, 'tis not so much from a principle of generosity, as that you have not the spirit to venture your neck for sixpence. And as to dexterity, everyone must allow, that 'tis much easier to escape on horseback than on foot.

As to Maclaine's claim to gentility, Slinker wrote that although the appropriate clothing was easily acquired, it would not prevent a highwayman from being hanged: 'I doubt not with the assistance of a laced coat, bag wig, and white silk stockings, to make as captivating a figure, and swing as handsomely as the best gentleman of you all'.²⁴

Fifteen years later, when Maclaine's crimes came to be written up in the first edition of the *Malefactor's Register*, they were presented as a case study in the folly of attempting to live beyond one's means. The account concluded:

The story speaks for itself. An immoderate attachment to what is falsely called pleasure, a turn for gaiety and dissipation, an idle and unwarrantable fondness of the graces of his own person, seem to have laid the foundation for his own ruin. From his unhappy fate, then, the doctrines of humility, and content with our station, will be better learnt than by a thousand sermons.²⁵

Deprived of their glamour, highway robbers nonetheless continued to operate on the roads surrounding London until the early nineteenth century. They only disappeared as a result of the development of turnpikes and changes in policing and banking practices. The last mounted robbery in England took place in 1831, in Somerset.²⁶

The Blackguard Children

Big cities have always attracted the homeless and the vagrant, some of whom drift into crime in order to survive. In the poverty-soaked neighbourhoods east of the Tower of London – in Rosemary Lane, Glass House Yard and Salt Petre Bank – orphans and runaways occasionally came together in bands of mutual support. For the children involved these gangs must have provided a much needed surrogate family. But for more secure Londoners, they were simply gangs of thieves and pickpockets led into sin by the idleness and the corruption of their elders. From the end of the seventeenth century they were known as the 'blackguard' and they quickly invaded the new world of the novel. Daniel Defoe gave a blackguard boy the role of eponymous hero in his History and Remarkable Life of the Truly Honourable Col. Jack, first published in 1722; and in the nineteenth century the criminal children of London's streets found lasting literary fame in Charles Dickens's Oliver Twist. The reality of the lives of abandoned and orphaned children was in every way as tragic and colourful as those of their fictional counterparts.

On 4 November 1730 two boys of perhaps 11 or 12 years, Robert Shelton and Thomas Coleman, were out on Battersea Common, near Clapham, south of the river. They were far from their normal haunts around 'Rag Fair' and Glass House Yard, but were looking for something to steal and this was an occupation better practised away from home. Clean washing was laid out on bushes on the common to dry in the sun and Shelton and Coleman decided to take two dowlas shirts, knowing that they could resell them for a good price. Dowlas was a coarse linen cloth used to make the shirts and shifts worn

by most working Londoners. As is true of most thieving, Shelton and Coleman's victims were people only marginally better off than themselves. They were chased and Shelton dropped the shirts and escaped. Thomas Coleman, however, was not so lucky. He was taken up and frog-marched to the home of the local magistrate, George Wellham, who with the assistance of Thomas Coram forced a confession from the boy.

With every possibility that he would be tried for his life, Coleman turned king's evidence in the hope he would be spared prosecution. He gave a detailed statement that indicted a whole community of young thieves. Coleman explained:

His father and mother being dead, he went to live with his aunt, Elizabeth Coleman, on Salt Petre Bank near Rag Fair where he became acquainted with Katherine Collins who lives there and harbours thieves and buys stolen goods.

Coleman moved from his aunt's house to Collins's in the autumn of 1729, and for the next year lived a life of constant danger. Every day he would 'go a thieving in company with Andrew Knowland, Daniel Smith, George Scott, Edward Perkins, Joseph Paternoster, Joseph Darvell, Nice Noddy, Little Tom, Dick Wools, Halfe Thumb, Abey Gibson, Robert Shelton and George the Sailor'. He explained that all these boys lodged with Katherine Collins and that 'she orders them to go out at night and steal any thing they could meet with'. Under pressure from the magistrates Coleman detailed the items they had stolen:

They brought home to her cheese and sold it for two pence a pound, likewise butter, bread, shoes and several other things which Katherine Collins bought of them. And when they came home without anything, she shut them out of doors and they went to the glass house near there and lay together.

Daniel Defoe described sleeping in the glass houses in *Colonel Jack*:

Those who know the position of the glass houses, and the arches where they neal the bottles after they are made [allowing them to cool slowly], know that those places where the ashes are cast, and where the poor boys lie, are cavities in the brick-work, perfectly close, except at the entrance, and consequently warm as the dressing room of a bagnio [bathhouse].²⁷

Once caught and examined, Thomas Coleman and all his friends were in real danger. The summer before, Katherine Collins's own 15-year-old son, John, along with 'Bristow Will' and 'Cow Cornish Cork Eye', had all been sentenced to transportation. John Collins, along with Robert Wheeler (whose colourful nickname was Bristow Will) had stolen two and a half yards of printed linen from a shop in Stepney. When challenged by a neighbour, Mary Richardson, 'they gave her saucy language, and she saw Wheeler take the cloth, and Collins standing a little distance from him'. Having run away, they were later taken up and one of them confessed that the cloth 'had been sold

in Rag Fair'. And just a month later Charles Cornet, alias Cornish, had been tried for attempting to steal the cash drawer containing 14s from a shop he had mistakenly thought was empty. His nickname of 'cork eye' suggests that he was blind in one eye, which perhaps explains his incompetence as a thief. Like his friends before him, he was sentenced to transportation.²⁸

To ensure that he did not suffer the same fate, Coleman confessed crime after crime:

Last Monday night, I with Andrew Knowland and George Scott stole a pair of man's shoes and a pair of women's shoes out of a shoemaker's shop window in Leadenhall Street, which we sold to Mrs Collins for two shillings, and with Yarmouth the week before last, we stole out of a yard between White Chapel Turnpike and Hackney, two blew aprons and a dowlas shirt, and sold the same to Mrs Collins for eighteen pence. About a month ago Robert Shelton and I stole out of a yard in South Lambeth a linen printed gown and a striped blue and white waistcoat with a hole in the breast of it. We sold the same to Mrs Collins for eighteen pence.

