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"I see by this woman's features, that she is capable of any wickedness": Murderous women, public justice, and the social order in London, 1674-1799

Annie Tock

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"I SEE BY THIS WOMAN'S FEATURES, THAT SHE IS
CAPABLE OF ANY WICKEDNESS": MURDEROUS WOMEN,
PUBLIC JUSTICE, AND THE SOCIAL ORDER IN
LONDON, 1674-1799

TOCK

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"I see by this woman's features, that she is capable of any wickedness:"

Murderous Women, Public Justice, and the Social Order in London, 1674-1799

(TITLE)

BY

Annie Tock

THESIS

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS
FOR THE DEGREE OF

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IN THE GRADUATE SCHOOL, EASTERN ILLINOIS UNIVERSITY
CHARLESTON, ILLINOIS

2008

YEAR

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"I SEE BY THIS WOMAN'S FEATURES, THAT SHE IS CAPABLE OF ANY
WICKEDNESS:" MURDEROUS WOMEN, PUBLIC JUSTICE, AND THE SOCIAL
ORDER IN LONDON, 1674-1799

A THESIS SUBMITTED TO
THE FACULTY OF THE DEPARTMENT OF HISTORY
IN CANDIDACY FOR THE DEGREE OF
MASTER OF ARTS

DEPARTMENT OF HISTORY

BY
ANNIE TOCK

CHARLESTON, ILLINOIS

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Contents

Abstract	iv
Acknowledgments	v
Introduction	1
Chapter 1. A Historiography of Crime and Gender in England	6
Chapter 2. Murderesses and Public Justice	29
Chapter 3. Fear of the Independent Female	53
Chapter 4. Unexpected Disorder and Failed Motherhood in the Brownrigg and Metyard Cases	80
Conclusion	93
Bibliography	96

Abstract

Crime held a certain fascination for eighteenth-century Londoners. They devoured case summaries, ballads, broadsides, pamphlets, and collections of criminal biographies. In addition, they flocked to Tyburn Tree to witness the malefactors hang for their crimes. Then, like now, murders were appalling, but murders committed by women were especially shocking. While part of the interest in murderesses is attributable to their relative rarity, eighteenth century Londoners were also concerned with the implications of deviant women on the state of their society. This was a culture that firmly believed that women's subordination to men was critical to the maintenance of order. In a society without an official law enforcement agency, public belief and participation in the justice system was vital. The popular literature detailing the bloody deeds of murderesses acted as a form of law enforcement by educating the public about the dangers of deviant women. These publications showed the unfortunate results of women acting out inherent negative female characteristics, including unruliness, willful independence, and sexual amorality. By studying the reaction to women who acted out of their subscribed roles societal gender perceptions become clearer. This study examines the cases of 42 women convicted of murder in London between 1674 and 1799 and reveals a confused picture of female identity. Women were at once assumed to be naturally unruly and sexually voracious, and at the same time expected to be disciplined and chaste. The independent woman was feared because of her potential to disrupt the social order, and yet women were also depended upon to maintain that order within the household. Murderesses were so feared, not because women were bad, which was assumed, but because they acted out their inherent badness, indicating weakness in society.

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This project took several years to complete and suffered through long periods of neglect mingled with short bursts of frenetic activity. It may never have culminated in a finished thesis without the support of several people. Dr. Newton Key patiently advised this project for four years and his in depth knowledge of the social history of Early Modern England and guidance through the writing process has been crucial and much appreciated. Librarians at the Booth Library at Eastern Illinois University have been very helpful in extending due dates and procuring several "must have" sources through interlibrary loan. My family has also been instrumental in encouraging my educational goals and allowing me the time and space in which to work towards their completion. My husband, Adam, moved across the country so that I could make progress on this study. I am grateful for his sacrifice and his sense of humor. My parents have also been an important part of my support system. Now when my mom asks, "Have you finished your thesis yet?" as she has nearly every week for two years, I can finally answer, "Yes!"

"I see by this woman's features, that she is capable of any wickedness:"¹

Murderous Women, Public Justice, and the Social Order in London, 1674-1797

People are fascinated by crime. Current American television offers a cornucopia of television dramas in which a brutal murder is solved by hardnosed cops, genius math professors, or glamorous scientists. If one prefers the print media, authors like Patricia Cornwell and James Patterson are happy to oblige with spine-tingling murder mysteries. For those looking for something more factual, there are countless "true crime" shows, books, and websites. This interest in society's most deviant members is by no means a new phenomenon. Eighteenth-century Londoners devoured printed case summaries, ballads, broadsides, pamphlets, and collections of criminal biographies. In addition, they flocked to Tyburn Tree to witness the malefactors hang for their crimes. Then, like now, murders were appalling, but murders committed by women were especially shocking. While part of the interest in murderesses is attributable to their relative rarity, eighteenth-century Londoners were also concerned with the implications of deviant women on the state of their society. This was a culture that firmly believed that women's subordination to men was critical to the maintenance of order. In a society without an official law enforcement agency, public belief and participation in the justice system was vital. The popular literature detailing the bloody deeds of murderesses acted as a form of law enforcement by educating the public about the dangers of deviant women. These publications showed the unfortunate results of women acting out inherent negative female characteristics, including unruliness, willful independence, and sexual amorality. Female crime was seen as a symptom of societal disorder. Murderesses were so feared,

¹ Quote attributed to William Hogarth in John Ireland, *Hogarth Illustrated* (2nd ed.; London: J. and J. Boydell, 1793), 295.

not because women were bad, which was assumed, but because they acted out their inherent badness, indicating weakness in society.

The official response to the perceived rising crime rate was the institution of the bloodiest criminal code in modern history. These harsh punishments were to act as deterrents to criminal activity in a country that still lacked an organized police force. Much of the actual responsibility for apprehending criminals remained on the shoulders of private subjects. It is more readily understandable, then, that during this period before the advent of a more modern official police force social order was of the utmost concern to most of the London populace. Their belief that disorder adhered to a sort of domino theory, small violations eventually led to larger ones, made the maintenance of order in every facet of life desirable not only for the individuals directly involved, but also for their neighbors. Thus, the maintenance of gender order was of particular concern during this period, and the violation of traditional roles was not only a private embarrassment, but also often a public nuisance. In addition, this period differs from the preceding one in the growing role of government in law enactment and enforcement efforts that had previously been designated to community norms and local suppression of deviants.

The relationships between female violence, gender expectations, law enforcement, and the social order are critical to this study. It draws on the works and methodologies of many previous historians from the narrative histories of the eighteenth and nineteenth centuries to the quantitative works of J.M. Beattie and Malcolm Feeley and Deborah Little, from the literary analysis of Lincoln Faller to the gender studies of Susan Dwyer Amussen. The main sources consulted are the *Old Bailey Sessions Papers*,

court records favored by quantitative studies, and popular literature such as ballads and broadsides employed more often by qualitative studies.

The study focuses on the portrayal in court records and popular literature of the 42 women convicted of murder in the city of London between 1674 and 1799. These specific years were chosen because they are most completely represented in the *Sessions Papers* records. More generally, however, Londoners during the long eighteenth century were particularly anxious about increases in urban crime. Many Englishmen and women felt that the rising crime rate reflected a lack of social control. In his 1754 pamphlet *Observations on the Defects of the Poor Law*, Thomas Alcock expressed the common view that a lack of social control was precipitating the increase in crime. He writes, "Most pickpockets, housebreakers, street robbers and footpads have once been idle vagrants You may hang or transport or cut off a number of felons at this sitting, but like Hydra's heads, here will be more spring up by the next, and ever will do so, as long as idle vagrants, who continually furnish a fresh supply, are suffered to go as they do, unmolested."² This study explores the gendered social order of London from 1674 to 1799 through the portrayal of murderesses who that violated that order.

Although examining murderesses, this study does not include such topics as witchcraft and infanticide. Not only have such crimes been covered extensively by other scholars, they are both special cases, less easily understood as crimes associated with lack of social control. Specifically, infanticide presents a unique problem for historians of crime in the way it was represented in the law. According a 1624 statute, a woman was guilty of infanticide even if she simply tried to hide her pregnancy and later miscarried or

² Quoted in Frank McLynn, *Crime and Punishment in Eighteenth Century England* (Oxford: Routledge, 1989), 249.

the baby was stillborn.³ Such an effort on the part of women to conceal their pregnancies was not at all uncommon, especially among domestic servants, who often stood to lose their positions if they were discovered to be with child. Increasingly, authorities became aware of the injustice of the infanticide law and acquittal rates for those accused of the crime rose. Due to its unique treatment under the law and its individual rise and fall throughout the long eighteenth century, infanticide is best covered as a separate phenomena rather than lumped in with other types of female murder.

Amussen contends that early modern people thought, "whatever the act, it was more dangerous when done by women."⁴ Examination of court records and popular literature reveals this statement to be true, both in the mind of society and in the consequences for the convicted murderess. Though the Old Bailey records do not seem to indicate a difference in the portrayal of male and female murders, as Garthine Walker argues, the way in which the homicide law was constructed left execution as the only punishment available for murderous women while their male counterparts could hope for branding or even release. The court records also reveal that murderesses often killed people they knew and did not shy away from dispatching their victims in violent fashion by stabbing, beating, or strangling. Both the *Sessions Papers* and popular literature use the cases of female killers as examples, in the first case, of the legitimacy of the justice system that fairly punishes such grievous offenders, and, in the second, of the dreadful consequences of too much independence in women. Ballads and broadsides portray murderesses as perpetual deviants whose crimes not only betray and deny their

³ Laura Gowing, "Secret Births and Infanticide in Seventeenth-Century England," *Past and Present* 156 (1997): 90 note 6.

⁴ Susan Dwyer Amussen, "The Gendering of Popular Culture in Early Modern England," in *Popular Culture in England, c. 1500-1850*, ed. Tim Harris (New York: St. Martin's Press, 1995), 66.

womanhood, but, somewhat contrarily, also arise out of their very nature as women.

According many of these publications, women are naturally unruly and violent women become so because they are not properly controlled by men. However, convicted murderesses are also shown as violating their femininity by not behaving as a proper wife or mother should. The treatment of the 42 convicted murderesses in court records and the popular press provides a window into the intriguing interlacing of crime and gender in eighteenth-century London.

Historiography of Crime and Gender in England

It is, without dispute, every man's business, who writes upon any subject, to correct the errors committed by others, especially if his productions are of any consequence. . . . We will not intrude upon the reader's patience any longer, by enlarging upon the great good we hope will accrue to mankind from perusing the following work; by which the rising generation will be deterred from launching out into the world of vice, if with attention they consider the miserable fate of the many unhappy wretches, who have suffered for committing the crimes herein related.⁵

Early scholarly works focusing on female criminals continued in the trend of the criminal biographies popular in the eighteenth and nineteenth-centuries. Otto Pollak's 1950 *The Criminality of Women*, for example, attempted to explain women's crime with psychological and social arguments. In the 1960s and 1970s, studies of property crime abounded, not only because such crimes were prevalent in court records, but also because of such cases exposed class tensions. Marxists scholars especially produced ground-breaking works focusing on the ways in which those in power used the law to keep the masses at bay and perpetuate the social order. Up until the last 20 years, class historians continued to dominate the field. Others in the academic community reacted against such approaches, however, and the debate opened up the topic of eighteenth-century crime for further exploration. Works published in the 1970s to 1990s continued to employ the "counting" methodology applied in earlier studies to crime in general. When looking at gender, these scholars, such as J.M. Beattie, Malcolm Feely and Deborah Little, sought to determine the extent and nature of feminine crime using statistics obtained from court records. More recent studies, including those of Garthine Walker, Cynthia Herrup, and Patricia Seleski, have explored women's crime through their ascribed social roles,

⁵ *The Bloody Register* (London: E. and M. Viney, 1764; reprint, London: Routledge/Thoemmes Press, 1999), iv, vi (page citations are to the reprint edition).

employing both the statistical methodology and the newer trend toward examining individual cases. The present study will apply methodologies described below of both the class historians and the gender historians, in addition to that of legal and literary scholars, to the 41 cases of female murderers in order to gain a better understanding of how women committed their crimes and the culture in which they became infamous.

In the eighteenth century, criminal women took their place in books featuring vignettes reporting the deeds, daring, and depravity of a large array of criminals male and female, violent and non-violent. These collections were wildly popular throughout the eighteenth and nineteenth centuries, and it was even remarked that if an individual owned two books, one was the Bible and the other the *Newgate Calendar*.⁶ Reflecting the influence of these earlier collections, the first publications focusing on crime in general and female criminals specifically tended toward narration rather than analysis. In 1897, Arthur Vincent edited the *Lives of Twelve Bad Women*, which detailed the stories of twelve English women who were "consistently bad."⁷

The concept for publishing *Lives of Twelve Bad Women* was taken from the previous publication *Lives of Twelve Bad Men*, the frontispiece of which is recalled in the opening pages of the companion *Women* volume. While the actual collection of female criminals makes little effort at a gender analysis, the extended titles of both the *Lives of Twelve Bad Men* and *Lives of Twelve Bad Women* collections lend themselves as subjects of critique. The extended title of the male collection reads, *Original Studies of Eminent*

⁶ See Arthur L. Hayward, *Lives of the Most Remarkable Criminals* (1735; reprint, New York: Dodd, Mead & Co., 1927); *The Bloody Register*; George Theodore Wilkinson, Esq., *The Newgate Calendar* (London: R. Evans, 1816; reprint, London: Macdonald & Co., 1991). *The Newgate Calendar* is the title of multiple editions of collected criminal biographies beginning in the eighteenth century and continuing into the nineteenth century.

⁷ Arthur Vincent, ed., *Lives of Twelve Bad Women* (London: T. Fisher Unwin, 1897), xii.

Scoundrels by Various Hands while the title of the collection of female criminals expounds, *Illustrations and Reviews of Feminine Turpitude set forth by Impartial Hands*. Intentional or not, these titles suggest that male criminals are identified as “scoundrels,” distinct from other men, while the tales of criminal women are stories of female depravity, implicating all women. This idea of general female baseness is further expounded in the book’s opening quote:

What mighty ills have not been done by woman?
Who was’t betrayed the Capitol? A woman!
Who lost Mark Antony the world? A woman!
Who was the cause of a long ten years’ war,
And laid the last old Troy in ashes? Woman!
Destructive, damnable, deceitful woman.

OTWAY.⁸

“Impartial Hands” proceeds to report the tales of twelve of England’s worst female criminals emphasizing women’s natural inclination toward destruction, damnation, and deceit.

In his preface, Vincent explains the selection process and use of sources. He indicates he selected the twelve examples in this volume, ranging in historical period from the fourteenth century to the mid-nineteenth century, on the basis of their status as Englishwomen and their lives as “consistently bad, whether owing to a vicious temperament, a crooked nature, or a lack of moral perception, resulting in unscrupulousness and crime.”⁹ In addition, they were chosen because sufficient source material existed to provide enough information for a chapter. This source material is not

⁸ Vincent, *Twelve Bad Women*, n.p.

⁹ *Ibid.*, xii.

cited, however. Vincent acknowledges this omission and offers the rather dubious guarantee "that no statement of fact, which is not supported by authentic records, has been willfully admitted."¹⁰

When dealing with the individual cases, the authors adopt the narrative approach. For example, the chapter on Elizabeth Brownrigg, hanged for murdering her apprentice girl in 1767, begins by discussing her early years, her marriage, and her role as a midwife. It then describes the chronic abuse of the apprentices by both Mrs. Brownrigg and, infrequently, her son and husband. The author, Edgar Stubbs, next tells of the discovery of the girls in a horrid condition, the death of one of the girls, and the escape and capture of Mrs. Brownrigg and her son. Stubbs covers the trial in less than a paragraph, claiming, "practically there was no defense"¹¹ and concludes his narrative with the procession to Tyburn and the execution. In his summation, Stubbs makes some telling remarks (to which we shall return) that a contemporary and very similar case involving female murderers, the Metyards, did not gain the notoriety of the Brownrigg case. Stubbs reasons, "Mrs. Brownrigg . . . is the more noteworthy, as having owned a distinctly good record for kindness to her suffering sisters." He further opines that Mrs. Brownrigg, being always cognizant of the great pain of childbirth, perhaps beat her apprentices in an effort to ready them for this event, or that maybe, due to her constant exposure to labor pain, she "learned insensibility." Despite his musings as to Brownrigg's motivation, Stubbs concludes, "No injustice is done her if she remain for ever a type of a

¹⁰ Ibid., xiii.

¹¹ Edgar Stubbs, "Elizabeth Brownrigg," in *Lives of Twelve Bad Women*, ed. Arthur Vincent (London: T. Fisher Unwin, 1897), 200.

woman detestable for savage cruelty.”¹² In *Lives of Twelve Bad Women*, female criminals are recognized as a distinct population from male criminals, but the format and treatment of the subject changes little from the early pamphlet literature and the subsequent collections of criminal biographies.

In *The Criminality of Women* (1950), Otto Pollak argues that women have participated in criminal activities more than previously thought. He contends that the field has been neglected by scholars who believe the “cultural stereotype” of the male criminal and assume that any criminal activity of women to be statistically minimal at best. Pollak asserts, “Women . . . represent about half of our population and live under conditions which may often protect them against the detection or prosecution of crime. . . . The long discussion which has centered around the apparent numerical sex differential in crime may have been based on a statistical deception.”¹³

According to Pollak, one reason for women’s low representation in criminal statistics is that they participated in under reported crimes such as abortion, shoplifting, child abandonment, perjury, and infanticide. Their favored victims are children and members of the household and their signature weapon is poison.¹⁴ In addition, he asserts that male victims of female criminals are not likely to go to the police, that women often act as criminal masterminds, that they commit many of their crimes by stealth and in the private sphere, and that they are less likely to be punished if caught.¹⁵ Taking these factors into consideration, Pollak argues, would significantly narrow the statistical gap in criminal behavior between men and women. Pollak acknowledges that men, too,

¹² Ibid., 201.

¹³ Otto Pollak, *The Criminality of Women* (New York: A.S. Barnes & Co, 1950), xv, 1.

¹⁴ Ibid., 16-19.

¹⁵ Ibid., 1-4.

participate in shoplifting and perjury, but he claims these are predominantly female crimes. It is interesting that in the case of child abandonment, which, according to Pollak, "shows an unquestionable preponderance of women offenders," he ignores the fact that each abandoned child was the responsibility of both a man and a woman.¹⁶ Infanticide was an offense which could, by definition, only be committed by a woman. As was discussed above, the infanticide law has a history of its own which includes a time when a woman could be executed for infanticide if she was convicted of concealing pregnancy.

Pollak also contends that the most criminal women are those who are of childbearing age. He employs psychoanalytical theory to show that puberty is more traumatic for girls than it is for boys. Children notice their mother's increased irritability every 28 days and also may happen upon the physical evidence of menstruation. They then come to associate menstruation with punishment. This association is difficult for girls to handle when they get their first period. Pollak writes, "Setting the seal, so to speak, upon their womanhood, it destroys their hope ever to become a man, which until then they may have preserved, and intensifies any feeling of inferiority which they may have had about their sex. . . . Menstruation becomes to women a symbol of injustice which arouses their desire for revenge."¹⁷ While Pollak also includes observations on the socialization and social position of women that could contribute to their lack of representation among the criminal population, he contends that psychological and biological factors are the most important contributors to female criminality.

¹⁶ Ibid., 84.

¹⁷ Pollak, *The Criminality of Women*, 127.

