“I CAN SEE BY THIS WOMAN’S FEATURES THAT SHE IS CAPABLE OF ANY WICKEDNESS”: REPRESENTATIONS OF CRIMINAL WOMEN IN EIGHTEENTH-CENTURY ENGLAND

by

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# TABLE OF CONTENTS

Acknowledgements ii

List of Tables vii

Chapter One: Introduction 1

Chapter Two: Criminal Women in Context, 1660-1760 28

Chapter Three: “I can see by this woman’s features that she is capable of any wickedness”: Sarah Malcolm 65

Chapter Four: “The Cruelties of Mrs. Branch and her Daughter”: Elizabeth and Betty Branch 140

Chapter Five: “The Unfortunate Maid Exemplified”: Elizabeth Canning 187

Chapter Six: Conclusions 222

Selected Bibliography 227
LIST OF TABLES

1. Women and Men Tried at the Old Bailey  
   50
2. Women Tried for Violent Crimes at the Old Bailey  
   52
CHAPTER ONE
INTRODUCTION

In England, between the 1720s and the 1760s, a profound shift occurred in the way accused women were represented, both literally in the courtroom and figuratively in the press and in popular literature. The emergence of an independent press in the decades after the lapse of the Licensing Act in 1695 encouraged the dissemination of criminal stories and portraits in ballads, broadsides, pamphlets, and newspapers.\(^1\) While there was a longstanding

\(^1\) As the number of printing presses grew in England after the late fifteenth century, authorities sought to control the publication of books by granting printers a near monopoly on publishing in England. The Licensing Act of 1662 confirmed that monopoly and established a register of licensed books to be administered by the Stationers’ Company, a group of printers with the authority to censor publications. The 1662 act lapsed in 1695 leading to a relaxation of government censorship, and in 1710 Parliament enacted the Statute of Anne (8 Anne, c. 19) to address the concerns of English booksellers and printers. The 1710 act established the principles of authors’ ownership of copyright and a fixed term of protection of copyrighted works. The statute prevented a monopoly on the part of the booksellers and created a “public domain” for literature by limiting terms of copyright and by ensuring that once a work was purchased the copyright owner no longer had control over its use. See Lyman Ray Patterson and Stanley W. Lindberg, *The Nature of Copyright: A Law of Users’ Rights* (Athens, Ga.: University of Georgia Press, 1991); Patterson, *Copyright in Historical Perspective* (Nashville, Tenn.: Vanderbilt University Press, 1968); and Mark Rose, *Authors and Owners: The Invention of Copyright* (Cambridge, Mass.: Harvard University Press, 1993).
tradition of representing criminals—both male and female—in popular print,²
the late seventeenth and early eighteenth century witnessed an unparalled
increase in the variety and accessibility of stories about all kinds of criminals,
from murderers to highway robbers to petty thieves.³ This widespread
valorization and dramatization of crime and criminals in the early eighteenth
century was a concern to legal and religious authorities who, because of the
decline of government censorship after 1695, no longer controlled the press
and, by extension, criminal narratives.⁴ According to Andrea McKenzie, “the
popularity of such criminal lives seems to have peaked in the second third of

² Of particular note is the sixteenth- and seventeenth-century pamphlet
literature dealing with witchcraft cases. The most thorough examination of
that literature to date is Marion Gibson, Reading Witchcraft: Stories of Early
English Witches (London: Routledge, 1999). Also see Frances Dolan, Dangerous
Familiars: Representations of Domestic Crime in England, 1550-1700 (Ithaca, N.Y.:

³ On the popular literature of crime of the late seventeenth and
eighteenth century, see Andrea K. McKenzie, “Lives of the Most Notorious
University of Toronto, 1999); Hal Gladfelder, Criminality and Narrative in
Eighteenth-Century England (Baltimore, Md.: Johns Hopkins University Press,
2001), 19-92; Peter Lake, “Deeds Against Nature: Cheap Print, Protestantism,
and Murder in Early Seventeenth-Century England,” in Culture and Politics in
Early Stuart England, eds. Kevin Sharpe and Peter Lake (Stanford, Calif.:
Stanford University Press, 1993), 257-83; Ian Bell, Literature and Crime in
Augustan England (London: Routledge, 1991); Lincoln Faller, Turned to Account:
The Forms and Functions of Criminal Biography in Late Seventeenth- and Early
Eighteenth-Century England (Cambridge: Cambridge University Press, 1987);
and J.A. Sharpe, “‘Last Dying Speeches’: Religion, Ideology, and Public

⁴ On the prevalence of notions of Providence and divine justice in early
crime pamphlets and chapbooks, see Lake, “Deeds Against Nature,” 269-74.
According to Lake, “the language of order in the murder pamphlets was
clearly very similar to the language of order operative at more exalted social
and theoretical levels” (p. 364, n. 18). This “language of order” would change
dramatically after the Glorious Revolution of 1688. See Chapter Two below.
the eighteenth century."\(^5\) However, by the 1760s, the public’s appetite for criminal stories was waning.

It was during these same decades, particularly the late 1730s through the 1750s, in which women’s participation in the criminal trial process declined markedly. Accused women became less likely to take part in the process of defending themselves (admittedly a rare occurrence to begin with), and women participated in trials as either expert witnesses or members of matron juries far less often. Women had long played important roles in the courtroom, particularly when questions surrounding the female body arose. Midwives had been called upon for centuries to testify as experts: in civil cases the disputed legitimacy of heirs might be decided with the help of a midwife, and in criminal cases midwives were often called upon to examine dead infants and testify at infanticide trials. However, midwives as expert witnesses had all but disappeared from the courtroom by the 1770s, replaced by professional medical men such as “man midwives,” surgeons, and apothecaries.\(^6\)


\(^6\) Between 1714 and 1750, midwives testified in no less than forty-six of fifty-eight infanticide cases tried at London’s Old Bailey. Only thirteen cases involved surgeons or other male experts such as man-midwives. From 1750 through 1803, midwives testified in only twenty-one cases out of the remaining forty-seven and surgeons or other male experts, such as apothecaries or man-midwives, appeared in thirty-one cases. Even more telling is the fact that after 1788, midwives do not appear in a single infanticide case tried at the Old Bailey. See Amy Masciola, “Infanticide at the Old Bailey, 1714-1803” (M.A. thesis, University of Maryland, 1994), Chapter 4. On the decline of midwifery as a woman’s profession during the eighteenth century, see Barbara Brandon Schnorrenberg, “Is Childbirth Any Place for a Woman? The Decline of Midwifery in Eighteenth-Century England,” *Studies in Eighteenth-Century Culture* 10 (1981): 393-408; and Jean Donnison, *Midwives*
The impaneling of “juries of matrons” was a long-established legal practice in England, dating at least as far back as the thirteenth century. The matron jury’s purpose was to establish whether or not a capitally convicted woman was pregnant, thereby delaying her sentence. When a convicted woman brought before the judge for sentencing “pleaded her belly” or claimed she was pregnant, a jury of five married women was immediately impaneled, often from among the crowd gathered in the courtroom, and charged with examining the woman in question to determine if she was pregnant, or “quick with child.” Convicted women took advantage of the practice by pleading their bellies in unprecedented numbers in the last two decades of the seventeenth century and the first two decades of the eighteenth century. However, by the middle of the eighteenth century the emergence of secondary (non-capital) punishments including transportation meant that many fewer women pleaded their bellies, thereby eliminating the need to impanel female juries. Thus, women who had previously had an important platform, the courtroom, for participating in the public discourse defining “woman”—dangerous or not—were now silenced.


In this dissertation, I propose a relationship between the popularity and availability of crime literature, the professionalization of lawyers and doctors, and a decline in representations of female agency in the courtroom, particularly accused women’s participation in the criminal trial. I also argue that these phenomena—emerging crime literature, middling male professionalization, and declining representations of female agency in court—had material consequences. Accused women in fact did defend themselves less often after the 1730s, and the language they used when they did so changed in significant ways. Lawyers did counsel defendants, male and female, more often from the 1730s onwards. This dissertation attempts to unravel the complex relationship between representations of criminals and the material causes and consequences of those representations. However, I do not wish to suggest that, with the decline in representations of female agency, accused women, particularly those accused of violent crimes, were no longer perceived as threatening. Rather, a variety of phenomena coalesced in the early eighteenth century to make it less likely that women would defend (and thus define) themselves in court, and more likely that male professionals would represent (and thus define) them using new language that reflected emerging definitions of woman. This new language emphasized female weakness and pointed to mental instability as a cause of women’s most disturbing behaviors.\(^8\)

\(^8\) On the “language of the mind” as it developed in the eighteenth-century courtroom, see Dana Rabin, “Crime, the Self, and Legal Responsibility in Eighteenth-Century England” (book manuscript, 2002), 38-119.
The 1720s were notorious for crime in high and low life, from the South Sea Bubble to the exploits of the famous thief-taker Jonathan Wild and the charming highwayman Jack Sheppard. But much of the new literature of crime up to the 1730s focused on the lives of notorious highwaymen and pirates, and not on criminal women. The occasional notorious woman merited a pamphlet or two at the most. However, in 1722 Daniel Defoe published his novel *Moll Flanders* and introduced the reading public to the most notorious criminal heroine of the century. Suddenly, readers were eager for criminal biographies, and a boom in print culture in the 1730s meant that the newspaper and pamphlet press were prepared to exploit the most newsworthy cases as never before. The publishers of newspapers and pamphlets played an even more significant role in publicizing notorious cases, and thereby articulating and disseminating stereotypes of criminals—

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11 Catherine Hayes, who murdered and dismembered her husband with the help of two men in 1726, is a notable example. Only three pamphlets are extant and the account in the *Old Bailey Sessions Paper* of 20 April 1726 takes up less than one page (see note 16 below). See *Blood for Blood: or, the Murtherers Just Punishment* (London, 1726); and *A Narrative of the Barbarous and Unheard of Murder of Mr. John Hayes* (London, 1726).

including women—and even influencing what happened inside the courtroom, including verdicts.

Before the late 1730s, defense lawyers were not allowed to offer defendants legal counsel during trials.¹³ Without legal counsel many defendants were left to speak for themselves. The increased popularity and availability of crime literature combined with the lack of control of defendants’ speech in the courtroom meant that defendants’ words were likely to be recorded, published, and read by a large proportion of the urban population. The widespread dissemination of criminals’ words and accounts of their lives and crimes was an element of the new print culture that encouraged future defendants to speak in their own defenses, and even shaped the kinds of defenses they offered.¹⁴ Trials in which accused women spoke in court, a most public forum, and in which their stories were recorded and published, loosened the traditional constraints on female defendants’ speech. Accused women’s words were no longer within judges’ control when newspaper agents and shorthand reporters were recording them for public consumption. This public loss of control may have encouraged judges to allow more defense lawyers as a way to manage defendants’ speech. During the second third of the eighteenth century, defense lawyers and male expert witnesses began to appear more frequently at criminal trials. In describing the introduction of defense counsel in the 1730s, John Beattie has acknowledged


that the reasons for lawyers’ acceptance in the courtroom are uncertain. Certainly there were a variety of motivations for allowing the rule prohibiting defense counsel to collapse, not the least of which may have been genuine sympathy for illiterate and poorly prepared defendants among outspoken legal reformers. I simply want to suggest that one factor in the development of an adversarial system in the English courtroom was the growing popularity of criminal narratives that disseminated the biographies and, more importantly, the defense strategies of so-called dangerous women and men.

The *Old Bailey Sessions Papers* were published trial accounts that grew into lengthy, quasi-official transcripts of what was said in court by the late eighteenth century. Lawyers and doctors spoke for accused women, thereby advancing their own professional status and silencing unpredictable defendants in the public (and highly publicized) arena of the courtroom. They constructed narratives that fitted their emerging interpretations of criminal nature as well as woman’s nature. With the introduction of defense lawyers and male expert witnesses over the eighteenth century, women’s voices in the courtroom were effectively silenced. One consequence was a shift in the popular perception of many accused women from powerful and sexually threatening to passive, mentally unstable, and sexually controlled.

In the chapters that follow, I argue that official and popular representations of women accused of violent crimes shaped as well as

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16 *The Proceedings at the Sessions of the Peace, and Oyer and Terminer, for the City of London, and County of Middlesex*, hereafter referred to as OBSP. I used the microfilmed copy of the OBSP in the Law Library of Congress.
reflected an ongoing and unresolved debate about the place of independent women, both working and middling, in eighteenth-century English society. Contradictions within and among texts and pictures reveal attempts to place criminal women in acceptable narratives of good and bad female behavior. The late seventeenth and early eighteenth centuries witnessed rising literacy, the emergence of a thriving print culture, a new popular fascination with criminal lives, and a widespread cultural debate about woman’s nature. This study pays particular attention to the interplay between law and culture, and the effects of that interplay on the lives of accused women.

* * *

Each of the three main chapters of the dissertation is based upon a single case of a woman or women tried for a felony during the eighteenth century in England. The predominant methodology of the dissertation is an analysis of cultural narratives of dangerous women in select case studies: Sarah Malcolm was executed for murdering her mistress and two fellow servants in 1732; Elizabeth Branch and her daughter, Betty, were executed for beating their apprentice girl to death in 1740; and Elizabeth Canning was transported to the American colonies in 1754 for committing perjury that almost led to the execution of an old gypsy woman. By cultural narratives, I mean the generic stories that recur within a culture and across a variety of

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17 Historical studies that focus on cultural narratives have returned to the fore in recent years. For a useful overview of the field, see Sarah Maza, “Stories in History: Cultural Narratives in Recent Works in European History,” American Historical Review (Dec. 1996): 1493-1515.
media including pamphlets, newspapers, court records, literature, and art. I refer to representations within the narratives or stories in order to underscore my conviction that all narratives have been shaped by their authors and do not reveal an objective truth about what happened in the past. Therefore, cultural narratives mediate between the reader or viewer and the events they depict, exposing more than simply “what happened.” By focusing on a “point of crisis within a society”—say a murder, a kidnapping, or even a contested verdict—we can discover what Martin Weiner has called the “social fault lines” of a culture or society. My aim is to examine the narratives and images that reveal changes and continuities in cultural preoccupations over time. Criminal narratives are particularly sensitive measures of a culture’s preoccupations because they expose the words and behaviors of people not often represented in historical sources. Therefore, the best sources for my

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19 On representation as a “central analytical tool for historians,” see Ludmilla Jordanova, Sexual Visions: Images of Gender in Science and Medicine between the Eighteenth and Twentieth Centuries (Madison, Wisc.: University of Wisconsin Press, 1989), 4-10; and Dolan, Dangerous Familiars, 3-6.


examination of cultural narratives of female danger are those that feature the most unusual, least typical women in English society during the eighteenth century. Their stories generated the most media attention and provide some of the only sources of the words and behaviors of poor and working people, particularly women, of the eighteenth century.\textsuperscript{22}

I have chosen to focus on three cases that span the period from 1732 to 1754: the cases involve charges of murder, theft, kidnapping, and perjury. Each features a much discussed and debated episode involving independent women as both suspects and victims.\textsuperscript{23} So-called “typical” women, either criminal or non-criminal, were not widely represented in print during the eighteenth century. They were not the subject of novels, pamphlets, prints, or ballads. They did not write about themselves in diaries or autobiographies. Indeed, they were more likely the audience for popular literature as well as conduct literature (particularly that aimed at servants). Representations of criminal women, murderesses or gypsy crones for example, reveal the ways in

\textsuperscript{22} In addition to Weiner’s article on the George Hall case, other recent works based upon historical case studies include Cynthia Herrup, \textit{A House in Gross Disorder: Sex, Law, and the 2\textsuperscript{nd} Earl of Castlehaven} (New York: Oxford University Press); Patricia Cline Cohen, \textit{The Murder of Helen Jewett: The Life and Death of A Prostitute in Nineteenth-Century New York} (New York: Knopf, 1998); and Edward Berenson, \textit{The Trial of Madame Caillaux} (Berkeley, Calif.: University of California Press, 1992).

which English culture drew distinctions “between good and bad women, between women and men, between natural and unnatural mothers, between the sick and the criminal—[and] codified both the rules of social relations and the range of gender-appropriate behaviors.”24 Each of the women in this study is represented in texts and pictures as dangerous. And yet, the ways in which they were represented as threatening evolved over the eighteenth century. A close reading of a few cases spread across two decades reveals the evolution in ways of portraying dangerous women, and thereby controlling them.

* * *

Some of the most commonly narrated stories of female crime during the eighteenth century involved women who had murdered or assaulted family members or servants, even though the vast majority of women brought before the bar during the period had committed petty larceny.25 Writers and publishers of trial accounts and criminal biographies, artists, social critics, and philosophers helped to develop and solidify several images of dangerous or criminal women during the eighteenth century, and I argue that these images or types reflect fears and anxieties about independent women, whether they were workingwomen or middling householders. In order to chart the development of representations of criminal women, I have analyzed some of the earliest accounts of crimes—depositions or examinations—where those

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25 Frances Dolan has made a similar argument for the period 1550-1700; see Dolan, *Dangerous Familiars*, 1-19.
records have survived. I have examined newspaper reports of crimes, trial accounts, criminal biographies in pamphlets such as the ordinary (or chaplain) of Newgate’s accounts, and execution sheets. In addition, there are many visual images of notorious criminal women, mostly in the forms of frontispieces to pamphlets, broadsides, and simple prints of their portraits or depictions of their crimes. In one case, that of Sarah Malcolm, the noted artist William Hogarth actually painted her portrait and produced a popular engraving (itself pirated and re-issued repeatedly). So, my sources range from formal court records to quasi-official trial accounts in the Old Bailey Sessions Papers to popular pamphlets to works of high and low art. Along the way, I occasionally refer to what some critics would call “literary” representations of criminal women in such works as John Gay’s The Beggar’s Opera, Daniel Defoe’s Roxana and Moll Flanders, and Henry Fielding’s Amelia, among others. While these are not my primary focus, they point to the widespread influence of images of criminal women throughout English society in the eighteenth century.

For each case study, I have uncovered as many extant sources as possible. These have included manuscript court records such as depositions


and indictments, trial accounts, pamphlets, broadsides, newspapers, magazines, prints, and, in one case, a painting. In order to select the most thoroughly represented women of the early eighteenth century, I conducted extensive research on all kinds of accused women for the entire century. Analysis of hundreds of trial accounts, pamphlets, and prints provided a clear picture of the “typical” as well as the truly scandalous criminals. These sources provide the context for the case studies in Chapters Three through Five, and I will sketch out that context in Chapter Two. Here, I would like to describe in some detail each of the key sources of the study.

The representation of any suspect began as soon as a crime was discovered. As soon as a person realized that he or she had been robbed, found a dead body, or witnessed a brawl in the local pub, he or she began the process of creating representations of the crime and the criminal. The first written versions of those representations often came in the form of depositions or examinations taken by a magistrate when the crime was reported.

Among the closest sources to the early stages of prosecution are depositions or examinations recorded by a clerk in the magistrate’s office after a suspect was apprehended. Depositions have not survived for the vast majority of eighteenth-century Old Bailey trials.\textsuperscript{28} However, some depositions taken during coroners’ inquests survive in the Corporation of London Record Office. They are brief and formulaic, often reflecting the needs of the court more than the words of the witnesses. As highly mediated sources, depositions do not always reflect witnesses’ actual words; but they may reveal

\textsuperscript{28} See Corporation of London Record Office (hereafter CLRO), \textit{London Sessions Papers} and \textit{Index of Indictments, 1714-1834}. 

14
witnesses’ first impressions of “what happened” better than any other source. They may reveal something of the witnesses’ own motivations, preoccupations, or assumptions. People who were examined by the coroner on the day after the crimes were discovered had little time to construct, or craft, narratives based on outside influences such as newspapers or neighborhood gossip.29

Several depositions survive from the Malcolm case and, by comparing their contents to daily newspaper coverage of the case, I was able to chart the influence of the evidence-gathering process on the news media and vice versa. The deposition of the only eyewitness in the Branch case survives in the Somerset Record Office. A comparison of that early account of the crime with later pamphlet accounts reveals the extent to which pamphleteers re-wrote the story to suit their own purposes. Unfortunately, none of the manuscripts in the Canning case survive. But an abundance of pamphlet sources make up in part for this lack.

In London, in particular, news of crimes committed and apprehended suspects was gathered by agents of the various newspapers very quickly after a newsworthy crime was discovered. Michael Harris has suggested that wide public interest in crime and the “accessibility of information through the courts and prisons of London promoted a build-up in what appear to have

been circuits of systematic newsgathering.”\textsuperscript{30} The scanty evidence suggests that papers sent their “agents” to all of the London courts and gaols to gather news. According to one early critic of the press,

Agents, ha[ve] a commission for scraping the gaols in Middlesex and Surrey of their committments; another has a warrant for scouring the ale-houses and gin-shops for such as dye of excessive drinking; a person is posted at the Savoy to take up deserters; and another in the park to watch the motions of the guards, and their military punishments.\textsuperscript{31}

In addition, it appears that in some cases, particularly notorious ones such as Sarah Malcolm’s, agents interviewed witnesses in advance of the trial.

John Langbein has uncovered evidence for the increasing participation of prosecuting solicitors in the early eighteenth century whose “main work was to investigate crime and gather evidence for trial.”\textsuperscript{32} Determined newsagents might have followed the solicitor’s investigation and reported the findings as they emerged. Prosecutors must have known the potential influence newspaper reports could have on public opinion, and particularly on the jurors. It would have been in the prosecutor’s interest for the


newspapers to portray his suspect as the only serious suspect, so the solicitor might well have funneled information directly to the newspapers. An examination of the newspaper accounts surrounding the Malcolm case reveals the extent to which legal authorities shaped the news, especially in the pre-trial stage. And by the same token, the news seems to have had a profound effect on the trial itself, by manipulating representations of the suspect and her crimes. Far fewer newspaper accounts surrounding the Branch case exist, but they serve to show the vast difference in newsgathering in the countryside. Accounts of the crime, arrests, and trials often came days after the events and tended to get basic details such as names and dates wrong.

Among the principal sources for this study are the trial accounts recorded in the OBSP. The serial publication contains the most detailed descriptions of suspicious women, their victims, and the events surrounding their prosecutions for the period from the late seventeenth century through the nineteenth century. John Langbein has called the OBSP “probably the best accounts we shall ever have of what transpired in ordinary English criminal courts before the later eighteenth century.”33 The OBSP contain quasi-official representations of crime and criminals, and provide details about the crimes for which suspects were charged and occasional demographic details. But, because the publishers claimed to record the words and actions of witnesses, victims, and the accused, other not-so-official representations emerged and contradicted the official representations of crime and criminals constantly, within the same text.

The OBSP are useful to the historian because they can, to a large extent, establish the number of prosecutions, verdicts reached, and punishments meted out, as well as some demographic details about the marital status, age, and occupation of the women and men prosecuted. They also contain crime narratives from several perspectives—witnesses, suspects, midwives, surgeons, lawyers, and judges. The OBSP purported to reproduce events within the courtroom, but this claim to transparency is, of course, one that scholars must treat with skepticism. Events were filtered through the pen and imagination of the reporter and publisher of the paper. And yet, a close reading of several trial accounts reveals something of the contested nature of the trial itself and the contradictory representations brought to bear in a given case. Few historians have analyzed the OBSP in order to root out cultural narratives. For the most part, they have been a source for historians interested in the criminal law and the increasing role of common lawyers within the courtroom.\footnote{For studies that have used the OBSP as cultural text, see Judith Travers, “Cultural Meanings and Representations of Violence Against Women, London, 1790-1895” (Ph.D. thesis, SUNY Stony Brook, 1997); Antony Simpson, “Masculinity and Control: The Prosecution of Sex Offenses in Eighteenth-Century London” (Ph.D. thesis, New York University, 1984); and Paula Humfrey “Female Servants and Women’s Criminality in Early Eighteenth-Century London,” in Criminal Justice in the Old World and the New, eds. Greg Smith and Simon Devereaux (Toronto: Centre for Criminology, 1998), 58-84.}

During the late seventeenth and eighteenth centuries, London’s central criminal court at the Old Bailey heard cases of serious crime or felony.\footnote{Felony is defined in Giles Jacob’s Law Dictionary (1750) as “anciently every capital crime perpetrated with an evil intention: all capital offences by the Common Law came generally under the title of felony; . . . We account any offence felony, that is in degree next petit treason; and at this day felony
committed in the City of London and the adjoining county of Middlesex. It sat eight times a year during “sessions of oyer and terminer and gaol delivery.”

The OBSP survive from 1674; from that year until about 1680 they are little more than chapbooks, reporting only selected, sensational cases with a distinctly moralizing purpose. From the 1680s to the 1710s, the OBSP resembled newspapers in both form and function. They reported many more cases, though very briefly and with a less condemnatory tone. After the late 1710s, however, they contained more details, including the names of defendants and witnesses, and summarized their testimony and the remarks of judges and jurors. Transcription became a feature of the OBSP during the 1730s and by the second half of the eighteenth century the publishers claimed that they were providing verbatim accounts of many of the events inside the

includes petit treason, murder, homicide, sodomy, rape, burning of houses, burglary, robbery, breach of prison, rescous [sic] and escape, after one is imprisoned or arrested for felony, &c. . . . Felony is distinguished from lighter offences, in that the punishment of it is death; but not always, for petit larceny is felony, and the indictment against such an offender must run, felonice cepit, yet it is not punished by death” (s.v. “felony”). See also Cynthia Herrup, *The Common Peace: Participation and the Common Law in Seventeenth-Century England* (Cambridge: Cambridge University Press, 1987), 2-3.

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courtroom, written with an audience in mind.\textsuperscript{38} Throughout the eighteenth century, sensational trials were reported more thoroughly than others, though the number of cases recounted at length increased as time went on. Consequently, the accounts reveal the popular fascination with certain kinds of crimes and criminals. Still, according to Langbein, “we have no reason to suspect invention in the \textit{OBSP}. The troublesome aspect of these sources . . . is what they do not report.”\textsuperscript{39} The \textit{OBSP} can be relied upon for accurate details, even if total coverage was not attempted or achieved.

The \textit{OBSP} had grown from an eight-page to a twenty-page pamphlet by 1729, making it possible to report on trials in much more detail. The stories of accused women and men who chose to speak out in court were recorded by the shorthand reporter and published in the \textit{OBSP}. This development must have been alarming to judges and authorities because they were unable to control the narratives that emerged in the popular press and thereby disseminate the appropriate moral lesson to the masses. Perhaps that alarm contributed to the appearance of defense lawyers in the courtroom from the 1730s onwards. By the final third of the eighteenth century, defense lawyers, as well as professional experts such as surgeons, were common in the courtroom. They constructed defenses for women that emphasized their status


\textsuperscript{39} Langbein, “The Criminal Trial,” 271.
as passive victims or as mentally unstable. Even when defendants did not hire defense lawyers, they began to use the language of professional men, utilizing a language of emotion or sensibility in constructing their defenses.\(^{40}\)

Beginning in the early 1730s, the shorthand reporter recorded details during the trials that had not been consistently included in trial accounts up to that point, for example, the attorney general’s opening statement and the judge’s comments and questions to witnesses, council, and the defendant. The earliest notorious cases reported at length helped to shape the OBSP into the detailed, official trial “transcripts” they would become by mid-century. The publishers and City officials realized the benefit of detailed accounts for commercial and bureaucratic purposes, and they came to prefer a “transcript” to a summary in many cases.\(^{41}\)

From the historian’s perspective, the level of detail in the OBSP provides a window into court procedure in the first half of the century, and gives us rare access to the words of the poor and middling folk who came to testify. While the depositions taken from witnesses in the hours after a crime was discovered are the “closest” sources we have to the “truth” of what happened, they are highly edited, mediated, and even manipulated to suit the purposes of the officials and clerks who recorded them.\(^{42}\) In the 1730s, the

\(^{40}\) Rabin, “Crime, the Self, and Legal Responsibility,” 38-119.


publishers of the OBSP directed the shorthand reporter to record the questions asked of witnesses by the judge, counselors, and jurors—a practice never taken up by the clerks who recorded depositions in the eighteenth century. The shorthand writer recorded answers to those questions, especially in notorious cases like Sarah Malcolm’s (see Chapter Three below), in what appears to be a direct word-for-word format. So, witnesses’ words often come to us in what appears to be a fairly unedited form. Therefore, the OBSP provide one of the only ways to hear the words of working and poor people, especially women, in the early modern period. However, while the OBSP reveal the words of participants relatively less mediated or manipulated than do depositions, the witnesses and defendants themselves certainly crafted their own narratives and constructed representations of the truth. So the source is not a transparent account of the “truth” of what happened, but simply a less obscure transcript of the words actually spoken in court.43

In order to gain some sense of the kinds of felonies for which women were tried at London’s busiest court, I read and analyzed all of the trial accounts involving female defendants for a sample of nine years throughout the eighteenth century. The sample is based upon one year, or eight sessions, in every decade for the period from 1714 through 1794, and consists of 1,798 cases. The most reliable details in any account are those that pertain to the

43 Many details must have been left out, in part because the audience for the Sessions Papers was still dominated by lay readers and not lawyers, and the writer would have selected out certain technical material. The writer probably missed words or edited some material, although common notions of propriety seem not to have been a limiting factor, as we will see in the Sarah Malcolm case in Chapter Three below. More than likely, the writer would have edited with his readers’ prurient interests in mind, hoping to titillate them.
kinds of crimes for which women were tried, the verdicts passed, and sentences delivered. The publishers did not provide information about occupations and marital status with any consistency. Details about pardons or reduced sentences are inconclusive at best. Occasionally, the publisher of a series included the names of those convicts who had been pardoned or executed, telling us something about the resolution of a few cases; but it is impossible to know how many other convicts were saved from the gallows at the last minute. For all of these reasons, the OBSP can be a less than ideal source of “facts.” It is important for the historian to remember, however, that it is a publication that, to a limited degree, reflects developments in the law, the growth of the popular press, and conceptions of “the criminal” and of women. Considering its real popularity amongst ordinary people and the respect accorded it by the establishment later in the century, it is likely that it not only reflected cultural changes, but contributed to them in significant ways.

In order to gain a sense of the most “popular” female crimes, I read and analyzed over 150 pamphlets, broadsides, and magazine articles about criminal women published between 1660 and 1832. The most popular narratives about female crime during the eighteenth century were those that detailed women’s violent attacks on family members or close acquaintances. Popular crime literature contains a wider range of depictions of violent acts than the OBSP. For example, at least a dozen pamphlets and broadsides described women who had brutally murdered their servants or apprentices, while none of the women in the Old Bailey sample committed such crimes. Women who murdered their husbands, mistresses, and fathers or guardians
were overrepresented in the popular literature of crime. These accounts emphasize women’s violation of their roles as either submissive underlings (like daughters or servants) or as mothers and mistresses or household managers.

Most pamphlets and broadsides were relatively cheap during the eighteenth century and publishers sold hundreds of copies of some editions. Because these small books were so widely consumed by ordinary people, they are one of the most valuable sources for the cultural historian. Although they do not provide reliable information about the “facts” of a given case, they contain dramatic narratives about criminal lives, motivations, and scaffold speeches. All the works were written for an audience, and their authors had agendas that ranged from profit to deterrence. As Wiltenburg has argued in her discussion of the value of these sources,

Analysis of such sources requires alertness not only to distortions of real actions and social relationships, but to distortions of actual attitudes as well. Cultural ideas about women and gender [and crime] are only one of a combination of influences shaping an author’s presentation of women, including such factors as literary conventions, commercial or political aims, the author’s temperament and artistic skill, and even, to an uncertain extent, the author’s experience of ‘real life.’ On the other hand, none of these factors is a static category, as all interact and react upon

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\[44\] For gallows literature, see Sharpe, “Last Dying Speeches,” 144-67; and Frances Dolan, “‘Gentlemen, I have one thing more to say’: Women on Scaffolds in England, 1563-1680,” Modern Philology 92:2 (Nov. 1994), 157-78.
each other. . . . But the unraveling of these tortuous cultural connections is not so obvious and requires both caution and sensitivity.\textsuperscript{45}

Most importantly, common images and stereotypes of dangerous women are revealed in these popular sources. The trial accounts in the \textit{OBSP} for both the Sarah Malcolm and Elizabeth Canning (see Chapter Five below) cases provide extensive details and reveal, perhaps better than any other source, the extent to which lawyers and medical men had taken over the process of defending and defining female criminals by mid-century.

The elite debate about what constituted criminal behavior and its proofs is recorded in the discourse of physicians, legal scholars, and philosophers. I have analyzed works by Bernard Mandeville, Joseph Addison, Daniel Defoe, and Henry Fielding. These men often depicted a society in which crime was rampant. The crimes of women were at the center of discussions about poverty, illegitimacy, vice, and social disorder. Surgeons, too, were hard at work making a place for themselves. Their role in the courtroom as expert witnesses was important to their developing prestige and by the end of the century they appeared quite often. They also wrote tracts on forensic medicine and medical jurisprudence.\textsuperscript{46} There was a long-standing link between the legal and medical worlds, for anatomists were largely dependent on the justice system for bodies to dissect and the surgeons’ desire for more cadavers led to concerns about grave robbing by the eighteenth century.


Within this tradition, the bodies of criminals, male and female, have long been depicted in anatomy texts and treatises.\textsuperscript{47} Physicians used discussions of female criminality and its causes to further their attempts at professionalization.\textsuperscript{48} The relationship between the medical professions and the courts was strengthened in part because medical men were called on to explain women’s apparently “unnatural” behavior to juries and a curious public. By the last quarter of the eighteenth century, representations of criminal women had changed dramatically. Doctors played a central role in this shift in explanations of “deviant” women’s behavior and discussions about the best methods of controlling or curing them.

