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Print Culture and Responses to Crime in Mid-
Eighteenth-Century London

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PhD Thesis

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Thesis Summary

The historiography of eighteenth-century crime, justice, and the law is one greatly divided between the study of the administration of the law as a social history of experience and the study of crime literature as a cultural history of representation. We have little sense of the relationship between representation and response. The following thesis bridges this historiographical divide in order to assess the impact of print upon perceptions of, and responses to, crime. With a huge increase in the output of printed crime literature and significant developments in responses to crime, metropolitan London in the period 1747-1755 represents an excellent case study for investigating the relationship between representation and response. It is argued that (in addition to direct experience) contemporary perceptions of crime were heavily influenced by print. For the most part contemporaries took crime literature at face value, coming to anxious conclusions about the state of crime. At mid century, various genres of print represented crime as an especially pressing, serious, and threatening social problem, but at the same time suggested that the justice system was to some extent capable of dealing with the threat. This had a likely significant impact upon responses to crime, for the middling- and upper-classes who were the primary audience of crime literature were also the key decision makers in the justice system. Print did in many ways have an impact upon prosecutorial, policing, and punishment practices in mid-eighteenth-century London. But its influence upon responses to crime was neither uniform nor absolute. Rather, print's impact was mediated by a number of factors, particularly the context within which contemporary responses to crime took place. By placing representation and response within the context of one another, we can better understand the nature of both.

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Note on the Text and List of Abbreviations

When quoting from primary sources, spelling and punctuation have been kept the same as in the original, except for italics and capitalisations, which have been modernised. All dates are new style.

Sources, publications, and online collections frequently cited in the footnotes have been identified by the following abbreviations. All others have been fully cited at the first occurrence in each chapter.

Online Collections of Primary Sources

BM

British Museum Prints and Drawings Collection

http://www.britishmuseum.org/research/search_the_collection_database.aspx (accessed 11 August 2010)

In citing prints and drawings from this collection I have first included the artist's name (if known) and then the title and date of the work. I have then cited the abbreviation BM followed by the item's reference number which can be inputted into the collection database at the above URL. For example, The Ladies Hero or the Unfortunate James Maclean, Esq (1750), BM, 1851,0308.408.

HOC Papers

House of Commons Parliamentary Papers

<http://parlipapers.chadwyck.co.uk> (accessed 11 August 2010).

The developer's citation guide for this project is not very informative or helpful. I have therefore adopted a different method of citation, which is as follows.

Journals of the House of Commons for the years 1688-1834 included on the site have been cited with the abbreviated prefix JHC, followed by the volume number of the journal, then page number, and finally the recorded date on which the particular business was discussed in Parliament as printed in the Journals. For example: HOC Papers, JHC, 26, p. 298 (14 November 1751).

House of Commons Sessional Papers for the years 1715-1800 included on the site have been cited with the abbreviated prefix SP, followed by the volume and page numbers. For example: HOC Papers, SP, 9, p. 301.

LL***London Lives 1690 to 1800***

<http://www.londonlives.org/> (accessed 11 August 2010).

Here I have followed the project director's citation guide (see <http://www.londonlives.org/static/Legal.jsp#toc3>, accessed 11 August 2010).

Manuscripts are cited with the document title, the date of the material, and the project reference number. For instance: LL, St Clements Danes, Minutes of Parish Vestries, 17 January 1750, WCCDMV362090035.

OBP***Old Bailey Proceedings Online***

<http://www.oldbaileyonline.org> (accessed 3 August 2010).

In citing material from this website I have followed the project directors' citation guide (see <http://www.oldbaileyonline.org/static/Legal-info.jsp#citationguide>, accessed 3 August 2010).

Trial accounts are cited with the defendant's name, the month and year of the sessions, and the trial reference number. For example: OBP, April 1754, trial of Elizabeth Canning (t17540424-60).

Summary information has been cited as part of the whole sessions, using the project reference number in the following manner: OBP, 11 July 1750 (f17500711-1).

Ordinary's Accounts included in the collection are cited with the date on which the edition was published and the project reference number, such as: OBP, Ordinary's Account, 17 June 1747 (OA17470617).

Other Online Sources**DNB**

Oxford Dictionary of National Biography, ed. H. C. G. Matthew and Brian Harrison (Oxford: OUP, 2004); online ed., ed. Lawrence Goldman, October 2005, <http://www.oxforddnb.com> (accessed 3 August 2010).

Archives**BL**

British Library

LMA

London Metropolitan Archives

TNA

The National Archives

Unpublished Primary Sources

Aldermen Reps	Repertories of the Court of Aldermen, 1747-1755: LMA, COL/CA/01/01/155-163.
Bridewell Court Book	Minute Books of the Court of Governors of Bridewell Hospital: Bethlem Royal Hospital Archives and Museum, Microfilms COZ-17, 18.
City Sessions Book	City of London Sessions Minute Books, 1747-1754: LMA, CLA/047/LJ/04/114-122.
Clerkenwell Calendar	Clerkenwell House of Correction Calendar of Commitments, 1746-1756: LMA, MJ/CC/R/3-58.
Guildhall Minute Book	Guildhall Justice Room Minute Book, 1752: LMA, CLA/005/01/001.
Middlesex Indictments Register	Middlesex Sessions of the Peace Process Register of Indictments, 1747-1755: LMA, MJ/SB/P, Microfilms X071/011, X071/012.
Middlesex Sessions Rolls	Middlesex Sessions Rolls, 1747-1754: LMA, MJ/SR/2875-3027.
MSP	Middlesex Sessions Papers, 1747-1754: LMA, MJ/SP/1747-1754.
Westminster Sessions Rolls	Westminster Sessions Rolls, 1747-1754: LMA, MJ/SR/2871-3019.
WSP	Westminster Sessions Papers, 1745-1755: LMA, WJ/SP/1745-1755.

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List of Tables, Graphs, and Figures

Tables, graphs, and figures have only been included within the main body of the work when they satisfy a number of criteria: firstly, that they provide a clearly intelligible and easily identifiable message; secondly, that they provide information which could not be easily described in prose; and thirdly, that they do not disrupt the flow of the text to any great extent. Tables, graphs, and figures which do not fit these criteria have been placed in the relevant Appendix for each chapter.

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Figure Acknowledgements

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Chapter 1: Introduction

The Development of the Field

In the build up to, and in the years following, the peace treaty of Aix-la-Chapelle which formally ended the War of Austrian Succession in October 1748, London witnessed a crime/prosecution wave of epic proportions, as fear about crime and rates of prosecution increased significantly. Lamentations over the perceived state of crime and social degeneration poured forth in various genres of print. In the wake of this anxiety, several important changes took place in metropolitan policing, prosecution, and punishment practices.

Although given significant historiographical attention individually, eighteenth-century responses to crime on the one hand, and printed representations of crime and justice on the other, have not been fully studied for their possible interaction. The following study aims to bridge this historiographical divide, to push the study of printed accounts further by asking how they represented crime and justice, and how they could influence the ways in which contemporaries perceived and responded to crime. A sketch of this historiographical divide will demonstrate our poor understanding of the interaction between print and responses, posing the question at the heart of this study.

The historiography of eighteenth-century crime and the law in England is extensive, diverse, and has undergone significant change since the 1970s, a result of internal impulses within the field and also of external historiographical change. For instance, whereas the shift from quantitative, sociological methodologies to those heavily influenced by the 'cultural turn' can be identified with broader historiographical developments, this has also resulted from an awareness of the respective merits and limitations of indictments and recognisances on the one hand, and depositions, trial reports, and printed materials on the other. This has led not only to identifying new sources for analysis, but also attempts to understand traditional sources in new ways.

The pioneering studies of J. M. Beattie, Douglas Hay, Peter Linebaugh and others set out to reconstruct in detail, through analysis of unpublished judicial sources, the nature of 'crime' in eighteenth-century England, meaning its incidence, character, possible causes, and the social profiles of victims and offenders.¹ Yet the formal judicial records upon which much of this research was based came in for considerable and justified criticism with regards its

¹ Beattie, Crime and the Courts; Douglas Hay et al. (eds.), Albion's Fatal Tree: Crime and Society in Eighteenth-Century England (London, 1975); Peter Linebaugh, The London Hanged: Crime and Civil Society in the Eighteenth Century (London, 1991); J. A. Sharpe, Crime in Early Modern England, 1550-1750 (London, 1984).

ability to provide wholly accurate information on the realities of crime.² Rather, it became clear, what these records reveal is the way in which crimes, offenders, and victims were dealt with through the judicial process. Scholarly attention consequently shifted to responses to crime, namely policing, prosecution, and punishment practices.³

Two issues emerged from this work and the debates that it sparked which provide key starting points for this study. First of all, the long eighteenth century can now with some justification be nominated as 'the golden age of discretionary justice', which 'created an extensive range of decision-making opportunities for a wide range of social groups', not only criminal justice officials (such as magistrates and judges), but also those further down the social scale or even outside the formal bounds of authority, such as victims, witnesses, jurors, peace officers, and members of local government.⁴ At all stages of the judicial process, discretionary choices were available which could fundamentally alter the outcome of an accusation. At some stages decisions were limited to propertied men, but at others they were not confined to this (somewhat diverse) group.⁵ Because of the discretionary nature of the justice system, the opportunities for participation in local government, and the ability of the justice system to be remade at the margins, the attitudes of ordinary Londoners could have a significant impact upon responses to crime. Secondly, as argued persuasively by Peter King, eighteenth-century prosecution rates reflect to a proportionally greater extent prosecutorial behaviour as opposed to levels of 'real' (committed crime).⁶ As the number of offences committed without subsequent discovery was almost certainly much greater than the number detected and prosecuted, a small change in prosecutorial behaviour was likely to have had a proportionally much greater effect on prosecution rates than would a very large increase in the total number of offences committed.

This research into the administration of the law undoubtedly improved our knowledge of *how* contemporaries responded to crime. Few convincing conclusions have however been offered as to *why* contemporaries responded to crime such ways. The recent work of Beattie (including its limitations) and other studies suggest an attention to crime literature is needed if we are to obtain a fuller explanation for what shaped responses to crime. In his most recent

² J. S. Cockburn, 'Early Modern Assize Records as Historical Evidence', *Journal of the Society of Archivists* 5 (1975), pp. 215-231; Robert Shoemaker, 'Using Quarter Sessions Records as Evidence for the Study of Crime and Criminal Justice', *Archives* 20 (1993), pp. 145-157

³ Douglas Hay and Francis Snyder (eds.), *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989); King, *Crime, Justice*; John Langbein, *The Origins of Adversary Criminal Trial* (Oxford, 2003); Shoemaker, *Prosecution and Punishment*.

⁴ King, *Crime, Justice*, p. 355.

⁵ *Ibid.*, p. 358.

⁶ *Ibid.*, pp. 129-153. For contrary arguments see J. M. Beattie, 'Judicial Records and the Measurement of Crime in Eighteenth-Century England', in L. A. Knafla (ed.), *Criminal Justice in Europe and Canada* (Waterloo, 1981), pp. 127-145; Douglas Hay, 'War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts', *Past and Present* 95 (1982), pp. 117-160.

monograph, Beattie investigates in detail policing, prosecution, and punishment practices in the City of London, and how they changed in the century after the Restoration. These responses were influenced directly, he argues, by the fear of (particularly violent) property theft, a fear fashioned by the experience of crime, meaning the nature and the extent of offences brought within the bounds of the justice system or local and central government. Changes in the responses to crime, he argues, are best explained by changes in the City's economy, society, and culture, which impacted upon the attitudes and behaviour of those 'men who were in positions with enough power to change things.' This fear of crime, borne of experience, had a significant influence on responses to crime because of the particularly open nature of urban government in London.⁷ Beattie illuminatingly demonstrates how experience shaped perceptions of, and in turn, responses to, crime through a huge volume of unpublished judicial material.

Nevertheless, Beattie recognises that perceptions of crime also resulted from its representation in print. Serious property thefts 'were at the heart of the crime problem in the capital,' he notes, 'in part because they formed the staple of the increasingly common reporting of crime news.' Crime literature 'shaped the public's sense of crime as a growing social problem', and 'fed the panic and alarm' about the threat of property crime and violence. Aside from a brief discussion of the 'popular literature' of crime, however, Beattie does not explore how printed accounts actually influenced the perceptions of, and responses to, crime that he so thoroughly details.⁸ Moreover, his conclusion that responses were influenced by the experience of crime is limited by the fact that we simply do not know enough about the realities of offending in this period to make any such assertions with confidence. As noted above, unpublished judicial sources reveal little about the patterns and character of actual offending in this period. Rather, they are more likely to indicate changes in responses to crime: for instance, the effectiveness of policing methods and the decision-making processes of victims.

As suggested by historical studies of print culture and modern criminological theories of the media's relationship to crime (detailed in the following section), and as will be confirmed in Chapter Two through the evidence of diaries and correspondence, contemporary perceptions of crime and justice were to a large extent informed by print. Due to the discretionary nature of the justice system, these perceptions had a potentially significant impact upon responses to crime. A number of recent studies have indeed demonstrated that print could play a significant role in shaping responses to crime. King has provided a nuanced

⁷ Beattie, *Policing and Punishment*, pp. 464, 466

⁸ *Ibid.*, pp. 3-5.

and suggestive account of how the press contributed to a moral panic over crime in the Colchester area in 1765 which persuaded 'victims and committing magistrates to act less leniently in deciding whether or not to prosecute offenders.' Keen to exploit interest in the crime wave during a circulation war with its rival the *Ipswich Journal*, the *Chelmsford Chronicle* made efforts to increase the scale of its crime reporting, printing numerous accounts of dubious quality. This media-induced moral panic resulted in various changes in responses to crime, including the provision of an elementary form of horse patrol, the donation of funds to stimulate the detection and prosecution of offenders, an increased propensity to prosecute amongst victims, greater control exercised by the authorities over intruders and outsiders, and harsher sentencing at court. In sum, King argues, 'given certain preconditions newspapers such as the *Chelmsford Chronicle* could sometimes have a substantial impact on the way the criminal law was used and administered in their localities. They could make news as well as report it.'⁹

If print could have such influence upon perceptions of crime, prosecutorial behaviour, and therefore rates of prosecution, King further suggests, it might also help to explain the changes in prosecution levels which attended nearly all transitions between war and peace in the eighteenth century. Traditionally assumed to accurately represent an increase in offending caused by mass demobilisation of the armed forces at the end of wars, in fact post-war increases in prosecution rates were often anticipated in the newspapers before they actually happened. For, King argues, 'as peace came closer the newspapers may well have focused the general apprehensions of the propertied into more specific fears about the growing prevalence of violent crime, which in turn encouraged them to prosecute offenders more vigorously.'¹⁰ Douglas Hay has furthermore suggested that there was a 'mapping together' of different moral panics – including concern over levels of prosecution and a general alarm about the state of social order to a large extent fostered by print – which attended, and in many cases were anticipated before, the end of several major wars (such as that in 1748), which were likely to have made prosecutors 'more determined, more punitive, and more numerous.' Prosecution rates during periods of extreme panic about crime are thus likely to reflect to a greater extent than normal prosecutorial behaviour as opposed to criminality.¹¹

The study of eighteenth-century printed representations of crime has followed much the same trajectory as the historiography of eighteenth-century crime and justice more broadly. Initial attempts to mine crime literature for information on the realities of crime and

⁹ Peter King, 'Newspaper Reporting, Prosecution Practice and Perceptions of Urban Crime: The Colchester Crime Wave of 1765', *Continuity and Change* 2 (1987), pp. 423-454.

¹⁰ King, *Crime, Justice*, p. 165.

¹¹ Hay, 'War, Dearth and Theft', p. 157.

the social background of offenders (as in Linebaugh's reconstruction of the 'sociology of the condemned'), were both challenged for their assumption that representation accurately reflects reality, and increasingly gave way to studies heavily influenced by postmodernism and literary theory. In the latter instance, studies looked to crime literature in order to illustrate the attitudes which underpinned decision-making processes, and even attitudes beyond crime and justice, or sought to identify the influence of crime literature in the development of the novel.¹²

Despite the shifting nature of this historiography, issues from the original debates of the 1970s continue to inform research. The ideological function of crime literature, of whether the press served (as argued of the legal system more generally) 'as an expression of ruling-class ideology or an instrument of social control,' has accordingly been extensively debated.¹³ Recent studies have questioned the extent to which early modern crime literature could so unequivocally fulfil its intended ideological functions as earlier studies by Lincoln Faller and J. A. Sharpe had argued.¹⁴ Instead, it has lately been shown that crime literature is unstable and contains a multiplicity of voices, opening space for a range of ideological positions and perceptions of the crime problem.¹⁵ The work of Andrea McKenzie is indicative of the fruits of this new research, having taken us beyond conceptions of printed crime literature as 'records of truth' to an in-depth understanding of how these sources were constructed, how cultural ideas could be appropriated by both authors and subjects for their own ends, the complexities and moral ambiguities that printed accounts could throw up for contemporaries, and the changing cultural purchase of crime literature.¹⁶

Investigation of these issues has recently extended beyond more traditional, 'literary' sources such as novels, criminal biographies, and the *Ordinary's Accounts* of malefactors executed at Tyburn, to genres such as the *Old Bailey Proceedings* (hereafter *Proceedings* –

¹² For sociological approaches, see Peter Linebaugh, 'The Ordinary of Newgate and his Account', in J. S. Cockburn (ed.), *Crime in England, 1550-1800* (Princeton, 1977), pp. 246-270; Lucy Moore, *The Thieves' Opera* (London, 1997). For postmodern and literary studies perspectives, see Paula Backscheider, *Daniel Defoe: Ambition and Innovation* (Lexington, 1987); Lennard Davis, *Factual Fictions: The Origins of the English Novel* (Philadelphia, 1996); Lincoln Faller *Crime and Defoe: A New Kind of Writing* (Cambridge, 1993); Malcolm Gaskill, *Crime and Mentalities in Early Modern England* (Cambridge, 2000); Michael McKeon, *The Origins of the English Novel 1600-1740* (Baltimore, 1988).

¹³ Andrea McKenzie, 'Making Crime Pay: Motives, Marketing Strategies, and the Printed Literature of Crime in England 1670-1770', in G. T. Smith et al. (eds.), *Criminal Justice in the Old World and the New* (Toronto, 1998), p. 238; Ian Bell, *Literature and Crime in Augustan England* (London, 1991); Douglas Hay, 'Property, Authority and the Criminal Law', in Hay et al. (eds.), *Albion's Fatal Tree*, pp. 17-63.

¹⁴ Lincoln Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England* (Cambridge, 1987); J. A. Sharpe, "'Last Dying Speeches': Religion, Ideology, and Public Execution in Seventeenth-Century England', *Past and Present* 107 (1985), pp. 144-167.

¹⁵ Hal Gladfelder, *Criminality and Narrative in Eighteenth-Century England* (Baltimore, 2001), pp. 80-81; Peter Lake and Michael Questier, 'Agency, Appropriation and Rhetoric under the Gallows', *Past and Present* 153 (1996), pp. 64-107; Philippe Rosenberg, 'Sanctifying the Robe: Punitive Violence and the English Press, 1650-1700', in Simon Devereaux and Paul Griffiths (eds.), *Penal Practice and Culture, 1500-1900* (Basingstoke, 2004), p. 158.

¹⁶ McKenzie, *Tyburn's Martyrs*.

printed accounts of trials held at London's Central Criminal Court) and newspapers. By broadening the genres of crime literature analysed, recent work has illustrated that print could inform contemporaries of, and potentially shape their attitudes towards, policing, prosecution, and penal practices, as well as of criminals and their crimes. Robert Shoemaker and Simon Devereaux (for the early and later eighteenth century respectively) have for example shown that by manipulating the content of the *Proceedings* both the printers and the City of London authorities gave an impression of 'public justice' which depicted the courts as fully capable of dealing with the crime threat, upholding the decisions made in court, and discouraging criticism of the judicial system.¹⁷ Studies by Devereaux, King and Esther Snell on eighteenth-century newspaper crime reportage have moreover identified the rather diverse, and occasionally contradictory, messages on crime and justice offered to readers in what was perhaps the most widely-read genre of crime literature.¹⁸ It has become clear through this body of work that investigating print is essential for understanding the perceptions of crime which motivated judicial decision making.

The following study aims to build upon this recent work and to bridge the historiographical divide between responses to crime on the one hand and printed representations on the other. But why is such an analysis necessary? A significant historiographical divide has left us with little sense of how responses to, and printed representations of, crime and justice actually interacted with one another. Yet there is good reason to believe that there would have been a strong relationship between representation and response in eighteenth-century London, due to the discretionary nature of the justice system, and as the attitudes of contemporaries which underpinned that system were to a large extent shaped by what they read in print. We therefore need to study the ways in which print represented crime and justice, integrate these representations with responses to crime, and consider how such representations could influence readers' perceptions and actions, with the caveat of the possibility for multiple reader interpretations.

In order to carry out such a task, this study will focus upon the reporting of, and responses to, crime in London in the years 1747-1755. The metropolis was in many ways unique, and should not be taken as representative of the nation as a whole. Yet as the crime problem appeared – indeed, was – worse in the metropolis than elsewhere, as responses to crime arguably witnessed the most significant innovations there, and since such a huge proportion of crime literature was produced in the capital, it is a fruitful location for studying

¹⁷ Shoemaker, 'The Old Bailey Proceedings'; Devereaux, 'The City and the Sessions Paper'.

¹⁸ Simon Devereaux, 'From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime, and the London Press, 1770-1800', *London Journal* 32 (2007), pp. 1-27; Peter King, 'Newspaper Reporting'; Esther Snell, 'Perceptions of Violent Crime in Eighteenth-Century England: A Study of Discourses of Homicide, Aggravated Larceny and Sexual Assault in the Eighteenth-Century Newspaper', (Unpublished University of Kent PhD Thesis, 2004).

the relationship between print and action. The specific years 1747-1755 have been chosen because they cover the transition from war to peace and represent the height of the mid-century panic about crime. 'Crime' is here limited to the study of felonies, for serious property and personal crimes made up the bulk of printed crime reporting, even though they formed only a small fraction of all the justice system's business, and because such offences most often informed contemporaries' perceptions of criminality more widely. Although they cannot be labelled as felonies, my definition of crime also includes petty thefts and vice, for the boundary between petty and grand (capital) larceny was extremely mutable in practice (if not in strict legal terms) and as vice was at this time strongly believed to be the progenitor of serious offending.

Concepts and Approaches

Historians of eighteenth-century crime and the law have utilised the concepts, models, and approaches of various disciplines including sociology, literary studies, and anthropology. It is surprising, therefore, given the interest historians have shown in eighteenth-century printed crime literature, that only recently have they begun to engage with modern criminological studies of the media's relationship to crime and justice, even more so as several influential scholars in the field have long been closely linked to academic centres of criminology. These studies offer useful theories of how crime news is produced by the media, and suggest that this has a significant (although certainly not uniform or absolute) impact upon attitudes to crime and justice, all of which can be tested against the case of mid-eighteenth century London.

First of all, modern criminological studies have provided suggestive models for how the media collates, selects, and distributes crime reports to its audience, according to what criteria, and in what manner, which can be fruitfully applied to the eighteenth-century press. Media agents cannot report every single crime committed. Forced to single out particular events for attention, they do so by seeing 'themes' in the news, unifying individual crimes within single concepts. In order to make 'sense' of crime and to present reported events within coherent and easily understandable frameworks, editors have to associate a crime theme with a continuous supply of incidents that can be seen as instances of that theme.¹⁹ Selection processes might be based on templates which are idiosyncratic according to each individual editor's notions of 'newsworthy' crimes, perceived reader interests, and the optimum level of crime reporting.²⁰ Historians have indeed found these models relevant for the eighteenth

¹⁹ Mark Fishman, 'Crime Waves as Ideology', *Social Problems* 25 (1978), p. 542.

²⁰ Paul Williams and Julie Dickinson, 'Fear of Crime: Read all about it? The Relationship between Newspaper Crime Reporting and Fear of Crime', *British Journal of Criminology* 33 (1993), p. 33.

century: Snell's illuminating study of crime reportage in the eighteenth-century *Kentish Post* has shown the extent to which the title was constructed to a well-defined template of what to include, and the levels of crime to report, thereby shaping its discourse of crime and justice.²¹

Modern criminology has also provided suggestions as to how the media shapes attitudes to crime and justice, by comparing the nature of crime reportage against public opinion surveys. Many studies have shown that it is the nature of reporting which has a significant influence on people's perceptions, often running contrary to the nature of prosecuted or commonly experienced crime. In the absence of public opinion surveys, the historian of eighteenth-century London cannot make such detailed comparisons. Yet diaries, correspondence, and anecdotal evidence from other sources can provide glimpses as to what contemporaries thought.

The concept of 'moral panic', which might be defined as 'a discrete event or cycle of events with a beginning and an end, which follows a process and has a product,' is also valuable for historians of crime and justice, demonstrating how press coverage could influence responses to crime.²² Case-studies of moral panics ranging from the Mohocks in 1712, forgers and forgery, gaming, the 'Monster' in the early 1790s, and the London garrotting panics of 1856 and 1862, have revealed several similar features, most notably the significant impact of the media in creating and shaping the panic through increased reporting of crimes, exaggeration, the distortion of events to fit a particular theme, the portrayal of rumours as fact, and the creation of negative and fearful stereotypes. Eighteenth- and nineteenth-century media-induced moral panics had a significant impact upon both official and private responses to crime, from tougher sentencing policies, the introduction of new legislation, increased policing resources, and a redefinition of crimes, to efforts at self-protection and a greater vigilance amongst prosecutors and magistrates.²³ Nevertheless, however much a moral panic might be created by increased reporting as opposed to actual increases in the number of offences, they cannot, as King notes, 'be created without a least some initial "real" crime.'²⁴ Moral panics and the behaviour they stimulate, it is evident, result from the interaction

²¹ Snell, 'Discourses of Criminality', p. 13.

²² Peter King, 'Moral Panics and Violent Street Crime 1750-2000: A Comparative Perspective', in Barry Godfrey, Clive Emsley, and Graeme Dunstall (eds.), *Comparative Histories of Crime* (Cullompton, 2003), p. 55.

²³ Neil Guthrie, "'No Truth or Very Little in the Whole Story?'" – A Reassessment of the Mohock Scare of 1712', *Eighteenth-Century Life* 20 (1996), pp. 33-56; Daniel Statt, 'The Case of the Mohocks: Rake Violence in Augustan London', *Victorian Studies* 20 (1995), pp. 179-199; Jan Bonderson, 'Monsters and Moral Panic in London', *History Today* 51 (2001), pp. 30-35; Jennifer Davis, 'The London Garrotting Panic of 1862: A Moral Panic and the Creation of a Criminal Class in Mid-Victorian England', in V. A. C. Gatrell, B. Lenman, and G. Parker (eds.), *Crime and the Law: The Social History of Crime in Western Europe since 1500* (London, 1980), pp. 190-213; Rob Sindall, 'The London Garrotting Panics of 1856 and 1862', *Social History* 12 (1987), pp. 351-359. See also the collection of articles in David Lemmings and Claire Walker (eds.), *Moral Panics, the Media and the Law in Early Modern England* (Basingstoke, 2009).

²⁴ King, 'Moral Panics', p. 62.

between representation and reality, between ‘what people think is happening (perceived events) and what was really happening (actual events).’²⁵

Historical studies of print culture likewise suggest print was a powerful force in the eighteenth century, although mediated by reader reception. No comprehensive paradigm of print culture has yet been offered, nor is it likely that there will be one, given the interdisciplinary nature of the subject, the ambiguity of the term, and the varied range of approaches taken to it.²⁶ Nevertheless, whether taking a narrowly defined, internal approach, or a broader, external approach to print culture, researchers have shown it to be an increasingly prevalent and influential feature of eighteenth-century London, a result both of the greater number and variety of texts on offer, as well as a growing demand for, and easier methods of access to, printed materials. Print culture thus became an increasingly powerful force in two ways: firstly, through the sheer mass and variety of physical material available; and secondly, as a ‘culture’, meaning a way in which events and information are interpreted and distributed.

Despite a virtual technological standstill in printing methods, other factors such as the expiration of pre-publication censorship in 1695 – which allowed for a growth in the number of master printers and the size of printing presses – in addition to the exploitation of the country market and the development of the provincial press, meant a vast increase in the output of printed material over the eighteenth century.²⁷ Print diversified in form too, with the new genres of novels, periodicals, pictorial prints, and newspapers joining the older ones of books, pamphlets, sermons, and ballads.²⁸ Demand played an important role in fostering this growth, both in terms of the social expansion of the reading public and the increasing appetite for print amongst the already literate. Accurately quantifying eighteenth-century literacy rates has been a matter of some academic contention, but it is clear that the ability to read and write was increasing, particularly amongst urban, relatively wealthy, young males, even extending (if to a much lesser extent) to the lower orders and to women. Certainly for London’s middling sorts and above there was much emphasis on the importance of literacy, and many opportunities to acquire it.²⁹ A growing consumer culture and the establishment of books as a product of ‘taste’

²⁵ Sindall, ‘The London Garrotting Panics’, p. 359.

²⁶ John Jordan and Robert Patten, ‘Introduction: Publishing History as Hypertext’, in John Jordan and Robert Patten (eds.), *Literature in the Marketplace: Nineteenth-Century British Publishing and Reading Practices* (Cambridge, 1995), p. 1; Joad Raymond, ‘Seventeenth-Century Print Culture’, *History Compass* 2 (2004), p. 6.

²⁷ James Raven, *Judging New Wealth: Popular Publishing and Responses to Commerce in England, 1750-1800* (Oxford, 1992), p. 42; John Brewer, *The Pleasures of the Imagination: English Culture in the Eighteenth Century* (London, 1997), p. 173.

²⁸ Bob Harris, ‘Print Culture’, in H. T. Dickinson (ed.), *A Companion to Eighteenth-Century Britain* (Oxford, 2006), p. 283.

²⁹ David Cressy, *Literacy and the Social Order: Reading and Writing in Tudor and Stuart England* (Cambridge, 1980); Wyn Ford, ‘The Problem of Literacy in Early Modern England’, *History* 78 (1993), pp. 22-37; Robert Houston, ‘The Development of Literacy: Northern England, 1640-1750’, *Economic History Review* 35 (1982), pp. 199-216.

– a marker of social status – moreover fostered greater demand for print. The increasing accessibility of print, lower costs, and improving cultural perceptions of the reading public in addition contributed to an appropriately conducive climate for the exercise of literacy, as important as the mere rate of literacy itself.³⁰ Purchase, book clubs, circulating libraries, coffee- and ale-houses, borrowing, and peddlers all provided greater access to print largely for the middling sorts and their social superiors, although it did not exclude the lower orders completely. There were not only more texts in circulation than ever before, but new and varied means by which readers could acquire them.

Printed news networks were also becoming more influential.³¹ Even if we are to recognise the continued importance of oral news networks in our period, we might still ask to what extent these networks were based on printed information.³² Indeed, it could be argued that no neat division existed in the eighteenth century between oral and print cultures. As the information produced in print was frequently provided by ordinary men and women through correspondence, gossip, and rumour, so the spaces of oral culture (the home, coffee-houses, clubs, and societies) were increasingly invaded by printed matter.³³ As Bob Harris argues, ‘more and more people began to see themselves and the society of which they were a part through the medium of print; no society had hitherto chronicled its activities and changing habits with the eagerness with which Britons of the eighteenth century did.’³⁴

Contemporaries recognised – although not always in celebration – the huge social impact of this growing print culture. Fears over the expanding reading public were voiced as commentators equated the increasing social diffusion of print with the subversion of traditional hierarchies: the social authority of literature was as such eroded by its very popularity.³⁵ ‘What particularly shaped eighteenth-century concern about reading environments,’ as James Raven explains, ‘was a conflict between support for the increased production and circulation of print, and moral and political misgivings about the extension of reading.’³⁶ Historians too are beginning to recognise the power of print, its ability not only to reflect, but to shape attitudes, ‘to constitute as well as reflect social realities.’³⁷

³⁰ Kathryn Shevelow, *Women and Print Culture: The Construction of Femininity in the Early Periodical* (London, 1989), p. 30.

³¹ John Brewer, ‘Reconstructing the Reader: Prescriptions, Texts and Strategies in Anna Larpen’s Reading’, in James Raven, Helen Small, and Naomi Tadmor (eds.), *The Practice and Representation of Reading in England* (Cambridge, 1996), p. 243.

³² Charles Clark, *The Public Prints: The Newspaper in Anglo-American Culture, 1665-1740* (Oxford, 1994), pp. 16, 52; Jeremy Black, *Culture in Eighteenth-Century England: A Subject of Taste* (London, 2007), p. 169.

³³ Hannah Barker and Simon Burrows, ‘Introduction’, in Hannah Barker and Simon Burrows (eds.), *Press, Politics and the Public Sphere in Europe and North America, 1760-1820* (Cambridge, 2002), pp. 1-22.

³⁴ Harris, ‘Print Culture’, p. 283.

³⁵ Paul Kleen, *The Crisis of Literature in the 1790s: Print Culture and the Public Sphere* (Cambridge, 1999), p. 7.

³⁶ James Raven, ‘From Promotion to Proscription: Arrangements for Reading and Eighteenth-Century Libraries’, in Raven, Small, and Tadmor (eds.), *The Practice and Representation of Reading*, p. 177.

³⁷ King, ‘Newspaper Reporting’, p. 76.

Modern criminology and historical studies of print culture certainly suggest print was a powerful force in the eighteenth century, yet we should also recognise that print was neither uniform nor absolute in its influence. Engagement with the concepts and approaches of modern criminology or historical studies of print culture is not to advocate a purely media-based explanation for attitudes to crime and justice, nor does it automatically reveal the impact of print. As many criminologists have recognised, the media represents only one facet among several which can be identified as having an impact on modern perceptions of crime and justice.³⁸ There is no simple causal link between media attention and reader attitudes, not 'a biased press shaping unresisting wills.'³⁹ It is, as historical studies of reader response remind us, the reader who invests crime reports with meaning. An equally valid question to the extent of print's production, circulation, and readership is thus its contemporary reception, that is, the cultural value of texts and reading practices.⁴⁰ Meaning, as Roger Chartier argues, results from a two-way relationship between text and reader.⁴¹

Eighteenth-century responses to print are far from predictable. Printed literature was not a monolithic entity which imposed a stable and unambiguous message upon readers, but could be engaged with in a number of different ways.⁴² Recent historiographical approaches to print culture have thus gone beyond texts to study the contexts in which reading took place, meaning both the tangible forms of reading practices, and the more abstract political, social, and cultural milieus in which texts were consumed.⁴³ 'An understanding of historical reading practices,' Ian Jackson observes, 'is essential if we are to understand the impact of texts on individuals and on society as a whole: textual evidence alone is inadequate.'⁴⁴ Recognising this challenge, the following study will attempt to recover not only the kinds of textual representations offered to contemporaries, but also – through admittedly fragmentary evidence – how readers received crime literature. From this we can try to understand how print could shape social perception in constructing 'repositories of knowledge', and suggest

³⁸ Susan Smith, 'Crime in the News', *British Journal of Criminology* 24 (1984), p. 294.

³⁹ Williams and Dickinson, 'Fear of Crime', p. 34.

⁴⁰ Raven, *Judging New Wealth*, p. 22.

⁴¹ Roger Chartier, 'Texts, Printings, Readings', in Lynn Hunt (ed.), *The New Cultural History* (London, 1989), pp. 154-175.

⁴² Karen Harvey, *Reading Sex in the Eighteenth Century: Bodies and Gender in English Erotic Culture* (Cambridge, 2004), p. 13.

⁴³ Roger Chartier, 'General Introduction', in Roger Chartier (ed.), *The Culture of Print* (trans. Lydia Cochrane, Princeton, 1989), p. 3; idem, 'Reading Matter and "Popular" Reading: From the Renaissance to the Seventeenth Century', in Guglielmo Cavallo and Roger Chartier (eds.), *A History of Reading in the West* (trans. Lydia Cochrane, Cambridge, 2003), p. 275; Stanley Fish, *Is there a Text in this Class? The Authority of Interpretive Communities* (London, 1980); James Raven, 'New Reading Histories, Print Culture and the Identification of Change: The Case of Eighteenth-Century England', *Social History* 23 (1998), p. 268; Jonathan Rose, 'How Historians Study Reader Response: Or, what did Jo think of Bleak House?', in John Jordan and Robert Patten (eds.), *Literature in the Marketplace: Nineteenth-Century British Publishing and Reading Practices* (Cambridge, 1995), p. 209.

⁴⁴ Ian Jackson, 'Historical Review: Approaches to the History of Readers and Reading in Eighteenth-Century Britain', *Historical Journal* 47 (2004), p. 1041.

the ways in which it *might* have been possible for contemporaries more widely to perceive the issue of crime and justice.⁴⁵

We have therefore seen on the one hand the distinct lack of historiographical knowledge about the interaction between eighteenth-century printed representations and responses to crime, and on the other that there was a potentially strong relationship between the two in this period. As already stated, with the combination of a transition between war- and peacetime, rising rates of prosecution, a growth in anxieties about crime, changing responses to criminality, and an outpouring of printed crime literature, mid-eighteenth-century London is an excellent case study with which to test this relationship. The following two sections will now place the mid-century panic about crime within its broader historical context.

Historical Context

The widespread anxiety over the perceived state of crime that emerged in the mid-eighteenth century represents just one instance of long-standing and general fears about social problems and the moral health of the metropolis which ran throughout the late seventeenth and eighteenth centuries. Demographic growth and mass immigration into the capital from the late seventeenth century created many social, economic, and cultural problems (including crime), all of which were seen to be linked.

Mass immigration introduced a vast amount of young, independent, and unemployed people into London who appeared to pose a substantial threat to social order and pushed the capital's geographical growth outside the walls of the City, fragmenting the urban social fabric. A sprawling metropolis, London was no longer entirely knowable, commentators complained, offering ample opportunities for criminality to flourish: it was, according to Henry Fielding, 'a vast wood or field, in which a thief may harbour with as great a security as wild beasts do in the deserts of Africa or Arabia.'⁴⁶

London's demographic development also held harmful economic ramifications, including fluctuating seasonal employment, declining forms of paternalist employment, and a lack of social support for those out of work, meaning many were forced to vagrancy or prostitution. The substantial pressures on London's social institutions and its concomitant levels of poverty must certainly have played a role in the nature of crime in the metropolis. Yet poverty was not the only cause of theft, and contemporaries frequently avoided such an

⁴⁵ Virginia Berridge, 'Content Analysis and Historical Research on Newspapers', in Michael Harris and Alan Lee (eds.), The Press in English Society from the Seventeenth to the Nineteenth Century (London, 1986), p. 206; King, 'Newspaper Reporting', p. 76.

⁴⁶ Fielding, An Enquiry, p. 142.

explanation, attributing the crime problem rather to 'the attitudes and behaviour of the poorer members of the working population because of their attachment to the developing pleasures and opportunities for consumption offered by the metropolis.'⁴⁷ Corruption and luxury were thought to have spread to the lower orders of society following the expansion in public, commercial entertainments and the pernicious effects of alcohol and prostitution. This was for many contemporaries 'a nagging counterpoint to the urge to celebrate economic and commercial progress.'⁴⁸ Increasing opportunities for social mobility, in addition to changing definitions of gentility and other markers of social status, moreover threatened to subvert the traditional social order.⁴⁹

Contemporaries conjoined all these social, economic, and cultural problems together on a continuum. Criminals executed for violent property crimes had reached this terminal endpoint, contemporaries believed, along a 'slippery slope' which could begin with excessive pleasure seeking, leading onto unemployment, vagrancy, and progressively more serious forms of theft. The mid-century gin craze neatly illustrates how contemporaries merged various concerns together. With the drinking of gin, claimed one commentator, 'hence follow desperate attacks, highway and street robberies, attended sometimes with the most cruel and unheard of murders.'⁵⁰ Print disseminated a range of arguments on the issue and expanded its significance, utilising gin as a metaphor for the sickness of society more widely. The Gin Act of 1751 succeeded where previous similar efforts had failed, Lee Davison argues, because the perceived state of disorder and crime was at such an extent at mid century that it provided a climate 'sufficiently conducive to prompt a ministry to eschew revenue in pursuing social policy.'⁵¹

London crime was not unique, yet the crime problem was in both appearance and reality more serious in the metropolis than elsewhere. The sheer number of crimes brought before the eight sessions at the Old Bailey each year dwarfed that of any other jurisdiction in the country. The crime problem was also perhaps more visible in the capital than anywhere else, through the intensely public forums of examination, trial, and punishment, and its representation in a voluminous amount of printed material. Criminal justice institutions in the metropolis (gaols and policing resources for example) were frequently pushed beyond capacity, generating extensive anxiety about the state of crime.

⁴⁷ Beattie, *Policing and Punishment*, p. 72.

⁴⁸ Harris, *Politics and the Nation*, p. 319.

⁴⁹ Robert Shoemaker, *The London Mob: Violence and Disorder in Eighteenth-Century England* (London, 2004), p. 15.

⁵⁰ Quoted in Jonathan White, 'The "Slow but Sure Poyson": The Representation of Gin and its Drinkers, 1736-1751', *Journal of British Studies* 42 (2003), p. 44.

⁵¹ Lee Davison, 'Experiments in the Social Regulation of Industry: Gin Legislation, 1729-1751', in Lee Davison et al. (eds.), *Stilling the Grumbling Hive* (Stroud, 1992), p. 43.

The social and economic problems caused by London's development in the late seventeenth and eighteenth centuries not only fostered anxiety amongst the elite, meaning those in central government, or those who served as magistrates and high-court judges, but also the middling sorts whose growth and prosperity came as a result of the social and economic change which proved so devastating for others.⁵² Issues of poverty, vagrancy, and crime were of central significance to this somewhat disparate group, impinging upon the wealth of the wards and parishes to which they frequently contributed funds and helped govern. They pursued these issues vigorously through the institutions open to them and by voicing their 'public opinion', which held significant local and even national sway. Moreover, their views on social and economic issues were largely informed by print. Thus, in the context of this study, it is important to understand both how the public's awareness of crime and justice was shaped by print, and subsequently what the impact of this awareness could be, through the power of public politics. Both public opinion and participation in local government shaped responses to crime.

Middling men participated in various roles of local governance and extra-governmental institutions. Contributing to the parish and the state through taxation, many members of London's middling ranks showed a keen interest to engage with, and participate in, political culture, regularly voicing their 'public opinion'. As the 'reactive' eighteenth-century English state relied heavily upon people outside central government for information and local initiative, middling men thus had enormous influence on social policy.⁵³ This was particularly so with respect to criminal justice: local decision makers, King asserts, 'played the most important role in the interactions which shaped... criminal justice policy.'⁵⁴

This metropolitan, middling order participation in local government and public opinion had a significant national impact for a number of reasons. Firstly, public opinion was a very real part of eighteenth-century politics, even if this 'public' was largely circumscribed to the middling orders and above.⁵⁵ There was no neat division between two political worlds, between a tight, narrow political establishment on the one hand and an outside, amorphous mass of political sentiment on the other.⁵⁶ The political culture of the middling classes of

⁵² Lee Davison et al., 'The Reactive State: English Governance and Society, 1689-1750', in Davison et al (eds.), Stilling the Grumbling Hive, p. xxix.

⁵³ Ibid., p. xv.

⁵⁴ Peter King, Crime and Law in England, 1750-1840: Remaking Justice from the Margins (Cambridge, 2006), p. 2.

⁵⁵ Nicholas Rogers, Whigs and Cities: Popular Politics in the Age of Walpole and Pitt (Oxford, 1989), p. 403; Thomas Perry, Public Opinion, Propaganda, and Politics in Eighteenth-Century England (Cambridge, Massachusetts, 1962), p. 184.

⁵⁶ Marie Peters, Pitt and Popularity: The Patriot Minister and London Opinion during the Seven Years' War (Oxford, 1980), p. vii.

eighteenth-century Britain was, according to H. T. Dickinson, 'a political world to which the governing elite was forced to relate and to which it wisely accommodated itself.'⁵⁷

The nature of eighteenth-century political culture also meant metropolitan views had some influence on national policy. London was the leading centre of national politics and extra-parliamentary opinion, its activities closely scrutinised by the provinces. Facilitated by a huge printing industry, the views of London's citizens were distributed throughout the country, and those same views were well represented in Parliament, despite the relatively few number of MPs sitting for London. The City itself, as Nicholas Rogers notes, was a vibrant political community, proud of its independence, and with special rights of address to the Crown, not to mention its close links to central government. The perceived state of crime in London had significant influence over the making of national criminal justice policy, for these perceptions were amplified by the metropolis' standing within national politics, its links to central government, and its distribution network of print.⁵⁸

Middle-class interest in governance and public politics was increasingly informed by printed discourses, both reflecting their new interest in political culture, and simultaneously whetting their appetite for broader participation in national and local domestic affairs.⁵⁹ The press in short provided a central contribution in sustaining broad popular involvement in politics in this period.⁶⁰ Not only informing the public's awareness of a range of social and political issues, the press was also used 'as a vehicle to generate sympathetic public opinion, one of the most powerful means for individuals and interest groups to push the reactive state, and especially Parliament, to address an issue.'⁶¹

What is the relevance of this increasingly influential middling sort for a study of print culture and its relationship to responses to crime? As David Lemmings states, it could be that the eighteenth century 'popular engagement with the administration of justice and the business of law making and governance more generally assumed new cultural forms through middle-class habits of print culture consumption and the development of "polite" moral consensus.'⁶² The middling sorts enjoyed extensive discretionary powers at many stages of the judicial process, described by King as 'the main group that made things happen.'⁶³ Although no direct evidence on consumption exists, anecdotal evidence suggests that the middling sorts were also the primary audience for printed crime literature. The lengthy, costly, and literarily

⁵⁷ H. T. Dickinson, *The Politics of the People in Eighteenth-Century Britain* (London, 1995), p. 7.

⁵⁸ Beattie, *Policing and Punishment*.

⁵⁹ Davison et al. (eds.), 'The Reactive State', p. xv, xiii.

⁶⁰ Harris, *Politics and the Nation*, p. 65.

⁶¹ Davison et al. (eds.), 'The Reactive State', p. xv, xiii.

⁶² David Lemmings, 'Introduction: Law and Order, Moral Panics, and Early Modern England', in Lemmings and Walker (eds.), *Moral Panics*, p. 5.

⁶³ King, *Crime, Justice*, p. 359.

complex nature of much crime literature would have confined its sale and perhaps readership to those of the middle and upper classes, or as one criminal biographer termed it, the ‘citizens’ and those of ‘tolerable fashion’.⁶⁴ This was an audience with a voracious appetite for print, willing to pay by no means inconsiderable sums of money for accounts of criminal lives and reports of trials and dying confessions. Of course, buying and reading audiences should not be confused: elements of this print culture were certainly not beyond the reach of artisans or labourers, available to read in coffeehouses or liable to be passed around or read out loud. But by informing the middling order’s awareness of the crime problem print could shape the attitudes of a group who had a significant impact upon the criminal law and its administration in the metropolis, and (in encouraging legislative change) in the nation as a whole.

Sources and Methodology

We have seen that mid-eighteenth-century London offers a promising case study to answer the neglected question of the relationship between printed representations of, and responses to, crime. The following two sections will now show how this study will attempt to answer that question. The volume of printed and unpublished material available to researchers of eighteenth-century crime and justice is enormous, a fact which has helped to attract scholars from an assortment of different disciplines offering a range of methodological approaches. There is thus a rich tradition of sources and methodologies which can be drawn upon. However, this is also a tradition marked by divisions, primarily between those who have applied sociological, quantitative approaches to unpublished judicial records in order to document responses to crime, and those who have applied cultural, qualitative approaches to crime literature in order to uncover contemporary discourses. In attempting to breach this divide, the following study has analysed a wide range of printed and unpublished materials, using a combination of different methodological approaches.

Crime and justice formed a central feature of eighteenth-century metropolitan print culture. Although the attraction of crime literature remained in part its entertainment value, the volume and detail of material produced on the lives, trials, and dying moments of offenders suggests that there was an audience who sought explorations of the real world as much as diversions from it, and who wanted accounts that ‘underlined the seriousness of crime as a social problem.’⁶⁵ The range of printed crime literature available to contemporaries was vast, including cheap, one-page broadside reports of sensational crimes and trials; ballads; visual prints; novels; one-off criminal biographies; *Ordinary’s Accounts*; compendiums of

⁶⁴ The History of the Remarkable Life of John Sheppard (London, 1724).

⁶⁵ Beattie, Policing and Punishment, p. 375.

criminal biography; the *Proceedings*; collections of trial accounts; newspapers; pamphlets of social commentary; and expensive, multi-volume legal treatises. Historians have tended to study each of these genres of crime literature in isolation, going against the more likely contemporary practice of engagement with a range of publications, each of which could offer a different set of representations of crime and justice, and which were both produced and read for a number of different purposes. Crime literature is here conceived of in two (not mutually exclusive) senses: on the one hand, as a large and variegated body of material with which readers might engage with any number of elements (and therefore not to be conceived of purely in isolation of any one genre); and on the other hand, as made up of distinct ‘genres’ in the literary sense of the word, with their own conventions, narrative forms, and reader expectations.

Whilst analysis of the available printed material is thus frequently separated by individual genres (as below), these different representations will throughout be compared and contrasted, in order to demonstrate how they came together to form an overarching literature of crime. This study focuses upon newspapers, the *Proceedings*, criminal biography, pamphlets of social commentary, and pictorial prints, publications with a primarily middling and upper class audience which presented themselves as ‘factual’ accounts. These publications have been selected because their typical audience were the key decision makers in the justice system, those who had a significant impact upon prevailing responses to crime. It is not to suggest that other forms of crime literature such as ballads and broadsides are unworthy of study, only that it is likely these ‘lower’ genres had less impact upon middling and upper class readers.

Newspapers were the most voluminous and perhaps widely read source of information on crime and justice in mid-eighteenth-century London. Metropolitan and provincial newspaper production suffered something of a lull in the years 1746 to the mid 1750s, due to the end of the War of Austrian Succession (which had generated extraordinary demand for news of foreign affairs, the primary staple of the press). Yet production figures were still large – in 1755, some eighteen individual titles were printed in the capital alone, with a national yearly output of 8,639,864 issues, and weekly sales of around 210,000. Moreover, the end of war pushed domestic news, particularly crime, to the fore.⁶⁶ To a large extent the newspapers will be used as a centrepiece around which this study will be structured, for they are a relatively little-studied source among criminal justice historians, were widely read by contemporaries, are a bountiful source of historical information, and can be used as an illuminating frame of reference against which to compare the representations offered in other genres of print. Of course, newspapers have some limitations as historical evidence, not least

⁶⁶ Harris, *Politics and the Nation*, p. 58.

their patchy survival, the little information that exists regarding their production and distribution, and the impossibility of knowing which publications were most frequently read and which given most credence by readers.

A quantitative analysis of crime reporting has been carried out on all the existent editions of three tri-weekly titles for the years 1747-1752: the *London Evening Post*, the *General Evening Post*, and the *Whitehall Evening Post*, supplemented by a qualitative examination of crime reportage in a variety of other daily, tri-weekly, and weekly titles for the wider period 1744-1757. The three tri-weeklies were chosen because of the significant amount of material on crime and justice they offered readers, they were circulated widely across England and Wales (being printed on post days), analysing papers printed at the same rate (i.e. three times per week) allows for better comparisons in terms of levels of crime reporting, and they covered a range of political positions. Founded in 1727, the *London Evening Post* was the most influential oppositional title of its day, the chosen paper of the Jacobites and the extreme faction in City politics, which came under heavy criticism (and indeed, in the years 1754-1755, prosecution of its publisher) for its anti-government position. The *General Evening Post* and the *Whitehall Evening Post* by contrast frequently printed articles written by ministerial supporters.⁶⁷

First licensed by the Lord Mayor in 1679 and published with any regularity thereafter, the *Proceedings* represented one of the most enduring forms of crime literature, finally ending publication in 1913. Recognising the significance of a publication which regularly put on show the workings of the nation's most preeminent criminal court, the Court of Aldermen declared that the *Proceedings* were to be published by a single proprietor at any one time, chosen by the Lord Mayor. As a result, the *Proceedings* were frequently bound in annual volumes which contained all eight sessions of the court falling within a particular mayoral year (from November to October). Under competition from newspapers and printed compilations of trials, the *Proceedings* were subjected to a number of changes during the 1730s, expanding to twenty-four pages, and including yearly indexes, cross-referencing of trials, and greater amounts of verbatim testimony.⁶⁸ Certainly an extremely detailed record, it must nevertheless be recognised that the *Proceedings* are not a full transcript of everything said in court. Indeed, key information was often omitted relating to the defence case in order to present an image of justice amenable to the courts. It is therefore necessary to combine the information provided by the *Proceedings* with supplementary evidence wherever possible.

⁶⁷ *Ibid.*, pp. 50-52.

⁶⁸ Clive Emsley, Tim Hitchcock, and Robert Shoemaker, 'Publishing History of the Proceedings', OBP.

Extensive quantitative analysis of patterns of prosecution has here been made possible through the digitisation of the *Proceedings*. All eighty-eight editions for the years 1745-1755 have moreover been subjected to qualitative study in order to uncover such matters as the changing short-term nature of trial reporting, the representation of offences including violent theft and murder, and the development of a discourse of ‘victimisation’. As a widely-read publication the *Proceedings* were a central feature of mid-century crime literature, shaping attitudes through its representation of crime and justice.

Intended not as a competitor, but rather as a sister publication aimed to be read in conjunction with the *Proceedings*, the *Ordinary’s Accounts* were published following each hanging day. It was the duty of the Ordinary (or chaplain) of Newgate prison to care for the spiritual well-being of criminals sentenced to death, to lead them to a due sense of their crimes and to a confession of their sins and the path that had led them to their unhappy end. As a perquisite of the office the Ordinary was granted the privilege of printing his own report of the lives, crimes, last words, and behaviours of those in his care. In this way the *Ordinary’s Accounts* sought to contextualise the lives of criminals condemned to death as reported in the *Proceedings*, to show how they had reached this terminal end point. Aimed at a popular audience, sold for six pence at mid century, and printed in their thousands, the *Ordinary’s Accounts* could earn its author up to £200 per annum, a privilege that Ordinaries were keen to protect from rival authors, showing that – in the absence of direct sales figures – it remained a popular publication in the 1740s and 1750s.⁶⁹

Forming one subsection of the larger genre of criminal biography, the *Ordinary’s Accounts* existed alongside similar publications including one-off pamphlets on the lives and crimes of individual criminals, and lengthy compilations of criminal life stories. Unlike the *Ordinary’s Accounts*, however, these works were published on an ad-hoc basis. They were frequently longer than the *Ordinary’s Accounts* too, occasionally covering (almost obsessively) the smallest details of their subject’s life and crimes. What most characterises this collection of material is its variegated nature, extending from short, cheap accounts to expensive multi-volume compilations of biographies, and the variety of purposes for which they were allegedly produced, some advertising themselves as moral instruction, others as informative manuals on prevalent criminal practices (in order to protect readers from becoming victims of crime), and others as pure entertainment. Again, although accurate sales figures are not available, the continuing popularity of criminal biography at mid century is indicated by the significant number of accounts (and multiple editions) that appeared of particularly notorious offenders – such as Elizabeth Jeffryes, Mary Blandy, and Elizabeth Canning and – by the constant efforts of

⁶⁹ McKenzie, *Tyburn’s Martyrs*, p. 154.

authors to highlight the deficiencies of rival accounts, thus suggesting a considerable amount of competition and demand for criminal lives.

All one hundred editions of the *Ordinary's Accounts* and fifty separate titles of other individual and collected criminal biographies published in the period 1740-1760 have here been qualitatively analysed for the representations of crime and criminals they offered. Particular attention has been paid to the prevalence of the criminals' 'voice' in these works, and to how they represented violent property and personal crime such as robbery and murder, for these were the crimes most often referred to by contemporary diarists and correspondents, and thus what likely shaped their perceptions of the crime problem in general. All forms of criminal biography must be treated with caution, for biographers appropriated criminal subjects for their own particular ends, whether that be to demonstrate the slippery slope from vice to the gallows (as did the Ordinary in his *Account*), condemn the state of irreligion, entertain readers, challenge convictions, present sympathetic accounts, or, perhaps most importantly, simply to sell publications. We must be sensitive to these motivations.

Although printed in small numbers of perhaps between 500 and 1,000 copies per edition, social policy pamphlets nevertheless went into a greater depth of analysis than any other form of crime literature. An unprecedented number of such works were published at mid century, particularly in the years 1750-1754, covering crime and a number of related social problems such as poverty, unemployment, and drunkenness.⁷⁰ As Ruth Paley argues of this literature, 'the printed word was all too often the instrument of the propagandist.' The comments made therein must therefore be treated with some caution.⁷¹ However, social policy pamphlets are a particularly rich source for the kinds of arguments offered to contemporaries on the causes of crime and the perceived defects of the criminal justice system. Around forty separate social policy pamphlets primarily covering the years 1740-1760 have here been read for their commentaries on the state of crime and justice.

Visual images formed another prevalent feature of eighteenth-century print culture, yet they have been widely neglected by historians who have remained 'blind to the visual,' or who have utilised them merely as appendages to conclusions made upon the evidence of texts.⁷² A regular aspect of this visual print culture, crime and justice appeared in a variety of formats divided by the wider schism between 'popular' prints produced by woodcut and inserted in such texts as execution broadsides, criminal biographies, and chapbooks, and 'higher' forms of graphic art such as political and social satires produced by copper plate

⁷⁰ Malvin Zirker (ed.), *Henry Fielding: An Enquiry into the Causes of the Late Increase of Robbers, and Related Writings* (Oxford, 2001), p. xvii.

⁷¹ Ruth Paley, "'An Imperfect, Inadequate, and Wretched System"? Policing London before Peel', *Criminal Justice History* 10 (1989), pp. 95-130.

⁷² Roy Porter, 'Seeing the Past', *Past and Present* 118 (1988), p. 186.

engraving and printed as stand-alone products. Contrary to previous historical assumptions, there is little evidence to suggest that images were aimed at the illiterate (although that is not to say that the illiterate did not engage with them).⁷³ Rather, particularly in the case of graphic satire, they made their appeal to the middling sector of urban society.⁷⁴

Little information exists on the production and circulation of graphic prints, but anecdotal evidence suggests that visual images were ubiquitous, 'distributed to overflowing print shops and boisterous coffee houses, pinned up in cluttered street windows, scattered across crowded shop counters and coffee tables, and then passed from hand to hand, or hung in framed glass, or pasted in folios.'⁷⁵ The British Museum's catalogue of graphic prints lists 200 items for the year 1756 alone. This does not include the much larger number of popular prints which appeared within the pages of books and pamphlets or on single sheet broadsides and ballads which have survived in an inverse ratio to their level of production.⁷⁶ Ranging in price from one or two pence to six pence and even a few shillings, graphic prints were competitively priced against other printed goods, but were in some instances too expensive as a viable purchase for any but the wealthier middling and upper orders.

In addition to this analysis of the representation of crime and justice across a range of print genres, a variety of manuscript records have also been studied. Manuscript judicial records (including house of correction calendars, gaol delivery rolls, and sessions papers) have been used to uncover the changing ways in which the law was administered at mid century. Other manuscript records (such as letter books, Parliamentary collections, and the State Papers Domestic) have provided useful, although somewhat ephemeral, evidence of judicial decision making, the administration of the law, and attitudes to crime and the law amongst the political elite. Evidence of how ordinary men and women learned about matters of crime and justice and what they thought about these issues has been gleaned from manuscript and published editions of diaries and correspondence.

Like the rich array of sources available to researchers of eighteenth-century crime and justice, there is also a rich tradition of methodological approaches which can be drawn upon. Any method is best determined by the questions asked of the sources and the nature of the sources themselves. In order to document mid-century responses to crime, printed representations, and the possible interaction between the two, I have combined aspects of both the quantitative, positivist, social science approach utilised by studies of the

⁷³ *ibid.*, p. 189.

⁷⁴ Mark Hallett, *The Spectacle of Difference: Graphic Satire in the Age of Hogarth* (London, 1999), p. 25.

⁷⁵ *ibid.*, p. 2.

⁷⁶ Sheila O'Connell, *The Popular Print in England, 1550-1850* (London, 1999), p. 6.

administration of justice, and the qualitative approach adopted by studies of crime literature. These two approaches need not be confined to either manuscript judicial records on the one hand or crime literature on the other, but can be fruitfully applied to both sets of sources, as shown by Garthine Walker's heavily qualitative analysis of manuscript depositions and justice's examinations, and by King and Snell's quantitative analysis of eighteenth-century newspaper reporting and its comparison to levels of prosecution.⁷⁷ In combining two traditional methodological approaches and supplementing them with the facilitation offered by new technologies, I hope to bridge the traditional historiographical divide between social history as a history of experience and cultural history as a history of representation, in order to understand how representation and action are interrelated.

Quantitative analysis has been carried out on the *Proceedings* and manuscript judicial records including indictment rolls, house of correction calendars, and the Bridewell Court Books, in order to identify patterns of prosecutions, convictions, and punishments. Quantitative analysis has also been applied to other, more 'literary' forms of evidence such as newspaper crime reporting. This is not to insinuate that contemporaries would have interpreted crime reporting in such abstract, quantitative terms, but it intends to give a general overview of the different forms of reporting carried in the newspapers. In order to gain a more comprehensive understanding of crime literature, and to place this quantitative data within its proper social and cultural context, a qualitative analysis of the printed genres described above, and some manuscript records, has also been undertaken. For example, close readings of printed crime literature and manuscript judicial depositions have sought to uncover the representation of violent theft at mid century.

A wave of recent digitisation projects and new technologies have facilitated traditional methodologies, most notably the *Seventeenth- and Eighteenth-Century Burney Collection of Newspapers*, *Eighteenth-Century Collections Online*, *House of Commons Parliamentary Papers Online*, *London Lives 1690-1800*, and *Old Bailey Proceedings Online*. Instant access to digitised versions of this vast collection of printed and manuscript sources has made it much easier and quicker than ever before to undertake methods of analysis that have long been practised, meaning that a greater variety of evidence has here been consulted than was perhaps hitherto possible in the same amount of time. For example, patterns of prosecutions, jury verdicts, and sentences from cases tried at the Old Bailey have been tabulated instantaneously via use of the 'statistical search' function of the *Old Bailey Proceedings Online* website. Moreover, name searching has been used to follow the reports of individual criminals between various

⁷⁷ Garthine Walker, 'Rereading Rape and Sexual Violence', *Gender and History* 10 (1999), pp. 1-25; King, 'Newspaper Reporting'; Snell, 'Discourses of Criminality'.

publications including the newspapers, *Proceedings*, *Ordinary's Accounts*, and criminal biographies.

Digitisation projects are also beginning to offer opportunities for innovative study, such as the datamining of massive historical texts. However, these methods are currently in their infancy and in some instances in need of further development. They have thus not been adopted for this study, and instead digitisation projects have largely been used for their facilitation of traditional methods of research. Nevertheless, even simply by facilitating traditional research methods, digitisation has significant implications and limitations which must be recognised and guarded against. For example, inaccurate rekeying or OCR text recognition can limit the success rate of keyword searching, and can result in reading text out of context. In order to counter these problems, I have used a range of keywords, alternate spellings, and fuzzy searching to improve the success rate of keyword identification. I have also placed keywords within the whole context of the text in which they appear, for instance by reading a specific newspaper crime report within the context of the whole edition.

Chapter Layout

Whilst several recent studies have addressed printed representations of crime, this research has yet to be linked to contemporary responses to crime. This study attempts to do just that, across four substantive chapters. Chapter Two demonstrates how contemporaries read crime literature, through an analysis of diaries and correspondence. Chapter Three seeks to understand the relationship between print and prosecutorial behaviour through an in-depth quantitative and qualitative analysis of mid-eighteenth-century newspapers and patterns of judicial decision making. Chapter Four will then examine the representations of policing circulating in various genres of mid-century print, and the impact they had upon methods for detecting and apprehending offenders, both as a source of information on crime and as a practical tool of policing. The influence of print upon the introduction of penal legislation will subsequently be investigated in Chapter Five through a case study of the 1752 Murder Act. Finally, Chapter Six will provide some conclusions and reflect upon the implications they hold for the future historiography of eighteenth-century crime, justice, and print culture. In sum, it will be argued, printed representations heavily influenced contemporary perceptions of crime and justice in mid-eighteenth-century London. However, although print to some extent had an impact upon perceptions and responses to crime, its influence was neither uniform nor absolute. Its power was instead constrained by a range of factors, including the way in which contemporaries read crime literature and the particular contexts within which action took place.