And so he went on, claiming at one point to have averaged 'ten or a dozen' pocket handkerchiefs per day, stolen from the crowds at Bartholomew Fair.

The confession was rewritten and read back to Coleman, who signed it in a clear, schooled hand, before it was in turn signed by the magistrate. Like Charles Dickens's nineteenth-century fence and thief, Fagin and the Artful Dodger, Katherine Collins ran an organised criminal gang that was desperately vulnerable to any boy who turned king's evidence. With Thomas Coleman's arrest and confession the fate of the 14 boys he named was largely sealed – even though the boys continued to steal, and in the chaotic world of eighteenth-century policing it was months and even years before most of them finally stood at the bar at the Old Bailey.

The first to stand trial was Thomas Coleman himself. He could not be admitted as king's evidence because the crimes he had provided information about were not serious enough. On 15 January 1731 he was 'indicted for feloniously stealing two pair of shoes, the goods of Thomas Johnson, the 2nd of November last, but the evidence not being sufficient, he was acquitted'. His willingness to provide evidence against his fellows is the more likely explanation for this outcome. At the next sessions, in February 1731, Andrew Knowland or Noland, John Allright and Richard Collier were tried for 'stealing a piece of flannel'. Collier confessed to the offence in a last-ditch attempt to preserve his own liberty, but succeeded only in ensuring that all three boys were sentenced to transportation. John King testified:

That he saw the prisoners standing at Seth Aylwing's door, and go into the shop and bring out the flannel, and they ran away together.²⁹

Malachi Southy and George Beal were two of Collins's last boy clients. They stole a 'waterman's silver badge' – the symbol of the Watermen's Company and the licence that allowed boatmen to ply the river. In combination with 12 silver buttons, it was worth £7 and they sold it on to Katherine Collins

for 32s, a fraction of its value. This was within a week of Coleman's confession and at Southy and Beal's trial in February 1731 they reported that Collins 'is since run away'.³⁰

By April 1732 George Scott was living in St Leonard's Foster Lane, and had garnered almost 18 months of freedom since he was named by Thomas Coleman. But in the early spring he too was indicted, along with Henry Whitesides, for the theft of 'a hat, value 10 shillings and a hatband, value 1 shilling, the goods of Paul Fellows'. Despite his protestations that he had only gone into the shop 'to ask what was a clock', he and Whitesides were both sentenced to transportation.³¹

Daniel Smith was luckier. In June 1731 he was named as an accomplice assisting Edward Perkins and a boy named Redding in the theft of a gold-headed cane worth four guineas. Samuel Sedgwick had set it casually on the counter of his shop on his return home, and the boys were caught a few hours later trying to sell it on 'at the sign of the George, in Rosemary Lane, for half a crown'. In this instance, the witnesses – perhaps by prior arrangement – did not appear for the trial: 'the proper evidences to fix the fact upon Edward Perkins not appearing in court, the jury acquitted him' and with that verdict effectively freed Smith of suspicion. Three years later, still at large, Smith was accused of involvement in the theft of '55 yards of printed linen, value ten pounds', but again escaped conviction.³²

Perkins himself was not so lucky. Having been acquitted of stealing the cane, he was back at the bar within six weeks. In July 1731 he was accused of stealing two gold rings, worth some 23s, from the unconscious body of Dismore Brown. Brown told the court that going home, he:

Fell down in the Minories [just west of Rag Fair and Rosemary Lane], and being stunned by the fall, when he was recovered, he felt somebody pulling of his hand, but could not say who it was. But soon after he found his rings were gone, and thereupon the next morning sent notice of their being lost to Mr Hardy, goldsmith, to stop them if offered to be sold, and that in an hour or two they were brought to him.

Perkins pleaded:

That he had the rings to sell for two other boys that said they had found them in the Minories.

This plea 'appearing probable, by some circumstances deposed in court, the jury acquitted him' once again.³³

But the list of crimes, trials and eventual punishments continued. Joseph Paterson, alias Peterson or Paternoster, and Joseph Darvan, who was listed as Durvell in Coleman's deposition, were tried for housebreaking in December 1731. Mary Callicant, alias Nowland, Noland or Knowland, was arrested for selling stolen goods, and while being held in the Surrey gaol, gave up Paternoster and Darvan to the authorities in an attempt to preserve her own life:

Go, says she, to the Three Cranes in Castle Lane, Westminster, and enquire where Mrs Ram lives. Paternoster and Darvan lodge up one pair

of stairs in her house. If you don't find them there, go to the Horse Shoe behind Green's Free School, and if you miss of them there too, desire the people of the house to tell you where Mr Morris the shoemaker lives, for they often meet at his house. Paternoster is a young man with a bald head, he wears a fair wig, an outside light drab coat, with a great cape. His under clothes are snuff colour, and sometimes blue grey turned up with black, and he has a silver watch with a crimson string. Darvan is a young lad near 19 years of age, pretty well set. He wears a light wig, a new hat with a silver loop and button, a blue grey coat, and a worked waistcoat; and sometimes an olive coloured suit. Each of them wears a small diamond ring.

Paternoster and Darvan were arrested and their drawers and boxes ransacked. Among their goods all the paraphernalia of thievery was discovered. The constables found a long wire with a hook on the end, designed to 'draw goods out at a window, when they lie too far within a room', and seven waistcoats marked with a 'GR' at the top, with the monograms partially picked out.³⁴ After three full trials for different crimes, including burglary, all conducted at the December 1731 sessions, after several failed attempts to pin the crimes on their landlady and to establish a credible alibi, Paternoster and Darvan were finally convicted and sentenced to transportation.³⁵

In many respects Paternoster and Darvan represented the spectre of crime most feared by Londoners. Although many of the crimes committed by Coleman and his friends were relatively petty, Paternoster and Darvan had clearly progressed to more organised and financially rewarding activities. In the process they neatly confirmed contemporary beliefs that explained crime in terms of moral decay, beginning with the small depredations of children and growing into the fully fledged criminality of the professional thief. The flash clothing and specialised burglary equipment set them apart from most of the other boys named by Coleman.