The work of Leon Radzinowicz and his followers since the 1940s, the influence of the Annales School, and the development of social history more useful framework for the study of crime. Social history's methodological emphasis on history "from the bottom up" and the Annales' stress on statistical data have opened up new windows into eighteenth-century English society, especially in the role of law in society. In looking at execution statistics, it becomes apparent that there is a paradox at work in the relationship between the increase in the number of capital offenses and in the actual number of executions carried out in eighteenth-century London. One would expect to see a significant rise in executions to mirror the growth of capital offenses, but this was not the case: the number of executions, in fact, remained fairly steady. This anomaly attracted historians to work on crime in eighteenth-century England, and the resulting studies and debates are valuable in the questions they raise about crime, law, and the limitations of sources.

Radzinowicz's multivolume work, *A History of English Criminal Law*, details the development of the English legal system from the mid eighteenth century through the time of its publication in 1948. Radzinowicz was a pioneer in applying sources, including the State Papers, Reports of Commissions, Annual Reports, Parliamentary Debates, works of foreign authors, newspapers, and popular literature to the study of crime and the law.¹⁸ He found that, throughout the eighteenth century, lawmakers considered deterrence to be the most effective means of preventing crime. According to this precept, harsh punishments were enacted for a series of violent and property crimes in the hopes that potential offenders would be dissuaded from committing these offenses.

¹⁸ Macmillan, "Forward," in Leon Radzinowicz, *A History of English Criminal Law, Vol 1*, v-viii. (London: Stevens & Sons Ltd., 1948), v.

Early eighteenth-century lawmakers had a problem. There were many capital statutes on the books, and yet crime continued to rise.¹⁹ The anonymous author of the 1701 treatise *Hanging, Not Punishment Enough*, argued for the introduction of public torture for those convicted of some crimes. Radzinowicz relates:

Observing that offenders sentenced to death seldom show any apprehension of their approaching execution, he suggests that robbers who were also murderers . . . should be subjected to one of the aggravated forms of capital punishment, such as breaking on the wheel, whipping to death, hanging in chains alive and starving 'where the Pains of Death would be so often repeated before they would expire.'²⁰

This author argued that his policy would be, in fact, more humane than the existing system because it would save more lives by acting as a more effective deterrent.²¹ George Ollyffe offered a similar plan in his 1731 *An Essay Humbly Offer'd for an Act of Parliament to prevent Capital Crimes, and the Loss of many Lives, and to Promote a desirable Improvement and Blessing in the Nation*. Radzinowicz illustrates that although capital offenses had increased in the thirty years since *Hanging, Not Punishment Enough*, crime prevention continued to be of significant concern. He describes one of Ollyffe's suggestions: "Some offenders could further be removed from the wheel while still alive and suspended on gibbets erected at some distance from the usual places of execution, so that their cries would not disturb too many people, but would yet be heard by some."²² According to Radzinowicz, these authors espoused the common belief that punishment had to be harsh in order to be effective. However, the increase of capital offenses and executions did not seem to be effectively stemming crime. The only way

¹⁹ Leon Radzinowicz, *A History of English Criminal Law, Vol I* (London: Stevens & Sons Ltd., 1948), 232.

²⁰ *Ibid.*, 233.

²¹ *Ibid.*

²² *Ibid.*, 237.

these authors saw to make the current system work was to increase the severity of the penalties, but Radzinowicz contends that the official use of public torture would not be tolerated by the English people, and so these suggestions were never adopted.²³

Radzinowicz also discusses an important development in legal history in the 1785 publication of Rev. Martin Madan's *Thoughts on Executive Justice*. Madan supported capital punishment but argued that the problem with the English legal system was the uncertainty with which penalties were applied. Convicted criminals could hope that their death sentences would be commuted or dismissed by judges and magistrates, a system studied in detail by several historians discussed below. Radzinowicz summarizes Madan's position: "When strictly enforced, capital laws propagate fear, thus preventing the commission of offences; when put into effect only on certain unpredictable occasions, they lose their value as an effective deterrent and therefore also their social justification."²⁴ Radzinowicz's seminal work illustrates eighteenth-century lawmakers' concern with the rising crime rate and their adherence to deterrence theory as the most effective means of crime prevention. Both his conclusions and his use of previously ignored sources encouraged later scholars to delve into the history of eighteenth-century crime and law.

Like Radzinowicz, J. M. Beattie recognized the eighteenth-century English penal code as a potentially rich research field. His 1974 article "The Pattern of Crime in England 1660-1800" examines the crime rate in Sussex and Surrey counties. He employs indictments as his primary source of information, although he notes that indictments could possibly be misleading because they are drawn up by clerks who record the official

²³ Ibid., 238.

²⁴ Ibid., 242.

information of the case and then are required to file it under an existing category. He explains, "The circumstances surrounding the offence are of interest to the court only in so far as they help fit it into an appropriate legal niche and indictments are not therefore very helpful as guides to the particular nature of the events they deal with or to the motives of the accused."²⁵ Beattie also discusses the "dark figure" (unreported incidents) of crime and administrative changes as factors affecting the reliability of indictments. Beattie's work will be discussed at greater length in the following chapter, but he did conclude that while violent crime was high during the first third of the eighteenth century, it did not remain so nor did it increase dramatically.²⁶

Just one year after the publication of Beattie's article, a group of scholars based at the University of Warwick published a book of essays on crime in eighteenth-century England that popularized the subject and initiated further study and debate. *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, by Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson, and Cal Winslow, presents a Marxian social history of crime. The flagship piece in this collection, Hay's "Property, Authority and the Criminal Law" asserts that "the rulers of eighteenth-century England cherished the death sentence,"²⁷ and proceeds to argue that the prosperous men of England used the law as a tool to protect their property and cement their authority:

Wealth does not exist outside a social context, theft is given definition only within a set of social relations, and the connections between property, power and authority are close and crucial. The criminal law was critically

²⁵ J. M. Beattie, "The Pattern of Crime in England 1660-1800," *Past and Present* 62 (February 1974): 53.

²⁶ *Ibid.*, 70.

²⁷ Douglas Hay, "Property, Authority and the Criminal Law," in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, ed. Douglas Hay, Peter Linebaugh, John G. Rule, E.P. Thompson and Cal Winslow (London: Pantheon, 1975), 17.

important in maintaining bonds of obedience and deference, in legitimizing the status quo, in constantly recreating the structure of authority which arose from property and in turn protected its interests.²⁸

Hay further contends that the law became an ideological instrument used by the ruling class to maintain control over the rest of the population. He identifies three main aspects of the law as ideology: majesty, justice, and mercy.

Hay emphasizes the significance of the perception of public justice, which popular crime literature sought to promote. Justice was a particularly charged topic for the English, in part because of their experience with constitutional struggles during the Civil Wars of the seventeenth century. According to Hay, out of this conflict emerged several principles of law that had to be maintained: the law must be fixed, it must be tried by a learned bench, and rules of evidence must be carefully observed. The law must at least seem just to the people or they would not accept it. Hay argues that the courts' strict adherence to these principles, for example, acquitting because of a small evidentiary error such as misidentifying the defendant's occupation, allowed the people to believe that the system was just. The people were caught up in the enactment of the laws, but did not consider as much the passage of laws. Also, the courts sometimes tried and convicted elites, which furthered the common man's belief in the equality of justice in the English system. Hay writes, "Ideologies do not rest on realities, however, but on appearances. . . . In recognizing that fact [the poor were also victims of theft], and extending its protection, however imperfectly, to ordinary men, the criminal law did much to justify itself and the gentlemen who administered it."²⁹

²⁸ Hay, "Property, Authority, and the Criminal Law," 25.

²⁹ Ibid., 36, 37.

Hay's article is exciting in the scope of the conclusions it draws from the study of criminal law. It is a bit problematic, however, in that it is highly impressionistic. Hay relies heavily on the work of previous historians and on some contemporary correspondence; he does not employ much of the statistical data and court records presented by J.M. Beattie. Nevertheless, *Albion's Fatal Tree* was successful in interesting scholars and students in the study of law and crime and in pointing to ways in which such study could be valuable in reconstructing power relationships in societies.

E.P. Thompson's original essay for *Albion's Fatal Tree* became the monograph *Whigs and Hunters*. It dealt specifically with poaching as a social crime that was particularly viciously prosecuted under England's Bloody Code. Thompson agreed with Hay that the law could be used as a tool of the ruling class, but called for moderation in that view. In focusing on the law as a pawn of the ruling class, historians may miss the fact that the law did, in fact, often protect and serve the common people.³⁰

Hay's work also inspired more critical responses. In his 1983 article "Albion's Fatal Flaws," John H. Langbein argues that Hay is fundamentally wrong in his assertion that the law is an instrument of the ruling class and that the Marxist methodology was inadequate to the study of the history of law. Langbein, a legal historian, contends, "The criminal law and its procedures existed to serve and protect the interests of the people who suffered as victims of crime, people who were overwhelmingly non-elite."³¹ He proposes, instead of the Marxian version, a return to the conclusions of Radzinowicz. Langbein employs 171 court cases conducted at the Old Bailey in London for the years

³⁰ E.P. Thompson, *Whigs and Hunters: The Origin of the Black Act* (New York: Pantheon, 1975), 266, 267.

³¹ John H. Langbein, "Albion's Fatal Flaws," *Past and Present* 98 (February 1983): 97.

1754 to 1756. He acknowledges the shortcomings of these materials in both the short duration of the sample period and the fact that they represent London crimes, where Hay deals with both London and rural areas. Langbein assures the reader that his sources are still applicable because "however much the clientele differed, the procedural institutions were shared. So were the royal judges who sat in turns at the Old Bailey and rode the assize circuits."³² This usage of sources indicates a significant break from a focus, such as that of Thompson, on the offenders to an emphasis on the workings of the justice system.

Langbein criticizes Hay for romanticizing property criminals and asserts that the Old Bailey records criminals were seldom pitiable victims of capitalist greed. He remarks, "Some plead hunger or say they are unemployed, but in the main we see employed persons who have yielded to temptation rather than necessity."³³ Langbein further contends, "If criminals were often poor, their victims . . . were not much better off. . . . The victim is usually more propertied than the person who victimized him, although often very slightly" and concludes, "Prosecution was not a preserve of the ruling class."³⁴ He also argues that Hay's emphasis on the discretion of judges in manipulating the justice system through the granting of pardons is incorrect. According to Langbein, juries played a much larger role than judges in determining sentences and pardons and were composed largely of non-elite men of little property. These juries were not the pawns of the ruling class and did not, then, intentionally reinforce a patriarchal system of deference with their verdicts. Langbein attacks Hay's "unrepresentative" sample of cases

³² Ibid., 99.

³³ Ibid., 100.

³⁴ Ibid., 101, 102.

in which elites petitioned in favor of a defendant, yet Langbein himself employs the notebooks of a single judge, Ryder, to argue that the judges were professional men who granted pardons on grounds of the seriousness of the legal infraction rather than as a means of enforcing elite control.³⁵ Langbein further criticizes Marxist approaches to the history of crime as an example of the "legitimation trick." According to Langbein, any evidence that is contrary to the Marxian thesis is dismissed as part of the conspiracy's effort to hide their real motivations. Langbein writes, "I have to ask, therefore, what kind of thesis it is that can be satisfied by any state of the evidence, and my answer is that it is not a thesis about the evidence, which means that it is not a thesis about history as I understand the discipline."³⁶

In contrast to the Marxist approach, Langbein favors the thesis articulated by Leon Radzinowicz. Langbein argues that the number of capital offences increased because they were the only method of deterrence available to a law enforcement system that did not yet have a police force. The English people were traditionally opposed to the presence of standing armies and state forces which they saw as infringing on their rights as free Englishmen. This tradition, combined with the hesitation of the government to construct the necessary administrative apparatus, led to the late development of effective policing. Langbein writes, "They had to put so much weight on deterrence because they had so little chance of catching and convicting the undeterred. If the fear of hanging deterred some potential criminals, as most people thought it did, then the capital threat

³⁵ Ibid., 111.

³⁶ Ibid., 114.

was worth making."³⁷ Langbein concludes, "The criminal law is simply the wrong place to look for the active hand of the ruling classes."³⁸

Langbein's criticism of Marxist scholarship on crime encouraged new interpretations. J.A. Sharpe's 1984 (second edition in 1999) survey *Crime in Early Modern England 1550-1750* is a refocusing effort. He advocates the social history perspective for the study of crime and points out several of the factors particularly important to the rise in popularity of the history of crime. Sharpe identifies the Annales School and collaboration with social science disciplines as providing enlightening avenues for study. In addition, he cites a growing "archive consciousness" among historians that is yielding intriguing results. He writes, "Documentary sources are more widely available than ever before, and historians are becoming increasingly imaginative in their ideas of how to use them."³⁹ Not only are historians becoming more adept at using the archives, more material is also becoming available through the improvement of archive libraries. While court records are not always complete, Sharpe concurs with Beattie's assertion that these are the best source for historians of crime.⁴⁰

Sharpe also follows Beattie's lead in pointing out the difficulties of coming to any concrete conclusions when working on crime in the eighteenth century and early modern periods. He discusses the problem of the definition of crime, explaining, "Definition of behavior as 'criminal' can vary according to social status or class, and is also prone to

³⁷ Ibid., 116.

³⁸ Ibid., 119.

³⁹ J.A. Sharpe, *Crime in Early Modern England 1550-1750*, 2nd ed. (London and New York: Trans-Atlantic Publications, 1999), 3.

⁴⁰ Ibid., 4.

change over time.”⁴¹ This idea applies directly to studies of social crime such as E.P. Thompson’s *Whigs and Hunters* and John G. Rule’s “Wrecking and Coastal Plunder” in *Albion’s Fatal Tree*. He also lends a chapter to the problem of measuring crime. He presents statistics on the number of indictments for various crimes that indicate an overwhelming prevalence of property crimes⁴² and numerous graphs charting the number of executions and indictments for property crimes. While giving this evidence, however, Sharpe, like Beattie, reiterates the important role of the “dark figure” of unreported crime in making the reality different from the statistical picture. He also brings up the officials’ role in distorting criminal statistics through administrative changes.

Sharpe looks at the approaches of Hay, Thompson, and other Marxist historians and finds their assertions that perceptions of crime and law were largely dependent on socio-economic status potentially useful, but in need of further study. He writes, “It is possible to trace shifts in the official or semi-official perceptions of the criminal in the period, although again the problem needs rather more subtle handling than the straightforward ‘rise of the capitalist state’ approach might suggest.”⁴³ Sharpe concludes that several factors, including studies of gender and crime and provincial crime, need to be considered before the historian can come to a firm conclusion about the nature of crime during this period, but he does concede, “It is possible to discern a few developments, of which the most important, perhaps, was the growing tendency for the authorities to define criminal and disorderly behavior as the prerogative of the poor.”⁴⁴ He also agrees with Thompson that, despite the concern of contemporary authorities,

⁴¹ Ibid., 5.

⁴² Ibid., 80.

⁴³ Ibid., 136.

⁴⁴ Ibid., 170.

there is little evidence of any "criminal class." Sharpe finishes his survey by reiterating the value of the social history model, studying history "from the bottom up" and employing quantitative analyses of statistical data in order to identify long term historical trends, for the study of crime, and also the importance of the study of crime to the study of history. He asserts, "Its greatest importance consists in providing insights into the sphere of social relations, and of the relationship between authority and society at large."⁴⁵

Sharpe emphasizes the significance of class and relationships of authority while studying crime, but he is also quick to point out the difficulties with using surviving sources and the danger of coming to concrete conclusions. The rarity of complete records and the complexities of using these records to determine actual rates of crime have led recent historians to focus their work on the justice system itself. In their 1993 article "The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England," Joanna Innes and John Styles identify this redirection: "During the last decade there has been a shift from the study of offences towards the study of the institutions and more particularly the processes associated with the administration of the criminal law."⁴⁶ An important work in this new direction is Peter King's *Crime, Justice, and Discretion in England 1740-1820*.

King's work, published in 2000, focuses on property cases and sets out to describe the process of the prosecution from accusation through sentencing. He asserts that the process was analogous to a system of connected rooms in which different

⁴⁵ Ibid., 269.

⁴⁶ Joanna Innes and John Styles, "The Crime Wave: Recent Writing on Crime and Criminal Justice in Eighteenth-Century England," in *Rethinking Social History: English Society 1570-1920 and its Interpretation*, ed. A. Wilson (Manchester and New York: Manchester University, 1993), 205.

influences could be asserted to determine the outcome of the trial. He writes, "The administration of the eighteenth-century criminal justice system created several interconnected spheres of contested judicial space in each of which deeply discretionary choices were made."⁴⁷ King presents each trial stage, or room in his analogy, as an "arena of struggle, negation, and accommodation,"⁴⁸ in which people from all socioeconomic levels participated. Like Beattie and Sharpe, King points out the problems of crime definition, the dark figure, and administration changes that affect any crime study. He uses these stumbling blocks to assert the importance of the study of the justice system. King contends, "If relatively small changes in the attitudes, actions, and interactions of the prosecutors, law-enforcement agencies, and magistrates who controlled the pretrial process could affect indictment rates so easily, the significance of changing levels of recorded crime cannot be assessed until these decision-making patterns have been analysed."⁴⁹

King's study not only describes the justice system, but also emphasizes the role that non-elite members of society played in the prosecution of crime. Using the recognizances recorded in quarter session minute books, King determines that the gentry made up only about 10 percent of those bringing criminal charges for property offences in Essex County. The large majority of prosecutors were tradesmen, artisans, farmers, and yeomen.⁵⁰ This is significant in that it indicates that the vast majority of property crimes were committed not by the lower classes against the upper classes, but by non-

⁴⁷ Peter King, *Crime, Justice, and Discretion in England 1740-1820* (Oxford: Oxford University Press, 2000), 1. King's book is anticipated by his 1984 article "Decision-Makers and Decision-Making in the English Criminal Law, 1750-1800," *The Historical Journal* 27 (March 1984).

⁴⁸ *Ibid.*, 4.

⁴⁹ *Ibid.*, 12.

⁵⁰ *Ibid.*, 36-37.

elites against non-elites. In addition, it illustrates that the non-elite prosecutors were the ones in a position of power over the offenders. Like Hay, King emphasizes the importance of discretion, especially by the victims of crime, in the English judicial system. Discretion could be exercised by different individuals as the case moved through the system, but it began with the prosecuting victim's decision of whether or not to press charges. This study suggests that rather than a ruling class exercising unlimited control over the lower classes through the system of law it was significantly more common for non-elites to use the law to prosecute other non-elites. King points out another important factor in the interaction between social classes in the justice system. He relates, "The status of the most important decision-making groups tended to rise the further down the corridor the prisoner went. However, since the process was highly selective, this meant that as the decision makers rose in social status so the number of accused affected by their decisions fell very rapidly."⁵¹

This relationship indicates that the highest social elites had the fewest number of cases over which to exercise class conscious discretion. While King acknowledges his appreciation for the scholarship of Hay and Thompson in the 1970s and finds that there could be and was some use of the law by the elite class as a means to maintain their power, his study on discretion and the process of the judicial system points out the relative rarity of the occasions for the kind of class discretion the Marxist historians claim.

In *Crime, Gender and Social Order in Early Modern England*, published in 2003, Garthine Walker combines the quantitative approach to court records advocated by

⁵¹ Ibid., 356.