Chapter 2: Contemporary Readings of Crime Literature

How did contemporaries actually read crime literature, and how might these representations (if at all) have shaped the way contemporaries thought about crime? Historical studies of reading practices have highlighted the highly personal nature of engagement with print. Diaries and correspondence which provide evidence of reading and responses to crime must thus be considered as personal documents, and should not automatically be taken as representative of whole groups. With this caveat in mind, the following analysis of eighteenth-century diaries and correspondence suggests that although contemporaries could engage critically with crime literature, for the most part they accepted printed accounts at face value, reaching similar conclusions about the state of crime and justice as put forward in print. In particular, contemporaries based their perceptions more often upon the ‘factual’ genres such as newspapers and the *Proceedings*, materials which presented crime as a serious social problem but also suggested that the justice system was to some extent capable of dealing with the threat. Certainly this evidence indicates that print could have a significant impact upon contemporary perceptions of, and therefore likely also responses to, crime.

The first thing to note from the evidence of diaries and correspondence is that contemporaries appear to have had little personal experience of crime, either as victims, acquaintances of victims, or as spectators at the many public forums of criminal justice. Few surviving eighteenth-century diaries reveal that their authors experienced crime personally. As the vast majority of surviving eighteenth-century diaries were written by members of the middling and upper classes, it is likely to over- rather than under-represent the level of personal experience, as these social groups were the most likely to become victims of theft. Rather, contemporaries gained much of their knowledge about crime and justice from a wide range of crime literature.

Much like their production, these materials were read (or at least intended to be read) for a number of different purposes. Some, such as the *Proceedings* and criminal biographies, were frequently touted as appropriate instruction material for the young. Samuel Richardson believed that the *Proceedings* and ‘dying speeches’ of criminals should ‘inform the inconsiderate youth, by the confessions of the dying malefactors, how naturally, as it were step by step, swearing, cursing, profaneness, drunkenness, whoredom, theft, robbery, murder, and the gallows, succeed one another!’¹ Taken as accurate and authoritative accounts, the flip side to this was that many contemporaries worried criminals ‘might learn not only techniques

¹ Samuel Richardson, *The Apprentice’s Vade Mecum* (London, 1734), p. 4.

for committing offences but also tricks and alibis that would allow them to avoid conviction should they be put on trial.’²

Newspapers, criminal biographies, and the *Proceedings* also presented themselves to readers as sources of information on, and therefore guides on how to avoid, prevalent criminal practices. In this way, print actively engaged with readers in attempting to shape contemporary responses to crime. Indeed, criminal biographers justified the production of their accounts, and the occasionally shocking details therein, on such grounds.³ Biographers assured readers that their accounts would prove useful in themselves for preventing crime. ‘The many robberies and murders which have of late been committed by servants,’ one author asserted to masters, ‘may justly alarm you, and raise some uneasy apprehensions in your breasts,’ yet assured readers his ‘little piece points out a remedy for those fears.’⁴ An account of the executed offender Charles Speckman advertised its ‘several maxims, hints, and remarks, by way of caution to the public, to prevent or detect the designs of sharpers and thieves from being carried into execution.’⁵

Newspapers provided general warnings of criminal techniques: the *Whitehall Evening Post* reported in November 1749 that ‘a gang of fellows have made a practice of snatching off people’s hats, at the ends of alleys, and places little frequented, and running off with them; which we mention to put people on their guard.’⁶ Advice on crime prevention was also offered: after a number of iron grates were taken away from gentlemen’s houses in 1757, it was reported that ‘Mr [John] Fielding recommends it to all families to direct their servants to examine these grates at the same time they examine the fastenings of the door before they go to bed, and to give charge to their own watchmen to examine them hourly as they pass.’⁷

Diaries and correspondence offer only very occasional indications that crime literature was read for the purpose of entertainment. The Swiss visitor B at Louis de Muralt in the late seventeenth century apparently read the *Proceedings* for entertainment, describing it as ‘in the opinion of many people one of the most diverting things a man can read in London,’ although we must recognise the early date of this comment, before the *Proceedings* developed as a more respectable publication.⁸ In January 1728, a well-bred, piously Puritan, and

² *Thievery A-la-mode* (London, 1728), p. 13; Shoemaker, ‘The Old Bailey Proceedings’, p. 578; Devereaux, ‘The City and the Sessions Paper’, pp. 490-493.

³ Andrea McKenzie, ‘Making Crime Pay: Motives, Marketing Strategies, and the Printed Literature of Crime in England 1670-1770’, in G. T. Smith et al. (eds.), *Criminal Justice in the Old World and the New* (Toronto, 1998), pp. 235-269.

⁴ Thomas Broughton, *A Serious and Affectionate Warning to Servants* (London, 1741), p. iii.

⁵ *The Life, Travels, Exploits, Frauds and Robberies of Charles Speckman* (London, 1763), p. 1.

⁶ *Whitehall Evening Post*, 2 November 1749.

⁷ *Public Advertiser*, 6 April 1757.

⁸ B at Louis de Muralt, *Letters Describing the Character and Customs of the English and French Nations* (London, 1726), p. 72. Muralt’s comments were originally written in 1696.

introspective gentlewoman living in London named Gertrude Savile – who kept two diaries covering the period 1721-1757 – attended the opening night of *The Beggar's Opera* at Lincoln's Inn Fields, a popular theatre production which based itself in large part upon the genre of criminal biography. In her diary she later noted 'the top charicters were highwaymen and common whores' who were 'very exactly drawn and yet manag'd so as to be inofensive and very witty (which one would think impossible).' On the whole she thought the piece 'was wonderfully entertaining and instructive, tho' the subject was so low.'⁹

Many criminal biographers certainly intended that their works be read as entertainment, although they were careful to assure readers that this came as a natural result of the unembellished 'truth' of the content, and that it moreover did not undermine the purpose of instruction. Indeed, authors spoke in highly defensive tones, indicating that crime literature for entertainment's sake alone was highly frowned upon, if not 'criminal' in itself. 'Our reflections, when we make any,' confirmed one compiler of criminal biography, 'shall be just, and naturally arising from the story, whether they are calculated to raise a smile or a serious thought; for occasions of both kinds will frequently offer themselves in a work of this nature.'¹⁰ A mid-century author of trial accounts likewise believed his 'little histories will afford the curious peruser, not only instruction, but an agreeable amusement.'¹¹ 'I would not have my readers imagine,' declared one compiler of criminal biography, 'that because I talk of rendring books of this kind useful, that I have thrown out any part of what may be stiled entertaining.'¹²

Printed accounts were therefore intended to be read variously as entertainment, instruction material for the young and poor, and as guides against criminality, although the actual evidence of such readings in practice is scanty. More evidently, crime literature was taken seriously for what it revealed of crime and justice. Contemporaries certainly based their perceptions of crime upon a range of publications, all of which were read with some degree of criticism. In her diary, Gertrude Savile noted reading the *Ordinary's Accounts* and criminal biographies of notorious malefactors such as the street robber James Dalton and the murderer Richard Savage, although she provides no indication of how she actually read these works and what impact they had upon her perception of crime. She does note that her servant William was warned of Savage's tale, worrying that young men and women were particularly

⁹ *Secret Comment*, p. 100.

¹⁰ Charles Johnson, *A General History of the Lives and Adventures of the Most Famous Highwaymen* (London, 1734), p. 4.

¹¹ *Select Trials* (London, 1764), Vol. 1, p. 3.

¹² *The Lives of the Most Remarkable Criminals* (3 Vols. London, 1735), Vol. 1, p. ii.

susceptible to wickedness, suggesting therefore that she took biographies as appropriate material for moral instruction.¹³

Many other contemporaries appeared to accept criminal biographies uncritically in reflecting upon the state of crime. James Boswell noted in his journal that the 'ideas of London roguery and wickedness' he had conceived of in his youth were founded on reading '*The Lives of the Convicts* and other such books.'¹⁴ Having much reason to believe that credit should be given to a criminal biography entitled *The Discoveries of John Poulter* (1754), one individual took it as evidence of a 'late encrease [sic] of public robberies.'¹⁵ Upon the evidence of the *Ordinary's Accounts*, the mid-century pamphleteer Charles Jones concluded that 'gaming and bad company' constituted the 'principal causes' of capital felonies.¹⁶ Almost certainly referring to the *Ordinary's Accounts* or other forms of criminal biography, another pamphleteer likewise thought that 'as far as we have any account of the former lives, manners, and dispositions of the criminals who are executed at Tyburn,' the proper solution to the crime problem would be to attack the roots of want, idleness, ignorance, extravagance, and bad company.¹⁷

Nevertheless, readers were encouraged by criminal biographers to read materials critically and 'judge for themselves,' by comparing their more 'authentic' accounts against other 'fictitious trials, or rather incoherent accounts.'¹⁸ Suspicions of almost all accounts would have been fostered amidst the constant claims and counterclaims to 'truth,' and attacks on competing materials.¹⁹ Faced with accounts which stood in direct opposition to one another, readers would have had no choice but to engage critically with texts, weighing up each work's respective merits and defects. The extensive range of sources of information on criminals, from crime literature to the public forums of trial and execution, would in addition have contributed to readers' perceptions of crime and justice, thereby allowing for critical readings.

The difficulty readers faced in ascertaining the 'truth' of accounts even with such critical evaluations was nevertheless noted by one criminal biographer: 'there are several facts which have happened in the world, the circumstances of which, if we compare them as they are related by one or other [account], we can hardly fix in our own mind any certainty of belief concerning them, such equality is there in the weight of evidence of one side and of the other.'²⁰ An awareness of the difficulty of truly understanding criminals' behaviour (let alone their thoughts) no doubt also encouraged readers to view biographies with some suspicion. 'It

¹³ *Secret Comment*, pp. 115, 130.

¹⁴ *Boswell's London Journal*, p. 291.

¹⁵ C. D., *A Letter to a Member of Parliament, upon the Subject of the Present Reigning Enormities of Murders and Robberies* (Bath, 1754).

¹⁶ Jones, *Some Methods Proposed*, p. 24.

¹⁷ Fitzsimmonds, *Free and Candid Disquisitions*, p. 41.

¹⁸ *The Genuine Trial of Charles Drew* (2nd edn. London, 1740), p. 3

¹⁹ McKenzie, 'Making Crime Pay'.

²⁰ Cited in Lincoln Faller, *Crime and Defoe: A New Kind of Writing* (Cambridge, 1993), pp. 28-29.

is impossible to conceive' of the thoughts of those about to be executed, noted the future judge, Dudley Ryder, 'because one cannot put oneself into that form and temper of mind which these circumstances necessarily put a man into.'²¹ 'The heart God only can judge,' one biographer similarly contended.²² Authors in this instance advocated 'close' readings of texts in order to assess their truthfulness. 'The less ornament there is in a dying persons discourse,' it was proposed, 'the less it will be suspected of hypocrisy... the words... are not chosen, but flow naturally.'²³

Complaints were certainly lodged against criminal biography and pictorial prints for perceived omissions or inaccuracies, indicating that texts were read with a critical eye. Horace Walpole was at mid century disparaging enough to consider the 'prints that are published of the malefactors, and the memoirs of their lives and deaths,' as well as the *Ordinary's Accounts*, as nothing more than 'trash'. A 'new edition of the history of highwaymen,' was, he further complained, inaccurate, for 'as truth lies at the bottom of a well, the first who dip for her, seldom let the bucket low enough.'²⁴ Yet we must take Walpole's comments with some scepticism, given his efforts to dissociate himself from any kind of idealisation of criminals, which he disapprovingly considered a practice of the 'English Mob', and given that in other instances he took printed accounts as accurate.

Few diarists mention reading pamphlets of social commentary, and in combination with their typically small print runs this suggests they were not as widely read as some other forms of crime literature, or had as great an influence upon perceptions of crime and justice. Reviews of pamphlets in periodicals contain much favourable commentary, yet they also indicate that pamphlets were read with a critical eye. Works by Henry and John Fielding and Saunders Welch in particular garnered widespread attention and positive remarks. Of his *Charge to the Grand Jury* (1749), the *Monthly Review* commented that Henry Fielding,

ingenious author, and worthy magistrate [has] in this little piece, with that judgment, knowledge of the world, and of our excellent laws, (which the publick, indeed, could not but expect from him) pointed out the reigning vices and corruptions of the times, the legal and proper methods of curbing and punishing them, and the great necessity of all magistrates, etc. vigorously exerting themselves in the duties of their respective offices.²⁵

Gushing praise likewise followed for Fielding's *Enquiry*: 'in this treatise our author professes impartiality to expose the present reigning vices, and largely and freely to examine the laws relating to the provision for the poor, and to the punishment of felons; and this he has done

²¹ William Matthews (ed.), *The Diary of Dudley Ryder, 1715-1716* (London, 1939), p. 188.

²² *The Lives of the Most Remarkable Criminals*, Vol. 1, p. 33.

²³ Cited in Faller, *Crime and Defoe*, p. 28.

²⁴ *Walpole Correspondence*, Vol. 12, p. 104.

²⁵ *Monthly Review*, July 1749, p. 238.

with much spirit, judgment, and learning.²⁶ In a review of John Fielding's *Account of the Origin and Effects of a Police* (1758), one periodical 'agree[d] with him entirely' on a number of points.²⁷ Another review of John Fielding's extracts from the penal laws concluded that 'upon the whole these extracts are well worth perusal.'²⁸

Criticisms were nevertheless lodged against these and anonymously-produced works both in printed literary reviews and in other pamphlets, indicating that printed social commentary was not deemed infallible. Some criticised works for glaring omissions, both the *Magazine of Magazines* and a pseudonymous pamphleteer in 1751 expressing bewilderment at Henry Fielding's neglect of streetwalkers and bawdy houses in his *Enquiry*.²⁹ Others complained of inaccuracies, the *Monthly Review* claiming that Saunders Welch in his *Observations on the Office of Constable* (1758) had 'made distinctions which are neither founded in law or justice.'³⁰ Even the fundamental arguments of pamphlets were challenged. Henry Fielding's disparagement of the lower orders and indifference to the vices of the great attracted criticism in a number of pamphlets and periodical essays.³¹ 'To prevent by law the enjoyment of any pleasure, or in the indulgence of any vice, amongst those of inferior rank, whilst it is made fashionable by the practice of the great among us,' a contributor to the *London Magazine* commented of Fielding's *Enquiry*, 'I shall always look on as a chimerical project.'³²

Explanations for these perceived omissions, inaccuracies, and one-sided arguments could be found in the biases of their authors, it was argued, showing readers were aware of the personal motives behind the production of pamphlets. 'At a loss' in accounting for Henry Fielding's neglect of streetwalkers and bawdy houses in his *Enquiry*, a writer in one periodical believed it had two causes: 'one of which is, that the author being, as I am informed, not only a trading justice, but a trading author, he has not lately perhaps had time to read anything but what he writes himself'; and secondly, the allegation of which he hoped was not true, 'that not only many of our constables, but many of our justices, derive great advantages from our street-walkers and publick bawdy-houses, by laying them under annual or casual' payments.³³ Another contributor to the *Monthly Review* blamed John Fielding's 'frequently trivial and needless, and sometimes erroneous' observations upon 'partiality to his office.'³⁴

²⁶ *Magazine of Magazines*, February 1751, pp. 134-144.

²⁷ *Monthly Review*, March 1758, p. 267.

²⁸ *Monthly Review*, April 1761, pp. 218-221.

²⁹ *Magazine of Magazines*, April 1751, p. 337; Philo-Patria, *A Letter to Henry Fielding* (London, 1751), p. 6.

³⁰ *Monthly Review*, May 1758, p. 488.

³¹ Ben Sedgely, *Observations on Mr Fielding's Enquiry* (London, 1751); *True Briton*, 27 February, 6 March 1751.

³² *London Magazine*, March 1751, p. 130.

³³ *Magazine of Magazines*, April 1751, pp. 337-340.

³⁴ *Monthly Review*, April 1761, p. 221.

Aware of such criticisms, and therefore the fallibility of pamphlets, readers were also encouraged to read printed social commentary critically by comparing works against each other. In 1753, the *Monthly Review* provided an analysis of Henry Fielding's account of the Elizabeth Canning case, by comparing it to rival works including Dr Hill's *The Story of Eliz Canning Considered*, which, it was argued, 'seems to have the advantage in the dispute, from [its] more intimate acquaintance with the opposite side of the question to that on which Mr Fielding has engaged.'³⁵ The *Monthly Review* justified its extensive evaluation of a pamphlet entitled *The Right Method of Maintaining Security in Person and Property* (1751), written in opposition to Fielding's *Enquiry*, in order 'that our readers may be able to judge for themselves, which of the two deserves the preference.'³⁶

More frequently than any other genre of crime literature, the *Proceedings* and newspapers were mentioned in contemporary diaries and correspondence as the basis of perceptions of crime. In addition to a whole range of other printed genres including comedies, intellectual works, didactic literature, sermons, plays, operas, romances, tragedies, and periodicals, Gertrude Savile avidly read the *Proceedings* and newspapers, both of which heavily influenced her perceptions of crime.³⁷ She read the 'sessions paper' (the *Proceedings*) quantitatively, noting how many were capitally convicted and how many sentenced to transportation, although she neglected to reflect qualitatively upon the content.³⁸ Her perceptions of the crime problem would almost certainly therefore have been based in part upon the pattern of prosecutions at the Old Bailey, but only for the most serious offences which resulted in capital convictions, executions, and transportation.

Others read the *Proceedings* qualitatively, but likewise uncritically. Acquitted of robbery at the Old Bailey, Bartholomew Greenwood expressed concern over his contemporaries' efforts at critical reading, although we must take his comments with some scepticism, given his obvious attempts to clear his name of any odium following his trial. He complained that whilst the *Proceedings* themselves were completely accurate,

few readers, amongst those who have perused it [the printed account of his trial] are so far interested in the distress of the unfortunate, as to take the trouble thoroughly to examine the evidence on either side. To weigh the inconsistencies, nay, the contradiction on the one, against the invariableness on the other: many cursorily look over such public papers with inattention, and take them in hand, because they know not otherwise how to employ their time; some have no patience to read them through...³⁹

³⁵ *Monthly Review*, March 1753, p. 229.

³⁶ *Monthly Review*, May 1751, pp. 498-503.

³⁷ *Ibid.*, p. xv.

³⁸ *Secret Comment*, p. 115.

³⁹ Bartholomew Greenwood, *The Case of Mr Bartholomew Greenwood* (London, 1740), p. 2.

Some indeed based their perception of the causes of crime upon the *Proceedings*. An anonymous writer on the state of immorality referred to the 'daring mischiefs as every Sessions Paper treats of' carried out by men under the influence of loose and debauched women.⁴⁰ Likewise a contributor to the *London Evening Post* suggested the stricter regulation of 'alehouses, shuffle-boards and skittle-grounds, which are so many seminaries (as the Sessions Papers shew [sic]) for thieving.'⁴¹ As Shoemaker has demonstrated, however, the *Proceedings* were not perceived by everyone as infallible: 'many Londoners read the *Proceedings* carefully and were not reluctant to complain about errors and omissions.'⁴² For example, while the *Gentleman's Magazine* sometimes treated the *Proceedings* as authoritative, it published at least two complaints about inadequate reporting in the 1760s, indicating readers were aware of the 'tendency toward selective reporting.'⁴³

Newspapers constituted the primary source of printed information for contemporaries on crime and justice. Many took crime reporting as accurately reflective of the state of crime. In an increasingly expanding and complex society, people relied extensively upon newspapers for information on domestic and foreign affairs. Although he knew individuals who thought 'it sinful to give any ordinary share of attention to newspapers,' John Young, a widely-read evangelical living in Sunderland nevertheless believed it was 'absolutely necessary in order to keep up with the spirit of the age to read its embodiment in the press.'⁴⁴ Horace Walpole in 1782 described newspapers as 'oracles of the times, and what everybody reads and cites.'⁴⁵ A number of provincial diarists noted that they read London newspapers, including the *London Evening Post* and the *General Evening Post*, meaning that metropolitan crime news had a wide geographical purchase.⁴⁶

Many Londoners certainly learnt about crime and justice through the metropolitan press. Thomas Hearne directly copied crime reports from *Mist's Weekly Journal* into his diary in the 1720s, whilst Mary Cowper, lady of the bedchamber to the Princess of Wales, similarly learned of one offender's notorious escape from Newgate through the morning news.⁴⁷ In a letter to his brother written in 1747, Spencer Cowper exhorted, 'I see by the papers they have robb'd all along [Kensington road], so have reason to desire you would keep your servants

⁴⁰ *Reflections Arising from the Immorality of the Present Age* (London, 1756), p. 10.

⁴¹ *London Evening Post*, 4 July 1752.

⁴² Shoemaker, 'The Old Bailey Proceedings', p. 576.

⁴³ *Ibid.*, p. 577.

⁴⁴ G. E. Milburn (ed.), *The Diary of John Young* (Leamington Spa, 1983), p. 11; Martyn Breadsley and Nicholas Bennett (eds.), "*Grateful to Providence*": *The Diary and Accounts of Matthew Flinders* (Woodbridge, 2007), p. 108; W. Brockbank and F. Kenworthy (eds.), *The Diary of Richard Kay, 1716-1751 of Baldingstone, near Bury* (Manchester, 1968), p. 71.

⁴⁵ Cited in Shoemaker, 'Print Culture', p. 4.

⁴⁶ J. C. Hodgson (ed.), *The Diary of John Dawson of Brunton* (Durham, 1915), p. 270.

⁴⁷ Oxford Historical Society (ed.), *Remarks and Collections of Thomas Hearne* (3 Vols. Oxford, 1907), Vol. 3, p. 41; Spencer Cowper (ed.), *The Diary of Mary Countess Cowper* (2nd edn. London, 1844), p. 100.

about you all the way.’⁴⁸ Fanny Boscawen in a letter to a friend in January 1748 wrote ‘you will see by the papers that *notre quartier* [Mayfair] is come into great disgrace, there having been a robbery over against our chapel [Grosvenor chapel, South Audley street], by highwaymen on horseback. There have been two since in Grosvenor Square, but they have not been half so much talked as ours.’⁴⁹

At times of increases in prosecutions and crime reporting, Gertrude Savile expressed great concern about the state of crime. In August 1728 her diary notes: ‘read the news and sent it to brother; abundance of street robberies again.’⁵⁰ In September 1744, when reports of robberies again filled the pages of metropolitan newspapers, she wrote that ‘never were known so many and such bold robberys in the streets of late.’⁵¹ Six years later, in December 1750, and in almost exactly the same terms, she worried that ‘never were so many, so bold and such various kinds of robberys as this winter, as indeed ‘tis observed they increase every year.’⁵² In both the terms she used and her focus solely upon the problem of robberies, Savile mirrored the reporting of crime in the press. Expressing fears about street robberies which were based upon printed information, Savile in some instances changed her behaviour accordingly, yet in others she did not. In October 1729 she paid two Chelsea pensioners 1s 6d to accompany her to Piccadilly, in order to protect her against robbers. She also worried about her friend Mary ‘trudging’ back from a Bagnio late at night, ‘in danger of the street robbers.’⁵³ At other times, however, even after mentioning her fears about street robbers, Savile continued to walk through the fields in the West alone at night.⁵⁴

Pamphlet writers similarly considered the newspapers as accurate reflectors of the state of crime. The anonymous author of *Hanging, Not Punishment Enough* (1701) referred to ‘the publick news daily full of so many relations of robberies and murthers’ in order to show how the roads had become ‘dangerous and unsafe’. Charles Jones believed that the mildness of punishments was ‘the chief reason why our weekly newspapers are filled with such black catalogues of horrid crimes.’⁵⁵ Another pamphleteer took the newspapers as authoritative: declaring that smugglers were also indulging in highway robberies, he assured his readers that ‘all this is not imagination, but matter of fact, and such as we see every day before us, for I can’t read a newspaper without meeting with such like robberies in town and country.’⁵⁶

⁴⁸ Edward Hughes (ed.), *Letters of Spencer Cowper: Dean of Durham 1746-74* (London, 1956), p. 94.

⁴⁹ Cecil Aspinall-Oglander (ed.), *Admiral’s Wife: Being the Life and Letters of the Honourable Mrs Edward Boscawen from 1719 to 1761* (London, 1940), p. 53.

⁵⁰ *Secret Comment*, p. 133.

⁵¹ *Ibid.*, p. 255.

⁵² *Ibid.*, p. 294.

⁵³ *Ibid.*, p. 144.

⁵⁴ *Ibid.*, p. 133.

⁵⁵ Jones, *Some Methods Proposed*, p. 9.

⁵⁶ Nicholas Machiavelli, *A Scheme* (London, 1747), p. 21.

Although obviously attempting to promote the achievements of his Bow Street Runners and efforts taken in later 1753 against the robber gangs of London, the following comment by Henry Fielding suggests that he either took newspaper reports as indicative of the actual state of crime, or at least believed others read them as such: ‘instead of reading of murders and street-robberies in the news almost every morning,’ Fielding claimed, ‘there was in the remaining part of the month of November, and in all December, not only no such thing as a murder, but not even a street robbery committed.’⁵⁷

Even those who criticised the press at other times took crime reporting at face value. Walpole for instance complained that ‘if a paragraph in a newspaper contains a word of truth, it is sure to be accompanied with two or three blunders... [the] papers published in the face of the whole town [are] nothing but lies, everyone of which fifty persons could contradict and disprove.’⁵⁸ However, exaggeration was clearly a part of Walpole’s writing style, and at other times he expressed the opposite, taking the press seemingly at face value, commenting to Horace Mann in 1750 there was ‘little news from England, but of robberies,’ to which Mann replied, referring (trustingly) to the numerous reports of crimes: ‘it is terrifying to hear of the frequent robberies, and to reflect upon the dangers one’s dearest friends are exposed to in the middle of the streets.’⁵⁹ In 1775, the prison reformer Jonas Hanway claimed the press had produced ‘volumes of falsehoods and nonsense, as well as truth and reason... for forty years past’.⁶⁰ Later in the same tract, however, he showed more faith in the press, claiming ‘our newspapers are full of accounts of robberies, examinations of robbers and executions... if we go on, shall we not become fearful of our own domestics, or our own children and yet more terrified at the faces of each other, when we meet in the streets or roads or even under a meridian sun?’⁶¹ A wealthy and well-connected gentlewoman named Mary Delany likewise considered the press a lesser authority on matters of the court. On the subject of crime, however, she accepted reports as accurately reflective of the state of crime, in March 1752 complaining of ‘what shocking robberies, murders, duels, etc. are constantly in the papers! Does not that too plainly show the growth of infidelity?’⁶²

Particularly upon the basis of the *Proceedings* and London newspapers, in addition to other genres of crime literature, contemporaries therefore came to the anxious conclusion that crime was an especially serious and threatening social problem at mid century, characterised by bold and violent street robberies and barbarous murders, posing a very real

⁵⁷ Cited in Anthony Babington, *A House in Bow Street: Crime and the Magistracy in London 1740-1881* (2nd edn. Chichester, 1999), p. 106.

⁵⁸ Cited in Shoemaker, ‘Print Culture’, p. 8.

⁵⁹ *Walpole Correspondence*, Vol. 20, pp. 111, 127.

⁶⁰ Jonas Hanway, *The Defects of the Police* (London, 1775), p. 22.

⁶¹ *Ibid.*, p. 61.

⁶² *The Autobiography and Correspondence of Mary Granville, Mrs Delany* (3 Vols. London, 1861), Vol. 3, pp. 38, 105.

danger to properties and persons. Yet we shall also see that in many ways crime literature showed the justice system as to some extent capable of dealing with the criminal threat. Did readers agree with this? Diaries and correspondence are silent on this point: rarely, if ever, did contemporaries reflect upon the justice system. Many agreed with the causes of the crime problem identified in print as irreligion, idleness, and immorality, but they failed to comment on matters of policing, prosecution, or punishment.

In the absence of direct evidence we are therefore forced to rely on likely assumptions. Although contemporaries could engage critically with what they read, for the most part they took crime literature, principally the *Proceedings* and newspapers, at face value. They perhaps therefore gained some reassurance from (as will be shown in Chapter Four) the many positive reports of policing printed in the *Proceedings* and newspapers, in addition to criminal biography's continued reiteration of inexorable justice. One anonymous mid-century pamphleteer, although complaining about the state of crime, still reflected positively on newspaper reports of efforts to tackle the crime problem: claiming that 'the many good and wholesome laws' made to suppress excessive and deceitful gaming were failing due to the justices' neglect of their duty, he was nonetheless forced to admit that 'magistrates in some cases are entitled to enter suspicious houses,' and referring to what he termed the 'publick reports,' conceded that 'there have been some few instances of this kind,' and hoped 'there will be many more.'⁶³

⁶³ Reflexions on Gaming: And Observations on the Laws Relating Thereto (London, 1750), pp. 9, 11, 41.

Chapter 3: Print Culture and Prosecution

Introduction

Contemporary perceptions of crime were therefore heavily influenced by printed representations, especially those promoted in the newspapers and the *Proceedings*, the most voluminous and regularly updated sources of information on crime. As demonstrated in the Introduction, due to the discretionary nature of the justice system and the large 'dark' figure of unrecorded crime, it means that the prosecutorial behaviour and decision making that resulted from these perceptions (which were in part shaped by print) likely had a significant impact upon rates of prosecution, over and above changes in the levels of real crime. The simplicity of these assumptions belies the actual complexity of the interactions between print, contemporary attitudes, prosecutorial behaviour, and actual offending, but it is hoped that the following analysis will uncover some of the finer details of such interactions.

The objectives of this chapter are: firstly, to understand the mid-eighteenth-century 'crime wave' as it was represented in print; secondly, to understand the simultaneous 'prosecution wave' in the justice system (that is the changes in prosecutorial behaviour and decision making that generated increases in the number of theft accusations brought before magistrates and the courts, and developments in the ways they were dealt with); and, finally, to understand the relationship between the two. In whatever way we might want to define the term 'crime/prosecution wave' – whether it is conceived of as an increase in offences prosecuted, a change in the media's reporting of crime, or as a change in the public's perception of the crime problem – there were certainly some very significant developments taking place at mid century in the nature and number of offences brought before the courts, the efforts to combat the criminal threat, and the reporting of crime in print. It seems clear, nonetheless (despite whatever relationship there may be between printed representations and judicial decision making), that a distinction needs to be made between changes in the representation of crime (hence the 'crime wave' in print), and changes in levels of prosecution (hence the 'prosecution wave' in the justice system).

Patterns of Crime Reporting and Prosecution

In order to uncover some initial details of the interaction between the crime wave in print and the prosecution wave in the justice system, a detailed comparison of newspaper crime reporting and prosecution rates in the key years 1747 to 1752 – paying close attention to the timing of changes in each – will firstly be given. A range of London newspapers have been quantitatively analysed to uncover patterns of crime reporting. Three tri-weeklies (the *General Evening Post*, the *London Evening Post*, and the *Whitehall Evening Post*) and one weekly (the

Old England Journal) have been analysed for the key year of 1748, with further analysis carried out on the *London* and *Whitehall Evening Posts* for the years 1747 and 1749-1751. All were evening publications, and frequently derived much of their content from the morning papers and quite possibly from the same freelance reporters. As such, they frequently ran identical crime reports, and thus relative *levels* of crime reporting fluctuated with some degree of similarity between almost all publications throughout 1748 (the exception being the *Whitehall Evening Post*), particularly so the *General* and *London Evening Posts*.

Such similarities should not, however, mask the very real differences in terms of *absolute* numbers of crime reports printed across different publications. Some were far more interested in crime than others: the *Whitehall Evening Post* printed a total of 542 crime reports in 1748, followed by the *General Evening Post* (405), the *London Evening Post* (202), and finally the *Old England Journal* (188) (TABLE 3.1 and GRAPH 3.1).¹ The *Whitehall* and *London Evening Post* provide interesting comparators: both were printed three times a week on the same days, in a similar size and format, and frequently carried identical crime reports, yet the former deemed crime to be a subject worthy of twice as many reports as the latter.

TABLE 3.1

Number of Crime Reports Printed in the *General Evening Post*, the *London Evening Post*, the *Old England Journal*, and the *Whitehall Evening Post*, by Year, 1747-1751²

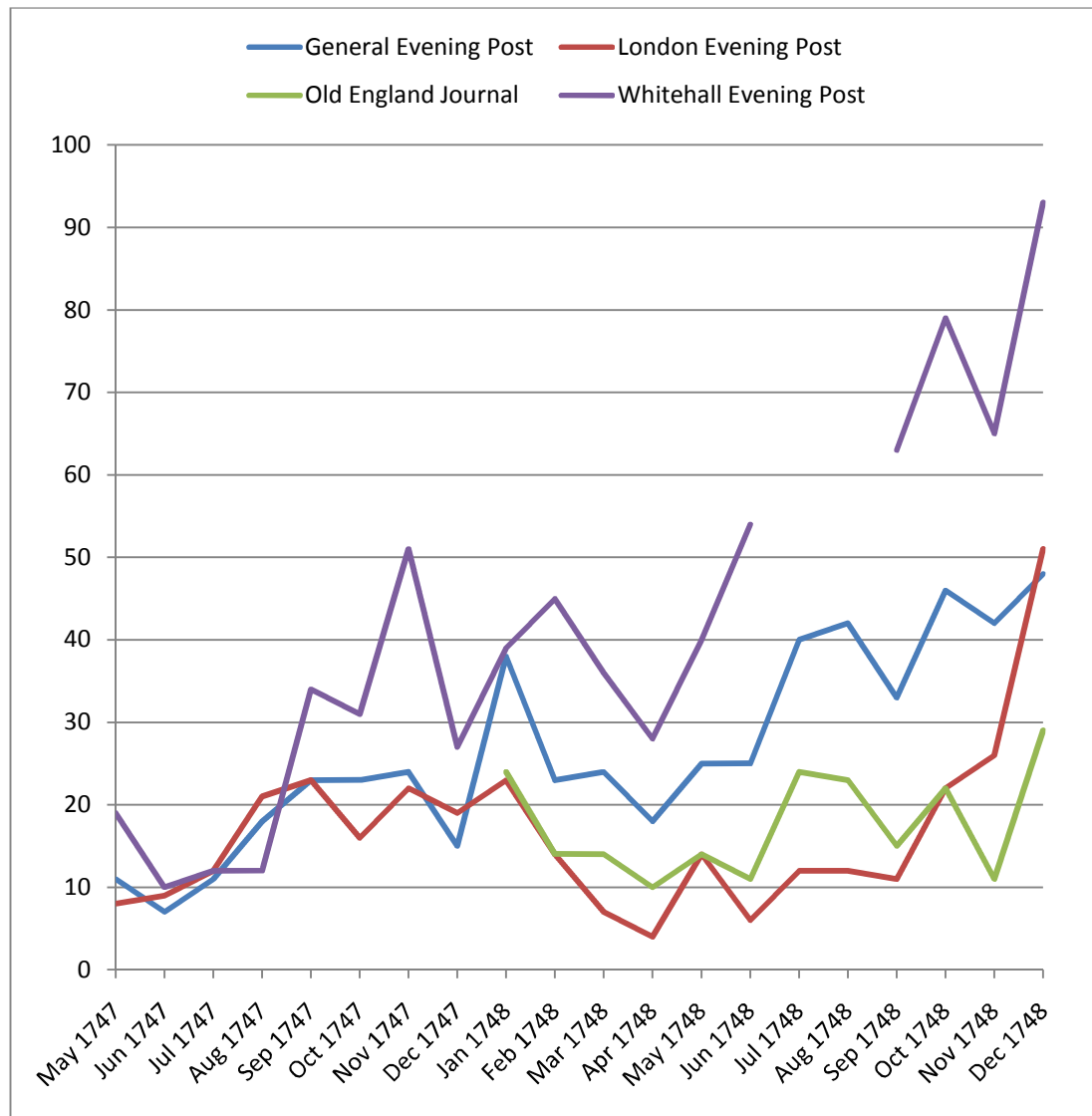
Date	General Evening Post	London Evening Post	Old England Journal	Whitehall Evening Post
1747	Not Available	203	Not Available	Not Available
1748	405	202	211	542
1749	Not Available	535	Not Available	1120
1750	Not Available	487	Not Available	1100
1751	Not Available	506	Not Available	Not Available

¹ 'Crime reports' are here defined as reports of offences committed in the metropolis, whether solved (detected) or unsolved (undetected), but which mentioned a specific offence having been committed. It does not include reports of crimes committed outside London, trials, punishments, or commentaries on the subject of crime.

² 'Not Available' indicates that the publications have not survived in a full run for the particular year.

GRAPH 3.1

Number of Crime Reports Printed in the *General Evening Post*, the *London Evening Post*, the *Old England Journal*, and the *Whitehall Evening Post*, by Month, May 1747 – December 1748



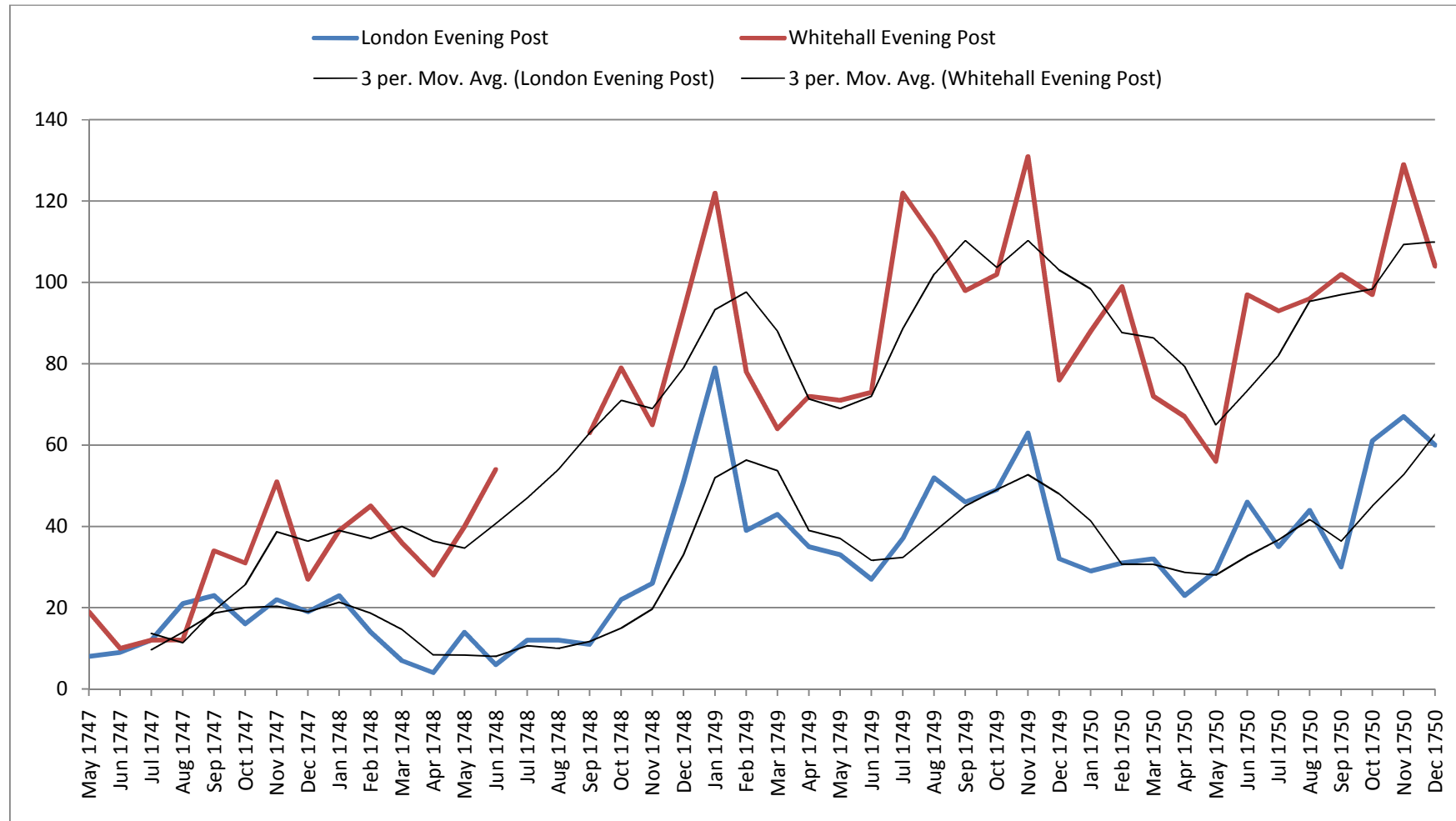
In order to identify possible correlations between crime reporting and prosecution rates, it is imperative to pay attention to the precise timing and levels of changes in each. Crime reporting did increase to some extent over the second half of 1747 and early 1748, some publications latching onto crime as a growing topic of interest before others. Both the *General* and *Whitehall Evening Post* increased their levels of crime reporting from as early as August 1747, whereas the *London Evening Post* did not do so in earnest until September 1748. However, the really significant increases in crime reporting seem to have occurred after mid to later 1748, the precise timing again depending upon the particular publication. Crime reporting in the *General* and *Whitehall Evening Post* for example increased significantly from April 1748, some few months earlier than the *London Evening Post* and the *Old England Journal*, which

saw major increases after September and November respectively. This suggests that editors were taking an initial and growing interest in crime even before the beginning of peace preliminaries in April 1748 and the subsequent reduction in foreign news after mid to later 1748, yet it was from then onwards that crime reporting established itself as a highly prominent feature of London newspapers.

Indeed, the average number of reports printed each month after mid to later 1748 increased significantly, remaining at a high level from 1749 until at least 1751 (GRAPH 3.2). The general shift was huge: crime reports printed in the pages of both the *London* and *Whitehall Evening Post* more than doubled between 1748 and 1749 (from 202 to 535 in the former, and from 542 to 1120 in the latter). The *Whitehall Evening Post* ran over 1,100 crime reports in the year 1749, at an average of about 93 crime reports a month, or 7-8 crime reports per issue. We might compare this to the second half of 1747, when on average 25 crime reports were printed each month, and bear in mind that these are the figures only for reports of crimes which mention a specific offence committed, and do not include reports of trials and punishments. In sum, although increases were taking place from August 1747, it was after mid 1748, and particularly in the years 1749-1750, that crime reports increased substantially in number.

GRAPH 3.2

Number of Crime Reports Printed in the *London Evening Post* and the *Whitehall Evening Post*, by Month, May 1747 – December 1750



Accusations of theft likewise increased significantly at mid century across all stages of the metropolitan justice system, from summary justice at houses of correction (including Bridewell for the City of London, Clerkenwell for Middlesex, and Tothill Fields for Westminster), to indictment at the sessions of the peace (held at the Guildhall for the City, Hicks' Hall for Middlesex, and the Town Court House for Westminster) and at the gaol delivery of the Old Bailey (serving the City, Middlesex, and Westminster together).³ A more detailed discussion of the metropolitan justice system, judicial records, and patterns of prosecution will be given in the penultimate section of this chapter – here attention is confined to the short-term and precise timing of changes in the levels of theft accusations in the years 1747-1751. The focus is limited to theft accusations because so many came within the bounds of the justice system and as thefts constituted the majority of all newspaper crime reporting, therefore this offence allows for a detailed comparison between changes in the levels of each variable.

Identifying patterns and the precise timing of changes is problematic given the erratic nature of some figures, missing records, and as shifts occurred at different times and levels according to the separate stages and jurisdictions of the justice system. Broadly, however, a three-fold pattern can be identified. Firstly, accusations of theft seem to have been increasing from as early as the first half of 1747, for example at Bridewell, the Middlesex Sessions of the Peace, and at the Old Bailey. Then, from mid to later 1748, many stages witnessed more significant increases in accusations, after April at the Westminster Quarter Sessions, May at Bridewell, and October at the Middlesex Sessions. Thirdly, these increases continued, with consistently high levels of theft accusations in the years 1749-1751, with peaks in accusations registered in March 1749 at Bridewell and April 1749 at the Old Bailey. Again, like crime reporting, the increases after later 1748 were huge: in total, accusations of theft prosecuted by indictment were some 44% higher in 1751 than in 1747 (APPENDIX 3.1-3.6)

As with changes in levels of crime reporting, increases in accusations of theft began early, developed gradually initially, and then exploded from later 1748, reaching a sustained peak in 1749 and 1750. Even more suggestively, as shown in GRAPH 3.3, by directly comparing levels of crime reporting and accusations of theft, there are a number of instances in which can be seen a direct correlation between the timing and level of changes in each variable, with changes in crime reporting often preceding similar fluctuations in accusations of theft. For example, between July 1747 and January 1748, levels of both crime reporting and theft accusations followed a very similar trend. Likewise, a huge and consistent increase in crime reporting between April 1748 and January 1749 was followed by a comparable change in the

³ All the available records for these stages in the years 1747-1755 have been analysed, except for Tothill Fields house of correction, which have not survived. Bridewell Minute Book; Clerkenwell Calendar; Middlesex Indictments Register; Westminster Sessions Rolls; OBP, 'Statistics' search. A more detailed discussion of these records is provided in the penultimate section of this chapter.

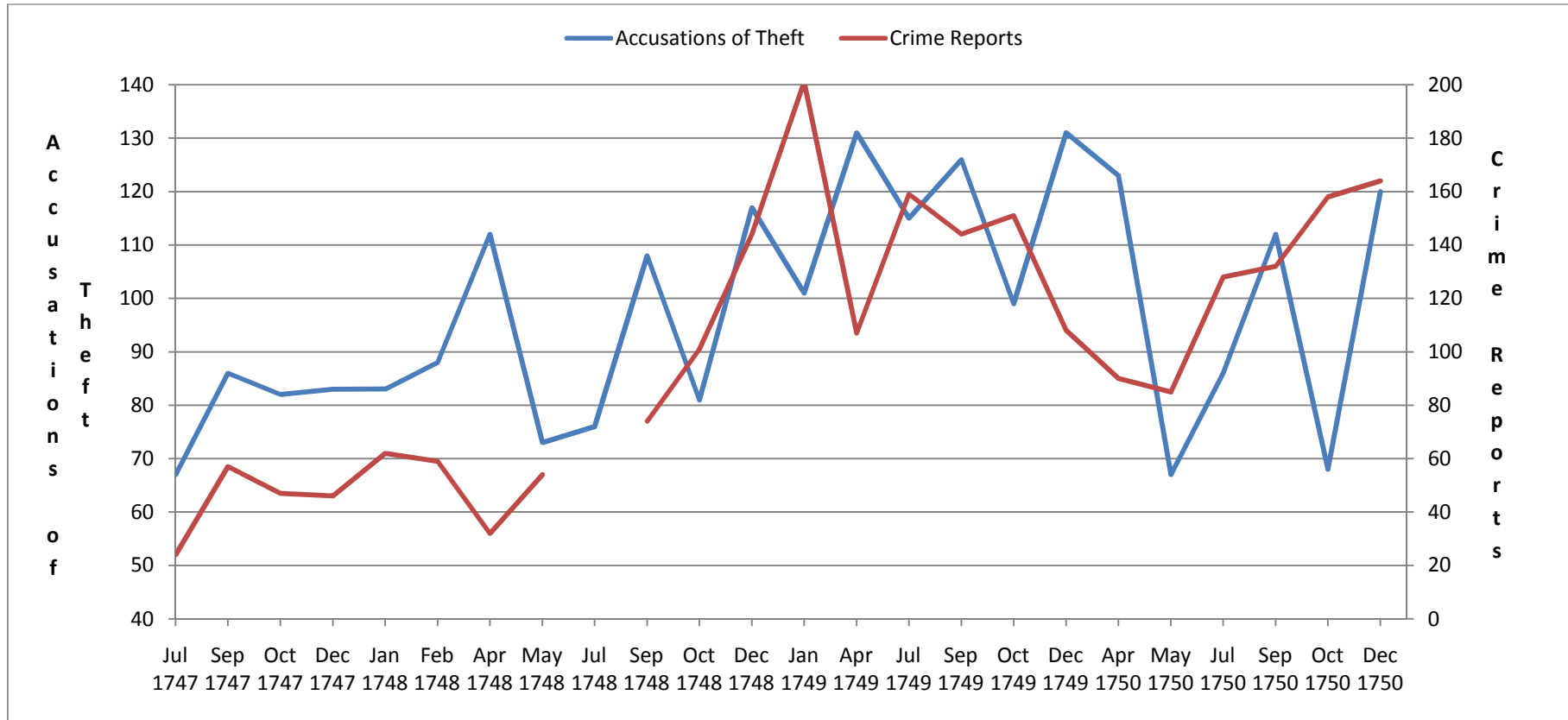
level of theft accusations between May 1748 and April 1749. Moreover, to give one final example, a decrease in crime reporting from October 1749 to April 1750 was soon matched by a fall in theft accusations from December 1749 to May 1750.

With similar changes in levels at comparable times, there does appear to have been some correlation between crime reporting and prosecution rates, with crime reporting frequently changing first. The link between rates of reporting and prosecution (and the tendency of changes to occur first in levels of reporting) also holds true when accounting for the time lag between the incidence of crime and its prosecution. Given that the Old Bailey gaol delivery sessions occurred around every six weeks, we might make the likely assumption that the time lag between the committal of a crime and its prosecution was on average three weeks.⁴ In some instances this time lag means that in the cases when prosecution rates and crime reporting increased at exactly the same time (such as the similar trends between July 1747 and January 1748), then in fact it can be read as changes in prosecution rates occurring first. However, in almost every other instance in which similar patterns of change can be identified between reporting and prosecutions, fluctuations in the former occurred at least four weeks, and in some cases as much as eight weeks, before fluctuations in the latter. As this is greater than the likely three week average time lag between the incidence of crime and its prosecution, it means that even when accounting for the gap between the committal of a crime and the time of the trial (in other words, its impact upon prosecution levels), changes in the levels of reporting preceded those in rates of prosecution.

⁴ This is based on the assumption that most offenders were apprehended soon after the crime was committed. To prove this point either way would require a detailed comparison of the dates when the offence was committed and when prosecuted, an analysis beyond the scope of this study.

GRAPH 3.3

Accusations of Theft Heard at Bridewell House of Correction, the Middlesex Sessions of the Peace, and the Old Bailey, and Total Crime Reports Printed in the *London Evening Post* and *Whitehall Evening Post*, by Month, July 1747 – December 1750⁵



⁵ Sources: Bridewell Court Book; Middlesex Indictments Register; OBP, ‘Statistics’ search, counting by offence when the category of offence was either theft or theft with violence.

Of course, a statistical correlation between variables does not reveal a relationship of cause and effect: changes in one cannot automatically explain changes in the other. Nevertheless, this notable statistical correlation does at least suggest there was some causal relationship between crime reporting and prosecution rates (which in large part reflect prosecutorial behaviour). It therefore poses some interesting questions which can be better answered by a qualitative analysis. If there was some correlation between reporting and behaviour, how might we explain this? Through a qualitative analysis the following three sections will highlight some of the ways in which the nature of printed representations of crime likely influenced contemporary perceptions and prosecutorial behaviour. Firstly, the press from as early as 1747 voiced anxieties about the state of crime and anticipated a growing criminal threat and the dangers posed by the impending mass demobilisation of the armed forces, fears which were later seemingly confirmed by increases in levels of prosecution and crime reporting. Secondly, print provided a highly negative image of the crime problem, by quantitatively exaggerating the extent of violent offences, a representation that was distinctly at odds with the nature of crime brought before the courts. Thirdly, print not only quantitatively exaggerated the scale of violent property offences, but the qualitative nature of reporting would moreover have generated anxieties by overstating the violent and threatening aspects of crime.

The Crime Problem Anticipated in Print

Increases in levels of crime reporting and accusations of theft were therefore taking place from as early as mid 1747, well before the formal cessation of war in October 1748. Moreover, as will now be shown, there was also a qualitative change in the nature of newspaper crime reportage from the beginning of 1747. Anxieties about the state of crime and the difficulties attending mass demobilisation were voiced in London newspapers well before the significant increases in levels of crime reporting and theft accusations occurred from mid to later 1748.

In part these anxieties emerged from the concern about smugglers that had been fermenting for some years and which eventually forced the central government to intervene.⁶ A widespread perception existed in the mid 1740s, perpetuated by print, that smuggling was out of control, characterised by violent and insolent behaviour, and in need of parliamentary action.⁷ Most notably, printed accounts linked smugglers to violent property crimes committed against private persons and not just offences against the state. The *Gentleman's Magazine* reported in October 1747 that 'a great number of robberies have been committed, since the

⁶ TNA, State Papers Domestic, SP 36/102/88, SP 36/107/59.

⁷ Cal Winslow, 'Sussex Smugglers', in Douglas Hay et al. (eds.), *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (Harmondsworth, 1977), p. 123.

beginning of this month, within ten miles of London, mostly as it's thought by smugglers.⁸ Smugglers were especially decried in the pages of the *Ordinary's Accounts*, claiming that 'murder, rapes and robberies are with them but as frequent, as they conduce to their interest.'⁹ Contemporaries were certainly aware of the links between smuggling and more personally threatening crimes such as robbery and murder. In a diary entry of March 1750, the Sussex schoolmaster Walter Gale noted the execution of several smugglers for the murder of two custom-house officers, and that others had been executed for highway robbery, complaining that the 'celebrated' Hawkhurst gang were a 'terror' to society.¹⁰ The fears aired in the mid 1740s about smuggling and its links to violent property offences committed against private persons created a conducive climate in which concerns about the state of crime more generally could grow after 1747.

Other, new complaints about robberies and the crime problem more generally were voiced in the press before mid 1748, although they were often confined to specific localities. In October 1747, the *London Evening Post* notified readers that in one week there had been nine robberies committed near New-Cross Turnpike, and desired that this would 'be a caution for people that have any valuable effects about them, not to be out late at night by themselves.'¹¹ The *Penny London Post* similarly complained in January 1748 that 'robberies are so frequent on the roads near London that it requires the utmost resolution and diligence in the magistrates to curb the insolence of the villains who commit them: who are grown so audacious, that they rob even within sight of the turnpikes.'¹² As early as 17 September 1748, the *General Evening Post* bemoaned 'the great number of robberies we continually hear of on the several roads in this City and suburbs,' and anticipated that the situation would only worsen in the winter period.¹³

Even the central government was seemingly alarmed about the state of crime in 1747, before the significant increases in prosecution rates. A letter sent from Whitehall to the chairmen of the Middlesex and Westminster Sessions in September 1747 expressed the King's great concern 'at the notorious immoralities and vices daily committed, and at the robberys [sic] and disorders which so often happen in the streets of London and Westminster and parts adjacent.'¹⁴ These perceptions were unlikely to have been based upon levels of prosecution: very few indictments for violent theft were tried at the Old Bailey in the second half of 1747

⁸ *Gentleman's Magazine*, October 1747.

⁹ OBP, *Ordinary's Account*, 29 July 1747 (OA17470729).

¹⁰ R. Blencowe, 'Extracts from the Journal of Walter Gale, Schoolmaster at Mayfield, 1750', *Sussex Archaeological Society* 9 (1857), p. 186.

¹¹ *London Evening Post*, 20 October 1747.

¹² *Penny London Post*, 1 January 1748.

¹³ *General Evening Post*, 17 September 1748.

¹⁴ TNA, State Papers Domestic, SP/101/001.

(none at the October 1747 Sessions), and although there was a small increase between May and September 1748, the significant growth in violent theft prosecutions occurred after January 1749. Rather, it is more likely that such perceptions were generated by the volume and character of crime reporting.

There are other signs too that even before the huge increase in the volume of crime reporting and theft accusations from mid 1748, the press began to take a greater interest in the subject of crime. On 23 January 1748, the *Westminster Journal* introduced a new section headed 'Robberies and Commitments', which not only drew together disparate crime reports, but more importantly served to highlight crime as a topic worthy of separate attention. The *Whitehall Evening Post*, the *Remembrancer*, and the *Covent-Garden Journal* also developed special sections devoted to crime at this time. In the absence of foreign news following the gradual return to peacetime, and a subsequent shift to domestic affairs, the issue of crime grew in prominence, as editors could now devote even more newsprint (and presumably resources also) to reports of crime.

Concerns about the potential impact of demobilisation upon levels of criminality were also voiced in print before the mass of soldiers and seamen had arrived home. As Nicholas Rogers has noted, social commentators at mid century did not view demobilisation as a principal cause of the crime wave: the 'seaman's plight was conceded; its potential links with crime admitted. Yet in the larger discourse upon crime it was marginalised.'¹⁵ Largely ignored in pamphlet literature, demobilisation was much more frequently expounded in newspapers as a cause of crime, either implicitly through regular reports of soldiers and sailors committing crimes and in schemes to help improve the plight of demobilised servicemen, or more explicitly via commentaries which directly linked the crime wave to demobilisation.

Peace preliminaries began in April 1748, hostilities had effectively ceased by July, and the treaty of Aix-la-Chapelle which formally ended war was signed in October of the same year.¹⁶ About 60,000 seamen, marines, and soldiers were mustered in late 1747, falling to 20,000 by the end of 1748, and 15,000 at the end of 1749.¹⁷ Between July 1748 and July 1749, some 40,000 men were demobilised, whilst perhaps 70,000 were discharged in total by 1751, amounting to 1% of the nation's total population, but representing a much greater proportion of the adult male population.¹⁸ The scale of demobilisation was huge: the 8,000 men remaining in service in 1751 was 'a number lower than even the modest 10,000 which had been the

¹⁵ Rogers, 'Confronting the Crime Wave', p. 83.

¹⁶ Ruddock Mackay, *The Hawke Papers, a Selection: 1743-1771* (Aldershot, 1990), p. 89.

¹⁷ Daniel Baugh, *British Naval Administration in the Age of Walpole* (Princeton, 1965), p. 205; Christopher Lloyd, *The British Seaman 1200-1860: A Social Survey* (London, 1968), p. 286.

¹⁸ Peter Linebaugh, 'The Tyburn Riot Against the Surgeons' in Hay et al. (eds.), *Albion's Fatal Tree*, p. 89; Douglas Hay, 'War, Dearth and Theft in the Eighteenth Century: The Record of the English Courts', *Past and Present* 95 (1982), p. 139.

normal peace establishment.¹⁹ Demobilisation did not begin however until after July 1748 when hostilities had effectively ended, and it was in 1749 that demobilisation occurred in earnest.

In November 1747, some few months before the beginning of peace preliminaries, the pseudonymous Nicholas Machiavelli in a tract upon the subject of smuggling warned that 'in time of peace the soldiers that we have now, when discharg'd, know not where to go, and having no inclination to work, (as they have been us'd to an idle life) they turn pickpockets, and street-robbers.'²⁰ The point was also made in the press: in a letter printed in the *General Evening Post* in May 1748, one reader expressed concern that 'the tribe of collecting gentry' were 'likely to recruit and encrease pretty fast upon us after the peace,' for 'disbanded soldiers, every boy knows make excellent highwaymen,' which if properly dealt with, a 'deal of work will be saved at the Old Bailey and country Assizes.'²¹

Such fears about the anticipated effects of demobilisation were later confirmed by newspaper crime reports printed after the return to peacetime. Upon the evidence of newspaper crime reporting, which he took as accurately reflective of the state of real crime, the author of the abovementioned letter in November 1748 expressed dismay that demobilisation was indeed leading to an increase in crime as he had anticipated:

I am alarmed every post with some melancholy account of excesses and outrages already committed by that handful which have been discharged from the few ships that have been paid off, as an earnest of what we are to look for when all the squadrons are called home, and the disbanding of ten regiments of marines, and other useless corps, has taken place. I do not pretend to nicety in these matters, but I believe everybody will agree, that upon the most moderate calculation, the reduction in the navy and army will turn loose upon the nation twenty thousand six-pence-a-day-heroes, with perhaps a crown in their pockets, and very little inclination to starve for want of recruiting out of other people's property.²²

A growing interest in crime and initial soundings of concern over the state of criminality were therefore taking root in the press in later 1747 and early 1748. However, such anxieties were not in these months backed up by worryingly high levels of prosecutions or crime reporting. Thus, despite previous reports of gangs of criminals terrorising neighbourhoods, the *General Evening Post* in January 1748 could nevertheless report that 'the ensuing Sessions, which begins tomorrow at the Old-Bailey, will be one of the smallest known for some time past, there being but twelve prisoners to try on the London side, and about thirty on the Middlesex, and but few of them for capital offences.'²³

¹⁹ Herbert Richmond, *Statesmen and Sea Power* (Oxford, 1946), p. 124.

²⁰ Nicholas Machiavelli, *A Scheme* (London, 1747), p. 11.

²¹ *General Evening Post*, 17 May 1748.

²² *General Evening Post*, 3 November 1748.

²³ *General Evening Post*, 12 January 1748.

Expressing fears in later 1747 and early 1748 that particular areas were infested with gangs of violent criminals, and voicing anxieties that the upcoming peace and consequent demobilisation would only make matters worse, newspaper editors soon saw their fears realised as crime reporting and prosecutions – and therefore, in the minds of contemporaries, real crime – began to increase from mid to later 1748. In contrast to its positive report of low levels of prosecution in January 1748, by December the *General Evening Post* complained the upcoming Sessions of the Old Bailey ‘will be the largest known for some years, there being upwards of 140 prisoners to try, several of whom are for capital offences.’²⁴

In addition to levels of prosecution, increases in newspaper crime reporting also confirmed anticipations of a growing crime problem. By referring to the ‘daily’ instances of serious crime, the newspapers reinforced an image that they had themselves created via regular crime reporting. Providing daily reports (or at least tri-weekly or weekly reports, depending on the particular publication), the newspapers portrayed the crime problem as an immediate, endemic, and everyday occurrence. As one self-reflecting report in the *Public Advertiser* commented: ‘shocking are the accounts, which the newspapers give us almost every day, of cruelties committed by footpads within a few miles of this town; nor are one half of these barbarities communicated to the public.’²⁵ The interaction between crime reporting and prosecution rates was two way, and formed a kind of feedback system, whereby newspapers could generate anxieties and more assiduous responses to crime, therefore increasing levels of prosecution, upon which the press could then reflect negatively and thereby intensify anxieties further.

Although interest in crime had been growing from as early as mid 1747, crime reporting really took hold in London newspapers in 1749, for it was then that crime reportage morphed from a collection of relatively small and undeveloped reports to an issue in itself which generated extended commentary. Developments in reportage after later 1748 and early 1749 included: invitations to readers to send in commentaries on the crime problem; lengthy disquisitions on the causes of, and solutions to, the crime problem and other social issues linked to criminality; regular reports of the proactive policing of crime and immorality, particularly those carried out by criminal justice officials; and an evolving discourse of public reassurance in the ability of the justice system to deal with the criminal threat.

The Nature of Crime as Reported in Print and Prosecuted at Court

In addition to voicing fears about the growing problem of crime, the press may have inflamed readers’ concerns further by the distorted image it gave of the prevalence of certain offences

²⁴ *General Evening Post*, 3 December 1748.

²⁵ *Public Advertiser*, 23 February 1753.

compared with the pattern of offences prosecuted at court. Although there was a large degree of correlation between changes in the level of crime reporting and the total volume of prosecutions (though often with a short time lag), newspapers did not provide an accurate representation of the different *categories* of offence as prosecuted in the courts. As King has argued of late-eighteenth-century newspapers, the mid-century London press would similarly 'if taken at face value... have given an almost entirely false picture of crime, one that focused primarily on offences involving violence to persons or property.'²⁶

Given that we can reasonably suppose newspaper editors received information of crimes from justices of the peace and prison keepers, and as they did on occasion comment upon the nature of crimes prosecuted at the Old Bailey, it is interesting that they did not to alter their broad patterns of crime reporting in line with changes in prosecuted crime. Instead they likely constructed their crime reporting to what Esther Snell has identified for the *Kentish Post* as a 'template', possibly based upon perceived reader tastes and influenced by methods of production.²⁷ In some instances, for example murders, the number of possible offences that newspaper editors could report was probably very small, and therefore they could not have increased the number of reports of such offences even if they had wanted to. In the case of thefts there were however enough offences to report that editors could have accurately reflected changing rates of prosecution by altering the pattern of crime reporting within their publications, yet they did not do so.