Throughout the late seventeenth and eighteenth centuries, some of the most threatening members of English society were independent women living beyond men’s control. Perhaps the most troubling were women who lived together, entirely apart from men. These were groups of women who formed households and sometimes went into business together to make ends meet after the deaths of their husbands.

Sarah Malcolm, the accused murderer discussed in Chapter Three, was a laundress who worked for several employers in the Temple section of London. She did not live under the supervision of any one master and moved about the neighborhood as she pleased. Her alleged victims were three women living together in chambers in the Temple, one an old widow and the other two her live-in servants.


\textsuperscript{48} See Donnison, \textit{Midwives and Medical Men}. 
Elizabeth Branch, the murderous mistress discussed in Chapter Four, was a widow who owned and managed, with her adult daughter, a Somerset farm that produced dairy products as well as beer. She employed two female live-in servants, one of whom was their victim.

Women such as Susannah Wells, an accused brothel-keeper in the Elizabeth Canning case, discussed in Chapter Five, rented out rooms in their homes to other women and men. Mary Squires, a widowed gypsy woman, rented rooms from Wells in January 1753. And Elizabeth Canning claimed to have entered the Wells house, against her will, and remained within, and outside the supervision of her master or any man, for four weeks that January.

Each of these women found themselves at the center of a scandalous trial during the eighteenth century. What made their cases scandalous, among other things, was the nature of the households in which they either lived or committed their crimes: households run by and made up of independent women. The key difference among their cases, however, is the way in which they were represented in popular literature as well as the courtroom. Malcolm was allowed to defend and define herself in 1732; by the 1740s and 1750s Branch and Canning were defended and defined by professional men.
CHAPTER TWO
CRIMINAL WOMEN IN CONTEXT, 1660-1760

This chapter will situate my study of representations of criminal women within the histories of gender, crime and the law, and print culture in the decades from 1660 to 1760, a century when political and socio-cultural change had a profound impact on gender roles within English society. Independent women were widely viewed as a serious threat to social and gender order after 1660, and that threat became a recurrent theme within cultural narratives, especially after the 1720s when printed works became popular and accessible to people of all ranks. Representations of independent criminal women from the late seventeenth century emphasized their unruly nature, unbridled sexuality, and their essential danger. However, by the middle of the eighteenth century images of independent criminal women (at least white, English women) had changed significantly. They were less likely to be portrayed as essentially dangerous or criminal, and were more likely to be either infantilized or pathologized by male writers and theorists who

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defended and defined criminal women based upon their new “enlightened” notions of gender and criminality. What political, social, and cultural changes lay at the heart of this transformation?

According to Anthony Fletcher, “men’s power in history has resided in their construction of theology and philosophy, law and custom in their own terms. Their monopoly of these constructions in turn reflected their power.” At the end of the seventeenth century, Fletcher argues, men used their power to begin to “adapt and transform patriarchy in England by replacing its ancient scriptural and medical basis, which had proved such a potent ideology for many centuries, with a new secular ideology of gender which, in certain respects at least, has proved equally enduring.” Political and social turmoil required adaptation to a new “modern” gender system.

The turbulent middle decades of the seventeenth century saw unprecedented political, social, and religious upheaval throughout England. Women of all ranks played an active role on both sides of the conflict between Parliament and King that led to the Civil War and the Interregnum of 1649-1660. Significant numbers of women attempted to vote (and sometimes succeeded) in local elections. They made oaths of loyalty to the government; petitioned Parliament on religious, political, and economic grounds; made

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financial contributions to political activists; and recruited family and friends to their causes. By the late 1640s, women and men in religious dissenting sects were asserting the notion of “spiritual equality” between the sexes. The revolutionary political group the Levellers went so far as to demand equal civil rights for women. Women increasingly demanded rights within their communities, congregations, and even homes. Women of all ranks exercised unprecedented freedoms in religious, political, social, and economic spheres during the Interregnum. According to Robert Shoemaker, “the ideological foundations of gender were seriously undermined by the events of the 1650s.”

The monarchy was restored and the Church of England re-established in 1660. The next three decades saw a reactionary backlash against the political and religious reform movements of the Interregnum. Legislation to quash popular political participation was passed in the early 1660s. The Licensing Act (1662) limited press freedom by giving a monopoly on all publishing to the Stationers’ Company and requiring all printed works to be approved by government censors. The Act of Uniformity (1662) and related statutes criminalized religious dissent by imposing strict penalties on those who refused to conform to Anglicanism. According to Sarah Mendelson and Patricia Crawford, these repressive laws are “a measure of how profoundly the efforts of both sexes [during the Interregnum] had challenged the gender

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as well as the class hierarchy.”

Political and religious authorities [cracked down] on dissent and sought to return to the “normalcy” of the old social and gender order.

In 1688, William of Orange and Mary Stuart replaced James II in a revolution that empowered Parliament and circumscribed the monarchy. The new political paradigm required a re-imagining of the State and the re-establishment of traditional masculinity. Mendelson and Crawford argue, “democratic paradigms of the rights of men and brothers excluded women more decisively than did [earlier] patriarchal discourses, in which lineage and inheritance provided grounds for the formal political privileges of elite property-holders of both sexes.” After 1688, the gentry established firm political and social control and formed its own sense of shared identity in opposition to the aristocracy and plebeians. Fundamental to that identity was a strict respect for the law as the cement that held society together, and also an “increasingly rigid and elaborate scheme of gender construction.”

According to Fletcher, evidence for the process of defining modern gender is found in the prescriptive or conduct literature and education philosophy that was aimed at men and women of the middling and upper ranks during the late seventeenth and early eighteenth centuries. My evidence

54 Mendelson and Crawford, Women in Early Modern England, 419.


56 Mendelson and Crawford, Women in Early Modern England, 430.

57 Fletcher, Gender, Sex, and Subordination, 283.
suggests that as the new secular ideology of gender took hold among the
gentry, its influence was felt among the working and poor women who were
accused of the most sensational crimes because they were in the public eye via
the newspaper and pamphlet press.

At the center of modern gender is the theory of sexual difference, or as
Thomas Laqueur has characterized it, the shift from a one-sex to a two-sex
model. Increasingly, after 1688, society (and the sexual body) was
understood in terms of polarization, opposition, and duality as opposed to
hierarchy, degree, and order. The analogy between state and family that saw
every living thing as part of the Great Chain of Being (thus the King is to his
people as the father is to his family) began to give way after 1688. And, as
Fletcher has argued, “the collapse of the theory of macrocosm and microcosm
was even more catastrophic in its effects on traditional views of gender.
[Therefore,] men’s dominance, though the survival of patriarchy needed it to
be so, was no longer so obviously and patently the order of creation in both
physical and theological terms.” Men responded to these political cum
scientific developments by advocating the investigation of women “in order to
reassert their inferiority.” The Revolution of 1688 led to a profound crisis of
masculinity that forced men to re-inscribe their traditional roles onto the
subverted paradigm of the hierarchical state and family.

In addition to the socio-political revolution, the late seventeenth and
early eighteenth centuries witnessed a demographic revolution, which had a

58 Thomas Laqueur, *Making Sex: Body and Gender from the Greeks to Freud*

59 Fletcher, *Gender, Sex, and Subordination*, 286-88.
profound effect on representations of independent women. The number of single women increased dramatically in the seventeenth century to an estimated fifteen percent of the population in 1680, and the age at first marriage of women had risen to a mean of 26.9. The result by the turn of the century was declining fertility rates and falling population growth. Declining population growth was considered a serious issue of national security due to the almost constant state of war in which England found itself by the eighteenth century. Susan Lanser has charted the development of hostile representations of never-married women as “old maids” from their origins in the early eighteenth century. Early portrayals of old maids were particularly venomous in their use of “a language of bestiality, wantonness, decay, and disease.” Lanser points to the “institutionalization of the old maid” and suggests that, by the 1720s, “the condition of singleness becomes a social problem that women need to address.”

Lanser argues that a variety of demographic, social, and cultural factors emerged in the late seventeenth and eighteenth centuries to provoke the discursive battle over the old maid or “the creation of the old maid as a fixed

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60 According to E.A. Wrigley, “The bulk of the increase in fertility must therefore be attributable to changes in age at marriage and in the proportions never marrying, which between them determine what proportion of women of child-bearing age is married or was once married” (E.A. Wrigley, “Marriage, Fertility, and Population Growth in Eighteenth-Century England,” in Marriage and Society: Studies in the Social History of Marriage, ed. R.B. Outhwaite [New York: St. Martin’s Press, 1981], 145-46). Also see his Table III, p. 147, for mean age at first marriage figures, and Figure III, p. 151, for percentage never marrying.

social identity.” However, Lanser suggests that this was simply a demographic and cultural context for the influence of developing notions of nationhood on negative discourses surrounding single women. Finally, she argues, “the recognition of population growth as a key to Britain’s political and commercial future fostered a pronatalist domesticism in which negative discourses against singlewomen could prove materially significant.”

The pressure on single women was so intense in the middle of the eighteenth century, that women were encouraged to marry earlier, thus leading to a drop in the average age at first marriage and a consequent rise in fertility and population growth. Lanser makes a bold assertion, that discourse had material effects, that the venomous attacks on single women in the early part of the century had an impact on the population increase that came after mid-century. I argue that this hostility toward independent women is both reflected in and shaped by the popular literature of crime.

As independent women were vilified in the early eighteenth century, mothers were increasingly glorified throughout cultural narratives. Ruth Perry argues that “there is overwhelming literary evidence for the centrality of representations of motherhood to eighteenth-century English culture as a newly elaborated social and sexual identity for women.” According to Perry, after 1740 sexually promiscuous or lusty heroines were no longer at center stage in literature and drama—in other words, there were no more anti-heroines such as Defoe’s Moll Flanders or Roxana. Perry links the new focus

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62 Ibid., 309.

on motherhood, and breast-feeding in particular, to imperialism and the anxiety over declining population during wartime. In the new market economy, women were encouraged, mostly in prescriptive literature that targeted middling women, to be less productive in terms of economic work and to become more re-productive, to increase England’s population. According to Felicity Nussbaum, “a particular kind of national imperative to control women’s sexuality and fecundity emerged when the increasing demands of trade and colonization required a large, able-bodied citizenry, and women’s reproductive labor was harnessed to that task.”64 As we will see in Chapter Five, representations of Elizabeth Canning reveal the extent to which male professionals had appropriated—and thereby gained control over—discussions of independent women’s sexuality.65

One of the institutions through which the new gender ideology was increasingly disseminated was the law. What was the context for ordinary


women’s experience of the law? The majority of people accused of serious crimes were among London’s vast population of laboring poor, many of whom were born outside of London and came to the metropolis looking for work. A large proportion of female defendants were employed as domestic servants, a growing segment of the population. By the 1690s approximately eighty percent of domestic servants in the City of London were women. In the late seventeenth and early eighteenth centuries, women outnumbered men in the city by a significant ratio, perhaps as high as 77 males per 100 females in 1695. According to Peter Earle, “the change was brought about by a shift in the balance of male and female immigration into the city, a flow once dominated by men becoming one in which women formed the majority.” Among the reasons for this shift was a rise in the demand for domestic servants in London. The demand for female servants exceeded the supply throughout the eighteenth century. The number of families employing servants increased from the late seventeenth century and, at the same time, the demand for

66 Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (Cambridge: Cambridge University Press, 1991), xxi. Although it is impossible to determine exactly how many Old Bailey defendants were servants because court reporters did not consistently record information about women’s marital statuses or occupations, my strong impression from a close reading of at least two thousand accounts is that domestic servants predominated among women accused of property crimes, the majority of accusations.

female, as opposed to male, servants rose. This critical demographic shift helps explain why so many of the women prosecuted for felonies at the Old Bailey were servants.

Domestic service was the single most important source of employment for young, single women in London from the late seventeenth through the mid-nineteenth centuries. Servants were most often hired on yearly contracts that included wages and “diet and lodging.” D.A. Kent argues that single women chose service over other occupations, and may have chosen to remain in service rather than marry, because of the relative freedom and security service offered them, at least in the early eighteenth century. According to Kent, “the female servant was independent . . . . Her wages may have been low, as they were for all women workers, but they were the wages of an

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independent woman and not those of a supplementary wage-earner.” The feature of service that might have made it an attractive alternative to some women, its relative independence, was exactly what made middling employers suspicious of their female servants. During the early eighteenth century, servants in London took advantage of the high demand for their labor to change jobs frequently. About fifty percent of the women in Kent’s sample stayed in their positions for only one year and only twenty-five percent stayed three or more years.

It seems likely that domestic servants dominated the criminal records for two reasons. First, demographically, servants made up a large proportion of the urban population, perhaps as much as ten percent during the eighteenth century, and an even larger proportion of the working poor. Most defendants came from this population, and so it makes sense that female servants would be over-represented. Second, culturally, women servants had significantly more social and economic independence in the city than in the village, and employers were anxious about controlling a growing population of young, independent women. That anxiety probably led to tension within households that contributed to actual crime because of servants’ attempts to supplement their incomes and to act in negative ways against employers with whom they did not get along. But, tensions and the stereotype of the promiscuous, greedy, thieving maid likely also led employers to suspect and

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69 Kent, “Ubiquitous,” 115.

70 Ibid., 112.
prosecute innocent servants. Daniel Defoe’s attitude was probably typical of middling employers:

Thus have these wenches, by their continual plotting and cabals, united themselves into a formidable body, and got the whip hand of their betters; they make their own terms with us; and two servants now, will scarce undertake the work which one might perform with ease; notwithstanding which, they have raised their wages to a most exorbitant pitch; and, I doubt not, if there be not a stop put to their career, but they will bring wages up to 20 l. per annum in time, for they are much about half way already.71

Early eighteenth-century legislators, influenced by and influencing writers like Defoe and later Henry Fielding, increasingly associated servants with rising vice, illegitimacy, and disorder in the city. In 1713 Parliament passed a statute that made the theft of goods worth forty shillings from a house, whether or not the owner was within, a capital felony. Defoe described the process by which servants fell into lives of crime:

Once servants are brought to contemn [sic] the persons and authority of their masters, or mistresses, or employers, they soon come to despise their interests; and at last to break into their property; and thus they become thieves. There have always been thieves and whores, who get into people’s houses, under the characters of honest servants, even with design to rob the families . . . [but] there were never so many such as

now. I have been told, our famous Thief-taker (as they call him) has a list of 7000 Newgate Birds, now in services in this city, and parts adjacent, all with intent to rob the houses they are in.\textsuperscript{72}

Defoe articulated, perhaps better than any other early eighteenth-century commentator, the real anxiety that middling employers felt about their live-in domestic servants.

London is the setting for most of the cases described in this study. And the one crime analyzed herein that took place in the country, that of Elizabeth Branch and her daughter, was well-known to London readers of popular crime literature because, as with all of the printed sources for this study, the key pamphlets in that case were printed and sold in London. As the center of government and commerce, London had the greatest population of any city in Britain by far. Its citizens experienced the largest number and widest variety of crimes. Its courts met frequently and employed a vast bureaucracy of paid clerks, prosecutors, and judges as well as volunteer jurymen. Londoners from all social levels participated in the criminal law, either as perpetrators, victims, or witnesses, as observers of trials or executions, or as listeners or readers of crime literature in pubs and coffeehouses.

During the eighteenth century, metropolitan London was among the largest cities in Europe. It subsumed the ancient City of London,\textsuperscript{73} the urban

\textsuperscript{72} Ibid., 13. Nonetheless, it appears that relatively few women were actually tried under the 1713 statute in the years following its passage. Beattie found that only one hundred fifty men and one hundred women were tried in Surrey under the 1713 statute in his sample. J.M. Beattie, “The Criminality of Women in Eighteenth-Century England,” \textit{Journal of Social History} 8 (1975), 92.

\textsuperscript{73} The City of London refers to “the ancient incorporated City governed by the mayor and aldermen, that had once been entirely confined within the
parishes of the surrounding county of Middlesex, and the urban parishes of the county of Surrey south of the Thames known as Southwark. In 1700, it was just over five miles from east to west and about two and a quarter miles from north to south. London’s population in 1690 was about 500,000, and by 1750 it had grown to 675,000. According to the historian Peter Earle, it was “a noisy, crowded city in which much of life was conducted in the streets or in the courts and alleys around the tenements of the poor. It was dirty, smelly and filled with smoke, from tobacco indoors and from coal both inside and out, an atmosphere sometimes so thick as to be a serious hazard to visibility and to health.”

The most serious crimes committed in the City of London and Middlesex were tried at London’s central criminal court at the Old Bailey during eight sessions throughout the year. John Beattie has called the Old Bailey “by far the busiest and most important criminal court in England.” While the City and Middlesex were separate criminal jurisdictions, each with its own justices, clerical staffs, and quarter and petty sessions courts, they

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74 Earle, City Full of People, 7, 16. England itself experienced a population explosion that began around the 1730s and continued into the early nineteenth century. In 1731, the country’s population was just over five million and by 1821 it had grown by 118 percent to almost eleven and a half million. Wrigley, “Marriage, Fertility, and Population Growth,” 137.

75 The first of the eight sessions for each year or mayoralty was held in December and the last in October. The Julian calendar in which the year commenced on 25 March was used in the OBSP until December 1751 when the conversion to the Gregorian calendar occurred. Under the Julian calendar, dates from January 1 through March 24 were designated with both the previous and current year, as in 5 January 1724/25. I use the Gregorian dates throughout this study.
shared a common gaol, Newgate, on the western edge of the City.\textsuperscript{76} Lesser crimes or misdemeanors such as assault, petty theft, bastardy, and prostitution were tried at City, Westminster, and Middlesex quarter and petty sessions.\textsuperscript{77}

The sessions at the Old Bailey dealt with crimes committed in the two jurisdictions by empanelling a separate jury for each one. During a typical sessions lasting two to three days in the late seventeenth and early eighteenth centuries, jurors would decide fifteen to twenty cases in a day that began at 9 o’clock in the morning and ended about twelve hours later. After factoring in the time it took to dispense with the preliminary procedures as well as the mid-day break, historians have calculated the average time it took to hear and decide each case at less than half an hour. Until the 1730s, each jury would usually hear batches of less than ten cases from its jurisdiction before leaving


the courtroom to deliberate. While one jury deliberated, the other came into
the courtroom to hear cases from its jurisdiction. Then the first jury returned
to the courtroom to announce the verdicts it had reached and to move on to
the next batch of cases. This method of rotating juries continued until the late
1730s when the number of Middlesex cases so outnumbered those from the
City that an additional Middlesex jury had to be empanelled. From then on,
the jury simply heard each case and decided its verdict in the courtroom,
huddling around the foreman for a brief discussion and then announcing its
decision.78

The accused awaited their brief trials in Newgate Prison for as long as
six weeks (the length of time between sessions). When they reached the
courtroom, they were almost certainly filthy and starved, and perhaps sick
with gaol fever. They were not allowed to use the services of a defense
attorney before the 1730s, and even then few defendants could afford one. The
accused were not informed of the wording of the indictment or the evidence
against them before they came to court. They had to speak for themselves,
responding to the charges and the evidence as they understood it and hoping
that their own witnesses had bothered to appear. The judge examined and
cross-examined the witnesses and then sometimes explained points of law, or
even his assessment of the evidence, to the jury.79

Before the 1730s, defendants were expected to conduct their own
defenses because, as William Hawkins explained in 1721, a defendant “of

78 Beattie, Policing and Punishment, 259-60, 272.

79 Ibid., 259-64.
common understanding may as properly [defend himself] as if he were the best lawyer; and that it requires no manner of skill to make a plain and honest defence.”

During the course of the eighteenth century, the rule forbidding defense counsel was abandoned. Judges began to allow counsel in felony cases to examine and cross-examine witnesses during trials as early as 1732, although the practice was not common for several years. Without defense counsel, the judge was supposed to act as counselor to the defendant, as Hawkins explained: “it is the duty of the court [or judge] to be indifferent between the King and the prisoner, and to see that the indictment be good in law, and the proceedings regular, and the evidence legal, and such as fully proves the point in issue.”

Despite the fact that the form of trial, particularly until the late 1730s, strongly favored the prosecution, it is apparent that at every stage of the legal process—from investigation to prosecution, verdict, sentencing, and punishment—discretion and subjectivity prevailed. Peter King has called the period a “golden age of discretionary justice in England,” arguing that powerful social groups influenced prosecutions, verdicts, and pardons.

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Cynthia Herrup has referred to this process as complex and participatory and has argued “the criminal law as written worked as an ideal, as a moral standard that was enforced or waived as seemed appropriate.” Authorities did not intend to hang all the offenders convicted of capital felonies. The fates of all of those convicted and sentenced to death at the Old Bailey were discussed during meetings of the Privy Council, often in the king or queen’s presence, where decisions were made about who would receive sentence of death and who would be pardoned.

Historians have pointed to the sex, age, reputation, and character of defendants as crucial elements influencing the decision-making process. John Beattie argues, “there is no doubt that the character of the capital laws encouraged the courts to pay attention to the identity of the prisoner, and surrounded the issue of guilt and innocence with concern for who the prisoner was who might suffer in a particular way.” Magistrates, victims, prosecutors, judges, jurors, and the king or queen could exercise significant discretionary power with regard to the application of the laws. There were myriad influences in the decision-making process. At each stage, participants—witnesses, defendants, jurors, judges, shorthand reporters, publishers, and

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87 Beattie, *Crime and the Courts*, 439-40 (the italics are mine).
readers—reacted to and constructed the meanings they attached to crime and criminals based upon their own assumptions, as well as what they heard in the courtroom, read in newspapers or pamphlets, or saw and heard on the streets or in the coffeehouses and pubs.

This “personal and particularist administration of the criminal law” was the ideal in the early eighteenth century and it left a great deal of room for, and in fact encouraged, reference to stereotypes and assumptions about the kinds of people who were unruly, criminal, and dangerous. Neither administrators of the criminal law, legislators, jurors, nor most observers expected objectivity or even-handed justice based on certain, fit punishments for particular crimes. Law reform came in the second half of the eighteenth century when Cesare Beccaria argued that “the certainty of a punishment, even if it be moderate, will always make a stronger impression than the fear of another which is more terrible but combined with the hope of impunity.”

The transition from a highly discretionary and participatory legal system to one dominated by administrators, police, lawyers, and expert witnesses occurred during the eighteenth century. However, as we will see in the

88 On the need for equal proportion between crimes and punishments, Beccaria wrote that “if an equal punishment be ordained for two crimes that do not equally injure society, men will not be any more deterred from committing the greater crime, if they find a greater advantage associated with it” (Cesare Beccaria, On Crimes and Punishments [1764], trans. Henry Paolucci (New York: Macmillan, 1963), 58, 63. See also Douglas Hay, “Property, Authority, and the Criminal Law,” in Albion’s Fatal Tree: Crime and Society in Eighteenth-Century England, Douglas Hay, Peter Linebaugh, John Rule, E.P. Thompson, and Cal Winslow (London: Pantheon, 1975), 23.

89 Herrup, Common Peace, 206; Lincoln Faller, Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England (Cambridge: Cambridge University Press, 1987), 1-
chapters that follow, the new approach to the law favored by the new professionals was no less discriminatory. In fact, professional men shaped and articulated changing stereotypes of criminal women. Women were particularly vulnerable to the new urge to “define” because they were popular subjects for anatomists and philosophers.90

What kinds of crimes were women most likely to be accused of during the eighteenth century? Most historians of women and crime point to three basic patterns of female criminality: first, women made up a smaller proportion of property offenders than did men; second, women were less likely to be indicted for violent or capital offenses; and third, petty larceny, receiving, and shoplifting were the most common crimes committed by women.91 These historians have attempted to explain the reasons for women’s lower crime levels, often concluding that women were less aggressive, less decisive, and less violent than men, and therefore less criminal. Some have argued that those differences were natural and that they have not changed since the early modern period, thus the continuing disparity between women and men’s crimes today. According to Carol Weiner, “women were less likely to participate in crimes which demonstrated a high degree of initiative,


autonomy, and self-assertion. When they did engage in such crimes, they behaved in a more dependent and passive manner than male criminals.”

John Beattie’s early quantitative study of indictments in Surrey and Sussex over the seventeenth and eighteenth centuries attempted to explain the disparity between female and male crime levels without resorting to essentialist arguments. He found that patterns of female and male crimes were similar in that women and men participated in the same range of crimes: property crimes making up about one half and crimes against the person making up about one third of the charges brought before the courts in the years of his sample. But, male defendants decisively outnumbered female defendants by three to one in both categories. Beattie argued that the disparity in crime levels and in the types of crimes committed was due to the very different opportunities women had to commit crimes. Women’s opportunities were dictated in large part by their primary role within the family, cultural definitions of women’s roles, and the socialization of girls, according to Beattie. In addition, women had more limited social contacts in rural areas than men and than women in urban areas. Consequently, levels of both male and female crime were higher in urban areas but the disparity was greater for women.

During the nine years of my sample of cases from the OBSP, 1,798 women were brought before the bar; on average, 200 women were tried each year.

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93 Beattie, “Criminality of Women,” 80-82.
year. Women comprised about 30 percent of all defendants tried at the Old Bailey in six of the nine years in my sample, although they represented as many as 47 percent of the defendants in 1743-44 and as few as 22 percent in 1783-84 (see Table 1). It should be noted that these figures are not typical of crime ratios throughout England. John Beattie has shown in both his article on women and crime in eighteenth-century England and his study of crime and the courts in the same period that crime rates were higher for both men and women in urban areas and the disparity between urban and rural crime rates was higher for women than men.

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94 Of the total, 1,030, or 57 percent, were convicted; 760, or 42 percent, were acquitted. In 10 cases the outcome was unclear.

95 I did not systematically count the total number of trials for each sessions in the sample until 1743-44; therefore I have no comparable figures for male defendants. However, from 1743-44 on, the publisher of the Old Bailey Sessions Papers provided an index of defendants’ names at the end of the final sessions for each year or mayoralty. The indexes allowed me to count the total number of defendants in six of the nine years in the sample, and thus the total number of male and female defendants (see Table 1).

Table 1. Women and Men Tried at the Old Bailey

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Persons Tried</th>
<th>Percentage</th>
<th>Percentage of All Persons Tried</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Women</td>
<td>Men</td>
<td>Total</td>
</tr>
<tr>
<td>1714-15</td>
<td>199</td>
<td>386</td>
<td>585</td>
</tr>
<tr>
<td>1723-24</td>
<td>201</td>
<td>344</td>
<td>545</td>
</tr>
<tr>
<td>1733-34</td>
<td>196</td>
<td>270</td>
<td>466</td>
</tr>
<tr>
<td>1743-44</td>
<td>210</td>
<td>241</td>
<td>451</td>
</tr>
<tr>
<td>1753-54</td>
<td>179</td>
<td>254</td>
<td>433</td>
</tr>
<tr>
<td>1763-64</td>
<td>145</td>
<td>409</td>
<td>554</td>
</tr>
<tr>
<td>1773-74</td>
<td>220</td>
<td>578</td>
<td>798</td>
</tr>
<tr>
<td>1783-84</td>
<td>237</td>
<td>846</td>
<td>1,083</td>
</tr>
<tr>
<td>1793-94</td>
<td>209</td>
<td>471</td>
<td>680</td>
</tr>
<tr>
<td>Total</td>
<td>1,796</td>
<td>3,799</td>
<td>5,595</td>
</tr>
<tr>
<td>Average Per Year</td>
<td>200</td>
<td>422</td>
<td>622</td>
</tr>
</tbody>
</table>

Source: Sample
Only about one percent of the women in the sample, twenty-eight in all, were tried for serious violent crimes, or crimes against the person (see Table 2). The most common violent crimes tried at the Old Bailey included homicide, infanticide, rape, assault, and riot. Thirteen women were tried for infanticide, of whom four were convicted and sentenced to death. This was the most common violent crime for which women were tried during the seventeenth and eighteenth centuries. A statute of 1624 stipulated that concealing the death of a bastard child, “whether it were born alive or not, but be concealed,” was a felony unless the mother could prove, by the testimony of at least one witness, that the child was born dead. Similar laws were passed throughout Europe during the seventeenth century; they all targeted unmarried women who concealed the births and deaths of their bastard children. Consequently, twelve of the thirteen women tried for child murder in my sample were indicted under the 1624 statute as murderers of bastard children. The OBSP accounts of infanticide trials during the eighteenth

97 Of the twenty-eight defendants tried for violent crimes, twelve, or 43 percent, were convicted and sixteen, or 57 percent, were acquitted. The vast majority of defendants, including women, were accused of crimes against property, a total of 1,729, or 96 percent of all defendants. Of those, 999, or 58 percent, were convicted and 723, or 42 percent, were acquitted. The remaining 42 women in the sample were tried for crimes that are not easily categorized as against property or the person. These include bigamy and perjury.

98 Beattie, Crime and the Courts, 74-139.

99 Of the four women convicted of infanticide and sentenced to death, Ann Terry (1744) was subsequently sentenced to be transported to America and Jane Cornforth (1774) was sentenced to death by hanging and to be anatomized by the surgeons after execution.

century provide some of the most dramatic evidence of the shift in ways of representing criminal women, from dangerous monsters to weak or mentally unstable victims.

Table 2. Women Tried for Violent Crimes at the Old Bailey

<table>
<thead>
<tr>
<th>Offense</th>
<th>Total (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Homicide</td>
<td>10 (36%)</td>
</tr>
<tr>
<td>Infanticide</td>
<td>13 (46%)</td>
</tr>
<tr>
<td>Rape (accessory)</td>
<td>1 (3%)</td>
</tr>
<tr>
<td>Assault</td>
<td>2 (7%)</td>
</tr>
<tr>
<td>Accessory to murder</td>
<td>2 (7%)</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>28 (99%)</strong></td>
</tr>
</tbody>
</table>

Source: Sample

Ten women in the sample were tried for homicide, of whom four were found guilty of the lesser charge of manslaughter\(^{101}\) and burned in the hand to signify their having claimed benefit of clergy; two were convicted and sentenced to death; and four were acquitted.\(^{102}\) When women were tried for violent crimes, their alleged victims were often husbands, lovers, children, family members, or fellow employees. Judith Defour was tried in February 1734 for strangling her two-year-old daughter, Mary. She confessed that she, along with a woman named Sukey, had strangled the child, stripped her of her clothing, and sold the clothing in order to buy gin. Defour’s mother testified that “she never was in her right mind, but was always roving.”

\(^{101}\) Beattie, *Crime and the Courts*, 91-96.

\(^{102}\) Two were accused of accessory to homicide and both were acquitted.
jury found her guilty and she was sentenced to death. That same year, Elizabeth Pew was tried at the October sessions for stabbing Richard Ward, a fellow servant. They had quarreled; he called her a bitch and a whore; and she, “in her passion,” threw a case knife at him. The judge told the jury that “if one person kills another without a just provocation, it is murder: and words alone are not a just provocation.” She was convicted and sentenced to death. In both cases, malicious intent was proved to the satisfaction of the judge and jury.

Pew’s case seems somewhat typical of violent confrontations between adults, though it was unusual in that it resulted in the death of her victim (and herself for that matter). Mary Eager was tried in the same year for the murder of John Essex in a drinking establishment during an altercation. She said of the victim that he “went to put his hands under my coats. I gave him a push and bid him stand away, and some how he run against the knife.” In 1764, Mary Hargrove was charged with causing Anne Davis’s death by striking her with an iron poker. Hargrove was acquitted after a surgeon testified that Davis had died of pleurisy. Ann Holding chose the same weapon in 1774 when she attacked Elizabeth Tanner in the workhouse where they both lodged and worked. Holding was convicted of manslaughter. These trial accounts demonstrate the extent to which murder charges arose from confrontations

103 *OBSP*, Feb. 1734, 82-84.

104 *OBSP*, Oct. 1734, 202-03.


106 *OBSP*, May 1764, 166-67; and May 1774, 237-38.
between co-workers, family members, or neighbors.\textsuperscript{107} While cases of violent crimes committed by women were very rare and almost always committed against family or acquaintances during the eighteenth century, accounts of the few cases are very important in terms of understanding the changing representations of “dangerous” independent women. It is their rarity, in part, that accounts for their powerful presence within cultural narratives. Those narratives are the key focus of my investigation.

* * *

Because men have always made up the majority of defendants in most categories of crime, historians have paid far more attention to criminal men than to criminal women. Social historians of crime have studied prosecution and conviction rates and correlated them with important political and economic developments in the eighteenth century, such as the incidence of war and its impact on levels of property crime. Literary scholars have analyzed the important place of criminal biography within the history of the “rise of the novel.” Their studies of crime literature often focus on the origins of canonical texts rather than the intrinsic importance of anonymous or unauthorized broadsides, ballads, and pamphlet literature. By combining social historical and literary approaches to the history of representations of criminal women, my study attends to material as well as symbolic aspects of the relationship between law and culture.

The study of representations of criminals is relatively new. The essays in \textit{Narrating Transgression: Representations of the Criminal in Early Modern}
England explore images of criminals in eighteenth-century fiction, trial accounts, pamphlets, newspapers, and broadsides. Its editors argue that “crime and transgression [were] at the core of the English written culture of the period,” and they ask “What sensitive cultural ganglia did the image of the criminal touch? What aspects of crime and transgression were delegated to literature? And what role did the market play in all this?” Several essays explore the history of the Old Bailey Sessions Papers, the ordinary’s Accounts, execution sheets, and newspaper accounts in order to uncover the relationship between crime and print culture.