Something peculiar also seems to have set apart Thomas Coleman's special partner in crime, nicknamed Yarmouth, an alias for John Crotch. Despite being named by Coleman, Yarmouth stayed away from the Old Bailey until April 1732, when, like almost all his companions from Salt Petre Bank, he was arrested for theft. His very presence on the street had aroused suspicion. On 9 April he and a friend were standing outside Pewterer's Hall Gate, humming a tune. John Maxey 'looked at them by the light of a lamp, and did not like them'. Maxey later testified that they followed him into Fenchurch Street, where 'one of them took hold of me, and clapped his hand to my mouth, and then snatched off my hat and wig and went off'. Yarmouth was found guilty and sentenced to be transported.³⁶

As for Thomas Coleman himself, after having been acquitted of the theft of 'two pair of shoes' in January 1731, he seems to have avoided the law for a number of years. Someone of the same name was convicted and transported for the theft of two wrought iron boxes eight years later, but Coleman was a relatively common name and it is impossible to be sure that it was the same person.³⁷

The boys who sheltered with Katherine Collins and accepted her harsh rules had few choices. Their options were limited and the alternatives unattractive. In Daniel Defoe's estimation:

'Tis scarce credible what a black throng they are. Many of them indeed perish young, and die miserable, before they may be said to look into life. Some are starved with hunger, some with cold, many are found frozen in the streets and fields, some drowned before they are old enough to be hanged.³⁸

With Thomas Coleman's confession, however, some measure of change was perhaps set afoot. Sitting listening as Thomas Coleman gave up one friend after another was Captain Thomas Coram. In the decade before 1731, Coram had begun to militate for the foundation of a 'Foundling Hospital', motivated by the scenes of suffering he saw by the roadsides of London, 'young children exposed, sometimes alive, sometimes dead, and sometimes dying'.³⁹ The orphaned criminality of Thomas Coleman and his compatriots must have simply reinforced Coram's belief that something needed to be done.

Two Handkerchiefs upon the Counter

Eighteenth-century London witnessed a revolution in the way that Britons bought and sold the goods of everyday life. The bowed shop window, with its clear glass and elegant wares displayed on all sides, attracted the eyes of both rich and poor. One French traveller marvelled at the shops at every turn, 'so richly set out that they looked like a palace'.⁴⁰ For those who could not afford the new fashions and imported trinkets, however, these same displays presented a new opportunity for theft. With the new shops came a new crime: shoplifting.

The pattern for eighteenth-century shoplifting was set early. By the end of the previous century shopkeepers were being warned about what to look out for:

One who goes from shop to shop, pretending to buy. They will cheapen [haggle over] several sorts of goods as you sell till they have opportunity to convey away some of them into their coats, which are turned up on purpose for their design. They are most often women and commonly they go two together, and when the shop keeper turns his back, one of them conveys what she can get, and so goes away, so the other pretends there's nothing that pleases her.⁴¹

Two women who knew how to work this particular scam were Mary Hudson and Hannah Hobbs. On 11 August 1790 the two of them, with Hudson's small child in tow, went into a mercer's shop belonging to Samuel and Alexander Sheen in Drury Lane. It was between 2 and 3 o'clock in the afternoon, and the Sheen brothers and the rest of the family were at dinner, leaving only John Smith to look after the customers.

Of all the new and fashionable items streaming into London, cloth was the most important. Calicos and calamancoes, brocades and silks, cotton, lace

and linen, sold in lengths and pieces, were the everyday commodities which women, in particular, lusted after, and occasionally stole. They could be sold on to a pawnbroker or used clothes dealer, or made up into a new item of clothing. They could also be secreted relatively easily within the folds and flounces of a woman's dress.

John Charles Smith later described what happened that August afternoon:

I am a shopman to Samuel and Alexander Sheen, in Drury Lane. On the 11th of August last, the two women came in together to the shop, and enquired the price of some printed cotton that hung over the counter, and after Hobbs had made many objections to the colours being dead, she said, she could not think of leaving the shop without buying something, and desired me to show her some cloth, and she bought a yard. She then desired me to show her some pieces of printed cotton. She objected to the pattern.

As was by now traditional for teams of female shoplifters, Hobbs was distracting Smith's attention, 'cheapening' the goods, and asking for one thing after another, while Hudson prepared to strike. Despite the innovative displays found in shop windows, most of the merchandise remained in drawers and cabinets, on high shelves and in back rooms, waiting to be fetched by the shopkeeper. If shoplifting today demands you avoid the attentions of the staff, in the eighteenth century the art was all in how to engage the shopkeeper's attention without arousing his suspicion. Rushing from drawer to cabinet to backroom, Smith had a hard time keeping an eye on both women:

During this conversation between me and Hobbs, Hudson was at the opposite counter, with her child placed near a bundle of muslin on the counter.

Using her child as an excuse, Hudson then went into action. Smith later recounted that she:

Requested me to show her some printed cotton for a child's frock. I showed her a few pieces; she fixed on one at twenty pence a yard, and desired me to cut a yard and a half off of it, and took out half a crown.

In many cases, teams of shoplifters would buy a small item to justify their visit to the shop, or even visit a shop three or four times, spending a few pence on each occasion, in order to create the impression that they were trustworthy, encouraging the shopkeeper to lower his guard and bring out more and better quality goods. At this stage in her life, Hudson was probably too poor to pursue this kind of strategy, and instead she did the next best thing. She offered Smith a bad shilling, and feigned shock when he refused to accept it, claiming:

She knew where she had taken it, and would go and change it, and call for the cloth in the evening.