Beattie, Feeley and Little, and other social historians with a qualitative approach that includes the linguistic analysis of narrative sources, some of which will be discussed in detail in the following chapter. She writes, "Ideally, in asking questions about gender and crime, one's interpretation would arise from a dialogue between qualitative and quantitative analyses."⁵² She contends female crime, excluding "feminine" crimes like witchcraft, scolding, and infanticide, has largely been ignored by historians who point to their much lower criminal activity in comparison to men. Walker writes, "What tends to happen is that women are counted, and being a minority of offenders, are subsequently discounted as unimportant."⁵³ Focusing on the county of Cheshire during the decades of the 1590s, 1620s, and 1640s-1660s, Walker closely examines the role of the household in female crime, the behavior of the courts towards women in comparison to men, and the effect of times of war on women's crime.⁵⁴ Walker concludes that due to the overwhelmingly male conception of homicide law the courts did not treat women more leniently than men.⁵⁵

Women's violent behavior was often linked to sexual deviance, true or fabricated. The particular obsession with adultery at this time is witnessed by its overwhelming representation in ballads and broadsides. In the ten years from 1650-1660, adultery was a capital offense, and being caught twice for fornication was a felony. Catching one's wife in adultery and murdering her partner was even grounds for downgrading a murder

⁵² Garthine Walker, *Crime, Gender and Social Order in Early Modern England* (Cambridge: Cambridge University Press, 2003), 4.

⁵³ Ibid.

⁵⁴ Ibid., 22.

⁵⁵ Ibid., 141, 158.

charge to one of manslaughter.⁵⁶ According to Frank McLynn, the emphasis on sex and morality grew out of the belief that sexual misbehavior begot not only unwanted children but also more serious crime; as marijuana in more recent times has been labeled a “gateway drug,” so sexual misbehavior was thought to be a “gateway offense.” McLynn explains, “It was a hardy perennial of conservative and reactionary social thought . . . that the roots of crime were to be located in immorality, especially of the sexual kind.”⁵⁷

In addition to beliefs about the connection between illicit sex and the origin of more serious crime, criminal women and the public and official reactions to them each indicate a powerful underlying social order. Women who willfully committed crimes were clearly acting out of their assigned role as moral/spiritual guide, a role that would become even more entrenched with the generation of the “separate spheres” ideology. This was most evident when a woman killed her husband, and she was charged not with murder, but with treason. McLynn asserts, “The murder of a husband by a wife, whatever the circumstances, was held to strike at the very principles of natural order. . . . These crimes were thought to have a kinship with high treason because they violated the implicit contract between ruler and ruled.”⁵⁸

Susan Dwyer Amussen and David E. Underdown have done exceptional work recently on the gendered social order, specifically patriarchy, of early modern England. In his article “The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England,” Underdown asserts the importance of community devices in maintaining gender roles. He further argues that the rise in community concern over

⁵⁶ McLynn, *Crime and Punishment*, 96, 37.

⁵⁷ *Ibid.*, 96.

⁵⁸ *Ibid.*, 119-120.

deviant women was a result of the breakdown of neighborly ties and traditional gender roles brought on by the development of capitalism. Underdown contends that distinct gender roles were critical to the patriarchal system of order, and that deviance from these roles was perceived by the community as a threat to order. He writes, "Women who defied the authority of their husbands . . . and even the more culpable husbands who tolerated this, threatened the entire patriarchal order. . . . Unruly women who beat their husbands usually could not [be taken to court], so they had to be dealt with by unofficial community action, by shaming rituals like charivari."⁵⁹ In Underdown's view, communities perceived the importance of gender roles to the existing social order, and so acted to insure the perpetuation of these gender roles and preserve order.

Susan Dwyer Amussen, in her article "The Gendering of Popular Culture in Early Modern England," also argues the importance of gender roles in popular culture and the maintenance of order. Amussen identifies women's subordination to men as a significant contributor to the ordering of early modern England. She writes, "Subordination . . . was necessary to ensure good order in the household Since the household in patriarchal political theory was compared to the state, order in it was of critical importance."⁶⁰ The disturbance, even if only temporary, of gender roles posed a threat to the patriarchal political system based on subordination and deference. While both Amussen and Underdown focus on the period before 1660, their assertions of the importance of traditional gender roles to the maintenance of patriarchal social and political order and their descriptions of that order are critical to understanding the period of this study.

⁵⁹ D. E. Underdown, "The Taming of the Scold: the Enforcement of Patriarchal Authority in Early Modern England", in *Order and Disorder in Early Modern England*, eds. Anthony Fletcher and John Stevenson, 116-136. (Cambridge: Cambridge University Press, 1985), 127.

⁶⁰ Amussen, "The Gendering of Popular Culture in Early Modern England," 51.

Susan C. Staub applies these ideas of gender roles and social order to murderous wives in her 2002 article "Bloody Relations: Murderous Wives in the Street Literature of Seventeenth Century England."⁶¹ She contends that the number of texts describing wives who murder their husbands indicates a societal concern with marital relations, in addition to suggesting recognition of female individuality. She asserts that although technically married women had no legal identity apart from their husbands, their portrayal in murder publications indicates that this was not always the case.⁶² Murderesses were tried as individuals and gave testimony in court. In addition, popular ballads, broadsides, and pamphlets purported to tell the murderesses' stories in their own words. Staub observes that, while public demand for explanations and grisly details lent violent women a voice, the offenders' words were always filtered and interpreted by male authors. Staub concludes, "The pamphlets, then, give power to the women only to deny it. This contradiction seems central to the genre and to the period."⁶³

The brief historiography of crime in eighteenth century England in this chapter has attempted to show the value of crime studies to historians' understanding of eighteenth century society. The social history approach, advocated by Beattie, brought the study to prominence in the 1970s and has dominated the field since. The Marxist historians provided an exciting way in which to employ the study of crime to illuminate larger social relationships. After attracting much attention to the potential riches of crime studies, this methodology came under criticism for being too impressionistic. Historians

⁶¹ Susan C. Staub, "Bloody Relations: Murderous Wives in the Street Literature of Seventeenth Century England," in *Domestic Arrangements in Early Modern England*, ed. Kari Boyd McBride, 124-146. (Pittsburgh, PA: Duquesne University Press, 2002).

⁶² Ibid., 124-126.

⁶³ Ibid., 137, 146.

in the 1980s, like J.A. Sharpe, called for a refocusing on statistical data without completely discarding the Marxist theories. Sharpe found that there was evidence of the elite using the law to their advantage, but perhaps not to the degree asserted by earlier scholars. Recent scholarship has shifted the focus from the criminals to the criminal justice system. This redirection was largely based upon the limitations of contemporary sources in determining the actual number of crimes and the nature of offences. Several newer studies examine crime in eighteenth-century London not to expose class tensions, but to investigate the gendered social order.⁶⁴ The current study seeks to combine the quantitative techniques of the social histories with qualitative examinations of cultural change and social assumptions.

⁶⁴ See, for example, Cynthia B. Herrup, *A House in Gross Disorder: Sex, Law, and the 2nd Earl of Castlehaven*, (New York & Oxford: Oxford University, 1999) and Katharine Kittredge, ed., *Lewd & Notorious: Female Transgression in the Eighteenth Century* (Ann Arbor: University of Michigan, 2003).

“D- ye, says she, I think it’s no Sin to cut your Throat:”⁶⁵ Murderesses and public justice

The following account of Alice Wigington’s brutal murder of her apprentice girl appeared in the *Old Bailey Sessions Papers* in January, 1681.

She having got one Sadler a Bayliffs follower, that lodged in her house, to make a whip which they called a Cat with nine tails, some of the Witnesses did affirm that they whipped her with the same so cruelly, that the blood flowed from her in abundance, yet could not this nor the Childs lamentable cries retard her Cruelty, but to hinder the Neighbours from hearing her, she as ‘tis said stopped her mouth, and still continued to whip her till she founded away as dead, and in a short time after, by reason of that barbarous usage dyed.⁶⁶

Wigington’s case is one of 41 in London during the period between 1674 and 1799 in which a woman or women are convicted of murder. During their trials, executions, and in subsequent publications, many of the murderesses played a role in asserting the legitimacy of the justice system. The 18th century was a period of structural and functional change in the English legal system. These alterations included the institution of the Bloody Code, a collection of legislation which drastically expanded the range of capital offenses, the reforming efforts of William Blackstone, and the ascendancy of the legal profession. In addition, the eighteenth century also witnessed the development of non-capital punishment such as transportation and the gradual acceptance of incarceration as an alternative sentence for certain crimes. Urbanization, an increasingly literate and educated population, and anxiety over the crime rate led to greater concern on the part of the authorities for the institution of “public justice.” Simon Devereaux defines public

⁶⁵ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 23 June 2004), April 1725, trial of Mary Hanson (T17250407-8).

⁶⁶ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 23 June 2004), January 1681, alternative trial account of Alice Wigington (U16810117-1). Alice Wigington is also referred to as “Elizabeth Wigenton” and “Leticia Wigington.” In the following chapter, she will be referred to as “Leticia Wigington,” as that is the name ascribed to her by the author of her “Confession.”

justice as "the means by which justice is represented and seen to be done – that is to say, the crucial question of how the power of authorities to punish is reinforced and legitimized."⁶⁷ For the purposes of this study, public justice can be defined as the legitimacy of the justice system in the eyes of the people. The authorities recognized the importance of this concept and went to great lengths to ensure its continuation. A major contributor to the propagation of the public justice idea was the publication and development of the *Sessions Papers*, brief accounts of trials recorded at London's criminal court, the Old Bailey. These records, also referred to as the *Old Bailey Proceedings*, provide valuable information to the historian of crime during this period. They not only present facts, such as dates, crimes, sentences, and names of perpetrators and victims, which can be used in statistical analysis, but they also act as an outlet for voices which otherwise would have been lost to history. The trial records of murderesses in the *OBSP* reveal the importance of public justice, statistical profiles of female violence, and glimpses of the gendered society.

The local nature of English law enforcement ensured that public opinion on the justice system's legitimacy was not just a luxury: in order for the system to function at all, the public had to participate not only as jurors and witnesses but also as investigators and police force. The men and women of eighteenth-century London felt they were living in an especially criminal age. The increasingly crowded streets of London reputedly were home to great numbers of thieves, murderers, footpads, swindlers, pickpockets, and prostitutes; notorious highwaymen plied their trade on the busy, but derelict, roads leading to and from the metropolis. In addition, general disorder in the

⁶⁷ Simon Devereaux, "The City and the Sessions Paper: 'Public Justice' in London, 1770-1800," *Journal of British Studies* 35 (October 1996): 468.

form of sporadic rioting and chronic public drunkenness contributed to the feeling that metropolitan society was spiraling out of control. In 1762 one London author lamented, "Surely cruelty and barbarity did never more abound among us than now."⁶⁸ The 1767 Brownrigg case exemplifies the important role ordinary Londoners played in law enforcement and in easing the anxiety caused by urban crime. Mrs. Brownrigg was convicted of murdering one of her apprentice girls, and it was her neighbors, Mr. and Mrs. Deacon, who suspected abuse and set up surveillance on the Brownrigg house. Upon observing the abominable condition of the girl, they informed the overseers of the poor house, St. Dunstan's in the West. The overseer and the neighbor then confronted Mr. Brownrigg, forced him to produce the second victim, and carted him off to the compter. When Mrs. Brownrigg was on the run, ads offering descriptions of the fugitive and a reward upon her capture were purchased by the overseers and the churchwarden. This information was acted upon by an innkeeper, who suspected his guests fit the published description, and they were finally apprehended by one constable with the aid of Mr. Deacon. The officers of the law in this case ordered the arrest of the Brownriggs and provided one arresting officer, but much of what would now be considered police work was accomplished by private citizens. The public's dedication to its law enforcement role was dependent not only on people's natural instinct to protect themselves and their property, but also on their conviction that the justice system was, in fact, just and effective in crime punishment and deterrence.

⁶⁸ *God's revenge against murder; or, the genuine history of the life, trial, and last dying words of Sarah Metyard, widow, and Sarah Morgan Metyard, spinster, for the willful murder of Ann Nailor. ... To which is added the life of John Plackett* (London: T. Trueman, 1762), 3.

In order to appreciate the *Old Bailey Sessions Papers*' relationship to public justice during this period, it is important to understand both the trial procedures they describe and the physical appearance of the criminal court in which their stories take place. All criminals, male and female, charged with murder and other felonies in the square-mile City of London or the adjoining county of Middlesex were tried in the court known as the Old Bailey, so called because of the ancient street of the same name which ran along its side. The first mention of a London Sessions House, constructed for the sole purpose of the administration of justice, was in 1334 in Smithfield. This original building fell into disuse, and a new Sessions House was erected next to Newgate Prison in 1539. The new building adjoined Newgate by a prison yard which expedited the transfer of prisoners between their holding cells and the courtroom while also cutting down on the opportunity for the dreaded "gaol fever" to spread from infected prisoners to the public.⁶⁹

The Elizabethan Sessions House was destroyed in the Great Fire of 1666 and a new stone structure was erected on the spot. This building was remarkable for its architectural plan which included one entirely open side. This design allowed air to circulate through the courtroom, again lessening the likelihood of gaol fever infection and also providing limited relief from the offensive smells wafting from the miserable denizens of Newgate. In addition, the open side faced the prison yard, allowing officers to easily herd defendants into the bail dock. Donald Rumbelow expounds, "When prisoners were brought to the bail dock, those who could pay 2s. 6d. to the gaoler were allowed to stand in the open away from the smells and infected bodies of the other prisoners who were herded below into the Hold, women on one side and men on the

⁶⁹ Donald Rumbelow, *The Triple Tree: Newgate, Tyburn and Old Bailey* (London: Harrap, 1982), 67.

other, where they would stand like 'so many Sheep penn'd up in Smithfield on a Market Day'.⁷⁰

The Old Bailey Sessions House acted as the "face" of justice for much of the urban population. While literacy was increasing, the late seventeenth and eighteenth centuries were still visual cultures. Although information spread quickly via newspapers, broadsides, coffee houses, and then through oral channels, visual symbolism remained an important means of communication. This fact was not lost on the justice system. As Hay argues,

In the court room the judges' every action was governed by the importance of spectacle. Blackstone asserted that 'the novelty and very parade of ... [their] appearance have no small influence upon the multitude': scarlet robes lined with ermine and full-bottomed wigs in the seventeenth-century style, which evoked scorn from Hogarth but awe from ordinary men.⁷¹

In addition, Hay further notes, "Ideologies do not rest on realities, however, but on appearances."⁷² The appearance of the Sessions House, with its open side and accessible bail dock, gave the impression that the justice system had nothing to hide from the public who often gathered outside in anticipation of the verdicts.

One historian points to the restructuring of the Sessions House in 1774 as a possible cause for the improvement in the quality of the *OBSP*. The English were very proud of their legal system, and, at the least, the appearance of justice was critical to the official maintenance of order. In his article "The City and the Sessions Paper: 'Public Justice' in London, 1770-1800'," Simon Devereaux suggests that John Wilkes' effort in 1775 to ensure the authenticity of the Sessions Papers may have been in part a reaction to

⁷⁰ Ibid., 67-68.

⁷¹ Hay, "Property, Authority and the Criminal Law," 27.

⁷² Ibid., 36.

the redesign of the Sessions House.⁷³ The reconstruction included enclosing with brick walls spaces which had been open or encircled by lower and less imposing wooden partitions. Most significantly, the bail dock was hidden from public view by a high brick wall. Devereaux explains:

All of these features ... must have given the Sessions House a more formidable and forbidding character from the exterior than had once been the case. In 1775, the Sessions House must have seemed less a palace than a fortress of justice to passersby. Wilkes may have meant an improved Sessions Paper to serve as a literary counterpoise to a sense of exclusion, first in terms of monetary capacities, and now enhanced by physical appearance.⁷⁴

Devereaux argues the *Sessions Papers* were “intended to enhance confidence in City authorities by putting on display one of their most potent exercises of that authority – the administration of ‘public justice.’”⁷⁵

Devereaux’s assertions are supported by the increasing length of the *OBSP* reports on the 41 cases in this study. For example, in the case of Elizabeth Battison, found guilty of murder on July 7, 1686, the trial summary is actually only one long sentence:

Elizabeth Battison, of the parish of St. Martins in the Fields, was Indicted for Killing Elizabeth Kell, a Girl about Eleven Years of Age, on the 1st. of November last giving her a mortal Wound on the Right part of her Belly and that she had never been well since, and the Chirurgeon said her death must needs proceed from the Blow or Kick but the prisoner having good Evidence on her side, deposed that though she was Mother in Law to the Decased [sic] Kell, yet she loved her very well, and always gave her moderate Correction, and that the Deceased was always very sickly, and dyed of a Natural Disease; all which was Corroborated by another

⁷³ Devereaux, “The City and the Sessions Paper,” 466-503.

⁷⁴ Ibid., 488.

⁷⁵ Ibid.

Chirurgion that searched the Deceased Kell, whereupon she was brought in Guilty.⁷⁶

While one of the shortest examples, Battison's case report is not unrepresentative of accounts during the last quarter of the 17th century and the first quarter of the 18th. Of the twenty *OBSP* reports of women convicted of murder from 1674-1725, only five occupied more than half a page.⁷⁷ During the next 50 years, only eight of eighteen accounts are less than three pages, and only one is less than one page. That case is summarized simply in one sentence, "Ann Walson, was indicted for the murder of Ann Ellard, spinster, by fastening a piece of lift about her neck, whereby she was strangled."⁷⁸ Walson pleaded guilty. After 1774, the Sessions Papers report only three cases in which women were found guilty of murder. The two cases from 1796 are 14 and nine pages long, respectively, and the one from 1797 totals 11 pages.

Due to the small size of the sample and lack of cases following Wilkes's campaign of 1774, the *OBSP* evidence presented here cannot prove Devereaux's assertion, but neither does it derail it. The steady increase in the length of *OBSP* reports also suggests a persistent escalation of public concern with the forms and procedures of the law. The format of the *OBSP* reports indicates a change from a single paragraph summary (sometimes as much as an entire page long) to a dialogue transcript. This organizational alteration obviously contributed to the increase in length, but it also points to a growing concern with accuracy and an effort to engage the public in the justice

⁷⁶ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 25 June 2004), July 1686, trial of Elizabeth Battison (t16860707-12). It is also interesting to note that, although one chirurgion (surgeon) testified in support of Battison, she is still found guilty with no explanation of the verdict. These early reports did not dwell on details.

⁷⁷ "Page" refers to modern single spaced 12pt font.

⁷⁸ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 24 June 2004), February 1752, trial of Ann Walson (T17520219-19).

system. Hal Gladfelder comments, "Changes in the physical format and representational strategies of trial reports from the mid-1670s through the 1720s, particularly their increasing emphasis on verbatim testimony and circumstantial evidence, increasingly situated their readers in the position of judges even as they opened a discursive space for the accused."⁷⁹

The first case in the sample of 41 in which a dialogue format begins to take shape is in that of Jane Griffin in 1720. Griffin was convicted of stabbing and killing her apprentice girl. Her trial consists of three pages of summary and testimony in which the individual witnesses' statements are reported in third person but separated into their own paragraphs. The 1725 and 1726 cases of Mary Hanson and Katharine Hays featured first person testimony of a single key witness. These reports consisted of one long paragraph. The 1733 case of Sarah Malcolm showcases, for the first time in this sample, the dialogue transcript format that would persist throughout the remainder of the century. This new style featured witness testimony punctuated by questions from court and council and presented a more realistic depiction of the actual proceedings than the block summaries which preceded it.⁸⁰ The *OBSP* illustrate the authorities' promotion of the idea of public justice through the publication's evolution from a brief, rather informal paragraph summary to the detailed dialogue format of the late eighteenth century.

⁷⁹ Hal Gladfelder, *Criminality and Narrative in Eighteenth-Century England: Beyond the Law* (Baltimore and London : John Hopkins University, 2001), 12.