Ruth Perry analyzes representations of prostitutes in eighteenth-century fiction beginning with Richardson’s Clarissa. Janet Todd “examines the relationship between crimes of class and crimes of gender” within representations of the notorious seventeenth-century bigamist and thief, Mary Carleton, or the German Princess. And an essay by Ian Bell examines the representation of crime and criminals in Hogarth’s series of paintings and prints, Industry and Idleness. The editors argue that the literature of crime can “reveal the deepest unacknowledged fears, the latent obsessions and the most hidden fantasies of an era. Together with all this, it can also show us the modalities through which a culture creates certain of its stereotypes, its worst bugbears, its monsters.” My study of the shifting images of criminal women in the second third of the eighteenth century reveals a society and a culture

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109 Ibid., 10-11.
creating new methods to deal with long-held anxieties about women’s power and sexuality. The period from the 1720s to the 1750s saw the development of a new language of female danger, one that explained away women’s bad behavior in legal or scientific terms rather than demonizing women based on sexual or religious stereotypes.

In their introduction to the collection of essays *Women, Crime, and the Courts in Early Modern England*, Garthine Walker and Jenny Kermode emphasize the importance of criminal records in the study of women’s history. They challenge other historians to attempt to “understand the way in which the whole of society, including women, constructed gender and allocated and imagined roles for either sex. By closely examining behavior when individuals exhausted social tolerance or broke fundamental taboos we gain insights difficult to achieve by other means.” Each of the essays in the volume reveals the extensive involvement of women in the legal system, whether through slander accusations, as accused scolds and witches, or as litigants in equity courts. Walker and the other contributors take a qualitative, as opposed to a quantitative, approach, looking at documents such as recognizances and depositions in order to discover what kinds of items women and men stole or what language witnesses, victims, and the accused used when describing crimes. While Beattie refers to differences in men’s and

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According to Kermode and Walker, the quantitative methods that most crime historians have resorted to traditionally, such as counting indictments and other more formal forms of prosecution, can obscure women’s roles within the legal process. An examination of qualitative sources such as recognizances, depositions, and the popular literature of crime reveal the extent to which women took advantage of the courts for a variety of reasons.\footnote{A recognizance was “a bond entered into and recorded before a court or a magistrate, by which a person engages himself to perform some act or to observe some condition; also a sum of money pledged in surety for such performance and rendered forfeit by neglect of it” (Herrup, The Common Peace, xiii).} These kinds of sources reveal more about the lives and attitudes of ordinary people than aggregates of numbers. Kermode and Walker argue that “by closely examining the context of cases the dynamics of interpersonal disputes can be revealed; [and] the reconstruction of recorded words and actions is an important preliminary to deciphering the encoded social, cultural and individual meanings which informed court actions.”\footnote{Walker and Kermode, Women, Crime, and the Courts, 5.} The essays in Women, Crime, and the Courts focus on the early modern period before 1700, and each reveals the extent to which women were active participants in both civil and criminal proceedings. The essays serve to highlight the decline in female agency revealed by my evidence from the eighteenth century.
Several historians have gone a long way toward “deciphering” the code within cultural narratives (an ambition that this dissertation shares) in studies of crimes that women were thought to dominate. Mark Jackson’s recent study of infanticides tried at assizes in the north of England during the eighteenth century helps to explain why certain women were suspected of murdering their infants and how they were then treated by neighbors, family, and the courts. Jackson’s largely quantitative sources include depositions and printed accounts such as pamphlets and newspapers.\textsuperscript{114} Laura Gowing has also examined depositions for a study of infanticide in the seventeenth century. For her, secrecy was the crucial shaper of understandings of infanticide in law and popular culture. Through a close reading of depositions, Gowing exposes “narratives of concealment, fear, confrontation, and exposure.”\textsuperscript{115} Gowing’s analysis of the stories women told about their secret birthing experiences reveals some of the ways in which women constructed narratives around birth and secrecy, despite the fact that few members of the public ever read their stories.\textsuperscript{116}


More recently, literary scholars and cultural historians have led the way in making use of alternative sources for the history of women and crime. Many have been drawn to late seventeenth- and early eighteenth-century criminal narratives and biographies by their desire to explain the origins of the novel.117 Lincoln Faller argues that the popular texts such as pamphlets and broadsides that emerged alongside Defoe's novels are as important as the “canonized texts” because of their “social index.”118 His important study of criminal biographies, *Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England*, takes as its subject the ways that people who had access to print culture (and they were many in the eighteenth century) wrote and read about the lives of criminals. He is not as concerned with “what really happened,” as he is with “the highly selective ways in which the real was represented.”119 He concludes that criminal biographies all depended upon one of two myths for their structure and representation: the spiritual biography and the picaresque novel. Myths, according to Faller, were useful ways of narrating real crimes because they

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119 Faller, *Turned to Account*, 3-4.
allowed writers and readers to “reconstruct the real along ‘happier’ or at least more tolerable lines.” Myths limit the damage to a culture’s image of itself, God, or the social order.\textsuperscript{120} The case studies in the chapters that follow reveal the evolution of crime narratives (and their myths) in the eighteenth century, from those that were dependent upon images of women as sexually-voracious, dangerous, and outspoken to those that relied on the new professional language of the middling sort to explain women’s bodies and behaviors in terms of order, emotion, and sensibility.\textsuperscript{121}

According to J.S. Cockburn, the shift to a language of sensibility did not necessarily translate into a change in the practice of gendered punishments until quite late in the century. He argues that the enlightened minds of the Augustan Age were deeply anxious about, or felt threatened by, the prospect of female “trouble” in its many forms. Cockburn develops a complex “understanding of the origins and cultural significance of gendered punishment” as he uncovers some of the reasons why the English government


continued to burn women convicted of petty treason until 1790 while hanging men convicted of the same crime. He refutes the oversimplified explanations of contemporaries such as William Blackstone as well as historians of the period, that women were burned out of propriety, feelings of delicacy toward their natural modesty, chivalry, or rising civility. As in the case studies discussed here, the language used by professional men to explain burning women was laden with sentimentality and notions of order and good government, suggesting that burning a woman’s body was somehow more decorous than hanging it out in the open. Such explanations reveal more about the anxieties of men who could not control women’s bodies (particularly their post-mortem bodily emissions) at the place of execution and so sought to obliterate them by burning.

According to Cockburn, the practice of burning women persisted almost into the nineteenth century because of “the perception that [women] were a source of cosmic disorder and ‘represented a wide range of [dangerous and] incomprehensible powers.’” Gendered punishments that subjected female convicts to ordeals of fire and water (the ducking stool for scolds) had their origins in ancient beliefs about women’s natural impurity and danger. In addition to these folk beliefs, Cockburn cites an increasing anxiety about the display of female bodies in the eighteenth century, evidenced in visual


123 Ibid., 15-16; quoting Joy Wiltenburg, Disorderly Women and Female Power in the Street Literature of Early Modern England and Germany (Charlottesville, Va.: University of Virginia Press, 1992), 60, 98.
portrayals of the dissection of women.\textsuperscript{124} Indeed, I would argue that the anxieties raised by women’s bodies in the eighteenth century were not new. However, the language (and scientific images) used to explain, and thus control, women’s bodies had evolved by the middle of the eighteenth century.

Frances Dolan’s work has been very influential for my understanding of representations and gender in early modern England. In \textit{Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700}, Dolan analyzes cultural narratives of domestic violence among “familiars” such as husbands and wives, masters and servants, and parents and children. She analyzes a variety of popular, legal, and literary or canonical texts including pamphlets, ballads, plays, trial transcripts, scaffold speeches, confessions, and statutes “as evidence of the processes of cultural formation and transformation in which they participated.”\textsuperscript{125} Dolan does not privilege one genre or category of evidence over another as historians of crime have often done with indictments (as opposed to pamphlets for example). Dolan attempts to explain why, if women and servants were much more often victims of domestic crime than perpetrators of it, representations of domestic crime “most often depict an insider who threatens order as a woman or a servant.”\textsuperscript{126} I share Dolan’s approach to the sources and ask many of the same questions of those sources. However, the cases discussed below reveal the extent to which stories of

\textsuperscript{124} Ibid., 13.

\textsuperscript{125} Dolan, \textit{Dangerous Familiars}, 3. Also see idem, “‘Gentlemen, I have one thing more to say’: Women on Scaffolds in England, 1563-1680,” \textit{Modern Philology} 92:2 (Nov. 1994), 157-78.

\textsuperscript{126} Dolan, \textit{Dangerous Familiars}, 4.
female crimes, especially violent or sexual crimes committed by independent women, still captured the popular imagination in the eighteenth century as they surely had in the seventeenth century.

Dolan’s study ends in 1700 with a brief epilogue that looks ahead into the eighteenth century. According to her, representations of domestic crime “receded from the center of popular culture” by the early eighteenth century, and “women were spared persecution and execution, yet they were taken less seriously. Less feared, they were also perceived as less powerful and dangerous.”127 By persecuting and portraying as dangerous wives, servants, and other “domestic familiars,” seventeenth-century English society represented their exercise of agency as threatening in itself. By 1700, Dolan argues, women were no longer portrayed as agents in stories of domestic violence, and thus were no longer perceived as threatening. As a consequence of this change, criminal women, and women in general, were seen as less powerful, more easily controlled, and therefore taken less seriously.

While my evidence confirms Dolan’s argument for a shift in representations of criminal women, I do not agree that “representations of domestic conflict and disorderly, violent women receded from the center of popular culture.”128 I contend that from the late seventeenth century onwards the focus within popular literature did shift away from violence between women and men in traditional domestic settings and came to concentrate upon a different threat—young, independent women. The social,

127 Ibid., 18.

128 Ibid.
demographic, economic, and political changes of the late seventeenth century led to a rise in the number of single women within the English population generally, as well as an increasing need among middling households for domestic servants, especially in London. As we have already seen, relationships between masters and servants were becoming more formal and contractual than familial (or familiar). In many ways, young, single women had become alienated from the families for whom they worked in service; they were perceived (and perhaps perceived themselves) as independent and thus powerful. Within this context live-in servants were as threatening as independent women living and working outside of traditional families (usually those without male heads of household). Independent women who committed acts of violence were as threatening as any seventeenth-century witch or petty traitor. The emergence of stories of independent criminal women like Sarah Malcolm in the 1730s both shaped and reflected a new anxiety among the middling sort about the mobility and economic power of independent workingwomen. Stories of independent criminal women reflected the need after 1688 for men to reclaim traditional masculinity in the wake of its obliteration by the likes of political theorists such as John Locke and Thomas Hobbes who had cast aside the traditional analogy between state and family.\textsuperscript{129} Independent women became the targets of professional men’s urge to define and thus control female sexuality.

\textsuperscript{129} Ibid., 17.
CHAPTER THREE

“I CAN SEE BY THIS WOMAN’S FEATURES THAT SHE IS CAPABLE OF ANY WICKEDNESS”: SARAH MALCOLM

If Daniel Defoe articulated middling employers’ fears of “the potential enemy within doors,” that is, their domestic servants, William Hogarth brought the image of the dangerous servant maid to life in vivid color in his 1733 portrait of the infamous murderess, Sarah Malcolm. In February of that

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year the twenty-two-year-old laundress was accused of murdering her elderly mistress and two fellow servants and of stealing a large quantity of money, linen, and silver from their chambers in London’s Inner Temple.\textsuperscript{132} Malcolm confessed that she had conspired with three accomplices to rob her mistress, but denied any role in the murders.\textsuperscript{133} Nonetheless, she was convicted, and although her alleged accomplices were captured, they were never tried and were eventually released for lack of evidence. Hogarth visited Malcolm in the condemned cell at Newgate prison two days before her execution to make sketches for a painting and an engraving of her portrait. During the visit, he is alleged to have said to his father-in-law, the artist James Thornhill, “I can see by this woman’s features that she is capable of any wickedness.”\textsuperscript{134}

\textsuperscript{131} Hogarth’s painting of Malcolm currently hangs in the National Gallery of Scotland, Edinburgh. On the history of the painting and prints, see Ronald Paulson, Hogarth’s Graphic Works (New Haven, Conn.: Yale University Press, 1970), 152-53.

\textsuperscript{132} The Inner Temple was one of four inns of court in the eighteenth century. The inns of court were societies of lawyers formed in London in the fourteenth century. They provided accommodations and hospitality to members, and, most importantly, they provided legal training. The “neighborhood” that made up the Temple consisted of rows of buildings for lodging students and members, a church, dining halls, and administrative offices. For the history of the Temple and the inns of court, see J.H. Baker, The Inner Temple: A Brief Historical Description, <http://www.innertemplelibrary.org.uk/temple-history> (1991); David Lemmings, Gentlemen and Barristers: The Inns of Court and the English Bar, 1680-1730 (Oxford: Clarendon, 1990); and Wilfrid R. Prest, The Inns of Court under Elizabeth I and the Early Stuarts (Totowa, N.J.: Rowman and Littlefield, 1972).

\textsuperscript{133} For an early twentieth-century account of the case based on the Old Bailey Sessions Papers (hereafter OBSP) account and later accounts in the New Newgate Calendar, as well as a description of the logistics of the Inner Temple, see Frank MacKinnon, “The Murder in the Temple,” Cornhill Magazine 74 (Jan. 1933): 80-97.

\textsuperscript{134} Hogarth believed in the “science” of physiognomy, the practice of analyzing each person’s facial, or bodily, features for signs of his or her
The brutal murders of three women in the midst of London’s legal community shocked and terrified residents of the Temple. The arrest of a well-known laundress the next day probably confirmed many Londoners’ worst fears about the potential for criminal behavior among independent working women. The newspaper press took up the case immediately, investigating the crimes in parallel with the coroner and the prosecuting solicitor. Representations of the young, single, Irish-Catholic laundress emerged in the press, and Malcolm was quickly labeled a cunning murderess who embodied all that was dangerous and marginal in early-eighteenth-century English society.

As an independent woman living and working without the supervision of a husband, father, or master, Malcolm represented more of a threat than a married woman or a man would have. Single women were a source of anxiety and derision in the early eighteenth century in part because of widespread concern about England’s low population during a period of almost continual war with the French. Irish Catholics made up a significant minority of character. The physiognomist focused on actual features, not facial movements; thus, one’s physical make-up or appearance was literally a window into the soul. See J.C. Lavater, Physiognomy (London, 1800); idem, Single Works: Essays on Physiognomy (London, 1789-98); Roy Porter, “Making Faces: Physiognomy and Fashion in Eighteenth-Century England,” Etudes Anglaises 38:4 (Oct.-Dec. 1985): 385-96; and Graeme Tytler, Physiognomy in the European Novel (Princeton, N.J.: Princeton University Press, 1982). For the source of Hogarth’s statement to his father-in-law, see John Ireland, Hogarth Illustrated, v. II (London: Boydell, 1806), 313-21; Ireland’s passage is reprinted in J.B. Nichols, ed., Anecdotes of William Hogarth (London: Nichols and Son, 1833), 178. For a variation of the quote, see Jenny Uglow, Hogarth: A Life and a World (London: Faber and Faber, 1997), 232; and Dictionary of National Biography (1975), 858. Thornhill painted a similar portrait of Jack Shepherd, the notorious highwayman, in his cell ten years earlier.
London’s poor in this period, and popular anti-popery was also widespread.\footnote{Negative constructions of single women served “historically specific needs” in the early eighteenth century. Women who did not marry were seen as a “national detriment” because population size was considered a determinant of political and commercial power. England had been embroiled in a series of European conflicts since the Restoration, while at the same time its population was low and static. According to Susan Lanser, the “old maid” became a “despised social category” in the eighteenth century due in large part to an increase in the number of single women in the late seventeenth century, combined with the power of “patriarchal anxieties to stir old fears of women unattached to men” (Susan Lanser, “Singular Politics: The Rise of the British Nation and the Production of the Old Maid,” in Singlewomen in the European Past: 1250-1800, eds. Judith Bennett and Amy Froide [Philadelphia, Penn.: University of Pennsylvania Press, 1999], 306-09). On the threat posed by independent women, see Ruth Perry, “Colonizing the Breast: Sexuality and Maternity in Eighteenth-Century England,” Journal of the History of Sexuality 2 (1991): 209; Amy Froide, “Single Women, Work, and Community in Southampton, 1550-1750” (Ph.D. thesis, Duke University, 1996); and Katharine Ottaway Kittredge, “’Tabby Cats Lead Apes in Hell’: Spinsters in Eighteenth-Century Life and Fiction” (Ph.D. thesis, SUNY-Binghampton, 1992).}

In addition to her status as an independent Irishwoman, Malcolm was outspoken in her self-defense throughout the investigation, trial, and leading up to her execution. Her self-defense fascinated those who heard it first hand in the courtroom, as well as those who read and heard about it later on in the taverns and coffeehouses of London.

In this chapter, I argue that the Sarah Malcolm case marked the beginning of a profound shift in the way accused women were represented, literally in the courtroom and figuratively in the press and in literature. Sarah Malcolm’s case represents the high point of female agency within the courtroom and in the literature of crime. No other accused murderess in the eighteenth century would defend herself so articulately and passionately and

have her words recorded and her portrait so widely disseminated. A specific combination of criteria made it more likely that Sarah Malcolm and other defendants would find the words to defend themselves in the early eighteenth-century courtroom.

The growth of a free press in the early decades of the eighteenth century encouraged the widespread dissemination of criminal stories in print from the 1720s until the 1760s. Authorities grew concerned with the popularity of crime literature, in part because they no longer had any control over what kinds of criminal narratives would gain an audience, especially among the lower orders. In my analysis of the Malcolm case, I have discovered a link between the popularity and availability of crime literature, the professionalization of lawyers, and the decline of female agency in the courtroom.

Before the late 1730s, defense lawyers were not allowed to offer defendants legal counsel during trials. Without legal counsel many defendants were left to speak for themselves. Under these circumstances—the increased popularity and availability of crime literature, and lack of control of defendants' speech in the courtroom—the words of defendants like Malcolm

were more likely to be recorded, published, and read by a large portion of the urban population in the 1730s. The widespread dissemination of criminals’ words and accounts of their lives and crimes encouraged future defendants to speak out in their own defenses, and even shaped the kinds of defenses they offered. Cases like Malcolm’s, where threatening women (or men) were able to speak for themselves and have their speeches recorded and published, might have encouraged judges to allow more defense lawyers as a control on defendants’ speech. During the second third of the eighteenth century, defense lawyers and male expert witnesses began to appear more frequently at criminal trials.

Malcolm’s crimes (and her defense strategy) were particularly shocking and frightening because she was a woman, and they were more threatening because she was an independent woman. Independent women were highly suspect in early eighteenth-century England. As a laundress, as opposed to a live-in domestic servant, Malcolm epitomized female independence; she was free from male supervision because she did not live with her masters or

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mistresses.\textsuperscript{140} The vast majority of women tried at the Old Bailey during the eighteenth century were single or widowed. They were often poor, working women; many were domestic servants. Still, the capture, trial, and execution of a woman for murder was rare, and for triple murder and robbery practically unheard of. In my sample of over 1,000 women tried at the Old Bailey during the eighteenth century, only about one percent were prosecuted for violent crimes. The percentage of women tried for homicide (not including infanticide) was even lower, only about one-third of the twenty-eight prosecutions of women for violent crimes. In comparing women and men tried for homicide in Surrey between 1663 and 1802, Beattie found “only 37 of the 284 charges laid (13 percent) were against women,” and of those thirty-seven, only fifteen were “principals” in their cases (as opposed to accessories).\textsuperscript{141}

Malcolm demanded the public’s (and our) attention; she was determined to challenge her accusers and to make her own lengthy statement during her trial. Coverage of the Malcolm case in the \textit{Old Bailey Sessions Papers} was among the lengthiest in the publication’s history to that point, emerging as it did within three years of the expansion of the \textit{Sessions Papers} into a substantial periodical publication providing the public with detailed accounts

\textsuperscript{140} I know of no historical studies of English laundresses before the industrial revolution. However, Patricia Malcolmson found that, by the middle of the nineteenth century, laundresses were mostly married women and had a reputation as a rowdy lot: independent, disrespectful, and unreliable. See P.E. Malcolmson, \textit{English Laundresses: A Social History, 1850-1930} (Urbana, Ill.: University of Illinois Press, 1988).

of what went on in court. The newspaper press played an increasingly active role in publicizing crimes and criminals, as did the pamphlet press. Because Malcolm spoke at length in her own defense, her words were captured and widely disseminated.

The content of that defense was truly scandalous: Malcolm insisted that she had not committed the murders despite the appearance of blood on her clothing. The blood was the “true gift of nature,” her menstrual blood. At the same time, she fully acknowledged the role she had played in planning the robbery, dividing the stolen money and goods, and hiding the evidence. The press refused to mention her menstrual blood defense, instead focusing on the fact that she had been caught with the loot within hours of the discovery of the bodies. Despite her efforts, the press controlled the representations that appeared until after her execution. An analysis of all the narratives that emerged in the days and weeks after the crimes were discovered reveals a struggle over her representation. From her arrest and imprisonment to her execution, Malcolm attempted to direct the representations of herself. She spoke out in court, wrote her own confession and arranged for its publication, refused to comply with the ordinary’s demands that she confess and show contrition, posed for Hogarth, and demanded a shroud in which to be hanged. The struggle to represent the notorious murderess reveals the profound threat she posed as a young, single woman unafraid to talk in public about her sexuality and her criminality.

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Malcolm was among the most notorious criminals of the early eighteenth century. Images of her in a variety of texts and pictures shaped the new print culture that was increasingly dominated by the popular literature of crime. In addition to Hogarth’s print, several texts were published in the spring of 1733 to satisfy a public hungry for news about Malcolm’s behavior, appearance, and “last dying words.” London’s newspaper press covered the investigation, trial, and execution on an almost daily basis, and the unusually lengthy trial account in the Old Bailey Sessions Paper had to be published in two parts. The ordinary of Newgate, James Guthrie, included Malcolm in his Account, and her own detailed “confession” was published within days of her execution. Magazines such as the Gentleman’s Magazine, The Craftsman, The Friendly Writer, and the London Magazine recounted Malcolm’s behavior during her trial and at her execution.143

Malcolm remained alive in the public consciousness throughout the eighteenth and into the nineteenth century, in part because of Hogarth’s portrait.144 Her image was used in a variety of social and even political contexts. Within a month of her execution, Malcolm was burned in effigy


alongside Robert Walpole and Queen Caroline by a mob celebrating the withdrawal of Walpole’s unpopular excise scheme in the House of Commons.¹⁴⁵ Fifteen years later, in 1748, Horace Walpole mentioned Malcolm in a letter to Horace Mann about the speed with which notorious characters are forgotten, saying that “the knaves and fools of the day are too numerous to leave room to talk of yesterday.” He claimed that “Lord Bolinbroke, Sarah Malcolm, and old Marlborough, are never mentioned but by elderly folks to their grandchildren, who had never heard of them.”¹⁴⁶ Walpole would purchase Hogarth’s portrait of Malcolm in the early 1750s and hang it in his home, Strawberry Hill.¹⁴⁷ Henry Fielding, “the most talked-about playwright in London,” was Hogarth’s close friend when the painter made his visit to the condemned cell at Newgate to sketch Malcolm’s portrait. Two decades later, Fielding had become a well-known novelist and magistrate. In his 1751 novel,

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¹⁴⁶ Horace Walpole to Horace Mann, 26 Jan. 1748, Horace Walpole’s Correspondence, v. 19, ed. W.S. Lewis (New Haven, Conn.: Yale University Press, 1954), 457; and see the introduction to Mann correspondence by Lewis, v. 17, xxiii-xxiv. Mann (1701-86) was British envoy at Florence, and friend and correspondent to Walpole from 1740-86. Henry Saint-John, first Viscount Bolingbroke (1678-1751), was a well-known statesman and philosopher until around 1740. John Churchill, first Duke of Marlborough (1650-1722), was a well-known military hero instrumental in crushing Monmouth’s Rebellion in July 1685. See Concise Dictionary of National Biography, pt. 1 (1903), s.v. “Mann, Horace,” “Bolingbroke (Henry St. John),” and “Marlborough (John Churchill).”

Amelia, Fielding mentioned Malcolm in a list of “heroine[s] of the tender sex” that included Lady Macbeth and the notorious murderess Catharine Hayes.\(^{148}\)

Throughout the eighteenth and nineteenth centuries, Malcolm’s crimes were described in less-than-accurate detail in popular trial collections such as the Newgate Calendar and Tyburn Chronicle.\(^{149}\) While the lives of notorious criminals have not been sources for serious scholarly consideration until relatively recently, a few art historians and literary scholars have written about Malcolm largely within the contexts of the history of eighteenth-century art and the history of the novel.\(^{150}\) No historian, however, has analyzed the manuscript sources, the earliest newspaper accounts, and the trial account in order to uncover the socio-cultural meanings of representations of Sarah Malcolm. This chapter offers a narrative of the Malcolm case and, more importantly, it charts the construction of her as a murderess in the popular


press. Furthermore, it highlights the ways in which Malcolm portrayed herself in the courtroom and in print as honest, intelligent, contrite, and pious, as well as her unprecedented determination to control and shape representations of herself.

Certainly, the image of Malcolm as a dangerous, cunning murderess prevailed: she was convicted and executed for her crimes and later representations often left out her side of the story. However, the dominant narrative emerged from a profound struggle among Malcolm, her accusers, and the press. That struggle had material consequences inside the courtroom for women later accused of felonies. They were increasingly silenced for fear of the kind of threatening words Malcolm had spoken. In general, women’s testimony in court, as witnesses and defendants, grew more infrequent and was less valued than men’s.

Throughout history, most accused women either have chosen not to challenge their accusers, or their voices have been erased from the record. However, Malcolm’s voice rings out loud and clear, at least as eloquent and convincing as the voices of her accusers, and reveals what Fran Dolan has called “the interdependency of superiors and subordinates and the

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151 On the interplay between official criminal records and the popular press, see Marion Gibson, Reading Witchcraft: Stories of Early English Witches (London: Routledge, 1999), 36-37.

152 The kind of comparison between depositions and printed sources undertaken in this chapter is rare because depositions have not survived for the vast majority of eighteenth-century Old Bailey trials. See Corporation of London Record Office (hereafter CLRO), London Sessions Papers and Index of Indictments, 1714-1834.
precariousness of the master’s authority.” Furthermore, a close reading of the sources surrounding Malcolm’s case exposes the interdependence of the press, its readers, and legal authorities. By comparing the daily coverage in newspapers with documents associated with the investigation and the trial account, we see how much influence authorities had on the press and in turn the press’s influence on the trial itself.

Malcolm’s determination to write her script and to play it out fascinated and discomfited readers, making her case one of the most consistently and extensively reported stories that year. Perhaps Hogarth insured Malcolm’s fame for the long term, but she was already infamous when he entered her cell two days before her execution, due in large part to daily newspaper reports. Several themes dominated the coverage of Malcolm’s case: first, the cruelty and brutality of the multiple murders of an elderly widow and her two female servants, one of whom was also elderly and sick; second, the location of the murders in the Inner Temple, surrounded by representatives and institutions of the law; and third, Malcolm’s outspokenness during and after her trial and her refusal to confess to the murders. Consequently Hogarth’s choice of the laundress as his subject had as much to do with her own agency as it did with his desire to capitalize on the brutal murders of three innocent women.

Before we can expose the meanings and implications of representations of Sarah Malcolm, we must examine the details of the case—the building blocks of representations—as they emerged from the day the victims’ bodies

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were discovered—Sunday, 4 February 1733—and not as they would be described three weeks later in the trial account or in subsequent publications. Therefore, the analysis that follows begins with narratives from the first written accounts of the crime, the coroner’s depositions taken on Monday, 5 February.

* * *

On Sunday afternoon, 4 February 1733, Ann Love “went as usual” to the Inner Temple to visit the widow Lydia Duncomb. Duncomb lived “at no. 3 up four pair of stairs in Tanfield Court.”\(^\text{154}\) She lived with her two maids, Elizabeth Harrison, aged about sixty, and Ann Price, aged about seventeen. Love found the elderly widow’s door locked and no one answered when she knocked, so she went to consult with Duncomb’s friend and executrix, Frances Rymer, who lived close by in the King’s Bench Walk. The two women returned about an hour later, at two o’clock, and still got no answer. They knew that Harrison had been ill, and were afraid that she had died, that Price had gone for help, and Duncomb was unable to come to the door. While they stood on the landing a laundress named Ann Olivant came up the stairs. Love and Rymer explained their concern for Duncomb, and Olivant offered to use her key to get into one of the neighboring chambers, to climb out onto the gutter, and then to enter Duncomb’s room through a window. The laundress soon let Love and Rymer into the chambers where a gruesome scene awaited

\(^{154}\) CLRO, London Sessions Papers, Ann Love deposition, 5 Feb. 1733. The Inner Temple Library now stands where Tanfield Court used to. See MacKinnon, “Murder in the Temple,” n. 1, 80.
them. According to Love’s account recorded by the coroner or his clerk the next day:

in the entry [they] saw the young servant [Price] lying dead in her bed with her throat cut & going a little further into another room also saw the old servant maid Betty lying dead in her bed after which they went to Mrs. Duncomb’s room, where they found her dead in her bed & the box in which Mrs. Duncomb kept her money & plate broke open & every thing takeable therein taken away. . . .

The news of the triple murder spread quickly through the Temple where the tenants “by their manner of living . . . are obliged to trust their keys, their chambers, their properties, and even their lives to others” (namely female servants, laundresses, and charwomen), and a crowd gathered outside Duncomb’s chambers. The coroner, J. King, and a surgeon, Thomas Biggs, were summoned to examine the bodies. Biggs conducted his examination with the crowd looking on. He determined that Harrison and Duncomb had been strangled to death with a narrow string and that Price had been stabbed three times in her throat.

Late that night, John Carroll, a gentleman who lived in the Temple, returned to his lodgings where he found his laundress, Sarah Malcolm. Carroll had heard about the murders and asked Malcolm if she had any news of the investigation. Malcolm told him that a man who lived below Duncomb was suspected because he had disappeared a few days earlier. In the course of his investigation

155 CLRO, Ann Love deposition, 5 Feb. 1733.

156 OBSP, Feb. 1733, 75; CLRO, Thomas Biggs deposition, 5 Feb. 1733.
conversation with Malcolm, the young woman said “she was well acquainted with Mrs. Duncomb.” Carroll responded that he would not be associated “with any person that had been intimate with that gentlewoman” and sent for a watchman. His response was harsh, considering the fact that Temple laundresses frequently worked for several employers in the small community. It should not have been a shock to him to learn that Malcolm worked for the victim. His response sounds almost defensive to this reader, as if he expected to find evidence in his chambers and called the watchman in order to protect himself from suspicion. Perhaps he had some other reason to suspect Malcolm. Unfortunately, the coroner’s examinations are too brief to reveal much in the way of subtle hints or suspicions.  

Upon searching his chambers in the watchman’s presence, Carroll found five of his waistcoats missing. Malcolm took him aside and admitted that she had indeed pawned the waistcoats, but assured him that she would redeem them. He sent her away saying “he could forgive that but not murder.” But Carroll continued to search his rooms and soon came upon “some bloody linnen under which was the tankard (with the handle bloody).” Carroll sent the watchman, John Maystetter, to retrieve Malcolm so he could question her further. She had not gone far. Maystetter found her sitting between two other watchmen at the Temple gate (certainly not the behavior of a cunning criminal). When Carroll asked her about the tankard, Malcolm said her mother had given it to her, and as for the bloody linen, she replied that “it was not fit to be seen by men,” meaning it was stained with her own

157 CLRO, John Carroll deposition, 5 Feb. 1733.
menstrual blood. Carroll then charged Malcolm “on assumption of being guilty or concerned in the said murder.” The watchmen took her before a constable that night to be formally charged and then on to the Compter. Richard Hughes, the second watchman, testified that although Malcolm warned them that “the linnen was not fit for men to see” he had opened up the bundle of clothes before the constable, and “there was found a bloody shift, & an apron all over bloody.”

By Monday the coroner had assembled a jury of twelve men to examine the victims’ bodies and to take depositions from the witnesses, including the three women who had discovered the bodies, Love, Rymer, and Olivant; Malcolm’s employer, Carroll; Biggs, the surgeon; and the two watchmen who had arrested Malcolm the night before. The jury “brought in their verdict wilfull murder” which served as the indictment on which Malcolm would be arraigned for homicide. The depositions taken during the coroner’s inquest survive in the Corporation of London Record Office. They are brief and formulaic, reflecting the needs of the court more than the words of the

158 CLRO, John Carroll and John Maystetter depositions, 5 Feb. 1733; CLRO, Richard Hughes deposition, 5 Feb. 1733. According to the Oxford English Dictionary, during the eighteenth century a “shift” was “a woman’s loose-fitting undergarment.” It would have been her first layer of clothing. The apron should have been worn over petticoats, although Malcolm did not mention having worn petticoats between her shift and apron. She said in her defense “I wore the apron under me next to my shift.” OBSP, 21 Feb. 1733, 92.


160 Daily Advertiser, 6 Feb. 1733, 1; and Baker, “Criminal Courts,” 19.
witnesses.\textsuperscript{161} As highly mediated sources, depositions do not reflect witnesses’ actual words; but they reveal witnesses’ early impressions of “what happened” better than most other sources. People who were examined by the coroner the day after the crimes were discovered had little time to construct, or craft, narratives based on outside influences such as newspapers or neighborhood gossip. Newspaper reports and gossip would have emerged almost immediately, so coroners had an incentive to work quickly to gather evidence.