The bad shilling, almost certainly the only money Hudson possessed, was a master stroke. It forced Smith to examine it closely – taking his eye off of

Hobbs and Hudson in the process – and created a perfect excuse for not actually purchasing anything. By this stage, the counter of the shop was groaning under the weight of the different types of cloth that Hobbs and Hudson had demanded to be shown and while Smith struggled to put away the goods, the two women quietly ‘quitted the shop both together’.

It was only a few minutes later that Smith noticed that an item was missing. Five muslin handkerchiefs, ‘put into a paper by the apprentice’, had been carefully laid aside at one end of the counter earlier in the day. After Hobbs’ and Hudson’s departure, the package was gone. In response, Smith first informed the shop’s owners, Samuel and Alexander Sheen, and then sent out notification to all the local pawnbrokers to be on their guard.

Mary Hudson and Hannah Hobbs must have been desperate for money. To safely dispose of the muslin handkerchiefs, all they needed to do was walk eastward to Rag Fair, where old clothes merchants paid a low price, but seldom asked any questions. Instead, they went west to a local pawnshop run by Richard Dozell and James Collins at No. 5 Little Pultney Street. News of the theft had already reached Dozell and Collins before the two women even walked through their door. Dozell later recounted in court:

I heard something was lost from Mr Sheen’s. In about half an hour after, these two women came into the shop and Mary Hudson offered two muslin handkerchiefs to pledge. Upon questioning them, whose they were, she said, one was her own, and the other, the other woman’s. I asked them, what they gave for them, she said, four shillings and sixpence for the two. I immediately got over the counter and bolted the shop door, and informed my master, and went to Mr Sheen’s, and then to Bow Street, for the officer.

John Smith was the first to arrive:

I went down to Mr Collins’s shop, and found two handkerchiefs on the counter, one of which had my mark on, y | y, with a red pencil; I marked them myself. The prisoners were in the shop; I asked Hudson, if she had any more; she said she had one more, which she produced. Turning round from Hudson, I observed something white hanging from the pocket of Hobbs, which she observing, let fall from her pocket. I took up the handkerchiefs from the ground.

By this time John Shallard, an officer from Bow Street, had also arrived:

On the 18th of August, I was sent for to Mr Collins’s to take charge of the prisoners. I took this piece of cloth from the prisoner Hudson, and down her bosom I found this remnant. It appears to be a remnant of the handkerchiefs.

Hobbs and Hudson were caught and there was little they could do to avoid arrest and eventual trial. From prison, Mary Hudson tried to negotiate with the Sheen brothers. She wrote to them, offering to give evidence against Hannah Hobbs if they would drop the charge against her. It did not work but the strategy broke apart any friendship that may have existed between

the two women. When the case came to court Hobbs asserted that Hudson alone was responsible, and that she was an innocent dupe, who had accepted Hudson's explanation that the handkerchiefs were a gift from John Smith, who Hobbs suggested was Mary Hudson's lover:

That gentleman was very intimate with her, and often gave her things for the child, and he gave her these four handkerchiefs; and she told the gentleman, that he was her sweetheart some time back; and I really believe there was a great deal of intimacy between them.

Perhaps surprisingly, given the assiduity with which Smith pursued the two women, there was at least some truth in this claim. He grudgingly admitted:

Some time ago, Mary Hudson had a remnant of muslin from me. The person whom I served my time with, about four years ago, was very intimate with her father-in-law. She came to town very frequently, and came to the shop to see Mr Coward, the person I served my time with. About three months ago she came to this shop. I had not seen her for three years and a half. She begged of me to show her some muslin, about three shillings a yard and I showed her some. She appeared to be in a very deplorable situation. She desired me to cut off two nails of this muslin; I believe it came to two-pence or three-pence. I told her, I was sorry to see her in such a situation, and I would make her a present of it.

Despite this previous encounter and the doubt it threw on Smith's account, both Mary Hudson and Hannah Hobbs were found guilty and sentenced to 12 months' imprisonment.⁴²

The Macaroni Parson

The majority of crimes reported in the Proceedings involved the theft of relatively low value goods perpetrated by the city's poorest inhabitants. But the rich committed crimes against property as well, the most serious of which was forgery. This could involve huge sums of money and could even threaten the stability of the entire financial system, which is why the crime was punishable by death. Paper credit fuelled the booming English economy in the second half of the eighteenth century. A simple promissory note, signed (apparently) with a flourish by a respectable man, could act as a form of legal tender, creating unsecured credit. As long as there was no occasion to redeem the bond prematurely, there appeared to be nothing wrong, but this practice was vulnerable to speculation and fraud. Sometimes the line between forgery and normal business practices was hard to draw.

Ambitious, flamboyant and ever controversial, Dr William Dodd was a talented social climber, desperate to move beyond the limits of his Lincolnshire childhood and conquer the glittering world of London's elite. The son of a vicar (and a clergyman himself), he loved clothes and display and the company of the rich and famous. His extravagant lifestyle and

fashionable dress led him to be called 'the macaroni parson'. According to one contemporary biographer, 'at no period of his life was he influenced by the rules of economy'.⁴³ Although he had many friends and supporters, his polemical writings and social pretensions also made him enemies. Like many social climbers then and now, he supported many charities, playing a key role in the establishment of the Society for the Relief and Discharge of Prisoners Imprisoned for Small Debts, the Royal Humane Society, and the Magdalen Hospital for penitent prostitutes. Ironically, given that his own life was to end on the scaffold, he also supported a campaign against the death penalty.