⁸⁰ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 18 June 2004), January 1720, trial of Jane Griffin (T17200115-35); *Old Bailey Proceedings [or OBP]*, April 1725, Mary Hanson (T17250407-8); *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 19 June 2004), April 1726, trial of Katharine Hays (T17260420-42); *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 19 June 2004), February 1733, trial of Sarah Malcolm (T17330221-52).

Historians have used these court records to determine crime rates. As mentioned in the preceding chapter, J. M. Beattie was one of the first scholars to recognize the potential of these sources in his 1974 article "The Pattern of Crime in England 1660-1800." In his study, Beattie looked at the Bloody Code and saw it as a reflection of the lawmakers' growing anxiety over the increase in crime, but he then asked several often overlooked questions: "Was crime in fact increasing in the eighteenth century? Did it become more pervasive, more violent and threatening?"⁸¹ Beattie explains that a dearth in surviving sources had forced historians to rely on privately collected data and contemporary opinion to describe crime in eighteenth-century England. Based upon these sources, historians concluded that crime was on the rise. Beattie, however, argues that these sources are inadequate in providing "a consistent body of evidence of changes over a long period in various kinds of crimes or of rates of change in different parts of the country," but that serial judicial records would provide evidence of crime rates, and he tested the utility of these records on the counties of Surrey and Sussex for the period of 1660-1800.⁸² Beattie concludes that violent crime rose in the later seventeenth century, peaked during the first third of the eighteenth-century, and then proceeded with "considerable moderation" for the rest of the century.⁸³

Beattie followed up "Pattern of Crime in England" with an article focusing on female offenders. Originally published in 1975, "The Criminality of Women in Eighteenth-Century England" examined women's violent and property crimes in the counties of Surrey and Sussex. Relying mainly on indictments, trial records, and

⁸¹Beattie, "Pattern of Crime in England," 48.

⁸² Ibid., 49.

⁸³ Ibid., 70.

depositions, Beattie finds more female crime in the urban parishes of Surrey (which includes the London borough of Southwark in addition to other outlying sections of the metropolis) than in Sussex and the rural Surrey parishes. Beattie argues that the increasing incidence of female criminals derives not only from the larger numbers of young women in urban areas and the greater opportunities for crime, but also from women's social roles in each setting. He contends, "The contrasting urban and rural crime patterns . . . derive from and are evidence of differences in the nature of women's lives and work in these different settings, in the range of their social contacts and in their economic opportunities and difficulties."⁸⁴

By emphasizing social and economic issues, Beattie moved the study of female criminals in a new direction. Beattie argues that contrary to previous scholarly assertions, biological factors alone do not account for the relative dearth of violent female offenders in comparison to violent male offenders. He finds the argument that women were too weak to commit crimes against the person implausible as eighteenth-century women were no strangers to physical labor. In addition, he debunks the idea that women were partial to murder by stealth (poisoning, for example) by citing cases in which women used weapons such as clubs to subdue their victims.⁸⁵ Indeed, of the forty-two murderesses convicted at the Old Bailey in London between 1674 and 1799 only one used poison while four strangled their victims, six beat them to death, and eighteen killed by stabbing or slashing.

⁸⁴ J. M. Beattie, "The Criminality of Women in Eighteenth-Century England," *Journal of Social History* 8, 4 (1975): 82.

⁸⁵ *Ibid.*, 82, 83.

Beattie also asserts that murderesses tended to kill people they knew, including members of their own households.⁸⁶ According to Beattie, this is partial evidence of the relative narrowness of women's social circles in comparison to men and suggests one possibility for their lower rate of criminality. Crimes within the household were also less likely to be reported, thereby further obscuring deviant women from the official record. Beattie also points out that female violence was occasionally tied to the defense of the household interests. This could include discouraging thieves, acting with their husbands against parties impinging on the family interest, and assaulting officers attempting arrest or seizure of goods.⁸⁷ Upon such evidence, Beattie concludes that the differences between male and female crime "must have resulted from contrasts in training and expected behaviour and in general from the place of women in society."⁸⁸ The *OBSP* records support this claim. Of 43 total victims, seventeen were members of the murderesses' households and an additional sixteen were at least acquainted with their killers. Interestingly, of the ten victims who seemed to have no acquaintance with the women who participated in their murder, nine were men. Further, in the ten cases in which women were convicted as accessories to murder, nine of the victims were strangers. This information indicates that of the 33 victims killed by women acting as principal offenders, 32 were either members of the murderess's household or at least acquainted with her.

In order to better test these hypotheses, Beattie undertakes a comparison in crime rates between urban Surrey and rural Sussex counties. Not surprisingly he finds much

⁸⁶ Ibid., 83.

⁸⁷ Ibid., 87, 88.

⁸⁸ Ibid., 96.

more crime in the more urban areas, but concludes that such disparity cannot only be a product of simple population density. He argues that "rural life was especially restrictive for women" and that "relative freedom" of the city and town allowed women greater independence.⁸⁹ While perhaps exhilarating, this new independence could quickly lead to economic destitution for single women working at poorly paid jobs or widows with children to support. A deep seated fear of this new, independent woman is expressed in the popular literature discussed in the following chapter.

Though important to property crime, Beattie points out that economic factors do not explain fluctuations in violent crime. He finds that in both counties most women charged with assault and murder were, in fact, married and settled in their communities. Beattie argues that the larger percentage of female crime in urban parishes is most likely accounted for by the drastic change wrought in their lives by a move to the city.⁹⁰ Beattie concludes:

[In the city] women were thrown more directly into contact with a wider society; they were more regularly part of the work force and more dependent on working for wages ... and they were less protected, sheltered, and restricted.... This points towards an explanation of women's crime and of differences in male and female crime which, while it might have to accommodate biological and emotional factors, will emphasize social realities, the relationships of men and women, and in general, the place of women in society.⁹¹

⁸⁹ Ibid., 98.

⁹⁰ Ibid., 102.

⁹¹ Ibid., 109.

Beattie's conclusion that women's crime was more likely rooted in social than biological factors marked a major break from Pollak's assertions of natural female deceit.⁹²

Another study relying heavily on court records to emphasize social factors contributing to female crime is Malcolm M. Feeley and Deborah L. Little's "The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912."⁹³ Employing the Old Bailey records as well as those of other English and American courts, Feeley and Little argue that over the period of their study the number of women accused of felonies decreased and that this decline resulted from changing social controls and attitudes.⁹⁴ They assert that the decline they find in prosecutions against women coincides with an increase in patriarchal control. They contend, "Macro social changes in the economy, in sexual relations within the family, in the roles of both men and women, and in cultural values during the eighteenth and nineteenth centuries all lead in the same direction – that is, toward a greater range of social controls that restricted women to domestic life."⁹⁵ While acknowledging that such shifts in social ideals were not likely shared equally among women of differing socio-economic status, they point out that they are, in fact, more concerned with "the sensibilities of those who were able to bring charges or administer justice."⁹⁶ Feeley and Little contend that their study does not pretend to provide answers, but to raise important questions and suggest avenues for further study.

⁹² The significance of Beattie's work is witnessed by its republication, in entirety, in D. Kelly Weisberg, ed., *Women and the Law: A Social Historical Perspective*, vol. 1, *Women and the Criminal Law* (Cambridge, MA: Schenkman Publishing Co., 1982).

⁹³ Malcolm M. Feeley and Deborah L. Little, "The Vanishing Female: The Decline of Women in the Criminal Process, 1687-1912," *Law & Society Review* 25, 4 (1991).

⁹⁴ *Ibid.*, 719.

⁹⁵ *Ibid.*, 749.

⁹⁶ *Ibid.* 743.

It is difficult to support or challenge Feeley and Little's conclusions using only the sample of 41 female murder convictions. In the first 62.5 years, from 1674-June, 1736, 24 women were found guilty of murder. In the second 62.5 years, July 1736-1799, 17 women were convicted. The data becomes more informative when including women brought to trial for murder. These rates clearly decline over time, thus supporting Feeley and Little's observations.⁹⁷

Table 1. Accused Murderesses' Trial Results 1674-1799

	1674-3/1705	4/1705-6/1736	7/1736-9/1767	10/1767-1799
Accused	79	71	58	39
Part Guilty	6	11	14	12
Guilty	12	12	11	7

Source: Data collected from *Old Bailey Proceedings* (www.oldbaileyonline.org, summer 2004).

Their contention that the development over the eighteenth and nineteenth centuries of separate spheres ideology informed the decrease in women in court proceedings employs a popular, but contested, strategy among gender historians of this period (as we shall see below). In her chapter on homicide Walker argues that women's sentencing for murder was not more lenient than that of men:

The argument that the sentencing of women was lenient (or harsh, for that matter) judges women's treatment before the courts by the male standards that were embodied in law.... While these standards operated to the advantage of most men who were charged with homicide, the same cannot be said of women.⁹⁸

⁹⁷ This data also shows an increase in conviction percentage, perhaps indicating a reluctance to indict without evidence.

⁹⁸ Walker, *Crime Gender and Social Order*, 113.

According to Walker, there are three main categories of culpability in a murder case: culpable, excusable, and justifiable. Culpable killing was a capital offense, excusable killing could be pardoned, and justifiable killings often resulted in acquittals.⁹⁹ Culpable killing was further divided into two categories: murder and manslaughter. This division worked to the disadvantage of women because manslaughter, a crime which could be punished capitally but more often resulted in branding, was not considered a female offense. Manslaughter was tied to the male culture of honor that included violence in the form of fights and brawls between men of equal social status. Walker writes, "Early modern legal and societal understandings made manslaughter an unsuitable category for deaths other than those in which both slayer and slain were grown men. . . . The words used to describe manslaughter took for granted that it was an 'equal and voluntary' fight, a 'sudden falling out', between two men."¹⁰⁰ Excusable homicide included self defense and accidents. Again, Walker claims, "It was neither intended for nor applied to the behaviour of women."¹⁰¹ Self defense cases usually involved a fight between men or a formal duel. Interestingly, Walker found that most cases of accidental death, or death by "misfortune," involved a woman or child victim.

Walker points out that, as asserted by previous historians, women accused of murder were more likely to have charges dismissed or to be acquitted than were men. She contends, however, that this should not necessarily be misconstrued as leniency on the part of the courts. Walker argues, "Unlike men, who did not often hang for homicide, women who were found guilty almost always suffered sentence of death. Moreover . . .

⁹⁹ Ibid., 114-116.

¹⁰⁰ Ibid., 124.

¹⁰¹ Ibid., 130-131.

male defendants were also more likely than women to be pardoned.”¹⁰² This disparity is partially because branding, after pleading benefit of clergy for manslaughter, was not an option for female defendants in homicide cases. was the fact that after pleading benefit of clergy the punishment for manslaughter, branding, was not an option for female defendants in homicide cases. Walker reasons chillingly, “There was thus nothing to be gained by a jury reducing a charge against a woman from murder to manslaughter, for a conviction of either led to the same end: execution.”¹⁰³ Women were also not eligible for self defense claims against men because of the way the law was constructed. Self defense was a legitimate claim when the combatants were relatively equally matched. Walker explains that when women killed men, they almost always used some weapon or strategy to gain physical advantage, thus indicating “excessive retaliation.”

The cases of the 42 murderesses convicted between 1674 and 1799 reflect the high execution rate described by Walker. Six women were burned for killing their husbands, 30 hanged, one escaped, at least for a time, due to pregnancy, and another seems to have had connections that allowed her to be transported rather than executed. Of the thirty women hanged six had their corpses handed over to the surgeons after execution to be dissected in the anatomy theatre.

While court records are especially useful for accumulating statistical data, individual case studies suggest ways in which the *OBSP* could also be subtle manipulators of public justice in accordance with the contemporary gender assumptions highlighted by Feeley and Little and Walker. In the sensational 1767 case, Elizabeth Brownrigg was charged with beating one of her apprentice girls to death. The star

¹⁰² Ibid., 136.

¹⁰³ Ibid., 137-138.

witness was a second apprentice, Mary Mitchel, who was also severely mistreated but survived to detail years of abuse by Elizabeth, her son John, and her husband James. Mitchel testified that she and the deceased, Mary Clifford, were frequently tied to a hook in the kitchen and whipped by Elizabeth until they bled. While Elizabeth was the primary defendant, her husband and son were charged as accessories. Mary Mitchel asserted that John, the son, gave an especially brutal beating to Mary Clifford when she was unable to turn up a bed. When asked if John hurt Clifford much Mitchel replied, "Yes, I believe he did; her head and shoulders were not well at the time she had been beat before by my mistress; the wounds were just scabbed over; my mistress used to be often beating her; John made her head and shoulders bleed very much."¹⁰⁴ Mitchel also told the court that both John and James had locked the girls in the cellar before the family left for their weekly trips to Islington. The girls remained in the room until the family returned, sometimes more than 24 hours later. In addition, Mitchel accused James of beating Clifford with a hearth brush and with allowing his wife to mistreat her apprentices. When she once complained to James of their treatment Mitchel reported his reply, "He said he was sorry, but I should mind my business."¹⁰⁵

The trial transcript in the *OBSP* shows the Brownrigg's lawyers focus more on defending the son and husband than on Elizabeth, the primary accused.¹⁰⁶ They questioned the consistency of Mitchel's testimony with regards to James Brownrigg's participation in brutal beatings and asked for clarification on how many times John had

¹⁰⁴ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 28 May 2004), September 1767, trial of James Brownrigg, Elizabeth his wife, John their son (T17670909-1).

¹⁰⁵ *Ibid.*

¹⁰⁶ Most trial records are unclear as to the defendant's legal representation, and the Brownrigg's lawyers seem to have been especially active. This could point to their higher economic status in comparison to the other murderesses, or to the fact that the Brownrigg men were on trial, too.

beaten them. The counsel for the defense also made certain to inform the court that the beatings administered by the male Brownriggs occurred well before the girls were taken from the home and therefore did not cause Clifford's death. In addition, they contended that James Brownrigg often would leave his horsewhip in the workshop intentionally so that his wife could not use it to abuse the girls. James Brownrigg, when given the opportunity to speak, claimed, "I never beat her, nor suffered her to be beat." He also contended that his wife and Mitchel had deceived him by telling him that Clifford was out of town when the constable and neighbors came to fetch her. (This claim is somewhat difficult to believe considering the speed with which he produced Clifford when threatened with arrest.)

Upon first reading, the significant amount of time spent defending the male accessories at the expense of the female principle was perplexing and seemed to hint at a gender bias, which will be considered in greater detail later. On the other hand, the case against Elizabeth was fairly strong and the attorneys may have simply thought the men had the best chance at acquittal. They were right: Elizabeth was found guilty and sentenced to death while her husband and son were set free. The jury's sentiment, however, was not shared by everyone. Even before the trial began, letters were published in London newspapers calling for the equal culpability of the male Brownriggs. When initially charges were not filed against John Brownrigg, one incensed subject wrote, "And is this young monster, this imp to the worst of devils, to be free from the hand of justice? If so, fye upon our laws." The anonymous author continues, "The prosecution against her [Elizabeth] can be attended with no benefit to the deceased innocent; it is to obtain a satisfaction to the injured laws of her country; and there appears equal reason why each

of the offenders should receive from those laws a punishment adequate to their different crimes.”¹⁰⁷ One contributor to the *London Evening Post* agreed that the Brownrigg men should be held accountable, “It appears very plain, that the girl was not killed by any one whipping, but by a long continuance of such treatment; and therefore every one who had a hand in such inhuman whipping, contributed to her death, and was concerned in the murder.”¹⁰⁸ This same writer weighed in after the verdict, “These barbarous men have met with more mercy than they shewed to the tortured unhappy apprentices.”¹⁰⁹

In light of public reaction to the acquittal of James and John Brownrigg, the heavy focus on their defense in the *OBSP* becomes more understandable. According to contemporary sources,¹¹⁰ the Brownrigg trial lasted 11 hours and yet the transcript in the *OBSP* takes only about thirty minutes to read through. Clearly, some of the trial material has been edited out. It is possible that the majority of the defense testimony recorded in the *OBSP* is devoted to the discussion of John and James Brownrigg as an effort to convince the reading public of the justness of their acquittal. Through the editing process, the *OBSP* serves not only to provide statistical crime data and illuminate the trial proceedings, but also to shape the face of “public justice” by determining which parts of the trial are accessible to the public in order to promote the legitimacy of the justice system.

¹⁰⁷ *The Gazeteer and New Daily Advertiser* (London), 26 August 1767, 1.

¹⁰⁸ *London Evening Post* 6214:3, quoted in Patty Seleski, “A Mistress, a Mother, and a Murderess Too: Elizabeth Brownrigg and the Social Construction of an Eighteenth-Century Mistress,” in Katharine Kittredge, ed., *Lewd and Notorious: Female Transgression in the Eighteenth Century*, (Ann Arbor: University of Michigan, 2003), 221.

¹⁰⁹ *London Evening Post* 6226:3, quoted in Seleski, “A Mistress, a Mother, and a Murderess Too,” 221.

¹¹⁰ John Wingrave, *A Narrative of the Many Horrid Cruelties Inflicted By Elizabeth Brownrigg Upon the Body of Mary Clifford, Deceased...* (London: Printed for the Author [etc.], 1767).

Like the *OBSP*, popular crime literature also provided an opportunity for the promotion of public justice. The argument for the legitimacy of the legal system often came from the criminals themselves. In most cases, the convicted woman acknowledges her guilt and the justice of her sentence, even when she had pled "not guilty" in her trial. Such an advertisement for the legitimacy of the legal system, especially from the mouths of the condemned, was critical to maintaining the public support which allowed law enforcement to function.

The litany of public confession was tied to early modern England's paternalistic system of deference. English society consisted of a complex network of power relationships which governed the ways in which members of society interacted. Keith Wrightson explains, "Such relationships stemmed from the existence of permanent inequalities and were based upon the recognition of the power of one party and the dependence of the other."¹¹¹ Wrightson further contends that this relationship was defined by those higher on the social scale. In this system, a landlord may not raise a tenant's rent, but in return expected loyal subordination from the tenant and acknowledgement of the landlord's natural superiority. Wrightson expounds, "It was ... an exchange of essentially unequal obligations: crumbs from the table, relatively speaking, in return for at least an outward subscription to a world-view and a tacit rejection of alternative definitions of the situation."¹¹² While Wrightson's examples focus on relationships between men of different social status, his assertions are applicable to other relationships of inequality during this period, including gender. It was important

¹¹¹ Keith Wrightson, *English Society 1580-1680* (London: Routledge, 1982, 2003), 65.

¹¹² *Ibid.*, 66.

for deviant women to acknowledge their deviance in order to uphold the paternalistic system of deference that supported the social order.

The majority of the convicted murderesses were careful to confess their crimes and acknowledge the propriety of their death sentences. Peter Linebaugh writes that one purpose of these published confessions, “was meant to provide legitimacy to the court’s decision and justification for the hanging.”¹¹³ Mary Phelps, executed in 1683, apparently conducted her self appropriately. The author of her case summary, consisting of all of two paragraphs, attests, “She confessed in general, that she had been a great sinner, and acknowledged the justice of the Proceedings against her Life, and submitted her self to the hands of the Law.”¹¹⁴

The Ordinary of Newgate’s *Accounts*, as indicated by Linebaugh, are particularly concerned to portray the criminal’s assent to her punishment. In reference to the 1752 case of Rachel Beacham, Ordinary John Taylor writes, “She was thoroughly sensible, how much she merited her Fate, and said, as she had murdered the poor Babe, she deserved to die, and had no other Reason to desire to live, but for the Sake of her own Children. . . .”¹¹⁵ Ann Walsam likewise claimed she deserved to die, though the Ordinary admitted that she at times seemed not to be fully possessed of her senses. He writes of her, “She says [of her crime], which she owned in all its aggravated Circumstances, and that she very deservedly met with her Fate; and worse would be no more than her due.”