The press was central to the construction of Malcolm as a murderess before her trial.\textsuperscript{162} It is clear from an examination of the newspaper coverage that press agents were directly involved in the investigative process at every stage from arrest to examination to indictment to trial and punishment. The testimony that witnesses delivered in court was certainly influenced by the extensive newspaper coverage. Members of the trial jury read newspaper accounts and were influenced as well. Malcolm was convicted in the press almost from the start, while the three people she accused of the murders were portrayed as innocent victims in some papers or ignored altogether in others.

The similarities and differences among the hand-written depositions, the

\textsuperscript{161} Gibson, Reading Witchcraft, 36.

newspaper accounts, the trial account, and subsequent pamphlets expose a complex process of narrative construction that emphasized Malcolm’s independence, outspokenness, and dangerousness, all features that contradicted early modern prescriptions regarding women’s appropriate behavior and feminine nature. This was not the only narrative available to contemporaries. Malcolm’s own “confession” challenged the picture of her in the press, emphasizing her modesty, honesty, candor, and contrition, not to mention her literacy, intelligence, and understanding of the law.

Malcolm’s version of events—that she acted as lookout during the robbery-turned-murder—was supported by widespread assumptions about the nature of women’s criminality, and particularly servants’ criminality. Many middling employers and legislators imagined that their female servants were part of an organized criminal underground. And women were more likely to be prosecuted as accomplices to men in cases of violent crime, as opposed to being charged as principals. Still, the image of Malcolm as cunning murderess predominated from the start and her story never took hold, in large part because it was not widely available until after her trial. The verdict would probably have been the same, however, because she was captured so quickly, with the stolen goods in her possession, and because she acknowledged her role in a robbery that had become horribly violent (even if she denied the murders). Without anyone else in custody or any evidence against them, it was crucial to emphasize the certainty of a resolution to the case. As Faller has argued, “the capture, trial, and punishment of criminals can

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163 Beattie, “Criminality of Women,” 83.
by itself contribute to social solidarity, giving all good people occasion to reaffirm, in a spirit of righteous indignation, the orthodoxies that bind them together.” In this case, the process of repairing the damage done to the social fabric began immediately in the press.164

The press covered the murders, the investigation, and Malcolm’s trial aggressively, reporting almost every day for the weeks surrounding the inquest, trial, and execution. The Daily Courant may have been the first paper to report the murders with its account on the day after the bodies were discovered, Monday, 5 February. The report contained speculation about the victims and suspects: “Yesterday morning three women, who lived in the garrets over some chambers in Tanfield Court in the Temple, were found murdered in bed, with their throats cut: It is said to have been done by some rogues who broke in at the top of the house.” According to the report, the three victims were robbed of “a good deal of money” that they had “scraped together” by working as laundresses. It was somewhat unusual for an elderly widow and her two servant maids to be living in chambers in the Temple, and so the reporter assumed that all three were laundresses. By the next day, The Daily Courant reported that the coroner’s jury had “sat on the bodies” the night before, or completed its deliberations, and reached a verdict of willful murder. The focus of the report had shifted from the victims to the suspects. It said that four laundresses had been committed to Newgate, and that one had confessed and accused the others. There was a preoccupation with the role of

164 Faller, Turned to Account, 91-93.
laundresses in the earliest coverage of the case, whether as victims or suspects.\footnote{Daily Courant, 5 Feb. 1733, 2; Ibid., 6 Feb. 1733, 2.}

Malcolm was alternately described as servant, chair or charwoman, and laundress to Duncomb and Carroll, and once as an “assistant to the laundresses at the Temple.” Charwomen and laundresses would have been ubiquitous in the Temple, although they did not live with their masters, but traveled to work each day from nearby parishes. The unique living arrangements that prevailed at the inns of court provided work for a wide range of servants. Many residents of the Inns were lawyers and law students who were not required to be “in residence” throughout the year. As temporary residents, many men chose to hire servants on a short-term basis.\footnote{Meldrum, Domestic Service and Gender, 29-30; Lemmings, Gentlemen and Barristers, 37-42, 55-56; and Prest, The Inns of Court, 17-20.} In contrast, Duncomb employed two live-in servants, but she still sought Malcolm’s part-time services to help with errands and washing. Malcolm had lived as a servant with Duncomb at some earlier point.

Peter Earle has found that launderesses were often older women, usually widows. He also found that chars and laundresses were among the least literate in his sample of London women workers in the eighteenth century.\footnote{Peter Earle, A City Full of People: Men and Women of London, 1650-1750 (London: Methuen, 1994), 118-19, 126-27.} Malcolm would thus have been unusual in that she was young and literate enough to sign her name to her examination and to write out her own “confession” the night before her execution. Her age and literacy suggest that
she might have been able to secure a live-in position if she had a good “character” or recommendation from a former employer. Either her reputation as a good servant had been tarnished or she chose the independence of laundering in the Temple. Either way, she epitomized the dangerous young, independent workingwoman for early eighteenth-century employers and authorities.

By Tuesday, 6 February, the story of the murders in the Temple had appeared in several other London papers. According to The Daily Advertiser one Sarah Malcomb, an Irishwoman, assistant to the laundresses at the Temple, and some time since servant to Mrs. Duncomb, who was found barbarously murder’d in her lodgings on Sunday last, was committed to Newgate by Sir Richard Brocas, on a strong suspicion of having been concern’d in the said cruelty. A silver mug known to belong to that unfortunate gentlewoman, and some bloody linnen, was found on Sunday night conceal’d in a gentleman’s chambers where Malcomb used to chair, and where she was catch’d at a very unseasonable hour that night, without any apparent business; ‘tis said that she has impeach’d her associates, and that certain persons in the Temple have since absconded.168

Much of the report probably came directly from the coroner’s depositions or his clerk. It would not have been unusual for reporters or “agents” of the newspapers to attend the coroner’s inquisition in order to gather news, or to pay clerks for information. However, reporters must have been gathering

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168 Daily Advertiser, 6 Feb. 1733, 1.
information on the case from a variety of sources, because the last phrase in the report and some of the details in subsequent reports were not in the coroner’s depositions. Malcolm’s Irishness was not mentioned in any of the depositions, perhaps because those who testified before the coroner’s jury knew her and they would not have found it necessary to mention such an “obvious” part of her identity. The newspapers, by contrast, sought to further highlight her suspicious nature by mentioning her Irishness. Furthermore, the information at the end of the report, that Malcolm had “impeach’d her associates” and they had “absconded” from the Temple, was not in the depositions.

Some details reported in the papers in the days following the murders would be confirmed in court two weeks later, and the narratives that were being constructed in the hours and days after the murders were shaped by an aggressive newspaper press eager to give the public what it wanted—news of the now notorious laundress. The statement that “she has impeach’d her associates, and that certain persons . . . have since absconded” was published on Tuesday, the day that Malcolm would make her statement, “impeaching” three accomplices, to the sitting alderman. Apparently, she made her accusations in the presence of the Newgate turnkey the night before and an agent of *The Daily Advertiser* was able to get the information into print by the next day. It is worth noting that at this early stage, the wording in the report reveals an openness on the publisher’s part to the possibility of her veracity, suggesting that “certain persons” would not have absconded if they were innocent.
On Tuesday, *The Daily Journal* elaborated the story, adding a sinister twist. According to the report, Malcolm had been present when the bodies of her alleged victims were found. That Sunday afternoon she met Love on the stairs frantically knocking at Duncomb’s door. When Love asked Malcolm why there was no answer, her reply was “Why sure (says she) they are not dead; I will go and see what is the matter.” Then she went through the neighbor’s window and into Duncomb’s chambers to discover the scene of her own bloody crime (according to the newspaper).

Love, Rymer, and Olivant had all agreed in their depositions before the coroner that it was Olivant, not Malcolm, who succeeded in getting into Duncomb’s chambers via the neighbor’s window. In fact, Malcolm’s name had not come up in any of the women’s statements. Did Love, Rymer, and Olivant forget about Malcolm’s presence until after they had given their statements to the coroner? Did they remember but decide it was of no importance to the investigation, until later that day when they heard that Malcolm had been arrested for the murders? Or, had they mentioned Malcolm’s presence to the coroner’s jury and the clerk had left it out, thinking it was of no consequence?

Perhaps the newspaper reporter had simply made up the details of Malcolm’s presence at the scene to add an ironic twist in order to sell more papers. The story of a suspected murderess who returned to the scene of her bloody crimes committed only hours earlier, and who, emboldened and reckless, feigned surprise along with the other witnesses, resembled the stories of criminals who were drawn back to the scenes of their crimes only to have their wicked deeds revealed to their communities through divine intervention. According to historian Malcolm Gaskill “the phrase ‘murder will out’ had
long been used in popular and literary contexts, as had the legal suggestion that murderers lacked grace as well as self control.”\textsuperscript{169} However, this was no myth of divine revelation; the information was confirmed at Malcolm’s trial by the three women, and Malcolm herself did not deny it. Clearly, the newspaper agents had spoken to witnesses, the coroner’s clerk, or other members of the community about what happened in Tanfield Court on Sunday afternoon. The press was unwilling to simply parrot the contents of the coroner’s depositions, but instead was actively developing a narrative of the crime and of Malcolm as a calculating murderess.

In the meantime, Sir Richard Brocas, the sitting alderman and a former Lord Mayor of London, took Malcolm’s statement on Tuesday.\textsuperscript{170} In it she confessed her role in the robbery but denied the murders. According to her examination, Malcolm had several conferences with the abovesaid persons concerning the robbing of Mrs. Duncombe, and that about ten of the clock on Saturday night last James Alexander got into Mrs. Duncombe’s chambers and concealed himself under a bed ‘till about two a clock when he open’d the chamber door and lett the said Mary Tracey and Thomas Alexander into the said Chambers and whilst she this examinant stood on the stairs as a watch they committed the abovesaid murther, and at the same time stole from out of the said chambers about £300 in money and a silver pint


\textsuperscript{170} On the role of the sitting aldermen, see Langbein, “Shaping the Eighteenth-Century Criminal Trial,” 76-81; and on pre-trial confessions, see \textit{Ibid.}, 81-84.
tankard and divers other goods with a silver spoon to a great value, which said money and goods was by the above-said persons brought down to her, and then distributed in equall portions amongst them between four and five of the clock on Sunday morning last past and further this examinant saith not.\textsuperscript{171}

The amount of money that Malcolm said they split would become a central issue at her trial on 23 February, although it was introduced in the newspapers as early as 12 February. The money issue arose at the same time that newspapers reported the Alexander brothers and Mary Tracey had been captured. Their capture would seem to improve Malcolm’s situation. However, the newspapers, especially \textit{The Daily Advertiser}, had already cemented her image as a lone murderess and they were loath to spread the guilt around. Instead, the three accused accomplices were portrayed as Malcolm’s victims.

According to \textit{The Daily Advertiser}, James Alexander, “a boy about 17 years of age,” was working at the Red Lyon alehouse a few days after the murders when he overheard some people in the pub saying that Malcolm had accused Thomas and James Alexander and Mary Tracey of the murders. “The boy said to his master, ‘my name is James Alexander, and I have a brother nam’d Thomas; and my mother nurs’d a woman where the said Mary Malcolm liv’d.’” His master sent for the turnkey of Newgate prison where Malcolm was being held, and on Friday night “they . . . seized the boy and carried him to the woman.” Accounts in \textit{The Daily Advertiser} consistently

\textsuperscript{171} CLRO, Sarah Malcolm deposition, 6 Feb. 1733.
contrasted the Alexander brothers with Malcolm, calling them “boys” and her “woman,” emphasizing their youth, vulnerability, and innocence versus her sexual maturity and dangerousness.\(^{172}\) Malcolm accused James Alexander of the murder, and he was detained in Newgate. James told the authorities where to find his brother and Mary Tracey, and they were brought before Malcolm, who accused them as well. One could not have asked for a more cooperative suspect than James Alexander, according to *The Daily Advertiser*. From the first account, the three were declared innocent, citing the sitting alderman who had committed Malcolm to Newgate: “nothing appear’d before Sir Richard Brocas sufficient to found a supposition upon their being guilty; nevertheless Malcolm insisting on it, they were committed to Newgate.”\(^{173}\)

There was no physical evidence against the three suspects. Any case against them would have depended on Malcolm’s testimony. Of course, if they were guilty, they had plenty of time to hide the booty, their weapons, and their blood stained clothing. *The Daily Advertiser* launched a very public defense of the suspects from its first report of their capture, repeatedly arguing that Malcolm had acted alone: “As it is evident from the depositions taken, as well before Sir Richard Brocas as before the coroner’s inquest, that there was but 54l. taken out of Mrs. Duncomb’s chambers, whereof 53l. 11s. 6d. was found upon her in Newgate, so ‘tis suspected that she has only


\(^{173}\) *Daily Advertiser*, 12 Feb. 1733,1.
charg’d these three persons with a thought of saving her own life.”

Statements like this were repeated in *The Daily Advertiser* over the next several weeks and they reveal an understanding and criticism of the “crown witness system.” The system was commonly used from the late seventeenth century against criminal gangs, usually robbers and thieves. When several members of a gang were captured, authorities attempted to persuade one member to testify against the others in exchange for his or her freedom from prosecution. A crown witness would have been particularly useful in the absence of physical evidence or other eyewitness testimony. According to Langbein, “the crown witness system was an endemic feature of criminal justice at the Old Bailey. . . . And there is a Hogarthian quality to the story of betraying and being betrayed that seemed to play itself out so recurrently in the life cycle of London’s hardened and ‘professional’ criminals.”

Hogarth’s “idle apprentice” was “impeached by his accomplice” in the 1747 series of prints entitled “Industry and Idleness.”

In addition, Langbein has found evidence for a “corroboration rule” being exercised by judges in the 1750s that may have been in use in the 1730s as well. Under such a rule, “when a prosecution case founded upon accomplice testimony was not supported by corroborating evidence, the court

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174 Ibid.


dismissed the case without hearing defensive evidence.\footnote{Langbein, “Shaping,” 98.} If the grand jury was aware of this rule in the cases of the Alexanders and Tracey, in the absence of corroborating evidence to support Malcolm’s claim, they would have been required to throw out the cases. We do not know the extent to which prosecutors investigated the Alexanders and Tracey. The only evidence is the newspaper accounts that are clearly biased in their favor. Perhaps the prosecutor conducted an investigation and found nothing to support Malcolm’s charges; or, the attorney general was confident of a conviction in Malcolm’s case and chose to avoid the uncertainty and expense of investigating and prosecuting the three supposed accomplices.

Representations of the Alexanders and Tracey as innocent bystanders, and the fact that they were never tried, suggests the power of the press to influence the criminal justice system.

The coins found in Malcolm’s possession at Newgate became the basis of the newspapers’ “prosecution.” The witness best able to tell how much had been stolen was Duncomb’s executrix, Rymer, who had not testified to the amount of money missing from the box in her deposition. Rymer kept the key to Duncomb’s box and “when at any time she [Duncomb] had occasion for the same, this informant was sent for in order to open the box and deliver” the money.\footnote{CLRO, Frances Rymer deposition, 5 Feb. 1733.} Perhaps more to the point, how did the newspapers find out how much money was found on Malcolm in Newgate? William Alstone, turnkey of Newgate, had given a statement to the coroner dated 8 February, four days
before the report in *The Daily Advertiser*. In his statement, he described the kind and number of coins found on Malcolm when she arrived in Newgate. A fellow prisoner, Roger Johnson, would testify at her trial that he had discovered the money in her hair shortly after her arrival, although Johnson did not make a statement to the coroner or Brocas.\(^{180}\) The newspaper’s agents might have had access to the alderman’s documents, or perhaps had gone to Newgate to question Malcolm and other potential witnesses, or even had access to the solicitor hired by the prosecutor to investigate the murders.

Unfortunately, no “official” record of the pre-trial process has survived. However, a solicitor probably re-examined the witnesses and put together the case against Malcolm in the two weeks leading to her trial.\(^{181}\) Determined news agents might have followed the solicitor’s investigation and reported the findings as they emerged. Prosecutors must have known the potential influence newspaper reports could have on public opinion, and particularly on the jurors. It would have been in the prosecutor’s interest for the newspapers to portray Malcolm as the only serious suspect, so the solicitor might well have funneled information directly to the newspapers. The extent to which legal authorities shaped the news was quite extensive, especially in the pre-trial stage. And by the same token, the news seems to have had a profound effect on the trial itself by manipulating representations of Malcolm

\(^{180}\) If he did make a statement, it would have been to the sitting alderman because by the time Malcolm got to Newgate the coroner’s jury had already reached its verdict.

and her alleged accomplices. Malcolm’s alleged accomplices were never tried for the murders and early sympathetic press coverage influenced their treatment by the authorities. Detailed representations of the Alexanders and Tracey did not emerge until after Malcolm’s execution. The need to resolve the case, to punish one murderess, was paramount for authorities and the press. After Malcolm had been safely dispatched, she could be romanticized, and her three accomplices demonized, in the press and later pamphlets.182

Four days after their arrest, on 14 February, The Daily Advertiser reported that the two Alexanders and Tracey were “allowed 1s per diem each, by the Society of the Temple, for their maintenance during their confinement there, no circumstance whatever appearing against them to support the said information of Sarah Malcolm, and even that being contradictory to the evidence given at the coroner’s inquest.”183 We will never know whether the Temple Society was supporting the three suspects, or if the story was mere speculation on the part of the press in an attempt to portray them as innocent. In either case the result would have been the same, the three would gain credibility because they had the support of the legal establishment and the victims’ community in the guise of the Society of the Inner Temple.184 If the

183 Daily Advertiser, 14 Feb. 1733, 1.
184 The Society consisted of all the members of the inn, including benchers, barristers, and inner barristers or students. See Prest, Inns of Court, 47, 71-74; and Lemmings, Gentlemen and Barristers, 58-74.
victims’ friends and neighbors as well as elite legal experts believed the three were innocent, they must have been.

Malcolm was arraigned the following week on 21 February, and tried at the Old Bailey two days later. On the day of her trial, The Daily Advertiser reported that the grand jury had returned a verdict of ignoramus on the bills of indictment against the Alexanders and Tracey, meaning the grand jurors decided that there was not enough evidence to warrant a trial. It was common practice for clerks to dispose of documents related to cases marked ignoramus because the suspects would not go on to trial.\textsuperscript{185} Therefore, it is impossible to confirm the grand jury’s findings or the date on which they met to consider the case. An examination of the Old Bailey Sessions Papers for the remaining sessions in the mayoralty confirms that the Alexanders and Tracey were not tried.

On 5 March, two days before Malcolm’s execution, The Daily Journal reported that “his majesty has been pleased to promise his most gracious pardon to any one or more of the persons concerned with Sarah Malcolm (now under sentence of death in Newgate) in the barbarous murders committed in the Temple. . . who shall discover his, her, or their accomplices so that they may be convicted thereof.” In addition, the two societies of the Temple offered a reward of £100 “for each of the persons so convicted.”\textsuperscript{186} The report suggests that the prosecutor was hoping to find some corroborating evidence with which to try the three suspects still being held in Newgate

\textsuperscript{185} Beattie, Crime and the Courts, 400-06.

\textsuperscript{186} Daily Journal, 5 Mar. 1733, 1.
prison, even though some newspaper publishers were convinced (and trying to convince readers) that they were innocent. *The Daily Advertiser*, the most anti-Malcolm paper, did not publish the announcement about the King’s pardon.

According to *The Daily Advertiser*, the paper that gave the most attention to the trio, they were held in Newgate for another six weeks. After Malcolm’s execution, the paper continued to update readers on their progress. On 13 March, “Mary Tracey, who was reported in some of yesterday’s papers to have been remov’d to New Prison, and to have made some confession relating to the murder . . . continues still in Newgate and insists on her ignorance.” And two weeks later, on 30 March, the same paper reported that “yesterday several persons of quality were at Newgate to see the two Alexanders and Mary Tracey, . . . who continue still to insist on their innocence: However, a Bill will be preferr’d to the grand jury next sessions, in order to put them upon the proof where they were the same night that the murders were committed.” Finally, on 9 April, “Thomas and James Alexander and Mary Tracey, who have lain a long time in Newgate on the pretended information of Sarah Malcolm . . . were discharg’d by the court, no evidence appearing against them.”\(^{187}\) One can only assume that the alibis they presented to the grand jury were satisfactory.

The accounts of Malcolm’s arrest and her statement in the press set the stage for the trial at the Old Bailey, as well as the publication of the *Old Bailey Sessions Paper* and pamphlet accounts. Officials, prosecutor, and press

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\(^{187}\) *Daily Advertiser*, 13 Feb. 1733, 1; 30 Mar. 1733, 1; 9 Apr. 1733, 1.
collaborated—actively or not, the result was the same—to represent Malcolm as a calculating murderess before she ever entered the courtroom. Malcolm’s voice was not included in the press coverage. In contrast, the shorthand reporter for the Sessions Paper endeavored to represent the words of all of the participants in the trial, so Malcolm’s account was finally revealed in stark contrast to the version that was already widespread. Malcolm discussed her body and her sexuality in open court. The coroner’s depositions contained references to Malcolm’s bloody clothes, but the press agents had chosen not to make any mention of what could have been construed as incriminating evidence against her. Because Malcolm told witnesses (and they told the coroner) that the blood was her own menstrual blood, the press refused to confront it as evidence, instead focusing on the coins found in her hair. The prosecutor would follow their lead. By contrast, at her trial, Malcolm spoke out in her own defense, making her blood the center of that defense.

The account of Malcolm’s trial in the Old Bailey Sessions Paper, dated 21-24 February 1733, is, at twenty-one pages, among the lengthiest in that serial publication’s history to that point. In the early 1730s the Sessions Papers shifted from compressed accounts with only the most “newsworthy” cases reported in any detail, into something resembling “true law reports” as Langbein has described them. The Sessions Papers had only recently grown

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from eight-page folios to twenty-page editions and had begun “to narrate questions and answers in a fashion that resembles modern stenographic trial transcripts.” The account of Malcolm’s case was so long and detailed, it had to be published in two parts, building up anticipation by making readers wait a few days to find out what happened.

The Malcolm case is an important milestone in the transformation of the Sessions Papers into official court records. The shorthand reporter recorded details during Malcolm’s trial that had not been consistently included in trial accounts up to that point, for example, the attorney general’s opening statement and the judge’s comments and questions to witnesses, council, and the defendant. The earliest notorious cases reported at length, like Malcolm’s, helped to shape the Sessions Papers into the detailed, official trial “transcripts” they would become by mid-century. The publishers and City officials realized the benefit of detailed accounts for commercial and bureaucratic purposes, and they came to prefer a “transcript” to a summary in many cases.²⁹⁰

Let us examine the crown’s case against Malcolm. Several key themes emerged from the prosecution’s case which paralleled issues raised in the press: the brutality of the murders, Malcolm’s calculated plan to commit them, the importance of the stolen goods in her possession, and her presence at the scene of the murders and later in Carroll’s chambers. Like the press, the attorney general emphasized the money and tankard in Malcolm’s possession.


when she arrived at Newgate. But, there was a disconnection between his emphasis on the brutality and bloody nature of the crimes and the evidence he used to convince the jury of her guilt.

The prosecutor began by explaining to the judge that he would prosecute Malcolm for Ann Price’s murder, and if Malcolm were to be convicted he would not prosecute on the indictments for Duncomb’s and Harrison’s murders or the robbery. A conviction on the indictment for breaking and stealing from Duncomb, a capital felony, would have been punishable by hanging. Although the prosecutor had Malcolm’s confession and the physical evidence to prove she had committed the robbery, there was social pressure to convict her on at least one of the murders, even though the outcome would probably have been the same—a death sentence.

The attorney general probably chose to prosecute Malcolm for Price’s murder first because of the manner of the young woman’s death—her throat had been cut leading to the loss of a great deal of blood. The key evidence linking Malcolm to the murder scene was her bloody clothes found in Carroll’s chambers. The money that was found in her possession in Newgate supported the indictment for robbery, but it also supported her own version of events and did not necessarily place her inside Duncomb’s chambers during the murders. Only the victim’s blood, or perhaps a murder weapon or her accomplices’ testimony, could establish that connection. No weapon was recovered from the scene and in order to maintain their own claim of innocence, the Alexanders and Tracey did not testify at Malcolm’s trial.

Therefore, because of the blood on Malcolm’s clothing, she would be tried for Price’s murder. Practically speaking, however, the prosecutor based
his case not on that blood, but on the stolen goods found in her possession. He endeavored to convince the jury that his best evidence against Malcolm was the tankard found among her belongings at Carroll’s chambers and the coins found in her hair at Newgate, saying “if we can prove these things were found upon her, and that she own’d them to be hers; and if we prove that they were not hers, but Mrs. Duncomb’s, I believe the jury will have no difficulty to find her guilty.”

Despite the obvious power of the bloody linen to link Malcolm with the crime scene and Price’s murder, the prosecutor focused instead on the evidence that simply proved she had been a party to the robbery. He took this approach because Malcolm’s defense—that her clothes were stained with menstrual blood—was either very convincing or too threatening (in its reference to female sexuality and danger) to contradict in open court. He avoided making a discussion of whether the blood was the victim’s or Malcolm’s menstrual blood central to his case.

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191 Ibid., 75.

192 While women probably washed and reused their menstrual cloths and their soiled undergarments, men avoided contact with bloody clothes as taboo. Menstruation has long been associated with pollution and danger (at least among male commentators). Some scholars have suggested a widespread “cultural dread of woman’s blood” across time periods and societies (Janice Delaney, Mary Jane Lupton, and Emily Toth, The Curse: A Cultural History of Menstruation [rev. ed., Urbana, Ill.: University of Illinois Press, 1988], 21). According to Patricia Crawford, early modern physicians explained menstruation “in terms of female inferiority, and . . . these explanations in turn were used to justify women’s inferior position in society” (Patricia Crawford, “Attitudes to Menstruation in Seventeenth-Century England,” Past & Present 91 [May 1981]: 47-49). One origin of early modern beliefs about menstruation was the book of Leviticus, 15:19-33:

And if a woman have an issue, and her issue in her flesh be blood, she shall be put apart seven days: and whosoever toucheth her shall be unclean until the even. And every thing that she lieth upon in her
Elite men throughout Western history represented menstruating women as potentially dangerous. According to Pliny, menstruating women would make wine sour, grass die, and flower buds fall. Fruit would fall from trees; glass would shatter; knives would lose their edges; bees would die; and dogs that tasted menstrual blood would become mad. In a 1635 edition of his *Historie of the World*, he said “hardly can there be found a thing more monstrous than is that flux & course of theirs.” Menstrual blood was seen as particularly threatening to a woman’s sexual partner, as it might “excoriate the parts of men by the meer contact.” While some men dismissed such notions as superstitious by the early eighteenth century, the widespread rejection of sex during menstruation persisted. A 1720 translation of a sixteenth-century text highlighted the common attitude:

> Press not your wives, tho height’nd lust incite  
> The Soul to try the pleasurable fight,  
> While the blood monthly rushing from the veins,  
> The flowing womb with foul pollution stains . . .

Menstrual cloths or rags were symbolic of vile, repugnant things to be discarded. The biblical heroine, Esther, said “Thou knowest that I abhor the sign of my high estate as a menstrous rag” (*Esther*, 14:16, quoted in Delaney, et al., *The Curse*, 37-38).

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Patricia Crawford argues that menstrual taboos were strong in early modern England, and those taboos revealed women’s ambiguous position within the culture. Menstrual blood was at once a sign of women’s weakness—their colder, less active disposition, according to Hippocrates—and at the same time it was threatening to men. Women’s blood was believed to have the mysterious power to poison men, to “excoriate” their “parts.” However, physicians had long argued that menstrual blood was necessary for conception to occur, that “the child was made by the male’s seed from the menstrual blood.” Thus, blood posed a fundamental contradiction: “Women were dangerous, but they were dangerous because they were powerful. They may have been inferior to men, but they posed a threat.”

The press and the prosecutor refused to acknowledge Malcolm’s argument about her menstrual blood, perhaps to suppress the threat to order that her menstrual blood represented.

The attorney general began his prosecution by describing the nature of Malcolm’s crime: “I shall not endeavour to aggravate a crime in its own nature so horrid, but shall only lay before your Lordship and the jury some particulars relating to the fact.” He proceeded to paint a vivid and gruesome picture of the crime, and described the victims: Duncomb was a widow about eighty years old, Harrison about sixty, and Price “a maid not above 17.” Duncomb was represented as a respectable member of her community and her household of single women as a “little family,” the antithesis of negative stereotypes commonly associated with independent women, including

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widows: “Mrs. Duncomb had a middling fortune left her by her husband; and thus she liv’d with her two maids contented, and in peace, till this night, this fatal night, the 4\textsuperscript{th} of February!” The attorney general explained that Malcolm alone had committed the murders and theft: “the prisoner entered the chambers of this little family, and cruelly deprived them both of their lives and their money.”

He described the scene that Love and Rymer found the next afternoon:

But the surprize, the horror they were in, is not to be express’d, when the first object they fix’d their eyes on was the poor unhappy young maid murder’d! inhumanly murder’d! and lying writhing in her own blood, her hands clench’d, her hair loose, and her throat cut from ear to ear! A terrible spectacle.

The “honest old servant” and her “good old lady” were also dead. But, it was the image of the young woman, her hair loose, lying in a pool of her own blood, he sought to emphasize for the jury. The frequently repeated reference to Price’s loose, disheveled hair emphasized the violation of her innocence, as young maids wore their hair down and wives pulled theirs back. The fact that the murder took place in the Temple, a community of bachelor law students, and involved three unmarried victims as well as an unmarried

\begin{footnotes}
\item[196] *OBSP*, Feb. 1733, 74. The parenthetical remark, “if my instructions are right,” probably refers to the brief prepared by the prosecuting solicitor. See Langbein, “Prosecutorial Origins,” 327-33.
\item[197] Ibid., 75.
\end{footnotes}
suspect probably made the case more intriguing to readers. The experiences of many of the characters were unconventional in that they did not live within traditional family settings. Early reports of the murders identified the victims as laundresses, making an assumption about the kinds of women who would be likely to live alone in the Temple. Still, the prosecutor constructed the Duncomb household as a “little family,” as opposed to a group of women living without male supervision, in order to make them more sympathetic.

As the man who had discovered the only physical evidence against Malcolm, Carroll was the first witness for the prosecution.\(^{199}\) He established his relationship to Malcolm as her employer, noting that “she was recommended to me as an honest woman by a gentleman in the Temple,” perhaps to protect his own reputation as a master cautious of those whom he hired. Servants’ bad behavior could tarnish masters’ reputations, and Carroll must have been dismayed that the investigation of such a horrendous crime centered on his discovery of the incriminating evidence and the suspect in his chambers. Carroll may have been afraid that suspicion would fall on him in the hours after he revealed the evidence in his chamber to the watchmen and before Malcolm admitted her part in the robbery. His status as a “gentleman” would have shielded him for the most part from suspicion. But he certainly would have wanted to avoid association with such a gruesome crime and its suspected perpetrator.\(^{200}\) The investigators would have been justified in asking why Malcolm had gone to Carroll’s chambers with the stolen goods, rather

\(^{199}\) Although Carroll signed his name using this spelling in his deposition, the compilers of the \textit{OBSP} consistently spelled it Kerrel.

\(^{200}\) \textit{Meldrum, Domestic Service and Gender}, 52-55.
than fleeing the city or at least returning to her own home.\textsuperscript{201} Why would she feel secure in hiding evidence so close to the crime scene? Did she have reason to trust her master? Were they meant to share the booty? These are questions to which we will never know the answers, but they are worth asking if only to point up the issues that investigators and readers might have raised in the days surrounding Malcolm’s trial.

By the time of the trial, Carroll’s version of the events in his chambers on the night of 4 February had changed considerably from the story he told thecoroner. He explained that his colleague and neighbor, John Gehagan, had accompanied him that Sunday. Malcolm had served the two men their breakfast around nine o’clock that morning and stayed with them until “the horn blew for commons” in the early afternoon.\textsuperscript{202} This is the first mention of Gehagan. Carroll said that he and Gehagan had come through Tanfield Court after they finished in commons and “found a mob there.”\textsuperscript{203} They heard about the murders and continued on to a coffee house in Covent Garden where “it was the general opinion that [the murders] must have been committed by

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\textsuperscript{201} Malcolm seems to have been reluctant to return home to Shoreditch, even after Carroll sent the watch after her. Richard Hughes, watchman, testified at her trial that after first apprehending her in Carroll’s chambers, “we discharged her; she went as far as Tanfield-Court Arch, and then she turn’d back, and said, it was late, and she liv’d as far as Shoreditch; and therefore had rather sit up in the watch-house all night than go home.” \textit{OBSP}, Feb. 1733, 83.
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\textsuperscript{202} If Malcolm was simply a laundress, it is unclear why she would remain in Carroll’s chambers with the two men for several hours.
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\textsuperscript{203} With regard to “commons,” according to Baker, “the age-old test of residence is presence at dinner in Hall on a certain number of days. . . . [and] the custom of blowing a horn to summon members to Hall is first recorded in 1621” (Baker, \textit{Inner Temple}).
\end{flushright}
some laundress.” However, the first account in The Daily Courant said that the robbery and murders had been committed by “rogues” and that the victims were all laundresses, suggesting that the earliest rumors were far from accurate, and that the mob in Tanfield Court and certainly the people in the coffee houses were sorting through a variety of possibilities that Sunday afternoon. But, by the time Carroll and the other witnesses made it to court, Malcolm’s own version had been printed in the newspapers, as had the prosecutor’s version. Carroll and the other witnesses would certainly have known the “right” version of events to describe, even if they were not intentionally lying. So, Carroll’s courtroom testimony was a more detailed, confident account, more in keeping with the stories that had emerged in the press. There is also reason to think that the prosecuting solicitor had prepared the witnesses against Malcolm, although there is no evidence to prove this.205

While Carroll’s colleague, Gehagan, had not made a statement to the coroner the day after the murders, he testified against Malcolm at her trial. He explained that he lived across the landing from Carroll, over the Alienation Office in King’s Bench Walk, and that the two were “very intimate together.” He confirmed Carroll’s version of events, adding dramatic detail. According to Gehagan, he and Carroll suspected Malcolm almost as soon as they learned the identity of the victims. As they were walking through Tanfield Court that afternoon, they came upon a mob and were told about the murders. Someone then said to Carroll “this is your laundress’s acquaintance.” They went to the

204 OBSP, Feb. 1733, 76.

coffee house where they overheard other “gentlemen” discussing the murders, saying “they should suspect some of the laundress’s.”