Reports of violent thefts accounted for about half of all crime reports printed in the four different London newspapers analysed here. Beyond this, patterns of reporting differed slightly between publications. For instance, the *London Evening Post* and the *Old England Journal* focused more on homicides, whilst the *General* and *Whitehall Evening Post* ran proportionally more reports of theft. Reports of homicides constituted 18% of all crime reports printed in the *London Evening Post*, compared with just 4% in the *Whitehall Evening Post*. As the former printed fewer total crime reports than the latter, this suggests that the editors of the *London Evening Post*, despite having numerous reports of other categories of offence to choose from, consciously decided that of the relatively few crime reports they were to run, murders would form a large proportion of them, no doubt because they deemed homicide to be a subject of reader interest. For the most part, however, reporting patterns were very similar across the different publications: almost all devoted close to 50% of reports to violent theft, with a further 28-35% of thefts without the use of violence (APPENDIX 3.7). All editors appear to have had a similar template of crime reporting in mind when compiling their own particular publications.

²⁶ King, 'Newspaper Reporting', p. 90.

²⁷ Snell, 'Discourses of Criminality'.

The stability of reporting patterns for different categories of offence is especially noteworthy when we consider that the total number of all crime reports printed in 1749 was twice the number compared with 1748. As the proportions of different categories of offence remained almost identical between 1748 and 1749, and as violent thefts constituted around half of all crime reports, the increase in total crime reporting after September 1748 meant a huge increase in the *absolute number* of violent theft reports. In 1750, the *Whitehall Evening Post* printed 568 reports of violent thefts, an astounding number, especially when we consider that only 74 violent thefts were actually prosecuted at the Old Bailey in the same year (APPENDIX 3.7).

These patterns of crime reporting contrast markedly with patterns of prosecution at the Old Bailey (APPENDIX 3.7). Although offences which can be placed within the categories of deception, offences against the King, and sexual offences constituted a similar proportion of all crime reports printed in the press as with the number of indictments for such offences as a proportion of all indictments tried at the Old Bailey, this cannot be said of crimes which can be categorised as homicides, thefts, or thefts with violence. Reports of homicide (murder, manslaughter, and infanticide combined) accounted for some 11% of all crime reports printed in 1748, yet prosecutions for killing accounted for only 2% of all prosecutions tried in that year. The newspapers thus exaggerated the extent of serious personal violence.

The biggest difference, however, came between the levels of theft with and without the use of violence as reported in the newspapers and as prosecuted at the Old Bailey. Reports of theft without aggravating circumstances accounted for around 25-33% of all crime reports printed in the years 1748-1751, but such offences accounted for some 76-86% of all prosecutions. By contrast, reports of violent thefts constituted half of all crime reports in the same period, whereas they constituted only 4-13% of all prosecutions (APPENDIX 3.7). The press thus exaggerated the threat of violence in cases of theft whilst at the same time downplaying the more commonly experienced forms of theft which did not involve a threat to life. Focusing overwhelmingly upon serious crimes of violence, and exaggerating the relative threat they posed to Londoners, the mid-century press likely fostered anxieties about the crime problem.

Three caveats need to be considered with this analysis. Firstly, the vagueness of many newspaper reports makes it difficult to accurately categorise offences, especially when distinguishing between thefts with and without violence. As many reports simply mention that a person was 'robbed,' it is difficult to determine how the offence should be categorised. Here such instances have been categorised as violent theft reports. When press reports can be linked to trials at the Old Bailey, in a number of instances crimes labelled as robbery in the newspapers were in fact indicted as thefts without aggravating circumstances. Secondly,

reports of misdemeanours have not been counted, which upon a cursory view were quite numerous, therefore percentages for each category of offence are calculated as a proportion of all felony reports alone. Thirdly, these are only quantitative numbers of reports, and should not be taken as indicators of the length and qualitative nature of reportage. For example, whilst the newspapers reported sexual offences only infrequently, because they could often be of a newsworthy nature, they were frequently reported at some length.

The first problem can in part be dismissed if we only consider the relative change in both reporting and prosecutions, as opposed to their direct comparison. Significant changes were taking place in the patterns of offences prosecuted at the Old Bailey after 1748, but this was not reflected in patterns of crime reporting. This reveals crime reporting to have been constructed according to circumstances other than the changing level and balance of offences prosecuted at court. In almost every instance changes in the levels of different categories of prosecuted offences were not matched by changes in crime reporting. Indictments for theft with violence for example increased from 4% to 13% of all prosecutions at the Old Bailey between 1748 and 1750, yet newspaper reports of violent thefts remained stable at around 50% of all crime reports. Moreover, whereas prosecutions for thefts without aggravating circumstances decreased as a percentage of all prosecutions in the period 1748-1750, reports of this category of offence increased slightly as a percentage of all crime reporting. Although the distortion decreased as the level of violent theft prosecutions at the Old Bailey increased from 1749, through its stable pattern of crime reporting the press consistently gave an image of crime even more negative than the patterns of prosecution would have suggested to contemporaries.

Nor did newspapers in their direct reporting of proceedings at the Old Bailey even provide anything close to a comprehensive picture of the kinds of offences prosecuted at court, and instead they again overstated the prevalence of serious, violent offences. Despite their ability to provide reports of trials on a quicker basis, mid-century newspapers posed no kind of competition to the *Proceedings* whatsoever: they were not interested in the individual cases themselves, but rather with the bare numbers of those acquitted, punished, and, most importantly, those capitally convicted. Reports simply noted the total number of persons tried on a particular day, specifically naming those sentenced to death and the numbers sentenced to other forms of punishment. Reports were frequently identical between different publications, the tri-weeklies compiling together the reports first printed in the dailies, and only in a small number of instances do newspapers appear to have gone out of their way to

provide unique accounts.²⁸ Editors only showed interest in those capitally convicted: the names and charges of persons transported or acquitted were rarely mentioned. Accounts of trials stretching to more than a few lines in length were uncommon, and the kind of verbatim trial reporting found in the *Proceedings* simply non-existent. As already shown, contemporaries read the *Proceedings* for quantitative information on the number of persons convicted and capitally sentenced. In this way, as the newspapers' lists of those capitally convicted lengthened over the years 1747-1750, they perhaps publicised the increasing extent of the crime problem, and gave a statistical backing to the reports in the *Proceedings*.

In fact, the representation of crime in the *Proceedings* was also changing in the years 1748-1751.²⁹ Although these changes were largely independent of the state of prosecution, and resulted more from developments in production, they occurred by chance during the high point of levels of prosecutions in the metropolis. In many ways these changes provided a more alarming image of the crime problem, and certainly a distorted one in comparison with the actual patterns of prosecution. In the years immediately prior to 1748, each session reported upon in the *Proceedings* was printed in two, twenty-four page pamphlets, at a cost of six pence per pamphlet, or twelve pence per session. With an average of only 44 trials to report per session in the year 1747, and some 48 pages to fill, very few trials were summarised, but instead reported in extensive detail, reproducing much first-person testimony. Indeed, only 21% of all trial reports printed in the *Proceedings* in 1747 were 'summarised', meaning that either no account of the trial was given beyond a note of the indictment and the verdict, or that the trial was condensed into a third-person account of the evidence, without any first-person testimony. As such, many trials were reported at length, including even relatively minor, conventional, and seemingly mundane property thefts.

This situation continued until December 1748, when a note at the beginning of the *Proceedings* informed readers that during the mayoralty of Sir William Calvert, 'the sessions-book will be constantly sold for four-pence, and no more, and that the whole account of every sessions shall be carefully compriz'd in one such four-penny book, without any farther burthen on the purchasers.'³⁰ The new Lord Mayor was apparently keen to keep the *Proceedings* cheap and accessible to a wide audience. Now with a maximum of only twenty-four pages available, and an increasing number of trials to report, the printer of the *Proceedings* was forced to make some severe editorial changes, summarising an increasing number of trials in minimal detail, whilst choosing a select number of trials to reproduce at length.

²⁸ This is based upon an analysis of the [General Advertiser](#), the [London Evening Post](#), and the [Whitehall Evening Post](#) for the years 1747 to 1754.

²⁹ The following discussion is based on an analysis of all editions of the *Proceedings* for the years 1747-1752. OBP, using the 'Browse by Date' function.

³⁰ OBP, 7 December 1748 (f17481207-1).

This had important implications for the *Proceedings'* representation of crime. In the four editions of the *Proceedings* printed between January and May 1750, 62% of trial reports were summarised, with nearly three-quarters of all trial reports in the edition of February 1750 summarised. Almost all accounts of non capital theft trials were severely abridged, especially those resulting in acquittals. Third-person commentary moreover largely took the place of first-person testimony. Trials reproduced at length were for the most part serious forms of theft and cases resulting in sentences of death. Even some crimes that would normally have been covered at length (such as housebreaking) were summarised in bare detail. Recognising the imposition that the constraints of space had placed on the *Proceedings'* ability to provide substantial accounts of trials, a message at the end of the trial of Edward Clark for murder in April 1750 noted to readers that 'as the above trial is obliged to be abridged to make room for the other trials, by permission of the [Lord Mayor, Samuel Pennant], this trial will be published at large, with the prisoner's defence, by itself.'³¹

Relatively minor thefts were as a result underemphasised, whilst highway robberies, forgeries, and homicides dominated the *Proceedings* between December 1748 and July 1750. Moreover, the *Proceedings* now offered an image of justice which focused overwhelmingly on cases which resulted in guilty verdicts and death sentences. On the one hand, therefore, as the *Proceedings* were restricted in length after December 1748, they to an even greater extent represented crime as violent, threatening, and serious, and aimed primarily against wealthy victims. Constrained to pick only a handful of trials to reproduce in detail, editors and printers must have been encouraged to choose those crimes deemed to be of greatest interest to consumers. What is notable is that the crimes the *Proceedings* now reported in greatest detail were those that dominated other forms of print such as newspapers and criminal biography. The *Proceedings* thus contributed to a distorted representation of the prevalence of violent personal and property crime, an image which must have served to heighten anxieties. On the other hand, however, by focusing upon trials which resulted in guilty verdicts and sentences of transportation and death, and by largely ignoring trials that resulted in acquittals (including violent thefts), the *Proceedings* perhaps reassured readers that whilst the crime problem was a serious threat, the justice system was succeeding in securing, convicting, and punishing offenders.

In July 1750 the situation changed again, for in that month the *Proceedings* included an explanation that as 'above 80 prisoners were tried [at the sessions], some of which trials being long and very remarkable, we thought it would be more agreeable to our readers (who we shall at all times be desirous of obliging) to have as full an account as possible, so shall print

³¹ OBP, trial of Edward Clark, April 1750 (t17500425-19).

the whole in two four-penny books.³² Samuel Pennant had previously assumed office as the Lord Mayor of London in November 1749, and had continued the practice of limiting the *Proceedings* to a single twenty-four page pamphlet at a cost of four pence. John Blachford succeeded Pennant following the latter's sudden death in May 1750, and quickly rescinded the policy, claiming to satisfy readers' demands for lengthy accounts of trials. In the four editions of the *Proceedings* subsequently printed between July and December 1750, 35% of trial reports were summarised, compared with 62% in the previous four editions. More cases of relatively serious thefts which resulted in sentences of transportation were now reproduced at length, whilst minor thefts and cases resulting in acquittals continued to be passed over with little or no verbatim testimony. Serious crimes which resulted in convictions and punishments thus continued to dominate.

In purely quantitative terms, therefore, reports of violent property crime predominated in crime literature, exaggerating the extent of this offence in comparison with the number brought before the courts. As we saw in Chapter Two, when contemporaries referred to the state of criminality in general, they most often cited the number and character of robberies. We must thus also pay attention to the qualitative nature of printed representations of violent theft, in order to fully understand how these might have shaped contemporary perceptions of crime. How did the portrayal of violent property crime in the newspapers compare in qualitative terms with the *Proceedings* and other forms of crime literature, and what might have been the combined effect of these representations upon contemporary perceptions?

Representations of Violent Theft in Mid-Century Print

Similar to the provincial and later-eighteenth-century press, reports of robbery in mid-century London newspapers were stories 'of violence and violation; of severe injury and complete vulnerability; [and] of groups of "villains" confronting victims with irresistible force.'³³ A letter written by the pseudonymous 'Publicus' in the *Whitehall Evening Post* referred to the 'bare-faced thieves, who triumph in so many murders and robberies, and carry with them such terror, that there is no stirring abroad without danger: they are mostly armed with pistols, bludgeons, long knives, and cutlasses; and many good people have been mortally wounded by stabs, cuts, and fractured skulls.'³⁴ The same paper concluded that 'to such a pitch is villainy

³² OBP, 11 July 1750 (f17500711-1).

³³ Quote from King, 'Newspaper Reporting', p. 92; Snell, 'Discourses of Criminality', p. 29.

³⁴ *Whitehall Evening Post*, 20 January 1749.

now arrived, that these hardened wretches not only rob a man of his property, but on any the least opposition, or even delay, wantonly take away a life they cannot restore.’³⁵

Although violence was often only implied (reports simply noting that victims had been ‘attacked’ or ‘robbed’), in lengthier reports the violence described could be brutal, unpremeditated, sudden, and shocking. Highwaymen in the newspapers performed few of the mythological acts of gallant and civil behaviour that were a prevalent feature of criminal biography.³⁶ To cite just one example, the *London Evening Post* in January 1748 reported that ‘a waggoner was shot dead on Maidenhead Thicket by a single highwayman, who rode off immediately, without attempting to rob any of the passengers or the wagon.’³⁷ Rarely did reports give any context behind robberies beyond the location of the offence, the name and status of the victim, and the nature of the goods stolen, all of which reinforced the perspective of the victim. Moreover, as shown in the following chapter, violent thefts were three times as likely to be reported as unsolved than the offenders detected and apprehended. In short, robberies appeared in the press as ubiquitous, merciless, and generic acts of implied violence, with few offenders ultimately facing justice.

As a record of much of what was said in trials at the Old Bailey, the *Proceedings* provide a rich source of information on how victims and witnesses experienced crime. Of course, the testimony of those in court as reported in the *Proceedings* was mediated and shaped by a number of factors, including the immediate situation of giving evidence at court and the subsequent impact of the *Proceedings*’ construction as a printed publication. The *Proceedings* should not therefore be uncritically accepted as an accurate reflection of what was said in court or how victims experienced crime. However, the *Proceedings* provide the most comprehensive available record of what was said in court (particularly by the victim, and less so the defendant). As a printed publication, the *Proceedings* circulated the apparent experience of victims as an image of crime which ran alongside those published in other forms of crime literature.

The description of violence in reports of robberies in the *Proceedings* was even more explicit and more detailed than in the newspapers. More than any other publication, the *Proceedings* provided readers with direct access to the voice of victims and expounded a discourse of ‘victimisation’. A crucial element of the trial in cases of violent theft was to uncover the level of violence used by the offender. Victims were as such told to describe in detail the behaviour of their attackers. In many instances victims testified that they were subjected to violence and many expressed fears of being killed. Certainly there was some

³⁵ *Whitehall Evening Post*, 2 October 1750.

³⁶ Snell, ‘Discourses of Criminality’, p. 29.

³⁷ *London Evening Post*, 19 January 1748.

expectation that robbers were capable of murder. Benjamin Tribe recounted his experience as a victim of robbery in 1749: ‘said I, pray gentlemen [his attackers] don’t commit murder; I have money, take it, it is in my left pocket... by my intreaties [sic] they seemed a little softened.’³⁸ Attempting to fend off robbers attacking a woman in the street, John Sergeant told the court how the two armed men came at him, ‘damned’ his ‘eyes and limbs,’ and threatened to cut his throat.³⁹ Like the newspapers, there are few instances in the mid-century *Proceedings* of the polite behaviour evident in some criminal biographies.

Mid-century newspapers and the *Proceedings* therefore provided different representations of violent theft, yet with some similarities, which were complementary rather than contradictory. Newspapers in their numerous reports of violent thefts portrayed it as an ubiquitous but essentially generic offence – stripped of all traces of individuality beyond the location of the offence, the name of the victim (although even this might be omitted), and the value of the goods stolen – with implied violence. If the newspapers can be said to have contributed to a discourse of victimisation, it was in a nonspecific and watered-down form. In contrast, while the *Proceedings* carried far fewer reports of violent thefts, because they were reported at such length, they were nonetheless portrayed as overwhelmingly prevalent. The *Proceedings* provided greater contextual detail as to the level of violence used by robbers, fleshing out the implied violence suggested by the newspapers’ rather simple terminology of ‘attacked’ or ‘robbed’. Notions of victimisation would have been as much, if not more, promoted by the *Proceedings* as by newspaper reportage. We should not automatically assume that readers engaged with only one form of print, and that the discourses of crime in one genre were necessarily mutually contradictory: rather, readers engaged with different forms of print and combined the different accounts offered by each. In some instances, as with the discourses of victimisation expounded by both newspapers and the *Proceedings*, they likely complemented one another.

Such negative representations which depicted violent theft as serious and threatening, it must be recognised, were to some extent counterbalanced by the more positive, idealised, and entertaining accounts found in criminal biographies and pictorial prints. As Robert Shoemaker has demonstrated, in the mid-eighteenth century the concept of the polite, gentleman highwayman emerged in stark contrast to a perception of the street robber (or ‘footpad’) as a particularly threatening criminal, by exploiting ‘the power of print and the language of civility’. This construct ‘served as an effective counterpoint to the repeated negative representations of robbery found in newspapers, printed trial reports, and pamphlets

³⁸ OBP, trial of William Maclocklin, April 1749 (t17490405-22).

³⁹ OBP, trial of Ann Dam, April 1749 (t17490405-61).

of social commentary.⁴⁰ Several criminal biographies at mid century indeed detailed the adventures and amours of a select number of highwaymen, with little description of their ultimate subjection to the criminal law.⁴¹ Relatively positive and entertaining accounts of highwaymen were also offered by pictorial prints, particularly of James Maclaine, who gained notoriety in November 1749 for his robbery of Horace Walpole, his later arrest, trial, and execution in 1750 attracting huge publicity. According to Walpole there were 'as many prints and pamphlets about him' as the London earthquake of some months previously.⁴² Several pictorial images of Maclaine were printed at mid century, his figure, demeanour, clothing, accessories, and company all confirming his gentleman status. Prints also promoted him as a 'Ladies' Hero', drawing compassion from his tender-hearted female admirers, deserving none of the detestation poured upon 'lower' footpads (FIGURES 3.1-3.3). These accounts shied away from the more worrying aspects of violent theft, and instead offered a lighter-hearted view of the crime problem.

⁴⁰ Robert Shoemaker, 'The Street Robber and the Gentleman Highwayman: Changing Representations and Perceptions of Robbery in London, 1690-1800', *Cultural and Social History* 3 (2006), pp. 381-405.

⁴¹ Henry Simms, *Hanging No Dishonour* (London, 1747); *The Life of Benjamin Barker* (London, 1750); *A Genuine Account of the Life and Actions of James Maclean* (London, 1750); *Memoirs of the Life and Adventures of William Parsons* (London, 1751); *A Genuine, Impartial, and Authentick Account of the Life of William Parsons* (London, 1751); *The Life of Nicholas Mooney* (Bristol, 1752); *Memoirs of the Life and Remarkable Exploits of the Noted Dennis Neale* (London, 1754).

⁴² *Walpole Correspondence*, Vol. 20, p. 188.

FIGURE 3.1

The Ladies Hero or the Unfortunate James McLeane, Esq (1750), BM, 1851,0308.408



FIGURE 3.2

James Maclean, the Gentleman Highwayman at the Bar (1750), BM, 1851,0308.407

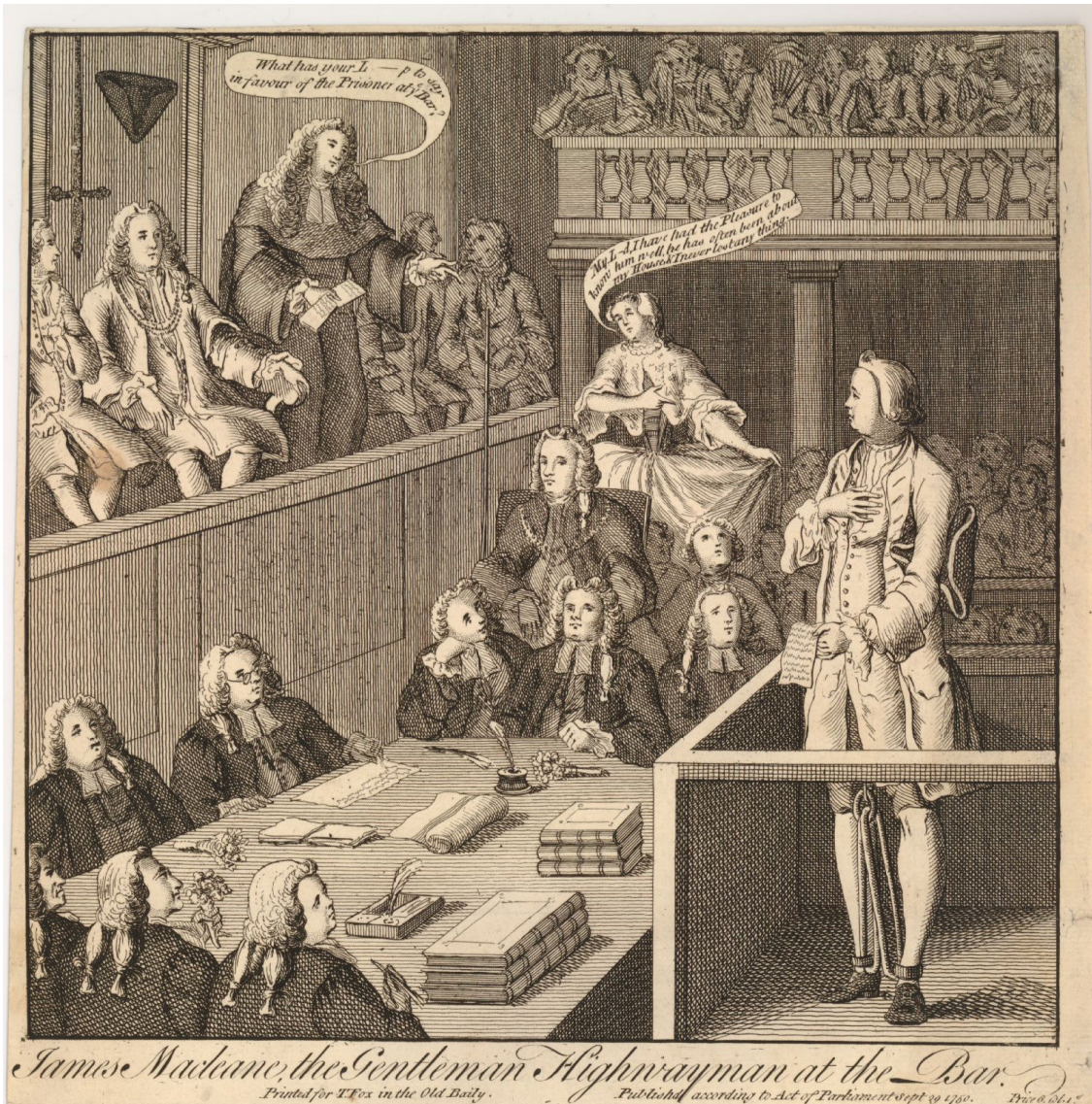


FIGURE 3.3

Newgates Lamentation or the Ladys Last Farewell of Maclean (1750), BM, 1851,0308.411



Some relatively positive and entertaining representations of highwaymen were therefore circulating at mid century, yet the extent to which these counterbalanced more negative portrayals can be seriously questioned, for attitudes were clearly mixed, and there are strong reasons to believe that perceptions of violent theft were becoming more uniformly pessimistic. Firstly, only a very small minority of highwaymen were able to present themselves as gentlemen, and the number of relatively positive and entertaining accounts of these men in criminal biographies and pictorial prints was dwarfed by a much greater volume of negative printed commentary on other types of robber. In many of the mid-century *Ordinary's Accounts* written by John Taylor for instance he expounded much negative commentary on the state of crime in general and robbers in particular. In December 1747, he lamented the numbers already executed, and the prospect of more to come, given the seemingly inexhaustible supply of hardened offenders appearing before him: 'for now-a-days since youth are trained up to thievery as if it were permitted by us, as it was by the Spartan Law; whenever an old offender,

tho' perhaps a young man, goes off the stage, there's no want of another to succeed him.'⁴³ Likewise, in October 1751 he considered the execution of eleven malefactors 'a dismal spectacle to the thinking part of the world!' and pitied 'that the examples of such numbers executed in a Christian country should have no better effect; but the evil seems to increase with punishment.' For, 'no sooner is one set of the publick [sic] infectors of the peace and property of the community cut off from among the inhabitants of the earth, but another is ready to follow in the same way.'⁴⁴

The panic about crime appears to have spurred Taylor to view his subjects' words with increasing scepticism, and to pass negative judgement upon their efforts to mitigate or deny guilt, this despite his professed intention 'to neither add nor diminish from the account, these poor unhappy wretches give of themselves, and as near as possible, always repeat it in their own words.'⁴⁵ Of course, given that the *Ordinary's Account* was built upon the words of the condemned, Taylor could not have completely curtailed the offender's voice, and indeed in some instances, even in the case of heinous offenders and those convicted of especially serious crimes, he provided relatively sympathetic accounts.⁴⁶ But in many instances after 1748 offenders (especially robbers) appeared in a more negative light in the *Ordinary's Accounts* than previously. Whilst William McLaughlin denied the highway robbery for which he was convicted in 1749, it was, according to Taylor, 'plainly proved against him,' that even 'the very character persons he called into his aid and defence gave him, added circumstances from whence his guilt might be inferr'd,' and subsequently there could 'be no manner of doubt of his guilt.'⁴⁷ In the case of the notorious smuggler Arthur Gray, executed in May 1748, Taylor appeared to admit his refusal to reprint his subjects' defences wholeheartedly, justifying that whilst it was far from him 'to endeavour to set off any person in his unhappy circumstances in a worse, or even so bad a light as his general character would bear,' it was nevertheless 'on all hands agreed, that this unhappy wretch has been most infamous,' and neither would Taylor 'by any means endeavour to put a gloss upon a bad matter, such as will not bear the light.'⁴⁸

A number of other factors also suggest the decline of the idealised highwayman at mid century, including a narrowing social and cultural space for 'gentlemen' highwaymen, more consistently negative coverage in print, and a rejection of the highwayman as a 'social critic'. As Andrea McKenzie and Shoemaker explain, developments in crime literature helped bring about the decline of the highwayman tradition – with all forms of robbery increasingly viewed as equally undesirable – such as changes in the *Ordinary's Accounts* and the *Proceedings* in the

⁴³ OBP, *Ordinary's Account*, 21 December 1747 (OA17471221).

⁴⁴ OBP, *Ordinary's Account*, 23 October 1751 (OA17511023).

⁴⁵ OBP, *Ordinary's Account*, 17 March 1749 (OA17490317).

⁴⁶ Shoemaker, 'Print Culture', p. 15.

⁴⁷ OBP, *Ordinary's Account*, 26 April 1749 (OA17490426).

⁴⁸ OBP, *Ordinary's Account*, 11 May 1748 (OA17480511).

1740s and 1750s.⁴⁹ Moreover, the multiple functions and purposes of the biographies and pictorial prints which provided more positive images of violent theft, in particular the inclusion of extensive detail in order to appear truthful and to legitimate their more lurid content, meant such accounts could be ambiguous and unstable, containing often contradictory material allowing alternative readings.

For instance, text included in pictorial prints of Maclaine offered notably negative commentary in direct contrast to the positive visual images which it accompanied (FIGURES 3.4-3.5). A half-length portrait of Maclaine included within a biography of his life depicts him as a true gentleman, hand on heart, bewigged, and dressed in fine attire. Yet four lines of verse beneath the image affirm the great cost of his desires: 'Now for these foolish days of wanton pride / My soul is justly humble in the dust / All judging hearin [sic] / Who knows my crimes has seen my sorrow for em.'⁵⁰ This reflects the mixed attitudes to Maclaine more widely, for not everyone was taken in by the genteel pretensions of highway robbers. Although referred to as the gentleman highwayman (his 'dress and equipage very much [affecting] the fine gentleman,' commented the Ordinary in his *Account* of Maclaine), nevertheless '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.'⁵¹ After bemoaning the number of pictorial prints published about Maclaine and noting his 'honourable' mention in a 'grub street ballad' for not having contributed to the offender's sentence of death, Walpole bluntly concluded that Maclaine's profession of highway robbery 'grows no joke.'⁵² In short, whilst we certainly cannot discount the existence of more positive, idealised, and entertaining accounts of violent theft at mid century, and therefore cannot conclude that attitudes to this offence were uniformly negative, nevertheless it seems unlikely that such images counterbalanced to any significant extent the extensive amount of negative commentary also circulating at this time.

⁴⁹ Andrea McKenzie, 'The Real Macheath: Social Satire, Appropriation, and Eighteenth-Century Criminal Biography', *Huntington Library Quarterly* 69 (2006), pp. 581-605; Shoemaker, 'The Street Robber'.

⁵⁰ *A Complete History of James Maclean* (London, 1750).

⁵¹ OBP, *Ordinary's Account*, 3 October 1750 (OA17501003).

⁵² *Walpole Correspondence*, Vol. 20, p. 188.

FIGURE 3.4

'James Maclean Executed Oct 3 1750 Aged 26 Years' in *A Complete History of James Maclean* (London, 1750), no pagination.



FIGURE 3.5

An Exact Representation of Maclaine the Highwayman Robbing Lord Eglington on Hounslow Heath (1750), BM, 1894,0611.79



The Prosecution Wave and Decision Making in the Criminal Justice System

As we have seen, there was a close statistical correlation between changes in newspaper crime reporting and prosecution rates, suggesting that the two were causally linked. Reporting likely inflamed contemporary fears by anticipating an increase in crime and then confirming that anticipated increase. Print also provided a severely distorted image of criminality in comparison with that brought before the courts, exaggerating the threat of violent personal and property offences. Moreover, reporting developed a discourse of victimisation and presented crime as an endemic, daily, and seemingly uncontrollable event.

Many contemporaries' fears about crime at mid century were certainly influenced by what they read in print. In some instances these fears resulted in changes to behaviour, yet in other instances not. More than any other publication, contemporaries mentioned newspapers as their source of knowledge about crime. As such, contemporary comments mirror many of the characteristics of printed crime reporting discussed above. Similar to (and likely resulting from) complaints of a growing crime problem in the press from as early as 1747, contemporaries also expressed fears at this time, before the significant increase in prosecutions occurred after mid 1748. Writing to his brother in October 1747, Spencer Cowper warned he could 'see by the papers they have robb'd all along [Kensington road], so have reason to desire you would keep your servants about you all the way.'⁵³ In January 1748, Fanny Boscawen in her journal referred to the 'new-fashioned gentry' of highwaymen that were apparently terrorising the streets of Grosvenor Square.⁵⁴

Print's distorted representation of the nature of criminality in comparison to that seen before the courts appears to have influenced contemporaries, who frequently referred to violent theft when expressing their fears about crime. Indeed, contemporaries used robbery as a barometer of the state of crime more widely, rather than referring to the more commonly experienced and prosecuted thefts which did not involve violence. The huge (about two-fold) increase in violent theft reports printed in the newspapers between 1748 and 1750 certainly generated anxieties. Gertrude Savile, an avid reader of the metropolitan press who took crime reporting as accurately reflective of the state of real crime noted in her diary in December 1750, that 'never were so many, so bold and such various kinds of robberys as this winter, as indeed 'tis observed they increase every year.'⁵⁵ In both the terms she used and her focus upon robberies, Savile's perceptions were shaped by the reporting of crime in the press.

The evidence of contemporary diaries and correspondence confirms that there was a direct link between printed crime reporting and perceptions of crime. These perceptions likely

⁵³ Edward Hughes (ed.), Letters of Spencer Cowper: Dean of Durham 1746-74 (London, 1956), p. 94.

⁵⁴ Cecil Aspinall-Oglander (ed.), Admiral's Wife: Being the Life and Letters of the Honourable Mrs Edward Boscawen from 1719 to 1761 (London, 1940), p. 53.

⁵⁵ Secret Comment, p. 294.

influenced prosecutorial behaviour, which, given the discretionary nature of the justice system, could have had a significant impact upon patterns of prosecution and judicial decision making. Changes in the quantitative and qualitative representation of crime in print between 1747 and 1751 created widespread anxiety amongst contemporaries. Largely fostered by print, this public alarm about crime at mid century likely resulted – and was at least reflected – in more numerous, stringent, and punitive judicial decision making. Amongst all groups and at all stages of the criminal justice system – in summary justice, and at the lower and higher courts – significant changes took place from 1747 in judicial decision making, from prosecutors and magistrates, to grand juries, trial juries, and judges. Print contributed to a general anxiety about the crime problem which manifested itself in more determined and stringent responses to crime. However, the impact of print was neither uniform nor absolute. Although printed representations heightened contemporary anxiety about crime, how these fears translated into action was seriously constrained by the particular judicial contexts in which contemporaries acted. We can clearly see this by examining how accusations of theft brought before magistrates were disposed of and how prosecutions were dealt with in the courts.

There is abundant evidence to show that in the wake of alarm about crime, the decision making of juries and judges changed. There is less evidence of victims' prosecutorial behaviour, yet enough exists to suggest that victims were becoming more assiduous in prosecuting accused offenders. We will examine this changing decision making through the perspective of different actors at various stages of the criminal justice process, starting with victims, who first brought accusations of theft to the attention of magistrates, and the use of summary justice, before moving onto grand juries, trial juries, and judges at the lower and higher courts. Placing the crime wave in print and the prosecution wave in the courts within the context of one another gives us a better understanding of each, and highlights their points of mutual interaction.

Prosecutors and Magistrates

Examining how the fine (but for the accused, potentially life-saving and therefore crucial) line between petty and grand (capital) larceny was negotiated can provide indications of the changing attitudes to crime amongst prosecutors and magistrates with the onset of the mid-century crime/prosecution wave. It appears that there was a dramatic increase in the number of petty theft accusations brought within the bounds of the justice system after 1747 and significant developments in how such accusations were dealt with, although decision making was heavily mediated by the particular nature of each judicial jurisdiction. It must be noted from the outset however that this can only be a tentative conclusion given the problematic

nature of the evidence, particularly that relating to the use of summary justice in the metropolis.

The Bridewell Court Books only record cases of petty larceny which were dealt with summarily at the Bridewell house of correction at the time of the governors' meetings. They do not include the names of those who were committed and charged between court sittings. When compared with the Lord Mayor's charge books and printed annual reports of commitments to the house of correction, it shows that 'the cases recorded in the court book seriously understate the numbers who had been in Bridewell for a brief stay,' and therefore the total number of accusations dealt with summarily in the City of London.⁵⁶ Moreover, the governors met more frequently as a court in the period 1749-1751 compared with the immediate years before and after that date, meaning they were likely to have recorded a greater number of accusations.⁵⁷ The annual totals of petty theft accusations recorded in the Bridewell Court Books are therefore distorted by the activities of the governors and cannot be taken as accurate levels of accusations.

However, whilst we cannot be certain of the annual totals of petty theft accusations, we can put more faith in the average number of accusations dealt with at each meeting of the governors. When we accommodate for the number of times at which the court met in each year it shows that there does seem to have been an increase in the average number of petty theft accusations dealt with at each meeting after 1747 (APPENDIX 3.6). Indeed, the very fact that the governors met more frequently in the years after 1747 suggests that they were anxious about the crime problem and were perhaps responding to increases in the number of petty theft accusations brought before them. Nor does the frequency with which the court met have an impact upon the *changing* total number of accusations recorded at each meeting over time. Moreover, we have no reason to doubt the accuracy of levels of theft accusations at the lower and higher courts.

Given the erratic changes in Bridewell petty theft accusation rates and the small absolute numbers of accusations at other judicial stages (such as petty theft indictments tried at the Westminster Quarter Sessions and at the Old Bailey), it is difficult to identify monthly patterns and the precise timing of changes. However, accusations of petty theft do seem to have been increasing from as early as 1747, with the really significant increase coming after April-May 1748 in the case of Bridewell and the Westminster Quarter Sessions, and after December 1749 at the Middlesex Sessions of the Peace. Longer-term, annual patterns are

⁵⁶ Beattie, [Policing and Punishment](#), p. 30; Faramerz Dabhoiwala, 'Summary Justice in Early Modern London' [English Historical Review](#) 121 (2006), pp. 816-817.

⁵⁷ The court met the following number of times in each year: 1747 – 8; 1748 – 9; 1749 – 9; 1750 – 10; 1751 – 9; 1752 – 8; 1753 – 6; 1754 – 6.

much easier to identify, and these likewise indicate that, although the total number of petty theft accusations increased between 1747 and 1748, it was the three years from 1749 on that really witnessed consistently high levels of prosecutions (APPENDIX 3.6).

What were the causes of this seeming increase in the number of petty thefts dealt with at all stages of the justice system after 1747, and did methods of dealing with petty thefts change as a result? The socio-economic effect of a return to peacetime no doubt had some impact upon levels of deprivation, as servicemen returned home with little pay and without employment, as labour markets flooded, and as trade declined, all of which likely led to some increases in petty theft in order to make ends meet, though this cannot be proved. However, the concern of this chapter is to investigate how the increased alarm about crime fostered by print could influence prosecutorial behaviour, which had a proportionally much greater influence on levels of prosecution than real crime.

Pamphlets of social commentary and London newspapers contained little direct advice to contemporaries on how to respond as victims of crime. There were, for example, no calls at this time for the use of prosecution by indictment rather than the use of the house of correction in cases of petty theft. Printed commentaries nonetheless bemoaned the lack of public duty in detecting and prosecuting offenders, explained by the many disincentives to prosecution (such as the costs of money and time) or by ‘the selfishness of those, who imagine that what is everybody’s business, is not theirs.’⁵⁸ One commentator believed that ‘many villains go unpunished from the expense that attends prosecution,’ and therefore proposed ‘that every pickpocket, shoplifter, or other petty thief, should be prosecuted at the expense of the parish where taken.’⁵⁹

Despite these complaints, the *London Evening Post* nevertheless believed that Londoners *were* becoming more assiduous in their responses to crime, celebrating that ‘there is nothing more commendable than the generous zeal which private persons have shewn [sic] of late, of seeing the laws duly executed; and if this spirit revives and prevails, we need not fear, that in process of time, it will produce glorious effects.’⁶⁰ Indeed – although tentative – evidence from the *Proceedings* suggests that many victims were extremely assiduous in prosecuting petty thefts during the mid-century panic about crime. At the end of 1747, with alarm now regularly voiced in the press, George Watts brought a prosecution to the Old Bailey against John Milford for allegedly stealing two pence from him. After acquitting Milford, the jury chastised Watts for his overly-zealous behaviour, believing that it was ‘the first instance, of a man committed for stealing two pence and now not proved; a most infamous thing, to

⁵⁸ Fitzsimmonds, *Free and Candid Disquisitions*, p. 52; Fielding, *An Enquiry*.

⁵⁹ *Whitehall Evening Post*, 19 January 1749.

⁶⁰ *London Evening Post*, 8 June 1751.

commit a man to Newgate, for stealing of two pence.’⁶¹ In 1753, the defendant James Jackson described how his prosecutor for petty theft of a handkerchief had not been satisfied with throwing him into a pond, but had then proceeded to charge a constable with him, and carried the prosecution forward to the Old Bailey.⁶² Many other petty theft victims prosecuted the accused in the courts when informal methods or even the house of correction might normally have been used. In May 1750, Dulick Willis, a boy just ten years old, was prosecuted and sentenced to transportation at the Old Bailey for petty theft.⁶³ Moreover, in October 1749, Edward Badcock carried his prosecution of Edward Cluney for the theft of a hat priced at six pence to the Old Bailey, despite the fact that Cluney did not try and escape after being seen in the act but instead brought the hat back, and that Badcock was ‘informed by a gentleman, that the prisoner had bore a very good character before.’⁶⁴

The huge increase in the total number of petty theft accusations brought before the justice system after 1747 is therefore likely explained by more assiduous prosecutorial behaviour borne of hardened attitudes to crime which were in part shaped by print. However, whilst print may have hardened attitudes and encouraged more numerous and assiduous responses to petty theft, it must be recognised that this action was heavily mediated by the workings of the judicial system, for the way in which accusations of petty theft were dealt with varied greatly according to each particular jurisdiction. Although there are difficulties in comparing the extent to which petty theft accusations were dealt with at each stage of the justice system – such as the absence of records for the Westminster house of correction, the idiosyncrasies of record keeping across different jurisdictions, and the patchy survival of some records – doing so can give a rough indication of the changing attitudes and responses to minor theft during the prosecution wave period, but also the influential (even dictating) nature of individual jurisdictions in shaping responses. What this indicates is that, in addition to the more assiduous behaviour of victims, magistrates were becoming more stringent and punitive in their decision making, although practices differed according to individual jurisdictions.

Magistrates could respond to petty theft accusations in a number of ways: by sending them onto formal jury trial at the courts; committing the accused to a house of correction to face corporal punishment and/or a period of hard labour; or dismissing the accused without punishment if they provided some kind of restitution to the victim, or if the crime was simply unproven. Magistrates exerted considerable discretion in cases of petty theft, occasionally committing accused offenders to houses of correction for felonies ‘without legal warrant’, but they could also utilise the late seventeenth- and early eighteenth-century’s growth in summary

⁶¹ OBP, December 1747, trial of John Milford (t17471209-51).

⁶² OBP, September 1753, trial of James Jackson (t17530906-14).

⁶³ OBP, May 1750, trial of Dulick Willis (t17500530-8).

⁶⁴ OBP, October 1749, trial of Edward Cluney (t17491011-55).

law statutes.⁶⁵ Summary justice certainly posed advantages to both victims and defendants compared with prosecution by indictment.⁶⁶

Two sources make it clear that petty theft accusations were frequently diverted from prosecution at the lower courts and the Old Bailey: the records of the Lord Mayor sitting as a magistrate which record the cases he sent on to the house of correction in addition to those sent for trial at court; and the minute book of the meetings of the court of the governors of Bridewell which record the decisions taken by the court on the days it convened.⁶⁷ The Lord Mayor's charge books do not survive for the mid-eighteenth century; we are therefore reliant upon the Bridewell Court Books and the Clerkenwell house of correction calendars for information on summary justice in cases of petty theft in the City and Middlesex. Unlike the Bridewell Court Book which only lists those prisoners who were at Bridewell on the particular days that the court of governors met, the Clerkenwell Calendars record on a rolling, day-to-day basis all those who were committed, the individual who apprehended the offender, the committing magistrate, and how the accused were dealt with. Unfortunately, these records do not reveal how many accusations of theft were dismissed out of hand by justices without the use of summary punishment or by sending accusations onto the courts. However, they do reveal how many persons accused of property theft were convicted summarily, and sentenced to whipping and/or hard labour, and also how many were committed but subsequently discharged without further punishment.

These records reveal that whilst justices in Middlesex radically altered the way in which accusations were dealt with, by increasingly sending them onto formal indictment at court, in the City they continued to deal with petty thefts as they always had, by summary justice at Bridewell. By the second quarter of the eighteenth century petty thefts were regularly being dealt with at the Middlesex Sessions of the Peace, almost wholly punished either by whipping, fines, or short terms of imprisonment. Quite suddenly in December 1749, however, transportation was introduced at the Sessions as a potential punishment for petty theft. This coincided with a huge reduction in the number of petty theft accusations disposed of by whipping and/or hard labour at the house of correction, and instead a mass transferral of such accusations to prosecution by indictment, with typically harsher sentences as a result. Indeed, this amounted to a near abandonment of the use of summary justice in cases of petty theft in Middlesex after 1749 (APPENDIX 3.2, 3.6). Even accusations which only amounted to a

⁶⁵ Bruce Smith, 'The Presumption of Guilt and the English Law of Theft, 1750-1800', *Law & History Review* 23 (2005), pp. 133-171.

⁶⁶ Shoemaker, *Prosecution and Punishment*, p. 167.

⁶⁷ Beattie, *Policing and Punishment*, p. 27.

'suspicion' of theft rather than the accused caught in the act were now being sent on to the courts instead of dealt with summarily.⁶⁸

At the same time in Surrey, as Beattie has shown, a mass transferral of non-capital property thefts from the Assizes to the Quarter Sessions took place, with grand larcenies in the years 1750-1752 essentially fictionalised as petty thefts with the value of the goods stolen in every instance deliberately valued at ten pence. Transportation had for some time been used at the Surrey Quarter Sessions in cases of petty theft, yet it was such an unusual outcome, and so many of the fictional petty larcenists of 1750-1752 were sentenced to be banished overseas (as they would have been if charged with grand larceny) that in the spring of 1750 the clerk of the peace had to be authorised to make contracts with merchants in order to ensure the sentences could be carried out.⁶⁹

Although this transference of jurisdiction in Surrey does not seem to have been part of any national plan, nor stemmed from a central government directive, nonetheless a similar change took place in Middlesex at mid century. In addition to the removal of petty thefts from the bounds of summary justice and their transferral to the lower courts, many cases of grand larceny seem to have been fictionalised as petty thefts and relocated from the Old Bailey to the Middlesex Sessions of the Peace. This is suggested by two pieces of evidence. Firstly, a huge reduction in the number of grand larcenies tried at the Old Bailey after 1749: although almost doubling in number from 174 in 1747 to 328 in 1749, after this point, at precisely the time when transportation was introduced at the Middlesex Sessions of the Peace, indictments at the Old Bailey for grand larceny fell dramatically and consistently, from 273 in 1750, to 166 in 1755.⁷⁰ Indeed, there is a direct correlation between the increases in petty larcenies tried at the Middlesex Sessions and the decrease in grand larcenies tried at the Old Bailey between 1749 and 1755. Secondly, in February 1752 some of the Middlesex justices (it is unclear who, and why) complained about the 'inconveniencys' resulting from the current practice of incorrectly valuing stolen goods (no-doubt so grand larcenies could be 'fictionalised' and thereby transferred to the lower courts), and ordered that when committing a prisoner for stealing anything of small value, justices should examine the prosecutor as to the value of the goods and to specify this in their warrant of commitment, 'that it may appear whether the said goods are of one shilling value more or less.'⁷¹

Why this change in practice took place is uncertain. It likely resulted, as Beattie suggests, from a determination to relieve the pressures upon the higher courts which had an increasing number of capital theft cases to deal with at this time, and upon the Clerkenwell

⁶⁸ Clerkenwell Calendar, LMA, MJ/CC/R/058.

⁶⁹ Beattie, *Crime and the Courts*, pp. 283-287, 544-545.

⁷⁰ OBP, 'Statistics' search.

⁷¹ Middlesex Sessions, General Orders of the Court, LL, February 1752, LMSMGO556020513.

house of correction and New Prison, both criticised for their state of disrepair and consequent ability to hold offenders securely.⁷² As early as January 1747, and in the immediate years thereafter, the Middlesex justices undertook regular efforts to enquire into and to remedy the disrepairs at the house of correction and New Prison.⁷³ Indeed, they were willing to place a financial burden upon inhabitants in order that necessary maintenance be carried out.⁷⁴ Moreover, following a number of escaped offenders brought to their attention, justices expressed concern about the capabilities of their jails.⁷⁵ Clerkenwell had to function as a prison for holding criminals awaiting their trials, and not just as a house of correction for punishing the loose, idle, and disorderly, the justices stressed.⁷⁶ With the huge increase in committals for property crimes in 1747 and after, the justices were perhaps worried about the strains this would place on the county's prisons. By dealing with petty thefts at the lower courts rather than via summary justice, and by sentencing many of them to transportation as opposed to whipping in the house of correction, the Middlesex justices likely intended to reduce the numbers incarcerated and punished at Clerkenwell.

By contrast, the aldermen-magistrates of the City continued to deal with petty theft accusations in the same way as they had for decades, by summary justice at Bridewell. From the evidence of the City of London Sessions Minute Books, not a single case of petty larceny in the years 1747-1754 was tried at the Guildhall Sessions of the Peace, and instead all cases of minor property theft committed in the City and prosecuted by indictment were considered at the higher court of the Old Bailey. This had long been the practice, and was probably a result of the pressures of time and resources that the aldermen-magistrates and the Lord Mayor worked under. The few cases of minor property theft committed in the City which for whatever reason were deemed not to be suitably dealt with by summary justice were tried under the sessions of gaol delivery at the Old Bailey, rather than at the Sessions at Guildhall. Prosecutions for petty larceny tried at the Old Bailey therefore represent all of the accusations in the City of London that were deemed best dealt with by indictment, as well as thefts committed and indicted in Middlesex and Westminster that were not (as was usually the case) dealt with at the Sessions of the Peace.

Traditionally rarely prosecuted at the Old Bailey, the number of petty larceny cases tried there nevertheless increased in the period 1747-1755, and constituted an increasing percentage of all thefts tried at that court (APPENDIX 3.6).⁷⁷ However, although the number of petty theft cases increased to a relatively large extent after 1747, the absolute number of this

⁷² Beattie, *Crime and the Courts*, p. 287.

⁷³ Middlesex Sessions, General Orders of the Court, LL, January 1747, LMSMGO556020235.

⁷⁴ *Ibid.*, LL, December 1750, LMSMGO556020435.

⁷⁵ *Ibid.*, LL, September 1750, LMSMGO556020424.

⁷⁶ *Ibid.*, LL, April 1751, LMSMGO556020463.

⁷⁷ OBP, 'Statistics' search.

increase was tiny, and did not equate to a similarly large increase in the proportion of all petty theft accusations disposed of there. Just six prosecutions for petty theft committed in the City and sent to the Old Bailey were tried in October 1749, the greatest number for any single session in the years 1747-1754.⁷⁸ Petty theft accusations in the City were for the most part disposed of at the house of correction, as they had always had been.

Too much weight should not be invested into the overall way in which petty theft accusations were dealt with in the metropolis, as practices differed so substantially between jurisdictions. Nonetheless, it certainly seems that the years 1748-1754 (1750-1755 in particular) witnessed increasing levels of petty thefts prosecuted by indictment, increases which occurred after 1747 with the panic about crime in the press and increases in theft accusations. Never before had so many cases of petty larceny been tried at the Old Bailey, and only after 1767 were such high levels of prosecution for petty larceny seen again. Magistrates in Middlesex radically changed the way in which they dealt with petty thefts, resulting in harsher punishments for those offenders removed from the bounds of summary justice. Moreover, although we cannot tell if the increases in prosecutions at the Westminster Quarter Sessions after April 1748 reflects a general reluctance to deal with petty theft accusations via summary justice (as the Tothill Fields house of correction records do not exist), it is clear that the sessions witnessed large numbers of indictments at mid century. The mid-century period was truly a watershed in terms of the prosecution of petty larceny by indictment, and this suggests that magistrates or prosecutors (likely both) took an increasingly stringent attitude towards property appropriation during the period of intense anxiety about crime voiced in the press, but that decision making was also heavily mediated by the particularities of the metropolitan justice system.

Grand and Trial Juries

In the metropolis the selection of grand and trial (or 'petty') juries differed from the provinces, as no such separation existed between the sessions of the peace on the one hand and gaol delivery at the Old Bailey on the other as was the case with the county courts of Quarter Sessions and the Assizes. Juries were however divided according to jurisdiction: either the City of London or the County of Middlesex. At each of the sessions held eight times per year, a set number of juries were selected: in both the City and Middlesex, separate trial juries served at the sessions of the peace and the Old Bailey, whilst a single grand jury for each jurisdiction served both courts.⁷⁹ Again, in contrast to the provinces, London grand and trial juries came

⁷⁸ City Sessions Book, LMA, CLA/047/LJ/04/114-122.

⁷⁹ The Middlesex grand jury did not actually attend the sessions at the Old Bailey, but instead forwarded on all true bills from Hicks' Hall.

from similar social backgrounds. Grand jurymen tended to be of slightly higher status than their trial counterparts, yet there was no social gulf. Drawn from the 'broad middling ranks' of society, metropolitan juries consisted of wealthy and propertied men: 82% possessed an income of over £300. Many held experience of the criminal justice system and other forms of governance, regularly serving on court or coroners' juries, or taking an active role in public affairs at the parish, ward, and City level. Indeed, jurymen likely viewed service as a form of local governance and a way in which to raise their social standing.⁸⁰

As Beattie explains, the social status and experience of jurors had important implications for judicial decision making. Their views were shaped 'by their interests as men of particular kinds of property.'⁸¹ Often serving as members of local government who dealt with the day-to-day problems of the metropolis, grand jurors showed a real concern about the kinds of social and moral offences believed to be the 'root' causes of crime, especially those with a visible presence on the streets (such as vagrancy). Charges made to the grand jury at mid century regularly referred to them as the guardians of public morality.⁸² 'Luxury' in particular became a central complaint at this time.⁸³ Yet as men of property, grand jurors were clearly worried about how these root causes could lead to serious property crimes such as robbery and housebreaking, showing a staunch belief in the notion of a 'slippery slope' from minor social and moral offending to capital crimes.⁸⁴ Many motivations informed jury decision making, including the quality of the evidence, the nature of the offence, the likely punishment that would follow, the character of the offender, and 'the shifting attitudes that juries were likely to take toward property offences at different moments depending on their view of crime in general.'⁸⁵

Jurors' perceptions of crime were no doubt based upon their previous judicial or local-government experience, and on the number of offences brought before the courts, which contemporaries took as indicative of real crime. But it is also likely that as the primary audience of crime literature, these men from the broad middling ranks of society also based their perceptions upon what they read in print. It is impossible to identify specific motivations behind jury decision making, and instead we must recognise that choices resulted from a confluence of different factors. Indeed, that juror attitudes and decision making were based upon a range of considerations and did not simply become more uniformly stringent or

⁸⁰ J. M. Beattie, 'London Juries in the 1690s', in James Cockburn and Thomas Green (eds.), Twelve Good Men and True: The Criminal Trial Jury in England, 1200-1800 (Princeton, 1988), pp. 214-253.

⁸¹ Ibid., p. 251.

⁸² Georges Lamoine (ed.), Charges to the Grand Jury, 1689-1803 (London, 1992), p. 12.

⁸³ Henry Fielding, A Charge Delivered to the Grand Jury (London, 1749), p. 54.

⁸⁴ Beattie, Policing and Punishment, p. 55.

⁸⁵ Beattie, Crime and the Courts, p. 403; King, Crime, Justice, pp. 34-42; Shoemaker, Prosecution and Punishment, p. 147.

punitive with the mid-century crime wave in print and prosecution wave in the courts is demonstrated by the extensive variation in verdicts across different judicial stages and jurisdictions.

Grand juries at the Middlesex Sessions of the Peace and Westminster Quarter Sessions deciding upon cases of petty theft reacted far more stringently in response to the mid-century panic about crime compared with those at the Old Bailey who passed judgement upon accusations of serious, capital larceny. Erratic patterns and low absolute levels of indictments makes it extremely difficult to pinpoint the precise timing of changes, but it appears that decision making was linked to some extent with the changing level of indictments filed at each court. During the years of increasing numbers of petty theft accusations brought before the Middlesex Sessions grand jury, the percentage of indictments deemed true bills also increased. Their decision making seems to have been influenced by the radical introduction of transportation as a potential punishment for convicted petty larcenists in December 1749. After that time patterns of decision making were less erratic than previously, with the average number of indictments more consistently found as true bills. The Middlesex grand jury from 1750 became more stringent and punitive in their decision making. This did not last long, however, for after 1751 the average number of petty theft indictments found as true bills dropped, perhaps reflecting an opinion amongst the grand jury that the change in policy was not working.⁸⁶ Similarly, looking at the month-by-month pattern of verdicts, decision making amongst the Westminster Quarter Sessions grand jury became more stringent and punitive, but here the increase in the percentage of indictments found as true bills started in April 1748, at the same time as increases in both newspaper crime reporting and the total number of prosecutions brought before that court.⁸⁷

Patterns of Old Bailey grand jury decision making were likewise changing, although in this instance they became more lenient with the increase in indictments after 1748. A sample of half of all the gaol delivery sessions for the jurisdiction of Middlesex held at the Old Bailey in the years 1747-1753 reveals that a low of 7% and a high of 36% of all indictments considered by the grand jury were found *ignoramus*.⁸⁸ On average, 19% of all indictments considered by the grand jury in this period were found *ignoramus*, amounting to on average 11 indictments per session. In terms of identifiable patterns, it is difficult to make any firm conclusions, as the absolute numbers are small and as only half of all sessions have been analysed. However, with these caveats in mind, it would seem that levels of indictments found *ignoramus* between May 1750 and October 1752 were above the average of 19% for all sessions analysed between 1747

⁸⁶ Analysis of all the Middlesex Sessions of the Peace held in the years 1747-1755. Middlesex Indictments Register.

⁸⁷ Analysis of all the Westminster Quarter Sessions held in the years 1747-1754. Westminster Sessions Rolls.

⁸⁸ Middlesex Sessions Rolls, LMA, MJ/SR/2875-3027.

and 1753. As the total number of theft indictments put before the grand jury increased, therefore, they were less inclined to find indictments as true bills.

The decision-making patterns of trial juries at the Old Bailey also changed substantially in the prosecution wave period, but unlike grand juries they became far more stringent and punitive. In the entire period 1745-1755, guilty verdicts (which include both full and part-guilty verdicts) accounted for 62% of all verdicts given in cases of theft (both violent thefts and thefts without aggravating circumstances), with not guilty verdicts given in the other 38% of cases.⁸⁹ The balance between guilty and not guilty verdicts remained stable between 1745 and 1755. This would seem to suggest that juries were not changing their decision-making patterns in response to the huge increase in prosecutions brought before the courts after 1748. This is misleading, however, for whilst the balance between guilty and not guilty verdicts did not fluctuate, the level of part-guilty verdicts which made up all guilty verdicts was undergoing extensive change.

Part-guilty verdicts in cases of theft fell from 55% of all guilty verdicts in 1747, to 42% in 1751, and decreased at an even greater rate thereafter to 28% in 1755 (GRAPH 3.4). As anxieties about the crime problem poured forth in the press and as prosecutions increased after 1748, juries reacted by more often convicting on full charges rather than giving partial verdicts. Of all part-guilty verdicts given at the Old Bailey, theft under 1s was the most common, accounting for 24% of all guilty verdicts in the period 1747-1755.⁹⁰ This verdict effectively reduced the charge against the offender to petty larceny, meaning that defendants were not under the threat of death, and instead likely to face a fine, whipping, or transportation. However, verdicts of theft under 1s fell from 38% of all guilty verdicts in 1747, to 14% in 1753. Likewise, verdicts of theft under 5s (which removed defendants accused of shoplifting goods worth 5s or more from the statutory death penalty) decreased from 8% of all guilty verdicts in 1747, to 3% in 1754.⁹¹ The decline in both these verdicts shows juries were increasingly refusing to exercise their ability to commit 'pious perjury' for offenders charged with more minor cases of theft, thereby ensuring offenders faced harsher sentences. Verdicts of theft under 40s also decreased slightly in 1749 and 1750, but they picked up immediately thereafter and increased until 1755.⁹² Juries were therefore largely withdrawing their ability to mitigate guilty verdicts only in cases of smaller thefts under 5s or 1s: in cases of relatively smaller thefts, they were after 1748 more often convicting on full charges.

⁸⁹ OBP, 'Statistics' search, tabulating verdict category, between 1747 and 1754, counting by verdict.

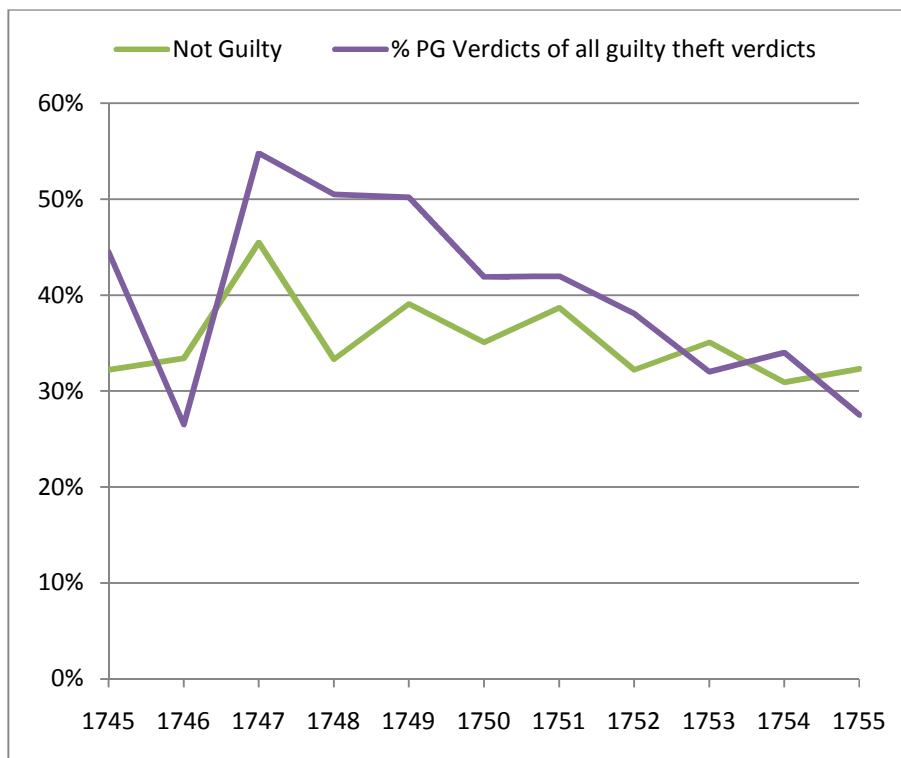
⁹⁰ OBP, 'Statistics' search, tabulating verdict subcategory where offence category is theft and verdict category is guilty, between 1747 and 1755, counting by verdict.

⁹¹ OBP, 'Statistics' search, tabulating year against verdict subcategory where offence category is theft and verdict category is guilty, between 1747 and 1755, counting by verdict.

⁹² *Ibid.*

GRAPH 3.4

Not Guilty Verdicts and Part Guilty Verdicts as a Percentage of all Guilty Verdicts passed at the Old Bailey, for all Theft without Violence Cases, by Year, 1745-1755⁹³



What about verdicts in cases of violent theft, the offence which predominated in crime literature and which generated considerable anxiety amongst social commentators and contemporary diarists? In the period 1745-1755, about 60% of indictments for violent theft were found guilty. Of these guilty verdicts, an average of 16% were actually part-guilty verdicts (in virtually all cases the offenders were found part guilty of a lesser offence, being guilty of theft, but not of violent theft). What is significant is that with the unprecedented numbers of violent theft indictments (especially in the years 1749-1750) juries frequently chose to give part-guilty verdicts (GRAPH 3.5). This should not necessarily be seen as soft heartedness on the part of juries, however, for as full guilty charges remained high in the years 1749-1751, it could also be the case that, in cases of some doubt, rather than acquitting, juries gave part-guilty verdicts.⁹⁴

A petition signed by a justice of the peace, the prosecutor, and 109 of 'the principal inhabitants of Shadwell,' for the pardon of a convicted highwaymen in September 1750 certainly indicates hardening attitudes to robbery amongst middling men, those typically

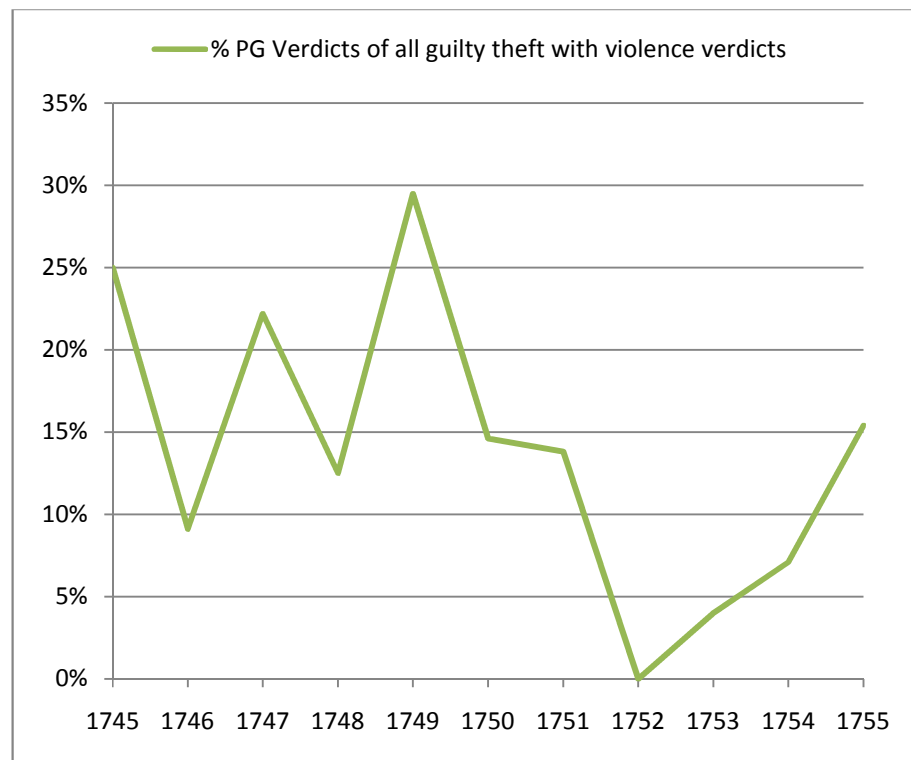
⁹³ Source: OBP, 'Statistics' search, tabulating year against verdict subcategory where offence category is theft, between 1747 and 1755, counting by verdict.