In the mid-1770s, Dodd's financial problems brought on by his extravagant lifestyle finally began to catch up with him. He was obliged 'to have recourse to almost any means to silence the importunities of creditors and to extricate himself from those difficulties which pressed upon him'.⁴⁴ In February 1777 Dodd devised a ruse which took advantage of his intimate knowledge of the affairs of Lord Chesterfield, his patron and a man whom he had tutored as a youth. He forged a bond between Lord Chesterfield and a Mr Fletcher, in which Fletcher purportedly promised to pay the enormous sum of £4,200 in return for Chesterfield's promise to pay him an annuity of £700 a year. Dodd forged Chesterfield's signature both on the bond and on a receipt for the money. Using a broker, Lewis Robertson, Dodd then had the bond presented to Mr Fletcher through his agent, Mr Peach. Believing the bond to be genuine, Peach advanced this huge sum in the form of promissory notes, which were then redeemed at London banks. The scheme was not entirely foolish and he might have got away with it had he been able, as planned, to pay back the money before the forgery was detected or if, after it was detected, his prosecutors had not been so keen to see him punished.

The forgery, however, was soon discovered. As James Mansfield, prosecution counsel, later explained at the Old Bailey:

After the money had been obtained, and the bond deposited with Mr John Manly, who acted as attorney for Mr Fletcher, he observed upon the bond a very remarkable blot. There was no particular effect, I think, in this blot, but it was in the letter e in the word seven. Mr Manly seeing this, it struck him as something singular; he spoke to Mr Fletcher about it, and told him that this bond had a very odd blot in it. There were some strokes both above and below the line of the bond, which had a very singular appearance; though they could not tell for what purpose any thing had been done with a pen, yet there appeared scratches with a pen as if something had been done. Mr Manly talking to Mr Fletcher about it, Mr Fletcher wished that another bond might be prepared, fairly and without any blot, and might be carried to Lord Chesterfield to execute. This produced a meeting between Mr Manly and my Lord Chesterfield: upon the 7th of February, Lord Chesterfield seeing this bond said it was a forgery, and not his bond.

Manly then went to see the Lord Mayor, reported the alleged forgery and obtained warrants against Lewis Robertson, the broker, and William Dodd.

Robertson was quickly arrested. Manly and two of the Lord Mayor's officers took a coach to Dr Dodd's house in Argyll Street, Westminster. Manly described the interview with Dodd:

We were admitted into the house, and Dr Dodd soon after came down stairs to us. When we were in the parlour together, Mr Innis, myself, Dr Dodd, and the officers, and Robertson, I opened the occasion of our attending him. I told him I was very sorry to attend him upon such an unhappy occasion, it was upon a charge of forgery against him, and Robertson was then in custody for forging Lord Chesterfield's bond. The Doctor seemed very much struck, and was silent some time; I told him the broker laid the whole charge to him; and asked the Doctor what could induce him to do such an act. The Doctor said, urgent necessity, he was pressed to pay some tradesmen's bills; that he meant no injury to Lord Chesterfield, or any one, as he meant to pay the money back in three months.

Manly continued:

I asked the Doctor, if he had the money to return as that would be the only means of saving him. He answered he had. I then desired him immediately to give it to me; he desired to go up stairs to fetch it, but my Lord Mayor's officer refused to let him go; upon which I desired leave of the officer to entrust him with me up stairs. Accordingly we went up stairs. Dr Dodd immediately returned me six notes of 500 pounds each of Sir Charles Raymond and Co.; these notes made 3000 pounds.

A further £600 was obtained, making a total of £3,600, and then the parties went to the York coffeehouse in St James's Street, where they were joined by Mr Fletcher and Mr Corry, Chesterfield's solicitor:

We ordered a room up stairs, and when we were all up stairs together in presence of all the gentlemen, I asked Dr Dodd if he could give any security for the remainder of the money. He immediately said he would give any security in his power, he was ready to make any restitution he could. I asked him if he would give a judgment upon his goods, he said he would, or any thing else; he was, in fact, desirous of doing it. He then executed a warrant of attorney to confess judgment as a security for the remaining 600 pounds and I believe that was attested by Mr Corry and myself. After he had given this judgment he said, I think I can draw for 200 pounds more upon my banker.

Dodd was now only £400 short of the amount required and it was agreed that this amount could be recovered by the sale of Dodd's goods. The following day all the parties involved, including Lord Chesterfield, appeared before the Lord Mayor.

At this point, with restitution having been made to the injured parties, many of those involved did not wish to pursue a formal prosecution. As a contemporary account of the case sympathetic to Dodd reported:

All the principals seemed so well satisfied with his behaviour, that no one of them was willing to prosecute him; he therefore earnestly begged to be dismissed.

Dodd said to the Lord Mayor:

I cannot tell what to say in such a situation. I had no intention to defraud Lord Chesterfield. I hope his lordship will consider my case; I was pressed extremely for three or four hundred pounds to pay some tradesmen's bills. I meant it as a temporary resource. I should have repaid the money in half a year. I have made satisfaction, and I hope that will be considered. My Lord Chesterfield must have some tenderness towards me; he knows I love him; he knows I regard his honour as dearly as my own. I hope he will, according to the mercy that is in his heart, show clemency to me. There is nobody wishes to prosecute; pray, my Lord Mayor, consider that, and dismiss me. Mr Robertson is certainly innocent.

The Lord Mayor, apparently supported by Lord Chesterfield, rejected this plea, and Dodd and Robertson were committed to prison, with the others bound over to prosecute. In a city whose financial system was based on the security of paper credit, and where forgeries like the one committed in this case were all too easy to carry out, the crime had to be prosecuted and be seen to be prosecuted. The news quickly spread, to the delight of Dodd's enemies and the consternation of his friends.

Dodd stood trial at the Old Bailey on 19 February 1777, only two weeks after the forgery was committed. Before the trial began, a lengthy argument took place between Dodd's three counsel, the judges, and prosecution counsel James Mansfield, over the legality of the indictment. It turned out that although he was implicated in the crime, Lewis Robertson, Dodd's broker, had been allowed to testify to the grand jury in support of the indictment and his evidence had therefore formed part of the basis for the charge against Dodd. This was highly irregular, for two reasons. First, in the normal course of events only witnesses for the prosecution were allowed to testify to the grand jury. As an accomplice in the case, Robertson was clearly a potential defendant and therefore had an interest in allocating all the responsibility for the crime onto Dodd. Second, Robertson had only appeared because an order to the keeper of Newgate Prison to bring him to the courthouse had been surreptitiously and improperly obtained. (The fact that these irregularities took place suggests just how determined the authorities were to prosecute Dodd.) While admitting the improper order, the prosecution insisted that despite being an accomplice Robertson could nevertheless legitimately testify before the grand jury. After listening to extensive arguments on both sides, the court ruled that the issue should be referred to the 12 senior judges of England for resolution and, in the meantime, the jury should hear the case as charged.