According to Gehagan, when Carroll found the incriminating evidence in his chamber that night, he said “Zounds! . . . here’s another bundle of linen that this Bitch has left behind her; and looking farther, he [Carroll] found the linen and the bloody tankard in the closestool.” And when the watch brought Malcolm back for questioning, Gehagan said to her “You bloody murdering Bitch you! . . . was it not enough to rob the people, and be damn’d to you, but you must murder them too? I’ll see you hang’d, you Bitch! you bloody Bitch you!” and later “I had much ado, to keep my hands off of the Bitch.” Gehagan told a dramatic story about what happened in Carroll’s chamber, quoting himself and Carroll at length. One striking point about Gehagan’s testimony is that he did not quote Malcolm at all. He represented himself and Carroll as violently angry with the servant, repeatedly calling her “bloody Bitch.” In Gehagan’s testimony, as in the press, Malcolm had no voice, but was simply portrayed as a “murdering bitch.” His testimony seems overdrawn and melodramatic to this reader. As an eyewitness to the discovery of the key evidence, why hadn’t the coroner examined Gehagan on the day after the murders? Had Carroll solicited him to testify in order to cement his own credibility?

Ann Love, Frances Rymer, and Ann Olivant all testified about Malcolm’s behavior in the days leading up to the murders and to her presence

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206 OBSP, Feb. 1733, 80.

207 Ibid., 81.
when the victims’ bodies were discovered. Their testimony had a less
certain tone than Carroll and Gehagan’s, perhaps because women’s
testimony traditionally carried less weight in court than men’s. Rather than
portraying Malcolm as a cruel monster, each of the women provided a simple
narrative of what had taken place in the days surrounding the crimes,
although they added subtle hints of Malcolm’s guilt. Love said that she had
been with Malcolm and Olivant in Duncomb’s chambers the night before the
murder. When asked why Malcolm was present, Love replied “She pretended
she came to enquire of the old maid’s health,” pointing to the depth of
Malcolm’s betrayal of her fellow servants by targeting those she knew.

Love explained that Malcolm had been present when the bodies were
found. When she and Rymer were outside Duncomb’s door, Love “look’d out
and saw the prisoner at my Lord Bishop of Bangor’s door; I called her up, and
said, Sarah, prithee go and fetch the smith to open the door, she said she wou’d go
with all speed, and so she went.” Malcolm returned shortly but without the
smith and soon Olivant came along. She got into Duncomb’s chamber
through a neighbor’s window and then Love “and Mrs. Rhymer and the
prisoner went in.” Olivant confirmed Love’s version of events. When asked if
Malcolm was there when the bodies were discovered, she answered “yes, and

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208 According to Laura Gowing, “when women came to the court, they
were made aware from the start that their testimony was understood
differently from that of men” (Gowing, Women, Words, and Sex in Early Modern
London [Oxford: Clarendon, 1996], 51); and see Cornelia Hughes Dayton,
Women Before the Bar: Gender, Law, & Society in Connecticut, 1639-1789 (Chapel
she talk’d to me, but I was so concern’d that I don’t know what she said, and in a few minutes the mob came in.”

Rymer’s testimony was significant because of her knowledge of the contents of Duncomb’s box. She provided a rough inventory of the box as of the Thursday before the murders when Duncomb asked her to come over and open it because she needed a guinea. Rymer said the box contained a “100l. bag” with about twenty guineas inside. In addition, there were six parcels with two to three guineas each; a parcel with twenty guineas for the old widow’s burial; and eighteen moidores. Finally, there were about thirty or forty shillings to be distributed to poor people upon her death. The total came to about 86 pounds and 14 shillings, far short of the £300 that Malcolm said the four partners had split evenly, but much more than the £53 that had been found on her in Newgate. However, Rymer only testified to the coins in Duncomb’s box and did not include the value of the goods stolen from the box or any money or goods stolen from Price or Harrison. Malcolm claimed the four had stolen £300 in money and goods from all three victims. The prosecutor’s questions focused on Duncomb’s money, her tankard, and some dresses found in Carroll’s chambers, but never acknowledged that any money or goods belonging to the two servants might have remained unrecovered,

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209 OBSP, Feb. 1733, 84-85.

210 During the eighteenth century, one shilling was equal to twelve pence; one pound was equal to twenty shillings; one guinea was equal to twenty-one shillings; and one moidore was equal to twenty-seven shillings.

211 OBSP, Feb. 1733, 86.
which would have supported Malcolm’s defense (that the four had split a much larger sum than was found on her).

Roger Johnson, a prisoner brought down from Newgate to testify against Malcolm, claimed that he had found the money hidden in Malcolm’s hair upon her arrival at Newgate on Monday, 5 February. He seems to have been granted the privilege of receiving new prisoners, searching or interrogating them, and charging them money for their accommodations.\(^\text{212}\)

According to Johnson, upon her arrival Malcolm “went into the taphouse among the felons, and talk’d very freely with them,” suggesting her familiarity and ease with her fellow criminals, and thus her own criminal nature. Pretty soon Johnson took her into a private place in the gaol and told her he thought she was guilty of the murder and had orders to search her.

Johnson began

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to feel about her hips, and under her petticoats. She desir’d me to forbear searching under her coats, because she was not in a condition, and with that she shew’d me her shift, upon which I desisted. Then I examin’d down her before, and feeling under her arms, she started and threw her head back: I clapt my hand to her head, and felt something hard in her hair, and pulling off her cap, I found this bag of money.\(^\text{213}\)
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When Malcolm asked him not to search below her petticoat because she was “not in a condition,” or menstruating, and even showed him her bloody shift,


\(^{213}\) *OBSP*, Feb. 1733, 89.
he “desisted” out of fear of, or at least revulsion at, contact with her blood. She had the power as a menstruating woman to direct his search of her body, even though she was imprisoned and subject to male authority.

Johnson’s inventory of the contents of the bag came to about £55, closer to the amount stated in the newspapers, which suggests that news agents might have interviewed him in advance of the trial. According to Johnson, once he had discovered the money, Malcolm said to him “I’ll make you a present of it, if you will but keep it to yourself, and let no body know anything of the matter, for the other things that are against me are nothing but circumstances, and I shall come off well enough.” Johnson must have seen more advantage in turning Malcolm in to the turnkey than taking her bribe (if his version is truthful). In any case, he went to the turnkey, Alstone, and they arranged for Johnson to examine her again while Alstone stood out of sight listening. According to Alstone, while he stood in the dark, Malcolm came to Johnson and asked him to burn Duncomb’s bag, “or to destroy it some way or other. She said she only wanted witnesses to swear to the tankard, and for all the rest she could do well enough.” The turnkey then revealed himself. The next day, convinced that she had no choice because the turnkey had overheard her admission, Malcolm made her statement to Brocas, the sitting alderman. A transcript of her statement was included as a footnote in the Sessions Paper.

The attorney general concluded his case against Malcolm with a brief summary of the evidence, beginning with Carroll and Gehagan’s testimony

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214 Ibid., 89-90.
about the linen and the tankard. He reminded the jury that at least three
witnesses, including Rymer, had confirmed that the clean linens and tankard
found in Carroll’s chambers belonged to Duncomb. He referred briefly to the
bloody clothes, simply saying “the bloody linen, and especially the apron, are
strong circumstances against her,” emphasizing her apron because it was the
outer garment and was more likely to have been stained with the victim’s
blood. Malcolm’s bloody shift was the more troubling item because it made
sense that blood on the shift would be her menstrual blood. As to her
encounter with Johnson, council said it “discovers how well practised she was
in wickedness; and her confessing that the money was Mrs. Duncomb’s, and
that she took it out of Mrs. Duncomb’s chambers, is a circumstance so strong
as amounts to a proof” (even though she did not admit to Johnson that she
had actually taken the things from the chamber, but simply that they belonged
to the victim).215 The prosecution represented Malcolm as a cunning thief,
emphasizing her “wickedness,” while avoiding any overt reference to her
bloody clothes. The murder case against her, as opposed to a case for robbery,
was purely circumstantial, but the attorney general was confident that the
jurors would put the pieces together by themselves, particularly the bloody
linen and the bloody crime scene.

Malcolm cross-examined each of the witnesses during the prosecutor’s
case and, when he had concluded, she made a lengthy speech in her own
defense. Frances Dolan has argued that, although women’s public speech was
regarded as “transgressive” behavior in early modern England, executions

215 Ibid., 91.
provided women a rare opportunity to speak in public and to have that speech recorded. The account of Sarah Malcolm’s trial reveals another platform from which women’s voices could be heard and recorded: the courtroom. According to Dolan, “given prohibitions of women’s self-assertion and public action, to represent them as speaking and acting is already to disclose a contradiction at work.” The courtroom as stage is less ironic than the scaffold as stage, because when female defendants spoke out in court they hoped that their words and actions would save their lives, while on the scaffold they were given “agency” or subjectivity at the point of their deaths—the ultimate deprivation of subjectivity. For this reason, women’s courtroom speeches, rare as they were, may have been more threatening than their dying speeches because of the uncertainty of their outcomes. In Malcolm’s case, her long courtroom speech received more coverage than the few words she spoke on the scaffold, and her speech was published “as spoken” without any editorial comment. While the Sessions Paper was not published until a few days after her execution, many spectators would have witnessed her speech in the Old Bailey and spread the news on the streets of London in the days leading up to her execution.

Unlike the prosecutor, Malcolm was determined to make the menstrual blood on her clothing the central feature of her defense. Almost all of her questions to witnesses focused on the bloody linen, and in her speech she explained in detail that her clothes revealed “the true gift of nature” and not that she was a murderess. Like most defendants in felony trials in the early

eighteenth century, Malcolm conducted her own defense without a lawyer’s help or advice. During her trial, the judge did not question witnesses on her behalf because she did so herself. On the contrary, Malcolm even challenged the judge as to the fairness of some of the testimony against her.

Malcolm interrogated the first witness, her master Carroll, vigorously. When he described the bloody linen that he had found in his chamber, she asked him “was the linen wet or dry?” and he answered “I can’t say which, but it was bloody.” She continued to question him, saying “Was the gown bloody, or the shift bloody in the sleeves, or the bosom, or any where but in the lower part?” He said he could not tell one way or the other. Then the judge instructed Ann Olivant, who must have been seated nearby in the courtroom, to examine the shift and to report on its condition. She said she thought she saw a little blood “on the upper part of the bosom.” Malcolm shot back “upon your oath is it blood or a stain?” Malcolm repeatedly tried to show that the witnesses could not say when her clothes had been bloody, where the blood was located on her clothes, and if the blood had dried by the time the clothes were discovered on Sunday night. While her reasoning is not always clear in the account, and may not have been clear to the jury either, she tried to establish that the blood was dry, and therefore had been on her clothing since before the murders.

When Gehagan gave his blustering testimony, Malcolm does not seem to have been intimidated and asked him if the blood on the tankard, shift, and apron was dry. He replied that the blood on the tankard seemed “fresh” but

\footnote{OBSP, Feb. 1733, 79.}
he could not tell if the blood on the clothing was so, although “the blood on it was like that on the tankard, which I thought was wet.” She challenged him: “It had been folded up ever since, till now, and if it was wet then, it must be damp still if no air has come to it.” She continued this line of questioning, asking him what gown she had on, what gown and linens were brought to the watch house, and whether she had blood on her gown that night. Malcolm demanded a much more detailed analysis and interpretation of the physical evidence than the investigators or witnesses were willing to provide.

The judge interrupted to say that she had had almost twenty-four hours to change her clothes by the time Carroll and Gehagan found her Sunday night. And, in an attempt to counter her defense strategy, the attorney general said “These things were found after one o’clock on Monday morning which was 24 hours after the murders, and therefore I don’t see of what service it would be to the prisoner if she could prove that the blood was dry; might it not very well be dry in that time?” None of the male witnesses, including Carroll, Gehagan, and the two watchmen who arrested her, could say if the blood on the tankard, shift, and apron was dry or wet, perhaps because they had been loath to touch it that night, believing it was menstrual blood. In addition, no “expert” was called to say whether blood would have dried in twenty-four hours. Certainly, any of the laundresses could have offered an educated opinion on the matter, but that testimony might have supported Malcolm’s position and so was not solicited.

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218 Ibid., 82.
The surgeon, Biggs, testified about the cause of Price’s death and when asked by the prosecutor if Malcolm’s apron strings were bloody, he said that they were, suggesting that she had used them to commit the murders. Malcolm responded, “Might they [Duncomb and Harrison] have been murder’d with those strings and no blood appear in the middle?” Biggs replied, “the strings being bloody only at the ends, which when the apron was ty’d on, would hang before, the blood might come upon them in the same manner as upon the rest of the apron, or it might be by folding the apron up before it was dry.” Malcolm shot back “If I had this apron and did the murder in it, how is it possible that my shift should be bloody both behind and before?” No response was recorded. The logical response would have been that the blood on the back of her shift could have been menstrual blood and that on the front the blood of her victim. However, Biggs and the other male witnesses refused to debate with her about the nature and location of her menstrual blood (or the shorthand reporter neglected to record the debate).

Later, Malcolm had a contentious exchange with the judge who, rather than acting as her counsel during the trial, seems to have been frustrated with her repeated questions and challenges:

_Prisoner._ It’s hard that people can swear positively to so many things, and yet could not perceive what cloaths I had on.
_Court._ They tell you their thoughts were taken up with other things.
_Prisoner._ The watchman search’d me, but did they find any blood about me?

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219 Ibid., 88.
Court. You have been told already, that you had 24 hours time to change your cloaths, and that they did not mind what cloaths you had on.\textsuperscript{220} Malcolm seems to have been frustrated that her line of defense did not seem to be working.

While questioning Carroll early in the trial, Malcolm raised the question of what happened on Sunday morning in his chambers, before the victims were found and only a few hours after she and her accomplices had divided the money in Fig Tree Court. She suggested that Carroll knew about the robbery or at least that he was aware she had a large quantity of money when she arrived at his chambers that morning. The passage is worth quoting at length for its mysterious implications for Carroll’s possible role in the crime:

\begin{quote}
Prisoner, to Mr. K. Did you suspect me on account of finding me in your chambers so late on Sunday night, or was it because you saw me counting money there on Sunday morning?

Mr. Kerrel. I saw no money that you had on Sunday morning. I suspected nothing of you, till I found you so late in my chambers.

Prisoner. Swear him if he did not see me counting money in the morning, or if he did not count it after me?

Mr. Kerrel. No, I did not.

Prisoner. Did not you count 90l. in your own bed after me?

Mr. Kerrel. No, I say I know nothing of it. If you had had so much money, you might have fetch’d my things out of pawn.
\end{quote}

\textsuperscript{220} Ibid., 88-89.
Prisoner. What! Did not you reckon how many broad-pieces and moidores, and how much silver there was?

Mr. Kerrel. No, if I had, I should have suspected you afterwards; but I had not then heard of the murder, for it was not known till 2 in the afternoon, and after I had heard it, I went to the coffee-house, and did not return home, till 1 o’clock on Monday morning. If I had seen you have so much money on Sunday morning, I should have had such a suspicion of you when I first heard of the murder, that I should have come home directly.

Prisoner. ’Tis hard that he will deny, upon his oath, what he did with his own hands.\textsuperscript{221}

Malcolm argued that her master not only knew she had a large quantity of money that morning, but had helped her count it “in his bed.” She suggested that he was at least aware of the plot to rob Duncomb and was meant to help in some way. She said that he counted £90, a figure closer to her alleged portion of the £300 that she, the Alexanders, and Tracey had split (had she shared some of the money with him?). She came very close to implicating him in the plot, but seems to have backed away from the accusation. Perhaps her defense would have been more successful if she had pushed Carroll and Gehagan to describe what she wore and the state of Carroll’s chambers at nine o’clock on Sunday morning when they called her in to prepare breakfast for them. Instead, she allowed their emphasis on her suspicious behavior later that night to remain the focus.

\footnote{\textsuperscript{221} Ibid., 79-80.}
Later, at her execution, reports described her looking into the crowd for her master and declaring his innocence of any crimes. After her execution, when her body was put on display, reports described a man in mourning clothes who paid to kiss her corpse.\footnote{Gentleman’s Magazine, Mar. 1733, 153.} Was this a reference to Carroll? Did the two have a romantic relationship? Did loyalty to her lover prevent her from revealing his role in the crime?

Finally, given her opportunity to speak to the jury uninterrupted, Malcolm spoke eloquently and at length in her own defense. Again, her defense was based upon her contention that the blood on her clothes was not the victim’s but her own menstrual blood. Malcolm’s statement was direct, logical, and articulate. She began with a declaration of her own feminine humility:

Modesty might compel a woman to conceal her own secrets if necessity did not oblige her to the contrary; and ‘tis necessity that obliges me to say, that what has been taken for the blood of the murdered person is nothing but the free gift of nature.

This was all that appeared on my shift, and it was the same on my apron, for I wore the apron under me next to my shift. My master going out of town desir’d me to lye in his chamber, and that was the occasion of my foul linen being found there.

\ldots
I freely own that my crimes deserve death; I own that I was accessory to
the robbery, but I was innocent of the murder, and I’ll give an account of
the whole affair.\textsuperscript{223}

According to Crawford, “women viewed menstruation as a private matter . . .
and] physicians believed that women were ‘so shamefac’d and modest’ that
they would rather suffer the symptoms of menstrual disorders than reveal
them.”\textsuperscript{224} Indeed, Malcolm proclaimed her own “modesty,” but explained that
“necessity” demanded that she speak out. In contrast, her male accusers
refused to address the issue of her “secrets” or “the free gift of nature.”

Malcolm described in detail her plot with Mary Tracey to rob not only
Mrs. Duncomb, but also a Mr. Oaks in Thames Street. She and Tracey met in
Carroll’s chambers to make their plans while he was away. Malcolm said that
she had had \textsterling17 sent to her from the country, and that she had left it in
Carroll’s drawers. Confirming Love and Olivant’s account, Malcolm said that
she had been at Duncomb’s on Saturday evening to see Harrison who was
“very bad.” She then met Tracey and the Alexanders at ten o’clock “according
to appointment.” To emphasize Tracey’s role as the ringleader, Malcolm
explained that Tracey “would have gone about the robbery just then, but I
said it was too soon. Between 10 and 11 she said, \textit{We can do it now.” Instead,
Malcolm directed James Alexander to hide under a bed until the time was
right. He alerted them at two o’clock in the morning. Tracey and Thomas
Alexander went into Duncomb’s chambers and Malcolm waited on the stairs

\textsuperscript{223} OBSP, Feb. 1733, 91-92.

\textsuperscript{224} Crawford, “Attitudes to Menstruation,” 68.
for them until four or five o’clock when they came out with the loot. Malcolm described their method of dividing the money and goods and their plans to keep it hidden until they could get away:

They would have shared the money and goods upon the stairs, but I told them we had better go down; so we went under the arch by Fig-Tree Court, where there was a lamp; I ask’d them how much they had got, they said they had found 50 guineas, and some silver in the maid’s purse; about 100l. in the chest of drawers, besides the silver tankard, and the money in the box, and several other things; so that in all they had got to the value of about 300l. in money and goods. They told me they had been forced to gag the people; they gave me the tankard with what was in it, and some linen, for my share, and they had a silver spoon and a ring, and the rest of the money among themselves. They advised me to be cunning, and plant the money and goods under ground, and not be seen to be flush; then we appointed to meet at Greenwich, but I did not go.225

Malcolm did not explain why she had not gone to Greenwich as they had planned, or why she hid the goods in her master’s privy. Did she have Carroll’s assent to use his chambers as a base for their crimes? This would explain why she went there after the murders, perhaps to give him his share of the booty.

To emphasize the truth of her statement, she said, “I am sure of death, and therefore have no occasion to speak any thing but the truth.” The robbery alone, which she admitted, was a capital felony. Here Malcolm raised one of

225 *OBSP*, Feb. 1733, 93.
the most compelling points in her favor: why would she acknowledge the one capital crime and deny the other, knowing she was sure to be executed for the lesser crime? If she understood the legal precedents around the crown witness system and the corroboration rule, she would have known that her uncorroborated story was not likely to gain her freedom from prosecution, aside from the fact that she was already in the midst of being prosecuted (making it too late to be a crown witness against the other three suspects). She may have hoped for the lesser punishment of transportation on the robbery indictment. However, because she acknowledged that the murders were committed in the course of the robbery, the jury would not have been likely to show mercy, especially when they heard the details of the plan to commit the crime and then to hide the evidence.

Malcolm described for the jury how she had tried to hide her guilt in the hours after the watchman arrested her. When she arrived in the Compter on Monday morning, she recognized a “man whom I knew with a fetter on.” She gave the man a shilling and a farthing. He asked her if she had sent for any friends to which she replied no. He offered to help find her friends and soon returned with someone named Will Gibbs. Gibbs asked Malcolm who she thought would testify against her. She replied “I told him my two masters would be the chief witnesses.” She explained to him that the tankard was the key piece of evidence against her. “Never fear then, says he, we’ll do well enough; we will get them that will rap the tankard was your grandmother’s and that you was in Shoreditch that night the fact was committed; and we’ll have two men that shall shoot your two masters.” He produced four false witnesses to whom Malcolm paid ten guineas each, but they did not appear
when she was taken before Brocas to make her statement. Rather than portraying herself as completely innocent or a dupe, Malcolm explained how she attempted to bribe witnesses and even agreed to have her masters shot to keep them quiet. The portrait Malcolm painted of herself in her speech probably did not engender sympathy among the jurors. She was cunning, ruthless, intent on robbing her employers, and determined to hide (or silence) the evidence, even if it meant her masters would be shot. By her own account, Malcolm epitomized the stereotypical cunning servant maid who was enmeshed in a dark, criminal underworld.

Malcolm described her encounter with Johnson and how he had found the money in her hair. “He told me I must be cunning, and not be seen to be flush of money; I desir’d him to keep it for me till I got clear, and only let me have a little now and then.” Finally, she explained that Alstone “brought me to the condemn’d hold and examin’d me; I denied all, till I found he had heard of the money, and then I knew my life was gone; and therefore, I confess’d all that I knew.” At that point, she told Alstone to warn her masters that they were in danger, which he did. She concluded

All that I have now declared is fact, and I have no occasion to murder three innocent persons by a false accusation; for I know I am a condemn’d woman; I know I must suffer an ignominious death which my crimes deserve, and I shall suffer willingly; I thank God that he has granted me time to repent, when I might have been snatch’d off in the
These closing lines resembled a scaffold speech rather than a defense. By acknowledging her guilt, her inevitable execution, and her willingness to die for her crimes, but at the same time remaining resolute in her denial of the murder, Malcolm symbolically deprived the jury and judge of their power to convict and sentence her on the indictment. She proclaimed her innocence of the murder and embraced conviction and execution for the property crime, thus destabilizing the authority of the law. Malcolm’s self-representation was rife with contradictions and thus profoundly threatening to authority. She used her sexuality, in the form of her menstrual blood, as a proof of her innocence, and at the same time acknowledged her guilt as a cunning thief. Malcolm challenged the jury, the judge, and everyone who read and heard about her to accept her as a criminal on her own terms.

We have little evidence of the jurors’ response to Malcolm’s statement, except that they “withdrew for about a quarter of an hour” before they returned with a verdict of guilty of the felony and murder. She had made a compelling case that raised questions about the prosecution’s evidence against her. Nonetheless, the very fact of her convincing self-defense probably helped seal her fate because her words were transgressive and threatening in themselves. The newspapers took up the story from the end of her trial, elaborating the events in the courtroom in the 24 February editions, even before the sessions had ended. According to The Daily Advertiser, “His grace

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226 Ibid., 94.
the Duke of Montague, the Lord Malpas, and several other persons of quality
and distinction, were present at the trial of Sarah Malcolm, and the same
lasted upwards of five hours.”227 When the judge sentenced her to death, “she
fell into fits, but being recovered she was a second time brought to the bar,
and asked if she had anything to say for herself, to which she answer’d, no.”228

For several days after Malcolm’s trial, and probably until after she was
executed, only the newspapers represented her in print. The Sessions Paper was
not published until after her execution. The back page of a pamphlet
published on 12 March, five days after her execution, contained an
advertisement for items “just publish’d” that included the Old Bailey Sessions
Paper for the 21-24 February session. Therefore, Malcolm’s defense and
representations of herself would not have emerged in print until after her
death, although spectators in the courtroom during her trial would have
talked about her behavior in taverns and coffee houses, building up demand
for the Sessions Paper and other accounts. Nonetheless, the press controlled the
image of Malcolm that was disseminated in print until after her execution.
Representations of Malcolm in the newspapers after her trial avoided any
reference to the basis of her defense—the menstrual blood—and looked ahead
to her execution in references to her religious convictions and her preparations
for the execution.

In summarizing the prosecution’s case, The Daily Advertiser said “the
evidence prov’d her being found late in Mr. Carrol’s chambers the night after

227 Daily Advertiser, 24 Feb. 1733, 1.

the unhappy accident, and her having conceal’d bloody linnen and plate therein, belonging to Mrs. Duncomb.” The key evidence remained the money: “likewise that there was a sum of 54l. 11s. 6d. taken out of her hair in Newgate, which was very near the amount of the money the said gentlewoman was known to have by her.” The account made no further mention of the bloody linen, even when it described Malcolm’s defense: “the prisoner in her defence talk’d for half an hour; she own’d herself guilty of the robbery, but insisted that the two boys, Thomas and James Alexander, and Mary Tracey, committed the murders while she stood on the stairs.”

The Daily Journal acknowledged that Malcolm’s behavior in court was “extraordinary” because she had conducted her own defense: “She behaved in a very extraordinary manner on her trial, oftentimes requesting the court for the witnesses to speak louder, and spoke upwards of half an hour in her defence, but in a trifling manner. She confessed she was guilty of the robbery, but not of the murder, [and] only standing on the stairs.” The report dismissed her lengthy defense as “trifling” or trivial without mentioning the content of that defense. Two days later, The Daily Journal reported “the dead warrant came to Newgate.” Malcolm was to be executed near the scene of the murders, at the end of Fetter Lane facing Mitre Court in Fleet Street on Wednesday, 7 March.

Several Protestant ministers visited her frequently as her execution approached: Dr. Middleton of St. Brides; Mr. Piddington of St. Bartholomew

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229 Daily Advertiser, 24 Feb. 1733, 1 (my italics).

the Great; James Guthrie, the ordinary of Newgate; as well as Rowland Ingram, the keeper of Newgate. A controversy arose when, on 27 February, *The Daily Journal* reported that Malcolm “has declared herself a Roman Catholick, behaves very penitent and devout, but still denies the murder, she is removed out of the old condemned hold into a room, but one or two persons are always with her.” *The Daily Advertiser*, as usual, elaborated:

yesterday she declared herself a Roman Catholick, but desir’d however that she may take the sacrament tomorrow se’nnight the day of her execution, from a minister of the Church of England, in confirmation of her assertion that she was no actress in that horrid tragedy, but that it was done by the two Alexanders and Mary Tracy; we hear that she has bespoke a shroud to be made for her, declaring that she intends to go to the place of execution in no other dress.

A shroud was a sheet, normally made of wool by the eighteenth century, that bodies were wound or wrapped in before burial. The strange reference to a shroud is difficult to interpret. If Malcolm did indeed ask to be hanged in a shroud, it would suggest her attempts to control every aspect of her execution. Perhaps to be hanged in nothing more than a burial sheet suggested a kind of


\[233\] *Daily Advertiser*, 27 Feb. 1733, 1.

martyrdom. Malcolm seems to have been determined to create a spectacle of her dying moments (or at least she is portrayed as such).

Early news reports identified Malcolm as Irish, so her Catholicism would not have come as a surprise. Irishness and Catholicism represented a culture outside the mainstream in early eighteenth-century England. There was a large community of poor Irish Catholics in London during the early eighteenth century. Popular anti-Catholicism was widespread and there were anti-Catholic riots in the mid-1730s. In his study of the ordinary’s Accounts, Linebaugh found that about fourteen percent (or 171) of those hanged at Tyburn over the eighteenth century had been born in Ireland, and of those, at least sixty-four percent (or 109) were Catholic. By the day of her execution, 7 March, The Daily Advertiser claimed she had “been prevail’d upon to lay aside her design of dying in a shrowd . . . [and] she declar’d she would renounce the Roman Catholick religion, and die in the communion of the Church of England; but continues obstinate in her denial of the murders.” At her execution, “she died a Protestant.” Even though Malcolm refused to confess the murders, at least the question of her religion and the form of her dying was resolved. Her Catholicism—in the form of rosary beads—was, however, a central feature of Hogarth’s painting of the notorious murderess.

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236 Linebaugh, The London Hanged, 288. Chapter 9, “If you plead your life, plead in Irish,” deals with the experiences of Irish immigrants in eighteenth-century London. He argues that the Irish “were [responsible] for a decisive contribution to the formation of an urban proletariat” (290).

237 Daily Advertiser, 7 Mar. 1733, 1; and 8 Mar. 1733, 1.
On Monday, 5 March, two days before her execution, “the ingenious Mr. Hogarth made her a visit, and took down with his pencil, a very exact likeness of her, that the features of so remarkable a woman may not be unknown to those who could not see her while alive.” The relatively small painting is a full-length portrait of Malcolm dressed in voluminous skirts, a white apron, and kerchief. She leans forward against a small table with her arms crossed and a set of rosary beads in front of her. She gazes away to her left. The window and bars of her cell are visible in the background over her left shoulder. The day after her execution, The Daily Advertiser contained an advertisement, just below the account of her execution, that promised “A Print of Sarah Malcolm engrav’d by Mr. Hogarth from a picture painted by him” would be available the following Saturday, 10 March, just three days after the execution and less than a week after he had made his original sketch. The engraving, unlike the painting, which is full length, is a bust portrait of Malcolm. She is looking to her right and she fills the available space; the table and details of her cell are no longer visible. The rosary beads have disappeared, perhaps because by the time Hogarth went to work on the engraving, it had been reported in the newspapers that she had rejected Catholicism and died a Protestant.

The composition resembled an engraving of the famous highwayman, John Sheppard, which Hogarth’s father-in-law had created ten years earlier. According to Paulson, both works “followed a traditional pattern for

\[238\text{Ibid.}\]
portraying famous criminals in popular prints.”²³⁹ In contrast to the painting, which placed Malcolm within a context depicting the prison walls and window in the background, the engraving focused on her upper body, arms, hands, and face. Hogarth’s audience for the print, which sold for six pence, did not need the contextual background. They knew who Malcolm was and why she was famous, and were eager to either see what she looked like or to have a souvenir of the trial or execution. In the engraved portrait, Malcolm’s most prominent physical features are her large shoulders and chest; her long nose; her expressionless mouth; her cold, piercing eyes; and her long, delicate fingers. The viewer might have been reminded of her defense by the ruffle of her shift showing under the sleeve of her gown and the folds of her apron emphasized at the bottom of the picture.

Like many Londoners, criminals read newspapers and pamphlets, or heard them read aloud in taverns and coffeehouses, and they learned the execution script, the game or brave ending including a dramatic confession and prayers for God’s forgiveness.²⁴⁰ Malcolm made extraordinary efforts to re-write that script, arranging for the publication of her own “last dying words” and refusing to confess on the scaffold. According to The Daily Post, on Wednesday, 7 March, Malcolm “came to the gallows (erected early that morning) between ten and eleven o’clock, and appeared very serious and

²³⁹ Paulson, Hogarth’s Graphic Works, 152.

devout, crying and wringing her hands in an extraordinary manner.”241 The Daily Journal described what she wore as well as her behavior:

She was dress’ed in a black gown, white apron, sarsenet hood and black gloves, and was attended by the Rev. Dr. Middleton of St. Bride’s, and the Rev. Mr. Piddington, of St. Bartholomew the Great, and the Ordinary of Newgate. At the place of execution she was very penitent and devout, often talking to Mr. Piddington, and intimated to the populace that she had deliver’d a genuine account . . .

Piddington and the others were obliged to publish her account after her execution. The account of her death was brief and vague: “after she had talked some time with the ministers, as she was going to be turn’d off she fainted away, and was some time before she was brought to her senses, but being afterwards recover’d, after a short stay, she was executed.”242

Malcolm, who had been unusually vocal at her trial, was strangely silent on the scaffold. She did not make a traditional “last dying speech” as was expected of all convicts. She simply told the assembled crowd that her master, Carroll, had not known of the plot to rob Duncomb.243 This statement at once confirmed and contradicted what readers would have assumed when they read her cross-examination of Carroll in the Sessions Paper, that he had known of the plot to rob Duncomb and had somehow been involved. She may have been anticipating the publication of the Sessions Paper and hoping to

241 Daily Post, 8 Mar. 1733, 1.


243 Ibid.
somehow protect Carroll’s reputation for reasons we will never know. In any case, Malcolm’s remarks probably added to the mystery and scandal surrounding her.