⁹⁴ OBP, 'Statistics' search, tabulating year against verdict subcategory where offence category is violent theft, between 1747 and 1755, counting by verdict.

servicing as petty jurors: ‘robberies have of late been so frequent and examples of justice are become so necessary,’ they noted, ‘that was it not for some very singular circumstances attending the case of William Watson... we should not presume to have applied to your excellencies for mercy towards him.’⁹⁵ A charge to the grand jury of Norfolk in September 1752 likewise expressed concern that instead of paying attention to the ‘particular circumstances’ of capital offences, and showing a due ‘tender regard’ for offenders, jurors were of late passing blanket guilty verdicts, likely due to the perceived seriousness of the crime problem.⁹⁶

GRAPH 3.5

Part Guilty Verdicts as a Percentage of all Guilty Verdicts passed at the Old Bailey, for all Theft with Violence Cases, by Year, 1745-1755⁹⁷



Judges

Justices and judges in their sentencing decisions similarly acted more punitively during the mid-century panic about crime. At the lower courts in Middlesex the introduction of transportation as an available punishment meant radical changes in the sentences passed

⁹⁵ TNA, State Papers Domestic, SP 36/114/157.

⁹⁶ *Charges to the Grand Jury*, p. 378.

⁹⁷ Source: OBP, ‘Statistics’ search, tabulating year against verdict subcategory where offence category is violent theft, between 1747 and 1755, counting by verdict.

upon petty larcenists, an option that the justices seem to have embraced enthusiastically.⁹⁸ Between January 1747 and December 1749, public whipping and whipping in the house of correction constituted 95% of all punishments sentenced against petty larcenists convicted at the Middlesex Sessions of the Peace. After that date, however, and up to December 1754, 48% of convicted petty larcenists were sentenced to transportation, compared with 52% sentenced to whipping. As anxieties about the state of crime heightened after later 1748, the appropriate response was considered to be an increase in the severity of the sentences passed upon petty larcenists and a policy that almost all such accusations should be considered at the lower courts. No longer would summary justice or sentences of whipping suffice: it was now deemed necessary (given the dire state of crime) to remove many petty offenders from the Kingdom. Justices' hardening attitudes are further indicated by the fact that of the 192 defendants sentenced to transportation between December 1749 and December 1754, just 20 (10%) had faced a previous indictment for petty theft at the lower courts: even first-time offenders were now judged deserving of transportation.

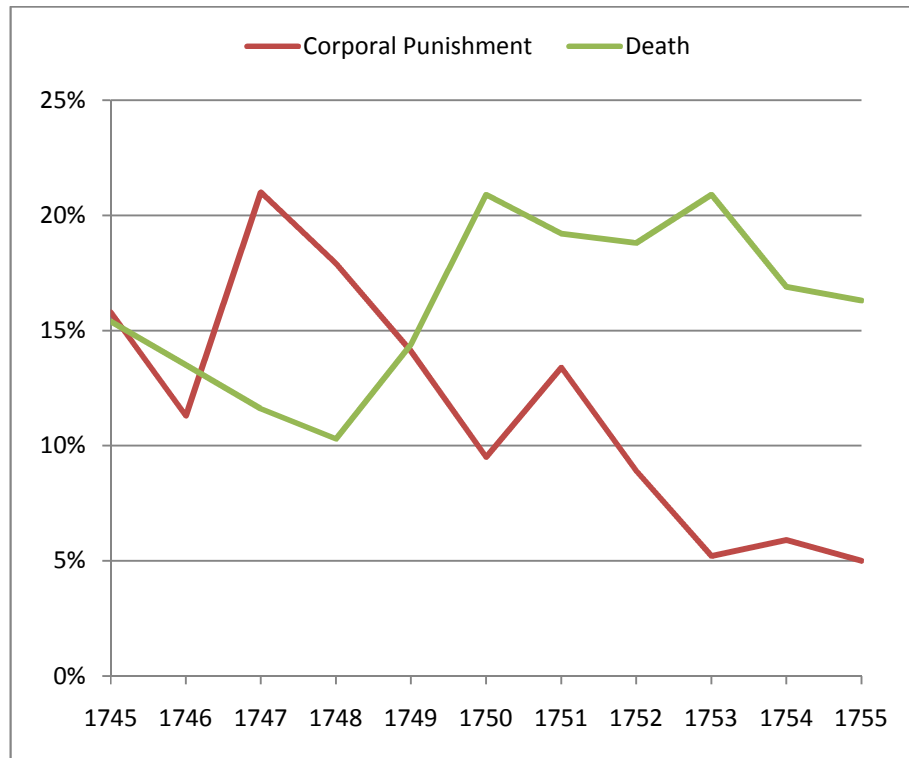
This increase in penal severity in order to make appropriately terrifying examples of offenders in order to deter other would-be criminals chimes with attitudes to more serious crimes prosecuted at the Old Bailey, for sentencing decisions were in this instance also becoming more punitive with the onset of the crime wave. 'Secondary' punishments such as whipping, the pillory, and branding together declined as a percentage of all sentences passed at the Old Bailey for all offences in the years 1747-1755. Transportation was used relatively less often up to 1748, but was increasingly sentenced in 1749, falling below average again until 1753 when it was increasingly used as a penal option. However, on the whole the use of transportation remained relatively stable over the period 1745-1755. The system of transportation was evidently managing to cope with the huge increase in the numbers sentenced to this punishment after 1748. The transportation system managed to soak up many extra offenders in absolute terms, particularly those convicted of petty larceny, but it was not able to take up an even greater share of those convicted of more serious property thefts. In fact, if 1749 is taken as an anomaly then it could be argued that transportation was not employed in cases of serious property crime as often during the prosecution wave as at other times. By contrast, sentences of death increased as a proportion of all sentences, especially after 1749, increasing from 10% of all sentences in 1748, to 14% in 1749, and 21% in

⁹⁸ The following discussion is based upon an analysis of all meetings of the Middlesex Sessions of the Peace held between 1747 and 1754. Middlesex Indictments Register.

1750, continuing at a high level (accounting for around one-fifth of all sentences) until 1754 (GRAPH 3.6).⁹⁹

GRAPH 3.6

Sentences of Corporal Punishment and Death passed at the Old Bailey, as a Percentage of all Sentences, for all Offences, by Year, 1745-1755



Sentencing decisions in the metropolis were therefore more punitive during the crime wave period. Yet to what extent were these patterns a result of judges' active decision making or circumstances forced upon them? As petty juries significantly reduced the number of part-guilty verdicts passed upon offenders at the Old Bailey after 1748, they were in effect putting pressure on judges to give harsher sentences. Judges also came under pressure to act less leniently by orders from senior government figures keen to see the law applied to its full extent to try and put a stop to the serious criminal threat. As Douglas Hay explains, 'the great alarm about crime levels in the 1750s... generated an unusually high level of resistance, both in the judicial practice of "administrative" pardons, and in government responsiveness to subsequent petitions to save those who had been left to hang.'¹⁰⁰

Some judges agreed with the policy, changing their decision making accordingly. Others complained bitterly, as did Sir John Willes, Chief Justice of the Common Pleas, when

⁹⁹ OBP, 'Statistics' search, tabulating year against punishment category, between 1747 and 1755, counting by punishment.

¹⁰⁰ Douglas Hay, 'Writing about the Death Penalty', *Legal History* 10 (2006), pp. 35-51.

asked in July 1750 to provide a report on the highway robbers he had already granted an administrative reprieve: 'I am sorry to find... that the same credit is not given to the present judges, as hath been given to their predecessors for many years last past.'¹⁰¹ The Lord Chancellor and first Earl of Hardwicke Philip Yorke just two months previously had indeed complained of Assize circuit judges recommending convicted offenders for mercy 'without specifying any of the circumstances which induced them to make the said recommendations,' and ordered that the aforementioned judges should produce adequate reports 'to the end that their excellencies may be able to form a judgment, whether the said offenders are fit objects of his majesty's mercy.'¹⁰² Still dissatisfied with their decision making, in February 1754 the central executive again reminded judges that with capital felonies they should 'grant such reprieves, only in cases, where reasonable cause shall appear from the nature and circumstances of each particular case,' and warned them not to forget 'that mere importunity is none of those reasonable causes.'¹⁰³

Judges nevertheless continued to grant administrative reprieves in many cases of robbery, even shocking ones, and upon the basis of what appears to have been 'mere importunity'. Justice Denison, one of the circuit judges chastised by Hardwicke in May 1750 for failing to provide adequate explanation for granting a reprieve, in August of the same year recommended to the King's mercy Joseph Rainbird, convicted of theft from a dwelling house at the Kent Assizes, in his reporting explaining:

The prisoner made no defence nor called any witnesses but was undoubtedly guilty of the fact for which he was indicted. And as the offence appeared to me to be attended with such circumstances as hardly distinguished it from a robbery and the offender seemed to be experienced in that sort of business I left him for execution. But very lately at the earnest importunity of some of his friends desiring an opportunity to lay a petition before your excellencies I respited [sic] the execution for that purpose for a short time.¹⁰⁴

Judges continued to take nuanced decisions in granting administrative reprieves, based upon many factors including youth, previous character, the nature of offence, the evidence given at the trial, prospects for future employment, and striking the right balance between sufficiently terrifying examples and attracting the public's repugnance. They did not all blindly sentence more to hang because of the panic about crime and pressure to apply the law to its fullest extent. Justice Edward Clive justified his recommendation of the convicted robber William Dickens to mercy in July 1750 because one Thomas Wakelin, 'convicted at the

¹⁰¹ TNA, State Papers Domestic, SP 36/114/49.

¹⁰² Hardwicke Papers, BL, Add MS. 35870, f. 152.

¹⁰³ *Ibid.*, f. 241-244.

¹⁰⁴ TNA, State Papers Domestic, SP 36/114/141.

same Assizes for a very bad robbery on the highway' and subsequently executed, had, he believed, 'answered in some measure the purpose of example.'¹⁰⁵

Having said this, however, many judges do seem to have become more punitive in their decision making during the crime wave period. In a printed biography of James Maclaine the author Reverend Dr. Allen described how he had warned that the offender should have 'very little foundation for any hope [of a reprieve] – that (if the public papers were to be depended upon) robberies were so frequent, committed too by people of a genteel appearance like his, that the administration found it necessary to execute the utmost severity of the law.'¹⁰⁶ Such examples can certainly be found in the judicial records. Reporting upon the case of John Jepson, convicted and sentenced to death at the Chelmsford Assizes in August 1749 for highway robbery, Lord Chief Justice Baron Parker noted Jepson's youth and his mother's good reputation as 'considerations that will have their due weight with [the King] in favour of this unhappy young man,' but ultimately concluded that as 'robberys are become so frequent, and the Parliament having considered this offence of such a nature, as to give a reward of forty pounds for apprehending and prosecuting any person guilty of this offence to conviction,' he did not think himself 'warrant to recommend John Jepson as a proper object of your majesty's compassion.'¹⁰⁷

Conclusion

Printed crime reporting does seem to have had an impact upon rates of prosecution (and by extension, upon prosecutorial behaviour), and possibly also patterns of judicial decision making. As shown, the close statistical correlation between the timing and scale of changes in newspaper crime reporting and rates of prosecution can be taken as indicative of a direct, two-way causal relationship between print and prosecutorial behaviour, for contemporaries took newspapers as accurately reflective of the state of crime, and thus their fears were aroused by both the increasing number of crime reports and by the qualitative nature of reportage. If prosecution levels were more reflective of prosecutorial behaviour – and there are good reasons for believing they were – then the crime wave in print appears to have at least in part generated an increase in the sheer volume of responses to crime.

Print also likely had an impact upon judicial decision making, but here its influence was heavily mediated by a number of crucial factors including who made decisions and the particular jurisdiction within which decision making took place. Decision making at all levels of the justice system became more stringent and punitive with the mid-century crime wave in

¹⁰⁵ *Ibid.*, SP 36/114/23.

¹⁰⁶ Reverend Dr. Allen, *An Account of the Behaviour of Mr James Maclaine* (London, 1750), p. 14.

¹⁰⁷ TNA, State Papers Domestic, SP 36/111/132.

print and prosecution wave in the courts. For some groups, such as judges, magistrates, and grand and trial juries who had regular and direct experience of crime through involvement in the judicial system, their attitudes and decision making were no doubt linked to the number of offenders brought before the courts, and cannot solely be explained by the influence of print.

However, we should not therefore completely exclude the influence of print. Similarly more stringent and punitive decision making can be found amongst those outside the justice system who did not have regular experience of crime, such as victims of petty theft. Moreover, print likely combined with levels of prosecution in shaping contemporary attitudes. Members of trial and grand juries (typically drawn from the middling ranks of society) were for example also the primary market for crime literature. As well as basing their perceptions of crime upon the offences brought before the courts, they also based them upon what they learned from print. The prosecution levels which in part shaped perceptions of crime amongst actors within the judicial system, such as trial juries, were in themselves influenced by changes in prosecutorial behaviour, which was in-turn shaped by attitudes based in part upon print. What we can conclude from this is that different elements such as crime reporting, prosecution rates, perceptions of crime, decision making, judicial context, and a range of other factors were linked together in a complex web of interaction.

The mid-eighteenth-century crime wave in print presented criminality as a growingly serious and threatening social problem, exaggerating its scale and the prevalence of violence. This shaped the way contemporaries thought about crime, resulted in hardening attitudes, and contributed to more numerous, stringent, and punitive decision making within the criminal justice system, although the action it generated was constrained by the contexts within which action took place. Print helped produce an increase in the volume of responses to crime, but it could not automatically dictate the form those responses took.

Chapter 4: Print Culture and Policing

Introduction

As with its ability to shape attitudes to crime, there are good reasons to believe that print also had the potential to shape contemporaries' perceptions of the effectiveness of the justice system and to influence the methods employed by contemporaries in the detection and arrest of offenders. Although efforts were made at this time (particularly by the Fieldings) to encourage victims of crime to respond via the involvement of formal institutions of criminal justice, this was still a system which relied fundamentally upon the ability and willingness of ordinary men and women to respond to crime.¹ Moreover, as J. M. Beattie and Elaine Reynolds have shown, systems of policing throughout the early eighteenth century remained under the control of the parish and ward authorities, which for the most part consisted of relatively prosperous householders receptive to local issues and well informed by print.² The attitudes and decision-making processes of inhabitants, as victims and witnesses of crimes, members of local government, and key role players in the justice system were therefore of significant importance. Typically drawn from the middling and upper ranks of society, these Londoners were the primary audience for printed crime literature.

Contemporaries could certainly learn about criminal justice from sources other than print. Many eighteenth-century diarists record their attendance at magistrates' offices, courts of Assizes and the Old Bailey, prisons, and the site of public punishments ranging from whippings to hangings.³ Moreover, direct experience of official policing systems was certainly likely: some householders continued to serve as constables (although many increasingly sidestepped this duty by paying for a deputy to act in their place), and whilst the night watch largely consisted of full-time, paid officers as opposed to the older tradition of residents serving by rotation, the local nature of policing no doubt meant that contemporaries were to some extent familiar with prevailing systems and the options available to them as victims as crime. It would be rash therefore to exalt print as *the* single source of available information on prevailing methods of policing and their effectiveness. Yet print was undoubtedly a regular, detailed, and easily accessible source of information and the way in which it presented differing methods could have influenced readers' responses. How old practices and new innovations were portrayed in print might help to explain why some changes were adopted, or at least why particular methods flourished and others faded.

¹ John Styles, 'Sir John Fielding and the Problem of Criminal Investigation in Eighteenth-Century England', *Transactions of the Royal Historical Society* 33 (1983), p. 137; Radzinowicz, *A History*, Vol. 3, p. 79.

² Beattie, *Policing and Punishment*, pp. 86-91; Elaine Reynolds, *Before the Bobbies: The Night Watch and Police Reform in Metropolitan London, 1720-1830* (London, 1998), p. 4.

³ See for example Philip Yorke (ed.), *The Diary of John Baker* (London, 1931); William Hawkes (ed.), *The Diaries of Sanderson Miller of Radway* (Bristol, 2005).

When speaking of the discourses of ‘policing’ offered by mid-century crime literature, it must be recognised that rarely was the term used in print, nor did it have its narrow present meaning.⁴ ‘Police’ covered an enormous range of activities from the prevention and detection of serious felonies, through to the suppression of moral and religious misbehaviour, and the maintenance of clean and well-lit streets.⁵ The more widely used term to cover this range of activities was ‘civil power’, which Henry Fielding claimed ‘hath... by the remissness of the magistracy lost much of its ancient energy,’ and which he intended to rouse ‘from its present lethargic state.’⁶ In the mid-eighteenth century, therefore, ‘policing’, or in its absence, notions of which activities came within the remit of the ‘civil power’, were extremely broad. This chapter will begin with a discussion of the impact of print upon the methods of policing utilised against the apparent ‘root’ causes of crime. It will then go on to study the ways in which mid-eighteenth-century crime literature represented the policing of property crime, and provide some suggestions as to how this might have influenced policing reform in the metropolis.

Print and Responses to the ‘Root’ Causes of Crime

Crime literature identified irreligion, idleness, and immorality as the most influential causes of the crime wave and called for magistrates, peace officers, and the public to make every effort to identify and apprehend those upsetting the social and moral order of the metropolis. Ordinary Londoners agreed that attention should focus on root causes: the introduction of a £100 reward for apprehending the street robbers believed to be infesting London was ‘high time indeed,’ Thomas Wilson confided in his diary in December 1750, yet it failed to strike at the root cause of robberies which were, he believed, ‘gin and gaming’.⁷ Were any such stricter policing campaigns against social and moral offending actually carried out in practice, and if so, how extensive were they in comparison to what was called for in print? Bob Harris has shown the way in which newspapers and pamphlet literature identified the apparent root causes of crime at mid century, and has followed this up with a useful discussion of some of the responses that were undertaken. His evidence for such responses is largely drawn however from London newspapers.⁸ What is needed, therefore (as Harris himself has called for), is a more thorough analysis of the judicial records which provide evidence of the responses undertaken by local inhabitants, peace officers, and the courts. First of all we need to understand how printed crime literature in its various forms explained the crime problem.

⁴ Francis Dodsworth, ‘Police and the Prevention of Crime: Commerce, Temptation and the Corruption of the Body Politic, from Fielding to Colquhoun’, *British Journal of Criminology* 47 (2007), p. 448.

⁵ Andrew Harris, *Policing the City: Crime and Legal Authority in London, 1780-1840* (Ohio, 2004), p. 4.

⁶ Fielding, *An Enquiry*.

⁷ C. L. S. Linnell (ed.), *The Diaries of Thomas Wilson, D. D. 1731-37 and 1750* (London, 1964), p. 260.

⁸ Harris, *Politics and the Nation*, pp. 278-323.

In reflecting at great length upon the crime wave, pamphlet literature was, as Nicholas Rogers rightly argues, able to give sharper definition to the problem than could newspapers, and managed to extend its coverage to a wider debate about social reform and regulation.⁹ It is nevertheless crucial to analyse newspapers and other forms of crime literature, for they were likely to have been read by a wider audience than pamphlets of social commentary, and since the causes of, and solutions to, the crime problem that were advocated in pamphlet literature first appeared in newspapers. Pamphlets dedicated to the recent crime problem emerged in earnest after 1751 and therefore into an environment in which newspapers had already provided many similar arguments. Indeed, a number of the commentaries printed in newspapers were written by authors of separately published pamphlets.

All forms of mid-century printed crime literature reinforced (with some differences) the conventional and long-standing etiology of crime located in the root causes of irreligion, idleness, and immorality. These minor sins and moral transgressions were, it was advocated, connected inextricably to serious felonies on a 'great chain of sin'. John Maud maintained that the failure 'to secure the laws of morality from insult and contempt,' was 'daily more and more confirmed by the acknowledged increase of robberies and murders.'¹⁰ The pseudonymous Philonomos similarly commented that 'if idleness, drunkenness, gaming, lewdness, and immorality, could be suppressed, those greater crimes, which make so terrifying an appearance, excite such a general clamour, and cause such frequent and numerous executions, would very quickly cease.'¹¹ Crime sharpened fears about morals because the prevailing explanation for crime was rooted in the moral health of society.¹²

Appropriated by clerical polemicists, the crime problem was in part presented as the result of 'spiritual mischiefs' and an 'almost universal contempt of religion,' including Sabbath breaking and profane cursing.¹³ In addition to the recent Jacobite uprising of 1745, the London and Lisbon earthquakes of 1750 and 1755, a devastating outbreak of disease amongst the horned cattle in 1753, harvest failures, and food shortages, the crime problem was interpreted by diarists and polemicists alike as a result of widespread irreligion and as a sure sign of God's displeasure.¹⁴ More so than such strictly spiritual offences, mid-century crime literature identified 'temporal mischiefs' as the primary causes of crime, including drunkenness

⁹ Rogers, 'Confronting the Crime Wave'.

¹⁰ John Maud, *An Introductory Discourse to the Tremendous Sanction Impartially Debated* (London, 1753), p. 10.

¹¹ Philonomos, *The Right Method of Maintaining Security in Person and Property* (London, 1751), p. 59.

¹² Harris, *Politics and the Nation*, p. 290.

¹³ Citizen of London, *The Vices of the Cities of London and Westminster* (Dublin, 1751), no pagination; William Romaine, *A Method for Preventing the Frequency of Robberies and Murders* (London, 1754)

¹⁴ Thomas Jackson (ed.), *The Journal of the Reverend Charles Wesley* (2 Vols. London, 1849), Vol. 2, p. 70; W. Brockbank and F. Kenworthy (eds.), *The Diary of Richard Kay, 1716-1751 of Baldingstone, near Bury* (Manchester, 1968), p. 117; W. C. Lukis (ed.), *The Family Memoirs of the Reverend William Stukeley, M.D.* (Durham, 1882), p. 416; William Penn, *A Call to Repentance, Recommended to the Inhabitants of Great Britain* (London, 1745), p. iii; Charles Bulkley, *The Nature and Necessity of National Reformation* (London, 1756).

(especially through gin), gaming, lewdness, bad company, and public diversions.¹⁵ ‘Sloth and idleness’ were declared the ‘parents of all crimes,’ and offences the actions of ‘loose, idle, and disorderly’ persons. A newspaper report of 1751 noted that ‘many worthy justices of the peace, both in London and Westminster, are preparing a list of the numberless offenders brought before them (during the course of the last year) most of which offenders seem’d prompted to the various crimes for which they were taken up, by that most pestiferous liquor, GIN.’¹⁶ Drunkenness was deemed ‘a vice by no means to be construed as a spiritual offence alone, since so many temporal mischiefs arise from it, amongst which are very frequently robbery and murder itself.’¹⁷ In his diary the Sussex shopkeeper Thomas Turner in 1758 agreed ‘the too-frequent use of spirituous liquors... has corrupted the morals of people of almost every rank.’¹⁸

Widespread agreement that crime resulted from the torrent of irreligion, idleness, and immorality was contrasted however by significant division about which sections of society were to blame, and therefore who should be the focus of reformation. Exploiting the outlet offered by the *London Evening Post* for those with dissident voices, the pseudonymous writer ‘Britannicus’ in one of his many letters printed in the paper appropriated the crime problem within his anti-government stance.¹⁹ He asserted that by plundering the nation to enrich themselves, by reducing the people to poverty, and by setting a shameful example to the poor, the great served ‘not only to seduce, but almost compel’ the lower orders into committing ‘the most atrocious crimes,’ those ‘murders, robberies, etc’ which rendered ‘it hazardous to travel the highways, and almost unsafe to walk the streets.’²⁰ The *London Evening Post* likewise later complained that ‘bad example and impunity are the sources of idleness, and both these come from above. If men in great employments and indolence, if public business, stalks in leaden boots, and pleasure becomes the general taste, the lowest of the people will be idle at least, if not luxurious.’²¹

Not only did this contrast with the argument already put forward by men such as Henry Fielding that the vices of the great were of no real threat to the moral health of the nation, it also undermined the proposition made by Bernard Mandeville some twenty-five years previously that the private vices of the great were productive of public benefits.²² Certainly some commentators were keen to limit their attacks upon the pleasure seeking of

¹⁵ McKenzie, *Tyburn’s Martyrs*, p. 90.

¹⁶ *London Evening Post*, 22 January 1751.

¹⁷ Fielding, *An Enquiry*, p. 84.

¹⁸ Florence Maris Turner (ed.), *The Diary of Thomas Turner of East Hoathly (1754-1765)* (London, 1925), p. 41.

¹⁹ Bob Harris, ‘The *London Evening Post* and Mid-Eighteenth-Century British Politics’, *English Historical Review* 110 (1995), p. 1139.

²⁰ *London Evening Post*, 27 June 1751.

²¹ *London Evening Post*, 8 June 1754.

²² Bernard Mandeville, *The Fable of Bees: Or, Private Vices, Public Benefits* (London, 1724).

the poor alone. Charles Jones in his printed tract believed the ‘main spring and origin of most of the robberies, etc. that have been committed for some years past,’ were ‘the vices and extravagancies of the common people, particularly those in and about the cities of London and Westminster.’²³ Moreover, the *Ordinary’s Accounts*’ decreasing focus on spiritual offences at mid century represented a ‘gradual shift from an older, Universalist conception of crime to one more concerned with, or at least more apt to cite, environmental and class-specific causes of criminality,’ with a greater distinction

between the great who were immune to “absolute deviation” by “the bias of education, and bright examples constantly before them,” the lower sorts who without education and good example, were led “from the road of virtue and lost past redemption,” and those who had no opportunity “of knowing the good things of either heaven or earth,” being “lost from the moment of their birth, and immersed from their cradles in ignorance, stupidity and misery.”²⁴

Other pamphleteers, although certainly not exonerating the poor of any need of reform, nonetheless maintained that only via the example of the great could their social inferiors turn away from vice and idleness. It was the duty of parents and masters to provide good examples for the youths in their care. Likewise it was the duty of the great to provide virtuous examples for social inferiors. Without these guiding lights, the impressionable and easily-misled youth and poor of the nation could only be expected to live a life of vice and idleness which would ultimately come to a disastrous end. In a printed tract on ‘the present situation of affairs,’ Britannicus both complained of the bad example set by the great for the ‘lower class’ of people, and similarly warned that ‘parents should be very careful, that the ruin of their children may never be justly charg’d upon their overfondness [sic] or bad example.’²⁵

Other causes of the crime problem were also identified in print, including poverty and (as discussed in Chapter Three) demobilisation, although they were discussed at shorter length and were often integrated within the wider discourse of irreligion, idleness, and immorality. Again, these were causes which contained a number of ambiguities and which generated some debate. Many accounts took a hard line to the issue of poverty. People were committing crimes because they were poor, it was accepted, yet such poverty was a result of inordinate pleasure seeking, a desire for wealth, or the need to support lewd women. Others on the contrary offered more sympathetic views. ‘It is humbly hoped,’ ran one report, ‘that in whatever regulation shall be thought necessary with regard to the poor, due commiseration will be shewn to such as become indigent through misfortune, since if poverty, independent of the circumstances by which it is incurred, should be looked on as criminal, instead of

²³ Jones, *Some Methods Proposed*, p. 8.

²⁴ McKenzie, *Tyburn’s Martyrs*, p. 90.

²⁵ Britannicus, *A Letter*, pp. 17, 24.

repressing it, will encourage the most dangerous of all vices in reference to society, that of desiring to acquire wealth at any rate.²⁶

With so much emphasis upon the root causes of crime in irreligion, idleness, and immorality, print in turn focused overwhelmingly on solutions which promoted the stricter regulation of social and moral order, and much less on reforms to the justice system. Such was the concern over the state of crime that the *Whitehall Evening Post* in January 1749 turned to its readers for solutions, advertising that 'if any person can think of a proper scheme for the preservation and safety of his fellow subjects, which carries with it, any air of probable success, and will send it to our publisher, it shall be inserted in this paper.'²⁷ Three replies were printed in the following months and similar solutions echoed in numerous other proposals printed over the next few years. One report suggested that a 'county house of industry' should be set up in order to provide those with work 'who know not where else to get it.'²⁸ Another proposed committing all vagrants, vagabonds, and idle persons to workhouses.²⁹

Proposals were therefore printed in newspapers from as early as January 1749, well before the majority of lengthy pamphlets appeared. The solutions offered by pamphleteers to deal with the crime problem were however described in greater detail than in any other form of print. Again, their proposals leaned heavily towards social reform and regulation. Many demanded magistrates and peace officers pay stricter regard to their duties in detecting and suppressing places of public diversion.³⁰ Regulation of lower class activities in particular became the focus of several social commentators, suggesting either committing the idle and suspicious to hard labour in houses of correction or establishing county workhouses and modifying the poor laws.³¹ Pamphleteers keenly pointed out the justice system's failures, yet for the most part they declined to offer any real solutions. Efforts lay more with the perceived root causes of crime, those evils which were believed to corrupt the poor and lead them to a life of offending. Better to treat the cause of the distemper, than to treat the symptoms, it was frequently asserted.

Mid-century London newspapers, pamphlet literature, and the *Ordinary's Accounts* therefore together reinforced the long-standing and conventional narrative of crime which traced its roots in irreligion, idleness, and immorality, and offered solutions centred about the more effective policing of London's social and moral health. Similar causes of, and solutions to,

²⁶ *London Evening Post*, 20 July 1751.

²⁷ *Whitehall Evening Post*, 14 January 1749.

²⁸ *London Evening Post*, 27 March 1753.

²⁹ *Whitehall Evening Post*, 19 January, 24 January, 16 February 1749.

³⁰ Brittannicus, *A Letter*, p. 6; Country Justice of the Peace, *Serious Thoughts in Regard to the Publick* (London, 1750), p. 13; Philo-Patria, *A Letter to Henry Fielding* (London, 1751), p. 9.

³¹ Rogers, 'Confronting the Crime Wave', pp. 90-91; Fielding, *An Enquiry*, p. lix; *A Proposal for Relief and Punishment of Vagrants* (London, 1748); Fitzsimmonds, *Free and Candid Disquisitions*, p. 42; William Hay, *Remarks on the Laws Relating to the Poor* (London, 1751); Thomas Alcock, *Observations on the Defects of the Poor Laws* (London, 1752).

the crime problem were advocated across a range of crime literature genres. However, representations of the success or failure of efforts to tackle the root causes of crime varied greatly between different publications. In general, pamphlet literature offered a far more negative image than did London newspapers. Both should be taken with some caution, for they were the product of different motivations and circumstances of production. Nevertheless, the contrasts in some instances could not be more striking: where social commentators and reformers complained of the insufficient execution of good and just laws, the newspapers represented the civil authorities proactively and diligently exercising their powers to seek out offenders.

Extensive negative commentary appeared in mid-century pamphlets. 'Our laws are perhaps as wisely calculated as those of any other nation under heaven,' wrote the pseudonymous Brittannicus in one pamphlet, 'but what avails this, when they are not put in execution?... how many disorders appear at the present juncture? How many exorbitancies [sic], which might easily be prevented by the prudence and wisdom of those who are entrusted with power?'³² 'It is a well known case,' claimed one pamphleteer referring to corrupt peace officers, 'that most disorderly houses are in fee with some of these rascals.' London newspapers by contrast contained far more positive commentary. Countless reports were made of magistrates – in attendance with constables and other officers – proactively seeking out centres of vice and disorder. In one typical report the *London Evening Post* in April 1750 noted that Henry Fielding, in attendance with a party of constables, 'went to a notorious publick gaming house... and seiz'd a great number of persons who were gaming, twenty of whom were, after a long examination, committed to the Gatehouse... the neighbourhood testified their joy at the demolition of this great nuisance, by universal acclamations.'³³ Other reports celebrated the success of the civil authorities in clearing the streets of 'common nuisances'. Contrary to arguments made by pamphleteers, ordinary inhabitants were likewise in newspapers shown to be actively engaged in the policing of moral order. Representative of countless similar reports, in January 1748 the *Jacobite's Journal* described how 'the inhabitants of the parish of St Martin in the Fields have been so vigilant in causing the loose and disorderly women within their parish to be taken up and punish'd, that people may now walk the streets there without much interruption by them.'³⁴

Many contemporaries certainly agreed that irreligion, idleness, and immorality were the root causes of crime and that efforts should be made to police social and moral order more assiduously, utilising similar language to that found in print. Following discussions with Henry

³² Brittannicus, *A Letter*, p. 6.

³³ *London Evening Post*, 19 April 1750.

³⁴ *Jacobite's Journal*, 23 January 1748.

Fielding, Thomas Wilson in his diary concurred that the ‘three great sources of our present enormities about this City are gin, gaming and the infinite number of places of diversion,’ and that ‘all will not do till the poor are in earnest set to work.’ As a result there ‘would not be time [for them] to get drunk and follow wicked diversions,’ thereby preventing ‘a great many executions for the lesser crimes.’³⁵ ‘The spirit of gaming goes on everywhere,’ lamented John Russell in his diary in 1751. Noting the many petitions made to the House of Commons against ‘the notorious use and abuse of gin among the common people,’ he nonetheless worried ‘nothing will be done to prevent it this year.’³⁶ Thomas Turner likewise believed ‘that luxury increases so fast... that people have little or no money to spare but what is really necessary.’³⁷ Mid-century society was in a ‘wretched condition’ according to the Reverend William Stukeley, owing to its ‘great irreligion and flagrant luxury.’³⁸

But did the policing of morality actually change in practice in accordance with the vehement restatement of this traditional narrative and calls for greater efforts made in print? We can trace responses to immorality at a number of stages, including summary committals to houses of correction and indictments tried at the lower courts, both evidenced by judicial records, and in the efforts of local inhabitants and peace officers, evidenced by newspaper reports and manuscript sources.

London newspapers regularly reported the successful efforts of inhabitants and magistrates in the policing of immorality. As Harris rightly argues upon the evidence of crime reporting, ‘at parochial and vestry level in and around London, there were many initiatives to improve policing, including subscriptions for extraordinary guards on roads or to finance rewards for the taking of housebreakers and robbers and for the detection of gaming and bawdy houses.’³⁹ In April 1750, the *London Evening Post* for example reported how a number of bawdy-house keepers ‘were detected by the diligence of several inhabitants... who are determin’d to extirpate such pernicious practices from their neighbourhood.’⁴⁰ Of course, magistrates and parish authorities were keen to publicise their efforts, and may have supplied the press with reports of their activities. Although ephemeral, and perhaps providing an exaggerated picture, newspapers nevertheless reveal that many efforts *were* undertaken by inhabitants and the authorities to improve the policing of the moral health of the metropolis in response to the fears fostered by print.

³⁵ *The Diaries of Thomas Wilson*, p. 257.

³⁶ Mary Eyre Matcham (ed.), *A Forgotten John Russell: Being Letters to a Man of Business 1724-1751* (London, 1905), p. 325.

³⁷ *The Diary of Thomas Turner*, p. 41.

³⁸ *The Family Memoirs of the Reverend William Stukeley*, p. 383.

³⁹ Harris, *Politics and the Nation*, p. 289.

⁴⁰ *London Evening Post*, 7 April 1750.

Manuscript sources similarly demonstrate that greater efforts were taken by parish authorities and criminal justice officers to police immorality in the metropolis during the crime wave period. Repertories of the Court of Aldermen indicate that after 1748 the City authorities made frequent requests for precepts against vice and immorality to be printed and ‘posted up in the most publick places,’ in addition to assuring that wardmote presentments against bawdy and disorderly houses would be prosecuted at the City’s expense, and ordering that stricter policing be made of all social nuisances.⁴¹ In April 1750, the aldermen expressed concern about ‘the great increase of all manners of vice’ and stated their ‘firm resolution to discountenance such practices for the future, and to punish the offenders with the utmost severity the laws allow to that end,’ warning that peace officers who neglected their duty in this regard would be severely punished.⁴² A meeting of Westminster justices in April 1748 resolved to put the laws against gaming houses and ‘loose, idle, and disorderly’ persons into greater execution and to carry out night-time searches for places of ill repute. They also intended to increase the number of able bodied watchmen so as to apprehend all ‘dangerous and suspicious’ persons, further resolving to publicise their efforts in the *Daily Advertiser*.⁴³ A committee of Middlesex justices of the peace established in June 1751 likewise agreed on the need to improve ‘the methods of executing the laws now in force for the apprehending and punishing disorderly persons, rogues and vagabonds and incorrigible rogues,’ hoping the City justices would act likewise. The committee’s resolutions included establishing regular meetings between magistrates, printing advertisements about laws relating to vagrancy, and directions to the constables for dealing with vagrants.⁴⁴ Vestry minutes for St Clement Danes moreover demonstrate that parish officials at mid century ‘discussed methods of suppressing disorderly houses, curtailing the sale of spirituous liquors, enforcing the laws against the profanation of the Sabbath, and arresting prostitutes.’⁴⁵

It would appear therefore that many efforts were undertaken to detect morality offenders during the crime wave period. Yet these efforts seem to have had only a small impact upon the numbers of people actually committed and punished. The Tothill Fields, Clerkenwell, and Bridewell houses of correction were all used in the mid-eighteenth century to summarily punish a variety of morality and related petty offences. Records of commitments to Tothill Fields unfortunately do not exist for the mid-century period, but they do for Bridewell and Clerkenwell, providing information on the numbers committed, for what offences, and

⁴¹ Aldermen Reps, LMA, COL/CA/01/01/156/007, 083, 108, 123, COL/CA/01/01/157/003.

⁴² *Ibid.*, LMA, COL/CA/01/01/158/223, 235.

⁴³ WSP, LMA, WJ/SP/1748/04/022a-d.

⁴⁴ MSP, LMA, MJ/SP/1751/05/037.

⁴⁵ Tim Hitchcock, Sharon Howard, and Robert Shoemaker, ‘Reformation of Manners’, LL; St Clements Danes, Minutes of Parish Vestries, LL, 17 January 1750, WCCDMV362090035, 18 January 1750, WCCDMV362090040, and 17 May 1750, WCCDMV362090073.

how they were dealt with. Established in 1533, Bridewell hospital and subsequent houses of correction sought to control the poor, provide an effective vehicle for policing the urban environment, and discipline through hard labour and corporal punishment those deemed to be a threat to the social order, including vagrants, prostitutes, disobedient servants or apprentices, and those generally referred to as 'loose, idle, and disorderly'.⁴⁶ Descriptions of moral offences recorded in the Bridewell Court Books are formulaic, mostly confined to the rather broad label of 'loose, idle, and disorderly'. Many of those committed were accused of no more than being poor or without work, but many were also tainted by suspicions of a generally criminal character. As Robert Shoemaker explains, 'virtually any unhelpful practice indulged in by the poor could be used to label them as loose, idle, and disorderly and therefore liable to incarceration in the house of correction.'⁴⁷ But changes in the broader social role of the law which fostered a 'more laissez faire approach to moral offences' in addition to fewer meetings of the governors of Bridewell and the development of parochial workhouses all contributed to a reduction in the numbers committed to metropolitan houses of correction for morality offences over the course of the eighteenth century.⁴⁸

Analysis of all the recorded meetings of the court of governors of Bridewell reveals a total of 454 men and women committed for 'loose, idle, and disorderly' behaviour in the period 1745-1754.⁴⁹ It is hard to make any meaningful conclusions out of the monthly pattern of commitments, as the numbers are so erratic, although it could be argued that the levels were consistently higher after mid to later 1748 (APPENDIX 4.1). Indeed, this is also suggested by the average number of commitments made at each meeting, which were moderately higher during the crime wave period between 1747 and 1752 than the years both before and after (APPENDIX 4.2). As explained in the previous chapter, the annual total number of commitments recorded in the Bridewell Court Book were likely distorted by the number of times which the governors met. Whilst we therefore cannot use the total annual figures we can however account for the number of times which they met and get a sense of on-average how many people were being committed at each meeting. In 1751, typically some one in four more people were committed for 'loose, idle, and disorderly' behaviour at each meeting of the court in comparison to 1745, suggesting that City efforts to police immorality were having some impact (APPENDIX 4.2). However, this is a rather modest increase and it does not

⁴⁶ *Ibid.*, pp. 24-33; Joanna Innes, 'Prisons for the Poor: English Bridewells 1555-1800', in Douglas Hay and Francis Snyder (eds.), *Policing and Prosecution in Britain, 1750-1850* (Oxford, 1989), p. 42.

⁴⁷ King, *Crime and Law*, p. 30; Shoemaker, *Prosecution and Punishment*, p. 171.

⁴⁸ Faramerz Dabhoiwala, 'Sex, Social Relations and the Law in Seventeenth- and Eighteenth-Century London', in Michael J. Braddick and John Walter (eds.), *Negotiating Power in Early Modern Society: Order, Hierarchy and Subordination in Britain and Ireland* (Cambridge, 2001), pp. 85, 95-97; Shoemaker, *Prosecution and Punishment*, p. 196.

⁴⁹ Bridewell Court Book, COZ-17, 18.

necessarily reflect greater policing of immorality, but rather more stringent prosecution of property crime, for many – indeed most – accusations of loose, idle, and disorderly behaviour brought before the governors of Bridewell also involved an accusation of pilfering. Few were committed for purely moral offences such as Sabbath breaking or streetwalking. It seems that offenders were as much apprehended for suspicion of theft as for immoral behaviour.

This is supported by the Clerkenwell house of correction records. In Middlesex, petty thefts were largely removed from the bounds of summary justice at mid century, and it is therefore likely that all those committed to Clerkenwell house of correction for loose, idle, and disorderly behaviour were apprehended purely for morality offences. This is also suggested by the language used on the Clerkenwell Calendars: committals for loose, idle, and disorderly behaviour were almost never attended with an additional accusation of theft, as was often the case at Bridewell. The Clerkenwell Calendars show that policing of the loose, idle, and disorderly did not significantly change in Middlesex at mid century during the panic about crime. Commitments remained largely stable over the years 1746-1755. There does seem to have been some increase in commitments between May 1748 and May 1753 (with the exception of July 1750 to July 1751). This may be linked to the vehement outbursts against immorality and idleness printed in social pamphlets at this time which perhaps incited stricter policing (APPENDIX 4.3). But as the average monthly and yearly total of commitments were not substantially higher than the numbers committed before or after the period July 1750 to July 1751 it indicates that the policing of the loose, idle, and disorderly did not change significantly. Direct comparisons between the absolute yearly totals of commitments to Clerkenwell are not possible, because some of the mid-century calendars have not survived or are in too poor a condition to be consulted. We can therefore only compare the average number of commitments per calendar, calculated from the available records for each year. Average numbers committed per calendar remained stable between 1746 and 1749, and after that time were actually below the typical level for the entire period 1746-1755 (APPENDIX 4.4).⁵⁰

In addition to little significant change in the policing of loose, idle, and disorderly behaviour, judicial records from the lower courts suggest that few extra morality offences were prosecuted by indictment, although the situation differed according to jurisdiction. In Middlesex, greater efforts at the policing of irreligion, idleness, and immorality do seem to have resulted in more grand jury presentments for Sabbath breaking, and also prosecutions for keeping ill-governed and disorderly houses at the Sessions of the Peace. Indeed, numbers increased enormously from May 1750 in the case of the former and from October 1749 in the

⁵⁰ Clerkenwell Calendar, LMA, MJ/CC/R/3-58.

latter.⁵¹ This increase is matched by the evidence from the Hackney Petty Sessions Book, which shows that summary convictions for Sabbath breaking were more common in the early 1750s than previously, perhaps because, as Ruth Paley explains, it ‘was a period when heightened anxieties about crime rates fuelled a demand for moral reform.’⁵² Indictments against keepers of disorderly houses in particular ran at a high level in late 1752 and early 1753, with an increasing tendency for these indictments to be found as true bills by the grand jury.

However, the significance of this increase is qualified by the fact that the vast majority of presentments for Sabbath breaking were filed against butchers and bakers for trading on Sundays. They do not represent a more general attempt by the authorities to enforce public religious observation.⁵³ Moreover, it would seem that even the relatively small number of indictments for keeping disorderly houses prosecuted in Middlesex was not mirrored in other jurisdictions. Far fewer such offences were prosecuted at the City Sessions of the Peace. Just 50 indictments for Sabbath breaking or keeping disorderly houses were prosecuted there in the years 1747-1755, amounting to an average of about 5 indictments per year, 15 of them found not guilty.⁵⁴ Similarly, very few such offences were prosecuted in Westminster, where only 15 indictments for keeping ill-governed houses were put before the grand jury at the Quarter Sessions between 1747 and 1754, 9 of them failing to result in a conviction.⁵⁵ From an analysis of sessions rolls for Westminster, Middlesex, and King’s Bench, Faramerz Dabhoiwala estimates that in 1758 probably no more than ten or fifteen successful actions were taken in the courts against brothel keepers across the whole metropolis.⁵⁶ Moreover, there was actually a steady decline in the number of presentments against disorderly houses made by the inquest juries of the twenty-six wards in the City of London after 1753.⁵⁷

If greater efforts were being taken to police the moral health of the metropolis, encouraged by crime literature which emphasised the root causes of crime in irreligion, idleness, and immorality, why did they fail to result in greater numbers punished for morality offences? The patchy increases in commitments and prosecutions for morality offences nowhere near matched the extent of change called for in print and the likely expected effects of the seemingly greater efforts being taken by the civil authorities. This perhaps resulted from the same difficulties as beset previous and future attempts to bring about moral reform. In the

⁵¹ Analysis of all the meetings of the Middlesex Sessions of the Peace held between 1747 and 1754. Middlesex Indictments Register.

⁵² Ruth Paley (ed.), *Justice in Eighteenth-Century Hackney: The Justicing Notebook of Henry Norris and the Hackney Petty Sessions Book* (London, 1991), p. xxvi.

⁵³ Middlesex Indictments Register, LMA, MJ/SB/P, Microfilms X071/011, X071/012.

⁵⁴ City Sessions Book, LMA, CLA/047/LJ/04/114-122.

⁵⁵ Based upon a 50% sample of Westminster Quarter Sessions. Westminster Sessions Rolls, LMA, MJ/SR/2871-3019.

⁵⁶ Faramerz Dabhoiwala, ‘Sex and Societies for Moral Reform, 1688-1800’, *Journal of British Studies* 46 (2007), p. 316.

⁵⁷ Tony Henderson, *Disorderly Women in Eighteenth-Century London* (Harlow, 1999), p. 95.

1690s/early 1700s, the 1730s, and the 1780s/1790s, all periods of intense concern about crime and social order, Reformation of Manners Campaigns ultimately disbanded in the face of considerable opposition.⁵⁸ Attempts throughout the eighteenth century to promote the systematic prosecution of morality offenders failed because of resistance from the accused, the public, and all ranks of criminal justice officers.⁵⁹

Printed Representations of Policing Property Crime

Ultimately it was property crime (the apparent symptom of the distemper of immorality) that in the years 1747-1754 proved a more pressing concern, however much social commentators pointed to root causes. Reports in the newspapers of watches established by parish authorities for instance emphasised their role in preventing property crime as much as the immorality which it resulted from. How did mid-century crime literature represent the policing of property crime?

Representations of Policing in Mid-Century London Newspapers

In her study of *The Kentish Post* for the years 1717-1768, Esther Snell has argued that in its consistent and extensive reports of unsolved crimes, of failures to apprehend offenders, of 'corrupt and inept law enforcers,' and of offenders escaped from gaol, 'no source before the newspaper had published the failings of the judicial system with such regularity.'⁶⁰ Newspaper reportage, she asserts, consequently threw doubt on the traditional narratives of inexorable justice and divine retribution that were promoted by other genres of crime literature such as criminal biography.⁶¹ This argument rings true in some respects for mid-century London newspapers. Certainly the newspapers must have weakened notions of inexorable justice in the sense of God's active providential hand in leading to the detection of offenders. Nevertheless, Snell's conclusion can in other ways be challenged.⁶² We should be sensitive to the impact of the different contexts of provincial Kent and the metropolis upon newspaper reportage, yet as a significant proportion of *The Kentish Post's* content came from London

⁵⁸ This literature is now huge, but in particular see: for the movement of the 1690s/1700s, Robert Shoemaker, 'Reforming the City: The Reformation of Manners Campaign in London, 1690-1738', in Lee Davison et al. (eds.), *Stilling the Grumbling Hive* (Stroud, 1992), pp. 99-120. And for the movement of the 1780s/1790s see Joanna Innes, 'Politics and Morals: The Reformation of Manners Movement in Later Eighteenth-Century England', in Eckhart Hellmuth (ed.), *The Transformation of Political Culture: England and Germany in the Late Eighteenth Century* (Oxford, 1990), pp. 57-118.

⁵⁹ 'Reformation of Manners', LL; Heather Shore, "'The Reckoning": Disorderly Women, Informing Constables, and the Westminster Justices, 1727-33', *Social History*, 34 (2009), pp. 409-27; Dabhoiwala, 'Sex and Societies', p. 292; Henderson, *Disorderly Women*, pp. 106-119.

⁶⁰ Snell, 'Discourses of Criminality', pp. 32-35.

⁶¹ *Ibid.*, p. 35.

⁶² *Ibid.*, p. 35.

newspapers, it is worth considering Snell's argument in some detail.⁶³ Simply because the newspapers provided readers with regular reports of offenders fled from justice, or pointed out the malpractices of peace officers, does not automatically mean that contemporary confidence in the ability of the justice system to bring offenders to condign punishment was fundamentally undermined. Moreover, Snell's juxtaposition of the discourses to be found in the newspapers on the one hand and criminal biography on the other somewhat misconstrues both their natures. The perspectives they offered were rather more complex.

Mid-century newspapers in many ways provided a positive image of existing methods of policing, by emphasising the successes made in combating the criminal threat, the increases made to policing resources, and the significant efforts undertaken in bringing offenders to justice. Yet it should also be noted that such reassuring reports ran alongside other facets of the newspapers' reportage which on the contrary could have heightened contemporary anxieties about the state of crime and the inability of existing methods to cope with the criminal threat. By paying attention to the quantitative patterns of reporting to be found in mid-century London newspapers, and by examining the qualitative nature of reports, we see the extent to which the messages offered to readers about the successes and failures of the judicial system were mixed, serving both to heighten contemporary fears of violent crime and of the ease with which offenders could escape from justice, but at the same time reassuring readers that offenders were frequently detected and apprehended.

In all the crime reports printed in the *General*, *London*, and *Whitehall Evening Post* in the years 1748-49, there was a near fifty-fifty split between reports which mentioned the offender apprehended (total "solved" reports), and those in which no mention was made of an offender taken ("unsolved" reports) (APPENDIX 4.5). This fifty-fifty split between reports of solved and unsolved offences closely matches Snell's data for the *Kentish Post*, although it differs from Peter King's work on later eighteenth-century London newspapers, which contained a greater prevalence 'of accounts of the detection, arrest and committal of many offenders.'⁶⁴ Breaking down these categories further, in 1748 33% of all crime reports were of an offender committed for a specific offence ("solved specified crime" reports), 18% of an offender committed for an unspecified offence, for example, 'diverse robberies' ("solved unspecified crime" reports), and finally, 49% of an offence committed and no mention made of the offender apprehended ("unsolved" reports). In 1749 these figures varied slightly: 42% "solved specified crime", 7% "solved unspecified crime", and 51% "unsolved" reports.

Penetrating beneath these rather one-dimensional figures reveals the full complexity of the newspapers' crime reporting. Whereas all crime reports were divided evenly between

⁶³ *Ibid.*, p. 20.

⁶⁴ *Ibid.*, p. 32; King, 'Newspaper Reporting', p. 84.

those which mentioned an offender apprehended and those which did not, some 83% of all reports in 1748 and 92% of all reports in 1749 contained information on specific crimes. As Snell rightly argues, even in the relative absence of direct editorializing on crime levels, this 'perpetual, steady and consistent portrayal of deviancy in the newspaper could not fail but to problematise it implicitly and served to present its incidence as being normative – an everyday, ordinary occurrence. This very presentation of crime as endemic inevitably served to portray it as a concern.'⁶⁵ Concerns would moreover be inflamed when we consider that patterns of reporting were greatly dictated by the particular category of the offence.

All categories of offence except for theft with violence were more likely to be reported as solved than unsolved. Thefts with violence (robbery and highway robbery) on the other hand were three times more likely to be reported as unsolved than solved. Nicholas Rogers' statement that the mid-century *Whitehall Evening Post* contained a large number of reports in which violent offenders made off in 'triumph' is somewhat hyperbolic, given that reports tended rather to simply make no mention of efforts to detect the offender than that they flew off arrogantly in the face of justice, yet he is right to assert, judging by the evidence given here, that violent offences were more likely to be reported as undetected.⁶⁶ Even reports of other offences of particular concern to contemporaries were as likely to be reported as solved than unsolved: reports of shoplifting and housebreaking (here counted together) account for 14% of all solved crime reports and 13% of all unsolved crime reports in the years 1748-1749 (TABLE 4.1). If the newspapers can therefore be said to have extensively publicised the failure to detect and apprehend offenders, this was for the most part confined to thefts with violence.

⁶⁵ Snell, 'Discourses', p. 22.

⁶⁶ Rogers, 'Confronting the Crime Wave', p. 78.

TABLE 4.1

Categories of Offence as a Percentage of all Solved and Unsolved Crime Reports in the *General Evening Post*, the *London Evening Post*, the *Old England Journal*, and the *Whitehall Evening Post* in 1748, and in the *London Evening Post* and the *Whitehall Evening Post* in 1749⁶⁷

Category of Offence	Percentage of all Solved and Specified Crime Reports	Percentage of all Unsolved Reports
Breaking the peace	8.4%	1.7%
Deception	2.2%	0.1%
Killing	10.0%	7.2%
Against the King	4.6%	0.2%
Sexual	2.8%	0.3%
Theft	49.4%	24.5%
Theft with violence	22.7%	66.0%
Total	100.0%	100.0%

This is not to assert that such reporting did not foster anxieties, for thefts with violence were certainly a cause for concern, but it must be recognised that in all other instances readers would have encountered offences in which more often than not the perpetrators were reported as apprehended. Of course, readers would not have interpreted newspaper content in such abstract terms as the preceding quantitative analysis. Moreover, in the absence of direct evidence, it is impossible to gauge how contemporaries would have interpreted reports of crimes which mentioned a specific offence or which simply mentioned something unspecified such as ‘divers robberies’. In order therefore to give some context to these patterns, we need to examine the qualitative nature of crime reportage.

Reports which mentioned both a specific crime and the offender subsequently apprehended (“solved specified crime” reports) frequently mirrored the terse and formulaic language of indictments, and included such details as the offender’s and victim’s names (and occasionally their occupation), the offence, the goods stolen, the magistrate who committed the offender, and the place of their committal. Such details often closely match those given in the trial reports which can be found for corresponding cases tried at the Old Bailey. Consistent similarities in detail might be explained by a level of interaction between metropolitan justices and the newspapers as well as audience demand for detail in matters of crime.⁶⁸ What the majority of these reports lack, however, is any kind of detail on how the offender was detected and apprehended. This had a consequently significant impact upon the representations of policing offered by newspapers, particularly in comparison to other forms of print.

⁶⁷ The categorisation of offences adopted here is largely that used by the *Old Bailey Proceedings Online* project. For an explanation of all the offences tried at the Old Bailey, organised according to the categories defined by the project, see <http://www.oldbaileyonline.org/static/Crimes.jsp>.

⁶⁸ Hal Gladfelder, *Criminality and Narrative in Eighteenth-Century England* (Baltimore, 2001), pp. 80-81.

With the constraints of space, editors had to be selective about the information they included: what seems to have guided their selection process is the extent to which reports could be followed up in the future, either through reports of re-examinations, trials, or punishments. The *London Evening Post* for instance followed closely the case of Stephen Pittet's capture, trial, and execution for murder. On 3 March 1748, the crime first appeared in the paper in an advertisement offering a ten guinea reward for Pittet's capture. Two days later came a report which announced Pittet had been apprehended, brought before Justice John Sparrow for examination, and subsequently committed to gaol. Two weeks later came reports of Pittet's conviction and sentence of death, and finally, on 5 April 1748, his execution.⁶⁹ In 1748 alone, some fifty-five individual cases (covering over two-hundred separate items) were followed up from initial reports of the crime to at least one further stage in the criminal justice process.⁷⁰ In the minds of editors the story began with the offender committed to gaol, not with what had gone before.

Solved specified crime reports were moreover almost wholly pitched against the accused, offering little evidence of the offender's possible innocence. Instead, if any further information was given at all it served to confirm the offender's guilt or at least justify their committal. A report of the re-examination of a man who confessed to the robbery of Mrs Barham on the highway identified the gentlewoman's coachman, William Newberry, as an accomplice to the crime. This was followed two days later by a report of the committal and examination of Newberry, reportedly identified amongst 250 others by his alleged accomplice, a man Newberry claimed never to have seen before in his life. Newberry's guilt was thus clearly confirmed by the press.⁷¹ Taken as a whole, solved specified crime reports could give off mixed messages to readers as to the efficiency of policing measures. On the one hand, whilst they mentioned that crimes (occasionally horrifying crimes) had been committed, they also noted that offenders had been apprehended, and they not infrequently intimated that accomplices would be brought to justice.

Solved unspecified crime reports could also similarly provide mixed messages. Frequently mentioning such serious offences as smuggling and violent theft, labelling offenders as 'notorious', members of large gangs of lawless criminals, and committing 'divers robberies' in the course of their criminal careers, such reports likely inflamed anxieties. Yet they nonetheless noted that offenders had been apprehended and gangs broken up. Reports reassured readers that dangerous offenders were securely confined in gaol, and noted the exceptional measures taken to contain them. The *London Evening Post* in 1748 reported that

⁶⁹ *London Evening Post*, 3 March, 5 March, 17 March, 5 April 1748.

⁷⁰ Analysis of all available issues of the *London Evening Post*, *General Evening Post*, *Whitehall Evening Post*, and *Old England Journal* for the year 1748.

⁷¹ *London Evening Post* 26, 28 January 1748.

‘William Gray, a noted smuggler, who broke out of Newgate the 30th of March, and was retaken by a party of Lord Cobham’s dragoons last Tuesday at Hastings in Sussex, was brought to Seven-Oaks in Kent under an escort of foot soldiers, and from thence to Newgate by eighty of the first troop of grenadier guards, where he is closely confin’d in one of the cells.’⁷²

If patterns of London newspaper crime reporting *did* serve to heighten fears of the inability of existing methods of law enforcement to cope with the criminal threat (although we have seen that the issue was more complex than this), in other ways the newspapers and other forms of print provided messages which pulled in the opposite direction, highlighting the strengths and successes of existing methods of policing. Newspapers in particular noted the success of parish authorities and criminal justice officials in combating the criminal threat, the increases made to policing resources, and the significant efforts undertaken in order to bring offenders to justice.

In highlighting the combat against the criminal threat, reports celebrated the capture of offenders or confidence that criminals would be caught. ‘We have now the pleasure to inform the publick,’ ran one report, ‘that on Saturday and Sunday last were apprehended, by the persons employed by Mr [John] Fielding for such purposes, that gang of robbers who have lately infested the streets of this town, and the roads round about it.’⁷³ The *Whitehall Evening Post* in January 1749 reported ‘that the person taken up on Ludgate Hill the other night, concerned in a street-robbery, proves to be a clerk to an eminent merchant; and that there is a likelihood, by his means, of discovering and bringing to justice a large gang of villains, who have lately infested that neighbourhood.’⁷⁴

Reports also noted proposed and recently implemented increases to policing resources, and commented on their success. In December 1748 a report confirmed the ‘daily very extraordinary, and almost incredible, stories told of the insolent and cruel behaviour of the smugglers in the counties of Kent and Sussex; in many places laying waste to the properties, and threatening the lives of all who oppose them,’ yet reassured readers that ‘we hear some of the regiments lately arrived from Flanders will be sent to those parts, in order to bring those worst of villains to justice.’⁷⁵ The *London Evening Post* similarly reported that ‘the horse-guards, which are appointed to patrol about the City and Liberty of Westminster, are to keep in the high streets, and that the parties of foot, which are destin’d for the same use, are to keep in the narrow streets, lanes, and other thoroughfares,’ by which means the streets

⁷² *London Evening Post*, 21 May 1748.

⁷³ *Public Advertiser*, 3 January 1755.

⁷⁴ *Whitehall Evening Post*, 14 January 1749.

⁷⁵ *General Evening Post*, 29 December 1748.

would 'be entirely safe from the many outrages of evil-minded persons who have lately committed such acts of barbarity in the streets in the night time.'⁷⁶

Reforms of the night watch were moreover publicised. The directors of the watch of the parish of St Bridget's, the *General Advertiser* commented, 'have come to a resolution, to make their watchmen be at their stands every evening at nine o'clock, instead of ten, to prevent, as much as in them lies, any street or other robberies, that may be committed; and it is hoped the other parishes of this city will follow this good example.'⁷⁷ Such efforts were evidently successful: 'we are informed,' reported the *Whitehall Evening Post*, 'that there are no less than sixteen watchmen on the lower road to Clapham, who patrol [sic] within the call of each other; so that no robberies have been committed there lately.'⁷⁸

What is perhaps most striking about the newspapers' representation of policing is the constant reassurance given to readers that all efforts were being made to detect and apprehend offenders. Reports mentioned 'diligent' and 'strict' searches in pursuit of offenders, in order to bring them to 'justice' and 'condign punishment'.⁷⁹ If the newspapers' willingness to print stories of unsolved offences did serve to subvert 'the efficacy of both empirical and providential detection,' this was to some extent counterbalanced by the equally persistent reassurance that offenders would be brought to justice.⁸⁰ For every report of an offender escaped from gaol another celebrated the capture of offenders.

The representation of policing in London newspapers is not one which can be easily juxtaposed against criminal biography's promotion of 'inexorable justice'. In fact, both genres were similar in attempting to reassure readers that efforts were being made to combat the criminal threat. And if reports of unsolved crimes in the newspapers undermined this traditional narrative, the same could equally be said of criminal biographies, which described in detail the often lengthy criminal careers of their subjects and the numerous offences they had committed before their eventual capture and punishment. Whilst newspaper crime reports did not in every instance (unlike most criminal biographies) end in the offender's capture, nevertheless the numerous reports of secured offenders, criminal gangs broken up, increases to policing resources, and the proactive policing of moral order were made frequently enough to have reassured readers that if guilty offenders could not in every case be brought to condign punishment, then at least every possible effort was made to this effect.

⁷⁶ *London Evening Post*, 31 October 1749.

⁷⁷ *General Advertiser*, 10 October 1752.

⁷⁸ *Whitehall Evening Post*, 31 October 1749.

⁷⁹ *London Evening Post*, 2 January, 12 March 1748; *Westminster Journal*, 9 January 1748; *Whitehall Evening Post*, 25 April 1749.

⁸⁰ Snell, 'Discourses of Criminality', p. 35.