Mansfield introduced the case for the prosecution with a lengthy opening statement, which was followed by testimony from all the principal witnesses.

Since Dodd had already confessed the forgery, this contained few surprises, but two problematic points did arise. The first concerned the circumstances under which Dodd had been promised that he would not be prosecuted if he made restitution of the funds. Manly was cross-examined by defence counsel on this point.

Question. When the Doctor was first charged with the crime, before any offer or act towards restitution was done upon the part of Dr Dodd, it was I think you that said, that was the way to save him?

Answer. Returning the money would be the means I told him I thought of saving him.

Q. I need not ask your import of these words, saving him from the consequences of any prosecution?

A. Yes; I so made use of these words.

Counsel You said this subsequent to Dr Dodd's confession?
for the
Crown.

A. Yes.

This exchange established that the confession had not been made in return for a promise not to prosecute (a promise which, in any case, Manly had no authority to make).

Second was the question of Robertson's complicity. Robertson effectively asserted his innocence of the forgery, but only at the price of admitting that he had signed the bond as a witness to Lord Chesterfield's signature when in fact the signature (which Dodd had forged) was already present on the bond when it was first presented to him. He was questioned about this first by prosecution counsel:

Q. I perceive that your name is to that bond?

A. Yes.

Q. At whose desire did you put your name to it?

A. I asked Dr Dodd if the bond had been regularly executed, when he presented it to me. I desired him to put his name as a witness to it.

Q. When the bond was produced to you on Tuesday, was the name of Chesterfield subscribed to it?

A. It was, and also to the receipt for the money.

Here the judge intervened to highlight this dishonest practice, which was clearly commonplace:

Crimes of Greed, Crimes of Lust

193

Court. Is it your practice, in transacting the sale or loan of annuities, to subscribe your name as a witness to the execution of an instrument which you have not seen executed?

A. No; it is not always the case, but I have done it.

Q. Then you deceive the persons who place confidence in you; did you ever do it in any other instance?

A. Yes; I have.

Finally, the court turned to Dodd, and asked him to state his case for the defence. An experienced and effective preacher, he delivered a polished speech:

My lords and gentlemen of the jury, upon the evidence which has been this day produced against me, I find it very difficult for me to address your lordships. There is no man in the world who has a deeper sense of the heinous nature of the crime for which I stand indicted than myself. I view it, my lords, in all its extent of malignancy towards a commercial state like ours; but, my lords, I humbly apprehend, though no lawyer, that the moral turpitude and malignity of the crime always, both in the eye of law, of reason, and of religion, consists in the intention. I am informed, my lords, that the act of parliament on this head runs perpetually in this style, with an intention to defraud. Such an intention, my lords, and gentlemen of the jury, I believe has not been attempted to be proved upon me, and the consequences that have happened, which have appeared before you, sufficiently prove that a perfect and ample restitution has been made. I leave it, my lords, to you, and the gentlemen of the jury, to consider, that if an unhappy man ever deviates from the law of right, yet, if in the single first moment of recollection, he does all he can to make a full and perfect amends, what, my lords, and gentlemen of the jury, can God and man desire further?

My lords, I solemnly protest that death of all blessings would be the most pleasant to me after this pain. I have yet, my lords, ties which call upon me; ties which render me desirous even to continue this miserable existence. I have a wife, my lords, who for 27 years has lived an unparalleled example of conjugal attachment and fidelity, and whose behaviour during this crying scene would draw tears of approbation; I am sure, even from the most inhuman. My lords, I have creditors, honest men, who will lose much by my death. I hope for the sake of justice towards them some mercy will be shown to me. If upon the whole these considerations at all avail with you, my lords, and you gentlemen of the jury, if upon the most partial survey of matters not the slightest intention of injury can appear to any one, and I solemnly declare, it was in my power to replace it in three months; and if no injury was done to any man upon the earth, I then hope, I trust, I fully confide myself in the tenderness, humanity, and protection of my country.

He called no witnesses in his defence, so the judge proceeded to the summing up. At the conclusion of his long speech, the judge's views on the case became clear:

The whole is before you, with these observations. The facts seem to be clear, if you give credit to the witnesses, and if there is no foundation to discredit them; the fact has been supported by the evidence; and you have also the confession of the prisoner in corroboration of it. You are the judges of it.

These comments later occasioned some negative comment by Dodd's supporters, who felt the judge was directing the jury towards a guilty verdict:

Judges should be more delicate in what they throw out on these occasions, since there are so few instances of a jury once in possession of a judge's opinion, returning a contrary verdict.⁴⁵

The jury withdrew for between 10 and 30 minutes (accounts differ) and produced the expected verdict of guilty. However 'they at the same time presented a petition to the court, humbly recommending the prisoner to his majesty's mercy'.

Before the punishment could be determined, however, the question of the validity of the indictment had to be decided by the senior judges. Several weeks later they ruled unanimously that despite the illegitimate means by which Robertson's testimony to the grand jury had been obtained, he was a legal and competent witness and therefore the indictment, and the conviction, should stand.