Dolan has pointed out that in most cases, public executions offered women the unusual opportunity to speak in public, but at the same time “prevented them from controlling the subsequent representation of their speech and action on the scaffold.” Malcolm’s refusal to make a confession to the ordinary while in Newgate, or to confess on the scaffold, expressed her determination to control the representations of her. While the opportunity to speak from the scaffold, and the expectation that female convicts would do so, “challenged powerful constraints on female self-assertion and volubility,” Malcolm’s refusal to speak and her determination to write her own last words and to have them published by a representative of her own choosing was an even more profound challenge.

Malcolm’s version was entitled *A True Copy of the Paper Delivered the Night before her Execution by Sarah Malcolm to the Rev. Mr. Piddington*. It was published by J. Wilford on 12 March, and priced at four pence. Another edition of *A True Copy* was published the same day by J. Brotherton and priced at two pence. Both were advertised, along with Hogarth’s print, on 12 March in *The Daily Advertiser*. Piddington wrote an introduction to Malcolm’s account in which he claimed that she had “spent the greatest part of the day [before her execution] in writing it; and when it was finish’d she read it over several times; being often admonish’d to be careful to write nothing but what

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244 Dolan, “Gentlemen, I have one thing more to say,” 160-61, 168-69.
was truth.” Malcolm began: “as my life is at an end, and I must appear before
the all seeing judge of heaven and earth, to give an account of mine, so I take
that great judge to witness, that what I here declare is true.” The account is
very close to the one in the Sessions Paper. According to a postscript by
Piddington titled “At the place of execution,” Malcolm “earnestly desired to
see her master Kerroll; but as she could not, protested that all accusations and
aspersions concerning him are entirely false, and that all confessions, except
those delivered to me, are entirely groundless.”

Malcolm’s “clerical competitor in obituary journalism” was James
Guthrie, the ordinary of Newgate. He included Malcolm in his “account of
the behaviour, confession, and dying words, of the malefactors” executed in
March 1733. According to Guthrie, Malcolm “was a[n] obdur’d, impenitent
sinner, and gave no reasonable satisfaction, with respect to her own particular
case,” meaning she refused to tell him her story. Guthrie expressed a
widespread frustration with Malcolm’s refusal to confess. The ordinary and
the other ministers who spent time with Malcolm in the days before her
execution were expected to help her prepare for the afterlife, pushing her to a
true understanding and repentance of all her sins. Their concern was not only
with Malcolm’s soul, however, or any convict’s for that matter. They sought
confessions in order to provide solace to the community. Without a confession

245 Malcolm, True Copy of the Paper.


247 Linebaugh, “The Ordinary of Newgate and His Account,” in Crime in
1977), 246-69.
to symbolically restore social order, the ordinary could only suggest that her behavior revealed a guilty conscience: “she wept and cry’d most bitterly; but whether for fear of death, or the shame she was to be expos’d too, or the remorse of her conscience, upon account of her being really guilty of murder, and a due sense of her guilt, is what we cannot decide.” Faller has argued that “what was wanted of the murderer was that [s]he return to normalcy and then transcend it” and “when murderers died silent and unresponsive, refusing to help in the enucleation of the truths their crimes had clouded, the damage they had done could never quite be undone.” Malcolm had indeed clouded the truth about who had committed the three vicious murders in the Temple. Perhaps as threatening, her admission of the robbery confirmed middle-class employers’ and authorities’ fears of their female servants.

According to The Daily Journal, “as soon as she was cut down, she was put into a hackney coach, and carry’d to the surgeons to be anatomiz’d.” Judges allowed the surgeons to dissect the bodies of felons who had committed particularly heinous crimes in order to make their punishments more terrifying to them and to witnesses. The Daily Advertiser contradicted the report, however, saying “she was cut down after she had hung something

248 Guthrie, Ordinary’s Account, 22, 16.

249 Faller, Turned to Account, 92-93.

250 Daily Journal, 8 Mar. 1733, 1; Daily Post, 8 Mar. 1733, confirmed the same.

more than half an hour; and her body was carried back to Newgate, under a strong guard of the mob, for fear of the surgeons.”

The Gentleman’s Magazine added a mysterious and romantic conclusion to Sarah Malcolm’s story. According to the editor “her corpse was carried to an undertaker’s upon Snow-Hill, where multitudes of people resorted, and gave money to see it; among the rest a gentleman in deep new mourning, who kiss’d her, and gave the people half a crown.” The report concluded that her skeleton, enclosed in a glass case, had been donated to the Botanic Garden, Cambridge.

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The brutal, bloody murders of Mrs. Duncomb and her two servants in the midst of London’s legal community shocked and terrified her neighbors in the Temple and throughout London in February 1733. The arrest of a well-known laundress the next day confirmed many residents’ worst fears about their female servants’ criminality. The newspaper press took up the case immediately, investigating the crimes in parallel with the coroner and the prosecuting solicitor. Representations of the young, single, Irish-Catholic laundress emerged in the press and Malcolm was quickly labeled a cunning murderess. Because of the vigorous press coverage in the days leading up to her trial, this chapter has charted the newspapers’ influence on the judicial process and the trial.

The same vibrant print culture that encouraged the spread of newspapers allowed Malcolm to speak in court and to have her words

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252 Daily Advertiser, 8 Mar. 1733, 1.

recorded and published in the *Old Bailey Sessions Papers*. Her self-defense would certainly have fascinated those who heard it firsthand in the courtroom, as well as those who read and heard about it later on in the taverns and coffee houses of London. Malcolm was determined to challenge her accusers in court, and to make her own lengthy defense statement. The content of that defense was remarkable: Malcolm insisted that she had not committed the murders despite the appearance of blood on her clothing. The blood was the “true gift of nature,” her menstrual blood. At the same time, she fully acknowledged the role she had played in planning the robbery, dividing the loot, and hiding the evidence.

As an independent woman, Malcolm was more threatening than married women or men who committed acts of violence. The press responded to the threat she posed by suppressing her transgressive speech. An analysis of all the narratives that emerged in the days and weeks after the crimes were discovered reveals a struggle over her representation. From her arrest and imprisonment to her execution, Malcolm attempted to direct the representations of herself. She spoke in court; wrote her own confession and arranged for its publication; refused to comply with the ordinary’s demands that she confess and show contrition; posed for the famous artist, William Hogarth; and demanded a shroud in which to be hanged. Nonetheless, the press controlled the representations that emerged until after her execution.

John Beattie has argued that contemporaries were “terrified and fascinated” by murder, and “in the trial and execution of the murderer the
shared moral values of the society found their strongest expression."\(^{254}\)

Malcolm’s alleged crimes were particularly brutal and represented a profound tear in the fabric of her community, especially for the unique and tight-knit neighborhood of the Temple. Murders committed in the course of other felonies such as robbery were particularly feared and despised. Contemporaries believed that robbery went hand-in-hand with murder and other violent crimes.\(^{255}\) So, it is not surprising that newspaper reporters and pamphleteers focused their attention on Malcolm, an alleged robber and triple murderess, for more than six weeks in the spring of 1733.

Malcolm’s determination to defend herself in court, to cross-examine each witness, and to challenge the attorney general and the judge, contradicted prescriptions about women’s proper behavior in public spaces—silence, obedience, and humility.\(^{256}\) While it may seem obvious that a triple murderess and thief did not fit common notions of femininity, Malcolm’s efforts to prove her innocence were unusual even when compared with other female killers, both before and after 1732. But, whereas earlier murderesses were likely to portray themselves (or to be portrayed) as depraved sinners, over the course of the eighteenth century women charged with the most shocking crimes (and more often their lawyers) began to appeal to jurors’

\(^{254}\) Beattie, *Crime and the Courts*, 77.


(and readers’) notions of proper middle-class femininity in their pleas of innocence or for mercy. They portrayed themselves as victims or as insane, and allowed lawyers to construct and deliver their defense cases. Pamphlet writers often depicted these women in sympathetic terms. Mary Blandy, who killed her father by poisoning in 1752, was repeatedly portrayed as her lover’s innocent victim. Elizabeth Jeffries, who murdered her uncle and guardian in the same year, claimed that she was a victim of incest with him. Even Elizabeth Brownrigg, who beat one of her apprentice girls to death in 1767 and thus became one of the most notorious murderesses of the century, was portrayed as sacrificing her life for those of her husband and son, who were also accused of the murders.257

While Malcolm’s trial and execution were meant to express the “shared moral values of the society,” some of their outcomes, in the form of printed texts and pictures, were hardly unambiguous. The struggle to represent the notorious murderess reveals the profound threat she posed as a young, single woman unafraid to talk about her sexuality and her criminality. By the second half of the eighteenth century, the struggle to suppress criminal women’s voices would be won by the press and legal authorities. Malcolm’s case illustrates the moment when a rising print culture and a nascent professional legal class created room for a woman to stand up in court and defend herself and have her scandalous words published.

257 Miss Mary Blandy’s Own Account of the Affair between her and Mr. Cranstoun . . . to the Death of her Father, in August 1751 (London, 1752); Authentick Memoirs of the Wicked Life and Transactions of Elizabeth Jeffries, Spinster (London, 1752); Genuine and Authentic Account of the Life, Trial, and Execution, of Elizabeth Brownrigg (London, 1767).
“THE CRUELITIES OF MRS. BRANCH AND HER DAUGHTER”:
ELIZABETH AND BETTY BRANCH

Eight years after Sarah Malcolm’s conviction and execution in 1732, and one hundred miles to the west in rural Somerset, Elizabeth and Betty Branch—a widow and her single daughter—were convicted and executed for brutally murdering their female apprentice, Jane Buttersworth. The Branch case marks a new stage in the evolution of representations of criminal women, in the courtroom and in popular literature, from deliberate agents to passive victims. The case reveals the ways in which a variety of stereotypes continued to be used to identify dangerous women; and the most dangerous women were independent women. However, while Malcolm embodied the threat posed by independent workingwomen, the Branches represented a different kind of danger. Elizabeth Branch was a widow of middling status who managed her own household and farm, employing at least two live-in servants and two day laborers. Her daughter, Betty Branch, was a single woman who shared the responsibilities of running the house and farm, including supervising and disciplining the servants. They were substantial members of their village and exercised power, not only over their servants but also within their community,
as prosperous neighbors and contributors to the local economy. These two independent middling women—some observers even called them “gentlewomen”—almost got away with murder in February 1740.

Elizabeth and Betty Branch were tried at the assizes in Taunton on 4 April 1740 for beating their servant maid, Jane Buttersworth, to death on 13 February. According to Anne James, their dairy maid, her two mistresses beat Buttersworth over the course of several hours with sticks and one of the girl’s own shoes. Betty Branch doused Buttersworth with a pail of cold water and rubbed salt in her wounds before the girl finally died from severe injuries to her head, arms, legs, and “loins.” The two mistresses then prepared the body for burial and had the sexton of the local parish church bury the girl four nights later on 17 February. For reasons we will never know for certain, Elizabeth Branch’s neighbors became suspicious and several local men exhumed the body three nights later on 20 February and had some local matrons examine it for signs of violence, which they found. The authorities were notified and Elizabeth and Betty Branch were arrested the next day. The coroner immediately summoned a jury to examine the body at a local pub. The coroner’s jury found evidence of murder, and the mother and daughter were indicted, tried, convicted, and executed.

Despite the remote setting of the crime, the Branch case was a cause célèbre in the spring of 1740. There are at least eleven extant accounts of the case, most of them printed and widely circulated in pamphlets and newspaper reports. A copy of Anne James’s deposition, as well as one by a surgeon

\[^{258}\text{Anne James’s deposition, Somerset Record Office, DD/X/WI 37 (hereafter referred to as SRO Deposition).}\]
named Palmer, survives in the Somerset Record Office. The investigation, trial, and executions were reported in local newspapers, the *London Magazine*, and the *Gentleman’s Magazine*. At least three pamphlets and one broadside were published soon after the executions: *The Cruel Mistress; Being, the Genuine Trial of Elizabeth Branch and Her Own Daughter; The Trial of Mrs. Branch and Her Daughter; Inhumanity and Barbarity Not to be Equal’d Being an Impartial Relation of the Barbarous Murder Committed by Mrs. Elizabeth Branch and her Daughter; and A Genuine History of the Life and Transactions of Mrs. Elizabeth Branch.*

This listing of the pamphlet titles points to the central problem to be explored in this chapter. Each title identifies the mother, Elizabeth Branch, by name, but does not name her daughter. Certainly, the choice of titles was important to early pamphleteers, as it was the first element meant to convince a reader to purchase the pamphlet. By explicitly naming the mother and not the daughter, the titles suggest the mother was the “real” criminal, the

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259 A Genuine History (London, 1740); The Cruel Mistress (London, 1740); Inhumanity and Barbarity (London, 1740); The Trial of Mrs. Branch and Her Daughter (2nd ed., London, 1740); The Sherborne Mercury and Weekly Advertiser, 11 March 1740 and 8 April 1740; The Derby Mercury, 1 and 15 May 1740; London Magazine, May 1740, 191-93; and Gentleman’s Magazine, May 1740, 258-59. I have been unable to determine in what order the pamphlets and broadside were published. However, it seems clear that The Trial of Mrs. Branch and Her Daughter was written after Inhumanity and Barbarity because the author of the former refutes a specific claim of the latter. And it is likely that the broadside A Genuine History was published immediately after the execution to capitalize on the wide public interest. The printed sources disagree as to the date of the trial. According to The Trial of Mrs. Branch and Her Daughter and The Cruel Mistress, the trial occurred on 31 March 1740. Inhumanity and Barbarity; Derby Mercury, 1 May 1740; and Sherborne Mercury, 8 April 1740, all claim Elizabeth and Betty Branch were tried on 4 April 1740. Because the newspaper accounts were published in the county and before the execution, I have chosen to use their date for the trial. The confusion may be a result of the assizes having begun on 31 March.
antagonist of the story. Indeed, the pamphlet entitled *The Cruel Mistress* uses the singular to refer to the mother alone as the abusive mistress of the title. Beyond the titles, the texts of all the printed accounts share a key feature: they all reverse the central contention in Anne James’s eye witness account—that Betty Branch was the primary attacker throughout the brutal beating that led to Jane Buttersworth’s death on 13 February. Despite Anne James’s detailed account, in which she points to Betty Branch as the instigator of the beating, the newspaper reports and pamphlet accounts reconstruct the story to make the elder Branch the truly monstrous mistress and to bring some sympathy to their depictions of the daughter. That disjunction—not “what really happened” to Buttersworth—is the focus of this chapter. This Chapter will chart the representations of Elizabeth Branch as a cruel mistress, evil wife, and bad mother, and those of Betty Branch as cruel mistress and victimized daughter. The Branch case is a “cusp” case, a case that occupies and exemplifies the transition in representations of female criminals in the courtroom from outspoken, dangerous suspects to weak, perhaps insane, victims—from active to passive—because it contains elements of both ways of explaining or representing criminal women.\(^{260}\) An analysis of the myriad contradictions in the representations of the mother and daughter exposes the continuing evolution in representations of criminal women that began in the 1730s.

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\(^{260}\) I would like to thank Karen Halttunen for suggesting the concept of the “cusp case” to me.
Local newspaper accounts are the earliest printed accounts of the crime. At least one, the *Sherborne Mercury and Weekly Advertiser* of 11 March, was published soon after the women were arrested and before their trial. It contains an “extract from a letter from Philip’s Norton” dated 23 February, ten days after the murder and only two days after Elizabeth and Betty Branch had been arrested. Anne James would give her deposition to the justice of the peace three days later on 26 February. According to the account, “At Hemington near us, liv’d a gentlewoman of a considerable estate, who had living with her one daughter. She kept two maids, one of which was nam’d Jane Puttesworth, about 13 years old.” The prominent details in this early account were Elizabeth Branch’s social status, the tender age of the victim, the mother’s attempt to cover up the murder, and the mysterious lights hovering in the graveyard that led to the discovery of the murder.\(^{261}\) In this earliest account, the focus of the narrative is on the mother, not the daughter.

Each of the pamphlet accounts was published in London, and all included references to the execution and so had to be written after 4 May 1740 (although it is impossible to determine in what order they were published). The broadside, *A Genuine History of the Life and Transactions of Mrs. Elizabeth Branch*, probably appeared first in order to capitalize on the interest in the recent executions. The only extant one-sheet broadside, it was published in London “for George Thomas near Fleet Street and sold by the hawkers who carry the news.” Several of the details conflict with Anne James’s deposition as well as the trial account. The author claims the crime was committed on 4

\(^{261}\) *Sherborne Mercury*, 11 March 1740, 2.
November 1739; Anne James is referred to as Anne Somers; and, despite her twenty-eight years, Betty Branch is alternately aged fifteen in the title and “not 14 years of age” in the body of the text.

*The Cruel Mistress* is lengthy, at thirty-six pages, and contains a detailed description of the Branch trial, including the swearing in of the jury and opening statements by eight defense counsel and three King’s counsel, an unusual if not illegal practice in 1740. Key names and dates in the account conflict with the details in the deposition and the account is the least reliable of the pamphlet accounts. More space is taken up with the defense, and thus a portrayal of Elizabeth Branch as ideal middling wife, mistress, and mother, here than in any of the other pamphlets.

*Inhumanity and Barbarity* is the most graphic and violent of the pamphlet accounts. Its details follow Anne James’s deposition, but they are exaggerated, vivid, and even pornographic. For example, the author described the fatal beating this way:

> Then miss pull’d up the wench’s coat, and both whipt her till the rods were broke away to the stumps; then miss took the stumps and stubb’d them into her loins and breech; and then took off one of the deceased’s shoes . . . and laid her on with the heel, till it pitted into the flesh like dough.

The narrative in *Inhumanity and Barbarity* is both violent and sexual, referring to “stubbing” the rods into the victim’s exposed buttocks and thighs. The word “loins” referred to the genital area, or the “part of the body [between the ribs and the thighs] that should be covered by clothing or as the seat of
physical strength and of reproductive power.” Inhumanity and Barbarity, with its graphic depiction of violence, vivid in terms of its cruelty as well as its sexual nature, can be situated within the emerging literary genre of flagellation and pornography. Karen Halttunen has described the new “more modern kind of sexual writing, pornography, which was designed to arouse lust and encourage the creation of sexual fantasies.” Peter Wagner defines pornography as “the written or visual presentation in a realistic form of any genital or sexual behaviour with a deliberate violation of existing and widely accepted moral and social taboos.” By the early eighteenth century, those sexual taboos included the infliction of pain.

While Inhumanity and Barbarity is the most explicit text, all of the pamphlets describe in great detail an attack on a male servant, Henry Butler, which took place months before Buttersworth’s murder. That attack is described in violent, sexual terms and highlights Elizabeth Branch’s perversity and sexual as well as class power over the young man (see below). All of the pamphlet accounts of the Branch case are early examples of the “pornography of pain.”

The narrative in The Trial of Mrs. Branch and Her Daughter mirrors Anne James’s deposition more closely than any of the other texts. It contains a transcription of James’s deposition, details from the trial, and several other witnesses’ depositions. Based on a comparison with the extant deposition, the account appears to be a fairly reliable transcription of the original testimony

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262 Oxford English Dictionary.

before the coroner’s jury. Therefore, this chapter will rely heavily on both Anne James’s deposition and *The Trial of Mrs. Branch and Her Daughter* to reconstruct the events surrounding the Branch trial.

Throughout the eighteenth century, authors used images of Elizabeth and Betty Branch to signify the ultimate “cruel mistress.” In addition to the written texts, a print entitled *The Fortunate Transport* was published in London in 1741. The print depicts the tragic, and probably fictional, life of Polly Haycock in four panels. The third image in the print refers to the Branch case and depicts a well-dressed woman, Haycock, standing in a handsomely furnished room. She holds a stick in one hand, having struck a servant who lies at her feet (again, a key feature of the pornography of pain is the mistress wielding a stick over her servant). The caption above the picture reads “Her usage to her free-born English servants is as they do negroes and felons in the plantations tho’ she felt the misery herself” and the caption below reads “Remember Mrs. Branch & her daughter.”264 The series of images tells the story of Haycock’s cruelty to her servants, despite the abuse she had suffered while in America. The Branch story resurfaced in 1767 when one of the 1740 pamphlets was reprinted and distributed as part of a larger pamphlet about

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the Elizabeth Brownrigg case. In each of these accounts, Elizabeth Branch was identified by name, while her daughter, Betty, was not.

In all but one of the printed accounts, Elizabeth Branch refused to take responsibility for her crimes—those against her servants, her family, and even her community—and to “make a good end” by confessing and warning the crowd from the scaffold not to follow in her footsteps, as was expected of all convicted murderers in the eighteenth century. Because neither Elizabeth Branch nor her daughter made a speech or wrote an account of their lives or crimes, reporters and pamphlet writers were free to interpret, or invent, their actions on the scaffold. They could construct the Branch women—their biographies, crimes, and deaths—in even more creative ways than if the two women had authorized “last dying speeches” before or at their executions.

265 An Appeal to Humanity, in an Account of the Life and Cruel Actions of Elizabeth Brownrig . . . to Which is Added the Trial of Elizabeth Branch (London, 1767).


In contrast to the Malcolm case, where news agents could follow, and participate in, the murder investigation and report on it daily as it unfolded, most of the sources for the Branch case were published after the two were executed. Because the crime and trial took place so far from London, in the countryside, most newspaper reporters and pamphleteers did not follow the investigation at first hand. They often relied on secondhand reports and letters from agents or interested people in the country. Therefore, the accounts of the crime and the two suspects fluctuate widely, and contain significant disparities in their details and tones. They posit different dates for the crime and trial, and incorrect names, ages, and biographical details for mother and daughter. These differences can be attributed in part to distance in time and space from the events and to the authors’ and publishers’ various, and admittedly mysterious, motivations.

This chapter presents a narrative of the Branch case as it emerged in Anne James’s deposition and The Trial of Mrs. Branch and Her Daughter, and, to a lesser degree, the other printed sources. I have supplemented those sources with biographical information about the suspects culled from the Somerset County Archives. I argue in this chapter that the Branch case reflects the further silencing of women in the courtroom as male professionals gained power and influence there. Those same professional men, mainly lawyers and doctors, found themselves more and more in a position to define ideal female behavior while they challenged images of their clients as dangerous independent women.

*the Criminal in Early Modern England*, eds. Rosamaria Loretelli and Roberto De Romanis (Frankfurt am Main: Lang, 1999), 13-26.
The Branch case is a significant development in the shift, particularly because there were two defendants, each treated very differently in the press, revealing an ongoing struggle over the interpretation and meanings of women’s violence. First, Elizabeth Branch, the widow, was portrayed as a monstrous, evil mother and mistress. Representations of her recall representations of Malcolm as powerful, sexual, and dangerous. Second, Betty Branch, the daughter, was portrayed alternately as a cruel mistress and as another of her mother’s innocent victims. The representations of her as victim foreshadow the more sympathetic representations of female criminals of the second half of the eighteenth century.

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On 15 May 1740 The Derby Mercury, a local Somerset newspaper, included a brief account of the execution of Elizabeth Branch and her daughter, Betty, at Ilchester in Somerset. According to the report, they were hanged before dawn on 3 May in the presence of about two hundred spectators. Several thousand people arrived later that day to witness the executions and were disappointed to find that the women’s bodies had already been cut down and taken away for private burial.

The people had missed a “remarkable” scene at the gallows that morning. Neither Elizabeth Branch nor her daughter had confessed her crimes or delivered a moralizing speech from the scaffold. Instead,

After the clergyman had done praying with them, they both quickly ascended a stock made for that purpose. Whilst the halter was fixing round the daughter’s neck she fainted away; and what is very remarkable, the old woman helped to fix the rope round her daughter’s
neck, and afterwards settled her own; and died without the least seeming
ejaculation or concern.\textsuperscript{268}

This interpretation of the Branch executions was not, in one sense, unusual.
Most printed accounts portrayed Elizabeth Branch as having sealed her
daughter’s fate, both literally and figuratively.

Some evidence of the Branches’ lives and their community’s feelings
toward them before they were accused of murdering their servant in 1740 has
survived, in part because of their status in the community as middling
landholders. No record of Elizabeth Branch’s baptism survives, but according
to the pamphlet \textit{The Cruel Mistress} she was born Elizabeth Parry at Bristol in
1687, making her fifty-three at the time of her trial.\textsuperscript{269} She married Benjamin
Branch of Belton at Dundry, near Bristol, on 9 September 1708, perhaps at age
twenty-one.\textsuperscript{270} Two and a half years after Elizabeth and Benjamin married,

\textsuperscript{268} \textit{Derby Mercury}, 15 May 1740. For details of the Branch case, see \textit{A
Genuine History} (London, 1740); \textit{The Cruel Mistress} (London, 1740); \textit{Inhumanity
and Barbarity} (London, 1740); \textit{The Trial of Mrs. Branch and Her Daughter
}(London, 2\textsuperscript{nd} ed., 1740); \textit{Sherborne Mercury}, 11 March and 8 April 1740; \textit{Derby
Mercury}, 1 May 1740; \textit{London Magazine}, April 1740, 191-93; and \textit{Gentleman’s
Magazine}, May 1740, 258-59.

\textsuperscript{269} \textit{The Cruel Mistress}, 31.

\textsuperscript{270} The average age at first marriage in the first half of the eighteenth
century was twenty-five (Sara Heller Mendelson and Patricia Crawford,
\textit{Women in Early Modern England, 1550-1720} [Oxford: Oxford University Press,
1998], 110-112). For a discussion of average age of first marriage for women in
early modern England, see E.A. Wrigley and R.S. Schofield, \textit{The Population
University Press, 1981; reprint, 1989), 423; and for the eighteenth century in
particular, see Wrigley, “Marriage, Fertility, and Population Growth in
History of Marriage}, ed. R.B. Outhwaite (New York: St. Martin’s, 1981), 137-85;
and Bridget Hill, “The Marriage Age of Women and the Demographers,”
\textit{History Workshop Journal} 28 (1989): 129-54. Dundry is about thirteen miles from
Hemington.
Betty Branch was baptized at Stanton Drew, also near Bristol, on 3 May 1711, making her twenty-eight at the time of her trial.\textsuperscript{271} Although one account refers to a son, Parry Branch, working on the farm for his mother, I have not found any evidence of his birth. None of the other accounts or county records mention him; however, his first name (his mother’s maiden name) suggests that he did exist. The mention of a son in one account is intriguing because, if he did exist, he did not live with his mother and sister. Why had he not inherited the farm from his father? If he had, his mother and sister may have lived with him, but he would certainly have been the head of the household. Instead, he is portrayed as a day laborer on his mother’s farm, and later helping to prepare Buttersworth’s body for burial.\textsuperscript{272} The dates of Elizabeth Branch’s husband, Benjamin’s, baptism or death or how long Elizabeth and Betty Branch had been living at Highchurch Farm where the fatal beating occurred are unknown.

Today, Highchurch Farm sits on high ground overlooking rolling pasture. The imposing stone house was built in the sixteenth century, perhaps

\textsuperscript{271} Elizabeth was not Benjamin’s first wife; a land contract reveals that he was married to a woman named Mary in 1703 (SRO, DD/HM27N14). This contract, dated 1703, reveals that Benjamin and his wife, Mary, transferred four acres of land at Long Close for the sum of £65. The reference to Betty’s baptism notes her father as Benjamin Branch but does not mention her mother. Betty Branch would have been twenty-eight at the time of the murder. There is no reference to the baptism of a son, Parry. SRO, Chew Magna and Stanton Drew Registers.

\textsuperscript{272} The Trial of Mrs. Branch and Her Daughter, 25.
as a grange associated with nearby Hinton Charterhouse Priory. Extensive dairy buildings stand to one side of the main house. The size of the house and the extent of the farm buildings suggest that Elizabeth Branch was a person of at least middling or higher status in the community. The villages of Hemington and Faulkland are each about one mile away; they form a rough triangle with the farm. The town of Bath is about seven miles to the north.

In early 1740, Elizabeth Branch employed the dairymaid, Anne James; the young apprentice, Jane Buttersworth; and probably two male day laborers. The Branches were engaged in dairying as well as brewing ale or beer. Elizabeth Branch was, according to one account, “a gentlewoman of great substance, to the amount of 3 or 400 l. per annum; a very great estate in this part of the country for people in private life.” Elizabeth Branch’s father, according to one source a surgeon and later a ship master, had supposedly given her “a sober and religious education, and near 2000 l. with her marriage to Mr. Benjamin Branch, an attorney.” Although accounts varied as to the amount of Elizabeth Branch’s fortune and how she had come by it, none disputed her position in the community as a “gentlewoman.” Her wealth and

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273 This is suggested by the current resident of the house, the name of the farm, and its proximity to the Priory. Hinton Charterhouse is about five miles from Highchurch Farm.


276 *The Trial of Mrs. Branch and Her Daughter*, iii.
status became a central issue at her trial. According to newspaper and pamphlet accounts, she “brought a large sum of money to the assizes” in order to hire several lawyers and to bribe the jurors.277 For her part, Elizabeth Branch claimed that the trial should have been postponed to the next sessions because it was a “malicious prosecution,” an allegation that suggests animosity between the Branches and their neighbors.278

Perhaps the most unusual feature of the case was the fact that the two murderers were mother and daughter.279 While Elizabeth Branch was not the first mistress to be convicted of murdering her servant, she might have been the first to take her daughter to the gallows with her. She was not the last, however. Sarah Metyard and her daughter, Sarah Morgan Metyard, were tried and executed in the summer of 1762 in London for brutally murdering their two apprentice girls.280 In that eerily similar case, the mother and daughter supposedly beat and starved the two young sisters, then cut up and disposed of their bodies. Four years went by in which the mother beat the daughter continually. Finally, the daughter was persuaded to turn her mother in to Sir John Fielding, the Westminster magistrate. As in the Branch case, the mother

277 The Trial of Mrs. Branch and Her Daughter, 1; Inhumanity and Barbarity, 27; Sherborne Mercury, 8 April 1740; and Derby Mercury, 1 May 1740.

278 The Cruel Mistress, 3.

279 Mendelson and Crawford, Women in Early Modern England, 159-64, contains a discussion of relationships between mothers and their adult children. This is an area that has had little attention from scholars.

280 See the account of Sarah Metyard and her daughter Sarah Morgan Metyard’s trial in OBSP, July 1762, 146-53; and The Last Dying Speech (and Last Farewell to the World) of Sarah Metyard, and Her Own Daughter Sarah Morgan Metyard (London, 1762).
was portrayed as the truly horrible murderer and the daughter as guilty, though worthy of mercy because of her terrible upbringing and abuse.

One of the most troubling features of the Branch case for contemporaries was the fact that the two women almost got away with the murder. If not for their neighbors’ suspicions and their decision to exhume the body—a drastic measure in any period—the young pauper apprentice’s death would have gone unnoticed. The story of how the neighbors came to be suspicious, and the ways in which the story was reproduced in the newspapers, reveals the persistence of popular beliefs in the power of Providence to reveal crimes, as well as the growth of a sense of superiority among city dwellers about the “superstitions” of country people. More importantly, the story that villagers told shows that members of the Hemington community felt the need to justify their suspicions of the well-to-do widow and her daughter. Whether they became suspicious of Elizabeth and Betty Branch because the mother already had a reputation as a cruel mistress, or because her neighbors despised her, or because Anne James had mentioned the fatal beating to someone in the neighborhood, the villagers chose to construct a story about divine Providence to support their actions in the cemetery that night.

According to the report in the 11 March edition of The Sherborne Mercury and Weekly Advertiser, bright lights were seen hovering over Buttersworth’s grave a few nights after her burial on 17 February. These were powerful signs and the reporter explained them this way:

but as murder, [even] tho’ it has no tongue, will speak, and by some providential means or other is brought to light, so this is pretended to be
discovered at first by a light which was seen on Wednesday night over the grave, which rais’d the curiosity of people to open the same. According to *The Trial of Mrs. Branch and Her Daughter*, John Clarke, a butcher from Mells, was on his way to Hemington on the Tuesday evening after Buttersworth had been buried. He said he saw four lights shoot high into the sky over the church and that he thought they were fireworks. *The Sherbourne Mercury* reported that another man, Richard Hawkins, servant to the rector of the parish, said that as he was going to bed that night he saw lights rising from Buttersworth’s grave and hovering there before floating to the church porch and back to the grave where they disappeared.

However, the report went on to say that “the true cause of the taking up the corpse sprang from the enquiry Elizabeth Branch made of the sexton, how deep he had made the grave, and if he had covered it in well.” These questions so disturbed “a person that happened to be present” that the decision was made to dig up the body on Wednesday evening, 20 February. The author added that “some expressions James had dropt of the unhappy girl’s death, and the well-known cruel temper of Mrs. Branch were also great inducements.”

Statements like these and the decision to exhume the body suggest deep community suspicions or resentments directed at Elizabeth Branch and perhaps even her daughter. While two pamphlets included the story of the lights, both authors suggested that the real reasons for the

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281 *Sherborne Mercury*, 11 March 1740.

282 *The Trial of Mrs. Branch and Her Daughter*, v-vi.
exhumation were rumors in the community and Elizabeth Branch’s bad reputation.  