¹¹³ Peter Linebaugh, “The Ordinary of Newgate and his *Account*,” in *Crime in England 1550 – 1800*, ed. J. S. Cockburn (Princeton: Princeton University, 1977), 257.

¹¹⁴ *The True Narrative of the Confession and Execution of the Seven Prisoners at Tyburn...* (London: George Croom, 1683).

¹¹⁵ John Taylor, *THE ORDINARY of NEWGATE'S ACCOUNT of the Behaviour, Confession, and Dying Words, Of the FOUR MALEFACTORS Who were executed at TYBURN On Monday the 13th of JANUARY, 1752.. Old Bailey Proceedings Online* (www.oldbaileyonline.org, 15 July 2004), January 1752, Ordinary’s Account (OA17520113).

He sums up this particular *Account*, "And during the whole Time of the Execution, there was not the least Disturbance. From whence we may conclude, that when Justice, supported by proper Authority, is taking Place, the Hearts of the Wicked shall tremble."¹¹⁶ Mabel Hughes, too, was "inclined to own the justice of her suffering."¹¹⁷ These women successfully played the role set out for them by a justice system concerned to maintain its own legitimacy. By themselves acknowledging the propriety of the death sentence, they left little room for any defense of their actions or complaint against the system. Their compliance with their sentences effectively brought them back into society through their affirmation of its laws and punishments.

Even when the convicted murderess refused to participate in the litany of repentance, the publisher offered an explanation for her actions that exonerates the verdict she rejected. Convicted of whipping her apprentice girl to death in 1681, Leticia Wigington initially acknowledged her guilt, but later recanted and wrote her own statement concerning her alleged crime and imminent execution.¹¹⁸ The account published as *The Confession and Execution of Leticia Wigington* claimed to be "written by her own hand in the Goal of Newgate, two days before her death."¹¹⁹ In it Wigington

¹¹⁶ John Taylor, *THE ORDINARY of NEWGATE'S ACCOUNT of the Behaviour, Confession, and Dying Words, Of the SIXTEEN MALEFACTORS Who were executed at TYBURN On Monday the 23d of MARCH, 1752*. *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 15 July 2004), March 1752, Ordinary's Account (OA17520323).

¹¹⁷ John Taylor, *THE ORDINARY of NEWGATE'S ACCOUNT of the Behaviour, Confession, and Dying Words, Of the FOUR MALEFACTORS, Who were executed at TYBURN, On WEDNESDAY the 12th of November, 1755*, *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 15 July 2004), November 1755, Ordinary's Account (OA17551112).

¹¹⁸ She appears as Alice Wigington alias Wiggins in *Old Bailey Proceedings*, January 1681, Alice Wigington (u16810117-1) and also as Elizabeth Wigenton in *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 17 June 2004), January 1681, trial of Elizabeth Wigenton (t16810117-1).

¹¹⁹ *The Confession and Execution of Leticia Wigington*, (London: Printed for Langley Curtiss, on Ludgate-hill, 1681).

claims to be innocent of the murder and has harsh words for those who participated in bringing about her conviction. She writes:

You that have had any hand in taking away my Life wrongfully, I pray God forgive you all; but let me admonish you not to abuse the dead by giving out your cruel speeches by me, as you have done in my Life-time . . . first to Imprison me wrongfully, and that not satisfying, but to prompt [my young apprentice to swear falsely against me] . . . so that you have used me at your pleasure. I speak to you all, Rich and Poor, great and small, that have had any hand in my Death, whoever you are, for you cannot be ignorant of the great evil you have done me . . . for you have made it your business to take away my life, who am as innocent as concerning the Murder for which I suffer as the Child unborn.¹²⁰

In these impassioned sentences, Leticia Wigington not only protests her own innocence, but accuses the justice system of manipulating her to the gallows.

The publishers of the Wigington account believed its authenticity and responded accordingly, "We are fully satisfied, that the following Paper was written by this unhappy woman's own hand, a while before her Death."¹²¹ In the introduction to her assertions of innocence the publisher reaffirms the court's guilty verdict, insisting that the evidence against her was "full, clear and undeniable," and suggests a reason for the timing of her accusations. He maintains that Wigington's association, while in prison, with Catholic prisoners condemned for treason prompted her reversal. He reveals, "We have very great reason to judg she has been too well acquainted with that cursed crew of Popish Priests and Jesuites, who it is to be feared have debauched her with their own damnable Principles." He seeks to add legitimacy to his argument by pointing out similarities between Wigington's statements and those of the Jesuits. He asserts, "They have

¹²⁰ Ibid.

¹²¹ Ibid.

perswaded her to deny what she before had so fully confessed, which she does in the very words of those Jesuites who lately deservedly suffered . . . yet *Atheistically* even with their last Breath affirmed, *That they were as innocent as the Child unborn.*"¹²² During this period, to associate one with Catholicism was a serious accusation indeed and indicates the grave implications of Wigington's claims.

Leticia Wigington was the exception rather than the rule. The majority of convicted murderesses played their role in the propagation of "public justice" by admitting the horror of their crimes and accepting the justness of their fates. The confession, execution, and published accounts were significant contributors to the legitimacy of the justice system.

¹²² Ibid.

***"We shall proceed to shew the monstrous Perfidy and Cruelty of a Woman:"¹²³ Fear
of the independent female in popular literature***

By Times long frozen Hand, Thy feeble Arm –
But oh! What Frost can chill where Hell can warm?
Methinks I saw the sleeping Husband kill'd,
Her vigorous Arm with youthfull sinews fil'd,
And stoutly following the Triumphant Stroak,
Unbrancht, Unlimb'd, She hew'd the falling Oak;
While peeping Vengeance, that reserved the Meed
Of Treason, lookt all ghastly at the Deed.¹²⁴

On the evening of January 27, 1688, Mary Hobry strangled her husband, Denis, with his own garter as he lay in a drunken stupor on their bed. After several days, she decided that the best way to dispose of the body (as it was "too big to be carried off"¹²⁵) would be to dismember it and scatter the pieces in various "houses of office" in the neighborhood. When the coroner's inquisition confronted her with her missing husband's hand, recovered from an outhouse, she confessed the murder and was soon after executed for petty treason. The grisly details of Mary Hobry's bloody crime captivated the London public and were distributed not only in the *Old Bailey Session Papers*, but also in several independently produced ballads and broadsides.¹²⁶ Such forms of popular crime literature offer not only case descriptions, but also editorial comments that provide insight into the gendered social constructions of the long

¹²³ *A narrative of the barbarous and unheard of murder of Mr. John Hayes, by Catherine his wife, Thomas Billings, and Thomas Wood, on the 1st of March at night. ... To which is prefix'd, their true and exact effigies, drawn from the life, and curiously engraved on copper. Published with the approbation of the relations and friends of the said Mr. John Hayes.* (London, 1726), 7, *Eighteenth Century Collections Online*. Gale Group, <http://galenet.galegroup.com.jproxy.lib.ecu.edu/servlet/ECCO> [accessed February 13, 2008].

¹²⁴ Elkanah [Sottlo?], *Epilogue to the French Midwife's Tragedy, Who was Burnt in Leicester-Fields, March 2, 1687, FOR THE Barbarous Murder of her Husband Denis Hobry* (London: Randal Taylor, near Stationers-Hall, 1688).

¹²⁵ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 17 June 2004), February 1688, trial of Mary Aubry (t16880222-24).

¹²⁶ For more analysis of the Hobry case see Susan C. Staub, "Bloody Relations," 141-146.

eighteenth century. Many broadsides and ballads perpetuated the ideal of women's subordination to men by depicting murderesses as the dangerous result of female independence.

The coverage of Hobry's case is not unique; many of the 41 cases brought before the Old Bailey garnered enough contemporary attention to warrant the publication of related material outside of the *Old Bailey Session Papers*. These ballads, pamphlets, and broadsides were usually printed soon after the verdict was announced or sentence carried out. Lincoln Faller writes, "Before the growth of newspapers in the first two decades of the eighteenth century . . . and even before the regular publication of sessions papers in the 1670s, pamphlets began to appear that, in anywhere from four to sixty pages or more, tracked the careers of individual criminals from birth to death."¹²⁷ Michael Harris points out that criminal biographies were not only one of earliest publications covering crime, but also one of the most popular, "The individuals sentenced to death at the trials received even more notably extensive coverage [than the trials themselves.] Public curiosity about the circumstances of a convict's life and the events surrounding his final exit was apparently insatiable."¹²⁸

During the early part of the long eighteenth century, ballads and broadsides rarely focused on the crime itself. Instead, they described the criminal's previous life history and their response to the court's punishment. These brief works targeted a broad audience who could access the contents by purchasing their own copy, reading one

¹²⁷ Lincoln B. Faller, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England* (Cambridge: Cambridge University, 1987), x.

¹²⁸ M. Harris, "Trials and Criminal Biographies: A Case Study in Distribution," in *Sale and Distribution of Books from 1700*, ed. R. Myers and M. Harris (Oxford: Oxford Polytechnic Press, 1982), 15.

available for public perusal at the local pub or hearing one read aloud. J.A. Sharpe, in "Last Dying Speeches": Religion, Ideology and Public Execution in Seventeenth-Century England," asserts the importance of published execution accounts to the maintenance of the social order. He writes, "The gallows literature illustrates the way in which the civil and religious authorities designed the execution spectacle to articulate a particular set of values, inculcate a certain behavioural model and bolster a social order perceived as threatened. Only a small number of people might witness an execution, but the pamphlet account was designed to reach a wider audience."¹²⁹

As the eighteenth century progressed, crime literature became available in longer formats. In addition to the lengthy pamphlets alluded to by Faller, extensive multi-volume collections of criminal biographies gained popularity among a more exclusive audience who could afford them. These include *Lives of the Most Remarkable Criminals* (1735), *The Bloody Register* (1764), *The Annals of Newgate; or, Malefactors Register* (1776), and *The Newgate Calendar* (1774, 1824).

A wide audience of English men and women purchased, read, and listened to ballads, broadsides, and pamphlets.¹³⁰ Historians of early modern Europe have debated the difference between elite and popular culture during this period and where or if these two cultures intersect. Susan Dwyer Amussen's own position is convincing, "Elite and

¹²⁹ J.A. Sharpe, "Last Dying Speeches": Religion, Ideology and Public Execution in Seventeenth-Century England," *Past and Present* 107 (1985): 148.

¹³⁰ While the longer works are signed, it is virtually impossible to establish definite authorship for many of the popular ballads and broadsides published during the seventeenth and eighteenth centuries. This is especially significant when studying published "confessions" claiming to be authored by condemned criminals. As is apparent from several examples, the words of the condemned could be usurped and employed by various authors entertaining disparate motives. See especially Margaret Martell, 1697. Randall Martin identifies several authors of these pieces in *Women and Murder in Early Modern News Pamphlets and Broadside Ballads, 1573-1697* (Burlington, VT: Ashgate, 2005), xvii-xix.

popular cultures are not separate, and the theological, political and social ideas expressed in literate culture undoubtedly shaped the experience of all people.”¹³¹ In contrast to the more expensive collections of criminal biographies, the inexpensive crime ballads, broadsides, and pamphlets of early modern England are one point of connection between elite and popular cultures. Randall Martin defines pamphlets as “any short piece of writing, sold unbound” and a broadside as “the large single sheet on which ballads and alter assize trial reports were printed for publication.”¹³² Before the eighteenth century, many ballads were printed in “Black Letter” typeface, which was more accessible to the non-elite reading public. By the turn of the eighteenth century, Roman type, previously considered an elite font, became the dominant choice of publishers with Black Letter reserved to use for emphasis much as italics are used today. All twenty-three of the ballads, broadsides, and pamphlets considered in this study are Roman type with occasional Black Letter emphases. These publications were designed to educate not only elite readers, but also non-elites about the virtues of proper behavior and the consequences of deviance. Non-elites and the illiterate might have heard or seen these ballads in taverns or inns. Many of the brief publications, and the ballads especially, were meant not only to be read privately, but also to be sung and read aloud. In his book *Popular Cultures in England 1550-1750*, Barry Reay emphasizes the widespread popularity of cheap print even among the non-literate population. He explains, “Reading aloud was one of the main bridges between literacy and orality. Those who could not read had ballads pasted to their cottage walls so that they could get literate visitors to

¹³¹ Susan Dwyer Amussen, “The Gendering of Popular Culture in Early Modern England,” 49.

¹³² Randall Martin, *Women and Murder*, xi.

convert print to the spoken word.”¹³³ As one of the least expensive forms of print and one that most easily lent itself to memorization and performance, ballads and broadsides reached a wide and varied audience. These publications offered a medium for authors of popular crime literature to uphold the social order by casting the convicted women as perpetual deviants whose criminal behavior was rooted in their very nature as women.

Ballads and broadsides offering warnings from the criminal to the reader illustrate beliefs about the origins of social disorder. These “warning” publications, which were popular throughout the seventeenth and eighteenth centuries, particularly cautioned readers about the “slippery slope” of transgression that eventually led the criminals (also often functioning as first person narrators) to the gallows. Hal Gladfelder describes the warning piece:

Its main concern was exhortation, not reportage, especially through the end of the seventeenth century. In most of the early examples there is very little description of the actual crimes or their circumstances or causes, and in fact the crime for which the malefactor is to be punished is often presented summarily as just an instance or symptom of a more general pattern of immorality.¹³⁴

These pieces reinforced the social order by connecting sins, such as Sabbath breaking and losing one’s temper, in a direct line to murder and execution. Randall Martin explains, “In particular, the ghost-written confession by the condemned woman . . . caricatured her life as one of incremental sin and misconduct leading to disaster, followed by wonderful contrition after the guilty verdict.”¹³⁵

¹³³ Barry Reay, *Popular Cultures in England, 1550-1750* (London: Longman, 1999), 61-62.

¹³⁴ Gladfelder, *Criminality and Narrative in Eighteenth-Century England*, 50.

¹³⁵ Martin, *Women and Murder in Early Modern News Pamphlets and Broadside Ballads* xii.

Such popular crime literature often contained different messages for men and women which point to the gender assumptions of the long eighteenth century. Amussen's "The Gendering of Popular Culture in Early Modern England" identifies women's subordination to men as a significant contributor to the ordering of Early Modern England, "Subordination . . . was necessary to ensure good order in the household Since the household in patriarchal political theory was compared to the state, order in it was of critical importance."¹³⁶ By identifying hierarchical gender roles at all levels as important to order, Amussen helps explain the concern of contemporaries with such seemingly private transgressions as adultery. Amussen further asserts the difference between women's violence and men's violence: violent women were a threat to order: violent men were not. She expounds:

Men beating their wives was less threatening than the rarer cases of women who beat their husbands; the disorder represented by such violence by women is connected to women's disorderly sexuality. . . . People were more comfortable with women as victims than as aggressors. Women could and did do the same things men did, but when they did, the actions carried different meanings.¹³⁷

Thus, when a man killed his wife it was murder, but when a woman killed her husband she was guilty of petty treason.

The long eighteenth century saw changing ideas about natural womanhood, though the theme of woman's subordination to men remained constant. In her article "'Woman' in Eighteenth-Century Thought," Marlene LeGates argues that as the eighteenth century progressed the image of women in popular literature changed. She contends, "The misogyny which had characterized traditional satire and philosophical

¹³⁶ Amussen, "The Gendering of Popular Culture in Early Modern England," 51.

¹³⁷ *Ibid.*, 66.

thought from the ancient Greeks through the seventeenth century was replaced by the eighteenth-century vision of the Cult of True Womanhood. . . . The image of the disorderly woman is replaced by the image of the chaste maiden and obedient wife."¹³⁸ LeGates warns, however, that the new image of virtuous "womanhood" did not include independence from male dominance. She writes, "While the woman is allowed moral superiority, it cannot become uncontrolled individualism; her virtue must be subordinate ultimately to male authority. . . . The woman who rebels [in literature] cannot be tolerated; she must die or become a social outcast. . . . The woman must be under male control."¹³⁹ Authors of popular crime literature emphasized the importance of female subordination to the social order by detailing the dangerous independence of character displayed early on by the women who were eventually convicted of murder.

The broadside "The Husband's Instructions to his Family: or, Houshold Observations" details the proper roles of the wife, child, and servant as dictated by the husband. The illustration and Roman style type are clearly elite, but as historian Barry Reay points out, printed material such as ballads and broadsides were often accessible to a larger audience than the literate upper class. The instructions begin:

Since You're my Wife by Holy Nuptial State,
Such You shou'd be as these few Lines relate:¹⁴⁰

The husband instructs his wife to be modest, "saving, though not penurious," soft-spoken and uncritical of her husband, trusting, and a caring mother who does not fail to

¹³⁸ Marlene LeGates, "The Cult of Womanhood in Eighteenth-Century Thought," *Eighteenth-Century Studies* 10 (1976): 21, 23.

¹³⁹ *Ibid.*, 30, 31.

¹⁴⁰ *The Husband's Instructions to his Family: or, Houshold Observations* (London: Printed by William Downing, in Great St.Bartholomew's-close), 1685, No. B41 of the Marquess of Bute broadsides.

discipline her children.¹⁴¹ These virtues, along with others such as chastity and honesty, were characteristics of women who played their proper role and aided in the perpetuation of an ordered society.

Staub contends that although the wife is the subject of many of these conduct manuals, the authors are careful to keep real power in the hands of the husband. The wife is given dominion over the children and servants, but in an ordered society the husband maintains ultimate authority over the wife. She asserts, "But in its depiction of wifely power, the popular press almost always constructs female agency as violent."¹⁴² She argues that the prevalence of pamphlets describing female murderers indicates both stresses within the institution of marriage as well as a growing consciousness of female individuality.¹⁴³ The murderesses as described in popular crime literature exhibit few of the desirable wifely characteristics. They are instead portrayed as unruly, strong willed, manipulative, and sexually amoral.

In the warning pieces of female murderers, the first person narrators often point to their own uncontrollable tempers as the source of their criminal behavior. For example, in the broadside *A Remarkable Account of the Penitent Carriage, Behavior of the Whip-Maker's Wife* the author tells the story of Elizabeth Deacon, who was convicted of beating her servant to death in 1690. There is little mention of the crime, the only instance coming when Deacon breaks down as her "man" describes her hitting her maid with a hammer. In two places, the introduction and conclusion, the author pauses to remind the reader what sin precipitated the unfortunate situation: passion. In the

¹⁴¹ Ibid.

¹⁴² Staub, "Bloody Relations," 126.

¹⁴³ Ibid., 128.

introduction he preaches that life is short, beware of "unruly passions." In parting he warns, "All People to beware by this Misfortune, how they give themselves up to be transported by Unruly passion."¹⁴⁴

Elizabeth Brownrigg, charged with the gruesome abuse and murder of her apprentices, also cautioned readers to learn from her negative example. In print, her despicable actions offer the broadside reader different warnings depending on the author of the material. In his *Account*, the Ordinary of Newgate, who was the prison chaplain, contends that Brownrigg began her descent into crime by failing to attend church regularly. He reports, "She had for many years feared God, and walked in his ways . . . but that she had lately neglected the same, by which means, and frequently breaking the Sabbath, she believed to be the first inlet into the wickedness she had unhappily fallen."¹⁴⁵ Another author, however, attributed Mrs. Brownrigg's actions to her violent temper. John Wingrave, an officer who assisted in Mrs. Brownrigg's arrest and visited her in prison, wrote a lengthy pamphlet detailing his knowledge of the case and conversations with the condemned. He warned his reader, "gradually to lessen the violence of his temper, by restraint, instead of giving it new force by habit."¹⁴⁶ The single sheet broadside summarizing Brownrigg's trial and execution similarly relates, "She came down into the Pres-yard, lamenting her wickedness, and hoped that her fate

¹⁴⁴ *A Remarkable Account of the Penitent Carriage, Behavior of the Whip-Maker's Wife...* (London: R. Janeway, 1689, [1690]).