Called to receive his sentence on the last day of the May sessions of the Old Bailey and given the chance 'to say why this court should not give you judgement to die according to law', Dodd delivered an even more eloquent speech, this time drafted by the noted lexicographer, Samuel Johnson. Although the two did not know each other, Dodd appealed to Johnson for help, seeking to take advantage of the Doctor's reputation for probity as well as his literary skills. Johnson, who found Dodd's activities distasteful (he once commented, 'his moral character is very bad'), agreed to support him primarily because of his principled opposition to capital punishment.⁴⁶ The combination of Dodd's skills as a preacher and Johnson's writing resulted in a fine speech. With folded hands and tearful eyes, he began:

My Lord, I now stand before you a dreadful example of human infirmity. I entered upon public life with the expectations common to young men whose education has been liberal, and whose abilities have been flattered; and when I became a clergyman, I considered myself as not impairing the dignity of the order. I was not an idle, or, I hope, a useless minister; I taught the truths of Christianity with the zeal of conviction and the authority of innocence. My labours were approved; my pulpit became popular; and, I have reason to believe, that of those who heard me, some have been preserved from sin, and some have been reclaimed. Condescend, my Lord, to think, if these considerations aggravate my crime, how much they must embitter my punishment!

Being distinguished and elevated by the confidence of mankind, I had too much confidence in myself, and thinking my integrity – what others thought of it – established in sincerity, and fortified by religion, I did not

Crimes of Greed, Crimes of Lust

195

consider the danger of vanity, nor suspect the deceitfulness of my own heart. The day of conflict came, in which temptation surprised and overwhelmed me! I committed the crime, which I entreat your Lordship to believe, that my conscience hourly represents to me in its full bulk of mischief and malignity. Many have been overpowered by temptation, who are now among the penitent in heaven!

To an act now waiting the decision of vindictive justice, I will not presume to oppose the counterbalance of almost thirty years (a great part of the life of man) passed in exciting and exercising charity; in relieving such distresses as I now feel; in administering those consolations which I now want. I will not otherwise extenuate my offence, than by declaring that I did not intend finally to defraud. Nor will it become me to apportion my own punishment, by alledging, that my sufferings have been not much less than my guilt. I have fallen from reputation, which ought to have made me cautious; and from a fortune which ought to have given me content. I am sunk at once into poverty and scorn: my name and my crime fill the ballads in the streets; the sport of the thoughtless, and the triumph of the wicked!

According to a contemporary account, 'during this short pathetic speech he was frequently interrupted by tears and emotions too exquisite for description, and such as produced a general sympathy':⁴⁷

The judges were seen to dab their cheeks, the clerks, lawyers, and tipstaves all wiped their eyes and blew their noses; Mr Akerman, the keeper of Newgate, joined in the universal tear, and there were moans of anguish and cries of dismay from the public gallery.⁴⁸

Even the Recorder had tears in his eyes, but he steeled himself to his task. He reminded Dodd when delivering his sentence that the enormity of his offence, an offence which was becoming all too prevalent, dictated that he must receive the severest punishment:

Dr William Dodd, you have been convicted of the offence of publishing a forged and counterfeit bond, knowing it to be forged and counterfeited, and you have had the advantage which the laws of this country afford to every man in that situation, a fair, an impartial, and an attentive trial.

You appear to entertain a very proper sense of the enormity of the offence which you have committed; you appear too in a state of contrition of mind, and I doubt not have duly reflected how far the dangerous tendency of the offence you have been guilty of, is increased by the influence of example, in being committed by a person of your character and of the sacred function of which you are a member. These sentiments seem to be yours; I would wish to cultivate such sentiments; but I would not wish to add to the anguish of a person in your situation by dwelling upon it.

Your application for mercy must be made elsewhere. It would be cruel in the court to flatter you; there is a power of dispensing mercy where you may apply. Now having said this, I am obliged to pronounce the sentence of the law, which is,

That you, Doctor William Dodd, be carried from hence to the place from whence you came, that from thence you are to be carried to the place of execution, where you are to be hanged by the neck until you are dead.

Dodd 'then retired with trembling steps, groaning with unutterable anguish, and exclaiming in the most lamentable moanings, "Lord Jesus, receive my soul!"'⁴⁹

Despite the Recorder's warning of the difficulty of obtaining a pardon, there followed a substantial campaign of appeals to the crown, 'unparalleled in the annals of this country in their number, the quality of the petitioners, and the earnestness of their requests'. This included petitions from the jurors in the case, his parishioners, Oxford and Cambridge Universities, and even the Common Council of the City of London, despite the serious threat forgeries like Dodd's posed to the city's businesses. One petition had 23,000 signatures. Even Manly, the attorney who had discovered the crime, wrote to Dodd volunteering to solicit mercy from the king on his behalf. Yet Dodd was not optimistic. In a letter to Manly written from Newgate, he thanked him for his offer but wrote: 'I have now only power to tell you, that I expect all is over with me in this world; and am looking only to that mercy, which I hope to receive from the judge of us all'.⁵⁰

Indeed, the extraordinary pressure placed on the king seems to have backfired, and only resulted in the Chief Justice, Lord Mansfield, warning of the dangers of giving into public demands when he spoke to the case in Privy Council.⁵¹ This, together with the need to be seen to punish forgery, meant that the sentence would be carried out. A last desperate attempt to save him was mounted by his wife and friends who attempted to bribe the keeper and turnkey of Newgate with between £500 and £1,000 to allow Dodd to escape just before the execution – but to no avail.⁵²

On 27 June a crowd of half a million people lined the streets in tearful silence as the procession carrying William Dodd and one other condemned man, a young highway robber named Joseph Harris, made its way to Tyburn. More than 40,000 people attended the execution itself, some paying a guinea apiece for a seat in the galleries. Dodd was dressed in a black suit and wore a full-bottomed wig:⁵³

When he arrived at the fatal tree, he ascended the cart, and spoke much to his fellow sufferer. He then prayed, not only for himself, but also for his wife, and for the unfortunate youth that suffered with him; and declaring that he died in the true faith of the gospel of Christ, in perfect love and charity with all mankind, and with thankfulness to his friends, he was launched into eternity.