In his recent study of early modern popular understandings of murder, Malcolm Gaskill has argued, “witnesses needed to make a convincing case to men whose task it was to evaluate the evidence before taking appropriate action. If so, accounts of corpse-touching [and in this case, hovering lights] should be seen less as a process by which murderers were actually discovered, than as a formal means of confirming existing suspicions, or even of articulating popular convictions.” The story of the lights does not appear as part of the trial account in any of the pamphlets, but simply as the clue that led villagers to suspect foul play. The lights justified an exhumation for people in the community who would certainly have thought carefully before removing a body from sacred ground. Popular supernatural beliefs persisted alongside growing confidence in an increasingly bureaucratized criminal justice system that was personified in the coroner and his jury, the constable, the justice of the peace, and the assize judge and jurors.

Two days after the body was exhumed, on 22 February, Anne James was questioned by the coroner, George Hayme, and his jury at the Faulkland Inn. On the following Tuesday, 26 February, she gave her information to the

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283 The Trial of Mrs. Branch and Her Daughte and Inhumanity and Barbarity each refer to the lights in the churchyard. Gentleman’s Magazine mentions the story but dismisses it as the superstitions of country people. (259)


justice of the peace. While it would be too simple to accept James’s deposition as the “truth” about what happened, hers was the only “eye-witness” account of the murder. We should examine her testimony with as much caution as we would any of the printed sources. According to the account in the Sherborne Mercury dated 23 February (three days before James made her deposition to the justice of the peace), Elizabeth Branch had accused the dairymaid of murdering Buttersworth.286 James must have known this and almost certainly shaped her testimony to cast her own behavior in the most favorable light. As with any deposition, the extent to which the informant lied or manipulated the “facts” to suit her own purposes is not knowable. Nonetheless, all of the printed versions published after the trial were, to a greater or lesser degree, based upon it (or upon a version of it read or re-stated during the trial).

The language in Anne James’s deposition reflects a formulaic, official representation of the events in question. It is bound by legal conventions and what Marion Gibson calls “the investigative priority of the judicial system.” Houlton, the justice of the peace who took the information, was concerned to produce official documents that would stand up in court. Depositions were sometimes written down hours or days after the initial interview. The clerk often summarized rather than transcribed the witness’s words and probably edited his manuscript to suit the justice’s purposes.287 The purpose in this case was to establish James as a credible witness and to prove that the Branch

286 Sherborne Mercury, 11 March 1740.

women were directly responsible for Buttersworth’s death. The deposition begins

Ann James, who upon her oath, saith that she came to live with Mad’m Eliz. Branch at Highchurch in the Parish of Hemington in this County about Mich. last a domestick servant where she lived together with Jane Buttersworth, to the time of her desease [sic.], who as she has been informed was an apprentice to the said Mrs. E. Branch. 288

Much of the deposition is written in the third person and maintains this official tone, but gruesome details of the murder emerge from the official legal language. For example, Betty Branch is reported to have said to Buttersworth as the fatal beating began, “I will not lay my hands to thee for one twelve-months for now I will make thee better or will make thee worse.” 289 Betty Branch apparently intended to punish Buttersworth so severely that the maid would either behave herself from then on, or Branch would “make [her] worse.” Such specific threatening language rings “true” and illuminates, however partially, the tension that must have been coming to a head in the Branch household for some time.

According to Anne James, Buttersworth had been a good servant. The maid “behaved herself in an orderly civil manner and [was] always ready to the best of her ability to obey her mistresses commands.” Her mistresses, on the other hand, were “very passionate people, and [James had] seen them beat the said Buttersworth several times on very slight occasions and kept her very bad in cloths, not allowing enough to keep her warm.” On 12 February 1740,

288 SRO Deposition, 1.

289 Ibid., 2.
at about 8 o’clock in the evening, Elizabeth Branch sent Buttersworth to a farm
at Faulkland for some bran, but the maid returned empty-handed. When Betty
Branch questioned the neighbor the next morning, she said that Buttersworth
had not been to her house the night before.290

Anne James described prolonged beatings and torture that continued
throughout 13 February. Betty Branch was furious when she heard that
Buttersworth had not been to Faulkland for bran and told the maid “now you
shall have it thoroughly; and immediately beat her with her fist about the
head and pinched and pulled her ears very much.” All three, Betty Branch,
Anne James, and Buttersworth, were in the sheep house suckling calves at the
time, and James pleaded with her “young mistress” to stop beating the maid
“because she would fright[en] the calves.” Betty Branch then “commanded”
the two maids to go into the house where Elizabeth Branch met them in the
kitchen. Her mistresses ordered James to lay Buttersworth on the floor. She
refused, saying that it would be better to dismiss the maid than to beat her so
frequently. At this,

Eliz. the mother & Eliz. the daughter flung the said Jane Buttersworth on
the floor upon her face & Eliz. the daughter kneeled with one knee upon
her neck to keep her down & the daughter pulled up her coats & shift & with
the rods they for a considerable time [beat her] till the blood ran when the
daughter took one of her shoes from her feet & beat her with the heel about
the breech & hips keeping her down with the knee all the while. This
informant desired them to forbear & let the child alone, the mother

290 Ibid., 1.
answered it was not your business, she let her get up & the daughter kicked her several times . . . ²⁹¹

Anne James “desired them to forbear & let the child alone,” but they continued kicking and beating the maid about her head and shoulders with rods made from twigs. By this time, Buttersworth’s head was bleeding; she appeared to be very weak and “alter’d in her countenance, looking pale and faint”; and she walked with “a reeling posture.” ²⁹²

Disregarding Buttersworth’s condition, Betty Branch ordered her into the courtyard to scour a kettle and afterwards to dust the hall and parlor. Although Anne James repeatedly told her mistresses that Buttersworth was unable to do her chores and that she was “very bad”—meaning that she was injured and could hardly stand, let alone do her chores—they continued to demand that she work. James eventually had to carry Buttersworth downstairs where Betty Branch said “cool her for she was too hot just now” and poured a pail of cold water over the girl’s head, this in the middle of February. ²⁹³ They then sent her to the brewhouse and told her to dust out the overhead room. When she was unable to do the work, Elizabeth Branch went up and beat her, saying, “I will make thee dust the room, or I will break thy

²⁹¹ Ibid., 2 (the italics are mine).

²⁹² Ibid., 2-3. I have found two other mistresses tried for murdering servants or apprentices who were said to have “forced” another servant to aid them in their crimes, Elizabeth Wigenton (1681) and Elizabeth Deacon (1690).

²⁹³ The winter of 1740 was said to be the coldest in England since 1715. The Thames froze over and the cold snap did not break until late February. See London Magazine, Feb. 1740, 101.
neck down stairs.” When Buttersworth was unable to wash dishes, Betty Branch sent Anne James for salt, saying to the maid that

if she did not make haste and wash the dishes she would salt her breech and make thee hot again, to which she answer’d as before I will miss, but made no attempt to do it, not as (this informant verily believes) being able to do it, nor to stand if she had been set upon her legs, then Miss laid her down on one side & rubbed the child’s breech bloody as before, when she [the maid] seemed to take no more notice than before only said I will miss but in a low muffling manner.

Anne James noted in her deposition that Elizabeth Branch “was by when the salt was used.” However, as in almost every stage of the prolonged punishment, Betty Branch initiated the salting of Buttersworth’s wounds. She had held the girl down when the beating began, beat her with her own shoe, kicked her repeatedly after she was allowed to stand, poured a bucket of cold water over her, and finally rubbed salt into the wounds on her back side. The daughter exerted at least as much power over the servants within the household as her mother. At age twenty-eight, she might even have taken over some or all of her mother’s responsibilities around the house and farm. She was well past the usual age at first marriage, and may have been expected to take care of her aging mother and even inherit the property upon her death.

Eventually, Anne James went out to milk the cows and upon her return she found her two mistresses and Buttersworth in the kitchen by the fire. They had removed the maid’s bloody cap and replaced it with a clean one. James

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294 SRO Deposition, 5.
called out to the maid but there was no response and she saw no signs of life. She said to Elizabeth Branch “the girl is dead, no says the mother, she is not, for I gave her a dram just now so carry her to bed.” Anne James and Betty Branch carried the girl upstairs, removed her clothes, and placed her in bed. Anne James said that she felt some breath coming from the girl’s mouth at about 6 or 7 o’clock in the evening. Her mistresses sent her to some neighbors for wine and when she returned at 8 o’clock, Buttersworth was dead. She told Elizabeth Branch again that the girl was certainly dead; at that, her mistress called her “Welch bitch” and insisted that she sleep with Buttersworth in case the maid needed help during the night. James slept with her clothes on and never touched Buttersworth’s body, knowing the girl was dead.

According to Anne James’s deposition, Betty Branch inflicted the majority of Buttersworth’s wounds. But once the maid’s grave condition became obvious to Elizabeth Branch, the older woman hid the evidence of torture and murder—perhaps to protect her daughter—by keeping the maid’s death a secret for two days, directing the preparation of the body for burial, and having Buttersworth buried privately. Frances Coombes, the clerk and sexton of Hemington church, testified at the Branches’ trial that on the Friday morning after Buttersworth’s death, one of Elizabeth Branch’s men, William Budd, asked him to “toll the bell, tho’ the girl died the Wednesday before, and [he said] that it was usual to toll the bell for persons dying in that parish, immediately if in the day time, or early next morning, when they dye in the night.”295 It was customary in many English villages to ring church bells when

295 *The Trial of Mrs. Branch and Her Daughter*, 13.
a person was dying, then again to signal their death, and sometimes,
depending on local custom, to announce their burial. The reason for ringing
the bells immediately after someone’s death was to notify the community and
to summon family and friends to the deathbed or graveside.\textsuperscript{296}

Elizabeth Branch directed her daughter and James to clean the body
with lye soap in preparation for burial, saying that they must do it themselves
because “she has a great many bruises about her, & we must not shew it.”\textsuperscript{297}
James washed the body as well as she could without removing the girl’s shift
or cap according to Elizabeth Branch’s instructions, and she found “a great
deal of blood upon the arm and neck, and the sleeve of the shift, and the side
of the face.”\textsuperscript{298} Preparation for burial, or washing and winding the body in a
sheet with fragrant herbs, was usually left to family members, although
neighboring women, female servants, and midwives might be employed to
help with the task.\textsuperscript{299} According to \textit{The Trial of Mrs. Branch and Her Daughter}
John Marchant, one of the men who helped to exhume the body and later
arrested Elizabeth Branch and her daughter, testified that he asked the mother

\textsuperscript{296} David Cressy, \textit{Birth, Marriage & Death: Ritual, Religion, and the Life-

\textsuperscript{297} SRO Deposition, 8.

\textsuperscript{298} \textit{The Trial of Mrs. Branch and Her Daughter}, 11.

\textsuperscript{299} Cressy, 428-31.
“who laid out the corpse? She answer’d, ourselves; then [he] ask’d her, why she had not sent for women as usual? She said she liv’d by bad neighbours, and nobody would come.”300 Her defensive response is further evidence of the bad relationship Elizabeth Branch had with her neighbors.

Elizabeth Branch had James and one of her day laborers, William Budd, measure the body for a coffin and John Lawrence, a family friend, helped the women place Buttersworth’s body inside. It might have seemed unusual and even suspicious to the neighbors that Elizabeth Branch provided a coffin for Buttersworth. As David Cressy explains, during the early modern period, “a winding sheet or burial shroud was the minimal equipment for the properly outfitted corpse, though none but the wealthy could look forward to decomposing in their own wooden box.”301 By 1740, coffins might have been more common among ordinary people, but Elizabeth Branch’s neighbors probably wondered why she had gone to such expense on behalf of a poor apprentice. From one perspective, she might have appeared charitable and kind to the lowliest of her servants. But, if her reputation in the community were already that of a cruel mistress, the presence of a coffin would certainly have fueled suspicions that she was hiding something. Coombes, the sexton, buried Buttersworth on Sunday evening, 17 February, four days after her death. Most people in early modern England would have been buried within two to three days.302 Elizabeth Branches’ neighbors’ animosity toward her and

300 The Trial of Mrs. Branch and Her Daughter, 14.
301 Cressy, 430.
302 Ibid., 426.
their belief that the lights in the churchyard were a “surprizing mark of providence” led some village men to exhume the body a few nights later. Local women who examined the body found it “greatly bruis’d and wounded, and thought it came by a violent death.” The coroner and constable were notified and after taking several depositions from Anne James, William Budd, and others, Elizabeth Branch and her daughter were arrested and taken to Ilchester gaol to await their trial at the Taunton assizes on 31 March. Their lengthy trial lasted about six hours and the jury, “after a short consideration, without going out of court, brought in their verdict, guilty.”

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The remainder of this chapter will focus on the various stereotypes used to cement the image of Elizabeth Branch as the true villain, and to suggest that Betty Branch, despite her central role in the horrible crime, was not as threatening. Anne James testified that Betty Branch was the instigator and primary aggressor in the attack and that Elizabeth Branch was, for the most part, an observer of the beatings. And yet, all of the printed sources contradicted that account, focusing largely on Elizabeth Branch as bad mother, cruel mistress, murderer, matricide, and petty traitor. The focus in the

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303 *Inhumanity and Barbarity*, 24.

304 *The Trial of Mrs. Branch and Her Daughter*, 13-14. According to Malcolm Gaskill, “The role of women in murder investigations extended [quite far]. At exhumations it was common for the grave-digger to stand aside once the coffin had been opened to allow women to unwrap the winding-sheet around the corpse. Women also usually prepared bodies before they were buried—a ritual which had a symbolic religious function, but also served as a screen to expose unnatural deaths” (Gaskill, *Crime and Mentalities*, 256).

305 *The Trial of Mrs. Branch and Her Daughter*, 19.
pamphlets shifts to Betty Branch only after they recount the trial and verdict. To that point, Betty Branch is silent and largely peripheral to the case. Depictions of Betty Branch do not suggest her innocence, but rather point to her background—the powerful influence of her evil mother—as a mitigating factor in considering whether she deserved to be executed.

Three narratives served to cement Elizabeth Branch’s image as the ultimate cruel mistress and her daughter as somehow sympathetic despite her actions: the dichotomous portrayals of Elizabeth Branch as ideal wife and mistress; the former servant, Henry Butler’s, testimony about his own abuse at the hands of his mistresses; and the post-trial descriptions of Betty Branch as penitent and deserving of mercy.

According to The Cruel Mistress, Elizabeth Branch’s lawyers began their defense of her by constructing her as the ideal housewife and widow. That ideal was grounded in notions of order, harmony, and financial success. Each of her lawyers described Elizabeth Branch as the ideal middling wife and mistress. For example, one claimed that

Mrs. Branch, the prisoner, was a dutiful, industrious wife, careful and thrifty, always studying to please her husband, diligent in his business, hospitable to the poor, kind to honest servants, and a friend to strangers.306

According to counsel, Elizabeth Branch was “the daughter of a gentleman, and married one Branch, a farmer at Hemmington, and she brought him a fortune of 100 l. and, gentlemen, our money was useful to him, was expended

306 The Cruel Mistress, 11.
in manuring the land, and through the great and notable industry of the prisoner, he got these great riches."\textsuperscript{307} Her genteel background and personal industry insured her husband’s success.

According to Gervase Markham’s 1676 edition of \textit{The English Housewife}, “our English Housewife must be of chast thoughts, stout courage, patient, untired, watchful, diligent, witty, pleasant, constant in friendship, full of good neighbour-hood, wise in discourse, but not frequent therein, sharp and quick of speech, but not bitter or talkative, secret in her affairs, comfortable in her counsels, and generally skilful in the worthy knowledges which do belong to her vocation."\textsuperscript{308} A good wife brought a suitable portion (though not an extravagant one) to her marriage and worked hard to increase the family’s wealth. This was one of the primary marks of the ideal middling wife: “the ‘ideal’ woman scrupulously turned over all her capital (her inheritance or her portion) to the men of her family to invest in the family business.”\textsuperscript{309} In all these respects, Elizabeth Branch’s lawyers portrayed her as a model.

Indeed, it was “well known, that the prisoner and her husband always liv’d together in the greatest harmony for many years till the time of his death, and so great a respect had she for her deceased husband that she has remain’d a widow ever since.” How, they asked, could the Branches have amassed a fortune of 300 or 400 l. per year if they were at odds? The ideal middling

\textsuperscript{307} Ibid., 9.

\textsuperscript{308} Gervase Markham, \textit{The English House-wife} (London, 1676), 3-4.

family was harmonious, industrious, and therefore prosperous: “in short, if the prisoner . . . was, as the prosecution insinuates, barbarous and cruel to her servants, how would it have been possible for them to have carried on the business of farming?” Her wealth was proof enough of her amicable relationship with her husband and her humane treatment of her servants: that the prisoner is now possessed of such an estate, is to me a convincing argument, not only of her industry, oeconomy, and good management, but also a convincing reason that her servants liv’d with her a long time, that they fared well, and were used kindly. . . . Mrs. Branch, the prisoner, was a dutiful, industrious wife, careful and thrifty, always studying to please her husband, diligent in his business, hospitable to the poor, kind to honest servants, and a friend to strangers.  

Finally, they argued, she practiced true Christian charity, was a productive member of the community, and had nothing but concern for the poor and orphaned. She often took orphans in as servants to “cloath them when naked, feed them when starving, and when they were of age, she would get them into service.” And, according to defense counsel, none of Elizabeth Branch’s servants had ever complained about her. Counsel’s lengthy defense statements preceded an even lengthier trial account, biography, and the last dying speeches of both women, all of which, in contrast, strove to prove Elizabeth Branch’s guilt and cruel nature. Perhaps by placing such a thorough

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310 The Cruel Mistress, 10-11.

311 Ibid., 11.
description of the ideal at the beginning and attributing it to paid counselors, the pamphlet writer was able to emphasize how completely Elizabeth Branch had contradicted her roles as wife, mother, and mistress.

Indeed, Elizabeth Branch was not simply an example of feminine depravity; she was truly monstrous. According to the prosecutors portrayed in _The Cruel Mistress_ Elizabeth Branch had been born with “a tooth in her head,” a clear sign that she had a “fierce, barbarous and cruel disposition.” When she was a child, “contrary to the natural inclination of her sex, she used to catch flies and kill them, and it was observable in the family that she lov’d to torment dogs and cats, and to kill them.” Her bad temper and ferocious nature only grew worse with age. She tormented her playmates and then her father’s servants. Her parents, concerned about her “disposition to ferocity,” warned her that she would never attract a husband if she did not soften her personality: “She, taking this into consideration and thinking, that when she should come to be a mistress of a family, she could gratify this predominant passion of her Soul, thought fit to suspend or stifle it for the present.” She eventually set her sights on Benjamin Branch and they were married. And after a month she revealed her true identity, “her natural cruel temper.”

Elizabeth Branch became notorious for abusing her husband and overpowering him. Benjamin Branch had been a “good-natur’d man” and one who, knowing how cruel his wife was to the servants, had tried to make amends at every opportunity. He had been unable to curb her treatment of the

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312 Ibid., 32.
313 Ibid., 32.
servants, however, for she was “of a morose disposition, and used continually to thwart her husband on very trifling occasions.” Upon his death, Elizabeth Branch and their daughter inherited the estate and “when the prisoner was become mistress of this money, that moroseness, pride and insolence she harbour’d in her mind before, now became altogether intolerable.”

Elizabeth Branch had defied gender hierarchy by disobeying her husband, usurping his ultimate authority in the household, and craving money and extravagance. The author suggested that she had more than wished for her husband’s demise; she had actually killed him by poisoning, the ultimate feminine murder weapon. She was not only a cruel mistress, but a petty traitor and multiple murderess.

The author of *Inhumanity and Barbarity* elaborated Elizabeth Branch’s evil nature and her cruelty to her husband. In this version of their relationship, her evil nature wrecked his character as well. For the author, the notion of Benjamin Branch passively succumbing to his wife’s evil nature was impossible to accept. The husband had to be become evil too. Branch was an attorney who took advantage of his neighbors and was continually in debt. According to the author,

he was a person that before marriage with Mrs. Branch, bore considerable esteem in the world: but too closely adhering to the temper and over-ruling power of his wife, he soon became obnoxious to the

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314 Ibid., 7.
world, and was despised as the worst of men; insomuch, that at last he
was invidiously call’d by the nick-name of, The Devil of Belton.\textsuperscript{315}

Elizabeth Branch’s behavior had fundamentally reversed gender hierarchy.\textsuperscript{316} Benjamin Branch was portrayed as a weak man, though evil, who had become
overpowered, even transformed, by his wife. Men were much more likely to
discipline and abuse their wives in the eighteenth century than the reverse.
Husbands beat their wives over business, social rank, sexual jealousy, or for
no apparent reason at all. Beatings often resulted when a middling or
aristocratic woman and/or her family tried to control a portion of her money,
thereby circumventing \textit{couverte}, which held that women’s property passed
from their fathers to their husbands upon marriage. The male head of the
house had an absolute and unquestioned right to obedience from his
subordinates: his wife, children, and servants. If those subordinates were
disobedient, he had a right to discipline them. Society supported men in these
rights. It was a serious offense when a wife either defended herself or attacked
her husband. According to Hunt, “there was simply no sense, customary or
otherwise, that women possessed such a right” to defend themselves. Men
controlled all the material wealth in their families, including their wives’
property and their houses.\textsuperscript{317}

\textsuperscript{315} \textit{Inhumanity and Barbarity}, 4.

\textsuperscript{316} Hunt, “Wife Beating, Domesticity and Women’s Independence in
Eighteenth-Century London,” \textit{Gender and History} 4:1 (Spring 1992): 14, 18; and
Susan Dwyer Amussen, \textit{An Ordered Society: Gender and Class in Early Modern

\textsuperscript{317} “By marriage, the husband and wife are one person in law; that is,
the very being or legal existence of the woman is suspended during the
marriage, or at least is incorporated and consolidated into that of the husband:
Elizabeth Branch’s greed and evil nature had poisoned her husband’s character during his married life, and she had poisoned him to death. The author of *Inhumanity and Barbarity* suggested that she had murdered a whole string of victims, including her own mother:

Could one depend on common report (for there’s no coming to proofs of this kind) it would appear, that her own mother was found hanging; supposed first to be made away with, and then hung up, to prevent enquiry into her death: And they farther tell ye, that several human bones have been taken out of a sink or well contiguous to one of the farms; suppos’d (as the neighbors say) to be those of a servant that once lived with ‘em, but the world never knew what was become of her.\(^{318}\)

The overriding image of Elizabeth Branch was, in contrast to the respectable, docile, useful, and charitable middling wife, that of a monstrous, inhuman, she-devil who had tortured small animals as a child and grown up to abuse and murder her mother, husband, and servants. Representations of Elizabeth Branch emphasized how completely she had subverted every ideal of middling womanhood. In order to draw her character as the profound opposite of everything that was acceptable for women of her station, there was little room for an accomplice to share in the guilt (just as in the Malcolm case, news agents refused to acknowledge the possibility of accomplices).

\(^{318}\) *Inhumanity and Barbarity*, 6.
Instead, Betty Branch’s responsibility for the murder was diminished and authors instead used images of her to further demonize her mother.

Perhaps the most disturbing evidence of Elizabeth Branch’s cruel, perverse nature came from Henry Butler, one of her former servants. He testified “that of their savage nature they often beat him very barbarously, and once till he besh-t himself, that each of them took up some of his excrement in her hand, thrust it into his mouth and made him eat it.” The judge declared this testimony inadmissible because defense counsel had not called anyone to testify to Elizabeth or Betty Branch’s characters or “kind usage” of their servants. However, the jury had heard the graphic details of Butler’s humiliation at the hands of his mistresses.

Henry Butler’s testimony was repeated in every printed account. In The Cruel Mistress the event was given almost equal status with the murder. The image on the frontispiece of the pamphlet is entitled “The Crueltys of Mrs. Branch & her daughter.” It depicts a young man and two women—one older, one younger—with an open door in the background. Through the door we see a gallows with two female figures hanging from it, a foreshadowing of the two women’s execution. The younger woman, Betty Branch we presume, sits in a chair facing the boy and away from the viewer, her face in darkness and in profile like a silhouette. Her whole figure is dark. She holds a bundle of twigs in her lap, perhaps as a reference to Jane Buttersworth’s murder. The older woman, Elizabeth Branch, is standing next to the young man holding a rod in her right hand. With the other hand she pushes something into the

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319 The Trial of Mrs. Branch and Her Daughter, 17-18.
boy’s open mouth. The look on her face is one of concentrated rage. His hands are raised in a show of resistance and fear. The caption reads: “They make the boy eat his own excrement after having beat him till he beshit himself.” The torture inflicted on Jane Buttersworth is not portrayed visually in this or any of the extant pamphlets.

Butler’s testimony was repeated and depicted visually largely because it appealed to prurient curiosity among readers. As Halttunen has argued, “the pornography of pain was highly voyeuristic in nature, dependent not only on the implied spectatorship of the reader/viewer but also on the express spectatorship of internal witnesses to the sexual infliction of pain.” In this case, Betty Branch’s silent figure simply observes her mother’s attack on the young man. Butler recounted his ordeal: “my Lord, one of the prisoners laid hold of me, while the other let down my breeches, and, my Lord, they took my excrement, and one held me, and stood over me with a rod, while the other cram’d the excrement down my throat.” But, the picture contradicts the caption and Butler’s testimony. The caption refers to both women’s cruelty and states that they both attacked Butler; yet the image of Betty Branch is of a passive observer of her mother’s vicious, perverse actions. Betty Branch’s face is in darkness; she resists observation. Once again, her responsibility is revealed in the sticks she holds in her lap and in the words of the caption and then denied in the passive pose of her figure.

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321 The Cruel Mistress, 24-25.
The image of the older woman striking the younger man, her social inferior, illuminated a profound contradiction within English society, the clash of gender and class hierarchies. English culture was unable to accept a female head of household, even after three female heads of state had sat on the throne in the relatively recent past. By punishing and humiliating her servant, Elizabeth Branch affirmed her position as his mistress and superior. As the head of her household, it was within her rights to punish her children and servants as she saw fit. But, as a woman punishing a man, she had overturned gender hierarchy and flaunted natural modesty.

Good women were honest; charitable; obedient to their parents and husbands; they felt compassion for creatures under their supervision—including animals, children, and servants—and as managers of households they were careful administrators of their husbands’ estates. Ultimately, they were supposed to remain under the control of a man, whether father or husband. And yet, middling women often exercised some authority over men as their mistresses, parents, or wealthy neighbors. Elizabeth Branch embodied the dilemma of a changing society in which middling women were expected to manage ever more complex households and supervise increasing numbers of servants, but at the same time they were expected to be silent, submissive, and obedient.322

The Branches’ behavior during sentencing and before their execution was drawn in stark contrast in all of the pamphlets. Betty Branch, unlike her

mother, exhibited signs of contrition and penitence. According to the trial account:

Mrs. Branch never in the least alter’d her countenance during the trial, or at her conviction or condemnation. . . . During their confinement in gaol, after sentence, Mrs. Branch behaved sullen, and seem’d to care more for the provision of her body than the welfare of her soul, and enquired much why the hangman used to put . . . the halter to the left ear. But Miss appeared to be very sollicitous of her future state.\textsuperscript{323}

Elizabeth Branch was irreligious and “little sensible of the duty to her creator, or the love she ought to bear to her fellow creatures.” By contrast, the author simply said of Betty Branch that she “always behav’d penitent, and frequently desir’d the prayers of all good Christians.”

The representations of the two women embodied the opposing ways a murderer could experience her execution: with Godly contrition and repentance or in stubborn refusal of the Lord’s healing mercy.\textsuperscript{324} A clergyman visited Elizabeth Branch frequently to enjoin her to repent her sins, not only of murdering and abusing her servants, but also of wrongly accusing her “indigent neighbours” of theft and other crimes. When asked if it were true that she and her daughter had abused Henry Butler, she could not deny the charge but simply said that he had been a bad servant and had deserved the punishment, upholding her right as his mistress to punish him to her

\textsuperscript{323} The Trial of Mrs. Branch and Her Daughter, 20-21.

satisfaction. The neighbors agreed that this could not be the case because he was widely acknowledged to be as “mild, good-natur’d lad as could breathe.”

Three of the four extant pamphlet accounts recount Elizabeth and Betty Branch’s life stories, explaining that Elizabeth Branch had been “born evil,” while her daughter was brought up that way. According to *A Genuine History*, Elizabeth Branch “was a strong, masculine woman, and when she could not beat any one to her satisfaction, she us’d to call her daughter to her assistance, who was not quite of so barbarous a disposition as the mother, though it’s credibly reported at Hemmington, that she beat a lad older than herself in such a manner that he never recovered.”\(^{325}\) This last statement embodies the contradiction in all of the accounts. Betty Branch is repeatedly portrayed as both criminal (like her mother) and victim (of her mother).

Indeed, Elizabeth Branch was portrayed as the instrument of her daughter’s destruction: “she not content with exercising whatever cruelties and barbarities she could imagine herself, brought up her daughter to do the same.”\(^ {326}\) And Betty Branch portrayed herself as without responsibility for her actions, begging for mercy when the judge asked her why he should not sentence her to death. She answered,

that what she did was by her Mother’s order, and she did not think that Jane (meaning the deceased) would have dy’d. She said, she hoped the court would have some pity on her; that she was young and entirely

\(^{325}\) *A Genuine History.*

\(^{326}\) *The Cruel Mistress, 7.*
under the direction of her mother; and therefore humbly pray’d for mercy.

However, “the court pass’d sentence of death on them both, upon which a general gladness seemed to be in the faces of everybody.”327 Several local people joined in petitions to save Betty Branch from the gallows, believing that she had not been responsible for her actions. Betty Branch fitted the emerging model of female criminality that shifted criminal responsibility away from young, single women, and onto easily demonized older women. One hundred and fifty years earlier, Elizabeth Branch may have found herself accused of witchcraft rather than murder. Pamphleteers reconstructed Betty Branch from an independent, strong, violent, and cruel mistress (as she was portrayed in James’s deposition), into an impressionable, abused daughter who deserved mercy. Several members of the community joined in a petition to have her pardoned. According to the trial account:

[Elizabeth Branch’s] daughter, under her education and example, imbib’d too much of her savage disposition, from whence the good-natur’d part of mankind were inclin’d to hope she might have been pardon’d; and that this check, if she had found mercy, would have prov’d a cure for the prejudices she had receiv’d from her unhappy bringing up; and some of her most material prosecutors offer’d her friend, who was to intercede for her, to join in a petition for that purpose.328

327 A Genuine History.

328 The Trial of Mrs. Branch and Her Daughter, iv.
The petition was unsuccessful. Almost five weeks after their trial, Elizabeth and Betty Branch were escorted to a field just outside Ilchester very early in the morning of 3 May in order to avoid the large crowd that was expected to attend. When they arrived, the gallows had been dismantled and had to be re-assembled while they waited. When the job was completed, the women mounted the scaffold where Elizabeth Branch “help’d to settle the halter on her daughter’s neck,” and they were both hanged.329

The image of Elizabeth Branch helping to place the noose around her daughter’s neck was central to every narrative of the scaffold scene. Only one of the pamphlets, The Cruel Mistress, attributes scaffold speeches to the two women. According to Frances Dolan, speeches were expected of condemned men and women from the seventeenth century until the end of public executions in the nineteenth century. Women’s opportunities to speak in public were circumscribed and there was a contradiction inherent in the expectation that they would speak on the scaffold. Representations of men and women’s dying speeches were gendered. Dolan argues that, while men could be portrayed as boisterous folk heroes, women were expected to deliver moral tales. While representations of condemned men focused upon the spectacle of their last words and their executions, depicting their broken, writhing bodies, representations of women’s executions focused on their speeches and suppressed the details of their agony. Women were expected to

329 Ibid., 19-22.
“transcend [their own] bodily suffering and death” by setting an example through their public confessions and sermons.\textsuperscript{330}

One might read the execution scene in The Genuine History as the story of a strong, determined mother comforting a weak, frightened daughter. The emphasis was on the interaction between the two women just before they were hanged. The account downplayed their physical suffering and death. According to the reporter, the daughter was ty’d up first, but the mother not likeing the fixing of the halter, went up the ladder and placed it herself, and said, Hussey, don’t cry, I’ll be with you presently; and when she came down, she desir’d the girl might be turn’d off; which was done accordingly. And in a few minutes she ascended the ladder, and made her exit, not appearing to be under any great concern at her shameful and untimely end.\textsuperscript{331}

Elizabeth Branch took control of her daughter’s execution even to the extent that she “desir’d the girl might be turn’d off.” There was no reference to the hangman or sheriff in the scene and one is left to imagine a mother’s feelings in those few minutes after her daughter had been “turn’d off,” or hanged, and before she herself had “made her exit.” While, in this account, neither of the two spoke to the crowd, the writer painted a vivid, tragic picture of the mother and daughter facing death together. The most powerful impression, however, is of Elizabeth Branch directing the scene.

\textsuperscript{330} Dolan, Dangerous Familiars, 159.