¹⁴⁵ Joseph Moore, *The Ordinary of Newgate's Account*, 8.

¹⁴⁶ John Wingrave, *A narrative of the many horrid cruelties inflicted by Elizabeth Brownrigg upon the body of Mary Clifford, deceased; and for which the said Elizabeth received sentence of death, on Saturday the 12th of September 1767. ... By John Wingrave, ...* (London, 1767), 35, *Eighteenth Century Collections Online*. Gale Group, <http://galenet.galegroup.com.jproxy.lib.ecu.edu/servlet/ECCO> [accessed February 13, 2008].

might be a warning to mankind, to behave with more compassion to their fellow-creatures.”¹⁴⁷

Mary Benson, executed for murder in 1797, also issued a warning to the crowd just before her sentence was carried out. Her case is interesting as it appears she killed Mrs. Cox during a brawl and refused to accept responsibility as a murderer. In addition, she behaved in a manner offensive to the authorities during her trial. Her exhortation is part defiance, part warning:

I am now about to suffer death for a crime which I had not the least intention of committing; we were both in fault; and I declare, in the presence of Almighty God, that what I did was in defence of myself, as she gave the first offence, and what any one else would have done; but I warn you all not to give way to passion, it has been the destruction of Mrs. Cox, and will plunge me headlong into eternity!”¹⁴⁸

Benson participated in the warning ritual, but only on her own terms.

Another broadside publication was hardly subtle about its cautionary intentions but offers a slightly different angle on the cause of one murder. The story of Mary Hobry (aka Aubry), who was convicted of murdering her husband, is recalled in verse entitled “A Warning-Piece To All Married Men and Women.” Finally fed up with the chronically abusive Denis, Mary strangled him. She pled guilty. The warning piece opens:

¹⁴⁷ *The Trial and last dying Speech of Elizabeth Brownrigg, Wife of James Brownrigg, of Flower-de-luce Court, in Fleet-street, House-Painter, who was executed on Monday the 14th Inst. At Tyburn, for the Murder of Mary Clifford; with an Account of the cruel Treatment of the two unhappy Girls, their Apprentices*, (London?, 1767).

¹⁴⁸ *The last dying speech and confession, birth, parentage, and behaviour, of Mary Benson, alias Maria Theresa Phipoe, who was executed this morning facing the debtor's door, Newgate, and the extraordinary speech she made while she was standing under the gallows.*, (London, [1795?]), *Eighteenth Century Collections Online*. Gale Group. <http://galenet.galegroup.com.jproxy.lib.ecu.edu/servlet/ECCO> *Eighteenth Century Collection Online* [accessed February 14, 2008].

All you that Married Men and Women be
Give Ear unto this woful Tragedy,
That now befell a French man and his Wife,
Who lived together in continual Strife¹⁴⁹

It continues by relating the series of abuses and betrayals committed by Denis Hobry against his wife leading up to his murder. The author next discusses the murder, Mary's immediate feelings of guilt, and the disposal of the body. While critical of Denis Hobry's violent behavior (the author describes his actions as "inhumane," "Tyrannies," and "Villanies") and somewhat sympathetic to Mary, the broadside is emphatic in its insistence on warning its readers. It concludes:

For God will not let Murtherers go clear.
She is now Buried, and begs of all Mankind
And Women too, Wisdom by her to find.¹⁵⁰

Although Mary committed the ultimate crime, this ballad endeavors to caution men and women against the actions of both Mary and Denis Hobry.

While the authors of gallows literature tried to conclude neatly the narratives of criminal women with a warning to the public, they also endeavored to explain how these women came to break the law. The 1697 case of Margaret Martel inspired the publication of a two page piece detailing the murderess's early life. According to the author of *A True RELATION of the Life and Conversation of MARGARET MARTEL . . .*,¹⁵¹ Martel's parents were French and of "a considerable family," but were forced to emigrate to Canada when Martel's father was banished for murder. At the age of five, Margaret was sent to live with her aunt in France and to be raised Catholic. When she

¹⁴⁹ *A Warning-Piece to All Married Men and Women. Being the Full Confession of Mary Hobry.* . (London: George Croom, 1688).

¹⁵⁰ Ibid.

¹⁵¹ *A True Relation of the Life and Conversation of Margaret Martel, that Murder'd Mistress Pullin.* . . (London: E. Whitlock, 1697).

was older, her aunt tried to put her into a convent. The author relates the events that followed:

But the said *Margaret Martel* having no Inclination at all to it, her Aunt sent her back again into *America* to her Father, but having no mind for that Countrey, she stole away and came back again into *France*; when her Aunt according to her former Resolution, endeavoured to put her into a Nunnery; but *Margaret Martel* not being able to suffer so much as the thoughts of it, did run away the Second time, and came into *England* with a Son she had.¹⁵²

In the opening paragraph of his work, the author of this pamphlet portrays the young Margaret Martel as the disobedient daughter of a murderer whose independence of will has led her to run away across the ocean twice and bear a son, presumably out of wedlock. She and her son obtained good positions in the service of a noble family. This upstanding period was short lived, however, when the family moved back to Scotland and Martel, "having no mind for that country," refused to follow. By detailing Martel's history of family violence and stubborn insistence on not doing that which she "had no mind for," not to mention her Frenchness and devotion to the "Romish" religion, the author of this narrative foreshadows her eventual fall into criminal behavior.

The literature concerning the 1726 case of Catherine Hayes not only portrays Catherine as manipulative and headstrong, but also contends that by murdering her husband she abused the laws of England which were, according to this author, particularly lenient toward married women. The thirty-two page pamphlet, *A NARRATIVE Of the Barbarous and unheard of MURDER OF Mr. JOHN HAYES . . .*, includes a report of the history of Catherine Hayes, an account of the murder, a copy of a

¹⁵² Ibid.

“fictitious letter” Catherine sent to John’s mother, and the confessions of her accomplices, Thomas Billings and Thomas Wood.¹⁵³

The author opens his account with a discussion of how the “mild gentle” laws of England are advantageous to married woman, which makes Catherine Hayes’s crime all the more insufferable. He writes, “But when we consider how particularly benevolent they have been to the *Women* of this Island, the horrible *Murder* we are going to speak of, will appear the more black and shocking.” He proceeds to describe how when a woman is married, “she gives herself over, and what she brings with her, to her *Husband’s* Power.”¹⁵⁴ The author views this transfer of power as a positive for the woman, because her husband takes on responsibility for her public and private actions. These include legal violations such as trespass and slander, financial obligations, and the nourishment of children who may or may not be fathered by the husband. He summarizes, “The Husband and Wife are accounted but *One*” unless there is a nullification of the marriage on the grounds of “Adultery, Consanguinity, Impotency, or such like.” Catherine Hayes, by murdering her husband, not only committed murder and petty treason, but also abused the English legal system that was so indulgent of married women. The author asserts, “Having said thus much of the great Privileges and Immunities of an *English Wife*, we shall proceed to shew the monstrous Perfidy and Cruelty of a Woman¹⁵⁵ entitled to the Benefit of the above-mention’d Laws.”

Women’s corrupting influence on men is a common theme in popular crime literature. According to the testimony of Mrs. Hayes’ accomplices, Thomas Billings and

¹⁵³ *A Narrative of the Barbarous and Unheard of Murder of Mr. John Hayes. . . , Eighteenth Century Collection Online*, [accessed February 13, 2008].

¹⁵⁴ *Ibid.*, 6.

¹⁵⁵ “Woman” is printed in black letter.

Thomas Wood, she manipulated them into helping her kill her husband. The whole plot was her idea, and she only secured their cooperation after much entreaty. Wood deposed, "That *Catherine Hayes* had many times before . . . propos'd to *Thomas Billings* and this Examinant the Murder of her said Husband."¹⁵⁶ Thomas Billings also names Catherine Hayes as the originator of the murder plot and relates some of how she claimed her husband was abusive in order to persuade the men to participate in his murder. He recalls, "Mrs. *Hayes* then urging it was no more Crime to kill a Man that was so great an Atheist as Mr. *Hayes*, and us'd her so cruelly, &c. than it was to kill a Dog or Cat."¹⁵⁷ The pamphlet includes the lives of both Wood and Billings and asserts that both were upstanding characters until they were lured into sin by Mrs. Hayes. Hayes seems to acknowledge this herself through Robert Wilkins testimony that, though she never confessed to a magistrate, she admitted her involvement to him. He reported, "That she afterwards own'd to him, that she was not sorry for committing the Murder, but was troubled she had brought *Wood* and *Billings* into a Premunire." In a later collection of criminal biographies, Richard Bromage's testimony is recorded and corroborates Wilkins' account. He quotes Catherine at length:

John Hayes was none of the best of husbands, for I have been three parts starved ever since we were married together. I don't in the least repent of any thing I have done, but only in drawing those two poor men into this misfortune. I was six weeks in importuning them to do it; they two or three times refused to be concerned in it; but at last I over persuaded them.¹⁵⁸

¹⁵⁶ *A Narrative of the Barbarous and Unheard of Murder of Mr. John Hayes. . . , Eighteenth Century Collection Online*, [accessed February 13, 2008], 12.

¹⁵⁷ *Ibid.*, 28.

¹⁵⁸ Villette, John, *The annals of Newgate; or, malefactors register. Containing a particular and circumstantial account of the lives, transactions, and trials of the most notorious malefactors, ... By the*

This statement suggests that despite the fact that Wood and Billings were the actual murderers, disposed of the body, and benefited financially when Mrs. Hayes gave them her husband's clothes, that Catherine Hayes was the one primarily responsible for her husband's death and that she recognized and accepted this version of events.

The tracts continue to focus on explaining Hayes's criminality by her unruly history rather than focusing on the murder itself. In the *Annals of Newgate* the author describes Catherine's personality, "Even during her childhood she gave evident signs of a fiery, turbulent temper, and untractable spirit, which her want of education rather increased than otherwise, so that she at length became ungovernable."¹⁵⁹ The *Narrative* account reports that at sixteen she "wander'd from her Parents" into the home of Mr. Hayes where she became a servant.¹⁶⁰ She soon caught the eye of his eldest son, John, who determined to marry her against his father's wishes. When the father objected to their nuptials, Catherine responded by "threatening to cut her Throat if his Son did not marry her, and the young Man being fully bent on it, and breaking several Knives lest she should be as good as her Word, old Mr. Hayes at last consented." On the way to the church for her wedding Catherine fell into a brook; an incident the author considers to be a bad omen. Catherine also encouraged her husband to join the military over his father's protests because "she approved rather of a traveling than a settled life."¹⁶¹ This pamphlet also portrays Catherine Hayes as a ruthless manipulator determined to have her way. She

Rev. Mr. Villette, ... Vol. 1. London, 1776. 4 vols. *Eighteenth Century Collections Online*. Gale Group. <http://galenet.galegroup.com.jproxy.lib.ecu.edu/servlet/ECCO>, [accessed February 15, 2008], 394.

¹⁵⁹ Ibid., 398.

¹⁶⁰ *A Narrative of the Barbarous and Unheard of Murder of Mr. John Hayes. . . , Eighteenth Century Collection Online*, [accessed February 13, 2008], 22.

¹⁶¹ Villette, *Annals of Newgate*, *Eighteenth Century Collections Online* [accessed February 15, 2008], 400.

exhibited these distinctly undesirable traits by persuading Billings and Wood to kill her husband and by threatening suicide to bring about her wedding. Her actions led men into sin both against the law and against God's commandment to honor one's parents.

According to these authors, Catherine had thoroughly failed in her role as a wife, even before the ultimate act of treasonous murder, by her assertiveness and wanderlust.

A ballad included at the end of the *Annals of Newgate* account further vilifies Catherine Hays by accusing her of killing her husband because he was too devout and attributing actions to her which were actually carried out by Wood and Billings. The balladeer contends that Mr. Hayes was a very religious man whose goodness irked his evil wife. He writes of Mr. Hayes' saintly nature and religious devotion,

This vex'd his wife unto the heart,
She was of wrath so full;
That finding no hole in his coat,
She picked one in his skull.¹⁶²

The balladeer then describes how Catherine dismembered his body and disposed of the trunk and limbs in a ditch and the head in the Thames. While Catherine was accused of being present at the dismemberment, the murder and body dump were in fact admitted to by Wood and Billings during the trial. By attributing the crime entirely to Catherine and asserting that she murdered her husband for being too religious (despite Catherine's statement to Wood and Billings that her husband was an atheist) the author of the ballad not only portrays Hays as entirely culpable, but also accuses her of killing her husband for assuming a role that she should have played: spiritual guide of the family.

¹⁶² *Ibid.*, 427.

Catherine Hays was not the only woman whose independent nature was stressed after she had been convicted of murder. Ann Walsam, who was executed for strangling a child, was characterized as impetuous and strong willed. The Ordinary of Newgate contends that her parents had provided her a promising foundation, "had it not been for her own natural Passions, being very hasty, and not easy of Controul." He continues by relating how she abandoned her country for adventure. He writes, "'Twas purely owing to her own roving Fancy, as she said, and only for the Sake of Novelty, and to see other Places, that she left her native Country, for that she might have done very well there, and lived very well among her Friends and Relations."¹⁶³ According to this author, Walsam's "roving Fancy" led her down a road that eventually ended at the gallows.

Authors of popular crime literature not only scrutinized convicted murderesses' past actions for abnormal independence, but also analyzed their conduct in the courtroom. The broadside account of her last dying speech accused Mary Benson, alias Maria Theresa Phipoe, of unwomanly behavior during her trial. The author indignantly asserts:

During the whole of her trial she behaved in a bold and very unbecoming manner; she asked the witnesses several questions with the greatest effrontery; and even had the audacity to tell Baron Perryn, after he had passed sentence of death upon her, which solemnity had not the least effect on her hardened heart, "that if Judge Grose presided she would have been convicted!"¹⁶⁴

According to this author, Benson's was an unenviable predicament: while trying to save her life in the courtroom by aggressively questioning witnesses, she exhibited the exact

¹⁶³ *Old Bailey Proceedings* [or *OBP*], Ordinary's Account, March 1752, Ann Walsam (OA17520323).

¹⁶⁴ *The last Dying Speech and Confession . . . Maria Theresa Phipoe. . . , Eighteenth Century Collection Online*, [accessed February 13, 2008]. The text probably should have read "that if Judge Grose presided she would not have been convicted!"

sort of unfeminine behavior that authorities looked for in deviant women. She was executed for the murder of Mary Cox and "while under sentence of death she did not seem the least affected."

Crime literature not only painted women convicted of murder as perpetually unruly and strong willed, but also portrayed them as sexually immoral. Women's sexuality was of great concern to early modern society, as it was considered a source of the social disorder which was so profoundly feared by men. According to Amussen, the perception of women's unruly sexuality was the basis for their subordination to men. She explains, "Women were supposed to be chaste, engaging in sexual relationships only with marriage. However, it was also assumed that women – once initiated into sex – were sexually voracious. . . . The combination of a demand for chastity and the assumption that women were incapable of it reinforced the need for subordination."¹⁶⁵ This attitude was by no means extinct in the long eighteenth century. Writing of the late seventeenth and early eighteenth centuries Marlene LeGates agrees: "What was particularly wrong with marriage was women, and what was wrong with women was their inclination to sexuality and disobedience. . . . In general, virtue in women was valued so highly because it was so difficult. . . . In spite of 'flowery diction,' women were still seen as very much a threat, both at home and abroad."¹⁶⁶

In fact, concern over women's sexuality increased at the end of the seventeenth century with the development of Societies for the Reformation of Manners. Robert Shoemaker argues that in London, this movement was spurred not only by spiritual

¹⁶⁵ Amussen, "The Gendering of Popular Culture," 50, 51.

¹⁶⁶ LeGates, "The Cult of Womanhood in Eighteenth-Century Thought," 22, 35, 52.

concerns and the ascension of William III to the throne, but also by a growing concern with disorder in an increasingly urban society.¹⁶⁷ The Reformation of Manners encouraged a greater emphasis on suppressing crimes like prostitution, which was largely associated only with women. Shoemaker attests, "The reformers ... focused their efforts against sexual immorality on prostitution, and their efforts against prostitution on prostitutes and not their clients or the proprietors of brothels."¹⁶⁸ Thus, sexual offenses in this period were most often associated with women's disorderly sexuality. By accusing convicted murderesses of sexual impropriety, the male authors of popular literature confirmed what many members of society already believed: that women were dangerous creatures when not under the control of a man.

In "warning" publications, male offenders often trace their criminal beginnings to exterior influences, while female offenders' flaws lay within their own natures. Amussen asserts, "Women were always difficult to control. While there was also considerable evidence that men were difficult to control, that was usually associated with drink, not gender."¹⁶⁹ In murder ballads, men's disorderly actions are frequently traced to their lust for women. For example, the ballad *The Careless Curate and the Bloody Butcher* explicitly connects women, adultery, and murder. Though published eleven years before the focus period of this study, the attitudes represented remain relevant. The ballad opens:

Black Murther and Adultery

¹⁶⁷ Robert B. Shoemaker, "Reforming the City: The Reformation of Manners Campaign in London 1690-1738," in *Stilling the Grumbling Hive: The Response to Social and Economic Problems in England, 1690-1750*, ed. Lee Davison, Tim Hitchcock, Tim Keim, and Robert B. Shoemaker (New York: St. Martin's Press, 1992), 99-120.

¹⁶⁸ Ibid., 106.

¹⁶⁹ Amussen, "The Gendering of Popular Culture," 51.

Are two such sworn Brothers,
That whosoere their fathers be
Hot passions are their Mothers¹⁷⁰

Perhaps the author personified the “hot passions” which are the origin of murder and adultery as feminine simply because “mothers” rhymed with “brothers,” but the remainder of the ballad suggests that this author did, in fact, find the root of these crimes in the person of a woman. He relates the tale of a butcher’s wife who is seduced by her parson. She eventually gives in to his advances and while they are “in the midst of all their sport,” her husband walks in on them. In a rage, the butcher castrates the curate with his knife and the parson soon bleeds to death. The butcher is immediately apprehended by neighbors and sent to jail to await trial. Though apparently unpunished, the wife feels responsible for the entire affair, and the author, by implication, seems to think this designation of blame is appropriate. He rhymes:

His wife is full of sorrow frougt,
To think that she (by courses nought)
Hath such a sad confusion brought
Upon three Souls at once.¹⁷¹

At the same time that he condemns the butcher’s wife for her transgression, he implores the readers to forgive the parson for his actions:

I hope ther’s none will be to rude
To judge the Clergy for’t:
They are but Men as well as we,
And subject to infirmity:
God keep us from Adultery,
Malice, Revenge and Bloud.¹⁷²

¹⁷⁰ *The Careless Curate and the Bloody Butcher* (1663), Bodley Ballad Archive, Wood 401 (187), <http://www.bodley.ox.ac.uk/ballads/ballads.htm>, [accessed 15 February 2008].

¹⁷¹ Ibid.

¹⁷² Ibid.