Dodd's behaviour was widely praised:

The behaviour of the divine, in his last moments, was penitent, manly, and resigned – the populace seemed universally affected at his fate, and even Jack Ketch [the hangman] himself shed a tear!⁵⁴

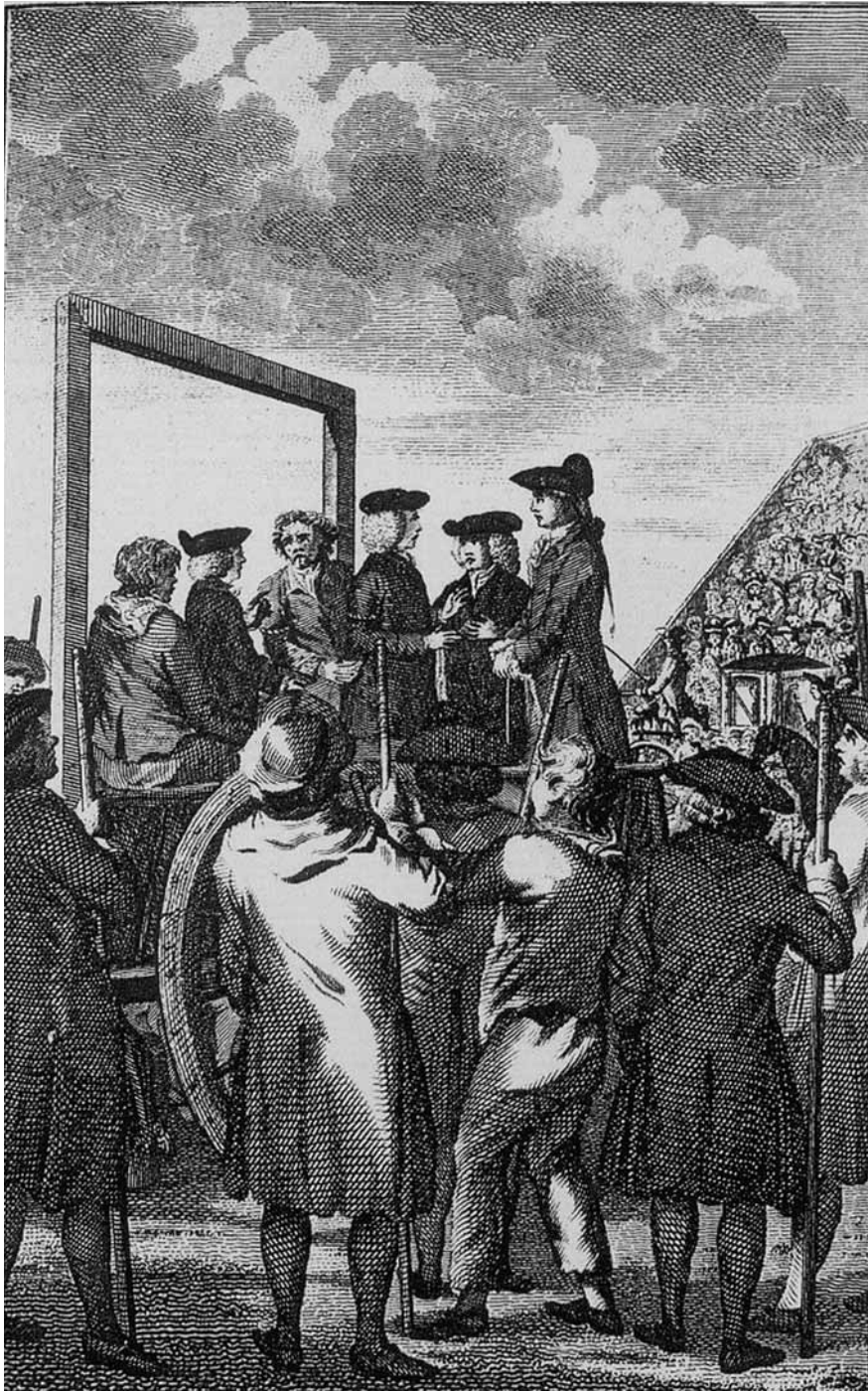


Figure 4.06 'Dr Dodd and Joseph Harris at the Place of Execution' (1777). © British Library Board. All Rights Reserved. Shelfmark 6496.g.1.(41), folio 114-115

Dodd had intended to give a fuller speech, written by Johnson, but instead gave it to the Ordinary of Newgate in order to have it printed. In this 'last solemn declaration', he acknowledged his sins, but once again explained how he came to commit the offence in terms which suggest why this crime was so common:

I was led astray from religious strictness by the delusion of show and the delights of voluptuousness. I never knew or attended to the calls of frugality, or the needful minuteness of painful economy. Vanity and pleasure, into which I plunged, required expence disproportionate to my income; expence brought distress upon me, and distress, importunate distress, urged me to temporary fraud.⁵⁵

Conclusion

The values of a society can be measured by the offences that it defines as criminal and punishes in its courts. In medieval times, a man's honour was his most important possession and he protected his reputation with violence; consequently, court dockets were dominated by violent crimes (notably murder). By the eighteenth century English society had changed dramatically. The incidence of murder had declined significantly and would fall still further, while property crimes overwhelmingly dominated the list of offences tried at the Old Bailey. Money had become the most important social resource. Spent lavishly on the right clothes and combined with the right manners, you could even use it to achieve the status of a gentleman. The surfeit of prosecutions for theft at the Old Bailey reveals a city full of men and women who would do almost anything to acquire money, whether it was in order to purchase food to quell real hunger, to obtain clothes in order to follow the latest fashions or to acquire the accoutrements of an elite lifestyle. At the same time, prosecutions for theft illustrate the lengths to which those who lost property were willing to go in order to punish the men, women and children responsible. Even when it involved admitting to consorting with prostitutes or risking being labelled a 'molly cull', victims were willing to expose themselves in court in order to secure the punishment of those who stole their property. And they did so despite the fact that those whom they prosecuted, including both thieving children and gentlemen forgers, faced possible death for their crimes. Property was indeed more valuable than human life.