Like London newspapers, criminal biographers attempted to reassure readers that criminals would face eventual 'justice'.⁸¹ One biographer noted that 'all human prudence is in vain to stop the hand of justice, when once the measure of our iniquity is full; our closest secrets take air we know not how, our precaution serves to betray us, and our own folly acts the part of informers to satisfy offended justice.'⁸² Such comments on the inexorability of justice were intended as much to deter the criminal as to reassure the innocent, another writer asserting that they had taken upon them 'to inform the publick of the fact... the better to deter others, perhaps as inhumanly inclined, from following so cruel an example.'⁸³ Even more so than in the newspapers, and harking back to crime literature of the seventeenth century, this certainty of justice extended in some instances to notions of the divine hand of providence. The Ordinary in his *Account* of July 1751 noted that the highwayman Richard Holland had 'engaged in most dangerous robberies, sparing neither sex, shewing no tenderness to young or old, till providence would no longer permit him to carry on his diabolical practices.'⁸⁴

Yet criminal biography's discourse of reassurance in matters of policing was in many ways undermined by other facets. Firstly, editorial commentary in biographies could inflame fears of the crime problem. One biographer complained that 'violence and oppression reign thro' the land, notwithstanding the many wholesome laws, enacted for the protection of our persons, and properties; by some they are evaded and rendered of no effect, and by others condemned and broke through without any other fear than that of the gallows, nor can even that refrain some.'⁸⁵ Secondly, criminal biographies provided very little information on how offenders were actually apprehended, showing far more concern for the details of the crimes committed and the eventual punishment of the offender. Finally, biographies described in detail the lengthy criminal careers of some of the nation's most notorious criminals, and the numerous instances in which crimes went undetected and unpunished. The highwayman Benjamin Barker had, according to his biographer, 'cunning and artifice to get clear' of suspicions, 'by fixing the blame on some innocent companion, who had not equal assurance with himself.'⁸⁶ Executed in 1756 for highway robbery, James Smith's biography claimed to contain 'a true and faithful narrative of all the robberies that he has, within a few years, committed in London, and in the country, amounting to one hundred and six in number, although he was not twenty-two years of age when he suffered.'⁸⁷

⁸¹ *The Trial and Remarkable Life of William Parsons* (Newcastle, 1751), p. 14.

⁸² *A Complete History of James Maclean* (London, 1750), p. 52.

⁸³ *The Bristol Fratricide* (London, 1741), p. 22.

⁸⁴ OBP, *Ordinary's Account*, 29 July 1751 (OA17510729).

⁸⁵ *A Genuine Narrative of the Life and Surprising Robberies and Adventures of William Page* (London, 1758), p. iv.

⁸⁶ *The Life of Benjamin Barker* (London, 1750), p. 2.

⁸⁷ *The Remarkable Life of James Smith* (London, 1756), no pagination.

Given such mixed messages it is misleading to consider the representations of policing offered by mid-century newspapers and criminal biographies as strict opposites. In order to understand in more detail how representations were spread across various genres of print, and to understand the possible impact of those images upon responses to crime, we now need to consider the representation of a number of separate elements of policing in mid-century print, such as the role of private individuals, the activities and conduct of peace officers, the utilisation of rewards and thief-takers, and finally the Fieldings' force of detective constables. Again, messages were mixed across different genres, but on the whole they provided a reinforcement of the existing system of policing and its ability to cope with the crime problem.

The Role of Private Individuals

Private individuals had a fundamental role to play in the policing of the metropolis in the early eighteenth century. It was largely expected (although in actual practice this was increasingly not the case), that inhabitants would serve as watchmen and constables, assist in the detection and arrest of offenders, and, as victims of crimes themselves, detect culprits and bring them to justice. However, a perceived decline in the public's propensity to aid officers in policing the streets, and in fulfilling their traditional duty (dictated by law) of apprehending offenders as victims and witnesses of crimes became a common complaint in mid-century pamphlet literature. 'At a time when murder, robbery, and all kinds of felonies and disorders are grown so rife amongst us,' it was, one pamphleteer commented, 'the duty of every lover of his country (who is able) to give his assistance to such as shall engage in the most useful task of putting a stop to these enormities.'⁸⁸ Henry Fielding likewise felt it necessary in his *Enquiry* to remind the public that private arrests were not merely allowed, but 'enjoyed by law,' with failure to carry out this duty 'a misdemeanour punishable by amercement or fine and imprisonment.'⁸⁹

Yet both Henry and John Fielding wanted to reconfigure the traditional role of private individuals in metropolitan policing by encouraging victims of crime to respond first and foremost to Bow Street rather than attempting to detect the offender themselves, and they recognised the power of print in effecting such change. John Fielding argued that the co-operation of the public remained crucial but now in a different way. Inhabitants should inform paid officers of crimes and assist them in their efforts. 'Such indeed is the absolute necessity of the countenance and assistance of the public to the acting magistrate,' confirmed John Fielding, 'that it is the chief motive of exposing [his printed plans for police reform] to their view,' informing readers, 'that there are two pursuit-horses, and proper pursuers paid by the

⁸⁸ Country Justice of the Peace, *Serious Thoughts*, p. 9.

⁸⁹ Fielding, *An Enquiry*, p. 146.

government, and always ready to pursue and protect their fellow-subjects.’⁹⁰ Other pamphleteers expressed concern about, or at least recognised, changes to the traditional role of private individuals in policing. One denounced people’s false belief that in paying taxes for watch systems rather than serving themselves, ‘they have done the part of a true subject... and are in no way concerned in the execution of the laws.’⁹¹

London newspapers indeed provided a very different conception of the role of private individuals in policing compared with the traditional one promoted in pamphlet literature, marginalising their centrality to the system, and suggesting it was now the duty of inhabitants to pay for a service rather than to police the streets themselves. Newspapers rarely mentioned efforts at victims’ efforts at detection, and when they did captures more often than not resulted from immediate suspicions of the offender’s identity.⁹² Editors seemed less concerned with how offenders had been apprehended than with the details of the crime and what was to happen next. In addition, whilst newspapers did provide some reports of witnesses responding assiduously and courageously to calls for assistance in apprehending offenders, these were a rarity in comparison to the *Proceedings*.⁹³ Indeed, when the newspapers did infrequently provide information on the actions of private individuals in policing it tended to be particularly negative reports of witnesses refusing to assist victims in apprehending offenders. Recounting the robbery of one Mr Nevill ‘by six fellows armed with drawn cutlasses and pistols,’ the *Whitehall Evening Post* in November 1750 chastised the ‘two or three persons who passed by in the mean time... who durst not offer to assist him.’⁹⁴

Crime reporting (if only indirectly) also emphasised the dangers open to members of the public in attempting to apprehend offenders portrayed as violent, reckless, and willing to do anything to escape. Robbed by a footpad in December 1752, Lawrence Southward would have taken his offender, it was reported, ‘had not another fellow leaped from behind a hedge; when both of them got him [Southward] down, and, because he had but three half-pence in his pocket (which they took from him) one of them, by the other’s direction, cut his nose off with a large knife, and threatened to murder him, if he offered to pursue them.’⁹⁵

By providing countless reports of private individuals raising subscriptions for the establishment of additional watches or providing rewards, newspapers promoted a conception of policing as the duty of paid professionals and less so the general public. ‘The inhabitants of Moorfields have agreed to raise a subscription, in order to support a sufficient number of able-

⁹⁰ John Fielding, *An Account of the Origin and Effects of a Police* (London, 1758), pp. 35-37.

⁹¹ Citizen of London, *The Vices*, p. 10.

⁹² *London Evening Post*, 9 February 1748.

⁹³ For such reports in the newspapers, see *General Evening Post*, 26 July 1748; *London Evening Post*, 27 October 1748. For the *Proceedings*, see OBP, January 1746, trial of Thomas Welch (t17460117-5).

⁹⁴ *Whitehall Evening Post*, 27 November 1750.

⁹⁵ *Public Advertiser*, 14 December 1752.

bodied men to patrol at night in those parts,' reported the *London Evening Post* in November 1749, 'to prevent the frequent robberies that of late have been committed, and in order to detect a numerous gang, that for some time had infested that neighbourhood.'⁹⁶ Likewise the *Whitehall Evening Post* in July 1750 noted that 'the towns of Hampstead, Highgate, Islington, and several other about London, intend to continue their subscription, to bring to justice all persons guilty of felony or burglary, on the road to, or in, those towns; which as it was of great service last winter, it is not doubted but it will prove the ensuing one.'⁹⁷

This marginalisation of private individuals stood in stark contrast to the image offered by the *Proceedings*, which showed them to be a much more central force in policing, fulfilling their traditional duties, the alleged neglect of which was so complained of in pamphlet literature. Describing in detail how private individuals and peace officers went about detecting and apprehending suspects, and as an accurate and lengthy (although certainly by no means full) record of what was said in court, the *Proceedings* are an incredibly useful source for actual contemporary responses to crime. Yet it must also be recognised that the *Proceedings* nonetheless constitute only a partial account of contemporary responses, which foregrounded some measures and omitted others. Indeed, the interest here is in the *Proceedings* as *representation*, meaning a printed and widely-read source of information for contemporaries on matters of crime and justice, as opposed to a purely accurate record of past practices for the modern researcher. A systematic analysis of several issues of the mid-century *Proceedings* gives a statistical overview of which methods of policing were most often reported to readers, upon which can be built a more detailed qualitative analysis (TABLE 4.2).

⁹⁶ *London Evening Post*, 9 November 1749.

⁹⁷ *Whitehall Evening Post*, 31 July 1750.

TABLE 4.2

Detection Methods as described in the *Proceedings*, 1748-1755⁹⁸

<i>Adequate Information on Detection Method</i>	No.	%⁹⁹
Seen in act	186	33%
Suspicious of accused	139	25%
Seen in area at time of crime	49	9%
Stopped by buyer, or upon buyer information	49	9%
Information provided by others	47	8%
Stopped by officer	32	6%
Advertisement of goods or offender	28	5%
Accomplice evidence	13	2%
Detective work carried out by victim	10	2%
Goods found upon accused	9	2%
Apprehended under JP's warrant	2	0.4%
Private watch	1	0.2%
Total	565	101%
<i>Inadequate Information</i>		
Total	430	-

The vast majority of offenders were reported to have been apprehended in the course of the act, nearly half of which did not involve any kind of assistance to the victim from private persons or officers. A significant number (49 of the 186 instances) did however mention victims securing assistance from private individuals. In addition to those caught in the act, a quarter of the accused were apprehended upon the immediate suspicions of victims, witnesses, and officers, with little need for detective work. In contrast to London newspapers the *Proceedings* described in detail how victims went about detecting and apprehending suspects and provided many positive reports of private individuals assisting in the capture of offenders, thereby affirming their central role within the metropolitan policing system. The *Proceedings* did on occasion provide examples of witnesses failing to respond to calls for assistance, yet they appeared far less frequently than in the newspapers.

In sum, the *Proceedings* showed Londoners to be far more diligent in apprehending offenders than social commentators argued, and that they played a more prominent role than indicated by the newspapers, which tended to marginalise their significance and instead promoted payment for service as the public's primary duty. This mix of perspectives can be explained by the differing nature of the sources themselves. Short reports of crimes in newspapers provided little contextual background on how offenders had been apprehend, and

⁹⁸ Sample of the *Proceedings*, counting only cases of thefts and thefts with violence published in the January and July editions in the years 1748-1755, except for 1752, in which all the Sessions have been analysed. The numbers refer only to instances in which each method was described as the *first* response to crime.

⁹⁹ Percentages have been rounded up to the nearest whole number and therefore total more than 100%.

in any case editors were more concerned with what was to happen after the criminal had been apprehended, as opposed to what had gone before. By contrast, the lengthy nature of the *Proceedings*, and the necessity of trials to uncover how the accused had been detected and apprehended in order to establish guilt or innocence meant that there was far more scope for the actions of private individuals to be included.

Peace Officers

Much recent historical research has been carried out on the nature of eighteenth-century official policing systems, almost wholly centred around watch acts and other unpublished central and local government records.¹⁰⁰ This has radically overturned the traditional interpretation of eighteenth-century policing, largely based on contemporary pamphlet literature, as ‘an imperfect, inadequate, and wretched system’.¹⁰¹ However, beyond references to the stereotypes propagated by polemicists there has been little research into how London’s policing forces were represented in print. Even studies of crime literature have tended to focus more upon the images of crime and criminals than on the representation of policing.

What an analysis of crime literature reveals is that a range of positive and negative images of peace officers were offered to readers, resulting in part from the differing nature of printed genres. Although it is impossible to precisely measure the balance between the two, it will be argued here that overall print leaned more to the positive. Firstly, because negative comments might be explained as much by rising expectations as by any deep-rooted dissatisfaction with existing arrangements; secondly, because negative images often conformed to what were the rather obviously imbalanced stereotypes propagated by polemicists; and thirdly, because print on balance offered broadly supportive commentary on official systems of law enforcement.

In reporting instances of offenders escaping capture and other unsolved crimes, mid-century London newspapers provided more negative commentary on law enforcement officers than did the *Proceedings*, although the information provided to readers in both sources was mixed. As one pamphleteer argued (although it must be noted, with the vested interest of blackening the existing night watch in order to proclaim the benefits of his proposed reforms),

the daily papers will envince [sic] what I say, if my reader will take a cursory view of them, and reflect on the many robberies committed on our persons and houses, within the hearing and sight of the watchmen on duty; who must be either bribed, or absolutely deaf or blind, when they pretend to

¹⁰⁰ See especially Beattie, *Policing and Punishment*, Ch. 3-4; Reynolds, *Before the Bobbies*, Ch. 2-4; Harris, *Policing the City*, Ch. 1-2.

¹⁰¹ Ruth Paley, “‘An Imperfect, Inadequate, and Wretched System’? Policing London before Peel”, *Criminal Justice History* 10 (1989), pp. 95-130.

know nothing of the villainies committed within a few yards of their several stands.¹⁰²

He was certainly to some extent correct about what readers might encounter in the press: indicative of numerous similar reports, the *Whitehall Evening Post* in January 1751 described how ‘three fellows forced a young woman into a coach at the corner of York-street within a few yards of the watch-house, and notwithstanding her cries, which alarmed the neighbourhood, the watchmen suffered her to be carried off, without interposing, altho’ called to by several of the neighbours for that purpose.’¹⁰³ Other reports described watchmen asleep at their posts, leaving their posts early, or committed for assaults upon the innocent – even fellow watchmen.¹⁰⁴ Newspapers moreover provided reports which, if not accusing misconduct, then at least suggested that peace officers were ineffectual. As Jennine Hurl-Eamon has recently shown, the popular perception of officers as corrupt was common enough that impostors acting as officers were able to manipulate individuals for personal gain. To be credible these counterfeit officers had to make use of prevailing negative images of law enforcement officials.¹⁰⁵

Such failures were similarly bemoaned in pamphlet literature, as shown earlier. Throughout the first half of the century social commentators complained of the misconduct, corruption, negligence, and inefficiencies of the night watch and constables, though this did not wholly reflect actual practice, as Beattie has shown in his analysis of Lord Mayors’ charge books and Bridewell Court Books for the first half of the eighteenth century, demonstrating that watchmen *were* to at least some extent active in apprehending suspects for both minor and serious offences.¹⁰⁶ Daniel Defoe condemned watchmen as ‘for the most part, being decrepid, superannuated wretches, with one foot in the grave, and the t’other ready to follow; so feeble, that a puff of breath can blow ‘em down.’¹⁰⁷ Another writer commented that ‘all wise and virtuous men do already see and lament the ill effects of these neglects of publick duty; they are sorry to see their country over run with rogues, robbers, thieves, vagabonds, whores... the greatest part of whom, if the sole office of constable and its subordinates was duly and honestly executed, would be apprehended and punished.’¹⁰⁸

¹⁰² Member of the Honourable Artillery-Company, The Necessity of a Well-Regulated and Able-Bodied Nightly-Watch (London, 1752), no pagination.

¹⁰³ Whitehall Evening Post, 1 January 1751.

¹⁰⁴ For watchmen asleep at their posts, see Whitehall Evening Post, 28 March 1754. For leaving their post early, see Whitehall Evening Post, 7 November 1749. For committals, see General Evening Post, 29 September 1748; Whitehall Evening Post, 29 October 1754.

¹⁰⁵ Jennine Hurl-Eamon, ‘The Westminster Impostors: Impersonating Law Enforcement in Early Eighteenth-Century London’, Eighteenth-Century Studies 38 (2005), p. 463.

¹⁰⁶ Beattie, Policing and Punishment, p. 200.

¹⁰⁷ Daniel Defoe, Augusta Triumphans (London, 1728), p. 47.

¹⁰⁸ Author of the Dissuasive from the Party and Religious Animositities, An Enquiry into the Causes of the Encrease and Miseries of the Poor of England (London, 1738), p. 47.

Magistrates were keen to assert that this lack of enforcement arose not so much from wilful neglect, but from a general ignorance of the law. ‘So far is the power of apprehending felons... from being universally known,’ noted Henry Fielding, ‘that many of the peace officers themselves do not know that they have any such power, and often from ignorance refuse to arrest a known felon ‘till they are authorized by a warrant from a justice of the peace.’¹⁰⁹ But even those who sought to exonerate peace officers from some of the blame for the state of immorality and crime nonetheless admitted the existence of corrupt and negligent practices. Sir Thomas De Veil, magistrate for Middlesex and Westminster, acknowledged that constables, ‘when they have prisoners in custody, and sometimes for great offences... take the liberty from their own authority to set the prisoner at large for their own private ends, which is the greatest abuse of justice in the World.’¹¹⁰

Pictorial prints too condemned criminal justice officers at all levels for negligent or corrupt behaviour through stereotyped imagery. Many graphic satires depicted watchmen and constables as elderly, decrepit men, asleep at their posts, open to bribes, and powerless to deal with rakes and rogues.¹¹¹ *The Midnight Magistrate, or the Humours of the Watch House* (1754) satirised the venality of watchmen and constables and the apparent ‘majesty’ of the law (FIGURE 4.1). *The Guards of the Night Defeated* (1774) depicted a party of watchmen overcome by three prostitutes in a failed raid upon a bawdy house (FIGURE 4.2). Senior criminal justice officials were likewise lambasted. Images of notable justices of the peace such as John Fielding, Saunders Welch, and Samuel Gillam showed them as reliant upon fees (and therefore corruptible), personally motivated, and practising ‘blind’ or ‘deaf’ justice.¹¹²

¹⁰⁹ Fielding, *An Enquiry*, p. 151.

¹¹⁰ Thomas De Veil, *Observations on the Practice of a Justice of the Peace* (London, 1747), p. 18.

¹¹¹ *He and His Drunken Companions Raise a Riot in Covent-Garden* (1735), BM, 1860,0623.79; *High Life at Midnight* (1769), BM, 1860,0623.4; Mary Darly, *The Well Fed English Constable* (London, 1771), BM, 1865,0610.1103; John Nixon, *The Burning Shame* (c. 1780-1790), BM, 1860,0623.85; Richard Cooper, *The Night Constable* (1785), BM, 1860,0623.34; *The Watchman* (1794), BM, 1873,0712.855.

¹¹² *Midas, or the Surry Justice* (1768), BM, Y,4.561; *The Blind Justice* (1770), BM, Y,4.549; *Roast Beef & Port, or Bully Bramble Esquire Justice of Peace in Wasp Town* (1772); *The Rat-Trap, or Villainy in Full Bloom* (1773), BM, 1915,0313.134; Thomas Rowlandson, *A Rotation Office* (1774) BM, 1851,0901.4; James Gillray, *The W-st-r Just-Assess a Braying* (London, 1782), BM, 1868,0808.4879; *The Deaf Justice* (London, 1797), BM, 1948,0214.405.

FIGURE 4.1

The Midnight Magistrate, or the Humours of the Watch House (1754), BM, 1836,1114.619



FIGURE 4.2

The Guards of the Night Defeated (1774), BM, 1990,1109.88



Highly stereotyped for satirical effect, negative representations of peace officers in pamphlets and pictorial prints drew upon conventional and long-standing rhetorical imagery. Readers thus perhaps treated these criticisms with some scepticism, particularly when faced by the many contrasting positive representations offered by newspapers and the *Proceedings*. Moreover, it is imperative to understand these criticisms for what they really were: they do not represent a desire for radical reform in matters of policing, but instead a powerful reinforcement of the existing system. Identifying the problem of mid-century policing as a general failure of officers and the public to vigorously enforce an effective and just body of laws, pamphleteers thus in general offered solutions which tended to call less for legislative reform than simply for the more effectual execution of traditional duties. Moreover, those who called for legislative reform focused more upon the extension of existing laws to cover new offences (such as recent forms of gaming) or upon extending the powers of magistrates over places of public entertainment, than attempting to reconfigure the night watch or introduce novel methods of policing. Effective systems for policing London's streets existed, commentators in print maintained, but they were not being utilised to their full potential, resulting in decaying morals and spiralling criminality.

It was owing to the 'shocking evils' occasioned by constables' 'negligence and want of public spirit,' argued Saunders Welch, High Constable for Holborn division, and later a metropolitan justice, that had led the public to resort to the services of thief-takers, who considered themselves unbounded by law, and who fostered an increase 'in robbers and robberies'. Such recourse to thief-takers and military aid would be unnecessary, however, if the constables were to execute their duty 'with a spirit equal to the power given them by the constitution.'¹¹³ Even Henry Fielding, largely recognised as one of the leading criminal justice reformers of the eighteenth century, confined his published arguments on policing to encouraging the more effective execution of traditional duties. The relevant section of his *Enquiry* on 'apprehending the persons of felons,' confined itself to 'more particularly inform[ing]' officers and the public of the laws governing their respective roles in policing, and of the rewards or punishments available for the undertaking or neglect of those roles.¹¹⁴

In contrast to the complaints of pamphleteers and pictorial prints, other forms of crime literature provided many examples of peace officers acting with diligence, enthusiasm, and bravery. Newspapers reported peace officers stopping suspicious persons, assisting victims of crimes, and bravely apprehending offenders.¹¹⁵ As shown above, newspapers also described increases to policing resources, and the successful impact of these developments in

¹¹³ Saunders Welch, *An Essay on the Office of Constable* (London, 1758), p. xvi.

¹¹⁴ Fielding, *An Enquiry*, pp. 145-153.

¹¹⁵ See for example *London Evening Post*, 22 July 1749, 23 March 1754; *Whitehall Evening Post*, 26 December 1749.

combating crime. Even more so than newspapers, the *Proceedings* included positive representations of peace officers, providing at least some counterweight to negative stereotypes of watchmen.¹¹⁶ As only 6% of the accused were apprehended by the efforts of officers working by themselves, TABLE 4.2 would appear to suggest that officials had little part to play in detecting and apprehending offenders. However, analysing the data in more detail reveals the significant role of law officers and their cooperation with members of the public. In 33 of the 186 instances in which offenders were caught in the act, officers were reported as involved in some way, though not as the first persons to act. In many trial reports, therefore, peace officers were represented as central in bringing offenders to justice. Other trial reports noted instances of officers going beyond the call of duty in supporting the detective efforts of victims and proactively policing infamous centres of vice or criminal hideouts.¹¹⁷

Crime literature therefore offered readers mixed perspectives on the conduct of peace officers but on the whole served to reinforce the existing system of policing, if exploited to its fully beneficial potential. This mixture of perspectives and ultimate support of the system is well illustrated by a prevalent feature of crime reporting: accounts of attacks on law enforcement officers. Officers in many such reports were overpowered by criminals or challenged by the public in attempting to secure offenders, thereby suggesting they were incapable of dealing with the criminal threat. Newspapers however vehemently condemned the attacks, and called for the further protection of officers, reaffirming their authority and encouraging public support. In 1752, the *Public Advertiser* commented, ‘if it be not possible to reward these brave officers, who so well and faithfully discharge their duty, it is a pity that the law doth not at least afford them some special protection, by punishing any assault on them in the execution of their office with the most exemplary severity.’¹¹⁸

Rewards

Print also served to reproduce the complex attitudes and tensions associated with two prevalent features of the eighteenth-century judicial system: rewards and thief-takers. In purely practical terms, as Beattie explains, ‘the growth of the press in the eighteenth century provided the crucial mechanism for the elaboration of both public and private rewards,’ not just through crime advertisements, but also in news and commentary which disseminated information to readers about royal proclamations as well as statutory and private rewards.¹¹⁹ All three forms of reward were advertised in newspapers, but it was private rewards that

¹¹⁶ Beattie, *Policing and Punishment*, p. 200.

¹¹⁷ See for example OBP, February 1746, trial of Jane Ross (t17460226-5), February 1725, trial of James Hayes and Richard Broughton (t17520219-2), December 1748, trial of William Thompson (t17481207-25).

¹¹⁸ *Public Advertiser*, 28 December 1752.

¹¹⁹ Beattie, *Crime and the Courts*, p. 53.

dominated at mid century. Influential not just as a practical tool in facilitating the reward system, newspapers also reinforced the notion that financial rewards were central to the policing of London, this despite the criticisms (direct and indirect) that were voiced in other forms of print about the corrupting influence of massive rewards.

A series of royal proclamations issued in the first half of the eighteenth century at times of particular anxiety about the state of crime attempted to encourage the public in the detection and prosecution of highway robbers and murderers, and to persuade highwaymen to turn King's evidence against their accomplices. In 1749, newspapers publicised the introduction of one such proclamation promising a reward of £100, over and above all other rewards, 'to any person who shall discover and apprehend any one that has committed any murder or robbery (with open force and violence) in the streets of London or Westminster, or within five miles round the same, within these three months last past, or that shall be guilty fifteen months to come.'¹²⁰ The success of this proclamation in leading to the prosecution of notorious criminals was subsequently widely celebrated in the press. 'Near 20 house-breakers, street-robbers, etc. have been taken up since his majesty's late proclamation was publish'd,' reported the *London Evening Post*, 'and it is not doubted but many more will be brought to the punishment they so justly deserve.'¹²¹ Following the introduction of another proclamation in 1750, the *Whitehall Evening Post* was in hopes it would 'put a stop to the daringness of those villains; for by the last proclamation, there were so many taken and convicted, as put the government to the charge of upwards of £6,000.'¹²² This positive commentary in print contrasted remarkably with resulting practice, for such was the level of anxiety amongst the authorities that massive awards offered by royal proclamations incited malicious and false prosecutions, the policy was abandoned in December 1752.¹²³

Offers of rewards for information on stolen goods or offenders fled from justice made by private individuals or parishes were also extensively advertised in mid-century newspapers. Reports commented upon the success of these rewards, and encouraged other individuals to do the same. The *London Evening Post* noted that 'the reward which the managers of the two theatres have authorised Mr Fielding to pay to the apprehender of any pickpocket near the playhouses, has been the means of thinning the number of those pilferers, several of them being sentenced to transportation.'¹²⁴ Complaining of the 'number of villains confederating in small companies to rob, and, on any the smallest opposition, to maim or murder the passengers,' the *Whitehall Evening Post* believed that 'their confederacy would be broken, and

¹²⁰ *London Evening Post*, 2 February 1749.

¹²¹ *London Evening Post*, 14 February 1749.

¹²² *Whitehall Evening Post*, 22 December 1750.

¹²³ Radzinowicz, *A History*, Vol. 2, p. 97.

¹²⁴ *London Evening Post*, 7 March 1754.

many of the villains brought to condign punishment, if every person, feloniously assaulted or robbed, would immediately publish a reward to any one of the accomplices that should discover his companions in such assault or robbery.¹²⁵ An article penned by a self-confessed 'person of no power in the parish' suggested that anyone apprehending a dangerous offender should be entitled to part of a reward, with the rest paid upon conviction. This 'would not only encourage watchmen, etc. to be vigilant in the discharge of their duty, but possibly prevent the temptation of a less considerate bribe, to connive at, or facilitate the escape of these villains.'¹²⁶ The *Proceedings* likewise presented numerous instances in which individuals placed advertisements of rewards in the press, leading to the detection and prosecution of offenders.¹²⁷

Criticisms of the reward system were certainly aired in print. One anonymous pamphleteer argued that

the large publick rewards, given on the conviction of criminals, which prompt men to do publick service, not thro' sentiments of duty, and the dictates of virtuous publick spirit, but from the infinitely more sordid principle of private interest, and therefore shew the great decay of publick virtue among us, creates no little danger to the innocent.¹²⁸

Trial reports in the *Proceedings* moreover frequently reported the questioning of victims and witnesses about the possibility of rewards and their motives in apprehending or prosecuting the accused. Indeed, a perception of the corrupting effect of rewards and financially-motivated prosecution was great enough that defendants at the Old Bailey frequently exploited it as a method of defence.¹²⁹ By referring to the use, benefits, and even criticisms of rewards, print highlighted the centrality of financial incentives and personal gain to the policing of the metropolis.

Print not only provided a conceptual reinforcement of the centrality of rewards to the policing of the metropolis: through crime advertising the press also offered a practical tool for the detection of offenders and the return of stolen property. Print could as such influence policing as much through practical action as by discourse. Developments in newspaper production throughout the early eighteenth century increasingly facilitated the use of advertisements in detecting offenders and arranging the return of stolen property. Significant increases in the scale of metropolitan and provincial newspaper production following the end of pre-publication censorship in 1695 made crime advertisements an attractive option to victims and also to those who could exploit the system for financial gain.

¹²⁵ *Whitehall Evening Post*, 4 December 1750.

¹²⁶ *Whitehall Evening Post*, 19 January 1749.

¹²⁷ See, for example, OBP, July 1748, trial of Joseph Saunders (t17480706-8); July 1750, trial of William Baker (t17500711-35).

¹²⁸ Author of the Dissuasive, *An Enquiry*, p. 49.

¹²⁹ OBP, October 1746, trial of Mary Charles and John Pickart (t17461015-34); April 1745, trial of Martha Grimes (t17450424-21).

Individual papers differed in the level of crime advertisements they carried. The *London Evening Post* for instance published very few whereas the *Daily Advertiser* and the *Public Advertiser* were the most prolific crime advertisers in London. The predominance of these two publications is reflected in the *Proceedings*: in numerous trial reports specific mention is made of victims and witnesses having inserted crime advertisements in them or having reacted to advertisements already placed.¹³⁰ In order to understand the pragmatic role that print played in the policing of the metropolis it therefore seems most appropriate to focus on these two publications, and to cover a period which spans the post-1748 prosecution wave and the appointment of John Fielding as a magistrate, for he had an enormous impact on the nature of crime advertising. What follows is an analysis of the *Daily Advertiser* for the years 1745 and 1752, the *Public Advertiser* for the years 1753-1755, and the *Proceedings* for the years 1745-1755, in order to illustrate the extent, nature, and effectiveness of crime advertising.

‘Crime advertising’ is a rather ambiguous term. ‘Crime’ did not have defined limits in the eighteenth century, and advertisements covered a range of acts from misdemeanours to murders, and from public apologies to runaway apprentices or servants.¹³¹ Here crime advertisements have been narrowly confined to thefts. A narrow definition of what constituted ‘stolen’ property has also been adopted. Legislation passed in 1717 and 1752 against advertisements offering rewards ‘no questions asked’ encouraged some (although it is impossible to say how many) advertisers to describe property they suspected to be stolen as ‘lost’ in ‘order to safeguard themselves when offering rewards merely for the return of goods.’¹³² William Piggot was for example in 1745 advised to advertise his watch stolen during a highway robbery ‘not as stole but as lost’ and with a ten guinea reward, by which means he ‘might possibly have it again.’¹³³ Nevertheless, ‘it remained a common practice for advertisers who referred to the missing property as “stolen” to offer rewards for the return of the goods without any mention of the need to apprehend and convict the offender.’¹³⁴ It is therefore, as John Styles rightly comments, potentially misleading to exclude those advertisements which describe property simply as ‘lost’. However, as definite distinctions cannot be made between which property was ‘stolen’ and which ‘lost’ it would also be misleading to lump both together. As such, aware that it covers only the surface of crime advertising, the following analysis is confined purely to ‘stolen’ advertisements.

¹³⁰ OBP, July 1749, trial of Thomas Maynard (t17490705-42); May 1753, trial of Thomas Carrol (t17530502-21).

¹³¹ John Styles, ‘Print and Policing: Crime Advertising in Eighteenth-Century Provincial England’, in Hay and Snyder (eds.), *Policing and Prosecution*, p. 96.

¹³² *Ibid.*, p. 96.

¹³³ OBP, July 1745, trial of William Kelly, Thomas St Legar, Patrick Cane, and Sarah Cane (t17450710-27).

¹³⁴ Styles, ‘Print and Policing’, p. 96.

Considering firstly the extent of crime advertising, TABLE 4.3 highlights the differing levels of crime advertising between separate publications and within individual publications from year to year. When we consider that these figures do not include advertisements of 'lost' goods which may have in fact been thefts, we see the enormous extent of crime advertising at mid century. Victims of crime (including those who were only suspicious that missing property had been illegally appropriated) clearly considered advertising to be a potentially effective way of facilitating the detection of offenders or the return of property.

TABLE 4.3

Numbers of Crime Advertisements Printed in the *Daily Advertiser* in 1745 and 1752, and in the *Public Advertiser* from 1753-1755¹³⁵

Publication	Year	Total Crime Advertisements	Individual Cases	% Individual Cases
Daily Advertiser	1745	281	204	73%
Daily Advertiser	1752	101	80	79%
Public Advertiser	1753	341	262	77%
Public Advertiser	1754	217	164	76%
Public Advertiser	1755	411	226	55%
Total all Publications	-	1351	936	69%

Considering secondly the nature of crime advertising, it can be divided into three categories: those which advertised a crime committed, and called for the detection of offenders or return of property; those which advertised goods stopped on suspicion of being stolen, and called for further information; and those which advertised either offenders fled from justice or offenders recently secured. TABLE 4.4 illustrates the numbers of each category printed in the sample publications.

¹³⁵ The *Daily Advertiser* ended publication in April 1752. The figures for that year in TABLES 4.3 and 4.4 therefore cover only the months January to April.

TABLE 4.4

Categories of Crime Advertising Printed in the *Daily Advertiser* in 1745 and 1752, and in the *Public Advertiser* from 1753-1755

Publication	Years	Crimes	Goods	Offenders	Total all categories
Daily Advertiser	1745, 1752	285 (74%)	67 (18%)	31 (8%)	383 (100%)
Public Advertiser	1753-1755	733 (76%)	161 (17%)	75 (8%)	969 (100%)
Total all Publications and Years		1018 (75%)	228 (17%)	106 (8%)	1351 (100%)

Crimes committed formed the vast majority of all crime advertisements. As Styles comments, 'the wording of this type of advertisement indicates a detective purpose, in connection with a particular unsolved offence – unsolved in the sense that property was missing or the offenders had escaped.'¹³⁶ Thefts and the aggravated theft of housebreaking dominated, accounting for some 83% of all crime advertisements made in the sample publications. Violent thefts (robbery and highway robbery) accounted for a further 9% of all crime advertisements. This contrasts interestingly with the categories of crime reporting. For example, whilst reports of violent theft accounted for 22% of all solved crime reports and 66% of all unsolved crime reports, they were relatively absent in crime advertisements. This imbalance in levels of crime advertising surely reflects actual practice: thefts with violence were much less likely to have been perpetrated than more commonplace, minor thefts, and indeed this corresponds with prosecutions at the Old Bailey. The levels of categories of offence carried in crime advertisements closely mirrors the levels of indictments for thefts and thefts with violence tried at court. Newspapers thus acted on two levels: on the one hand in their reports they presented violent crime as widespread, normative, and deeply disturbing, and on the other hand in their crime advertisements they to a greater extent reflected upon the less aggravated crimes which more accurately mirrored patterns of prosecution.

The second category of advertisement, those which noted goods stopped on suspicion of being stolen, accounted for 17% of all crime advertisements. A general analysis of these advertisements reveals the very ordinary nature of the goods typically advertised, most often dinnerware, clothes, linen, and jewellery – goods which appear frequently in indictments tried at the Old Bailey. This suggests that advertisements were used for everyday offences. Motivation for placing these advertisements was the likely expectation of a reward upon the return of the property. Indeed, some advertisers were keen to assert they expected to be reimbursed by the owner for the cost of placing the advertisement and for their labours. Those who advertised crimes committed and who looked to get their property back likewise were

¹³⁶ Styles, 'Print and Policing', p. 59.

keen to publicise the offer of a reward to anyone who could help. Pawnbrokers can be identified as having inserted a large proportion of advertisements of goods stopped. These included individuals such as Gilbert Scriven, John Fell, Moses Coronell, Walter Rochford, and Richard Gunston, all of whom figure prominently as both crime advertisers and as witnesses at the Old Bailey.¹³⁷

Finally, the third category consists of advertisements of offenders fled from justice or offenders recently captured. Again, both served a detective purpose, either in encouraging private individuals, officers, or thief-takers to apprehend escaped felons, or in encouraging victims and witnesses to come forward in order to secure adequate evidence to mount a successful prosecution against captured felons. Many of these advertisements were placed on the initiative of officials, and thus like their provincial counterparts they 'illustrate the capacity of officials to adopt a pro-active detective role in apprehending and establishing charges against subjects.'¹³⁸ Indeed, of the 69 individual cases that were advertised in the *Public Advertiser* in 1755, John Fielding's name was attached to 31% of them. Notices of re-examination sessions of captured offenders held by justices formed a major part of this category.

The more important (and more difficult) question is the impact of advertisements as a method of policing. There were certainly reasons both for and against the use of advertisements: they had the potential to reach many individuals across wide geographical areas, yet they were relatively costly (perhaps three shillings for a single advertisement), and were not always guaranteed to be immediately inserted in the newspaper.¹³⁹ Justices seem to have been confident that advertisements were an efficacious course of action. The Guildhall Minute Book for 1752 contains several instances in which officers and private individuals were ordered by the sitting magistrate to advertise apprehended offenders or goods believed to be stolen.¹⁴⁰

Others were less confident of the advantages of crime advertisements. After missing a watch from his shop in 1746, one Neal related at the Old Bailey that he 'thought it was not prudent to advertise it directly,' observing that 'when watches are lost and advertised, without no questions asked, they are seldom heard of,' and thinking that 'it would look like hiding theft,' he 'determined to wait a-while.'¹⁴¹ Such anecdotal evidence is limited in revealing the effectiveness of crime advertising. A more fruitful, although certainly not unproblematic,

¹³⁷ See, for example, *Public Advertiser*, 2 September 1755, 2 October 1755, 13 December 1755.

¹³⁸ Styles, 'Print and Policing', p. 66.

¹³⁹ OBP, September 1757, trial of Robert Boyd (t17570914-22).

¹⁴⁰ Guildhall Minute Book, LMA, CLA/005/01/001, 29 May, 5 June, 8 June 1752.

¹⁴¹ OBP, December 1746, trial of Anon (t17461205-4).

approach to this subject is through an analysis of the *Proceedings* and its links to crime advertisements.

Of all the 936 individual cases of crime advertisements analysed, only 56 (6%) can be linked to prosecutions tried at the Old Bailey. 77% of these 56 cases were advertisements of crimes committed, whilst advertisements of goods and offenders account for 13% and 9% respectively. Fifty-six cases seems like an extremely small number given that so many trial reports mention advertisements used in bringing offenders to court, as shown below. A number of explanations can be suggested. Most importantly, whilst crime advertisements may have been successful in leading victims to their property or to offenders, the discretionary nature of the justice system meant they could easily forego any formal prosecution if satisfied with the return of their goods alone. It may also be explained by the difficulties facing the researcher in actually linking advertisements to court cases. For one thing, a number of advertisements originated from areas outside the jurisdiction of the Old Bailey, and would thus require a study of provincial court records which is beyond the scope of this analysis. Moreover, it is difficult to make linkages between court cases and advertisements, given the variability of eighteenth-century spellings and the sometimes scanty details that advertisements actually provided.

As noted, Old Bailey trial reports make frequent mention of victims, private persons, and law officers having utilised crime advertisements in bringing the accused to court. In the years 1745-1755, 231 such cases have been found. In almost every instance the advertisement had a positive impact in leading to the prosecution. Most striking is the seeming effectiveness of crime advertisements in leading to successful prosecutions. Some 85% of the cases in which a crime advertisement was used resulted in either a guilty or a part guilty verdict, with only 15% resulting in acquittal, far above the average levels of guilty and part guilty verdicts for all trials held at the Old Bailey at mid century. This is perhaps due to the nature of the evidence that crime advertisements could produce. By involving third parties in the case, crime advertisements provided witnesses at court who could give added weight to the prosecution. Moreover, it is likely that the use of advertisements is underestimated in trial reports, for even in those instances in which crime advertisements can be linked to Old Bailey trials, the *Proceedings* do not always mention the advertisement as having been used.

Measuring systematically the extent to which advertisements were used and responded to is impossible, yet the preceding analysis has shown that they were used frequently, that a whole range of individuals from private persons to law officers and thief-takers responded to them, and that they could result in high levels of successful prosecutions. In sum, the impact of print upon the policing of mid-eighteenth-century London was as much

pragmatic and practical through the use of crime advertising, as ideological through spreading representations of, and information on, policing.

Thief-Takers

Thief-takers, individuals who profited from the systematic return of stolen goods or prosecution of particular offences in order to obtain private- and state-funded rewards, are most notable for their relative absence in mid-century print. They were as shadowy in crime literature as in the justice system: references were generally sporadic, brief, and attended with little pointed commentary. Thief-takers were certainly a useful tool for victims of crime who did not wish to detect and apprehend offenders themselves, as well as for the state in arresting and breaking up gangs of dangerous criminals.¹⁴² But following the activities of Jonathan Wild in the 1720s and the McDaniel gang at mid century, thief-takers also gained a reputation as malicious and unscrupulous individuals who incited criminal acts and then either arranged the return of the stolen property for a private reward, prosecuted the criminal for a statutory reward, or extorted money from offenders in order not to prosecute.¹⁴³ Criticisms of thief-takers were certainly made in mid-century print, yet these constituted a complaint of thief-makers and their perversions of justice, not a wider refutation of the efficacy of thief-taking as a system. In fact, combined with a significant amount of positive commentary, thief-takers were depicted in print as a central and necessary feature of the mid-century justice system, which perhaps encouraged contemporaries to employ them as a method of detecting offenders.

Occasional reports in the newspapers highlighted the utility of thief-takers in apprehending offenders and returning stolen property to victims, although such reports tended to only briefly mention thief-takers by name, with little extended commentary of their activities.¹⁴⁴ The *Proceedings* too included positive accounts of thief-takers aiding in the capture of criminals or assisting victims to their goods, and its reporting of witness testimony meant that defences of thief-takers' activities were intermittently aired.¹⁴⁵ Under cross examination in a trial of highway robbery, William Norden was asked whether he was not a

¹⁴² For the activities of thief-takers in the late seventeenth and early eighteenth centuries see Beattie, *Policing and Punishment*, Ch. 5 and pp. 401-416; John McMullan, 'The Political Economy of Thief-taking', *Crime, Law and Social Change* 23 (1995), pp. 121-146; Tim Wales, 'Thief-Takers and their Clients in Later Stuart London', in Paul Griffiths and Mark Jenner (eds.), *Londinopolis: Essays in the Cultural and Social History of Early Modern London* (Manchester, 2000), pp. 64-87.

¹⁴³ Gerald Howson, *Thief-Taker General: The Rise and Fall of Jonathan Wild* (London, 1970); Ruth Paley, 'Thief-Takers in London in the Age of the McDaniel Gang, c.1745-1754', in Hay and Snyder (eds.), *Policing and Prosecution*, pp. 301-340.

¹⁴⁴ See, for example, *London Daily Advertiser*, 21 June 1755; *Covent Garden Journal*, 19 May 1752; *Read's Weekly Journal*, 6 April 1754; *Whitehall Evening Post*, 9 January 1755.

¹⁴⁵ For reports of thief-takers apprehending offenders, see OBP, September 1751, trial of David Brown (t17510911-29), September 1752, trial of Randolph Branch and William Descent (t17520914-70).

‘thief-catcher,’ to which he replied he thought ‘it a very honest employment,’ and retorted to his questioner, ‘I dare say, if you was robbed, you would employ me’. Asked again if he acknowledged being a thief-taker, Norden answered, ‘yes, sir, I am very often sent for by people of great credit, on such occasions, when they have been robbed.’¹⁴⁶

Negative reports also circulated in print, however, of thief-takers committing crimes themselves, and as corrupt individuals who incited false prosecutions for financial gain.¹⁴⁷ Again, the nature of the *Proceedings* meant that negative accounts were elaborated on in much fuller detail compared with newspapers. In reporting the defence statements of accused offenders, the *Proceedings* propagated an image of thief-takers as odious, corrupt, and unscrupulous persons. On trial for burglary in January 1753, Joseph Hall claimed he had no part to play in the crime, and that those who had apprehended him and testified against him at court would ‘take any man's life away for anything, they are thief-catchers, and have hanged many a man for the lucre of nothing.’¹⁴⁸

Pictorial prints moreover had long offered particularly negative images of thief-takers since the time of Jonathan Wild. A 1765 print of the notorious Dick Swift depicted thief-takers for example as breeders of criminality (FIGURE 4.3). Teaching his son the commandments, Swift alters commandment eight to ‘thou shalt steal’. Swift’s hand is branded with RST, showing that he had previously been convicted for theft. An obviously quick learner, Swift’s son is already picking his master’s pocket undetected, yet a noose hanging from the ceiling above the child’s head ominously points to his ultimately disastrous fate. Thief-takers are, in short, of dubious character, and breeders of new generations of criminals.

¹⁴⁶ OBP, January 1755, trial of Thomas Ash (t17550116-6).

¹⁴⁷ [London Evening Post](#), 19 March 1751; [Whitehall Evening Post](#) 29 October 1751.

¹⁴⁸ OBP, January 1753, trial of Joseph Hall (t17530111-27).

FIGURE 4.3

Dick Swift Thieftaker of the City of London Teaching his Son the Commandments (1765), BM,
1851,0308.607



The most extended discussion of thief-takers in mid-century print emerged in the wake of the McDaniel gang scandal. In February 1755, Stephen McDaniel, John Berry, James Egan, and James Salmon were tried and convicted for being accessories before a felony in encouraging Peter Kelly and John Ellis to commit a highway robbery, the circumstances of which had been pre-orchestrated, and then bringing a prosecution against the hapless offenders, for which conspiracy the gang stood to gain £120. 'This being a trial of so extraordinary a nature,' noted the *Proceedings*, 'we cannot do justice to the public, whom we would always oblige, if we curtail it; therefore it will be published at large in a few days.' Indeed it appeared as a lengthy pamphlet on 1 March, exposing to the public the horrifying

details of the case.¹⁴⁹ Newspapers moreover provided condensed summaries of the trial and reports of the gang's punishment.

What is interesting about the printed coverage of the scandal is the lack of wider negative commentary it generated upon thief-taking in general. In fact, the scandal generated specific condemnation of the practices of the McDaniel gang, but also more general defences of thief-taking, and efforts on the part of John Fielding to separate his own body of thief-takers – the Bow Street Runners – from the practices of McDaniel and his ilk. As Ruth Paley argues, 'one the oddities of the case is the extremely limited nature of the revelations that were made,' perhaps because to expose the pernicious practices of thief-takers 'was to risk exposing the corruption of the whole system of the administration of the criminal law in the metropolis.'¹⁵⁰

Joseph Cox, High Constable for Blackheath and the man who uncovered the corrupt practices of the gang, in a printed account of his investigations was indeed careful to confine his condemnations to the gang itself, and forcefully assured readers that he 'should be sorry, if endeavours to bring these THIEF-MAKERS to justice, should prove the means of bringing the least odium upon the honest thief-taker, or any way tend to the discouragement of the apprehending those daring and desperate felons, which at all times so notoriously infest this great metropolis.' Nor did he wish to 'be understood to think, that every man who takes a thief, is a dishonest man, far from it,' for to take a 'real thief, with an honest intention of serving the public... [is] highly to be commended.'¹⁵¹ Newspapers for the most part also confined their condemnations to the gang specifically, only commenting more generally that 'it is to be hoped that the punishment which their offences will expose them to, will deter others from committing such daring offences for the future.'¹⁵²

Aware of the hostile sentiments circulating about the McDaniel gang and perhaps worried that the odium might spread, John Fielding used print to distance his Bow Street Runners from thief-makers like McDaniel and to exonerate his deceased brother from any blame in the scandal.¹⁵³ He certainly had good reason to do so. Firstly, because his force of men *were* in some respects different from conventional thief-takers – for the most part new recruits, their activities were largely coordinated by Fielding himself, and they were not wholly dependent upon rewards, but paid a small retainer by Bow Street. And secondly, because he

¹⁴⁹ OBP, February 1755, trial of Stephen M'Donnald, John Berry, James Egan, and James Salmon (t17550226-55), March 1755 (f17550301-1).

¹⁵⁰ Paley, 'Thief-Takers in London', pp. 334-335.

¹⁵¹ Joseph Cox, *A Faithful Narrative of the Most Wicked and Inhuman Transactions of that Bloody-Minded Gang of Thief-Takers, alias Thief-Makers* (London, 1756), pp. iv, 2.

¹⁵² *Gazetteer and London Daily Advertiser*, 28 Feb 1756. For other reports of the events, see *London Evening Post* 1 March 1755; *Public Advertiser*, 6 March 1756; *British Spy or New Universal London Weekly Journal*, 13 March 1756.

¹⁵³ Gilbert Armitage, *The History of the Bow Street Runners 1729-1829* (London, 1932), p. 58. Although simply labelled as 'Fielding's men' in the press in the 1750s, and only later given the title of 'Bow Street Runners', I have here adopted the latter, more recognisable term.

was at this time ‘in the process of persuading the Treasury to turn its backing of “Mr Fielding’s Plan of Police” from a temporary to a permanent commitment.’¹⁵⁴

‘It seems proper at this time,’ Fielding noted in 1755, ‘to publish a few facts, relating to the real and useful thief-takers, whereby the public may be enabled to distinguish between those who deserve to be considered with regard and esteem, and those who are most justly the objects of contempt and indignation.’¹⁵⁵ Mainly via the pages of the *Public Advertiser*, Fielding endeavoured to widely disseminate his views on thief-takers, advertise his own force of men, and encourage the publication of favourable reports: in an article of April 1755, he asked the public to recollect that several notorious robbers were brought to justice by his force of ‘honest and reputable householders’ and that reports had been printed which ‘wickedly intended to destroy the distinction between the worthy servants of the public, and the plunderers of mankind, McDonald and his crew.’¹⁵⁶ This had been preceded by a report inserted in at least two newspapers in which Fielding noted that his own thief-takers had ‘by their great diligence and bravery broke, apprehended, and brought to justice some of the most desperate gangs of street-robbers that ever existed, to the great hazard of their lives.’ His runners, Fielding went on, ‘have real merit to the public,’ and should be distinguished from the McDaniel gang ‘who, by assuming the character of thief-takers, have not only brought that employment, which, when not abused, is a very laudable one, into disrepute; but have committed the most horrid abuses on the public that ever were heard of.’¹⁵⁷

Mid-century newspapers also ran frequent reports of the activities and successes of John Fielding’s force of detectives. By presenting competing thief-takers in at best an ambiguous light, whilst commenting favourably upon the Runners, disseminating John Fielding’s proposals for reform, and encouraging victims of crime to resort first of all to Bow Street, print perhaps influenced contemporaries’ responses to crime. Largely through the pages of the *Public Advertiser*, although with similar reports occasionally published in other metropolitan and provincial newspapers, the Bow Street Runners were represented as successfully undertaking a range of duties, including reacting to informations brought to Bow Street of offences committed and offenders fled from justice; proactively policing centres of vice and immorality; breaking up gangs of dangerous criminals; and detecting and apprehending offenders.¹⁵⁸ On 1 January 1755, the *Public Advertiser* declared its ‘pleasure to inform the public,’ that the Runners had broken a ‘gang of robbers who have lately infested

¹⁵⁴ Paley, ‘London Thief-Takers’, pp. 336-337.

¹⁵⁵ John Fielding, *A Plan for Preventing Robberies within Twenty Miles of London* (London, 1755), no pagination.

¹⁵⁶ *Public Advertiser*, 10 April 1755.

¹⁵⁷ *Public Advertiser*, 7 March 1755; *Whitehall Evening Post*, 4 March 1755.

¹⁵⁸ David Cox, ‘“A Certain Share of Low Cunning”: The Provincial Use and Activities of the Bow Street “Runners” 1792-1839’, *Erasmus Journal* 5, <http://arts.monash.edu.au/publications/eras/edition-5/coxarticle.php#b3> (accessed 11 August 2010).

the streets of this town, and the roads round about it.¹⁵⁹ On another occasion the paper told how a notorious street robber was apprehended by a party of the Runners following 'an incessant pursuit of forty hours.'¹⁶⁰

What is most notable about these countless praiseworthy reports is the insistent attempts to shape readers' responses to crime, encouraging them to provide speedy informations to Bow Street or to attend examinations of captured offenders in order to facilitate prosecutions. As the *Public Advertiser* commented,

it is a certain truth, that while there are brave persons [the Runners] always ready, and both willing and capable to pursue, attack, and subdue the most daring villains, there can be nothing wanting to complete the tranquillity and establish the police of this town, but a general resolution to give the earliest notice that is possible from the nature of the robbery committed; which, if it does not entirely put an end to robberies, will infallibly prevent thieves from forming themselves into gangs; for quick notice and quick pursuit, will always make villainy unsafe, and to this alone has the late success been owing.¹⁶¹

Reports of the successful capture of offenders by the Runners were, it was constantly affirmed, instances of 'the almost certainty of success from sudden notice and quick pursuit, in cases of felony.'¹⁶² Only the insolence or lack of courage of the public, it was commented, could prevent the Runners from effectively suppressing the robberies besetting London.¹⁶³ Aware of the power of print to influence the way contemporaries responded to crime, John Fielding encouraged the constant production of reports which praised his efforts and persuaded victims and witnesses to resort first and foremost to Bow Street.

Impact

In sum, mid-eighteenth-century crime literature offered mixed messages on various elements of metropolitan policing, which in some instances, such as the representation in pamphlet literature and newspapers of efforts to combat the root causes of crime, were distinctly contradictory. However, for two main reasons it can be argued that on the whole print provided a reinforcement of the existing system of policing, and largely showed it as capable of dealing with the crime problem. Firstly, because criticisms were counterbalanced by other facets of crime literature which promoted a more optimistic image of the certainty of justice, including: positive reports of peace officers and the public in detecting and apprehending offenders (particularly in the *Proceedings*); the newspapers' regular announcement of extensions to policing resources, capture of offenders, breaking of criminal gangs, and a

¹⁵⁹ *Public Advertiser*, 1 January 1755.

¹⁶⁰ *Public Advertiser*, 7 October 1756.

¹⁶¹ *Public Advertiser*, 20 January 1755.

¹⁶² *Public Advertiser*, 19 August 1757.

¹⁶³ *Public Advertiser*, 2 April 1754.

confident reassurance that criminals would be brought to justice; the continued cultural purchase of providential detection in criminal biography and (as will be seen in the following chapter) other genres of print; reflections upon the success of rewards in leading to criminal discoveries; and finally, celebratory accounts of honest thief-taking and the Bow Street Runners. Secondly, because when we are sensitive to what the (admittedly numerous and strongly voiced) criticisms in print actually represent, it becomes clear that they were not a complete condemnation of the existing system of policing but rather arguments that the failings of actors within that system prevented it from working to its full potential. Complaints were made of how the current system was being undermined, not the system itself. If these failings were eradicated, many argued in print, the existing system of policing could effectively deal with the criminal threat.

What impact did these printed representations have on contemporaries' perceptions and the actual methods they employed for detecting and apprehending offenders? This is a difficult question to answer, for contemporaries rarely noted their thoughts on matters of policing in diaries or correspondence. In the many instances of mixed messages given in print, readers would have had to actively choose what to believe. As shown in Chapter Two, by taking crime literature at face-value, many contemporaries might have been swayed by the broadly positive reinforcement of London's policing system in print.

Certainly in the case of the root causes of crime many contemporaries agreed with those identified in print and with the need for greater efforts at policing irreligion, idleness, and immorality. Yet these efforts ultimately failed to result in greater numbers punished for morality offences. In this way, as we saw in the previous chapter with the printed representation of property crime and the prosecutorial behaviour it generated, the impact of print was mediated and constrained by the particular context within which action took place. Printed commentary may well have encouraged an increase in the volume of responses to immorality, but the impact of this change in behaviour was cut short by the kinds of resistance that beset attempts at moral reform throughout the eighteenth century.

Other evidence suggests that print did have at least some impact upon how the metropolis was policed. In the first instance, the option of newspaper crime advertising meant that print was certainly used as a practical tool of policing in significant numbers, for a variety of purposes, and by a range of people, resulting in many offenders successfully detected, prosecuted, and convicted. In addition, although the evidence is here more tentative, printed discourses can in many ways be linked to the historical narrative of eighteenth-century policing put forward by recent studies. This suggests that printed representations possibly shaped contemporary perceptions of crime and justice and encouraged changes in responses to crime.

Three central features identified by the recent historiography of eighteenth-century policing can be linked to mid-century printed representations.

Firstly, the depiction of crime and justice in print perhaps fostered the many extensions made to policing forces at mid century. As Elaine Reynolds has demonstrated, the extensive fears about crime which were promoted by print from 1747 onwards led to the introduction of new, publicly funded, professional night watches in many East End and North London parishes, adopting the model first developed by the parishes of Westminster in the 1730s.¹⁶⁴ The House of Commons, she explains, 'heard a familiar litany of complaints from the East End when parish authorities requested approval for new acts.' William Cook of Shoreditch asserted for instance 'that frequent robberies are committed... which might probably be prevented, if the parish were regularly watched and lighted.'¹⁶⁵ As shown in the previous chapter, print had a significant role to play in shaping such fears about crime.

Furthermore, Reynolds argues that the East End parishes 'took the initiative by the example and co-operation of neighbouring parishes and the public debate about the ways and means to prevent crime as well as the other nuisances and annoyances of urban life.'¹⁶⁶ Positive reports in print of the West End night watches and newly established forces elsewhere in the metropolis likely provided parish authorities and ordinary inhabitants with shining examples to follow. Indeed, both newspapers and the *Proceedings* provided reports of local inhabitants setting up their own watches, indicating the success of these efforts, and encouraged others to do likewise. As the *London Evening Post* commented, 'the inhabitants of Clapham have enter'd into a subscription, for keeping a watch on the road between that place and London, in order to prevent robberies; a laudable example, and worthy the imitation of the gentlemen of the several villages round London.'¹⁶⁷ In the *Proceedings*, Thomas Smith, who was 'employed to watch the goods upon the keys and on board vessels,' described how he caught Matthew Cartwright in the act of stealing some tobacco, whilst one Williamson, a private watchman for Thomas Cliffton, told how he secured an offender who had stolen a wooden cask from his employer.¹⁶⁸ In representing parish authorities and inhabitants as active in responding to the problems of crime by raising voluntary subscriptions for extensions to existing policing forces or lobbying for watch acts, print perhaps encouraged reform of the night watch in London.¹⁶⁹

¹⁶⁴ Reynolds, *Before the Bobbies*, pp. 29-35.

¹⁶⁵ *Ibid.*, p. 35.

¹⁶⁶ *Ibid.*, p. 37.

¹⁶⁷ *London Evening Post*, 6 October 1748.

¹⁶⁸ OBP, May 1752, trial of Matthew Cartwright (t17520514-3), September 1746, trial of John Kitchen (t17460903-38).

¹⁶⁹ For the local nature of watch reform, see Beattie, *Policing and Punishment*, Ch. 4; Reynolds, *Before the Bobbies*, Ch. 3.

The newspapers' marginalisation of the role of private individuals in detecting and apprehending offenders and its promotion of policing as the work of professional (or at least publicly funded) forces perhaps also resulted in a greater number of Londoners withdrawing from their traditional duty of policing the streets. Pamphlets and the *Proceedings* continued to assert the central role of private individuals in policing, but this was not the case in newspapers, and the *Proceedings* also contained elements that pulled in the opposite direction, for example in its promotion of the input of peace officers. Furthermore, both the newspapers and the *Proceedings* emphasised (and likely exaggerated) the threat of injury or death facing Londoners who attempted to apprehend offenders. Such reports perhaps fed anxieties, even of apparently less dangerous criminals. Thomas Copeland for instance told the jury at the Old Bailey how he 'thought it might be improper for a single person' to take the man who had picked his pocket.¹⁷⁰

In these ways, print perhaps encouraged victims of crime to resort first and foremost to official, rather than unofficial, assistance. As Shoemaker has shown, in the 1740s and 1750s the *Proceedings* increasingly reported victims as having called for the watch, or going to justices of the peace for warrants to follow up their immediate suspicions.¹⁷¹ Upon hearing a noise in an empty house next door in January 1750, Richard Dickman's first response was to fetch two watchmen who got into the yard of the house and seized William Haynes, later tried and convicted at the Old Bailey.¹⁷² Victims in pursuit of offenders also frequently called for the watch's help. Attacked and robbed by Jeremy Casway on the highway in January 1749, Stephen Nash specifically called out to the watch when pursuing his attacker.¹⁷³ Commentators such as Henry Fielding and Patrick Colquhoun certainly complained of the public's unwillingness to fulfil their traditional duties of apprehending criminals, without some kind of financial incentive. Whilst the abandonment of this public duty was not as great as reformers complained, the fragmentary evidence available does suggest ordinary Londoners increasingly expected the streets to be policed for them.¹⁷⁴

Finally, the denigration of thief-makers and promotion of honest thief-takers (particularly the Bow Street Runners) likely encouraged more victims and witnesses to resort to Bow Street, and perhaps played a part in the government's greater support of the Fieldings after later 1753. 'Frequent notices in the *Proceedings*,' Beattie argues, to which could be added the many celebratory reports in London newspapers, 'explain why [John] Fielding

¹⁷⁰ OBP, January 1748, trial of Sarah Dyall (t17480115-5), and January 1748, trial of William Matthews (t17480115-17).

¹⁷¹ Shoemaker, *The London Mob*, p. 34.

¹⁷² OBP, January 1750, trial of William Haynes (t17500117-14).

¹⁷³ OBP, February 1749, trial of Jeremy Casway (t17490222-28).

¹⁷⁴ Shoemaker, *The London Mob*, pp. 45-46, 49.

acquired a wide reputation as an active and knowledgeable magistrate and why numerous private prosecutors, giving their opening evidence at Bow Street, said they had been advised to go to him, even if it meant a long journey across the metropolis.’ In the years 1756-1766, ‘more than one-third of the accused felons sent for trial at the Old Bailey from Middlesex were committed as a result of the proceedings at Bow Street, the vast majority by John Fielding himself.’¹⁷⁵ Possibly receptive to favourable reports in the press of Henry Fielding’s earlier efforts, the Duke of Newcastle in later 1753 turned to him for solutions to the continuing crime problem. Fielding’s proposals for monetary support of his detective constables were accepted by government to the initial tune of £200. This, and more in the years following, allowed John Fielding to ‘use the London press in new ways to broadcast reports of crimes, descriptions of suspects, and offers of rewards.’ He encouraged the press to attend Bow Street and thereby provide ‘readers with a weekly report on his efforts as a “public servant” (as he thought of himself) to combat crime in the metropolis.’¹⁷⁶

The importance of print – especially newspapers – in spreading information concerning criminal justice in the eighteenth century has yet to be fully appreciated. In many ways mid-century crime literature provided a positive image of public justice, showing it be working (or at least capable of working). This positive and reassuring tone is evident in newspapers across the eighteenth century, and likely resulted (as will be seen in the first section of Chapter Six) from the influence of outside authorities. More research is now needed in order to place the detailed historical narrative of policing already uncovered by historians within the context of the changing representation of justice in print over the eighteenth and nineteenth centuries. In the later eighteenth century the *Proceedings* and the *Ordinary’s Accounts* lost their popular audience, and thus newspapers became even more so the predominant means by which information about policing was circulated in print. Graphic satires mocking the night watch moreover flourished in the final quarter of the eighteenth and into the nineteenth century. What impact did these developments have for printed discourses of policing? Methods of policing were certainly changing over this period, but so too was its representation in print. The potential relationship between the two demands investigation.

¹⁷⁵ J. M. Beattie, ‘Sir John Fielding and Public Justice: The Bow Street Magistrate’s Court, 1754-1780’, *Law and History Review* 25 (2007), p. 76.

¹⁷⁶ *Ibid.*, p. 71.