The ballad of "The Careless Curate" illustrates the common concern that adultery could lead to further crimes and offers this unfortunate threesome as an example of the consequences of such actions. Again, the woman, though neither the instigator of the adulterous liaison nor the murderer, is held responsible for the tragedy. The author points to her weakness to resist the parson's invitation as the cause of everyone's downfall. Such women as the Bloody Butcher's wife were vilified not only for enticing men to sin, but also because they denied their natural role as defenders of sexual morality. Frank McLynn explains, "It was supposed to be the responsibility of women to maintain a universe of sexual order and propriety."¹⁷³ Her failure to uphold her social role as a chaste and obedient wife led to two deaths and her own disgrace.

In a second example, the eighteenth-century ballad "The Berkshire Tragedy, or The Wittam Miller" relates the story of a miller who promises a woman he will marry her if she will have sex with him. She consents and later becomes pregnant. When she approaches the miller about marriage, he refuses to fulfill his promise. Finally, after much nagging for marriage on the part of the woman and her mother, the miller lures his former sweetheart to a private place and beats her to death. He is caught and sentenced to hang. At the end of the ballad the condemned man advises the readers:

Young men take warning by my fall,
all filthy lusts defy;
By giving way to wickedness,
alas! this day i die.¹⁷⁴

The heart of the message in this ballad is not "do not murder," but "do not lust." In the case of this young man, his lust led him to make a promise and incur an obligation to a

¹⁷³ McLynn, *Crime and Punishment in Eighteenth Century England*, 102.

¹⁷⁴ *The Berkshire Tragedy, or, The Wittam Miller* (18th century), Bodley Ballad Archive, Douce Ballads 3 (1b) 18th century, <http://www.bodley.ox.ac.uk/ballads/ballads.htm> [accessed February 15, 2008].

woman; a surrender of his power which he was not willing to tolerate. Rather than temporarily relinquish his superior position in the social order, he eliminated his obligation by killing its object. The ballad condemns him most strongly for yielding his authority, not for killing another human being. Again, lusting, not innate wickedness, is the action that leads the man to murder.

In some cases, the judicial system encouraged confessions of illicit sexual activity when none had taken place. Courts often pardoned women who "pleaded the belly." If a panel of matrons found a convicted woman to be "quick" with child, she was often, though not always, released. It was critical that the woman be found "quick," and not only with child, as Eleanor Hughes discovered to her dismay when she was declared pregnant but not quick and executed in 1796. Garthine Walker explains the criteria: "The authority to declare oneself pregnant was inscribed in the body itself by the tactile experience of 'quickening', the moment around the fifth month when life and soul entered previously inert matter in the womb."¹⁷⁵ Walker also contends that the stigma of illegitimacy discouraged most single women from seeking this reprieve, but that was not the case for at least two murderesses.

Leticia Wigington, who protested her innocence until her 1681 execution, claimed that the court advised her to claim her belly that she may be pardoned. She was very concerned that, by following this advice, she had besmirched her own reputation and incensed her husband, who had been absent from her for two years. It was in order to redeem her character that she penned her three page "confession." The ballad's author asserts, "People have been very cruel to me in giving out such gross Lies of me, as to say,

¹⁷⁵ Walker, *Crime, Gender and Social Order in Early Modern England*, 62.

that I lay with *John Sadler*, and that I was a Whore to others before; and upon no other grounds, but only by reason I did plead my Belly, which thing I was advised to, after I came into this place, that so I might save my Life.”¹⁷⁶ Wigington underlines the significance society placed on women’s sexual sins by vehemently expressing her own abhorrence of adultery while under sentence of death for murder:

I was never in all my Life Guilty of the horrid Sins of Adultery or Fornication, for I ever all my Life, thought that if I should be Guilty of them Sins, that I should be Damned to all Eternity . . . as for that Sin I did ever abhor it in all my Life, and should I have slandered any person in that manner, I should have feared that the Lord would have shown some heavy Judgment upon me immediately.¹⁷⁷

Sarah Morgan Metyard, who was convicted with her mother, Sarah Metyard, in 1762 of the murder of their apprentice girl, was also advised to plead the belly despite her single status. It was insinuated that she was sexually active, though a spinster. While her mother convulsed in fits at the one end of the prison yard, the daughter entertained a male visitor at the other end. The author of the thirty-two page pamphlet *GOD’S Revenge against Murder*. . . writes, “She was otherwise engaged; taking her leave of a friend (as she chose to call him) in a most tender and distressful manner.”¹⁷⁸ When Miss Metyard asked to receive Holy Communion, the author, presumably the Ordinary of Newgate, balked at serving her until she repented of all her sins, including fornication. He reports, “Being much perplexed how to reconcile her pleading pregnancy in arrest of judgment, with her present assertion; that she had no criminal conversation with any man . . . and

¹⁷⁶ *The Confession and Execution of Leticia Wigington*, 3.

¹⁷⁷ *Ibid.*

¹⁷⁸ *God’s revenge against murder; or, the genuine history of the life, trial, and last dying words of Sarah Metyard, widow, and Sarah Morgan Metyard, spinster, for the wilful murder of Ann Nailor, ... To which is added, the life of John Plackett, ...* (London, 1762), *Eighteenth Century Collections Online*. Gale Group, <http://galenet.galegroup.com.jproxy.lib.ecu.edu/servlet/ECCO> [accessed February 15, 2008], 22.

this difficulty proposed to her; to which her answer was, that she was advised to use this plea, tho' without foundation, to gain a respite."¹⁷⁹ The Ordinary accepted this answer and proceeded with the service. Unfortunately, the accounts of Leticia Wigington and Sarah Morgan Metyard do not indicate exactly who advised these women to plead their bellies, which obviously threatened their reputations. It indicates the significance of a woman's sexual reputation that both women made the effort to deny this charge before they died.

There is also the implication of sexual impropriety in the case of Catherine Hayes, and the suggestion that Thomas Billings may have been motivated to murder her husband by more than financial gain. Henry Longmore describes Mrs. Hayes' arrest, "[They] seized the said Mrs. *Hayes*, who was in Bed, and the said *Thomas Billings* in the same Room with his Shoes and Stockings off."¹⁸⁰ The *Annals of Newgate* account reports the incident in greater detail. The author writes, "She was asked, if he [Billings] had been in bed with her? she replied, no, but that he had been mending his stockings; to which justice Lambert replied, 'He had good eyes that could see to mend his cloaths in the dark,' there being neither fire nor candle burning in the room before the door was opened."¹⁸¹ Thomas Billings himself admitted as much in front of Justice Lambert. According to the author, "He acknowledged he had lain with her several Nights since her Husband's Death, which she denying, he confirm'd, saying, *there was a just God that*

¹⁷⁹ Ibid., 24.

¹⁸⁰ *A narrative of the barbarous and unheard of murder of Mr. John Hayes, Eighteenth Century Collection Online* [accessed February 15, 2008], 16.

¹⁸¹ Villette, *Annals of Newgate, Eighteenth Century Collections Online* [accessed February 15, 2008], 413.

knew it to be too true, to both their Sorrows."¹⁸² Simple adultery was not shocking enough for a villain the caliber of Catherine Hayes; it was also openly suspected "from many Circumstances"¹⁸³ that Thomas Billings was her son, "born in her rambles before marriage, and dropped where he was found."¹⁸⁴ The accusation of incest adds a third feminine character flaw to independence and sexual deviance which will be discussed further in the following chapter: Hayes also failed (miserably) as a mother.

Catherine Hayes' sexual activities were also the subject of a discussion of her early life. After she lured her husband away from his family to marry her, it is insinuated that she consorted with multiple military men before their marriage. The author relates the story, "The very first Night of their Marriage the Bridegroom was taken out of his Bed by a File of Musquetteers, being impressed by Order of some Officers that were recruiting the Neighbourhood, and whom, as it soon after appear'd, had been better acquainted with Mrs. Hayes than her Husband, and had brought her away from her Parents in Warwickshire."¹⁸⁵ In the ballad "A SONG on the Murder of Mr. HAYS," Catherine's sexual adventures are expanded to include various tradesmen. The author rhymes:

But she to vicious ways inclin'd,
A life most wicked led;
With tailors, and with tinkers too,
She oft defil'd his bed.¹⁸⁶

¹⁸² *A narrative of the barbarous and unheard of murder of Mr. John Hayes, Eighteenth Century Collection Online* [accessed February 15, 2008], 28.

¹⁸³ *Ibid.*, 24.

¹⁸⁴ Villette, *Annals of Newgate, Eighteenth Century Collections Online* [accessed February 15, 2008], 425.

¹⁸⁵ *A narrative of the barbarous and unheard of murder of Mr. John Hayes, Eighteenth Century Collection Online* [accessed February 15, 2008], 23.

¹⁸⁶ Villette, *Annals of Newgate, Eighteenth Century Collections Online* [accessed February 15, 2008], 427.

By attacking her sexual morals, the author makes a serious accusation against her character and further separates her from the feminine ideal. Despite her execution for murder, the authors of these works emphasized her history of sexual deviance rather than her bloody conspiracy.

The 1796 case of Eleanor Hughes illustrates the staying power of the traditional ideas about dangerous female sexuality. In fact, her sexual reputation may have actually played a role in her conviction. Hughes, along with three others, was found guilty of murdering George Hebner. Neighbors found Hebner hanging by his neck with his hands tied behind him. Significantly, he was discovered in "a house of ill fame, kept by Mrs. Hughes."¹⁸⁷ There may have been little evidence in the case to convict any of the defendants. The author acknowledges, "There was no direct and positive proof of the guilt of the prisoners; but there was most suspicious circumstances against Ludman and Hughes. It [the decision] was on the expressions of the prisoner chiefly rested." Hughes and Ludman were convicted. The broadside rarely mentions Hughes, but the words attributed to Ludman leave little doubt that her sexual activities were the cause of the entire incident. As shown in the above study of warning pieces, Ludman employs a familiar strategy to explain his murderous actions. Ludman's published letter to his parents laments, "Lewd women have been my ruin; to morrow morning I die for the worst of crimes – Murder." Ludman's warning to the crowd at his execution is also recorded, "He hoped young men, by his example, would avoid lewd women, and bad

¹⁸⁷ Mary Knott, *The last dying speeches, &c. of those inhuman murderers, Mary Knott, for the murder of a French emigrant nobleman, ... Richard Ludman, for the murder of George Hebner, ... and Eleanor Hughes who were executed this morning. With a copy of a letter sent by Richard Ludman, to his parents, the night before his execution.* ([London?], [1796?]), *Eighteenth Century Collections Online*, Gale Group, <http://galenet.galegroup.com.jproxy.lib.ecu.edu/servlet/ECCO> [accessed February 15, 2008].

houses, them alone being the origin of his misfortunes.”¹⁸⁸ Like publications one hundred years earlier, this broadside attests to society’s persistent fear of women’s sexuality and the belief in its propensity to destroy not only the woman herself, but also the unfortunate man who was lured into her embrace.

The depiction of London murderesses in popular crime literature and the *OBSP* reveals a deep seated anxiety over female independence. Publications portrayed the murderesses as dangerously willful, sexually deviant, and neglectful of their maternal duties. The early modern stereotype of dangerous and aggressive female sexuality is very much in evidence throughout the eighteenth century, from Leticia Wigington’s case in 1681 to Eleanor Hughes in 1796. A second important theme emerges as well, this one from the idea of women’s maternal duty. Society placed an increasing emphasis on a woman’s role as mother and her responsibility to raise her children to be useful and productive members of the public. According to this thinking, murderesses who were also mothers failed not only as members of civilized society but also as *women*. This idea is illustrated in the cases of three women in the following chapter: Elizabeth Brownrigg, Sarah Metyard, and Sarah Morgan Metyard.

¹⁸⁸ Ibid.

"Her name passed into a byword and a hissing:" Unexpected disorder and failed motherhood in the Brownrigg and Metyard cases

Sexuality did not factor in the press's treatment of the most notorious murderess of the eighteenth century. Elizabeth Brownrigg was executed in 1767 for the brutal murder of her apprentice girl. Indeed, she reportedly beat, starved, and abused all three of her apprentices.¹⁸⁹ One, Mary Clifford, died as a result of her treatment; another, Mary Jones, escaped back to the foundling hospital from whence she had come; and a third, Mary Mitchel, left the home following Brownrigg's arrest and testified in court against her former mistress. Mitchel told the court tales of brutal treatment. Mary Jones had a particular fear of drowning, so Mrs. Brownrigg forced Jones's head into a tub of water and held her under as punishment at the slightest provocation. Mrs. Brownrigg tied Clifford and Mitchel to a water pipe in the ceiling and whipped them until they bled. She forced both girls to sleep under a piece of furniture in her bedroom, and later locked them in a coal hole for up to a day and a half at a time with little or nothing to eat or drink while the family visited their suburban home. Mrs. Brownrigg particularly abhorred Mary Clifford, and at times chained her by her neck to the back door of the house. The Brownrigg's neighbors eventually spotted Mary Clifford's bloody body in the yard between their houses and immediately reported the abuse to Clifford's mother. When

¹⁸⁹ The sources disagree on the precise occupational status of the three girls serving in the Brownrigg's household. They are variously referred to as Mr. Brownrigg's apprentices, Mrs. Brownrigg's apprentices, and servants. As his apprentices they would be trained in the trade of house painting, although it seems they spent most of their time in the home. Regardless of whether or not they were bound to Mr. Brownrigg it appears by the evidence that Mrs. Brownrigg was in charge of their activities. Under her supervision they may have been assigned as apprentice midwives, but by the descriptions of their duties it is more likely they were either servants or bound as apprentices in housewifery. According to historian M.D. George, apprenticeship in housewifery was the unfortunate fate of many workhouse children in which situation "there was no pretence of teaching anything." M.D. George, *London Life in the Eighteenth Century* (1925; repr., London: Penguin Books, 1966), 227, 229, 245, quoted in Tim Meldrum, *Domestic Service and Gender 1660-1750: Life and work in the London Household* (Harlow: Longman, 2000), 162.

authorities removed the girls from the home they discovered that Mrs. Brownrigg and her son had escaped. Constable John Wingrave tracked down the infamous pair a little more than a week later when their innkeeper suspected they were the fugitives advertised in the newspaper. After a trial of eleven hours, a jury found Mrs. Brownrigg guilty and sentenced her to death, while they acquitted her son and husband of the murder. The judge ordered the Brownrigg men to stand trial at a later date for assault on Mary Mitchel.

Of the many criminals executed at Tyburn, the London crowds adopted a particularly intense loathing for Elizabeth Brownrigg. Silas Told, a Methodist devotee who befriended Brownrigg during her stay in Newgate and accompanied her to her execution, testifies to the violence of the mob following the cart:

When we had passed through the gate, carts were placed on each side of the street, filled principally with women. Here I may say, with the greatest truth, nothing could have equaled them, but the spirits let loose from the infernal pit; and, to be brief, this was the spirit of the wicked multitude all the way to the place of execution. . . . Then some of the common cries from the thoughtless concourse, accompanied with dreadful imprecations, were, "Pull off her hat, that we may see the b____'s face." . . . The incensed mob thought it was not enough to rejoice over her by common rage and defamatory abuse, but were so cruel as to cast stones, dirt, &c.¹⁹⁰

Intimidated by this intense reaction, Told feared the crowd would "endanger her life before the law had executed its office." Silas Told was not alone in the cart with Mrs. Brownrigg. The Ordinary of Newgate, Joseph Moore, also accompanied her and recorded his observations of the fateful ride: "In my way there, my ears were dinned with the horrid imprecations of the people: One said to me, He hoped I should pray for

¹⁹⁰ Silas Told, *The Life of Mr. Silas Told* (1786; repr., London: Epworth Press, 1954), 116.

her damnation, and not for her salvation! Others exclaimed, That they hoped she would go to hell, and was sure the devil would fetch her soul." Moore, veteran of many Tyburn processions, admits his surprise at the crowd's behavior, "This unchristian behaviour greatly shocked me, and I could not help exclaiming: Are these the people called Christians? This is the reformed nation we so much boast of?"¹⁹¹ Scholar Margaret Anne Doody confirms, "Mrs. Brownrigg was the most hated of female criminals of the eighteenth century; her name passed into a byword and a hissing."¹⁹²

Why was contemporary reaction to Elizabeth Brownrigg's case so especially intense? The trial of Sarah Metyard and her daughter, Sarah Morgan Metyard was very similar, and possibly even more gruesome, and yet did not garner nearly the public attention of the Brownrigg case. The Metyards murdered their servant girl by tying her up in the attic, beating her, and starving her. After the girl's death, Mrs. Metyard hid the body in her house. According to trial testimony, "A few hours after the body was carried up stairs into the garret, and locked up in a box, where it was kept for upwards of two months, till it putrefied, and maggots came from her."¹⁹³ After two months, Mrs. Metyard decided it was time to dispose of the corpse, which she began by dismembering it. She first cut off the dead girl's hand, which had a recognizable deformity, and threw it into the fire. Realizing that burning the entire body would be difficult and attract

¹⁹¹ Joseph Moore, *The ordinary of Newgate's account of the behaviour, confession and dying words, of Elizabeth Brownrigg, who was executed at Tyburn, on Monday, Sept. the 14th, 1767. In the mayoralty of the Rt. Hon. Sir Robert Kite, ...* (London, 1767), 16, *Eighteenth Century Collections Online*, Gale Group, <http://galenet.galegroup.com.jproxy.lib.ecu.edu/servlet/ECCO> [accessed February 13, 2008].

¹⁹² Margaret Anne Doody, "The Law, the Page and the Body of Woman: Murder and Murderesses in the Age of Johnson," in *The Age of Johnson: a Scholarly Annual*, Vol.1, ed. Paul J. Korshin (New York: AMS, 1987), 144.

¹⁹³ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 15 February 2008), July 1762, trial of Sarah Metyard, Sarah Morgan Metyard (T17620714-30).

attention, Mrs. Metyard placed the putrid remains in sacks, and carried them to a gully-hole in Chick-lane. Her daughter reports her next movements, "She went in at Mr. Inch's house in Bell-yard, Temple-bar; she called for some brandy, for she was very sick, and the people mentioned there was a great stink,; and as she stood there, she observed her gown to be very wet, and came away as soon as she could, fearing she should be suspected."¹⁹⁴ Though two night watchmen discovered the body soon after its repository, the Metyards did not stand trial for the murder until four years later, in 1762, after the daughter confided in a male friend in whose house she was a servant. Despite the grisly details of the disposal of the girl's body and the audacity of Mrs. Metyard to stop by the pub for a drink while soaked in the reeking liquid remains of her servant the Metyard case did not incur the attention and ire of the public as did Elizabeth Brownrigg five years later.