Chapter 5: Print Culture and Punishment

The Introduction of the 1752 Murder Act

As we have seen, concern about crime had been growing since 1747, and by 1751 the chorus of alarm could not be ignored. Significant action had been taking place at a local level before 1751 to combat the crime problem. Moreover, although print presented crime as a serious social problem, in other ways crime literature depicted the justice system as to some extent capable of dealing with the threat. Despite this local action and positive printed commentary, however, it was clearly evident by later 1750 that some kind of central government intervention was needed. In December 1750, a proclamation issued by the crown offered £100 for anyone successfully prosecuting a street robber as well as a guarantee of pardon for any offenders turning king's evidence against their accomplice(s). In addition, on 17 January 1751, in accordance with the King's annual custom, George II addressed his returning Parliament. He called attention to the dire state of the crime problem and the necessity of central government action, exhorting members 'to make the best use of the present state of tranquillity... for enforcing the execution of the laws; and for suppressing those outrages and violences, which are inconsistent with all good order and government; and endanger the lives and properties of my subjects.'¹

In response, on 1 February 1751 the unprecedented step was taken to establish a House of Commons committee (hereafter referred to as the 'felonies committee') 'to revise and consider the laws in being, which relate to felonies, and other offences against the peace; and to report their opinion thereupon, from time to time, to the house, as to the defects, the repeal, or amendment of the said laws,' a mandate which was in the following months extended to a review of the poor laws.² This represented an unparalleled development, for never before had there been a national, central investigation into the issue of crime and justice as a whole.

At the reconvening of Parliament on 14 November 1751, the King, although seemingly contented with the 'dutiful and steady conduct' of the House and the felonies committee after its initial four months of investigation, feeling no need to press any 'unanimity and dispatch' in their deliberations, nevertheless could not conclude without recommending to them,

in the most earnest manner, to consider seriously of some effectual provisions to suppress those audacious crimes of robbery and violence, which are now become so frequent, especially about this great capital, and which have proceeded in a great measure from the profligate spirit of

¹ HOC Papers, JHC, 26, p. 3 (17 January 1751).

² HOC Papers, JHC, 26, p. 27 (1 February 1751), p. 123 (13 March 1751). For the felonies committee's review of the poor laws, which will not be treated here, see Richard Connors, 'Parliament and Poverty in Mid-Eighteenth-Century England', *Parliamentary History* 21 (2002), p. 216.

irreligion, idleness, gaming, and extravagance, which has of late extended itself, in an uncommon degree, to the dishonour of the nation, and to the great offence and prejudice of the sober and industrious part of my people.³

The felonies committee's investigations ultimately ran from February 1751 to March 1752, during which time nine resolutions on law enforcement and sixteen upon the perceived causes 'of the increase of thefts and robberies' were produced. These resolutions formed the basis of five proposed bills, two of which made it onto the statute books, three which did not.⁴ But on 10 February 1752 the Commons ordered that two members of the administration, Sir William Yonge and Sir George Lyttelton, prepare a bill whose terms had not previously appeared in any of the felonies committee's resolutions, nor was even hinted at in any of its activities: it was a Bill, 'for the better preventing the horrid crime of murder,' which the preamble stated, 'has of late been more frequently perpetrated than formerly, and particularly in and near the metropolis of this Kingdom.'⁵ Within a month the Bill had been composed and put before Parliament. In the first three weeks of March 1752 it was then discussed and amended by the Commons.⁶ On 18 March 1752, the Bill passed through the Commons and went before the Lords. They made only one significant amendment, that anyone attempting to rescue the corpse of an executed offender from the surgeons should be punished with transportation for seven years.⁷ Both Houses agreed on the amendments, and on 26 March 1752 the Bill gained royal assent and passed into law, now known by the title of the Murder Act.⁸

It is quite remarkable, that in the space of just 45 days, the Murder Act went from first announcement in the Commons all the way through to the statute books, especially when we remember that neither murder nor the death penalty had been addressed by the felonies committee of 1751 (or at least not mentioned in its resolutions), which instead dealt largely with issues of law enforcement and property crime, and that all other bills emerged out of its initial resolutions. The Murder Act, in short, appeared seemingly out of nowhere, and was

³ HOC Papers, JHC, 26, p. 298 (14 November 1751); Hardwicke Papers, BL, Add MS. 35869, f. 203.

⁴ The three bills which did not make it onto the statute books were: firstly, a Bill 'for the more effectual preventing robberies, burglaries, etc within Westminster'; secondly, the 'Confinement at Hard Labour Bill', which proposed that offenders ordered to be transported (either directly by the courts or upon the condition of a royal pardon) instead be confined in dockyards and put to hard work for a period of seven or fourteen years; and thirdly, a Bill 'for the more easy conviction of receivers of stolen goods, and for the regulation of pawnbrokers' (better known as the Pawnbrokers Bill). By contrast, a Bill 'for the better preventing thefts and robberies, and for regulating places of publick entertainment, and punishing persons keeping disorderly houses' introduced in January 1752 did pass into law (as the Disorderly Houses Act), as did an Act 'for the better ordering of the office of coroner' which legally entitled the coroner (excluding those serving for the City of London or borough of Southwark) to a fee of £1 for each inquest 'duly held' and travelling expenses of nine pence per mile. See HOC Papers, JHC, 26, pp. 159-160, (1 April 1751), p. 345 (10 January 1752), p. 515 (26 March 1752); SP, 9, pp. 121-132, 301-316, 345-356, 357-368.

⁵ HOC Papers, JHC, 26, p. 426 (10 February 1752).

⁶ HOC Papers, JHC, 26, p. 482 (7 March 1752), p. 493 (12 March 1752), p. 496 (16 March 1752), p. 497 (17 March 1752)

⁷ HOC Papers, JHC, 26, p. 500 (18 March 1752), p. 514 (25 March 1752).

⁸ HOC Papers, JHC, 26, p. 515 (26 March 1752); 25 Geo. II, c. 37.

pushed through with incredible speed. As with the Bill 'for the more effectual preventing robberies' which perished following the prorogation of Parliament in June 1751, Yonge and Lyttelton were perhaps wary the same fate might befall their Bill 'for better preventing the horrid crime of murder' if it was not pushed through quickly before the King gave his royal assent to new pieces of legislation at the end of March 1752. In particular, the speed with which the Murder Act was processed and the fact that it emerged seemingly with little or even no prior discussion suggests that it was a reaction to pressing and immediate concerns. The Murder Act deserves historical attention for a number of reasons. Not least, along with the Disorderly Houses Act and the Coroners' Act it was one of the very few pieces of legislation that actually made it into law amongst the many bills proposed by the felonies committee. The incredible speed with which it was introduced in addition suggests it had the strong backing of Parliament. It also had a major impact upon penal practice. Most importantly for this study, it can provide a useful case study for investigating the impact of print upon the introduction of penal legislation.

The Act introduced five measures: firstly, in addition to the usual practice of execution by hanging, convicted murderers would henceforth be subjected to the further punishment of either dissection at the hands of surgeons or hanging in chains; secondly, this sentence be passed upon all murderers without exception, immediately after their conviction; thirdly, the execution be carried out the next day but one after sentencing, unless it was a Sunday, in which case the day following; fourthly, murderers awaiting execution be held in solitary confinement, fed on a diet of bread and water alone; and finally, any person convicted of attempting to rescue a condemned murderer from gaol or at any point up to the execution be punished by death without the benefit of clergy, and any person convicted of attempting to rescue the condemned's corpse from the surgeons be punished by transportation for seven years.

Penal Legislation and Parliamentary Decision Making

Two important questions need to be answered: why did legislators perceive murder to be such a suddenly pressing problem in need of swift action in later 1751 and early 1752?; and having come to the conclusion that swift action was needed, why did they choose the particular provisions of the Murder Act? Several studies have mentioned the Act in passing, locating it variously within the contexts of the Commons' investigations into crime and the law, of riots against the surgeons claiming bodies at the foot of the gallows, or of the history of anatomical

dissection.⁹ Yet we still do not have an adequate explanation as to why this specific piece of legislation appeared at this time and took the particular form that it did. This chapter attempts to provide such an explanation by identifying the key role played by printed discourses of punishment circulating in mid-eighteenth-century London. Recent developments in the historiography of eighteenth-century crime and the law on the one hand and Parliament on the other (particularly the influence of cultural history and an attention to print culture) provide some suggestions as to what might explain past changes in penal practice and the law.

Firstly, changes in penal practice, it has become evident, do not take place within an intellectual vacuum.¹⁰ What intellectual (as well as cultural, political, and social) context allowed for the introduction of the Murder Act, and how did print contribute to the formation of that intellectual context? Several recent studies have demonstrated the value of studying cultural and intellectual history in order to understand changes in penal practice.¹¹ Randall McGowen has revealed some of the discourses of punishment spread by eighteenth-century newspapers, periodicals, and pamphlet literature, concluding that there was a ‘crisis of punishment’ at mid century brought about by a change in how the polite classes viewed executions, rather than by any changes in the behaviour of the condemned or the crowd.¹² This chapter seeks to build upon McGowen’s excellent studies by addressing some issues that he neglects: firstly, by extending the range of printed materials analysed to include the *Ordinary’s Accounts, Proceedings*, and pictorial prints; and secondly, by understanding in a very specific way how printed discourses could actually shape penal legislation.

Interpretations of eighteenth- and nineteenth-century penal practices (especially the death penalty) have for the most part understood changes within a long-term framework. Leon Radzinowicz in his pioneering, although now largely rejected, Whiggish interpretation of the development of the criminal law saw changes in penal practice as indicative of the inexorable rise of ‘progress’ and ‘modernity’, with the reforms of the mid-eighteenth century an influential precursor for the more dramatic reforms of the later eighteenth and early

⁹ Beattie, *Crime and the Courts*, pp. 520-530; Connors, ‘Parliament and Poverty’; Hugh Amory, ‘Henry Fielding and the Criminal Legislation of 1751-2’, *Philological Quarterly* 50 (1971), pp. 175-192; Peter Linebaugh, ‘The Tyburn Riot against the Surgeons’ in Douglas Hay et al. (eds.), *Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England* (London, 1975), pp. 65-117; Ruth Richardson, *Death, Dissection and the Destitute* (2nd edn. London, 2001).

¹⁰ Simon Devereaux, ‘The Making of the Penitentiary Act, 1775-1779’, *Historical Journal* 42 (1999), p. 410.

¹¹ V. A. C. Gatrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford, 1996); Andrea Mckenzie, ‘“This Death Some Strong and Stout Hearted Man Doth Choose”: The Practice of Peine Forte et Dure in Seventeenth- and Eighteenth-Century England’, *Law and History Review* 23 (2005); Steven Wilf, ‘Anatomy and Punishment in Late Eighteenth-Century New York’, *Journal of Social History* 22 (1989), pp. 507-530; idem, ‘Imagining Justice: Aesthetics and Public Executions in Late Eighteenth-Century England’, *Yale Journal of Law and the Humanities* 5 (1993), pp. 51-78; and see the collection of articles in Simon Devereaux and Paul Griffiths (eds.), *Penal Practice and Culture, 1500-1900: Punishing the English* (Basingstoke, 2004).

¹² Randall McGowen, ‘The Problem of Punishment in Eighteenth-Century England’, in Devereaux and Griffiths (eds.), *Penal Practice and Culture*, pp. 210-231; idem, ‘“Making Examples” and the Crisis of Punishment in Mid-Eighteenth-Century England’, in David Lemmings (ed.), *The British and their Laws in the Eighteenth Century* (London, 2005), pp. 182-205.

nineteenth centuries.¹³ Influenced by the work of Norbert Elias, others have similarly viewed the gradual decline of public, physical punishments, the abolition of the public execution, and the rise of the penitentiary as part of a long-stretching 'civilising' process linked to state formation and developing forms of social control.¹⁴

Recent work has however questioned the value of these long-term approaches. Beattie has revealed the extensive range of measures introduced in the years 1660-1750, a period previously depicted as one of backward and static penal practice.¹⁵ These new measures, such as the introduction in 1718 of state-sponsored transportation overseas for convicted offenders, were largely ad hoc in nature, encouraged by periodic waves of anxiety about crime, not part of some broader 'progressive' or 'civilising' impulse. Likewise, Simon Devereaux has provided a compelling analysis of the abolition of the Tyburn ritual, showing that the transfer of the execution site from Tyburn to outside Newgate prison in 1783 is 'better understood as one of the last stages of substantial innovation in an older system of thinking about capital punishment and its potential effectiveness, rather than as a moment of definitive departure towards more modern practices.'¹⁶ Devereaux's analysis highlights the importance of understanding changes in penal practice within their immediate context, to recognize their often haphazard, reactionary, and pragmatic nature. Rather than standing as an enlightened and progressive change, the abolition of the Tyburn ritual is therefore rightly considered the result of 'an overwhelmingly urgent, practical need to reinvigorate the theatrics of execution.'¹⁷

Recent research has also refigured traditional understandings of how eighteenth-century legislation was created and what patterns of legislative initiatives actually reveal. This work suggests that legislation was given careful consideration, that legislators were committed to social reform in the interests of the public good, and that Parliament represented an at least partially open body subject to outside influence, including that of print culture. Contrary to previous assumptions, the numerical increase in statutes that attached the penalty of death to a range of offences during the eighteenth century (the so-called 'Bloody Code') was not, it has been shown, out of all proportion to what had gone before, was not the work of a peculiarly ruthless ruling class looking to control the poor, nor simply a result of uncritical rubber

¹³ Radzinowicz, *A History*.

¹⁴ Norbert Elias, *The Civilizing Process: The History of Manners and State Formation and Civilization* (transl. Edmund Jephcott, Oxford, 1994); J. A. Sharpe, 'Civility, Civilizing Processes, and the End of Public Punishment in England', in Peter Burke et al. (eds.), *Civil Histories: Essays Presented to Sir Keith Thomas* (Oxford, 2000), pp. 215-230; Pieter Spierenburg, 'Four Centuries of Prison History: Punishment, Suffering, the Body, and Power', in Norbert Finzsch and Robert Jütte (eds.), *Institutions of Confinement: Hospitals, Asylums, and Prisons in Western Europe and North America, 1500-1950* (Cambridge, 1996), pp. 49-77.

¹⁵ Beattie, *Crime and the Courts*, Ch. 9; idem, *Policing and Punishment*, Ch. 9.

¹⁶ Simon Devereaux, 'Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual', *Past and Present* 202 (2009), p. 172.

¹⁷ *Ibid.*, p. 134.

stamping of bills in Parliament. Rather, the opportunities for legislating in eighteenth-century England were far greater than at any time previously, the legislation itself was characterised more by particularity than generality, and legislative proposals were regularly scrutinised with care and subjected to debate, sometimes at great length. Indeed, patterns of failed and successful legislative initiatives would suggest that law and order issues were highly contested in Parliament and given much critical attention.¹⁸

Studies by Richard Connors and Bob Harris have highlighted the Pelham administration's substantial record of social reform: some forty pieces of social legislation were enacted across several sessions in the period 1736-1754, representing 10% of all public acts. This action resulted in part from significant concern about social problems such as poverty and crime in addition to the increased opportunities for legislating on domestic issues offered by the return to peacetime and the less contentious nature of politics following the fall of Robert Walpole.¹⁹ But it also resulted – overturning the traditional Namierite interpretation of politicians motivated by personal ambition for place and profit – from MPs (particularly backbenchers) taking their duties seriously, embracing the concept of Parliament as 'the grand inquest of the nation', and working in the interests of 'patriotism', 'public good', and 'improvement'.²⁰ Many MPs were involved in public bodies, foundations, and charities which attempted to deal with social problems. Nicholas Hardinge was for example an active member of the felonies committee and subscriber to the Foundling Hospital.²¹

Nor can Parliament any longer be viewed as a closed body impervious to influences from outside Westminster. As Joanna Innes explains, legislative authority was absolute but not unrestrained, for the relatively public nature of the legislative process made it accountable in small but significant ways. Parliament was subject to the outside influences of a 'newspaper-reading, book-club subscribing, party-politically-conscious eighteenth century.'²² In highlighting the responsive nature of the early eighteenth-century state, Lee Davison et al. have moreover argued that 'the press, as a vehicle to generate sympathetic public opinion, was one of the most powerful means for individuals and interest groups to push the reactive state, and

¹⁸ See in particular Julian Hoppit, Joanna Innes, and John Styles, 'Towards a History of Parliamentary Legislation, 1660-1800', *Parliamentary History* 13 (1994), pp. 312-321; Julian Hoppit, 'Patterns of Parliamentary Legislation, 1660-1800', *The Historical Journal* 39 (1996), pp. 109-131; Joanna Innes, 'Parliament and the Shaping of Eighteenth-Century English Social Policy', *Transactions of the Royal Historical Society* 40 (1990), pp. 63-92.

¹⁹ Richard Connors, "'The Grand Inquest of the Nation": Parliamentary Committees and Social Policy in Mid-Eighteenth-Century England', *Parliamentary History* 14 (1995), pp. 285-313; idem, 'Parliament and Poverty'; Harris, *Politics and the Nation*.

²⁰ Paul Langford, *Public Life and the Propertied Englishman 1689-1798* (Oxford, 1991), p. vi; T. K. Moore and H. Horowitz, 'Who Runs the House? Aspects of Parliamentary Organisation in the Later Seventeenth Century', *Journal of Modern History* 43 (1971), pp. 205-227; Connors, "'The Grand Inquest of the Nation"', p. 287.

²¹ *Ibid.*, p. 287.

²² Innes, 'Parliament and the Shaping', p. 67.

especially Parliament, to address an issue.²³ In sum, a large body of recent research has 'opened up' eighteenth-century parliament and political culture, underlining the various motivations behind legislative decision making and the extent of debate that went into parliamentary business. We will now survey some of those motivations, a number of which appear to have played a part in the introduction of criminal justice legislation in the early 1750s, others not.

Evidence of legislative decision making, it must be recognised, is both sparse and, where existent, problematic. Two sources have here been drawn upon: firstly, the printed *House of Commons Journals*; and secondly, manuscript papers, particularly the correspondence of Philip Yorke, Lord Chancellor and the first Earl of Hardwicke, and Thomas Pelham-Holles, the Duke of Newcastle and Secretary of State for the Northern Department. The *House of Commons Journals*, which provide the most abundant available source of information on the legislative process, are of only limited use. The information they contain is brief, not necessarily accurate, and provides little detail on second reading committees, the bodies in which the bulk of the work on bills took place.²⁴ They contain lists of MPs selected for reading committees, yet the subsequent committee minutes and related materials have not survived. Moreover, the lists of committee members only reveal who were chosen: they do not show who actually attended meetings. Nor do newspapers offer any additional information for they were prohibited from reporting the day-to-day activities of Parliament before the 1770s.²⁵

Much of the evidence for mid-century legislative decision making is thus based upon the papers of Hardwicke and Newcastle, members of the 1751 felonies committee and men who certainly took some interest in matters of crime and justice. As will be shown, both had close links to Henry Fielding and other criminal justice officials, were disturbed by a perceived increase in murders in the early 1750s, and felt anxious about the crime problem gripping the metropolis in general. Both drew upon various sources of knowledge concerning crime and justice, including print. Hardwicke indeed seems to have played a key role in determining the eventual form of the Murder Act. Within his manuscript papers there is a printed copy of a preliminary bill for the Murder Act, covered in scribbled notes written in Hardwicke's hand. He suggests a number of changes to the bill, many of which made it onto the statute book, most notably that the execution be carried out a day but one after sentencing, that the bodies of executed murderers should in no instance be buried, and that those attempting to rescue the

²³ Lee Davison et al., 'The Reactive State: English Governance and Society, 1689-1750', in Lee Davison et al. (eds.), *Stilling the Grumbling Hive* (Stroud, 1992), p. xxxv.

²⁴ Sheila Lambert, *House of Commons Sessional Papers of the Eighteenth Century. Vol. 1: Introduction and List, 1715-1760* (London, 1976).

²⁵ Innes, 'Parliament and the Shaping', p. 85; P. D. G. Thomas, 'The Beginning of Parliamentary Reporting in Newspapers, 1768-74', *English Historical Review* 74 (1959), pp. 623-636.

corpse from the surgeons should be subjected to transportation.²⁶ It is possible that Hardwicke simply noted on his copy of the bill resolutions others in the Commons and the Lords had agreed to. But as he took such an interest in crime and especially the growing problem of murder at mid century, it is likely that on the contrary the scribbled comments indicate his own suggestions which were later taken up by others. Of course, it would be problematic to assume that Hardwicke is typical of all those who were involved in the felonies committee.

Frustratingly hampered by a lack of primary evidence, in many instances the motivations and sources of information behind the decision-making processes in the case of the early 1750s criminal justice legislation can therefore only be speculated upon, and we are forced to fall back on recent studies of other pieces of legislation for how politicians came to their decisions. Whilst we can place some confidence in the influence of print upon the introduction of new legislation in general, specific evidence for decision making in the case of the Murder Act is scanty. Although the evidence reveals that murder (and indeed serious property and personal crime as a whole) was viewed by legislators as a serious problem at mid century, and that there was significant debate about the proposed solutions then under consideration in Parliament, it reveals little about the direct motivations and sources of information which influenced those involved in the Act's introduction.

Before going on to discuss what motivations and sources of information influenced the felonies committee, we must firstly consider the nature of the committee itself and the possible implications for its decision making. Some members of the Cabinet such as Hardwicke certainly did play a prominent role in the felonies committee, and the appointment of eminent statesmen such as the Prime Minister Henry Pelham, the Paymaster General William Pitt, and Henry Fox no doubt indicated the importance of its task.²⁷ The bulk of the felonies committee's work nevertheless appears to have been carried out by those outside the Cabinet, including: Sir Richard Lloyd, a judge and an aspirant to the office of solicitor general; Henry Bathurst, attorney general to the Prince of Wales; Sir John Strange, a judge and master of the rolls; Nicholas Hardinge, a man well studied in the law and joint secretary of the Treasury; Sir William Yonge, one-time secretary at war described as 'a man of business and one of the most effective speakers on the ministerial side in the Commons'; and Sir John Willes, chief justice of the common pleas.²⁸ Members of the felonies committee had a common 'particular interest in, and knowledge of, the law, social policy or philanthropy,' and thus its decision making transcended party conflict. The committee also included all members of Parliament for London, Middlesex, and Surrey, meaning that the committee's findings – which had a significant impact

²⁶ Hardwicke Papers, BL, Add MS. 35877, ff. 96-97.

²⁷ For the full membership of the committee see HOC Papers, JHC, 26, p. 27 (1 February 1751).

²⁸ Lambert, *House of Commons Sessional Papers*, Vol. 1, p. 40; DNB, 'Lloyd, Sir Richard (1696/7–1761)', 'Bathurst, Henry, second Earl Bathurst (1714–1794)', 'Hardinge, Nicholas (1699–1758)', 'Willes, Sir John (1685–1761)'.

on national criminal justice policy – were to a large extent informed by metropolitan impulses.²⁹

Upon what sources of information and motivations did the felonies committee base their decision making? As Hugh Amory rightly argues, the felonies committee had a ‘theoretical conservatism’ which is to be expected from the ‘kinds of information on crime available at [mid century],’ resulting in ‘fallacies which seem sufficiently obvious today,’ such as the confusion of symptoms of the nation’s ills with its causes, and reduction of the crime problem to a traditional narrative of luxury, irreligion, idleness, and immorality.³⁰ But aside from noting the lack of criminal statistics at mid century, Amory does not go on to describe the ‘kinds of information on crime available’ to MPs. These were multifarious, either from within the ranks of MPs themselves, for many had first-hand knowledge of crime and the justice system, or – because, as Joanna Innes notes, eighteenth-century MPs had nothing in terms of research staff to investigate matters under consideration – from outside sources of information and influence, including petitions and lobbying by public bodies or interested individuals, the opinions and technical expertise of criminal justice officials, and print.³¹

Information could come from within the ranks of legislators themselves. The felonies committee included ‘all the gentlemen of the long robe’ and other legal figures who would have had first-hand experience of criminal cases, such as Sir John Strange. Moreover, all members of the Cabinet who served on the committee – including Hardwicke, Newcastle, and Pelham – would have attended discussions of the Recorder of London’s ‘Report’ of convicts sentenced to death in London and Middlesex, meaning they had some fairly intimate (although certainly mediated) knowledge of crime.³² Indeed, Hardwicke received accounts of particular criminal cases tried at the Old Bailey personally written by the mid-century Recorder, Richard Adams.³³ The Cabinet in this instance would thus have received a one-sided view of metropolitan criminality, one which – as with printed crime literature as a whole – highlighted the most violent and threatening sides of crime.

Information could also come from outside Westminster, in many different forms. Although influential in many other matters, petitioning and lobbying does not seem to have played a part in the felonies committee’s investigations.³⁴ In only one instance do the *Journals* mention a petition presented to the House in relation to the mid-century criminal justice

²⁹ HOC Papers, JHC, 26, p. 27 (1 February 1751), p. 39 (12 February 1751).

³⁰ Amory, ‘Henry Fielding and the Criminal Legislation’, p. 132.

³¹ Innes, ‘Parliament and the Shaping’, p. 84.

³² J. M. Beattie, ‘Looking Back at “Property, Authority and the Criminal Law”’, *Legal History* 10 (2006), p. 19; Douglas Hay, ‘Writing about the Death Penalty’, *Legal History* 10 (2006), p. 46.

³³ Hardwicke Papers, BL, Add MS. 35591, f. 415.

³⁴ Bob Harris, ‘Parliamentary Legislation, Lobbying and the Press in Eighteenth-Century Scotland’, *Parliamentary History* 26 (2007), pp. 76-95.

legislation, that of Thomas Rosman and Anne Hough, ‘the lessees and proprietors of Sadler’s Wells, in the parish of St James Clerkenwell near Islington, relating to the [Disorderly Houses] Bill,’ a petition later disregarded by the Commons, and therefore failing in its aim of preventing the proposed Bill from passing into law.³⁵

Legislators could moreover draw upon the first-hand experience of criminal justice and law officers. As Joanna Innes argues, high court judges ‘certainly played a crucial part in securing the implementation of new penal legislation’ and ‘it may have been standard practice for judges to be consulted in advance before new penal laws were introduced.’³⁶ Hardwicke for example strongly objected to the introduction of the 1758 Habeas Corpus Bill, as the high court judges had not been satisfactorily consulted on the matter.³⁷ Law officers of the crown were also sometimes active in promoting measures on criminal justice: Beattie has shown how the Solicitor General William Thompson in 1717-1718 pushed through the Transportation Act in the Commons.³⁸

There has been much historical debate over Henry Fielding’s influence upon the introduction of mid-century criminal justice legislation. He was certainly not the extremely influential ‘man behind the scenes’ depicted by Wilbur Cross and Radzinowicz, as more recent research by Amory, Martin Battestin, and Malvin Zirker has shown.³⁹ Fielding did admittedly have close links to senior politicians. From the outset of his magistracy, he was called upon by senior political figures in a number of instances, including advising the Duke of Richmond on how to proceed against smugglers, providing proposals for ‘the better preventing street robberies’ to a Duke of Newcastle alarmed by the state of crime, and uncovering the schemers behind a plan for the assassination of Hardwicke.⁴⁰

Clearly deemed a valuable source of information and practical support by senior politicians, nevertheless Fielding did not engage with these men on equal terms: in all his letters to the likes of Newcastle, Hardwicke, and Bedford, Fielding was polite and deferential, aware that his proposals were ultimately dependent upon their preference. Many persons involved in the felonies committee, such as General Oglethorpe, were regarded as highly, or even more so, than Fielding as a reformer.⁴¹ Nor were Fielding’s proposed remedies for the

³⁵ HOC Papers, JHC, 26, p. 406 (27 January 1752).

³⁶ Innes, ‘Parliament and the Shaping’, p. 76.

³⁷ P. C. Yorke (ed.), *Life and Correspondence of Philip Yorke, Earl of Hardwicke* (3 Vols. Cambridge, 1913), Vol. 3, p. 12.

³⁸ Beattie, *Policing and Punishment*, chap 9.

³⁹ Wilbur L. Cross, *The History of Henry Fielding* (3 Vols. New York, 1963), Vol. 2, p. 280; Radzinowicz, *A History*, Vol. 1, pp. 399-424; Amory, ‘Henry Fielding and the Criminal Legislation’, pp. 175-192; Martin Battestin, *Henry Fielding: A Life* (London, 1989), pp. 701-702; Malvin Zirker, ‘Fielding and Reform in the 1750s’, *Studies in English Literature, 1500-1900* 7 (1967), pp. 453-465.

⁴⁰ Battestin, *Henry Fielding*, p. 701; Hardwicke Papers, BL, Add MS. 35591, f. 145; Henry Fielding, *The Journal of a Voyage to Lisbon* (London, 1755), pp. 20-21.

⁴¹ Zirker, ‘Fielding and Reform’, pp. 458, 462.

crime problem accepted in every instance: his 1749 plan for ‘the better preventing street robberies’ was apparently shelved by Newcastle at the time. As shown in Chapter Two, Fielding’s proposals were in many instances enthusiastically received and deemed of some importance by the press, clearly worthy of consideration. Yet his opinions were also scrutinised critically, and reviews of Fielding’s works did not shy away from challenging him on points of contention or suggesting his views were just one to be judged alongside many others. Fielding likely had a measure of influence upon government discussions at mid century, yet he in no way dictated the legislative outcomes. In the case of the Murder Act, elements of Fielding’s ideas are apparent, yet the Act also introduced practices with which he strongly disagreed. His views would certainly have been taken into account but they did not wholly determine parliamentary decision making. The ideas expressed by other commentators in print are as much reflected in the Murder Act as those uttered by Fielding.

Politicians were also receptive to information from other personal contacts, even ordinary members of the public. Hardwicke for instance received information from the Lord Mayor of London, Francis Cockayne, concerning a dangerously ill man currently held in Newgate awaiting transportation. He also received a letter in July 1750 from one Justice Levinz of Nottinghamshire complaining that he had lately committed the leader of a gang of twenty highwaymen, horse-stealers and gamblers to gaol. ‘I never knew the country so full of rogues in my life. I have committed three highwaymen to gaol who will all be found guilty, and I hope executed’ Levinz concluded.⁴² In February 1751 Newcastle received a letter from a Mr. James Ashley in Dorset, asserting that ‘the frequent robberies on the roads in most parts of this kingdom,’ had induced him to offer for Newcastle’s approbation, ‘a scheme; for the more effectual preventing of robberies on the highway,’ which he had seen used abroad and believed ‘has the desired effect.’⁴³

But print too influenced the legislative decision-making process, both as a reflector of public opinion – a growing force in eighteenth-century politics – and as a practical source of knowledge on crime. Recent years have witnessed a shift in the historiography of eighteenth-century politics towards recognition of the potential impact of print culture.⁴⁴ As part of the rise of the public sphere, the expanding world of print in the eighteenth century transformed political culture, opening up Parliament to the influence of public opinion. Of course, there were multiple contemporary definitions of ‘the public’ which differed at various social levels. Senior politicians considered the ‘public’ more narrowly in terms of organised financial, manufacturing and trade interests, whereas the citizens of London might have conceived it

⁴² Newcastle Papers, BL, Add MS. 32726, f. 225; 32724, f. 498.

⁴³ Newcastle Papers, BL, Add MS. 32724, f. 135.

⁴⁴ Exemplified by the two special issues of *Parliamentary History* on ‘Politics, Parliament, and the Press’, 25 (2006) and 26 (2007), in addition to the new periodical *Media History*.

more widely as those contributing to parish funds or filling local government positions. Public opinion was certainly not the province of all in society, but instead was bounded by the medium through which comments were expressed, the nature of the comments themselves, and the social status of their speakers. Public opinion in its many guises was nonetheless a very real part of eighteenth-century politics. Print, parliament, and political culture were increasingly intertwined.⁴⁵

As Jeremy Black explains, print should not be viewed in a simplistic cause-and-effect relationship with politics, but as his work on eighteenth-century foreign policy indicates, the press could infiltrate its way into the flexible and open forum of Parliament.⁴⁶ Politicians became more and more aware of scrutiny by the press, and their attempts to exploit and control printed information on matters of state shows the weight they ascribed to public opinion and its malleability through print.⁴⁷ In short, public opinion was a powerful force in mid- to late-eighteenth-century politics, a force which could influence the decisions taken in Westminster.⁴⁸ By providing a medium for articulating public opinion, print played a key role in shaping parliamentary business and decision making. Print also served as a practical and indeed bountiful source of information for legislators. As Karl Schweizer argues, 'in proving receptive to print media – however much its impact might fluctuate with circumstances – Parliament legitimised the press as the vehicle par excellence of news and opinion, making it a vital component of the political process and so permitting that process to become more responsive, consultative, and accessible.'⁴⁹

Senior Cabinet members certainly read crime literature, although with a critical eye. In December 1752 the third Earl of Breadalbane John Campbell sent a copy of the printed last dying speech of one Stewart (recently executed for murder) to Hardwicke, who read and scribbled various remarks upon it, mainly scoffing at the complaints made by Stewart against his conviction.⁵⁰ Charles Gray, Nicholas Hardinge, William Hay, and Charles Townshend – four members of the felonies committee – all authored published pamphlets on aspects of the committee's investigations, suggesting they engaged with the printed literature of crime and related social problems.⁵¹ Their pamphlets were all published in 1751 during the period of the

⁴⁵ Karl W. Schweizer, 'Introduction. Parliament and the Press: A Case for Synergy', *Parliamentary History* 25 (2006), pp. 1-8.

⁴⁶ Jeremy Black, 'Parliament, the Press and Foreign Policy', *Parliamentary History* 25 (2006), pp. 9-16; Karl W. Schweizer, 'Newspapers, Politics and Public Opinion in the Later Hanoverian Era', *Parliamentary History* 25 (2006), pp. 32-48.

⁴⁷ Paul Langford, 'Politics and Manners from Sir Robert Walpole to Sir Robert Peel', *Proceedings of the British Academy* 94 (1997), pp. 103-125.

⁴⁸ Paul Langford, 'William Pitt and Public Opinion, 1757', *English Historical Review* 88 (1973), pp. 54-80.

⁴⁹ Schweizer, 'Introduction. Parliament and the Press', p. 4.

⁵⁰ Hardwicke Papers, BL, Add MS. 35451, f. 102.

⁵¹ Charles Gray, *Considerations on Several Proposals, Lately Made, for the Better Maintenance of the Poor* (London, 1751); Nicholas Hardinge, *Reasons for Establishing and Maintaining a Workhouse in the Town of Kingston upon*

felonies committee's deliberations, and certainly they can all be seen as attempts to influence the debate and shape policy. These men had a large part to play in the implementation of legislation and they certainly engaged with printed accounts of crime. In short, the potential impact of printed information upon legislative decision-making relating to criminal justice deserves attention. The 1752 Murder Act provides a useful case-study for investigating this issue.

The Suddenly Pressing Problem of 'the Horrid Crime of Murder' at Mid-Century

Murder was viewed as a particularly heinous offence in the eighteenth century, reflected in the punishments accorded to it. As Garthine Walker explains, 'legal and cultural attitudes converged [in the eighteenth century] in attributing full culpability to murderers,' resulting in a 'general cultural acceptance that murderers should die.'⁵² The foreign observer Pierre-Jean Grosley in 1765 remarked that murder was looked upon in England 'as the greatest and most heinous of all crimes... deliberate murder is... unpardonable amongst the English, whose abhorrence for that crime has been confirmed by reading the Bible, since it is become the general book of the nation.'⁵³ Murder was the first offence from which the benefit of clergy was removed by statute, and the ministerial Cabinets which decided upon the fate of capital convicts throughout the eighteenth century frequently came down hard on murder and property offences that threatened violence or death.⁵⁴ Suggestions had also long been made for making the punishment of murder more terrifying, by adding aggravating circumstances to the death penalty, often based upon continental practices such as breaking on the wheel.⁵⁵

But there was a perception in the years 1751-1752 that murder was an especially pressing problem undergoing apparently negative changes both quantitatively and qualitatively. As the preamble to the statute indicates, the Murder Act resulted from a perception that 'the horrid crime of murder has of late been more frequently perpetrated than formerly, and particularly in and near the metropolis of this Kingdom,' with the necessary response deemed that 'some further terror and peculiar mark of infamy be added to the punishment of death, now by law inflicted on such as shall be guilty of the said heinous offence.'⁵⁶

Thames (London, 1751); William Hay, Remarks on the Laws Relating to the Poor (London, 1751); Charles Townshend, National Thoughts, Recommended to the Serious Attention of the Public (London, 1751).

⁵² Garthine Walker, Crime, Gender and Social Order in Early Modern England (Cambridge, 2003), p. 116.

⁵³ Cited in Radzinowicz, A History, Vol. 3, p. 708.

⁵⁴ J. M. Beattie, 'The Cabinet and the Management of Death at Tyburn after the Revolution of 1688-1689', in Lois G. Schwoerer (ed.), The Revolution of 1688-1689: Changing Perspectives (Cambridge, 1992), p. 229.

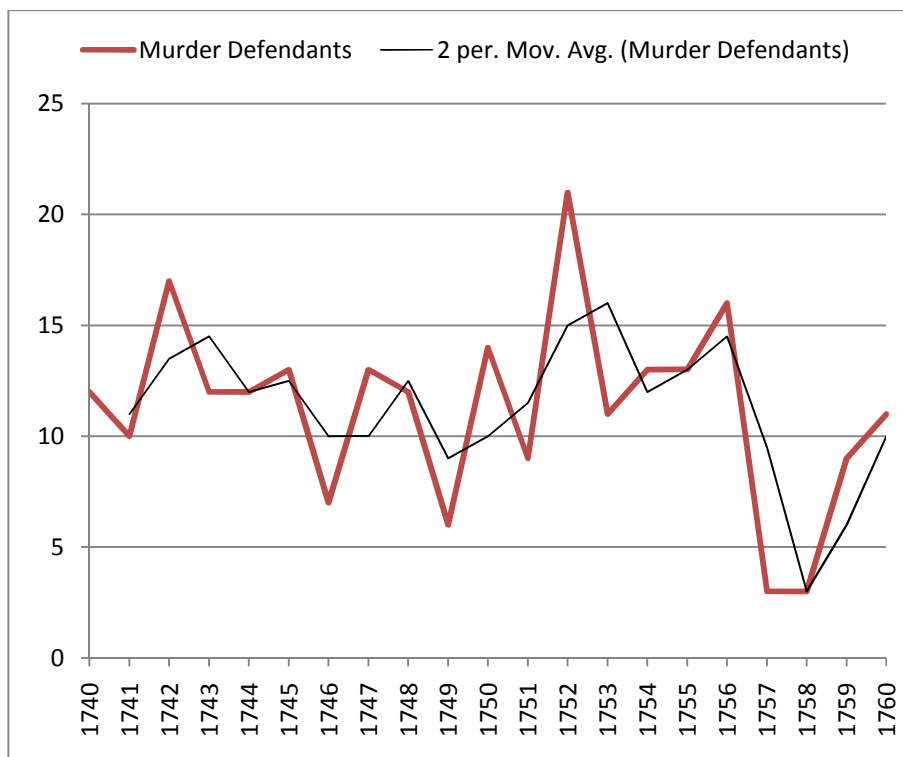
⁵⁵ Beattie, Crime and the Courts, pp. 77-78.

⁵⁶ John Clay, The Statutes at Large (London, 1758), p. 111.

Upon what information was this perception based? Many based their perceptions of crime upon the numbers committed to gaol and tried in the courts. The MP and member of the felonies committee Charles Townshend in his social tract of 1751 asked how ‘the numbers, which are condemned every sessions at the Old Bailey, and executed, make no impression on the minds of the poor, and in no degree deter people from committing capital crimes?’⁵⁷ Contemporaries would thus have been alarmed by a seemingly sudden and large increase in murder prosecutions at mid century. In 1752, a total of 21 defendants faced charges of murder at the Old Bailey, the highest annual total for thirty years, due in large part to a spate of eleven murders prosecuted at the January and February Sessions (GRAPH 5.1 and APPENDIX 5.1). Nine men and women were convicted and subsequently executed for murder in the early months of 1752. Although the Sessions of February 1752 did not start until the 19th of that month, at least nine days after the Murder Act was first announced in Parliament, all those tried at the Sessions were in gaol and awaiting trial *before* the Act was announced. If not yet actually tried, therefore, the felonies committee might nonetheless have been aware of the large numbers of people held in gaol accused of murder, either through newspaper reports or correspondence with criminal justice officials.

GRAPH 5.1

Defendants Prosecuted at the Old Bailey for Murder, by Year, 1740-1760⁵⁸



⁵⁷ Townshend, *National Thoughts*, p. 3.

⁵⁸ Source: OBP ‘Statistics’ search, tabulating year where offence category is murder, between 1740 and 1760, counting by defendant.

Further analysing this increase in prosecutions suggests that legislators were swayed by short-term fluctuations, regardless of the longer-term patterns, and that they were perhaps influenced by distorted coverage of the increase in the press. It also suggests that they were alarmed by the qualitative nature of prosecuted murders as much as the quantitative total. The long-term pattern in murder prosecutions between 1740 and 1760 was actually one of decline, and the numbers tried in the immediate years prior to 1752 were actually below the annual average for the same period (GRAPH 5.1).⁵⁹ Moreover, the spate of eleven murder prosecutions at the January and February Sessions of the Old Bailey in 1752 is qualified by the fact that four of these were actually cases under the jurisdiction of the admiralty, for murders committed on the high seas, and therefore qualitatively different.

Printed commentary did not recognise this point, however, and instead publicised the pure quantitative increase in prosecutions, thereby reinforcing the perception of murder as a suddenly pressing problem. On 17 January 1752, the *Daily Advertiser* noted that the upcoming sessions of the Old Bailey was 'likely to be the largest for many years... among them most notorious offenders, there being no less than seven trials for murder.'⁶⁰ 'This week the prisoners were removed from the several gaols, in and about this city, to Newgate, to take their trials at the ensuing sessions at the Old Bailey,' the *Penny London Post* likewise reported in January 1752, 'among whom it is remarkable there are eight for murder.'⁶¹ Just five days after the first Murder Bill was announced in Parliament, *Read's Weekly Journal* on 15 February 1752 complained that 'it is said that there are not less than forty prisoners under confinement in the several gaols in this kingdom, for the horrid crime of murder.'⁶² In the early months of 1752 the newspapers not only commented upon the unusually large number of murder prosecutions but in their summaries of the proceedings they also focused upon murder trials, as opposed to property crimes resulting in sentences of death, as was the norm. On 18 January 1752, the *Daily Advertiser* reported that 'yesterday nine prisoners were tried at the Old Bailey, one of whom was capitally convicted, viz. Samuel Hill, for the murder of Susanna Crabtree at Poplar. James Brezeau, for killing Daniel Cutting, was found guilty of manslaughter.'⁶³

There is also evidence to suggest that perceptions of murder as a pressing problem were being formed *before* the increase in prosecutions. In a private letter of June 1751, a self-described 'ordinary man of business' named John Russell informed his father that 'there are more robberies and murders committed now about the suburbs of London, than ever was

⁵⁹ The following figures are all collected from a statistical analysis of the *Proceedings*. OBP 'Statistics' search, tabulating by year where offence category is murder, and counting by defendant.

⁶⁰ *Daily Advertiser*, 17 January 1752.

⁶¹ *Penny London Post*, 11 January 1752.

⁶² *Read's Weekly Journal*, 15 February 1752.

⁶³ *Daily Advertiser*, 18 January 1752.

known in the memory of man.⁶⁴ It is unlikely he based this conclusion upon the numbers prosecuted for murder, for the significant increase in murder prosecutions at the Old Bailey came after June 1751, with twenty-eight defendants tried in the eighteen month period between July 1751 and December 1752, against thirteen defendants between January 1750 and June 1751. Certainly many were prosecuted for robbery at this time, but few ended in murder. Rather, although Russell did not cite print specifically as his source of information, the comments made in print would likely have fostered perceptions that murder was suddenly on the rise. Russell latched onto those crimes most talked of in the press and which excited the greatest fears amongst contemporaries. Prosecutions for violent thefts were certainly increasing at mid century, yet so were thefts without the use of violence, such as grand and petty larceny, a fact Russell neglected to mention. It is also important to note that Russell believed robberies and murders were increasing in the suburbs of London in particular, for it was in these areas, in the dark and deserted roads that connected the metropolis to the outlying suburbs that many printed reports and social commentators located the crime problem, and against which the Murder Act was specifically aimed.

If the perception of murder as a suddenly pressing problem was not shaped purely by the scale of murder prosecutions, then it was perhaps also shaped by the qualitative nature of individual cases. Not only was murder perceived to be on the increase quantitatively, the qualitative nature of the offence also seemed to be changing for the worst. Based upon the Murder Act's preamble that murders were apparently on the increase 'particularly in and near the metropolis,' Beattie has argued that what lay behind the Act 'was not a fear that the kind of domestic or neighbourhood quarrels that were the most common occasions of murder were increasing alarmingly, but rather the view that murders were being committed or certainly threatened every day with the increase of street and highway robberies in and around London.'⁶⁵ As the comments of John Russell demonstrate, and as will be shown below, this is to a large extent true, yet the wording of the Murder Act is ambiguous, for it might also refer to a perception that familiar murders were in addition on the rise, evidenced most dramatically by the cases of Mary Blandy and Elizabeth Jeffryes, two notorious female murderers whose stories were covered in extensive detail in crime literature in the immediate months prior to the introduction of the Act.⁶⁶ In a society and culture which believed women to be the weaker, more passive vessel, these two acts of betrayal against the

⁶⁴ Mary Eyre Matcham (ed.), *A Forgotten John Russell: Being Letters to a Man of Business 1724-1751* (London, 1905), p. 332.

⁶⁵ Beattie, *Crime and the Courts*, p. 529.

⁶⁶ I here use Frances Dolan's definition of 'familiar' as members of the family or household, 'associated with the domestic, intimate, ordinary, and daily,' and 'dangerous' as 'not only threatening but also fraught with the particular early modern associations of 'difficult to deal with', 'hard to please', and 'reluctant to comply'. See Frances Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (London, 1994), p. 4.

closest ties of kin would have shocked and appalled contemporaries. They certainly worried members of the felonies committee. Several forms of printed crime literature including newspapers, criminal biographies, trial accounts, and pictorial prints latched onto these and a number of other high-profile and shocking murder cases in later 1751 and early 1752, which could only have served to further increase fears of 'the horrid crime of murder'. Threats to life now came seemingly from all directions, from desperate and faceless robbers on the highway, to betrayals of the nearest and dearest within the home committed by members of society traditionally believed to be the least capable of murder.

In the summer of 1746, Mary, the only daughter of the Oxfordshire attorney Francis Blandy, began an amorous relationship with Captain William Henry Cranstoun, the younger son of a Scottish Lord. Already married, Cranstoun drew Francis Blandy's disapproval as a suitable match for his daughter. In August 1751, Francis died as a result of poisoning in his gruel. That Mary was the person who administered the arsenic was not denied, yet she claimed she was given it by Cranstoun, who told her it was a 'love powder' which would 'induce her father to look more favourably upon their union.' The jury at Mary's trial for the murder of her father at the Oxford Assizes on 3 March 1752 gave no credit to this defence and she was convicted and subsequently executed for the crime on 6 April 1752, maintaining her innocence to the last.⁶⁷

Engaging in a 'criminal commerce' with John Swan, one of her uncle Joseph's servants, Elizabeth Jeffryes feared she would be disinherited as heir to the estate, and therefore conspired with her lover to murder Joseph. On 3 July 1751, a shot was heard at the Jeffryes' house in Walthamstow, Essex, where Joseph was found mortally wounded. Blamed by Elizabeth on 'rogues' who had allegedly broken into the house, suspicion nonetheless fell on her and Swan, and both were tried at the Chelmsford Assizes on 11 March 1752: Swan for the murder of his master, Elizabeth as an accessory to the crime. Both were judged guilty and subsequently executed at Epping Forest on 28 March 1752.⁶⁸

Both the Blandy and Jeffryes cases were 'popular print events'.⁶⁹ Scores of works were published on the cases, from 'authentic' and 'genuine' accounts of their trials, to criminal biographies and 'enquiries' into the circumstances surrounding each, not to mention the hundreds of newspaper reports and several pictorial prints and 'likenesses' produced of each malefactor. Both appeared in a print culture which stretched across a number of genres, each offering their own representations of the cases.

⁶⁷ DNB, 'Blandy, Mary (1718/19–1752)'.

⁶⁸ DNB, 'Jeffryes, Elizabeth (1727–1752)'.

⁶⁹ Kristina Staub, 'Heteroanxiety and the Case of Elizabeth Canning', *Eighteenth-Century Studies* 30 (1997), p. 297.

Newspaper reports followed the cases from day one, providing a running commentary of all the twists and turns, and thereby keeping the events in the forefront of the public mind.⁷⁰ There was clearly intense interest in both cases, evident by the sheer volume of material printed and the readiness of editors to print almost any piece of information that came to hand, however spurious. A report from an unknown source that Blandy had escaped from gaol printed in the *London Evening Post* for instance was later embarrassingly retracted by the editors as false.⁷¹ Newspapers provided countless reports of the committals, trials, and executions of Blandy and Jeffryes, devoting significant amounts of newshole to the cases. The *London Morning Penny Post* for instance ran a multi-part piece on 'The Cruel Parricide: or, True History of Miss Blandy' throughout September 1751.⁷²

If relatively short and 'factual' (in the sense of reproducing details with little editorial comment), newspaper reports of the cases were supplemented by numerous lengthy pamphlets which provided more interpretation of the facts in the form of frequently contradictory and partisan accounts.⁷³ Such divergent accounts might have thrown at least some doubt on the justice of Blandy's sentence in the minds of contemporaries. The reproduction of her claims to innocence and her courage at the gallows Horace Walpole bitterly commented, 'made a kind of party in her favour; as if a woman who would not stick to parricide would scruple a lie.'⁷⁴ Even if largely confirming the guilt of their subjects, as were the majority of the accounts of Jeffryes, the nature of these accounts allowed for the introduction of details which could mitigate her guilt and throw doubt on the justice of her sentence. It was claimed in one account that Elizabeth had been debauched by her uncle, falling pregnant to him twice, miscarrying once and the second time forced into an abortion.⁷⁵ As Clare Brant explains, elaborate literary techniques were used on both sides of the debate in order to intentionally construct partisan interpretations of the Blandy case.⁷⁶ Here the notion of 'God's Tribunal', of judgement after death in front of the almighty creator, above and beyond 'Man's Tribunal' (trial by jury), could be particularly subversive, undermining (or at least opening up to doubt) the 'justice' of sentences handed out in court. In part the Murder Act attempted to overturn this ambiguity, by asserting the ultimate authority of Man's justice, taking decisions concerning the spiritual salvation of executed offenders out of God's hands. It aimed to nullify

⁷⁰ Alexander Welsh, *Strong Representation: Narrative and Circumstantial Evidence in England* (London, 1992), p. 26.

⁷¹ *London Evening Post*, 19 November 1751.

⁷² *London Morning Penny Post*, 2, 4 September 1751.

⁷³ For the increasingly 'factual' nature of crime reporting, see Leigh Yetter, 'Criminal Knowledge: Mapping Murder in (and onto) Early Modern Metropolitan London', *London Journal* 33 (2008), p. 98.

⁷⁴ *Walpole Correspondence*, Vol. 4, p. 317.

⁷⁵ *Authentick Memoirs of the Wicked Life and Transactions of Elizabeth Jeffryes* (2nd edn. London, 1752), pp. 5-6.

⁷⁶ Clare Brant, 'Murder she Wrote? The Real and Imagined Letters of Mary Blandy', *Women's Writing* 13 (2006), p. 66.

the ambiguity between the guilt conferred on murderers by God on the one hand and Man on the other.

Pictorial prints of Blandy and Jeffryes moreover appeared in a range of formats, and catered for all ends of the market, offering mixed messages in the process. Thomas Ryley's half-length mezzotint portrait produced in 1752 presented Mary Blandy as a woman of refinement and beauty, employing all the familiar imagery of female portraiture that are such a common feature of the eighteenth century, a suitable image for what would presumably have been the intended middling- or upper-class audience able to purchase such a relatively expensive form of visual print (FIGURE 5.1). Presented as essentially the same as any other ordinary, respectable, and criminally untarnished woman, in no way did Ryley refer to Blandy as any kind of cruel murderess. Other prints pointed more to Blandy's crime, but nonetheless showed a rather sympathetic attitude (FIGURE 5.2). Images of Elizabeth Jeffryes showed less ambiguity about her criminal status. One stand-alone etching printed in March 1752, priced at six pence and apparently 'drawn from the life in Chelmsford gaol,' portrayed the two malefactors heavily fettered and confined in jail awaiting execution, with twelve lines of strongly moralistic and didactic letterpress text below, warning others to avoid a similar fate: 'Behold two wretches here replete with guilt! / Lamenting sorely for the blood they spilt / Sorrow, remorse and shame, their crime attends / And fill despair their bursting heart strings rends' (FIGURE 5.3). Two plain woodcut engravings included within a criminal biography likewise showed them confined in gaol, Jeffryes pointing portentously to Hell, while Swan gazes out of his cell window to a field in which a lone malefactor hangs from a scaffold (FIGURE 5.4).

FIGURE 5.1

Thomas Ryley, *Miss Blandy* (1752), BM, 1902,1011.4075



FIGURE 5.3

Eliz: Jeffryes & Jno Swan Condemn'd at Chelmsford-Assizes for the Murder of Mr Josh Jeffryes
(1752), BM, 1868,0808.13514



FIGURE 5.4

'John Swan [and] Miss Elizabeth Jeffryes', from Authentick Memoirs of the Wicked Life and Transactions of Elizabeth Jeffryes (2nd edn. London, 1752), no pagination.



*JOHN SWAN,
Executed for the Murder of his Master
M^r. Joseph Jeffryes of Waltham-stow.*



*MISS ELIZABETH JEFFRYES,
Executed for being concern'd in the Murder
of her Uncle, M^r. Joseph Jeffryes,
of Waltham-stow.*

Blandy and Jeffryes certainly gained the attention and interest of senior politicians, some of whom sat on the felonies committee. Hardwicke and Newcastle both received papers from correspondents about the cases, and whilst there is no evidence that this included printed materials, the interest these and other MPs took suggests they would have been receptive to any additional information offered by print.⁷⁷ Newcastle referred to the Blandy case as ‘an atrocious crime of poisoning and parricide,’ worried that she might escape prosecution, and therefore called for it ‘to be carried on at the expense of the crown.’⁷⁸ A letter from Thomas Birch, Secretary to the Royal Society, to the Second Lord Hardwicke in September 1751 expressed similar shock and horror over the Blandy case: ‘her impudence was such,’ Birch reported,

that she said before some persons what crime would it be to get rid of an old father, in order to be the mistress of £10,000? And her insensibility was so great, after she was seiz’d, that she express’d much solicitude for a mantua-maker to make her a mourning sack to wear in the jail, where she still seems little concern’d for her guilt or danger, and is endeavouring to draw off the principal witnesses.⁷⁹

There is no evidence that this knowledge of the Blandy and Jeffryes cases amongst Cabinet members directly resulted in the introduction of the Murder Act, yet the interest they showed and their determination to see the malefactors brought to justice intimates that they were deeply affected, and that the Act was at least in part a reaction to fears about familiar murder. Although uncommon, the cases were of the most heinous nature, calculated and malevolent betrayals committed by two young, respectable women (the social group traditionally deemed the most passive and sensitive, and therefore the most unlikely to commit murder), against their closest relatives, the men who had nurtured them from youth. The cases must surely have aroused fears about familiar murder at mid century. Indeed, in their opening statement at the trial of Jeffryes and Swan in March 1752, the prosecution counsel wondered

what a shudder must human nature receive, when we recollect, that there is no place, in which we may depend for security; but at the same time that we are barring our door from thieves without, we are inclosing worse enemies within. Nay, the nearest ties of kindred are no security against their committing the most horrid acts of cruelty. How amazing it is, how dreadful the thought! That in this present polite age, one single year has afforded more instances of the most horrid and unnatural barbarity, that has been found in a whole age. How great is our degeneracy!⁸⁰

⁷⁷ Hardwicke Papers, BL, Add MS. 35412, f. 37; Newcastle Papers, Add MS. 32725, f. 259; 32726, f. 262.

⁷⁸ Newcastle Papers, BL, Add MS. 32725, f. 276.

⁷⁹ Hardwicke Papers, BL, Add MS. 35398, ff. 37-40.

⁸⁰ The Only True and Authentic Trial of John Swan and Miss Elizabeth Jeffryes (London, 1752), p. 3.

In 1759, one criminal biographer looking back likewise believed ‘the horrid and unnatural crime of murder has, within a few years past, become more frequent than it was ever known to be; it has been committed by, and on those between whom there were the strictest ties of blood, and the nearest ties of kindred has not been any security against it.’⁸¹

Certainly London newspapers offered an implicit link between these recent notorious murders and the introduction of the Murder Act, speaking of both in the same breath: after noting the upcoming execution of Swan and Jeffryes, the *Old England Journal* in the following sentence then went on to describe the provisions of the newly-introduced Act.⁸² Similarly, the *London Daily Advertiser* on 13 March 1752 reported ‘an order is now gone to Oxford, appointing the time for the execution of Miss Blandy. It is said that a clause will be inserted in the Bill, to prevent the horrid crime of murder, whereby parricide, and some other species of murder, will be made petit treason,’ a clause that did not in the end materialise.⁸³

In addition to anxieties about familiar murders, long-held fears of the threat to life posed by robbers were pushed forwards with particular fervency in mid-century print. Thefts on the streets and highways rarely resulted in deaths (although they were frequently violent), yet printed accounts emphasised the violence and possibility of death. General complaints of the links between robbery and murder were regularly printed, and a few specific, horrifying robbery-murders were publicised extensively in the press in the early 1750s, just as the felonies committee undertook its investigations. A commentator reflecting in February 1751 on the work of the recently-established felonies committee asked, ‘do not our street-robbers assail, in gangs, people of all ranks? Do they not frequently murder, maim or abuse such as they attack? And that wantonly, without provocation; insomuch that every day and night many are destroyed by them?’⁸⁴ Later, in June 1751, just as Parliament was prorogued and the felonies committee’s investigations lapsed, the *Whitehall Evening Post* hoped ‘that some speedy and effectual methods will be found out for suppressing those gangs of desperate villains, who molest all entrances of the town, plundering passengers often, and sometimes murdering them.’⁸⁵ One pamphleteer asserted moreover that street-robbers were ‘under no more concern in the commission of murder, robbery, and other such like offences, than they are, or might be, in the killing of a dog.’⁸⁶ Moreover, newspapers, trial accounts, and pamphlets offered particularly negative representations of both highwaymen and street-

⁸¹ Joseph Clarke, *A Refutation of the Narrative of the Trial of Mary Edmondson* (London, 1759), p. 9.

⁸² *Old England Journal*, 28 March 1752.

⁸³ *London Daily Advertiser*, 13 March 1752.

⁸⁴ *London Magazine* 20 (February 1751), p. 82.

⁸⁵ *Whitehall Evening Post*, 25 June 1751.

⁸⁶ *Lover of his Country, Villainy Unmask'd* (London, 1752), p. 3.

robbers, emphasising the violence enacted against victims.⁸⁷ As shown in Chapter Three, both the newspapers and the *Proceedings* publicised (and probably exaggerated) the threat to life posed by robbers. Certainly there was some expectation that robbers were capable of murder. Such was the strength of this notion that many robbers, although admitting they had committed innumerable other heinous offences, nevertheless felt the need to steadfastly deny they had ever committed murder, and affirmed their total abhorrence of the crime.⁸⁸

Numerous reports of specific robbery-murders appeared in the newspapers throughout 1751 and early 1752.⁸⁹ Two of these offences in particular were covered extensively in the London press and must have served to reinforce the perception of murder at the hands of thieves as a problem of some urgency. On 11 June 1751, a report appeared in the *Whitehall Evening Post* that a merchant's clerk named William Fargues had been found 'robbed and murdered,' with a large cut across his head, the buckles missing from his shoes, and the money taken out of his pockets.⁹⁰ A Portuguese man by the name of Anthony de Rosa was later committed, tried, and executed for the murder. Turning King's evidence at the trial in February 1752 – the account of which later appeared in the *Proceedings* – an accomplice of de Rosa revealed the brutality of the murder: after another accomplice hit Fargues upon the head with a stick, de Rosa stabbed the hapless victim 'about the breast and body as fast as he could, five or six times,' after which they rifled his pockets, and went drinking with the money.⁹¹ The Ordinary of Newgate John Taylor in his *Account* moreover depicted de Rosa as an exceptionally 'wicked man,' reassured readers that the evidence against him was so strong that they should not doubt him guilty (despite his assertions of innocence) and served to reinforce the links between robbery and murder, for, it was claimed, if de Rosa had not been taken for this crime, several other murders could be laid to his charge.⁹²

On 16 January 1752, six months after the murder of Fargues, reports emerged that a higgler named George Carey had been robbed and murdered near Epping Forest by two footpads while returning home from Leadenhall market in a cart with his son. With a pistol pointed to his head, Carey relinquished 11s to the footpads. Not satisfied, the offenders demanded more, but whilst Carey searched his pockets, one of the villains 'shot him through the head, and immediately flung his body out of the cart,' before cutting the head of Carey's son, and threatening him 'with his father's fate if he ever travell'd the road again.'⁹³ The press

⁸⁷ Robert Shoemaker, 'The Street Robber and the Gentleman Highwayman: Changing Representations and Perceptions of Robbery in London, 1690-1800', *Cultural and Social History* 3 (2006), pp. 381-405.

⁸⁸ McKenzie, *Tyburn's Martyrs*, p. 111. For such a defence, see *Penny London Post*, 8 April 1751.

⁸⁹ See for example *Daily Advertiser*, 23 March 1752; *Read's Weekly Journal*, 2, 28, 30 March 1752.

⁹⁰ *Whitehall Evening Post*, 11 June 1751.

⁹¹ OBP, trial of Anthony de Rosa, February 1752 (t17520219-66).

⁹² OBP, *Ordinary's Account*, 23 March 1752 (OA17520323).

⁹³ *London Evening Post*, 16 January 1752.

were shocked and appalled: 'what a sight of horror,' commented one newspaper, 'must the butcher'd corpse of this honest man be to a miserable infirm widow, and five children, whose bread depended altogether on his labour!'⁹⁴ Reports of committals for the murder were printed throughout the first few months of 1752, yet all came to nothing, and with no leads to follow, the story had disappeared by April, with no one brought to justice. The *Covent-Garden Journal* in particular closely followed the case of George Carey, reporting that Henry Fielding had undertaken extensive investigations to try and 'bring the persons guilty of that barbarous act to the fate they deserve.'⁹⁵

Such was the public outrage over the Fargues and Carey cases, and such was the perceived need for a greater official response to robbery-murders, that the step was taken to offer a royal pardon for any accomplices involved in these crimes turning King's evidence, in addition to a private reward for anyone apprehending the offenders in order to bring the culprits to justice, both of which were extensively advertised in London newspapers.⁹⁶ The offer of a royal pardon for accomplices turning King's evidence perhaps indicated to the Commons that greater efforts against murder were a priority. Certainly in the popular imagination, these heinous robbery-murders were linked to Parliament's efforts to tackle crime. Following an initial report of the murder of George Carey on 21 January 1752, the *Covent-Garden Journal* noted that 'the barbarity of these villains is grown to such an enormous height, that the immediate suppression of them is become a matter of the utmost consequence. This we can, with pleasure, assure the public, is at present the chief attention of Parliament.'⁹⁷

Neither a familiar- nor a robbery-murder, the unusual case of Michael Magennis is nonetheless relevant to the introduction of the Murder Act, for it touched upon several issues such as murder, judicial dissection, and the 'Tyburn riots against the surgeons'.⁹⁸ On the morning of Monday, 11 November 1751, six men were carted from Newgate to Tyburn and hanged for their crimes. Immediately following the execution, a crowd composed primarily of Irish men and women led by Michael Magennis and Christopher (Kit) Williams at the scaffold fought off the surgeons and rescued the bodies of Alexander Byrne and Terence McCane, two Irish immigrants executed for highway robbery, to ensure they would not be delivered to the surgeons for dissection. Bereft of any method of transportation to take the bodies away, Magennis and Williams seized the cart of Richard Shears. Having chased them halfway around London, Shears caught up with the two Irishmen, and begged for the return of his cart, upon

⁹⁴ *London Evening Post*, 16 January 1752.

⁹⁵ *Covent-Garden Journal*, 28 January 1752.

⁹⁶ *General Evening Post*, 22 June 1751; *London Gazette*, 2 July 1751, 1 February 1752.

⁹⁷ *Covent-Garden Journal*, 21 January 1752.

⁹⁸ Linebaugh, 'The Tyburn Riot', pp. 65-117.

which Magennis drew a hanger from his coat, and cut Shears across the head, which later proved fatal. In January 1752, Magennis was tried and convicted of the murder at the Old Bailey, despite his claims of innocence and several favourable character witnesses. On 23 March 1752, Magennis was hanged, but perhaps fearful of more disruptions from the crowd, 'an accommodation was reached at Tyburn between the surgeons and the friends of the hanged' that two other bodies would be delivered for dissection, and Magennis's returned to friends, with no disturbances at the execution as a result.⁹⁹ At a time when the House of Commons was conducting its investigations into crime and justice, the Magennis case, discussed at length in the *Proceedings*, London newspapers, and the *Ordinary's Account*, thus highlighted the disruptions resulting from battles for the condemned's bodies between the crowd and the surgeons, which could even end in the death of innocent men such as Richard Shears.

When the preamble to the Murder Act referred to the 'late' increase in murders committed in the metropolis, this was in many ways true, given the large increase in prosecutions for murder tried in the seven months after July 1751, especially in January and February 1752, taken by contemporaries as indicative of real levels of crime. Some legislators, such as Charles Townshend, certainly based their perceptions of crime upon levels of prosecution, and we have also seen evidence that senior politicians had direct knowledge of the Blandy and Jeffryes cases based upon personal correspondence. As such, the Murder Act did not result from perceptions based solely upon print. Yet we have also seen that perceptions of the murder problem were based upon factors other than prosecution rates, and that legislators engaged with print. From the beginning of 1751 through to early 1752, various genres of print reinforced the perception of murder as a pressing problem by building upon a recent increase in murder prosecutions and covering notorious cases of homicide in sensationalist detail, amplifying anxieties and creating 'murder' as a coherent theme and conceptual framework, into which new events could be inserted. Of course, the press cannot report every piece of information that comes to their attention. In order to make sense of the news, therefore, editors integrate random and idiosyncratic events within categories or 'themes', giving events a kind of conceptual coherence they do not actually possess.

In later 1751 and early 1752, murder became just such a theme in the London press. Future events which were largely unconnected could then be fed into this theme of murder. Reportage was thus self-reinforcing: by artificially creating a theme of murder out of unconnected events, further developments then acted as reinforcements of the theme. Print could not create events of itself. What it did was to take various developments such as the

⁹⁹ Tim Hitchcock and Robert Shoemaker, *Tales from the Hanging Court* (London, 2006), pp. 204-209.

increase in prosecutions and shocking cases of homicide, and made murder a problem greater than the sum of its parts, by unifying, moulding, and amplifying information. Press interest in the subject of murder was certainly excited in later 1751 and early 1752. In April 1752, the *Covent-Garden Journal* reported on the case of Rachel Davis, committed by Henry Fielding for allegedly poisoning a young boy, which story seemed 'to have taken its rise from the case of Miss Blandy,' the paper warning that 'as more of this kind may be expected, it is hoped all apothecaries will be cautious to whom they deliver any drugs which are capable of doing mischief.'¹⁰⁰ The Blandy case moreover encouraged the publication of accounts of past instances of similar murders.¹⁰¹ From the beginning of 1751 through to March 1752, print helped establish murder as a suddenly pressing problem in need of urgent action. In March 1752, legislators responded with the introduction of the Murder Act.

Print and the Solution to the Problem of Murder: The Centrality of Hanging and Deterrence by Terror

We therefore have an explanation for why a response against the crime of murder was deemed necessary. But what shaped the form of that response? What led the House of Commons to choose the particular provisions of the Murder Act, and how do printed discourses fit into this narrative? Disturbed by the perception of an increase in murder in its various forms, contemporaries explained it and the crime problem more widely as a result of failures to set appropriate penal examples and thereby deter offenders. The Commons in particular believed that mere hanging and the current execution ritual were insufficiently terrifying to act as a deterrent.¹⁰² Complaints of the failure of judicial executions in their deterrent capacity had long been made, and although there was little novelty in the criticisms expressed in this regard at mid century, the extent of the discontent and the volume of the commentary – especially that in print – was altogether new, characterised by 'the sense that something was wrong' far more than 'the idea of what should be done.'¹⁰³

According to many commentators in print at this time, the crowd were failing to imbibe the correct message from the Tyburn spectacle, and offenders not yet brought to justice were insufficiently terrorised into ending their criminal ways. One criminal biographer believed hangings had become a 'sport' and 'mere pastime' to the attendant 'infinite multitudes,' having 'very little or no effect upon the morals of the people,' but instead inciting 'more tears, more compassion, nay, more praise and honour' for the 'greatest pests and

¹⁰⁰ *Covent-Garden Journal*, 25 April 1752.

¹⁰¹ See *The Female Parricide: Or, the History of Mary-Margaret d'Aubray* (Reading, 1752), p. 1.

¹⁰² Beattie, *Crime and the Courts*, p. 529.

¹⁰³ McGowen, "Making Examples", p. 184.

enemies of society.’¹⁰⁴ The ‘triumph of the king of terrors,’ complained one social commentator, ‘is the mockery of the unthinking multitude.’¹⁰⁵ Henry Fielding in his *Enquiry* similarly noted how ‘the day appointed by law for the thief’s shame is the day of glory in his own opinion,’ drawing compassion from the meek and tender-hearted, and applause from the hardened.¹⁰⁶

Hangings were failing to make appropriate examples primarily for two reasons, pamphleteers claimed. Firstly, too-frequent royal pardons for the condemned served to undermine the terror of the gallows and its deterrent effect by instilling a destructive confidence in offenders not yet brought to justice that if caught, they would likely escape the noose. It was thus believed pardons ultimately brought more men to the gallows than they saved from it. Secondly, executions as presently conducted were deemed to lack the solemnity required to make them exemplary, the ‘Tyburn fair’ instead characterised by drunkenness, chaos, disorder, and a carnival atmosphere.¹⁰⁷ Commentators here bemoaned the conduct of the crowd at executions as much as the behaviour of the condemned. In fact, it was less a change in the actual conduct of the crowd that generated these complaints but instead a change in the way in which elites perceived executions and the ability of the crowd to imbue the correct message.¹⁰⁸

William Hogarth’s ‘The Idle ‘Prentice Executed at Tyburn,’ plate 11 from his *Industry and Idleness* series printed in 1747, provides the most potent visual representation of the contemporary criticisms levelled by pamphleteers against the ‘carnival’ of Tyburn (FIGURE 5.5). A boisterous multitude of men, women, and children stand in the forefront, overshadowing the gallows; a ragged ballad seller cries ‘the last dying speech & confession of Thomas Idle,’ while a man beside her prepares to throw a dog at the Methodist preacher haranguing the condemned; fights break out all around, and a baby is trampled underfoot. The failure of such carnivalesque scenes to terrorise audiences and deter them from crime is indicated by the young boy who thieves from a vendor, paying little attention to Idle’s fate.¹⁰⁹ Hogarth’s image and the wider ‘iconographic associations of execution with carnival’ have been taken by modern scholars as evidence that ‘from the audience’s perspective executions were a species of festive comedy or light entertainment,’ and as a validation of the criticisms made by contemporary commentators that the death penalty failed in its central aim of deterrence.¹¹⁰

¹⁰⁴ *A Complete History of James Maclean* (London, 1750), no pagination.

¹⁰⁵ Britannicus., *A Letter*, p. 15.

¹⁰⁶ Fielding, *An Enquiry*, p. 92.

¹⁰⁷ *Ibid.*, p. 90; Philonemos, *The Right Method of Maintaining Security in Person and Property* (London, 1751), p. 49.

¹⁰⁸ McGowen, “‘Making Examples’”, p. 200.

¹⁰⁹ Sean Shesgreen, ‘Hogarth’s *Industry and Idleness*: A Reading’, *Eighteenth-Century Studies* 4 (1976), p. 586.

¹¹⁰ Thomas W. Laqueur, ‘Crowds, Carnival and the State in England Executions, 1604-1868’, in A. L. Beier et al. (eds.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge, 1989), pp. 332, 323.

FIGURE 5.5

William Hogarth, 'The Idle 'Prentice Executed at Tyburn', Plate XI from *Industry and Idleness* (1747)



These criticisms were however in many instances exaggerated, stereotyped, voiced for personal motives, and contradicted by other depictions of executions. With an interest in blackening the existing system in order to highlight the advantages of their own schemes, commentators exaggerated the extent of disorder at Tyburn. In fact, reports of executions in mid-century periodicals and London newspapers suggest that ‘breakdowns in basic decorum were rare,’ and indeed ‘most reports... express satisfaction with the conduct of the condemned and seldom note any unusual level of disorder among the crowd.’¹¹¹ The efforts of the new sheriff of London Stephen Theodore Janssen in 1749 and 1750 by all accounts brought a greater degree of order and solemnity to the Tyburn ritual, thereby suggesting that executions could, if properly managed, make good examples.¹¹² The comments of execution goers in addition suggest hangings could be appropriately emotionally moving. ‘The power of the Lord was present to wound,’ Charles Wesley noted of an execution at Tyburn in 1739, at which ‘a woman cried out as in an agony. Another sank down overpowered. All were moved and melted, as wax before the fire.’¹¹³ Moreover, Hogarth’s visual representation of Tyburn contains many complexities which allow for different readings and a more positive image of the death penalty. As Jenny Uglow argues, Hogarth implies there are two ways of seeing the execution scene: firstly, the ‘unofficial’ story told by the ballad seller which provided the rather subversive example of criminal as hero; and secondly the ‘official’ and more positive example provided by the Ordinary (represented in the plate sat in a coach directly behind the ballad seller) whose *Account* ‘emphasised the way that early misdemeanours had led irrevocably to crime and the gallows.’¹¹⁴

Historians have been quick to employ plate 11 of *Industry and Idleness* as evidence of the disorder attendant at eighteenth-century executions, with the subsequent supposition that the crowd failed to take the correct message away from these spectacles. But they have not recognised that Hogarth’s representation was just one among many circulating at mid century. His image of Tyburn was built upon earlier pictorial representations and constructed according to several stereotypes (particularly those disseminated in printed social tracts) of the eighteenth-century execution. ‘The Execution of Sarah Malcolm in Fleet-Street’, included within Capt. Charles Johnson’s compilation of criminal biography entitled *A General History of the Lives and Adventures of the Most Famous Highwaymen, Murderers, Street-Robbers, &c.* (1734), for instance has many similarities to plate 11 of *Industry and Idleness*, particularly the unruly and violent crowd unconcerned with the execution taking place before them (FIGURE 5.6).

¹¹¹ Devereaux, ‘Recasting the Theatre of Execution’, p. 142; McGowen, “‘Making Examples’”, p. 189.

¹¹² *Ibid.*, p. 197.

¹¹³ Thomas Jackson (ed.), *The Journal of the Reverend Charles Wesley* (2 Vols. London, 1849), Vol. 1, p. 145.

¹¹⁴ Jenny Uglow, *Hogarth: A Life and a World* (London, 1997), p. 449.

FIGURE 5.6

'The Execution of Sarah Malcolm in Fleet-Street', in Capt. Charles Johnson, *A General History of the Lives and Adventures of the Most Famous Highwaymen, Murderers, Street-Robbers, &c.* (1734)



Other published and unpublished drawings on the contrary provided very different images. Execution scenes were depicted in a variety of styles, from the high-end copper engravings used by Hogarth – most often printed and sold as stand-alone products – to cheaper, simpler woodcuts included in compilations of criminal biography or alongside verse in broadsides and last dying speeches. In this variety of works, the crowd were often depicted as less boisterous and more engaged with the spectacle, a greater confidence expressed for the practice of hanging, and attention given to other elements of the execution ritual such as the procession from gaol to gallows (FIGURES 5.7-5.9).

FIGURE 5.7

‘Thus May all Villains Meet their Fate, from Lower Rogues to Thieves of State’, in Capt. Mackdonald, *A General History of the Lives and Adventures of the Most Famous Highwaymen, Murderers, Pirates, Street-Robbers, and Thief-Takers* (London, 1758), no pagination.

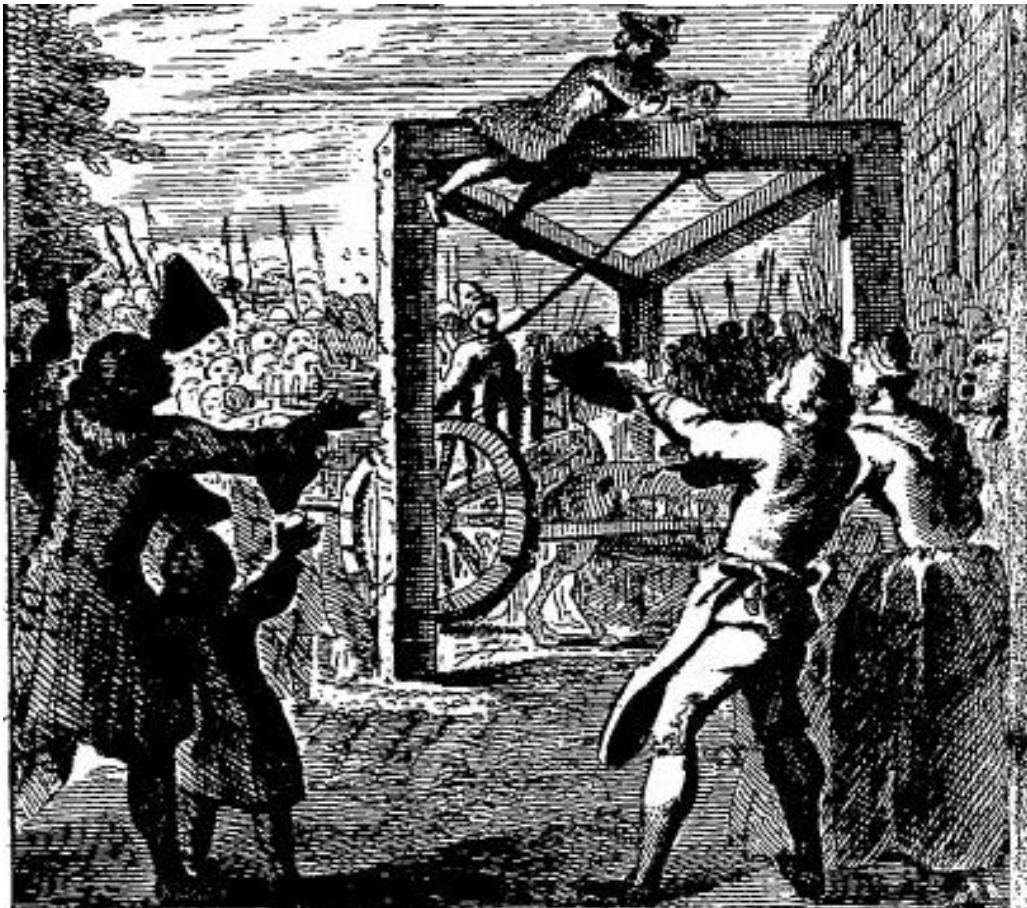


FIGURE 5.8

'William Page Going to the Place of Execution', in *A Genuine Narrative of the Life and Surprising Robberies of William Page* (London, 1758), p. 57.

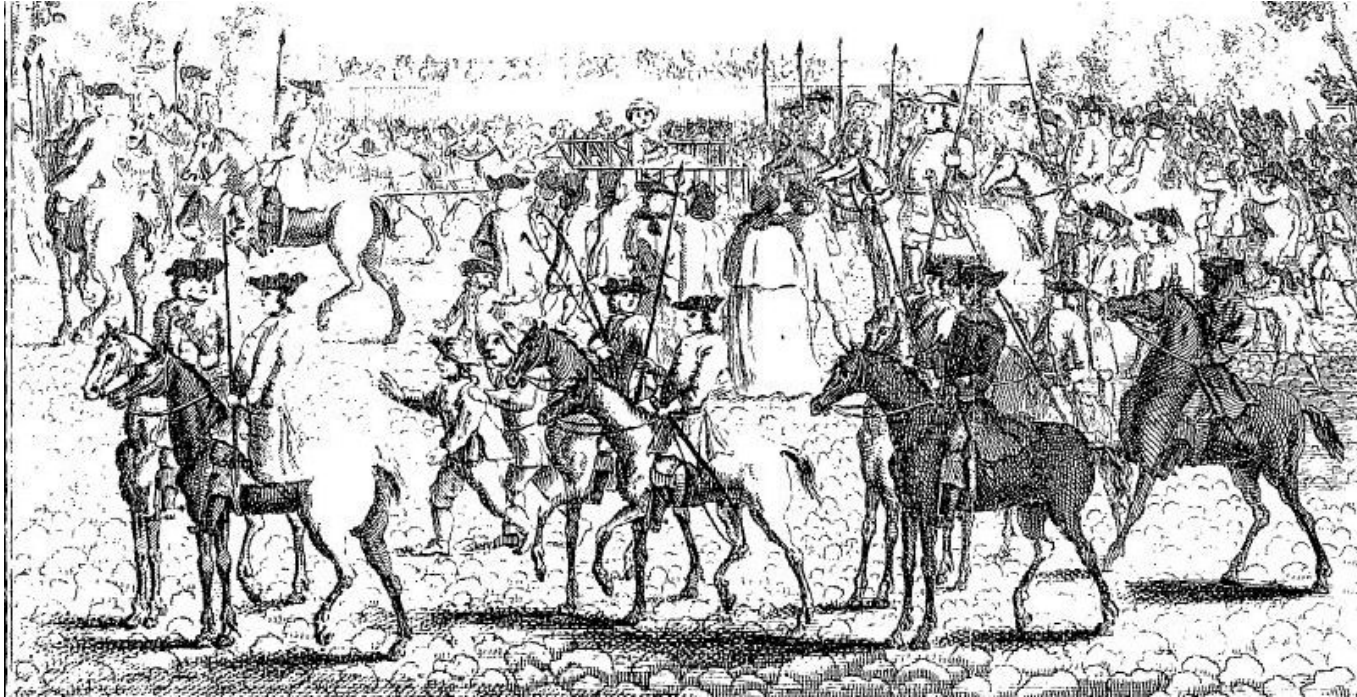


FIGURE 5.9

A View of the Procession of John Swan and Elizabeth Jefferies, going to the place of Execution March the 28. 1752. for the Murder of her Uncle the late M^r. Jof^h. Jefferies of WALTHAMSTOW, in the County of ESSEX.



Not only were criticisms of the execution ritual made in print very likely exaggerated and perhaps read by contemporaries with some degree of scepticism, most importantly these criticisms represent not a refutation of deterrence by terror as a penal theory, but more that in its present application hanging was perceived to be failing in this regard. The *potential* efficacy of executions in enforcing deterrence by terror was not denied. In fact, printed commentary showed a continued belief in the importance of making examples.¹¹⁵ Despite his criticisms of the Tyburn ritual, Henry Fielding argued that in judicial punishments, ‘the terror of the example is the only thing proposed, and one man is sacrificed to the preservation of thousands.’¹¹⁶ One writer in 1751 reminded readers that criminals should be ‘considered as public examples,’ and another believed ‘the use and intent of punishment is not to gratify the person injured, but to procure, by exemplary correction, a benefit to the public.’¹¹⁷ Printed sermons also spoke of the continued efficacy of appropriate examples, one claiming that ‘example is an unspeakable benefit to mankind; it shows him how to walk and behave himself without the trouble of instruction, and discovers to him his failings and faults, without reproof and upbraiding.’¹¹⁸ Printed accounts of criminal lives similarly touted themselves as valuable examples for readers. ‘Mean as the subject of the following sheets may appear,’ admitted one criminal biographer of his account, nevertheless ‘any man of consideration will readily allow, that a very great benefit may arise to the more inattentive part of mankind, from a recital of the lives of these unhappy creatures, by which the vulgar mind, that would not be led to an observation of its duty by the force of precept, may be struck into a little sense by the terror of example.’¹¹⁹

Contemporary diarists certainly showed a continued belief in the importance of making examples of criminals. The medical doctor Richard Kay in 1743 saw five men and a woman hanged at Kennington Common, later in his diary imploring God to ‘let other’s woes be our warning.’¹²⁰ On 12 November 1762 during a visit to England Frederick Kielmansegge went to Tyburn, ‘to see a man hanged *à la anglaise*’ at which the condemned ‘had courage enough to read to the public, sufficiently loud, a speech in which he acknowledged the wrong he had committed, and represented himself as an example and a warning to his hearers.’¹²¹ Legislators likewise agreed on the necessity and efficacy of making examples. In order to make

¹¹⁵ Randall McGowen, ‘The Body and Punishment in Eighteenth-Century England’, *Journal of Modern History* 59 (1987), p. 663.

¹¹⁶ Fielding, *An Enquiry*, p. 91.

¹¹⁷ Philonomos, *The Right Method*, p. 57; *Proposals to the Legislature for Preventing the Frequent Executions and Exportations of Convicts* (London, 1754), p. 15.

¹¹⁸ Robert Fordsham, *The Dreadful Consequences of Sin* (Chester, 1751), p. 8.

¹¹⁹ *The Reward of Murder* (London, 1751), p. 4.

¹²⁰ W. Brockbank and F. Kenworthy (eds.), *The Diary of Richard Kay, 1716-1751 of Baldingstone, near Bury* (Manchester, 1968), p. 69.

¹²¹ Countess Kielmansegge (ed.), *Diary of a Journey to England in the Years 1761-1762* (London, 1902), p. 157.

lasting and impressionable examples of murderers in order to deter others, the Commons considered it necessary to increase the terror of executions by adding the aggravating circumstances of dissection or hanging in chains, thereby to 'impress a just horror in the mind of the offender, and on the minds of such as shall be present, of the heinous crime of murder.'¹²²

As Beattie explains, the Murder Act was thus of a piece with other changes in penal practice proposed by the Commons in the early 1750s – such as the removal of the benefit of clergy for the theft of goods over the value of 40s from a ship or wharf on a navigable river, and the Confinement at Hard Labour Bill – for all were based upon a general 'urge to enlarge and extend the terrors of punishment in order to frighten men into obedience.'¹²³ The Confinement at Hard Labour Bill expressly aimed to make offenders 'visible and lasting examples of justice to others.'¹²⁴ Indeed, a manuscript document held in the British Library entitled 'Objections and Answers Relating to the Dockyards Bill' makes it clear that Lord Barrington and others behind the Bill saw confinement at hard labour as a punishment that would make appropriately shameful and terrifying examples out of offenders. For, they asserted,

the purpose of this bill is to try an experiment whether publick hard labour will deter the common people from committing those crimes which are now punished by transportation... It is imagined hard labour must appear a most heavy punishment to those who commit the greatest crimes, and run the greatest risks merely because they will not work.¹²⁵

With a continued belief in the potential for, and necessity of, making appropriate examples of convicted offenders, calls for more terrifying punishments in order to frighten men into obedience were expressed vociferously in print in the years 1750-1752. Many specific proposals were published which aimed to increase the terrors of punishment (both capital and non capital) in order to make criminals more lasting examples of justice. Proposals for confining convicted offenders at hard labour and adding aggravating circumstances to the death penalty were in fact advocated in print sometime *before* the introduction of the Confinement at Hard Labour Bill and the Murder Act in early 1752. The new legislation certainly had vocal backing in print. Commenting on the recent proposal of the Confinement at Hard Labour Bill in February 1752, the *Old England Journal* praised it as 'a most exemplary act of justice.'¹²⁶

¹²² Clay, *The Statutes at Large*, p. 111.

¹²³ Beattie, *Crime and the Courts*, p. 524.

¹²⁴ HOC Papers, SP, 9, pp. 357-368.

¹²⁵ Newcastle Papers, BL, Add MS. 33053, ff. 45-46.

¹²⁶ *Old England Journal*, 15 February 1752.

Calls for the more severe punishment of murderers in particular were extensively voiced in print in the years 1751-1752. Recommendations had long been made in print that the aggravated practices of further punishing the murderer's body should be added to hanging in order to increase the terrors of the death penalty, yet they were put forward with much greater force in the early 1750s. An anonymous contributor to the *Whitehall Evening Post* in January 1751 asserted the need to punish murderers' bodies and make executions more terrifying, that for those who 'maim or murder' a policy of '*lex talionis* [an eye for an eye] promises the most likely redress.' For, he opined, 'a villain will soften the blow, upon reflection, that himself must feel it over again: the image is strong, and the wretch will necessarily see, that he is prescribing a manner of death to himself; and after two or three punctual executions, I have the greatest hopes we should see less cruelty amongst them.'¹²⁷ In February 1751 an anonymous contributor to the *London Magazine* hoped that in particularly heinous cases, 'it were always part of the sentence, that the body of such a person should, immediately after death, be delivered to the surgeons to anatomize; a circumstance, which, we know by experience, carries more terror in it than mere hanging.'¹²⁸ In his social tract published sometime between 10 January and March 1752, Charles Jones warned that 'lenity, in some cases, may occasion cruelty; for the mildness of our punishments is the chief reason why our weekly news-papers are filled with such black catalogues of horrid crimes.' He thus proposed that murder should, as in Ireland, be made high-treason, with sentences 'speedily executed, according to the strictest letter of the law, upon those who murder with concomitant circumstances of barbarity.' If this were to be done there would 'not so often [be] "a full and true account of a most horrid, barbarous, and bloody murder, etc"' hawked about [the] streets.'¹²⁹ Just as the Commons undertook its deliberations on the issue and as the anxieties about murders peaked, the *Penny London Post* on 25 January 1752 reported that in France, murderers were 'to be hang'd up in chains bare headed for two days, and allowed only bread and water; on the third day after the executioner has chopped off the hand with which the murder was committed, they are to receive the coup de grace, to be hanged by the neck till they are quite dead, and their bodies to remain in chains, and whoever even attempts to cut them down, are to be confin'd to the galleys for life.'¹³⁰

Perhaps the most powerful printed representation of dissection as a viable punishment for murder appeared in Hogarth's 'The Reward of Cruelty', the fourth and final plate in his series *The Four Stages of Cruelty* (FIGURES 5.10-5.13). This may well have had some influence on legislators, for it was published on 21 February 1751, at exactly the same time of

¹²⁷ *Whitehall Evening Post*, 13 January 1751.

¹²⁸ *London Magazine*, 13 February 1751, Vol. 20, p. 82.

¹²⁹ Jones, *Some Methods Proposed*, p. 9.

¹³⁰ *Penny London Post*, 25 January 1752.

the felonies committee's investigations and nearly a year before the first announcement of the Murder Act in Parliament. The series tells the story of Tom Nero, a pauper boy raised by the parish of St Giles, who begins a 'career of cruelty' by firstly torturing a dog, progressing to beating a failing coach-horse to death, and finally to the 'horrid crime of murder'. Plate three, 'Cruelty in Perfection', shows the murdered maidservant Ann Gill (after having been seduced by Nero and persuaded to steal her mistress's plate) lying prostrate on the grounds of a rural churchyard in the dead of night, throat and wrists almost severed from her pregnant body. Nero stands next to her, apprehended by a party of hue and cry, variously chastising him for the horrible crime, holding the murder weapon before him, and calling to the heavens in despair. Iconographic features intensify the awfulness of the scene: it is set in a graveyard; an owl and a bat fly overhead; the clock strikes one, marking the end of the 'witching hour'; and lines of verse reinforce the horrors of murder thus: 'The gaping wounds and bloodstain'd steel / Now shock his trembling soul / But oh! what pangs his breast must feel / When death his knell shall toll.'

In the concluding plate, the prostrate body of the murder victim is replaced with that of her offender, fresh from his execution, the noose still hanging from his neck, lying naked on a table in Surgeon's Hall. As with much of Hogarth's work, 'The Reward of Cruelty' contains complex and somewhat mixed messages allowing for different readings. On the one hand, the image pours scorn on the surgeons, the judges who grant bodies, and the practice of judicial dissection, suggesting that *they* are in fact the ones committing the highest form of cruelty. The judge-like physician represents John Freke, president of the Royal College of Surgeons, a man widely vilified for his attempts in 1749 to procure the body of Bosavern Penlez for the anatomists' table. Nero's body points accusingly towards a boiling cauldron of skulls and bones, suggesting the surgeons are no more civilised than the stereotypical African and American-Indian 'savages' of contemporary travel books and related literature.¹³¹ In plate three, Nero stands over his murdered victim, recoiling at the inhumane act he has just committed: in plate four, by comparison, Nero occupies the murdered body's space, now a victim of institutionalised and legalised cruelty, yet the surgeons do not recoil from their own violent act.

At the same time, however, Hogarth also offers a more positive view of dissection as a judicial punishment. Directly replacing the bodies of murdered and murderer in plates three and four, Hogarth reinforces the connection between crime and punishment, investing the offence with a due level of shame. While Nero's pointing to the cauldron of boiling bones in Surgeons' Hall might on the one hand indicate the savagery of the surgeons, it also on the other indicates the offender's eventual fate: for however socially exclusive this scene might be,

¹³¹ David Dabydeen, *Hogarth's Blacks: Images of Blacks in Eighteenth-Century English Art* (Manchester, 1987), p. 65.

the display of his bones would ultimately subject him to the derision of a wider audience. Moreover, the scene intends to de-romanticise criminality and its consequences. The skeletons of the recently executed real-life criminals James Field and James Maclaine which hang in the niches of Surgeons' Hall 'point towards each other, jaws opened in macabre laughter, as if mocking their ignoble fate.'¹³² Pointed, matter-of-fact lines of verse beneath the image certainly highlight the shame poured on offenders by dissection, reinforcing the tale's simple moral message of the sins of murder and its just desserts: 'Behold the villain's dire disgrace! / Not death itself can end / He finds no peaceful burial-place / His breathless corpse, no friend / ... His heart expos'd to prying eyes / To pity has no claim / But, dreadful! from his bones shall rise / His monument of shame.'

¹³² Christine Riding, 'Crime and Punishment', in Mark Hallett and Christine Riding (eds.), *Hogarth* (London, 2006), p. 194.

FIGURE 5.10

William Hogarth, 'The First Stage of Cruelty', Plate I from *The Four Stages of Cruelty* (1751), BM, Cc,2.166



FIGURE 5.11

William Hogarth, 'The Second Stage of Cruelty', Plate II from *The Four Stages of Cruelty* (1751),

BM, Cc,2.167



FIGURE 5.12

William Hogarth, 'Cruelty in Perfection', Plate III from *The Four Stages of Cruelty* (1751), BM, Cc,2.168



FIGURE 5.13

William Hogarth, 'The Reward of Cruelty', Plate IV from *The Four Stages of Cruelty* (1751), BM, Cc,2.170



The *Cruelty* prints can thus be read in somewhat contradictory ways, one of which – much like his *The Bench* (1758) – as an attack upon those who disinterestedly composed and administered an overly cruel and impersonal system of criminal law. He certainly had enemies in Parliament, such as the politician and caricaturist George Townshend.¹³³ Nevertheless, there is good reason to believe Hogarth earnestly intended *Cruelty* to be in large part taken as moral instruction and as an attempt to gain the favour of the political establishment. Legislators may therefore have received it as a convincing reinforcement of the efficacy of dissection as a judicial punishment. As we shall see, Hogarth promoted *Cruelty* (and indeed his other morality prints) as a work of moral instruction. Although evidence of the contemporary reception of Hogarth is extremely scanty, it does seem that some viewed his works as moral edification.¹³⁴ James Townley, Classics teacher at Christ's Hospital and composer of the lines of verse which attended the *Cruelty* prints (and therefore a certainly not unbiased source) remarked how he 'treasured' Hogarth's works, from which he 'regularly instruct[ed]' his children, 'construing the sixth chapter of the Harlot's Progress, or comparing the two characters in the first book of the 'Prentices.'¹³⁵ A later commentator affirmed this 'truly natural and faithful painter' accurately delineated reality, with 'the purposes of morality and instruction.'¹³⁶ Hogarth tried hard to please the court and win patrons, and certainly did have close, cordial links to some members of Parliament, such as James Oglethorpe (also a member of the felonies committee).¹³⁷ Hogarth's art was, according to Henry Fielding, 'calculated more to serve the cause of virtue, and for the preservation of mankind, than all the folios of morality which have ever been written.'¹³⁸ Taken as a realistic representation and providing important moral lessons, legislators may well have been swayed by Hogarth's promotion of dissection.

This is not to suggest that legislators simply adopted proposals put forward in Hogarth's works or other forms of print with little revision or without input of their own. Yet schemes offered in print provided legislators with ideas for consideration. The following report from the *London Evening Post* on 13 February 1752 certainly suggests that Parliament was receptive to printed proposals which aimed to increase the terror of the death penalty in cases of murder and to make examples of the condemned: 'a scheme which has lately been proposed to the consideration of the publick [sic], for breaking on the wheel all murders has been warmly received and agitated amongst many persons of distinction, who form part of the

¹³³ Uglow, *Hogarth*, p. 607.

¹³⁴ On the lack of evidence see Diana Donald, "'This Truly Natural and Faithful Painter": Hogarth's Depiction of Modern Life', in David Bindman (ed.), *Hogarth: Representing Nature's Machines* (Manchester, 2001), p. 169.

¹³⁵ Cited in Uglow, *Hogarth*, p. 521.

¹³⁶ Donald, "'This Truly Natural and Faithful Painter'", p. 164.

¹³⁷ DNB, 'Hogarth, William (1697–1764)'.

¹³⁸ *Ibid.*

legislature,' the report ran.¹³⁹ Amongst all the many different proposals offered in print and open to legislators for reinvigorating the execution ritual and making more lasting examples of offenders, why did they adopt dissection and hanging in chains as suitable aggravating circumstances to the punishment of death under the terms of the Murder Act, and why did they also include the stipulation that convicted murderers be held in solitary confinement and speedily executed after sentencing? In addition to a general penal theory of making examples and deterrence by terror, there were other motivations behind the particular provisions of the Murder Act, many of which (although certainly by no means all) were propagated in print.

Print and the Provisions of the Murder Act

The Murder Act was certainly in some respects a very pragmatic and practical attempt to regulate and provide a more solid legal footing for the practices of judicial dissection and hanging in chains that were already in existence. It was also an attempt to prevent disturbances at the gallows over possession of the condemned's bodies in addition to providing surgeons with a regular and legal source of cadavers, thereby conveniently satisfying the dual aims of harsher punishments and the development of medical science. In this way the Act would seem to be a rather 'easy' option for legislators, a simple codification and cementing of older, well-worn practices introduced with little thought rather than any attempt to search for new, potentially more effective methods. However, this does not accurately reflect the nature of the Murder Act, for it was based on solid conceptual foundations, many of which were reinforced by printed commentary. The practices of dissection and hanging in chains were invested with potent meaning, serving to promote the Act's aim of making punishments more terrifying and appropriately exemplary. In short, despite the speedy nature of the Murder Act's introduction as a response to the seemingly pressing problem of murder, when considering both the practical and conceptual impulses that underpinned it, the provisions of the Act seem perfectly reasonable and well-thought out. One can certainly understand *why* legislators opted for dissection and hanging in chains, and the expected successful effects these practices would have.

Practical impulses which were largely not associated with print certainly played a part in Parliament's adoption of dissection and hanging in chains. This in particular included an attempt to regulate and formally legalise well-worn customs. Pragmatism characterises much of eighteenth-century penal practice, borne of simple necessity and a lack of viable alternatives. As one eighteenth-century commentator remarked, 'the gallows and transportation... are the shortest, and cheapest methods of getting rid of [offenders] without

¹³⁹ London Evening Post, 13 February 1752.

further trouble.¹⁴⁰ On the most basic level, dissection and hanging in chains fitted with this pragmatism, for they had long been employed as judicial punishments (although only relatively rarely) before the introduction of the Murder Act. The use of executed offenders as anatomical specimens stretched back to at least 1540, when Henry VIII granted four criminal bodies to the Company of Barber-Surgeons for dissection. By the eighteenth century the Surgeons were allowed to claim ten bodies annually. Particularly heinous instances of murder and highway robbery had long been punished by dissection and hanging in chains following an executive decision, yet the precise legal status of this practice was ambivalent. To many contemporaries, dissection ‘seemed like an arbitrary and additional punishment... inflicted upon the body by authorities who had already exacted the full revenge the law allowed,’ and which therefore carried only quasi-legal status.¹⁴¹

In addition to its perceived quasi-legal status, anxieties about the practice of judicial dissection also increased in the early eighteenth century, as growing demand for cadavers and the resulting ‘commodification’ of the corpse encouraged a number of illicit methods of obtaining bodies, including paying a condemned offender in exchange for his body, bribing the hangman, or taking bodies by force, all of which drew the resentment of the public and could even generate resistance from the gallows crowd.¹⁴² Following the hanging, as Bernard Mandeville described a typical eighteenth-century execution scene,

the next entertainment is a squabble between the surgeons and the mob, about the dead bodies of the malefactors... they have suffer’d the law (cries the rabble) and shall have no other barbarities put upon them: we know what you are, and will not leave them before we see them buried. If the others are numerous, and resolute enough to persist in the enterprise, a fray ensues.¹⁴³

He disdained of this ‘superstitious reverence of the vulgar for a corpse,’ and called for the introduction of a regulated supply of cadavers for anatomists.¹⁴⁴ By establishing systematic sentences of dissection and hanging in chains for all convicted murderers without exception through a parliamentary law, the Murder Act was thus intended to strictly regulate a practice which was already in existence, and to invest that practice with a more solid legal status and greater authority. By strictly regulating the supply of cadavers it was perhaps also hoped that disputes over the bodies of the condemned would be nullified. However, although certainly benefitting the study of anatomy by providing surgeons with a regular and legal source of

¹⁴⁰ Cited in McGowen, ‘The Problem of Punishment’, p. 226.

¹⁴¹ Jonathan Sawday, *The Body Emblazoned: Dissection and the Human Body in Renaissance Culture* (London, 1995), p. 59.

¹⁴² Linebaugh, ‘The Tyburn Riot’, p. 71.

¹⁴³ Bernard Mandeville, *An Enquiry into the Causes of the Frequent Executions at Tyburn* (London, 1725), p. 16.

¹⁴⁴ Katherine Park, ‘The Life of the Corpse: Division and Dissection in Late Medieval Europe’, *Journal of the History of Medicine and Allied Sciences* 50 (1995), p. 131.

corpses, the wording of the Murder Act shows it was far more concerned with the infliction of punishment than with the advancement of medical science.¹⁴⁵

As important as introducing the systematic sentencing of dissection and hanging in chains, the Murder Act also stipulated that offenders be executed soon after sentencing and that they be held in solitary confinement while awaiting execution. These both held significant implications and must be considered as central elements of the Murder Act. They together attempted to deal with perceived problems widely associated with the administration of the law. These perceptions no doubt resulted from the everyday experiences of members of the justice system. But they perhaps also resulted in part from, and were certainly reinforced by, printed commentary. In his *Enquiry*, Henry Fielding expressed his desire that executions should be carried out

as soon as possible after the commission and conviction of the crime; for if this be an atrocious kind, the resentment of mankind being warm, would pursue the criminal to his last end, and all pity for the offender would be lost in detestation of the offences. Whereas, when executions are delayed so long as they sometimes are, the punishment and not the crime is considered; and no good mind can avoid compassionating a set of wretches, who are put to death we know not why, unless, as it almost appears, to make a holiday for, and to entertain the mob.¹⁴⁶

Reducing the length of time between sentencing and execution, the Murder Act aimed to underscore the connection between cause (crime) and effect (punishment), thereby inviting scorn on the offender and a more appropriate example for spectators. Thus the Act attempted, as Fielding wished, to 'add the punishment of shame to that of death; in order to make the example an object of greater terror.'¹⁴⁷

Executions carried out soon after sentencing moreover added greater obstacles to the possibility of offenders escaping punishment through the benefit of a pardon during a period in which the frequency of royal mercy was bemoaned in print, and when the government began to actively discourage pardons and petitions for them. One pamphleteer in 1751 happily referred to the recent reports in the 'public papers' that 'there is a design on foot to abolish, or, at least, regulate special pleadings.'¹⁴⁸ Short lengths of time between sentencing and execution thus meant that the Murder Act effectively circumvented the Cabinet's discretion in cases of convicted murderers. The Murder Act was thus a piece with other efforts to curb the number of pardons granted at mid century, as seen in the penultimate section of Chapter Three.

¹⁴⁵ Richardson, *Death, Dissection*, p. 36. For the benefits to the study of anatomy, see Thomas R. Forbes and Dorothy M. Schullian, 'To be Dissected and Anatomized', *Journal of the History of Medicine and Allied Sciences* 36 (1981), pp. 490-492.

¹⁴⁶ Fielding, *An Enquiry*, p. 93.

¹⁴⁷ *Ibid.*, p. 92.

¹⁴⁸ Fitzsimmonds, *Free and Candid Disquisitions*, p. 23

Enforcing solitary confinement for convicted murderers awaiting execution also addressed contemporary complaints that criminals faced their day of punishment in ‘triumph,’ inviting little shame from the public and therefore failing to provide an appropriately terrifying example for others. A commentator in the *London Magazine* complained how ‘the condemned are made a publick spectacle in our jails, and suffered to carouse, not only there, but in their passage to the gallows. The only emulation among them is who shall go out of the world with the least remorse, sense of shame, or token of repentance.’¹⁴⁹ Too often condemned offenders were seen (or at least perceived) to spend their last moments revelling in the public’s interest, soliciting for a pardon, and living a life of luxury in gaol, typically paid for with the money earned from the charity of pitying spectators or the sale of the detail of their criminal lives to hack writers. The recent case of James Maclaine provided contemporaries with a disheartening example of the public’s fascination with criminal celebrities. Horace Walpole lamented that the first Sunday after Maclaine’s conviction for highway robbery in September 1750, ‘3,000 people went to see him’ in gaol, due to which ‘he fainted away twice with the heat of his cell.’ ‘You can’t conceive the ridiculous rage there is of going to Newgate,’ Walpole continued, ‘and the prints that are published of the malefactors, and the memoirs of their lives and deaths set forth with... much parade.’¹⁵⁰ By preventing public access to the criminal whilst under confinement, the Murder Act aimed to close off opportunities for spectators to connect with the offender on a face-to-face, personal level, and perhaps attempted to gain greater control over the reproduction of the condemned’s words which could be potentially subversive of the normative script the authorities aimed to reinforce by obstructing criminal biographers’ access to the condemned.

The provisions of the Murder Act therefore arose in part from problems associated with the administration of the law in regard to capital convicts, problems which were certainly felt by judges and members of the executive in their everyday experiences, but also given greater purchase by printed commentary. Nonetheless, the provisions of the Act were chosen not only because they dealt with problems associated with the administration of the law, but also more positively because the suitability of the practices of dissection and hanging in chains as effective judicial punishments was reinforced by a number of solid conceptual foundations. These included: contemporary notions of death and dissection; the metaphorical links between the individual and the social body; and the certainty of detection, all of which were reinforced by printed discourses.

Firstly, although the Murder Act entailed the pragmatic aim of preventing future disturbances over the possession of the criminal’s body by soothing the public’s resentment of

¹⁴⁹ *London Magazine*, February 1751, Vol. 20, p. 82.

¹⁵⁰ *Walpole Correspondence*, Vol. 20, p. 199

handing over executed offenders to the surgeons, it nonetheless played the difficult game of at the same time trying to cultivate popular fears of dissection based upon 'a traditional understanding of the nature of the soul and the notion of the resurrection and the afterlife' in order to heighten the terrors of this punishment and its deterrent capacity.¹⁵¹ The establishment of judicial dissection and hanging in chains might certainly therefore be regarded as an exploitation of 'plebeian conceptions of death and the gravity with which the fact of death was held,' for it was in this deliberate exploitation of popular beliefs that the Act generated its powers of terror and deterrence.¹⁵²

The body of an executed criminal was invested with significant meaning in the early modern period by gallows superstitions that honoured 'the powers of the felon's corpse,' such as the belief that bodies held therapeutic powers.¹⁵³ The mutilation of the condemned's corpse by dissection or hanging in chains in order to deny convicted murderers a decent Christian burial trampled on these beliefs. Opposition therefore existed between popular conceptions of rights for the dead and attempts to construct a more frightening punishment.¹⁵⁴ Defacing the body and preventing burial in consecrated ground, the Murder Act posthumously punished the criminal's soul, obstructing its secure passage into heaven. It was also widely believed that instances of criminals surviving hanging (to some extent a very real possibility given the eighteenth-century's inexact science of execution) were a sure sign of God's displeasure over the 'justice' of their sentence or a sign of their innocence. Here again dissection effectively prevented God's intervention by executing offenders even if they managed to survive the hanging, thus reaffirming the ultimate authority of Man's justice.

A belief that dissection and hanging in chains constituted one of the most horrifying of fates therefore had significant cultural purchase before the sudden introduction of the Murder Act in 1752. However, printed commentary powerfully reinforced this belief in the early 1750s and perhaps encouraged legislators to adopt these practices in order to fulfil their intention of making executions more terrifying and therefore a greater deterrent to murder. In September 1750, one London newspaper asserted that 'the generality of mankind have a very great aversion to being anatomized,' and regarded it as 'more terrible than death.'¹⁵⁵ Indicative of countless similar reports, the *General Evening Post* noted that during his confinement in gaol the convicted murderer Richard Biggs 'behaved in a very sullen manner, regardless of death, but troubled at the thoughts of being hung in chains.'¹⁵⁶ Convicted of forgery and sentenced to death at the Old Bailey in September 1750, William Smith was so anxious to ensure he would

¹⁵¹ Hitchcock and Shoemaker, *Tales from the Hanging Court*, p. 205.

¹⁵² Linebaugh, 'The Tyburn Riot', p. 115.

¹⁵³ *Ibid.*, p. 110.

¹⁵⁴ Wilf, 'Imagining Justice', p. 58.

¹⁵⁵ *General Evening Post*, 18 September 1750.

¹⁵⁶ *General Evening Post*, 7 September 1748.

escape the gibbet or the surgeons and be given a decent burial that he had the following notice published in the newspapers, also subsequently reproduced in the *Ordinary's Account*:

the deprivation of life is a sufficient punishment for my crimes, even in the rigorous eyes of offended justice; after death, the law has permitted my remains to pass without further ignominy. Then why should inhumanity lay her butchering hands on an inoffensive carcase? Ah! give me the satisfaction of thinking I shall return to my parent dust, within the confines of a grave.¹⁵⁷

Hogarth likewise emphasised the horrors of dissection and endorsed it as suitably exemplary punishment for the lower classes, again by exploiting popular beliefs. As with his *Industry and Idleness* and *Gin Lane*, Hogarth's *Cruelty* series attempted to reform the poorer sorts, identifying them as the foremost progenitors of property crime and murder, eschewing the 'elegance and wit' of his previous series such as *Marriage-a-la-Mode* 'in favour of a hard-hitting, propagandist agenda.'¹⁵⁸ All his morality prints contained a class-specific and clearly intelligible message, a reduction to stark moral alternatives with minimal learned references, illustrating Hogarth's newfound intention that his work be 'useful' in a socially reformative sense, and befitting of his activities as a philanthropist and governor of hospitals and charities.¹⁵⁹ Newspaper advertisements plainly expressed the didactic purposes of the *Gin Lane* and *Cruelty* prints. They were calculated 'to reform some of the reigning vices peculiar to the lower class of people,' and 'in hopes to render them of more extensive use,' they were apparently 'publish'd in the cheapest manner possible.'¹⁶⁰

Indeed, such was Hogarth's belief that the terrifying example of dissection might discourage the lower classes from their perceived greater inclination to commit murder that even before the etchings were announced he arranged to have plates three and four of the *Cruelty* series produced as woodcuts. This would thereby making them cheap enough for the lower orders for 'whome they were chiefly intended,' although they were not ultimately issued during Hogarth's lifetime (FIGURES 5.14-5.15).¹⁶¹ These cheap woodcut prints offered a more familiar and accessible medium for lower-class consumers, closely associated with broadsides and popular moralising prints. Two inches larger than the engravings, and divested of all verse, the woodcuts contained horrifyingly blunt and far less complicated images, probably intended as placards to be placed in workshops for apprentices, inns for drinkers, or the common room

¹⁵⁷ *General Evening Post*, 27 September 1750; OBP, *Ordinary's Account*, 3 October 1750 (OA17501003).

¹⁵⁸ Riding, 'Crime and Punishment', p. 181.

¹⁵⁹ David Bindman, *Hogarth* (Norwich, 1981), p. 167.

¹⁶⁰ *General Advertiser*, 13 February 1752.

¹⁶¹ Uglow, *Hogarth*, p. 506

of houses for servants, 'the broad woodcut technique giving them a strong carrying power at a distance.'¹⁶²

Hogarth was evidently satisfied his prints had served their didactic purpose, and was perhaps also by extension hopeful that by publicising dissection as a potential fate befalling murderers, they might prevent its future occurrence. Indeed, it gratified him 'very highly' and there was 'no part' of his works of which he was so proud and pleased as the *Four Stages of Cruelty* because, he believed, 'the publication of them has checked the diabolical spirit of barbarity to the brute creation' which 'was once so prevalent in this country.'¹⁶³ Whatever the case in this regard, Hogarth's prints must have reinforced the perception that dissection was a sufficiently terrifying and suitable punishment to deter the lower orders from committing the horrid crime of murder, by playing upon their conceptions of death, dismemberment, and the afterlife.

¹⁶² Bindman, *Hogarth and his Times*, p. 144.

¹⁶³ Quoted in Bindman, *Hogarth*, p. 273.

FIGURE 5.14

John Bell after William Hogarth, *Cruelty in Perfection* woodcut (1751), printed by John Boydell, 1790-1794, BM, 1860,0728.63



FIGURE 5.15

John Bell after William Hogarth, *The Reward of Cruelty* woodcut (1751), printed by John Boydell, 1790-1794, BM, Cc,2.171



Mid-century print also reinforced long-standing metaphorical links between the individual and the social body which constituted an important conceptual foundation for the practice of judicial dissection and therefore the ultimate form of the Murder Act. The symbolism of eighteenth-century punishments, references to which increased substantially in mid-century print, as McGowen has shown, 'was employed to point beyond the body to relations within society, to the natural unity of society, and to its human and divine.'¹⁶⁴ Dissection and hanging in chains dramatically reinforced the notion that the body of the transgressive individual had to be sacrificed in order to preserve the social body under threat. To repair the damage done to the social body by a murder it was deemed necessary to dismember the physical body of the offender. The dissection of executed offenders as such formed 'a sort of macabre circle of cultural logic,' for 'as the idle (and by extension, criminal) body was viewed by the polite rhetorically as a grotesque, feared, and reviled object, so it would ultimately be 'put to use, and literally reduced to parts, by the surgeons.'¹⁶⁵ The most frequently utilised metaphor for sacrificing an infected part of the social body was amputation, regularly cited in print. The future Ordinary of Newgate Samuel Rossell argued in a pamphlet of 1742 that the 'poisonous example' presented by criminals should be cut off 'by the hand of justice, as corrupt members used to be from the rest of the body, for fear of spreading their infection into it.'¹⁶⁶ In 'The Reward of Cruelty' Hogarth presented himself as 'an anatomist, performing an autopsy on a diseased society, a sharp-eyed dissection.'¹⁶⁷ Hogarth provides a rich, visual illustration of the heavy symbolism invested in dissection, and how that symbolism might be exploited by judicial punishments to strike terror in the hearts and minds of contemporaries.

As a viable penal option, the Murder Act was motivated by one further long-standing notion: that of providence and the certainty of detection, something again reinforced by mid-century printed commentary. To justify putting offenders through such terrifying punishments as dissection or hanging in chains legislators behind the Murder Act had to be confident that those convicted of murder were in fact the guilty parties. This confidence certainly existed, borne of the well-accepted notion that 'murder will out,' either through divine intervention or advancements in medical knowledge. Evidently, in comments made in print at least, the idea that 'murder will out' still held considerable cultural purchase in the mid-eighteenth century. One criminal biographer repeated the 'ancient saying,' that 'murder tho' it have no tongue will yet speak,' for 'in vain doth the abandoned assassin endeavour to hide his villainy; he may

¹⁶⁴ McGowen, 'The Body and Punishment', pp. 654, 656.

¹⁶⁵ Sarah Jordan, 'From Grotesque Bodies to Useful Hands: Idleness, Industry, and the Labouring Class', *Eighteenth-Century Life* 25 (2001), p. 71.

¹⁶⁶ Samuel Rossell, *The Prisoner's Director* (London, 1742), p. 30.

¹⁶⁷ Uglow, *Hogarth*, p. 506.

indeed screen himself a while from the eyes of men, but the piercing eye of providence will at length discover him.¹⁶⁸ ‘Tho’ the omnipotent wise being sees it meet to permit wickedness to go on with impunity for a time longer or shorter,’ confirmed another criminal biographer, ‘yet [offenders] meet with their deserts at last, but more especially for that crime of murder.’¹⁶⁹

The Four Stages of Cruelty series in particular offered an abundance of metaphorical imagery reinforcing the pervasiveness of providence in the case of murder. In plate three, ‘Cruelty in Perfection’, the murdered female points portentously to a copy of John Reynolds’ *God’s Revenge against Murder*, a popular seventeenth-century pamphlet which ran to an eighth edition by the mid-eighteenth century.¹⁷⁰ As David Bindman notes, the two lamps have the rhetorical effect of lighting the darkness of the deed, and the wounds upon Ann Gill’s body are like mouths screaming out loud, exposing the horrid crime to all around.¹⁷¹ The attendant lines of verse provide a textual backing to this metaphorical imagery: ‘Yet learn, seducing man! nor night / With all its sable cloud / Can screen the guilty deed from sight / Foul murder cries aloud.’

Notions of divine intervention in cases of murder were also given extra weight by the publication of Henry Fielding’s lengthy pamphlet *Examples of the Interposition of Providence in the Detection and Punishment of Murder* in April 1752 (two weeks after the passage of the Murder Act into law), and also by a similar work produced by an anonymous hand and printed in the same year, which continued the literary tradition popularised by *God’s Revenge against Murder*.¹⁷² Fielding’s pamphlet avowedly contained ‘above thirty cases, in which this dreadful crime [of murder] has been brought to light, in the most extraordinary and miraculous manner; collected from various authors, antient [sic] and modern.’¹⁷³ In claiming only to have written the introduction and conclusion to the work, with the thirty-three stories of providentially-discovered murders allegedly ready for publication in themselves, the formal structure of Fielding’s text thus imitated ‘the apparently natural and circumstantial intervention of God in human affairs.’¹⁷⁴ Fielding hoped attentive readers would be convinced of the ‘awful truth’ that murder will out, and by reproducing ‘such manifest preternatural interpositions of divine providence,’ he aimed to ‘deter men... from the commission of this dreadful, this execrable,

¹⁶⁸ *The Suffolk Parricide* (London, 1740), p. 3.

¹⁶⁹ *A Genuine Account of Anne Whale and Sarah Pledge* (London, 1752), p. 2.

¹⁷⁰ John Reynolds, *God’s Revenge against Murder* (8th edn. London, 1740).

¹⁷¹ Bindman, *Hogarth and his Times*, p. 144.

¹⁷² *A Warning Piece against the Crime of Murder* (London, 1752).

¹⁷³ Henry Fielding, *Examples of the Interposition of Providence in the Detection and Punishment of Murder* (London, 1752), no pagination.

¹⁷⁴ Susan Sage Heinzelman, ‘Guilty in Law, Implausible in Fiction: Jurisprudential and Literary Narratives in the Case of Mary Blandy, Parricide, 1752’, in Susan Sage Heinzelman and Zipporah Batshaw Wiseman (eds.), *Representing Women: Law, Literature, and Feminism* (London, 1994), p. 325.

this unpardonable sin' of murder.¹⁷⁵ Fielding's tract did not instigate the Murder Act, but it reinforced in print the discourse set out by the Act: it echoed, reaffirmed, and widely disseminated the ideas which underpinned the introduction of the Murder Act.

Conclusion

Developing since 1747 and in part shaped by print, the perceived seriousness of the crime problem by February 1751 resulted in the establishment of the House of Commons felonies committee. This, combined with the Pelham administration's commitment to social reform, the assiduity of many MPs (often in the interests of the public good), and the strong links between prominent members of the criminal justice system (such as Henry Fielding) and politicians, provided the crucial context within which the issue of crime and justice could be discussed and legislative responses devised. Indeed, the felonies committee showed a real desire for legislative reform and experimentation. The supporters of the Confinement at Hard Labour Bill for example continually referred to it as an 'experiment,' which if proven 'on tryal [sic] to be the most proper kind of punishment,' might be extended 'to other kinds of malefactors, and to many other sorts of labour.'¹⁷⁶ Attempts were made at mid century to introduce some quite radical reforms, some of which met with staunch resistance, but several others passed into law.

Precipitous circumstances for legislative change thus existed in the period 1751-1752. In this context short-term events were even more likely than usual to result in central government action. With regards the Murder Act, such short-term developments included an increase in prosecutions for murder at the Old Bailey and a number of unusual and shocking instances of homicide. Both these developments were covered extensively in print, which served to foreground them and create 'murder' as a coherent and suddenly pressing problem. How real and growing the problem actually was is debatable, yet what is important is that contemporaries perceived it be real, based upon the sources of knowledge available to them. Although these sources were not confined to print, certainly the printed word and image offered an abundant repository of information about crime. Print did not manufacture the increase in prosecutions or specific cases of homicide, but it disseminated and reflected upon them, amplifying, unifying, and conceptualising events to create 'murder' as a problem greater than the sum of its parts. In the precipitous context of Parliament's investigations into crime and justice, the interaction of print and other developments resulted in a swift response, the introduction of the Murder Act in March 1752.

¹⁷⁵ Fielding, *Examples of the Interposition*, p. 5.

¹⁷⁶ Newcastle Papers, BL, Add MS. 33053, ff. 45-46.

As with the development of the perception of murder as a pressing problem, print did not solely dictate the provisions of the Murder Act, but it did combine with other factors to make a significant impact. Printed discourses emphasised the necessity of making appropriate examples of criminals by increasing the terror and shame of executions in order to deter offenders. They also offered specific proposals for the punishment of murderers and thieves, some of which were later adopted in legislation. And finally, they reinforced some of the long-standing conceptions which served to validate the Murder Act's provisions. In conclusion, print did not have absolute power in and of itself: instead it gained its influence by interacting with other developments. Print was just one among several factors which led to legislative change, the absence of any one of which would likely have resulted in a different outcome.

Chapter 6: Conclusion

Firstly providing some explanation for the production of printed representations (and in particular the differences between genres), this concluding chapter will then identify some of the common themes running through mid-century crime literature. Many of these themes are evident in the comments of contemporary diarists and correspondents, suggesting that print had a significant impact upon perceptions, especially as some people referred directly to crime literature as the source of their knowledge. A brief summary of the material already presented in this study will then moreover show that print had some (although certainly only partial, uneven, and constrained) influence upon responses to crime. Finally, the implications for future research into eighteenth-century crime and justice resulting from the conclusions drawn in this study will be discussed.

We have so far seen that each genre of crime literature offered its own unique representations of crime and justice, but that these came together to provide an overarching message that although crime was a serious and threatening social problem, the criminal justice system was to some extent capable of dealing with the threat. How can we account for the production of these diverse representations and overarching message? In part the diversity of printed representations simply reflects the complex nature of crime and justice in mid-eighteenth-century London. Printed representations of crime were not shaped purely by the realities of policing, crime, prosecution, and punishment. Rather, they provided images which highlighted certain aspects of crime and justice, whilst at the same time playing down or ignoring other features, ultimately providing partial, distorted, and individual representations. What other factors dictated how crime was represented in different genres of print? Although they were certainly not the only factors, and it is difficult to separate them, two primary explanations can be given: firstly, we can explain the idiosyncrasy of printed discourses as a result of the internal nature of the materials themselves, and the methods of their construction; and secondly, the overarching message that crime was a serious but controllable social problem can be explained by external forces such as the efforts of editors and publishers to address the preoccupations of their perceived audience, and by criminal justice officials and parish authorities looking to publicise their labours in the policing of the metropolis.

The inherent nature of each genre of crime literature and their particular methods of construction, including the gathering, selecting, and presenting of information, played a significant role in shaping representations of crime and justice, and goes some way to explaining why they differed between publications. Accounts were shaped by both the active decisions of printers, editors, and writers, and by the constraints of each genre itself. As Esther Snell has demonstrated in her thorough analysis of the *Kentish Post*, eighteenth-century

newspaper content was 'largely determined by editorial imperatives and the mechanics of the newspaper's own production.'¹ A confluence of factors placed enormous pressure on newspaper editors. Few technological innovations since the inception of newspapers in the early seventeenth century meant production continued to be heavily labour intensive, the burden of which fell mostly upon single proprietors who performed the multiple functions of editing, leader writing, management, and reporting. Constrained by the pressures of time, work, and the demand for up-to-date information, mid-eighteenth-century editors were forced to rely on a varied range of sources for crime news, including other forms of print, readers' correspondence, so-called 'newsgatherers', rumour, criminal justice officers, and casual informants.² Under contradictory strains borne of its composite nature, the mid-eighteenth-century London press presented crime as a source of serious anxiety for contemporaries, yet offered succour in positive accounts of efforts to combat the problem.

Over the course of the eighteenth century there were dramatic changes in the number and type of people involved in all aspects of newspaper production, and a growing tendency amongst editors to employ individuals on a salary as specified newsgatherers, many of whom appear to have gotten their crime information from institutions of criminal justice such as jails, justices' offices, and the courts. In the 1770s, the *Gazetteer's* editor listed fourteen correspondents who were paid for various contributions, including intelligence from Guildhall and Bow Street.³ *Mist's Weekly Journal* revealed that one of its agents 'has a commission for scraping the jails in Middlesex and Surrey of their commitments: another has a warrant for scouring the alehouses for such as dye [sic] of excessive drinking: a person is posted at the Savoy to take up deserters: and another in the park to watch the motions of the guards and their military punishments.'⁴ The *Champion* in 1740 further noted, 'our newspapers seem to have each their province of intelligence, the Daily Post being most in the secrets of custom-house officers, the London Daily Post of justices of the peace, the Daily Advertiser of foreign ministers, and the Daily Gazetteer of our own.'⁵ However, the frequent number of identical reports printed in different London newspapers at mid century would suggest that many editors also largely relied upon a select number of freelance newsgatherers, rather than their own salaried reporters. This reliance upon newsgatherers who sourced their information from the varied institutions of criminal justice and sold it to several papers in part explains why so

¹ Snell, 'Discourses of Criminality', p. 37.

² King, 'Newspaper Reporting', p. 91.

³ Hannah Barker, *Newspapers, Politics and English Society, 1695-1855* (Harlow, 2000), p. 101; R. Haig, *The Gazetteer 1735-1797* (Carbondale, 1960).

⁴ *Mist's Weekly Journal*, 12 September 1724, cited in Michael Harris, 'Murder in Print: Representations of Crime and the Law c. 1660-1760', in Rosamaria Loretelli and Roberto De Romanis (eds.), *Narrating Transgression: Representations of the Criminal in Early Modern England* (New York, 1999), p. 14.

⁵ *Champion*, 1 May 1740, quoted in Jeremy Black, *The English Press in the Eighteenth Century* (Aldershot, 1991), p. 79.

many reports were printed in the press of offenders committed to gaol and of the authorities' efforts to eradicate immorality and disorder.

As well as information obtained from the institutions of criminal justice, editors also relied upon the more informal sources of rumour and readers' correspondence. A pamphleteer in 1728 told how 'persons are employed (one or two for each paper) at so much a week, to haunt coffee-houses, and thrust themselves at a convenient distance, to overhear what is said, in order to pick up matter for the papers.'⁶ With consumer demands for plenitude and variety in newspapers, an anonymous letter printed in *Berrow's Worcester Journal* in 1769 considered it 'no wonder that the conductors of those machines are not very scrupulous or nice' in the choice of their content.⁷ 'When a piece of false intelligence gets into one paper,' The *Craftsman* likewise complained (although with the ulterior motive of denigrating its competition), 'it commonly runs thro' all, unless timely contradicted by those who are acquainted with the particular circumstances.'⁸

Editors were also aware of the similar problems associated with readers' correspondence, yet they relied heavily upon this valuable source of information. Desirous to insert 'nothing but facts,' the proprietors of the *Reading Mercury* in 1742 asked their correspondents to 'take care to transmit no accounts but what they know to be true.'⁹ The same paper later concluded a 'modern newspaper is not to be considered as the product of a single person; but is maintained, like other public foundations, by such contributions as the generosity of a charitable public shall continue to raise.'¹⁰ Information provided by readers and rumour provided the basis for the many reports of unsolved crimes and the lengthy, essay-style commentaries on the crime problem printed in London newspapers at mid century.