In the five years between the Metyard and Brownrigg cases the philanthropic efforts of Jonas Hanway raised public awareness of the plight of poor parish children. Contributors to the London newspapers certainly associated the Brownrigg murder with the current reform campaign. In discussing the case only days after the discovery of the girls a letter to the editor of a London newspaper suggested that the recent events underlined the necessity of the "Act for the Better Regulation of Parish Poor Children . . . within the Bills of Mortality" passed by Parliament in the previous session. While the current prominence of child abuse issues undoubtedly contributed to the fervor raised by the case, historian Patty Seleski points out that ironically Hanway's reforms would not necessarily have spared Mary Clifford. She writes, "The Act called for (among other

¹⁹⁴ Ibid.

provisions) parishes to provide larger premiums with apprenticed children in order to attract a better class of masters and mistresses who could guarantee that proper treatment and training were given to their charges. The Brownriggs appeared to be exactly the kind of people of credit who Hanway hoped would take in parish children under the Act."¹⁹⁵

The Brownrigg's appearance of respectability has been cited by other authors as contributing to the case's notoriety. In his chapter on Elizabeth Brownrigg in 1897's *Lives of Twelve Bad Women*, Edgar Stubbs suggests in passing that Brownrigg was a worse criminal than the Metyards because "she owned a distinctly good record for kindness to her suffering sisters."¹⁹⁶ Margaret Doody agrees, "The very fact that she had not been cruel before this time makes her behavior remarkable."¹⁹⁷ Aside from her brutal treatment of her servants, Elizabeth Brownrigg was, by all appearances, a woman to be admired. Her husband was a master housepainter with whom she had 16 children¹⁹⁸ and her family held property in London, Hampstead, and Islington. Doody points out that the presence of the infamous water pipe, to which Mrs. Brownrigg tied her apprentices, indicates that the Brownriggs had running water.¹⁹⁹ The Ordinary of Newgate himself is careful to point out the affection Mrs. Brownrigg showed for her family and their concern for her fate. He describes her as a competent and caring midwife who became "well known for her Skill and Tenderness." In her role as midwife to St. Dunstan's Workhouse "she acquitted herself with Judgment and Humanity" and

¹⁹⁵ Patty Seleski, "A Mistress, a Mother, and a Murderess Too," 228, note 1.

¹⁹⁶ Stubbs, "Elizabeth Brownrigg: Cruelty Personified," 201.

¹⁹⁷ Margaret Anne Doody, "Their Eyes are Made So Killing": Eighteenth Century Murderesses and the Law," *Princeton University Library Chronicle*, 46 (1984), 78.

¹⁹⁸ The exact number of the Brownrigg's children is unclear. *The Newgate Calendar* reports they had 16 children while one of the newspaper articles claims they were the parents of 19. Only three children were reported living at the time of the trial.

¹⁹⁹ Doody, "Their Eyes are Made So Killing," 75.

"she often relieved them [the women she attended] by her charitable Benevolence."²⁰⁰

According to the Ordinary, Mrs. Brownrigg's final parting from her family was particularly touching, indicating that she had successfully fulfilled her familial role as wife and mother. He writes:

After Service was over, very affecting was the Scene between these unhappy People. Their mutual Caresses, their Tears, which flowed in abundance, and their affectionate Concern for each other, is more easy to imagine, than to be described by all the Powers of Language. . . . Their Parting produced a Scene which it is impossible to describe by Words, and so moving, that none present could refrain from Tears.²⁰¹

Her apparent devotion to her own husband and children only made her case more intriguing to the London populace. An editorial in the *Gazetteer and New Daily Advertiser* expressed the public astonishment at the Brownrigg case:

Would any one believe this infernal has been the mother of nineteen children, and by her agreeable, and even tender carriage, was respected by every body! . . . We are only to be filled with astonishment and sorrow, that these should exist among the human species; a wretch who instead of nourishing and shewing kindness to these destitute innocents, could, with a heart steeled against every tender and humane sentiment, thus gratify her diabolical appetite, in cruelly and wantonly tormenting them.²⁰²

The shock of the discovery of such disorder in the private life of a family who seemed to be successfully climbing the ladder into the middle class gave the Brownrigg case a particular appeal to the scandal-seeking public, and to the publishers of the broadsides detailing the gruesome case.

²⁰⁰ Joseph Moore, *The Ordinary of Newgate's Account . . . Elizabeth Brownrigg, Eighteenth Century Collections Online*, 4.

²⁰¹ Ibid., 21-22.

²⁰² *The Gazetteer and New Daily Advertiser*, August 10, 1767.

The paradox between Mrs. Brownrigg's behavior toward her immediate family and toward her servants exposes tensions inherent in gender and class relationships in eighteenth-century London. It also illustrates a third major way in which murderesses violate their womanhood: they fail as mothers. In her dual roles of mother and mistress, Elizabeth Brownrigg's case goes to the heart of the historiographical debate over separate spheres. In *The Bonds of Womanhood*, Nancy F. Cott connects the development of separate spheres (a private domestic sphere for women and a public business sphere for men) to the changes in traditional work patterns wrought by industrialization. Although Cott's work primarily concerns American society of the late eighteenth century, several of her ideas are useful in interpreting the reaction to the Brownrigg case. Cott asserts, "The canon of domesticity encouraged people to assimilate such change by linking it to a specific set of sex-roles. In the canon of domesticity, the home contrasted to the restless and competitive world because its 'presiding spirit' was woman, who was 'removed from the arena of pecuniary excitement and ambitious competition.'"²⁰³ Cott continues, "Legally and economically the husband/father controlled the family, but rhetorically the vocation of domesticity gave women the domestic sphere for their own, to control and influence."²⁰⁴ Although popular for many years, the separate spheres ideology has more recently been challenged by gender historians who argue that the general acceptance of the theory has blinded scholars to its possible shortcomings. Amanda Vickery points out particular issues with the belief that the ideology developed alongside industrialization. She contends that, traditionally, women and men have always played distinct cultural

²⁰³ Nancy F. Cott, *The Bonds of Womanhood: "Woman's Sphere" in New England, 1780-1835*, 2nd ed. (New Haven: Yale University Press, 1997), 67.

²⁰⁴ Ibid.

roles and that these areas of interest predate the early modern period. She argues, "If, *loosely speaking*, there have always been separate spheres of gender power, and perhaps there still are, then 'separate spheres' cannot be used to explain social and political developments in a particular century."²⁰⁵

Vickery's criticism is well founded in its aim to encourage scholars to reconsider the certainty with which they apply the separate spheres ideology to historical development. Her critique is more pertinent to the discussion of the development of separate spheres, rather than the existence of a contemporary belief in specific gender roles. Vickery contends, "Just because a volume of domestic advice sat on a woman's desk, it does not follow that she took its strictures to heart, or whatever her intentions managed to live her life according to its precepts."²⁰⁶ Similarly, it does not necessarily follow that the woman in question did not believe in the values and behavior guidelines laid out in such advice manuals, nor does it preclude other members of that society from espousing such beliefs about women's social role.

As discussed above, a jury acquitted Elizabeth Brownrigg's husband and son and found her guilty. Patty Seleski contends that this result indicates the acceptance of the separate spheres ideology by the men of the jury. She writes:

Mr. Brownrigg's assertion that Elizabeth Brownrigg "had most bitterly deceived" him was certainly self-serving, but its acceptance depended on the jury both believing in his lack of involvement in the household (despite evidence to the contrary) and endorsing that gendered division of

²⁰⁵ Amanda Vickery, "Golden age to separate spheres? A review of the categories and chronology of English women's history," *The Historical Journal* 36, no. 2 (June 1993): 411, 413.

²⁰⁶ *Ibid.*, 391.

labor. By holding Mrs. Brownrigg exclusively responsible for the crime, the jury endorsed separate male and female spheres.²⁰⁷

The jury's findings were also in conflict with the claim made 40 years earlier in the Hayes's broadside cited above which claimed that the laws of England favored married women whose husbands were held responsible for their wives' public actions. While Garthine Walker modifies this assertion by pointing out that a husband was not necessarily held accountable for his wife's criminal behavior if she committed the crime without his knowledge, Walker further contends, "If a husband kept company with a felonious wife in full knowledge of what she had done, he became an accessory to the fact."²⁰⁸ According to trial testimony James Brownrigg repeatedly chose to ignore the abuse suffered by his wife's apprentices and his blatant efforts to hide the girls when the authorities came to collect them clearly indicated his knowledge not only of the deplorable condition of the girls but also that his wife's behavior toward them was wrong. The jury's acceptance of a separate spheres ideology in which he had no control over his wife's behavior at home saved him from the same fate that befell his wife. Seleski explains, "Because the death of Mary Clifford involved questions about the way in which the Brownriggs managed their domestic life, the discovery of the family's private disorder pointed directly to Elizabeth Brownrigg as the main character in the drama that unfolded before the court."²⁰⁹

The separate spheres ideology not only offers a possible explanation for the acquittal of the Brownrigg men, but it also points to a potential reason for the intense public interest in the case. According to the separate spheres ideology and the concurrent

²⁰⁷ Seleski, "A Mistress, a Mother, and a Murderess Too," 219-220.

²⁰⁸ Walker, *Crime, Gender and Social Order in Early Modern England*, 204.

²⁰⁹ Seleski, "A Mistress, a Mother, and a Murderess Too," 216.

ideology of republican motherhood, a woman's primary responsibility was to raise her children to be productive citizens. Cott explains, "Motherhood was proposed as the central lever with which women could budge the world and, in practice, it offered the best opportunity to women to heighten their domestic power. . . . The domestic literature connoted the chief aim of women's vocation was the rearing of moral, trustworthy, statesmanlike citizens."²¹⁰ According to this theory, Mrs. Brownrigg did not properly mother her own children, despite the touching farewell reported by the Ordinary of Newgate. Mrs. Brownrigg's cruelty toward her apprentices served as an example to her eldest son who likewise beat the girls and stood trial for murder. In his account of the case, John Wingrave laments, "What a dreadful instance does this young man's behaviour afford us of the power of bad examples over the human mind! It is scarcely possible to invent a circumstance that can so forcibly display their tendency and effects as this which we have now mentioned."²¹¹

Women's maternal role was not limited to her children, but also included her household servants. Mendelson and Crawford affirm, "Contemporary conduct books, domestic manuals, and female memoirs stressed what might be called the 'maternalistic' obligations of mistresses towards their maids, including their literate and religious education."²¹² The author of the pamphlet *God's Revenge Against Murder!* applied this conception of motherhood directly to the Brownrigg case. He encouraged women who had adopted or had care of workhouse and parish children to consider their double

²¹⁰ Cott, *The Bonds of Womanhood*, 84, 94, 95.

²¹¹ Wingrave, *A Narrative of the Many Horrid Cruelties Inflicted By Elizabeth Brownrigg*, *Eighteenth Century Collection Online*, 29.

²¹² Sara Mendelson and Patricia Crawford, *Women in Early Modern England 1550-1720* (Oxford and New York: Clarendon Press, 1998), 104.

responsibilities. He advised, "[These women] should consider themselves at once as mistresses, and as mothers; nor ever permit the strictness of the former character to preponderate over or diminish the humanity of the latter."²¹³ Mrs. Brownrigg failed to balance discipline and nurture with regard to her parish apprentices. In her discussion of the dual roles of Mrs. Brownrigg as mistress and mother, Seleski argues that Elizabeth's failure as a mother figure was most asserted by the popular press. Seleski writes, "Mrs. Brownrigg was represented not as an ineffective household governor who had overstepped the boundaries of acceptable discipline but as an inadequate mother who failed to care enough for her "children." Her failure in these accounts of her actions was not managerial but maternal."²¹⁴ Seleski seconds Amussen's suggestion that women's roles in society were closely tied to assumptions about women's nature. Any violation of socially designated roles was also a violation of nature and hence an aberration. It is no surprise, then, that the popular press characterized Elizabeth Brownrigg as an "inhuman tygress."²¹⁵

The Brownrigg case was not the only one in which popular literature characterized a deviant woman's failure as maternal as well as criminal. The *OBSP* trial report, a lengthy pamphlet, and a ballad based on case of Sarah Metyard and her daughter illustrates how court records and popular literature can be used in tandem to further reveal the gender expectations of eighteenth-century London. In the ballad the author

²¹³ *God's revenge against murder! or, the tragical histories and horrid cruelties of Elizabeth Brownrigg, midwife, to Mary Mitchell, Mary Jones, & Mary Clifford, her three apprentices. Also a circumstantial and correct account of John Williamson, shoemaker, for starving and beating his wife to death, shewing the wisdom and power of God in bringing such monsters to justice and punishment. Both taken from the office copy in the Clerk of the Arraignment Chamber* (London: R. Macdonald, ... T. Broom, ... J. Llewellyn, ... and J. Herbert, 1810).

²¹⁴ Seleski, "A Mistress, a Mother, and a Murderess Too," 222.

²¹⁵ *The trial and last dying speech of Elizabeth Brownrigg.*

describes the abuse of the apprentice girls but focuses on the elder Metyard's abuse of her role as mother and example for her daughter. The piece consists of a single sheet; on the top is a brief summary of the murder and the execution, and underneath are eight stanzas of verse entitled "The Mother's sorrowful Lamentation." In the ballad, Sarah Metyard relates her sorrow at involving her daughter in her own cruelties. She laments:

My Daughter I have likewise brought,
Unto this shameful death,
A tender Child she was to me,
As ever yet drew breath.²¹⁶

She proceeds to describe how persistently she abused the apprentices despite her daughter's pleas for mercy, and how she pursued her daughter when she tried to run away after the murders had been committed. She concludes:

How can I Lord for Pardon hope,
Who have so wicked been,
Involving of my dearest Child,
In this most bloody Sin.²¹⁷

While Metyard admits "cruel usage" of the apprentices, her lament is not for their deaths, but for her failure in her most important role: as a mother.

This piece is especially interesting when read in conjunction with the *OBSP* report and a lengthy pamphlet covering the case. Testimony recorded in both of these documents details a history of abuse between mother and daughter. In one instance a man discovered the mother holding a knife over her daughter, having backed her into a

²¹⁶ Sarah Metyard, *The last dying speech (and last farewell to the world) of Sarah Metyard, and her own daughter Sarah Morgan Metyard, who were executed July the 19th 1762, at Tyburn, for the barbarous murder, of two apprentice girls.* (London, 1762), *Eighteenth Century Collections Online*, Gale Group, <http://galenet.galegroup.com.jproxy.lib.ecu.edu/servlet/ECCO> [accessed February 15, 2008].

²¹⁷ Ibid.

corner and given her a black eye.²¹⁸ The daughter also contends that when she threatened to inform the authorities of the girl's murder, her mother told her that she would accuse the daughter of the crime and that she was more likely to be believed. This animosity between the two was so strong that they had to be separated at all times. The author reports:

The difference between this unhappy mother and daughter ran so high . . . that it was necessary to confine them apart, in the most distant parts of the prison, the daughter having an apartment on the Press-yard side, with a servant to attend her, while the mother was kept on the opposite side. . . . The natural affections reversed hatred for love despair, revenge and fury, in the place of hope, peace, and charity.²¹⁹

After the trial, the mother fell into fits that rarely abated up even to her execution, leaving scant chance for reconciliation. This account of the feuding duo has little in common with the lamentation of the contrite mother. The author of the lamentation ballad used the 1762 Metyard case to promote what he thought was an important message: that women should more carefully attend to their roles as mothers. It is interesting that the expanded, more expensive version of the Metyard case presents what appears to be, based on its consistency with the *OBSP* account, a truer picture of a highly dysfunctional and abusive mother/daughter relationship, while the more widely available and affordable ballad portrays a mother who acknowledges her failure to play her proper social role and that that failure has lead not only to her demise, but also that of her "dearest Child."

²¹⁸ *God's Revenge against Murder . . . Sarah Metyard, Widow, and Sarah Morgan Metyard, Spinster. . . , Eighteenth Century Collection Online*, 11.

²¹⁹ *Ibid.*, 18, 20.

FINIS

Between 1674 and 1799, forty-two London women were found guilty of murder. The combined quantitative and qualitative approach of this study has helped to reveal the gender constructions underlying their treatment in the *Old Bailey Sessions Papers* and their portrayal in popular literature. The cases of these murderesses require a different analysis from cases of theft, riot, and even infanticide. Motives for murder are often more personal than those of other crimes and therefore more difficult to attach to larger historical trends. Not a single woman of the 42 convicted claimed that she killed someone because she was starving during an economic depression or because of England's involvement in yet another war. Though theft was, on occasion, a motive for violence the defendant never tried to win the sympathy of the jury by claiming desperation. These women killed abusive husbands out of self defense, servants through chronic ill treatment, and acquaintances over disagreements. Theirs were personal motives. General tendencies over time are visible, but the sweeping trends uncovered by Beattie and others in works on property crime simply do not exist.

These women's cases, as recorded in the *Old Bailey Sessions Papers*, ballads, broadsides, and pamphlets, allow the historian some understanding of whom women killed, how they committed their crimes, and how their misdeeds were used by authors to warn others against their examples and perpetuate the stereotype of the dangerous independent woman. In short, their portrayal in these sources briefly illuminates how their contemporaries saw them, or were supposed to see them. The author of *Lives of the Criminals* finished his preface, "Therefore I shall conclude here, only putting my readers once more in mind that by this work the intent of the Law, in punishing malefactors, is

more perfectly fulfilled, since the example of their deaths is transmitted in a proper light to posterity.”²²⁰ According to the deterrence theory ascribed to by legal thinkers and the establishment during this period, deviant women had to be punished severely and publicly. *The Old Bailey Sessions Papers*, murder ballads, and crime pamphlets contained accounts of the crimes that were intended to serve as warnings to other potential malefactors. Significantly, many of these documents contained a confessions or other expression of contrition by the offender. The confession acted as the condemned’s affirmation of the propriety of her punishment and served to legitimize the justice system. In cases of female offenders, these statements also served to reinforce the gendered social order.

This study of murderesses in popular publications and court records raises several avenues for future research. First, the source material itself is significant. Crime and gender historians have recognized the significance of ballads and broadsides for several years, but they seem to still be an underutilized source. These publications address many subjects and are important sources for understanding contemporary attitudes towards everything from sailors to marriage to magic. Historians researching any topic in early modern or eighteenth century England would do well to delve into one of the many ballad or broadside collections for primary sources.

The court records are also useful, both in statistical analyses and for their narrative content. While the focus of this study was the gendered portrayal of women in these publications, the same set of cases could be used in an examination of women’s

²²⁰ Arthur L. Hayward, ed., *Lives of the Most Remarkable Criminals* (1735; reprint, New York: Dodd, Mead & Co., 1927), 10.

victims. As mentioned, women were most likely to kill people they knew, but interestingly their victims were often children. Since the child was often an apprentice or servant in the home and died as a result of recurrent abuse these records lend themselves to studies of both household working relationships and the treatment of children. Also significant are the glimpses in trial testimonies of everyday life during this period. They show individuals moving frequently between each other's houses, leaving their young children with acquaintances or alone in the house, and shouting insults at each other in the street. These accounts, given by people of various social classes and professions, are valuable because they rarely appear in such raw form in other sources. In addition, trial records, especially from the mid eighteenth century onward, occasionally record dialogue. For example, a witness in Elizabeth Armstrong's trial reports the conversation that led Armstrong to murder Patrick Darling, "Now the Deceased was a mighty joaking Man, and he told her she curried a clean Heel, G - D - ye, says she, what is that like? Why, says he, It is like an Irish Leg, as thick at bottom as it is at top."²²¹ This trial in particular contains vivid dialogue surrounding the street brawl that resulted in Darling's death. Such sources would be invaluable to an historian researching drinking culture, fighting, insults, or language in general.

Crime historians have increasingly utilized these "ephemeral" publications as significant primary sources over the last couple of decades. This has been especially true most recently as these resources have been used by gender historians to analyze official and popular responses to female deviance. By studying the reaction to women who act out of their subscribed roles societal gender perceptions become clearer. In the cases of

²²¹ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, 23 March 2008), October 1735, trial of Elizabeth Armstrong (T17351015-29).

these 42 women, a confused picture of female identity emerges. Women were at once assumed to be naturally unruly and sexually voracious, and at the same time expected to be disciplined and chaste. The independent woman was feared because of her potential to disrupt the social order, and yet women were also depended upon to maintain that order within the household. The deviant woman was at the same time the "natural" woman, revealing a long held mistrust and misunderstanding of women by the men who controlled the society in which she lived.

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