Certainly constrained in some ways by the availability of sources of news and the particularities of the newspaper's construction, editors could however shape content through their own active decision making. Due to the constraints imposed by technology and the stamp taxes, it was extremely difficult for editors to change the basic format of their publications on a day-to-day basis. Editions could not be increased or shortened in length depending upon the availability of news. Editors were therefore forced into selection in order to fit the available information within the inflexible frame of the paper's layout. They did this, as Snell has shown of the *Kentish-Post*, and as shown in Chapter Three, by falling back upon well-established templates and patterns of reporting.¹¹ Editors moreover shaped content according to their

⁶ Quoted in *Ibid.*, p. 103.

⁷ Quoted in *Ibid.*, p. 25.

⁸ Quoted in Jeremy Black, 'The British Press and Europe in the Early Eighteenth Century', in Michael Harris and Alan Lee (eds.), *The Press in English Society from the Seventeenth to the Nineteenth Centuries* (London, 1986), p. 65.

⁹ Quoted in Barker, *Newspaper, Politics*, p. 104.

¹⁰ Quoted in Black, *The English Press*, p. 39.

¹¹ Snell, 'Discourses of Criminality'.

perception of the intended purposes behind crime reporting. Clearly intending to entertain, instruct, inform, and even persuade readers, editors thus included a varied range of crime reports in an attempt to stimulate these many responses.

Editors' understandings of what constituted the newspaper's basic function had an influence upon their selection processes. Intended as an up-to-date record of domestic and foreign affairs, rather than a vehicle of interpretation, editors were therefore preoccupied with the inclusion of basic information and less so extended commentary. Privileging action over interpretation, editors as a result focused more upon the events themselves, meaning reports of unsolved offences, committals, trials, and punishments, and less upon explanations for those events. As Snell argues, this could have the result of making crime appear inexplicable, in stark contrast to many other genres of crime literature such as the *Ordinary's Accounts* and criminal biographies, whose ultimate purpose was to show not just *what* crimes had taken place, but as importantly, *why* they occurred in the first place.¹²

Faced with the intense pressures of time and work, newspaper editors sought information from wherever it was available, and applied heavily idiosyncratic selection processes to this information according to the many factors discussed. Drawing upon the varied sources of information available, newspapers therefore provided a range of perspectives on crime and justice, including victims' and witnesses' accounts of unsolved offences, commentaries sent in by readers, and reports of offenders committed to prison or of raids on centres of vice by law enforcement officers, which were most likely provided by criminal justice officials or by reporters stationed at their offices. It was this mix of perspectives that fostered what Peter King has referred to as the 'multi-vocal, sporadic, brief and sometimes chaotic styles of crime reporting.'¹³

The nature of the *Proceedings* and its method of construction were also important in shaping its content and format, resulting in a discourse which exaggerated the criminal threat, but also emphasised the successes of the justice system. As seen in Chapter Three, mayoral decisions could have a significant impact on the layout of the *Proceedings*. In the years 1748-1750, a desire to keep the *Proceedings* an affordable publication available to a wide audience meant greater constraints on space, forcing publishers to narrow attention even further upon capital felonies (violent thefts especially), thereby distorting the nature of the crime problem in comparison to the full range of offences brought before the courts. This likely heightened contemporary anxieties about crime.

At the same time, nonetheless, the *Proceedings* placed emphasis on offenders successfully detected and convicted. As a central component of the trial was to uncover the

¹² Snell, 'Discourses of Criminality'.

¹³ King, 'Newspaper Reporting', p. 73.

methods by which the defendant had been detected and apprehended, and as the *Proceedings* were a lengthier publication which could report on such matters in great detail (at least for some crimes), they therefore provided more comprehensive coverage of policing methods than offered by newspapers. Moreover, as the central source of the *Proceedings'* content was the testimony of victims and witnesses at court, they more often tended to describe the efforts of private individuals in detecting and apprehending offenders than did newspapers, which focused upon the efforts of judicial or parish authorities. Finally, by necessity reporting on crimes which were all 'solved' in the sense that an accused offender had been detected and apprehended, the *Proceedings* were less likely to note the failures to identify and capture criminals than the newspapers which included numerous reports of unsolved offences.

The overarching message emerging from print that crime posed a serious threat but that the justice system was to some extent able to meet the challenge also resulted from the perceived preoccupations of readers and the influence of outside authorities. As commercial publications dependent upon sales for their survival, they had in some way to reflect, or at least address, the 'tastes, preoccupations and concerns of the readers they hoped to appeal to.'¹⁴ The intended readership of much printed crime literature (although certainly not out of reach of the lower sorts) were the urban property owning classes, those with the necessary literacy skills and disposable income required to read and purchase this literature, and those most likely to prosecute in the courts as victims of theft. As Robert Shoemaker argues, 'it was the expectations of this imagined middle and upper class readership, together with those of the City authorities who kept an occasional eye on the content, which constitute the dominant imperatives which shaped the publisher's decisions about how to represent Old Bailey trials in the *Proceedings*.'¹⁵

That crime was a diverting or even low form of entertainment for some readers is suggested by the relatively large amount of space devoted to accounts of particularly salacious crimes such as sodomy, and by an attack upon *Mist's Weekly Journal* in the early eighteenth century which claimed that its 'domestic fables of assaults upon stage coaches, and skirmishes of highwaymen' were popular among the lower classes.¹⁶ However, newspapers, the *Proceedings*, and criminal biography were not offered simply as papers of entertainment. Their appeal also rested upon their provision of crime 'news', a continuously updated narrative of current events, and a source of factual information.¹⁷ Crime literature primarily addressed the

¹⁴ Barker, *Newspapers*, p. 108.

¹⁵ Shoemaker, 'The Old Bailey Proceedings', p. 569.

¹⁶ Black, *The English Press*, p. 44.

¹⁷ Harris, 'Murder in Print', p. 14.

serious concerns of London's property owning classes, who were certainly alarmed by the perceived state of crime at mid century.

As recent analysis of eighteenth-century newspapers has shown, there was a significant degree of correspondence between press attitudes and public opinion.¹⁸ It is interesting therefore that mid-century London newspapers attempted to reassure readers of the criminal justice system's ability to deal with the crime problem. As noted above, the newspapers provided constant reassurances that offenders were being pursued and that increases to policing resources were being made. Shoemaker and Simon Devereaux have moreover shown how the *Proceedings* throughout the eighteenth century promoted an image of 'public justice' which 'demonstrated that although crime was a serious social problem, the courts were fully capable of dealing with the threat,' making convictions appear justified and justice therefore unproblematic.¹⁹

Finally, positive reflections of the justice system in print can be explained by the influence of the judicial authorities. This influence could range from relatively passive and positive attempts by criminal justice and parish officials to supply editors and publishers with information in order to publicise their efforts at policing the metropolis, to more aggressive and negative punishment of printers deemed to have crossed acceptable boundaries. On the former head, criminal justice and parish offices were clearly important and easy sources of information for newspapers. Reports of committals for instance very likely came directly from justices' offices, or from reporters stationed there. In the mid-eighteenth century, as now, the media relied heavily upon institutions of crime control for information. As such, it would have been unwise for newspapers to reflect negatively on the justice system, thereby potentially closing off valuable sources of information. There were potential benefits for both the press and the authorities in co-operating with one another. As such, print served to emphasise the efforts undertaken by authorities to deal with the crime problem.

Some officials, including Henry and John Fielding especially, were for their part keen to foster links with the press in order to publicise their efforts at policing, resulting in countless positive reports in mid-century London newspapers. Other reports celebrated the success of the civil authorities in clearing the streets of 'common nuisances'. The Fieldings in addition encouraged reporters and spectators to come to Bow Street to watch the examination of suspects and witnesses. As Beattie explains, 'the reports of the re-examination sessions and the magistrates' proceedings at Bow Street created pre-trial publicity in ordinary felony cases on a scale never previously known and made abundantly clear the innovations introduced by

¹⁸ Bob Harris, *A Patriot Press: National Politics and the London Press in the 1740s* (Oxford, 1993), p. 15.

¹⁹ Shoemaker, 'The Old Bailey Proceedings', p. 562; Devereaux, 'The City and the Sessions Paper', p. 487.

John Fielding in his effort to mount effective prosecutions.’²⁰ These reports provided some counterbalance to the representation of crime as a serious problem.

The Fieldings moreover directly appropriated the medium of print in order to publicise their efforts, shape responses to crime, and bolster the image of criminal justice, via first the *Covent-Garden Journal*, and later the *Public Advertiser*. In the former publication, Henry Fielding attempted ‘to educate the public in the facts of London life and to show that the law not only existed but was sometimes even enforced,’ whilst the latter publication – although it does not seem to have had any formal links to the Fieldings – left space for last-minute police notices, attempted to gain the readership of pawnbrokers, and invited crime reports from readers.²¹ The *Public Advertiser* carried numerous positive reports of John Fielding’s efforts. A report in November 1755 asserted that ‘in order to prevent robberies and other disorders in the streets,’ searches of all the ‘two-penny lodging-houses, and other houses of ill fame,’ would be carried out by high constables and their officers, under the direction of John Fielding and Saunders Welch, and that such measures were to continue ‘during the winter, and armed men will be placed in the most dangerous parts of the town, under dead walls, dark places, etc by which means, it is hoped, persons will be deterred from committing any acts of violence in the streets.’²²

The Fielding’s appropriation of print in order to publicise their own efforts did not go unchallenged by contemporaries. In January 1752 an article in the *Gentleman’s Magazine* mocked that Henry Fielding’s undertaking the *Covent-Garden Journal* ‘was the opportunity which his office afforded him of amusing his readers with an account of examinations and commitments; the exploits which constables and thief-takers should achieve by his influence and direction, and the secrets of prostitution which should be discovered by his penetration and sagacity.’²³ Criticisms of the Fieldings’ association with the *Public Advertiser* were moreover acknowledged, although certainly challenged, by John Fielding and Henry Sampson Woodfall, the paper’s editor after 1758.²⁴ The latter wrote of

being acquainted by Sir John Fielding that is has been frequently thrown out and insinuated, as well publicly as privately, to his disadvantage, that the management, conduct, and compiling of this paper is under his direction; and that he has often been blamed for things published in it, which have given offence to individuals; in justice to that gentleman, we do publicly declare, that he has not, nor ever had anything to do, in any

²⁰ J. M. Beattie, ‘Sir John Fielding and Public Justice: The Bow Street Magistrate’s Court, 1754-1780’, *Law and History Review* 25 (2007), p. 86; Lance Bertelsen, *Henry Fielding at Work: Magistrate, Businessman, Writer* (Basingstoke, 2000), p. 11.

²¹ Patrick Pringle, *Hue and Cry: The Birth of the British Police* (London, 1955), p. 102.

²² *Public Advertiser*, 4 November 1755.

²³ Quoted in Bertelsen, *Henry Fielding at Work*, p. 20.

²⁴ Radzinowicz, *A History*, Vol. 3, p. 47. For other criticisms of the reports of John Fielding’s re-examination sessions, see Beattie, ‘Sir John Fielding’, pp. 92-95.

respect whatever, either with the management, conduct, or compiling of this paper; and that he only favours with all advertisements relative to his office as a magistrate, long experience having proved to him that confining advertisements of frauds and felonies, and other matters tending to preserve peace and good order to particular papers, has been productive of most essential benefits to the public.²⁵

Authorities also exerted more aggressive and negative control over what was published, by punishing those who were believed to have provided the public with inaccurate or inappropriate information. City Aldermen clearly believed John Applebee to have overstepped the mark in criticising metropolitan magistrates, blackening the justice system, and not treating the crime problem with its due seriousness, dismissing him as editor of the *Ordinary's Account* in 1744.²⁶ Moreover, the implicit pressure of the City of London authorities upon the printers of the *Proceedings* can provide some explanation as to why trial reports provided a positive image of 'public justice' which was amenable to the courts, for they could on occasion severely reprimand printers who crossed accepted boundaries in what they published.²⁷

Representations therefore differed between various genres of printed crime literature, and we have some explanation for why this was so. Nevertheless, amongst this diversity of representation several common themes are evident across nearly all genres of mid-century crime literature. These include: crime as a serious and pressing problem; an exaggeration of violent crime; traditional explanations of crime as a product of idleness and immorality; and broad support for the current system of criminal justice. Contemporaries seem to have taken on, or at least agreed with, these themes, regularly utilising the same language found in print and directly citing crime literature as the source of their perceptions.

First and foremost, each genre in its own way emphasised the sheer enormity of crime, and identified it as a serious and threatening social problem through general commentaries and the huge increases in crime reporting in the newspapers, the increase in trial reports within the *Proceedings*, the greater number of malefactors sentenced to death as reported in the pages of the *Ordinary's Accounts*, and lamentations about the state of crime voiced in pamphlets of social commentary. Never before, it was frequently asserted, had such a quantity of crimes been committed, even, some suggested, in the entire history of man. Readers agreed: amongst many similar mid-century comments, Gertrude Savile in December 1750 noted in her

²⁵ *Public Advertiser*, 17 December 1764. For John Fielding's defence, see *A Plan for Preventing Robberies within Twenty Miles of London* (London, 1755), pp. 21-22.

²⁶ McKenzie, *Tyburn's Martyrs*, p. 88.

²⁷ Shoemaker, 'The Old Bailey Proceedings', p. 565; Devereaux, 'The City and the Sessions Paper', p. 488.

diary that ‘never were so many, so bold and such various kinds of roberrys [sic] as this winter, as indeed ‘tis observed they increase every year.’²⁸

Secondly, an exaggeration of the violent nature of crime formed a common theme across crime literature. Offences which threatened, or actually resulted in, bodily harm constituted a minority of all crime prosecuted at the Old Bailey, yet all genres of crime literature provided disproportionate attention on robbery and murder. As we have seen, newspapers stuck to a template which privileged robbery with a fifty percent share of all crime reporting. The editors of the *Proceedings* too, when under the constraints of space, privileged reports of violent theft trials above all others. And robbers served as the primary focus of the *Ordinary’s Accounts*, criminal biography, and pictorial prints. Little did any genre of crime literature provide an accurate reflection of patterns of prosecution or the relative quantitative significance of different categories of offence. Print moreover declared violent theft to be changing qualitatively and for the worse at mid century. Robbers (particularly street-robbers) were loathed for their seemingly increasing boldness and disdain for human life. In many ways different genres complemented and built upon one another to accentuate the physical threat posed by robbers, as with reports of violent thefts in both the newspapers and the *Proceedings*. Again, contemporaries held similar perceptions, some directly shaped by what they read. As seen in Chapter Two, Spencer Cowper, Fanny Boscawen, and Gertrude Savile all bemoaned the scale and shocking character of robberies at mid century upon the basis of newspaper reports.

Thirdly, explanations in mid century crime literature for this increase in criminality were tied to long-standing conceptions of the ‘slippery slope’ from minor moral sins to greater crimes, and to the oft-repeated root causes of crime in irreligion, idleness, and immorality. Luxury in particular acted as a catch-all term within which a whole range of social problems could be incorporated. Similarities between the explanations of crime given in print and noted by contemporary diarists are striking. The mid-century diarists Thomas Turner and William Stukeley blamed the ‘present enormities’ and society’s ‘wretched condition’ upon luxury specifically, whilst Thomas Wilson and John Russell attributed it to gin and gaming amongst the ‘common people’, two further problems frequently touted in print.²⁹

Lastly, a common theme running through mid-century crime literature is the degree of consensus on aspects of criminal justice, especially a general support for the existing system of policing and punishment, and a reluctance to call for widespread and fundamental reform. The current system *could* work, it was regularly argued, if exploited to its full potential. Corruption needed to be eradicated in order that the ‘just body of laws’ might be rightly executed. All agreed on the centrality of deterrence by terrifying example to the penal system, even if they

²⁸ *Secret Comment*, p. 294.

²⁹ See Chapter Two.

disagreed on the best practice to affect this. In their privately-recorded ruminations, contemporaries shared a belief in the importance of 'making examples'. Contemporaries reflected little – if at all – on the criminal justice system in their diaries and correspondence and thus it is difficult to assert with complete confidence that readers' perceptions of policing and punishment were influenced by print. Nevertheless, it can be argued that as contemporaries took crime literature largely at face value they would have likely taken a somewhat positive image of criminal justice from print.

Upon the evidence of diaries and correspondence it is clear contemporary perceptions of crime – and probably criminal justice also – were heavily influenced by how these matters were represented in print. Other evidence uncovered throughout this study further suggests that to some extent these perceptions which were shaped by print had an impact upon responses to crime. It must be noted however that print's impact upon responses to crime was neither uniform nor absolute. In the first instance, print did not have complete power to shape perceptions of crime alone. The experience of crime and other sources of knowledge also influenced contemporary attitudes, and it is only in the way in which print collected, interpreted, and redistributed information and events relating to crime and justice that we can fully understand its influence. Moreover, in many ways the actions that resulted from contemporary perceptions of crime and justice which were in part shaped by print were profoundly mediated by a range of factors including (but certainly not limited to) the particular nature of the judicial system within which action took place.

A close correlation between the timing and level of changes in newspaper crime reporting and prosecutions for theft in the metropolis indicates that the two were causally related, an argument which gains even more credence when we understand how the qualitative nature of crime reporting in various genres of print fostered fears about property crime. Moreover, the intense public alarm about crime in part shaped by print also found reflection in changes to prosecutorial decision making at all stages of the criminal justice process. There is unfortunately a lack of direct evidence on what specifically motivated decision making during the prosecution wave period. No doubt it resulted as much from perceptions based upon the numbers and types of offenders brought before the courts as from perceptions based upon printed accounts. Indeed, it is extremely difficult to separate the impact of experience and representation upon decision making. Yet it is noteworthy that decision making appears to have become more stringent and punitive amongst those (such as victims of minor property thefts) who probably did not have extensive first-hand experience of the justice system and instead more likely based their perceptions upon what they read in print.

With regards methods of policing the metropolis, print offered an additional tactic for detecting offenders, primarily via the (often very successful) use of newspaper crime advertising. Moreover, the representation of policing in mid-century print can be seen to have stimulated some of the significant changes to policing practices that were taking place at this time and after. For example, fears about crime – particularly violent street crime – which as noted were largely informed by print, were a principal motivating force behind the introduction of new, publicly-funded night watches across the metropolis. Again, however, the impact of print upon the detection of offenders was ultimately mediated by the constraints of the justice system. Vehement reassertions in various genres of mid-century crime literature that criminality had its roots in luxury, irreligion, idleness, and immorality helped generate a greater volume of efforts to tackle such problems. These efforts nonetheless failed to result in any significant increase to the numbers apprehended and punished for social and moral offences, for they were hampered by the very constraints endemic to the justice process that debilitated similar attempts at reform throughout the eighteenth century, including resistance from members of the accused, the public, and all ranks of criminal justice officers.

Print also appears to have influenced the introduction of penal legislation in the case of the Murder Act, although again this influence came in its conjunction with other factors such as the crucial context provided by the felonies committee's investigations and the existence of other developments such as an increase in murder prosecutions and some shocking homicide cases. By building upon these events, and creating murder as a coherent and self-reinforcing theme of reportage, printed commentary helped establish murder as suddenly pressing problem in need of urgent action in later 1751 and early 1752, and also promoted dissection and hanging in chains as suitable penal remedies. Print did not have power in and of itself, but it did give greater cultural purchase to a pre-existing penal theory of deterrence by terror and the necessity of making examples, in addition to some of the conceptual foundations underpinning the practices of dissection and hanging in chains.

These conclusions hold a number of implications for future research into eighteenth-century crime and justice. Several studies have indicated the likely impact of crime literature upon perceptions of crime, and this analysis adds weight to them by showing how printed representations influenced responses.³⁰ We need a greater awareness of how crime literature could constitute social realities, as well as reflect them. Print offered opportunities for new ways in which to represent crime and justice, and we need to know more of its undoubtedly

³⁰ See for example Peter King, 'Newspaper Reporting, Prosecution Practice and Perceptions of Urban Crime: the Colchester Crime Wave of 1765', *Continuity and Change* 2 (1987), pp. 423-454; Robert Shoemaker, 'Print and the Female Voice: Representations of Women's Crime in London, 1690-1735', *Gender and History* 22 (2010), pp. 75-91.

complex relationship to social realities such as patterns of prosecution. By placing printed representations of crime within the context of contemporary responses to crime, we can better understand the nature of both and their possible interaction. The challenge for historians of crime is therefore to bring together the different approaches of social and cultural history.³¹ This does not require acquiescence to extreme conclusions that all is representation or that there is 'nothing beyond discourse.'³² All sources, whether unpublished or printed, contain elements of both social realities and representational strategies. Yet each source has a different balance between these two elements, with some clearly providing less mediated access to social experience than others. Being sensitive to this balance of forces, the historian can to a large extent (although never absolutely) separate sources out for what they best illustrate. Mutual engagement between social and cultural history holds benefits for both approaches.

With an awareness of the potential power of print, and the advantages of utilising both social history and cultural history in studying the relationship between social realities and printed representation, we might be able to provide clearer answers to some of the most pressing questions facing historians of eighteenth- and nineteenth-century crime, justice, and the law. Much as the eighteenth century has been described as the golden age of discretionary justice, so too has it been referred to as 'a golden age of writing about crime.'³³ Mid-century crime and justice appeared in a wide-ranging crime literature which spanned many genres, each offering their own unique representations. This situation was however soon to change. The *Ordinary's Accounts* and other forms of criminal biography from the 1760s and 1770s lost their traditional middle-class audience and disappeared as regular publications.³⁴ The *Proceedings* too lost its popular market in the final few decades of the century, developing into a publication aimed at a specialised legal audience.³⁵ Moreover, in the final quarter of the eighteenth century and into the next, newspapers emerged even more as the dominant source of information on crime and justice.³⁶

Glimpsed in the mid-century period are the seeds of this change. From mid century highwaymen lost their ability to be seen in a relatively positive light and to function as social critics. From the late 1740s the *Ordinary's Accounts* began to undermine the traditional,

³¹ Robert Shoemaker, 'Narratives of Crime in the "Long Eighteenth Century"', *Journal of British Studies* 43 (2004), p. 272.

³² Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge, 2003), p. 6.

³³ Shoemaker, 'Print Culture'.

³⁴ Andrea McKenzie, 'From True Confessions to True Reporting? The Decline and Fall of the *Ordinary's Account*', *London Journal* 30 (2005), pp. 55-70.

³⁵ Devereaux, 'The City and the Sessions Paper'; Shoemaker, 'The Old Bailey Proceedings'.

³⁶ Devereaux, 'From Sessions to Newspaper? Criminal Trial Reporting, the Nature of Crime, and the London Press, 1770-1800', *London Journal* 32 (2007), pp. 1-27; King, 'Newspaper Reporting'; Peter King, 'Making Crime News: Newspapers, Violent Crime and the Selective Reporting of Old Bailey Trials in the Late Eighteenth Century', *Crime, History and Societies* 13 (2009), pp. 91-116.

Universalist etiology of crime, insisting instead on a more neat division between the criminal and the better sort of readers.³⁷ Across newspapers, pamphlets of social commentary, and the *Ordinary's Accounts* crime was increasingly described as a product purely of the lower orders' desire for wealth and pleasures above their station. Those higher up on the social scale were not devoid of blame, yet clearly their engagement in life's vices was not deemed productive of the same effects. To what extent the changes of the 1770s and after can be traced back to the mid-century period is debatable. Certainly there was considerable anxiety over crime in this period, largely fostered by print, and the sheer scale of the problem shocked many, resulting in unprecedented action. Yet there was still clearly much middle- and upper-class interest in the issue of crime at mid century. While many printed representations highlighted the seriousness of the crime problem, and suggested that crime was getting out of control, there were many elements in the printed coverage of crime which pulled in the opposite direction, indicating that the justice system was able to deal with the problem. The *Proceedings*, the *Ordinary's Accounts*, and newspapers all suggested that successful efforts were to some extent being made to combat the crime wave enveloping the metropolis.

Simon Devereaux has recently argued that the changes in crime literature which took place in the final quarter of the eighteenth century, such as the narrowing audience for the *Proceedings*, disappearance of the *Ordinary's Accounts*, and new patterns of newspaper reporting, 'suggest a distinctive shift in the readership of mainstream, respectable literature of crime – a trend towards viewing crime, more and more, as the product of a frightening and distinctively "criminal" class of persons, rather than a pattern of behaviour to which anyone might be susceptible.'³⁸ He explains this change in reader perceptions by

the new "reality" of relentlessly high levels of conviction at the Old Bailey from 1767 onwards [which] denied readers of the London press any further possibility of believing, during the ensuing three decades at least, that becoming a victim of theft – often theft with violence – was a sufficiently remote possibility that unregenerate criminals could any longer be viewed as figures of fun, much less as people essentially akin to the law-abiding reader him- or herself.³⁹

Significant changes to the printed literature of crime did indeed take place at this time. What now needs to be uncovered is the complete nature of the changes in the printed representations of crime and justice that occurred over the final quarter of the eighteenth and into the early nineteenth century, by bridging the traditional and heavily-set historiographical divide between studies of eighteenth-century crime literature on the one hand and its

³⁷ McKenzie, *Tyburn's Martyrs*, p. 87.

³⁸ Devereaux, 'From Sessions to Newspaper?', p. 1.

³⁹ *Ibid.*, pp. 13-16.

nineteenth-century counterpart on the other. Those few studies which have done so indicate that there were perhaps more continuities in forms of crime literature between the eighteenth and nineteenth, and indeed even into the twentieth century, than previously assumed.⁴⁰ But even more fundamentally, Devereaux's explanation for the changes in crime literature demands scrutiny and further analysis. His contention that publishers in their representations of crime in print were *responding* to an already-formed, 'nightmarish' image of a 'criminal class' looks rather one-dimensional in the light of this study which on the contrary shows the influence of printed representations in shaping attitudes, and suggests that publishers constructed accounts according to more factors than just perceived audience perceptions. In short, there is scope for investigating how the changing nature of printed crime literature in the later eighteenth century might as much be a *cause* (and not just a *symptom*) of shifting public attitudes to crime and justice.

Moreover, the later eighteenth and early nineteenth century constituted the great era of reform in matters of criminal justice and the law, yet we have little sense of how print may have influenced these developments. It is perhaps no coincidence that the sea-change in attitudes to matters of crime, justice, and the law in the later eighteenth and early nineteenth centuries came at the same time that the representation of these topics in print was undergoing significant transformation. For all our detailed knowledge of how the criminal justice system and the law were reformed in this period, as uncovered by countless excellent social and administrative histories, we still know relatively little about why these reforms took place. As indicated by this study, an attention to print culture and cultural history might begin to provide more answers. The momentous changes in responses to crime during the later eighteenth and early nineteenth centuries must now be understood within the context of the changing representation of crime and justice in print.

Implications for future research into eighteenth-century crime, justice, and the law more broadly also emerge from this study. Print culture formed just one thread of the rich cultural fabric of eighteenth-century England. Although I have here focused exclusively on print, it must be recognised that perceptions of, and responses to, crime were shaped by many other factors, including not only the experience of crime, but also much wider belief systems, and these need to be given attention. As Shoemaker argues, we need to study criminal justice within a wide cultural context stretching far beyond the realms of 'crime/criminality' alone.⁴¹ A number of studies have begun to address some of the broader attitudes that informed judicial

⁴⁰ Ros Crone, 'Crime and Its Fabrication: A Review of New Digital Resources in the History of Crime', *Journal of Victorian Culture* 14 (2009), pp. 125-134.

⁴¹ Robert Shoemaker, 'Review of "Crime and Law in England, 1750-1840: Remaking Justice from the Margins"', *English Historical Review* 124 (2009), p. 445.

decision making such as those relating to religion, gender, and youth. Many others demand investigation: notions of ethnicity and race heavily influenced perceptions of crime and judicial decision making for example, whilst as Francis Dodsworth has indicated, paying attention to eighteenth-century notions of 'governance' helps us to understand the nature of criminal justice reform.⁴² Not only does the study of crime and justice provide a window onto the wider culture and mentalities of societies, but so too in turn can those wider beliefs shed light on contemporary attitudes and responses to crime.

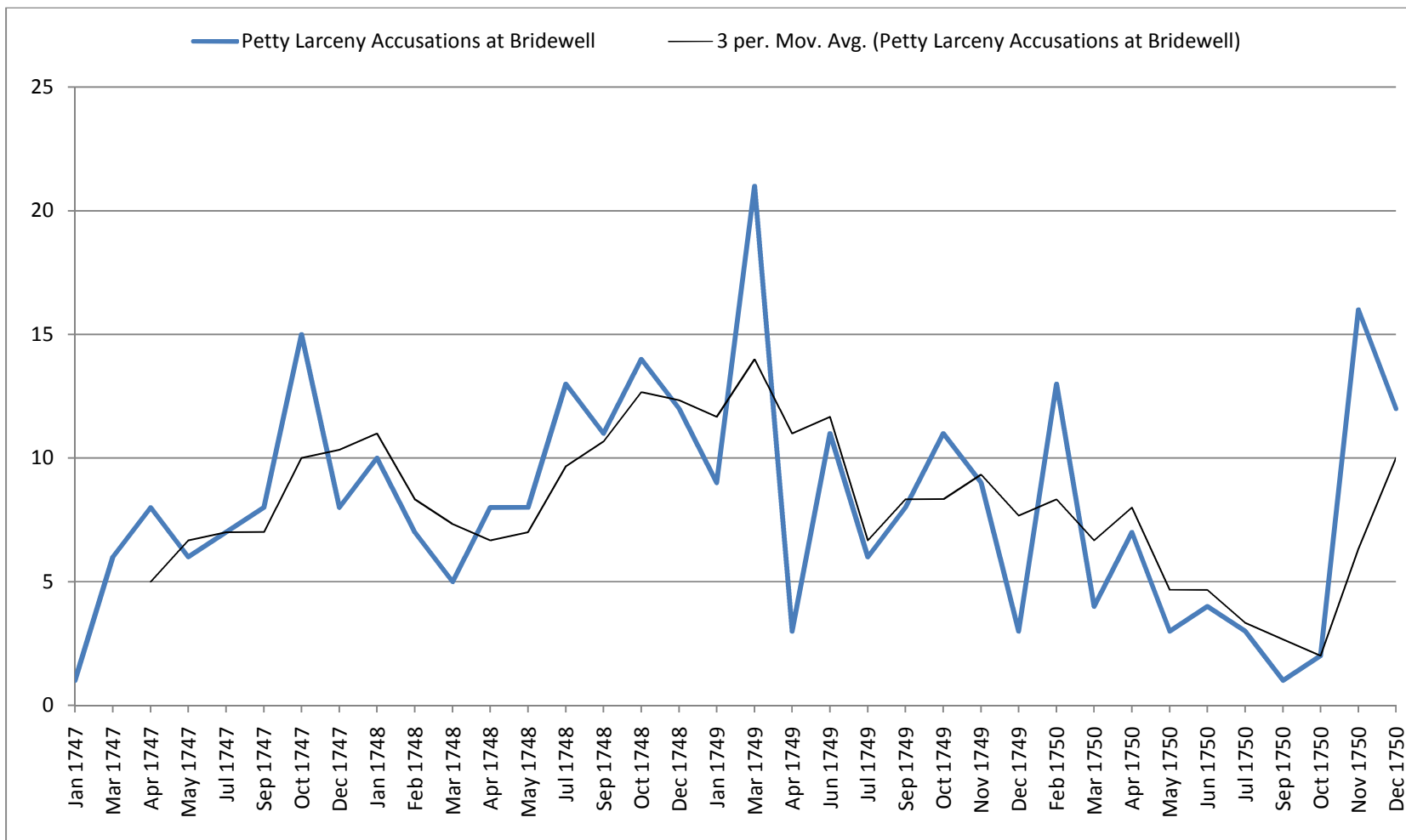
How might one best place the study of criminal justice within a wide cultural context? Again, the most advantageous approach would be to combine the differing approaches of social and cultural history. Joining together legal, cultural, and social history, Dana Rabin rightly proposes, 'opens a different perspective on crime and the law in eighteenth-century England.'⁴³ By linking the language of the courts to wider discourses and by treating the law as an open system within society and culture, we get a much better sense of the reasons behind judicial decision making. Some of the most illuminating recent works have been those which consider evolving practice alongside transformations in attitudes, and which do not confine themselves wholly, or even primarily, to the social history of experience on the one hand or the cultural history of mentalities on the other. Bridging this historiographical divide, it must be concluded, is a necessary and potentially beneficial task facing historians of crime and justice.

⁴² Francis Dodsworth, "'Civic" Police and the Condition of Liberty: the Rationality of Governance in Eighteenth-Century England', *Social History* 29 (2004), pp. 199-216.

⁴³ Dana Rabin, *Identity, Crime, and Legal Responsibility in Eighteenth-Century England* (Basingstoke, 2004), p. 164.

Appendix 3.1

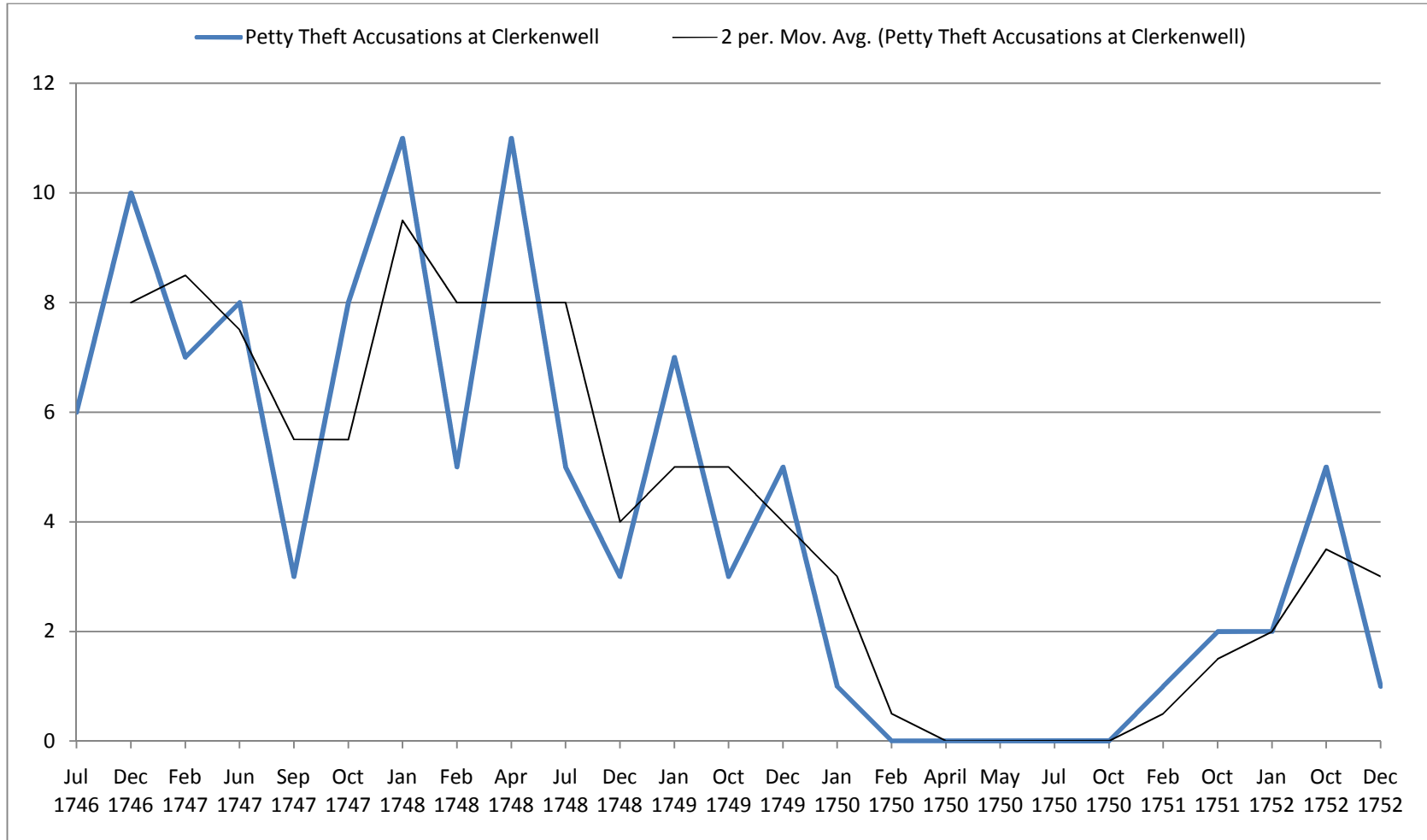
Accusations of Petty Larceny Dealt with Summarily at Bridewell House of Correction, by Governors' Meeting, January 1747 – December 1750¹



¹ Source: Analysis of all Meetings of the Governors of Bridewell recorded in the Bridewell Court Book between 1747 and 1750.

Appendix 3.2

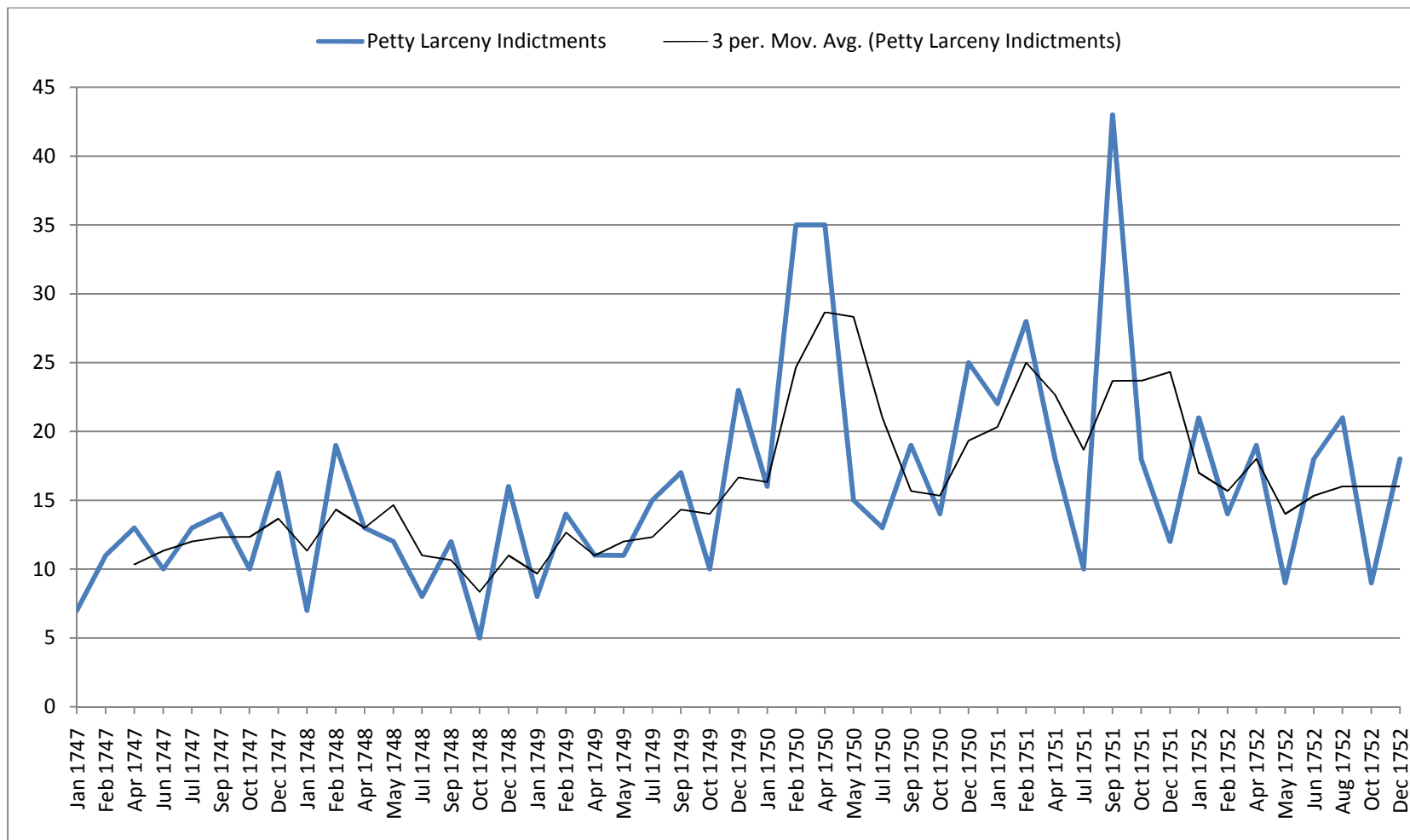
Accusations of Petty Larceny Dealt with Summarily at Clerkenwell House of Correction, by Month, July 1746 – December 1752²



² Source: Analysis of all the available Clerkenwell Calendars for the years 1746-1752.

Appendix 3.3

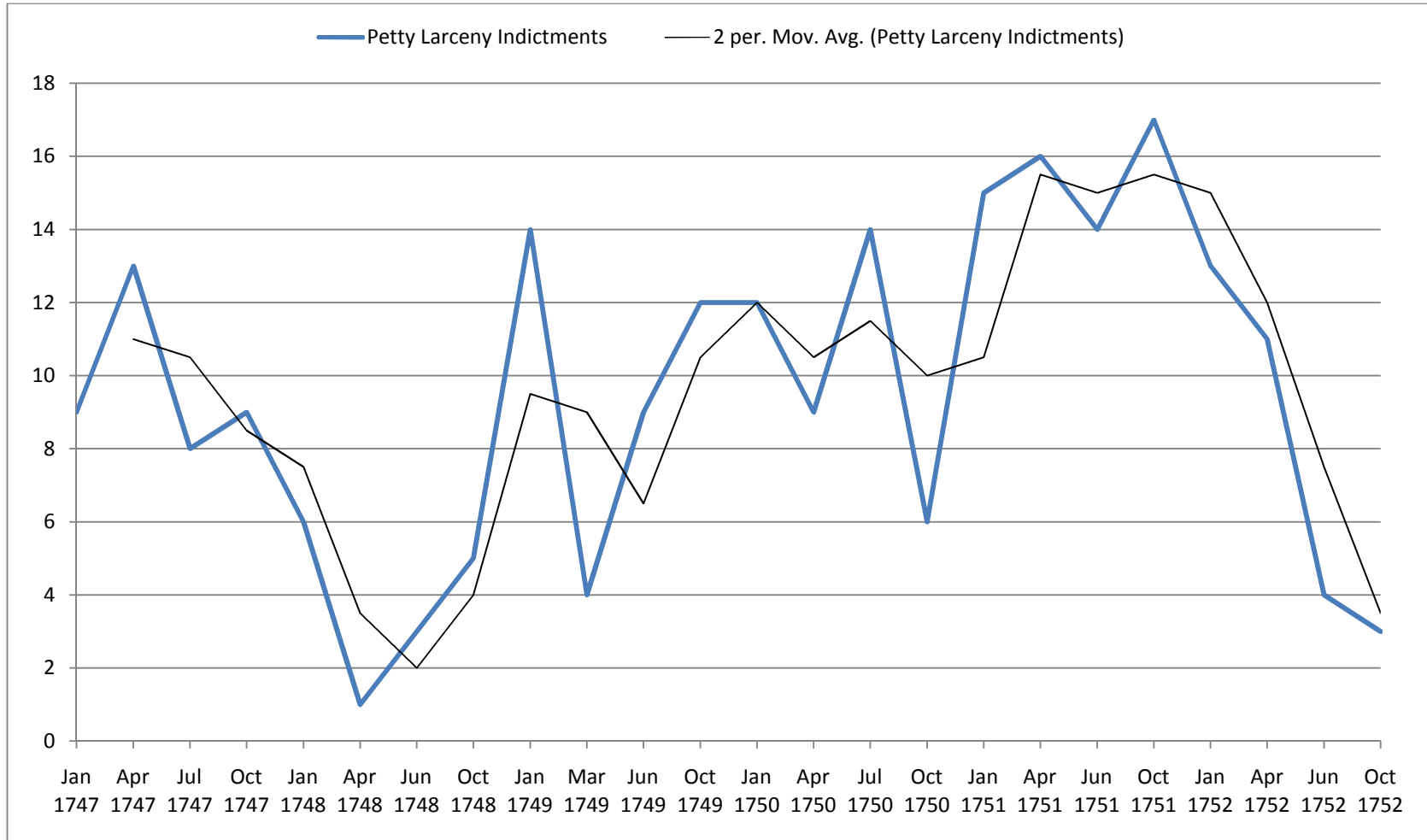
Indictments for Petty Larceny Heard at the Middlesex Sessions of the Peace, by Session, January 1747 – December 1752³



³ Source: Analysis of all the Meetings of the Middlesex Sessions of the Peace between 1747 and 1752. Middlesex Indictments Register.

Appendix 3.4

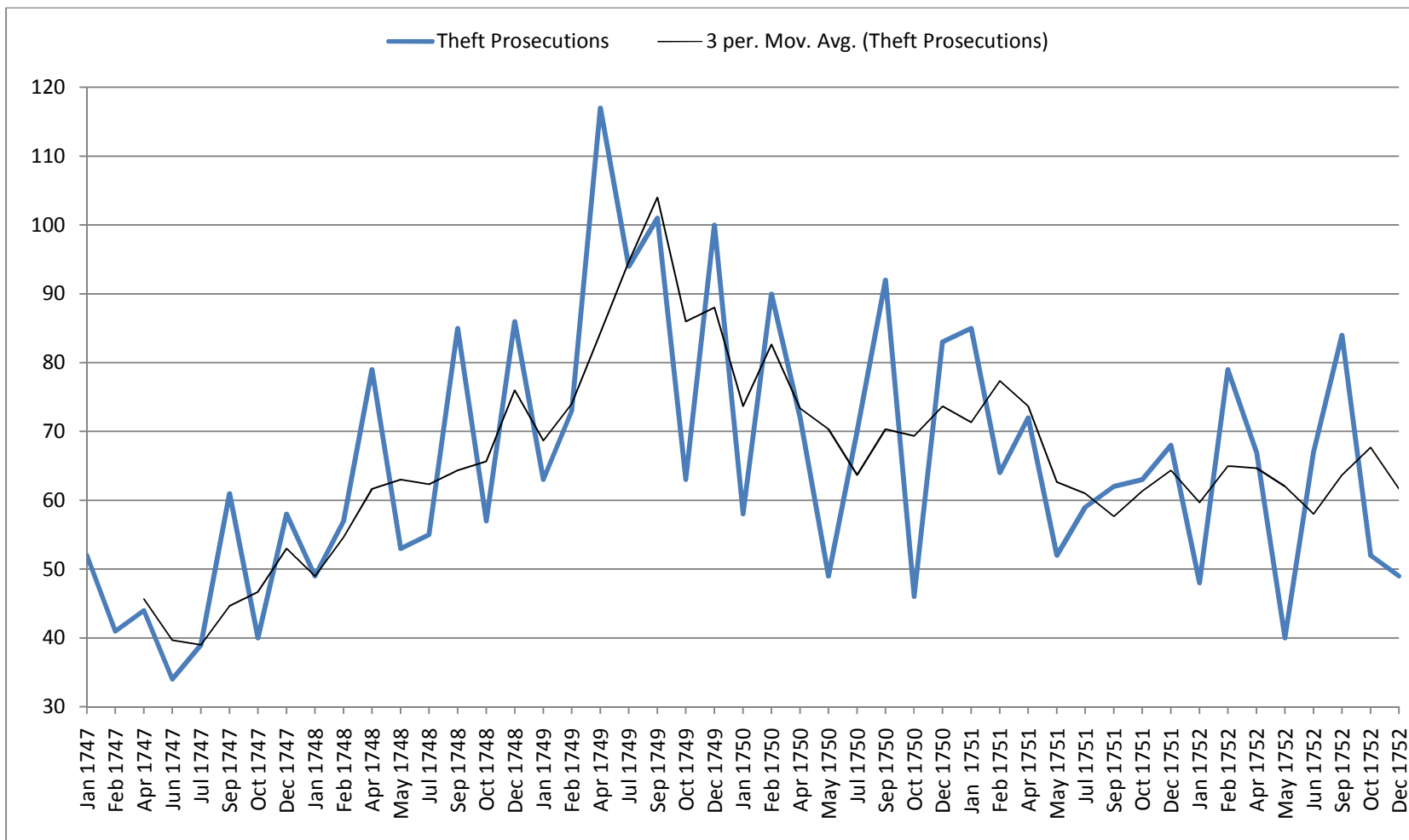
Indictments for Petty Larceny Heard at the Westminster Quarter Sessions of the Peace, by Session, January 1747 – October 1752⁴



⁴ Source: Analysis of all the Meetings of the Westminster Quarter Sessions between 1747 and 1752. Westminster Sessions Rolls.

Appendix 3.5

Prosecutions for Theft Tried at the Old Bailey, by Session, January 1747 – December 1755⁵



⁵ Source: OBP, 'Statistics' search, tabulating total only where offence category is theft, between January 1747 and December 1755, by session, and counting by offence.

Appendix 3.6Accusations of Petty Theft, by Year, 1747-1754⁶

Year	Bridewell House of Correction (Average per Meeting)	Clerkenwell House of Correction	Middlesex Sessions of the Peace	Westminster Quarter Sessions	Old Bailey	Total (excluding Bridewell)
1747	7	52	95	39	5	191
1748	9	56	92	15	13	176
1749	12	40	109	39	15	203
1750	10	1	172	41	18	232
1751	11	12	173	62	12	259
1752	10	21	129	34	23	207
1753	13	18	150	22	20	210
1754	8	24	189	10	4	227
Total	-	224	1109	262	110	1705

⁶ Source: Bridewell Court Book; Clerkenwell Calendar; Middlesex Indictments Register; Westminster Sessions Rolls; OBP, 'Statistics' search, tabulating year where offence category is petty larceny (to 1827), between 1747 and 1754, counting by offence.

Appendix 3.7

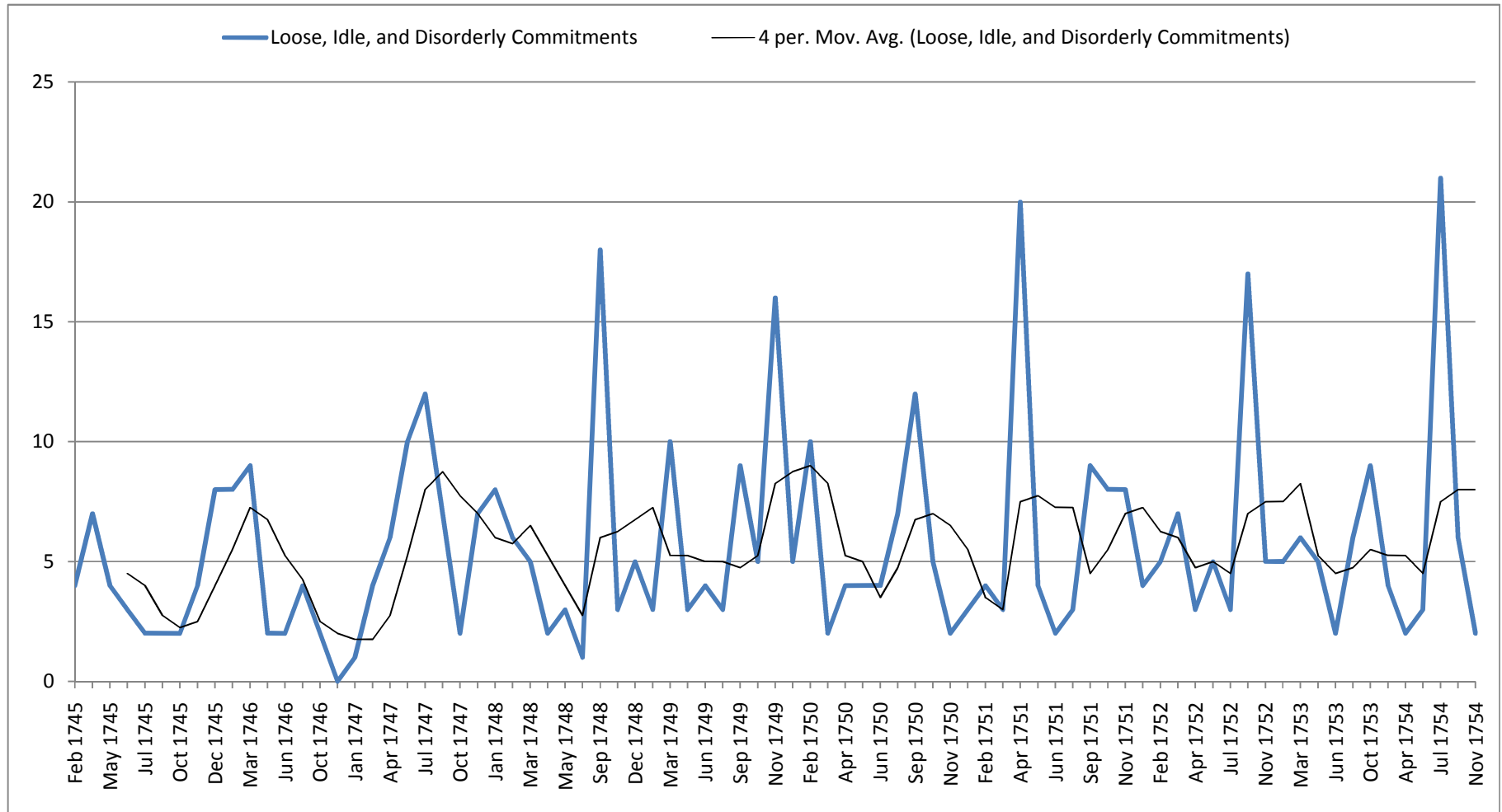
Categories of Offence as Reported in London Newspapers (as a Percentage of all Crime Reports) and as Prosecuted at the Old Bailey (as a Percentage of all Prosecutions), by Year, 1748-1751⁷

Source	Breaking the Peace	Deception	Killing	Offences against the King	Sexual Offences	Theft	Theft with Violence	Misc	Total
General Evening Post 1748	28 (7%)	7 (2%)	49 (12%)	15 (4%)	6 (1%)	136 (34%)	161 (40%)	3 (1%)	405 (100%)
London Evening Post 1748	11 (5%)	1 (<1%)	36 (18%)	1 (<1%)	2 (1%)	45 (22%)	104 (52%)	2 (1%)	202 (100%)
Old England Journal 1748	2 (1%)	3 (1%)	27 (13%)	26 (13%)	3 (1%)	38 (18%)	110 (52%)	2 (1%)	211 (100%)
Whitehall Evening Post 1748	14 (3%)	3 (1%)	27 (5%)	34 (6%)	6 (1%)	172 (32%)	284 (52%)	2 (<1%)	542 (100%)
Newspapers Total 1748	55 (4%)	14 (1%)	139 (10%)	57 (4%)	17 (1%)	388 (29%)	660 (49%)	7 (<1%)	1337 (100%)
Old Bailey Prosecutions 1748	2 (<1%)	10 (2%)	11 (2%)	15 (3%)	6 (1%)	450 (86%)	23 (4%)	4 (1%)	521 (100%)
London Evening Post 1749	29 (6%)	4 (1%)	54 (10%)	24 (4%)	8 (1%)	143 (28%)	264 (49%)	9 (2%)	535 (100%)
Whitehall Evening Post 1749	32 (3%)	11 (1%)	49 (4%)	48 (4%)	15 (1%)	395 (35%)	560 (50%)	10 (1%)	1120 (100%)
Newspapers Total 1749	61 (4%)	15 (1%)	103 (6%)	72 (4%)	23 (1%)	538 (33%)	824 (50%)	19 (1%)	1655 (100%)
Old Bailey Prosecutions 1749	4 (1%)	16 (3%)	6 (1%)	10 (2%)	10 (2%)	500 (82%)	61 (10%)	4 (1%)	611 (100%)
London Evening Post 1750	12 (2%)	16 (3%)	44 (9%)	16 (3%)	3 (1%)	164 (34%)	228 (47%)	4 (1%)	487 (100%)
Whitehall Evening Post 1750	51 (5%)	30 (3%)	60 (5%)	24 (2%)	10 (1%)	355 (32%)	568 (52%)	2 (<1%)	1100 (100%)
Newspapers Total 1750	63 (4%)	46 (3%)	104 (7%)	40 (3%)	13 (1%)	519 (33%)	796 (50%)	6 (<1%)	1587 (100%)
Old Bailey Prosecutions 1750	0 (0%)	17 (3%)	14 (3%)	15 (3%)	8 (1%)	434 (76%)	74 (13%)	7 (1%)	569 (100%)
London Evening Post 1751	10 (2%)	25 (5%)	46 (9%)	21 (4%)	6 (1%)	126 (25%)	259 (51%)	13 (3%)	506 (100%)
Old Bailey Prosecutions 1751	1 (<1%)	32 (6%)	10 (2%)	15 (3%)	6 (1%)	415 (78%)	44 (8%)	12 (2%)	535 (100%)

⁷ Sources: [General Evening Post](#), [London Evening Post](#), [Whitehall Evening Post](#); OBP, 'Statistics' search, tabulating year against offence category, between 1748 and 1751, counting by offence.

Appendix 4.1

Commitments to the Bridewell House of Correction for Loose, Idle and Disorderly Behaviour, by Meeting, February 1745 – November 1754⁸



⁸ Source: Analysis of all the Meetings of the Governors of Bridewell recorded in the Bridewell Court Book between 1745 and 1754.

Appendix 4.2

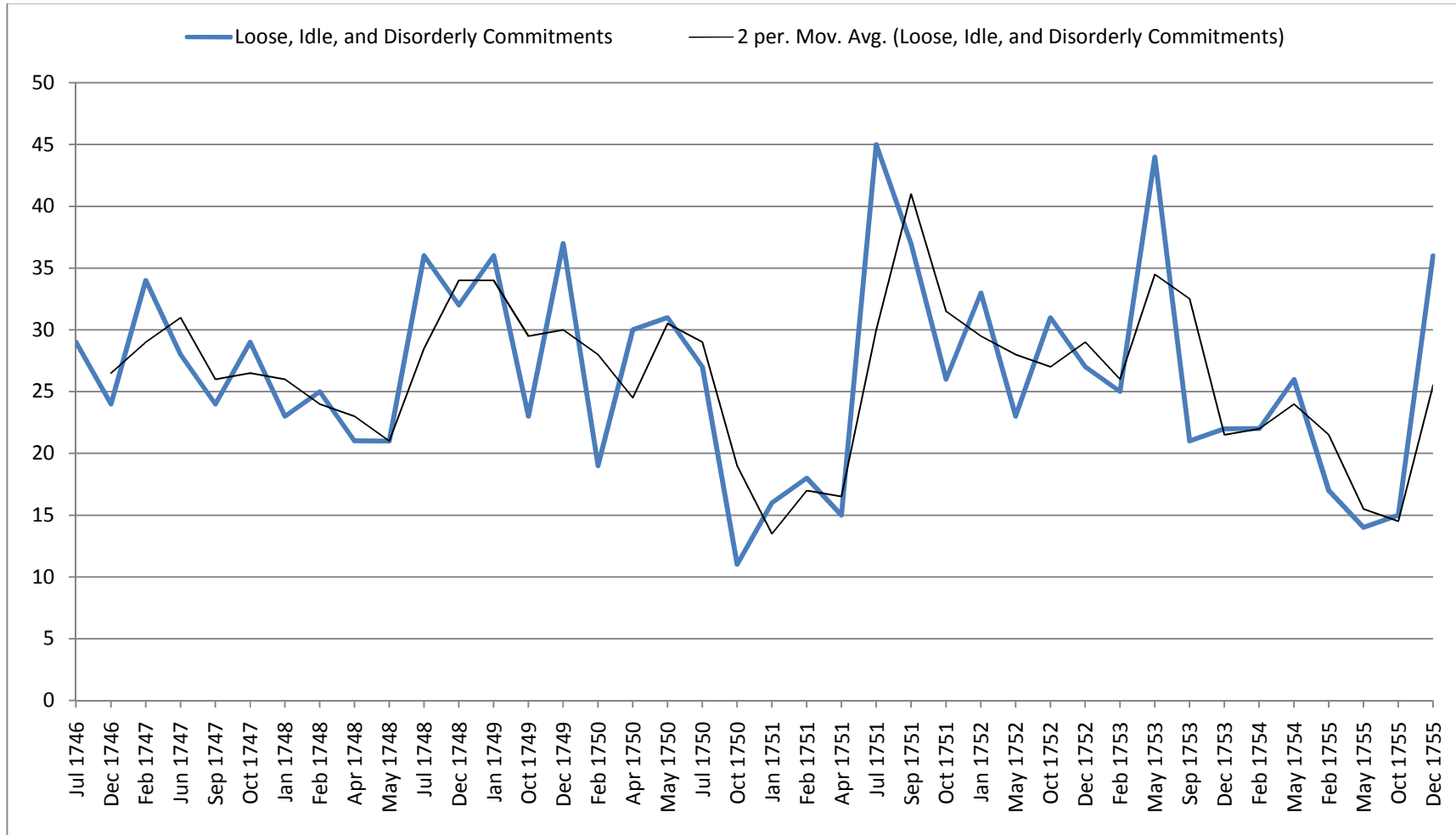
Commitments to the Bridewell House of Correction for Loose, Idle, and Disorderly Behaviour,
by Year, 1745-1754⁹

Year	Total Loose, Idle, and Disorderly Commitments	Number of Governors' Meetings	Average Number of Commitments per Meeting
1745	35	9	3.9
1746	27	7	3.9
1747	49	8	5.3
1748	51	9	5.7
1749	58	9	6.4
1750	53	10	5.3
1751	61	9	6.8
1752	49	8	6.1
1753	33	6	5.5
1754	38	6	6.3
Total	454	-	-

⁹ Source: Analysis of all the Meetings of the Governors of Bridewell recorded in the Bridewell Court Book between 1745 and 1754.

Appendix 4.3

Commitments to the Clerkenwell House of Correction for Loose, Idle and Disorderly Behaviour, by Month, July 1746 – December 1755¹⁰



¹⁰ Source: Analysis of all the available Clerkenwell Calendars for the years 1746-1755.

Appendix 4.4

Commitments to the Clerkenwell House of Correction for Loose, Idle, and Disorderly Behaviour, by Year, 1746-1755¹¹

Year	Number of Available Calendars	Total Number of Commitments in Available Calendars	Average Number of Commitments per Calendar
1746	2	53	27
1747	4	115	29
1748	6	158	27
1749	3	96	32
1750	5	118	24
1751	6	157	26
1752	4	114	29
1753	4	112	28
1754	2	48	24
1755	4	104	21
Total	-	1075	27 (Ave)

Appendix 4.5

Numbers and Categories of Crime Reports in the *General Evening Post*, the *London Evening Post*, and the *Whitehall Evening Post*, by Year, 1748-1749

Publication	Solved Specified	Solved Unspecified	Total Solved	Unsolved	Total Reports
General Evening Post 1748	219	48	267	186	453
London Evening Post 1748	27	147	174	177	351
Whitehall Evening Post 1748	196	51	247	309	556
Total all Publications 1748	442	246	688	672	1360
% of all Crime Reports 1748	33%	18%	51%	49%	100%
London Evening Post 1749	242	26	268	266	802
Whitehall Evening Post 1749	446	90	556	564	1656
Total all Publications 1749	688	116	824	830	2458
% of all Crime Reports 1749	42%	7%	49%	51%	100%

¹¹ Source: Analysis of all the available Clerkenwell Calendars for the years 1746-1755.

Appendix 5.1Defendants Prosecuted at the Old Bailey for Murder, by Year, 1740-1760¹²

Year	Total No. Defendants	Guilty	Part Guilty	Not Guilty	Misc. Verdict
1740	12	4	4	4	0
1741	10	0	5	5	0
1742	17	7	4	5	1
1743	12	1	8	2	1
1744	12	0	3	9	0
1745	13	4	2	7	0
1746	7	1	1	4	1
1747	13	3	1	9	0
1748	12	5	1	6	0
1749	6	1	3	2	0
1750	14	4	4	6	0
1751	9	2	4	3	0
1752	21	8	4	9	0
1753	11	3	2	6	0
1754	13	4	6	3	0
1755	13	5	3	5	0
1756	16	5	4	7	0
1757	3	0	1	2	0
1758	3	2	0	1	0
1759	9	1	6	2	0
1760	11	4	3	4	0
Total	237	64	69	101	3

¹² OBP, 'Statistics' search, tabulating year against verdict category where offence category is murder, between 1740 and 1760, counting by defendant.

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