\textsuperscript{331} A Genuine History.
According to *The Cruel Mistress*, the least reliable of the accounts, both women made speeches from the scaffold that fitted readers’ and authorities’ expectations of penitent female convicts making a good end. When Elizabeth Branch addressed the crowd, she spoke directly to parents and warned them to

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\text{take care to suppress in your children the first appearance of cruelty and barbarity. Nothing grieves me so much, under this dreadful shock, as that I have by my example and by my command made my own daughter guilty with me of the same follies, cruelties and barbarities, and thereby have involv’d her in the same punishment and ruin, with myself.}^{332}
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She did not mention Buttersworth, confess to the murder, or even express regret about her apprentice’s death. Her most profound crime, the one for which she felt regret, was that of setting a bad example for her daughter and thereby causing her death. On the other hand, Betty Branch blamed her mother and reasserted her lack of responsibility for Buttersworth’s death, saying “Good people, pity my unhappy case, who young was train’d up in the paths of cruelty and barbarity, and take warning by my unhappy end, to avoid like crimes.”\(^{333}\) Both women (or rather, the narrators of their execution) put the full responsibility for Buttersworth’s death and Betty Branch’s downfall on her mother. The emphasis in each speech, and all of the scaffold scenes, was on the mother’s responsibility for the crime and her daughter’s ruin.

\(^{332}\) *The Cruel Mistress*, 36.

It was probably no surprise to readers that Elizabeth Branch’s own daughter had imbibed her monstrous nature. Betty Branch was the dutiful daughter, taught to commit vicious acts by her evil mother. At the same time, the author of *Inhumanity and Barbarity* claimed that Betty Branch was “equally concerned” in the murder, and “the most barbarous” of the two.\(^{334}\) However, after their sentencing, he acknowledged that “all the efforts possible were made to obtain a pardon; but all in vain.” He accounted for Betty Branch’s “cruel and inhuman temper” by blaming her mother:

> Madam Branch was a great reader; and her favourite pieces were said to be those that treated of tyranny and inhumanity; particularly that of Nero who ript up his mother’s belly to see how he was born.—The daughter from hence inculcated such barbarous notions, that she would often cut open mice and birds, torturing them for three hours together before they expir’d. Therefore ‘tis no wonder inhuman tempers should so far derogate from Christian, as to force a fellow creature to eat his own excrement mix’d with ashes.\(^{335}\)

Even as the author acknowledged Betty Branch’s role in Buttersworth’s murder, he placed the ultimate blame on her mother. Significantly, the author’s example of unchristian behavior is the episode with Henry Butler rather than the murder. The women’s attack on Butler was more disturbing, or simply more titillating, than their violent attack on Buttersworth. Elizabeth

\(^{334}\) *Inhumanity and Barbarity*, 6.

\(^{335}\) Ibid., 31-34.
Branch’s reversal of gender hierarchy, even as she upheld class hierarchy, was profoundly threatening to her contemporaries.

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Anne James’s complex and disturbing eyewitness account of Jane Buttersworth’s murder opened a window into a household controlled by two women who repeatedly abused and humiliated their servants. What was the balance of power within the household between mother and daughter? If Betty Branch was indeed almost thirty years old, she might certainly have taken over many of the responsibilities of the head of household. Perhaps there was a struggle for control within the household. Was the beating that led to Buttersworth’s death simply a part of that struggle, Betty Branch’s way of exerting her power?

What was the balance of power within the tiny community of Hemington? Where did Elizabeth Branch fit within the community? It seems fairly clear that Elizabeth Branch was at least disliked, and perhaps despised, by her neighbors. Was her daughter equally reviled? Where did Jane Buttersworth come from? Where were her family and the poor law guardians responsible for her wellbeing? These are questions that we cannot answer, just as we cannot know for sure which of the three other women in the house that day dealt Jane Buttersworth the fatal blow. However, there is only one “eyewitness” account. Just as that account has formed the basis of our reconstruction of the Branch case, it was the basis for the trial and conviction of Elizabeth and Betty Branch. And yet, the essence of that account—its complexity as well as James’s accusation of Betty Branch—was largely ignored by newspaper and pamphlet writers in the spring of 1740.
Instead, depictions of Elizabeth Branch drew a sharp distinction between good and evil; and she was wholly, unequivocally evil. Not only had she murdered her apprentice, she had horribly abused other servants, accused her neighbors of crimes they had not committed, thoroughly corrupted her own daughter, and murdered her mother and husband. Hers was a truly monstrous birth; she had been born evil and her parents’ best efforts were wasted on her. There could be no doubt about Elizabeth Branch’s guilt and the justice of her death sentence.

Betty Branch, by contrast, was a complex character, at once evil and deserving of mercy. Her evil character was not inborn, but bred into her by her mother. Why was this reconstruction of the Branch women in all of the printed texts surrounding the case? Clearly, Elizabeth Branch represented something profoundly dangerous and in need of taming in mid-eighteenth-century England: an independent, middling, female head of household without patriarchal influence. Representations of Elizabeth Branch as a wealthy widow who tortured and murdered her servants reinforced concerns about middling women’s power as household managers as well as long-held beliefs about suspicious widows. Betty Branch was also independent of patriarchal control, but presumably still under at least the nominal control of her mother and thus worthy of mercy. Age is central to this urge to reconstruct Betty Branch. None of the printed sources got her age correct. One even said she was as young as thirteen, about the same age as her victim. By making her a child, writers attempted to erase her adult responsibility for the crime and to exaggerate her mother’s unnaturalness and culpability.
The effort to pardon Betty Branch was part of a wider cultural shift toward representing women as passive rather than active or aggressive. As we will see in the next chapter, representations of Elizabeth Canning, accused of perjury in 1754, emphasized her silence, modesty, and simple-mindedness. Several elite men spoke for and against Canning—including doctors, lawyers, magistrates, and even the Lord Mayor of London—and all erased her responsibility for a variety of suspected crimes.

Texts and pictures associated with notorious criminals reveal a society’s attempts to make sense of events that generated anxiety. In the Branch case, middling women with power lost (or took) control and brutally murdered the young girl they had been charged to supervise and discipline. The texts and pictures that surrounded the Branch case reveal the eighteenth century’s peculiar anxieties about independent women as managers of households and businesses, as supervisors of servants, and as mothers. Writers and publishers, as well as readers, reconstructed powerful, independent women whose power was either perverse, as in Elizabeth Branch’s case, or repressed, as in Betty Branch’s case. The evidence will show that by the second half of the eighteenth century, independent women’s power, at least in the courtroom, had been largely erased.
CHAPTER FIVE

“THE UNFORTUNATE MAID EXEMPLIFIED”\textsuperscript{336}: ELIZABETH CANNING

Around 9 o’clock on the evening of 1 January 1753, Elizabeth Canning, an eighteen-year-old servant, disappeared near Houndsditch in the East End of London. She reappeared four weeks later at her mother’s home in Aldermanbury Postern, also in the East End. Canning told a story that night that implicated a gypsy woman, Mary Squires, and a notorious brothel-keeper, Susannah Wells. She said she had been attacked by two men on 1 January and then held captive by Squires and Wells for the next twenty-eight days. Although the gypsy and the bawd were soon convicted of felony theft (a capital crime) and harboring a thief respectively, an alternative version of the story emerged that posited Canning as a whore and infanticide.

Canning herself was eventually tried for perjury while Squires, the gypsy, was released from gaol before her death sentence could be carried out. Because Canning was unable to convince a jury that she had been at Wells’s house for the four weeks, and because her prosecutors did not have to prove where she was—only where she was not—she was convicted and sentenced to

\textsuperscript{336} The Unfortunate Maid Exemplified in the Story of Elizabeth Canning (London: Corbett, 1754).
transportation to the American colonies. Her whereabouts during those twenty-eight days remain a mystery, in part because all of the participants in the trials and the ensuing pamphlet war contradicted each other as to the events and their chronology. The multitude of commentators on the case—mostly elite men—portrayed Canning as a complex, even contradictory, combination of feminine stereotypes, from chaste victim to cunning prostitute to infanticidal servant maid. And, although there was never evidence that Canning had broken any law, the stories that emerged to explain her absence all revolved around sex and crime. Guilty or not, Canning embodied the perceived threat posed by independent women. During the mysterious four weeks when she claimed to have been a captive, Canning was assumed to have been not only physically free and exercising unseemly choices, but also sexually independent. This exercise of freedom from male authority cemented her criminal identity, just as it had in the cases of Sarah Malcolm and Elizabeth and Betty Branch.

Canning’s story became a cause celebre and launched a pamphlet war that lasted for almost two years from January 1753 through late 1754. More than fifty pamphlets and broadsides related to the case are extant. The print debate took place among some of London’s most elite legal and medical figures, including Henry Fielding, the Westminster magistrate and well-known novelist, who championed Canning’s cause, and the Lord Mayor of London, Sir Crisp Gascoyne, who initiated the case against Canning. For such powerful men to write at length about, and even to risk their professional reputations on behalf of, a lowly servant maid or an old gypsy woman was truly unprecedented.
A wide variety of scandalous and criminal behavior was imagined for Canning. However, the representations of her were profoundly different from those of the notorious women earlier in the century, and not simply because their alleged crimes were known and publicized. In a development that signaled an important change in the print culture's stereotypes of female criminals and young servant women, even critics who thought Canning guilty of child murder portrayed her as a dupe or victim or as mentally unstable, and not as a violent monster. And in a development that demonstrated the complete control of legal discourse by male professionals, doctors and lawyers carried on discussions of even the most intimate details of Canning's bodily functions openly in print and in court. Whereas the coverage of Malcolm avoided any mention of her self-described menstrual blood because it was threatening in itself, by 1753 a discussion of Canning's bodily functions, including her menstrual cycle, became fundamental to both the prosecution and the defense as each was articulated by male professionals. Malcolm had tried to use her sexuality as a source of strength and as a defense and failed to gain a hearing. For Elizabeth Branch, allusions to some form of sexual abuse or her pleasure in beating her young servant boy, Henry Butler, helped solidify her image as a sexually deviant, violent monster. But in Canning's case, male experts appropriated the language of female sexuality and sensibility to disempower and pathologize Canning—and other women accused of the most threatening crimes.

These doctors and lawyers

redefined—and thus minimized or tamed—the power of young, independent women’s sexuality.

Whereas Malcolm held her own against her accusers, the judge, jury, and prosecuting counsel, threatening them with her bold discussion of her menstrual blood, in Canning’s case, a variety of men took over her representation, frankly discussing in the most technical language all of her bodily functions. The male commentators on Canning’s case claimed an understanding of her body and her self beyond her own abilities. They were well equipped to defend and define her.

Possible explanations for Canning’s disappearance that emerged in print throughout 1753 and 1754 included infanticide, abortion, seduction and abandonment, miscarriage, prostitution, treatment for venereal disease, and fraud for monetary gain. There was never any evidence that Canning had committed a crime, but stories that constructed her as a liar, at best, and an infanticide, at worst, continued to find an eager audience for almost two years. Each explanation shared the assumption that Canning was a sexually active young woman with secrets to conceal, even as they suggested that she was a victim of unhappy circumstances, predatory men, or her own fears of discovery.

However, the Canning case did include women who were portrayed as more overtly threatening, and the popular press used a variety of stereotypes to excite public interest in these women as well. Mary Squires, the gypsy, was portrayed repeatedly as a witch. Artists and writers suggested that she had flown to London on a broomstick and that this explained why witnesses saw
her in both Dorset and London in early January. The sinister image of the gypsy was used to great effect by Fielding and others. Squires and her children were depicted as dark, sub-human, monstrous, and naturally criminal in an effort to paint them as the obvious villains.

In addition, the case coincided with a burst of popular anti-Semitism in 1753 when Parliament passed, but then quickly rescinded, a Jewish naturalization bill. The furor over the Jew Bill, as it was called, generated scores of pamphlets and prints, many of which contained overt references to Mary Squires.338 For example, one print entitled The Committee of Ald—m—n shows six aldermen sitting around a table, among them the Lord Mayor, Gascoyne. Elizabeth Canning stands behind him. Each person depicted contributes two lines of verse. Gascoyne, who wears a miniature of the gypsy around his neck, says “The Prince of Darkness gave me pelf, / to serve the Gipsey and my Self.” Canning replies, “Why faith you have Cast me now outright / not by the Truth but by your Might.” Another alderman replies, “/”Why faith my Friend to tell you true / for a good bribe, I’d Ene turn Jew.” The last alderman, looking out of the picture at the viewer, says “Spectators look & here behold / the powerfull works of Magick Gold.” The message of

the print is that fraud and bribery were behind the Lord Mayor’s campaign on behalf of the gypsy as well as the movement to pass the Jew Bill. Other prints pushed the connection between the two cases even further by portraying the gypsy as a Jew or vice versa, conflating the images of the two representatives of racial otherness.\textsuperscript{339}

And as for the bawd, although Susannah Wells admitted that her reputation was not spotless, there was little evidence that her house was a brothel. Yet, she was always portrayed as an old bawd and brothel keeper set on expanding her operation. This single mother, a woman of independent means, and her house—a hostel for travelers, prostitutes, and other “disorderly” persons—afforded an alternative to homelessness and male supervision. The image of the procuress was familiar by the middle of the eighteenth century. Defoe’s notorious heroine, Moll Flanders, turned to a woman she would eventually call Mother when her money ran out. This woman acted as midwife, procuress, and receiver of stolen goods, teaching Moll how to operate in the criminal underworld of east London. When Moll was first introduced to the woman, she explained that “It might be expected that I should give some account of the nature of the wicked practice of this woman, in whose hands I was now fallen; but it would be but too much encouragement to the vice, to let the world see what easie measures were here taken to rid the women’s unwelcome burthen of a child clandestinely

gotten.” Hogarth and many anonymous printmakers portrayed one of the most famous procuresses of the early eighteenth century in his series *A Harlot’s Progress*, Mother Needham. The pockmarked old crone met the coaches filled with young maids from the country as they came into London looking for jobs as servants, and offered them work as prostitutes and pickpockets.

Susannah Wells was known throughout the pamphlet sources and newspapers as Mother Wells. Although it is possible that some of the residents of her house were prostitutes, she also offered lodging to married couples and families. Because she was independent of male supervision, it was suggested that her house was a shelter for all manner of criminal activity, from prostitution to theft to abortion and even infanticide. The public so thoroughly accepted the notion that she was a procuress and receiver that no sympathy arose on her behalf when Gascoyne questioned Canning’s veracity. While Squires was pardoned, Wells was left to serve out her full sentence of six months in gaol.

Clearly, the representations of characters in the Canning case not only raise questions of gender, but of class, race, ethnicity, and nation. The representations of Canning herself reveal evolving definitions of gender, sexuality, and criminality, as did the representations of Malcolm and the

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Branch women earlier in the century. Therefore, this chapter will focus narrowly on those themes, leaving the rest for another project.\textsuperscript{342}

The trials associated with Elizabeth Canning’s disappearance in 1753 were among the most widely publicized of the entire century. This chapter will reconstruct the events of the night of Canning’s disappearance and her reappearance twenty-eight days later. It will recount the events leading up to the trial of the gypsy, Mary Squires, and to Canning’s own prosecution over one year later. The goal is not to “solve the mystery” of Canning’s disappearance, but rather to examine a sample of the representations of her that were widespread in London and throughout England. Representations in pamphlets, court records, prints, and newspapers reveal the extent to which authorities and the press had begun to develop strategies for coping with the threat posed by independent women in mid-eighteenth-century England. On the one hand, compared with earlier prosecutions, it might seem that the legal system and popular press had become more benevolent and generous toward women accused of crimes, but in fact, greater social and cultural limitations had been placed on all independent women, particularly servant women, who lived essentially in a world of constant surveillance and suspicion, unable to move or associate freely.

My initial account of Canning’s story is based on the testimonies of Alice and Thomas Colley, Elizabeth Canning senior, and James Lord at Canning’s trial for perjury in May 1754. The account in the \textit{State Trials} is

unusually lengthy at 205 pages. Indeed, one late nineteenth-century scholar claimed that Canning’s trial “was probably the first criminal trial to last more than a day.”\footnote{343} I have chosen the account in the \textit{State Trials} not because I believe it to be a more reliable version of events than much earlier accounts, but because it contains the most detailed and coherent narrative of the events surrounding Canning’s disappearance (perhaps because the witnesses had had over a year to get their stories straight).

On New Year’s Day 1753 Canning visited her aunt and uncle, Alice and Thomas Colley, at their home in Salt-Petre Bank in the East End of London. She arrived at about eleven o’clock in the morning after visiting with her mother and younger siblings in Aldermanbury Postern.\footnote{344} Canning “dined and supped” with the Colleys, and at nine o’clock that night it was time for her to return to her master’s house. Her aunt and uncle accompanied her as far as Houndsditch where they left her at about half past nine. They returned home and went to bed. Some time between eleven o’clock and midnight there was a knock at the door. It was Canning’s mother’s apprentice, James Lord. He told the Colleys that Elizabeth was missing. Her master, Mr. Lyon, had gone to Mrs. Canning’s house at nine o’clock and again at ten o’clock looking


\footnote{344} A map of these locations is included in Lillian de la Torre, \textit{Elizabeth is Missing} (New York: Knopf, 1945), 8-9. Aldermanbury Postern was then on the northern edge of London, about half a mile from the Guildhall; Salt-Petre Bank is now Dock Street, a little to the east of the Tower of London. It was a journey of about two miles.
for his servant. Mrs. Canning in turn sent her apprentice to the Colley’s house and they assured him that they had last seen the young woman at Houndsditch on her way home to Lyon’s. The search for Canning continued throughout the night. The next morning, before dawn, the apprentice returned to the Colleys’ house along with Mrs. Canning. There was still no sign of Elizabeth.

Over the next four weeks, Mrs. Canning placed three separate advertisements for her daughter in the *London Daily Advertiser*. She “went to all the agents and places where [she] could think of, fearing some casualty,” including the Wood Street Compter, the city prison for minor offenders, and she consulted a conjurer in the Old Bailey. The only clue to the younger Canning’s whereabouts was a statement by a woman in Bishopsgate Street that she had heard a young person scream from inside a moving coach at night around the first of the year. This led Mrs. Canning to suspect that her daughter, being “a sober body,” had been “forced away in a coach.”345 Her second advertisement mentioned this incident and asked that the coachman or anyone else who had heard the scream come forward. Mrs. Canning must have feared for her daughter’s chastity as well as her life. The story of a young single woman’s disappearance would certainly have raised questions for her family, her neighbors, her employers, and those who read about her in the first newspaper advertisements. It was not unheard-of for young women to be abducted and forced into prostitution in the city or, for that matter, for single

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345 *State Trials*, 482-85, 489.
women to become pregnant and leave their jobs and neighborhoods in order to lie in secretly.\textsuperscript{346}

Four weeks later, late in the evening of 29 January, there was a knock at Mrs. Canning’s door. It was her daughter. The young woman was weak and bleeding from a cut above one ear. Lord, the apprentice, was shocked at her appearance and later testified, “she was e’en almost dead, as black as the chimney-stock, black and blue. She was dressed up with an old bit of an handkerchief round her head, and an old dirty ragged bed-gown, what they properly call a jacket.” The apothecary who examined Canning the day after she came home said that “she was extreamely [sic] low and weak; I could scarcely here [sic] her speak, her voice was so low, and her pulse scarcely to be felt with cold sweats.”\textsuperscript{347}

Canning told her family and friends an extraordinary tale that night.\textsuperscript{348} She alleged that two men had robbed and beaten her near Bedlam Wall in Moorfields after she left her aunt and uncle on 1 January. After knocking her out with a blow to the head, the two men had carried her about ten miles north of London along the Hertfordshire road to Enfield Wash.\textsuperscript{349} The men


\textsuperscript{347} \textit{State Trials}, 491; \textit{OBSP}, Feb. 1753, 115.

\textsuperscript{348} On the story Canning told that night and how it differed from the accounts she later gave, see Judith Moore, \textit{The Appearance of Truth: The Story of Elizabeth Canning and Eighteenth-Century Narrative} (Newark, Del.: University of Delaware Press, 1994), 24-50.
“carried her into an house where she saw in the kitchen an old woman and two young women.” The old woman “took hold of her by the hand, and promised to give her fine cloaths if she would go their way.” She understood this “expression” to mean she should become a prostitute, and she “utterly refused to comply.” The woman then used a knife to cut off Canning’s stays and “forced her up an old pair of stairs . . . threatening that if she made the least noise or disturbance,” the old woman “would come up and cut her throat.” Canning remained in the upstairs room for the next four weeks with only a “large black jug, with the neck much broken, filled with water, and several pieces of bread, amounting to about the quantity of a quartern loaf” to sustain her. She finally broke out of a window at about half-past four on the afternoon of 29 January and “got back to her friends in London in about six hours, in a most weak and miserable condition, being almost starved to death.”

On 1 February, when Canning had recovered enough to travel, a group of men that included her master Lyon and several neighbors took her to Enfield Wash to identify her captors. Once inside the house, Canning said she recognized two old women, Susannah Wells and an old gypsy who was lodging there, Mary Squires. Despite Canning’s earlier statements in which

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349 Canning told her former master, John Wintlebury, that she knew she was in a house on the Hertfordshire road because she recognized the Hertford coachman as he drove past. *State Trials*, 510.

she had mentioned one old woman—not two—and had not referred to a gypsy, Squires and Wells were arrested.\textsuperscript{351}

They were tried together at the Old Bailey on 21 February, Squires for assaulting and stealing Canning’s stays and Wells for harboring Squires, a known felon. The two women insisted that they had never seen Canning before she came to the house at Enfield Wash to identify them; and Squires claimed that she had been in the west of England in early January. In contrast to the Canning trial that would occur one year later, the Squires and Wells trial took up only seven pages in the \textit{OBSP}. The bulk of the account is taken up with Canning’s own story and those of her mother and neighbors. Mary Squires said nothing in her own defense, but three witnesses had traveled from Abbotsbury in Dorset to testify on her behalf. Each explained that they had seen Squires and her son and daughter in the West Country, far from London, during the first two weeks of January. However, both women were convicted. Squires was sentenced to hang and Wells was sentenced to six months in gaol.\textsuperscript{352}

The matter was far from resolved, however. Sir Crisp Gascoyne, the Lord Mayor of London and one of the judges who had presided at the trial of Squires and Wells, took a personal interest in the case.\textsuperscript{353} According to one

\textsuperscript{351} According to the prosecution in her 1754 trial for perjury, she did not mention the gypsy woman until she had arrived at the house at Enfield Wash. She may have said that she knew the old woman’s name was Wills or Wells, although some witnesses claimed that a neighbor, Mr. Scarrat (who had supposedly visited Mother Wells’s house), suggested that name to her when she said she had been in a house on the Hertfordshire road. See \textit{State Trials}, 498-99.

\textsuperscript{352} \textit{OBSP}, Feb. 1753, 108-17.
commentator, “he was directed, merely by a regard for truth, to make further enquiry into a story, pregnant with absurdities, and unlike any transaction that ever went before it.” Gascoyne launched his own investigation into Squires’s alibi, and sought out and paid for the testimony of more witnesses in the west of England who claimed that they had seen Squires and her children in Dorset in late December and early January. Gascoyne was able to gather enough evidence in favor of Squires to win her a full pardon and release from gaol on 21 May. In the meantime, he had issued a warrant for Canning’s arrest on perjury charges on 13 March and an enormous pamphlet war had erupted, with partisans on each side. The noted painter and essayist Allan Ramsay claimed in May 1753 that the Canning story was “the conversation of every alehouse within the bills of mortality.” Those in favor of Squires called themselves Egyptians (from the supposed origin of the gypsy race) and Canning’s “friends” referred to themselves as Canningites.

353 There were already pamphlets in circulation at this point and Canning’s disappearance had been discussed in the newspapers. Zirker says that a broadside entitled The Case of Elizabeth Canning was published early in February 1753 “to encourage contributions to prosecute a “nest of villains.”” Zirker, An Enquiry, p. 293, n. 1.

354 OBSP, Sept. 1753, 266 (my emphasis).

355 A gypsy is “a member of a wandering race (by themselves called Romany), of Hindu origin, which first appeared in England about the beginning of the sixteenth century and was then believed to have come from Egypt.” Also, “a contemptuous term for a woman, as being cunning, deceitful, fickle, or the like, a “baggage,” “hussy,” etc.” Oxford English Dictionary (1989), vol. VI.

In September, the three Abbotsbury men, John Gibbon, William Clarke, and Thomas Greville, were indicted and tried for perjury. According to their defense counselor, some fifty witnesses had been called to testify against the men, but only one appeared, an old woman named Mary Woodward who said she knew nothing of the case. The three were acquitted for lack of evidence. In the absence of any prosecutors, the counselor made a lengthy statement before the Court, asserting his clients’ innocence and questioning the missing prosecutors’ motives. Of course, Gascoyne had issued the warrant for Canning’s arrest on perjury charges months before. It appears that the indictment of the three men was a sort of counter-attack against Gascoyne and his West Country witnesses. The defense attorney suggested the prosecutors chose not to appear in a vain attempt to persuade Gascoyne to drop the charges against Canning: “It may perhaps be attributed to a compromise—it may be said, that these defendants are to be acquitted by consent, and that the indictment against Canning is to be dropped. One cannot easily imagine what rumours malice may raise.” The charges were not dropped and Canning was eventually tried for perjury. By then, the case had become “a long while . . . the general subject of conversation, and hath engaged the attention of the public, more, perhaps, than any private transaction ever did before.”

whether before Gascoyne launched his investigation or afterward. His actions probably fueled the pamphlet war among several prominent men including himself, Henry Fielding, John Hill, Dr. Solas Dodd, Dr. Daniel Cox, and the artist Allan Ramsay. See Zirker’s introduction in An Enquiry, p. cii, n. 2, for a discussion of this elite debate and the animosity among the participants.

357 OBSP, Sept. 1753, 239-66.

358 Ibid., 265.
Representations of Canning and her alleged captors were constructed orally in the streets of London, in coffee houses and pubs, and eventually in the courtroom at the Old Bailey. They took visual and written form in the prints, trial accounts, pamphlets, broadsides, ballads and newspaper accounts that began to circulate shortly after she reappeared. And whether for or against Canning, all of the commentators on the case took advantage of a common set of stereotypes to make their arguments. They used dichotomous representations of the ideal woman (quiet, chaste, and domesticated) and the evil woman (scolding, promiscuous, and savage)—many of the same dichotomous images that emerged in the Branch case—to construct a coherent narrative out of the mass of conflicting testimony.

On the one side, Canningites were persuaded that the two older women were guilty of theft, kidnapping, and prostitution because of images constructed in early news reports and the Old Bailey trial account. For them,  

359 Mr. Nares, defense counsel at Canning’s 1754 trial for perjury, claimed that “I do not believe there is an individual in this great city that has not heard of this affair, nor hath a company met for one single evening, where this was not a subject matter of conversation.” *State Trials*, 463.


Canning’s youth, chastity and “Englishness” were the visual and symbolic markers of virtue.\textsuperscript{362} And Squires’s vagabond status, old age, physical ugliness, and racial otherness marked her as evil. On the other side, Egyptians filled in the void left in Canning’s absence with narratives that revolved around sex and crime: prostitution, abortion, and infanticide.\textsuperscript{363}

The case has been a source of scholarly and popular interest for 250 years largely because it remains an unsolved mystery. Writers have continued to revisit the case in the form of histories, historical fictions, and even a travel guide. Some late eighteenth- and early-nineteenth-century writers were more interested in the contemporary obsession with Canning than in arguing for one side or the other. In 1760 the novelist Tobias Smollett wrote in his \textit{History of England} that the case had “divided the greater part of the kingdom, including the rich as well as the poor, the high as well as the humble, . . . [and] became the general topic of conversation in all assemblies, and people of all ranks espoused one or the other party with as much warmth and animosity as


\textsuperscript{363} Of the three, only infanticide was a felony. Abortion did not become a statutory crime in England until 1803. Prostitution was prosecuted as a vice by magistrates throughout the eighteenth century. All three were considered to be violations of standard Christian behavior, as was the illicit sex that each represented. See Angus McLaren, \textit{Reproductive Rituals: The Perception of Fertility in England from the Sixteenth Century to the Nineteenth Century} (London: Methuen, 1984), 113-44; and Tony Henderson, \textit{Disorderly Women in Eighteenth-Century London: Prostitution and Control in the Metropolis}, 1730-1830 (London: Longman, 1999), 86-103.
had ever inflamed the Whigs and Tories.” According to Smollett the furor over a lowly servant girl revealed something central to English national identity. He claimed that the case was “a dispute in itself of so little consequence to the community, that it could not deserve a place in a general history, if it did not serve to convey a characteristic idea of the English nation.” He explained that the “genius of the English people is perhaps incompatible with a state of perfect tranquility” and if there was not enough to occupy them the English sought “provocations” wherever they might be found. For Voltaire, Canning’s case was a shining example of the “glorious vindication of English justice and compassion.” He contrasted Canning’s treatment with the “prejudice and superstition of his own country” where in 1762 Jean Calas had been falsely accused, tortured, and executed for his son’s murder.

Recently scholars have attempted to reconstruct the events of 1 January 1753 and to deconstruct the various stories that Canning and others told on and after 29 January, in order to solve the mystery of her disappearance. In


366 In the twentieth century, a variety of both popular and scholarly books and articles on the case appeared. Some of them took a distinctly misogynistic tone, as in Edmond Pearson’s 1936 assessment of Canning; he
1989 John Treherne, a retired Cambridge entomologist, wrote *The Canning Enigma*. Treherne’s popular account received critical attention and reflected fresh interest in Canning, particularly among literary scholars. In a 1991 article, Arlene Wilner analyzed Henry Fielding’s Canningite pamphlet in order to illustrate the apparent “incongruity between the complex social vision of [Fielding’s] novels and the rigid conservatism of [his] pamphlets.” She argued that in his social and legal writings Fielding sought to assimilate “history to mythology” and to explain, justify, and make “coherent within established structures of thought events that are potentially disruptive and subversive.”


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In 1994 Judith Moore published the first scholarly monograph devoted to Canning. In *The Appearance of Truth: The Story of Elizabeth Canning and Eighteenth-Century Narrative*, Moore conducted a close reading of several texts in order to reach a “final resolution to the case’s contradictions.” Her analysis was influenced throughout by her conclusion “that Elizabeth Canning’s whole story was true” and “that she reported its contents as accurately as she was able to, and that the defects in her recollection were of the sort common to human fallibility.” Moore argued that Canning’s class or servant status, rather than her sexuality, underlay the controversy that surrounded her. In contrast, Kristina Straub argued in a 1997 article that the case “helped to crystallize particular constructions of feminine sexuality that formed part of broader patterns of thought and feeling about the British social order.” Like Wilner, Straub felt no urge to debate Canning’s guilt. For her, representations of Canning revealed patriarchal attempts to define middle-class femininity and to control female sexuality within that context.\(^{368}\) I too am less interested in solving the mystery than I am in the cultural narratives that sprang up around Canning. I argue that representations of Canning reveal evolving definitions of sexuality and criminality particularly as applied to the threatening population of independent workingwomen, as opposed to middling women.

The story that Canning told upon her return—or rather the one that circulated as gossip and in print immediately after her reappearance—emphasized her chastity by stressing her refusal to be drawn into prostitution by the women at Mother Wells’s house, who were portrayed in stark contrast.

\(^{368}\) Moore, *Appearance*, 21, 256; Straub, “Heteroanxiety, 296.
as savage and promiscuous. During the second or third week of February, before Squires’s and Wells’s trial, Canning’s “friends” published a broadside containing her version of events and offering a reward for the two men who had supposedly abducted her in Moorfields and who had so far escaped detection. It also contained a plea for donations to help with the prosecution, saying that “every person inclined to assist in so laudable an undertaking as an encouragement to virtue, are desired to send their subscriptions to the aforesaid Mr. Francis Roberts.”

Canning’s allies immediately constructed her cause as a defense of virtue, suggesting that she deserved to be rewarded for her refusal to submit to whoredom. The Canning case, more than the Malcolm or Branch cases, hinged on whether or not observers could believe that the accused was virtuous and chaste. After all, each “party,” Canningite and Egyptian, stood for an otherwise threatening character within the culture: the independent workingwoman versus the savage gypsy crone. Canning’s virtue became the key issue around which her guilt or innocence was debated precisely because it was the most insecure asset a single woman had. And, single women’s virtue had become more insecure through the course of the eighteenth century, as they became more economically dependent on their reputations or characters (See the discussion of servants below.).

In the absence of conventional evidence, many observers began to speculate on Canning’s whereabouts. They constructed their narratives out of pre-existing stereotypes attached to servant maids and single women. If Canning’s story was a lie, where had she been? Although most writers

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369 The Case of Elizabeth Canning (London, 1753), reprinted in Amory, The Virgin and the Witch.
hesitated to call Canning explicitly an infanticide, fraud, or prostitute, the rumors that she had been lying-in in her absence were widespread in the streets of London, and writers often referred to those “slanders” in their retellings of her story. Debate in the newspapers was vigorous and pamphlets were published at a rate of one or two per week throughout the spring and summer of 1753.³⁷⁰ The first pamphlet on the case, *The Case of Elizabeth Canning Fairly Stated*, was published on 13 March, three weeks after Squires and Wells were convicted and on the same day that Gascoyne issued a warrant for Canning’s arrest. The anonymous author claimed that Canning had “given a false information, that there is no truth in the evidence she gave against Squires and Wells, and that she forged this story purely to conceal her own criminal transactions in the dark.” And although Squires and Wells had been convicted, the writer claimed that “it must be confessed there have been some all along, who have suspected a snake in the grass, and notwithstanding this fair outside, that there was a worm at the root, which in the end would bring this fine superstructure to the ground.”³⁷¹

The pamphlet’s author attacked Canning’s “friends,” notably Henry Fielding, the well-known magistrate and novelist who had taken her statement on 7 February and had issued warrants for the arrest of Squires and Wells. The author implied that Canning’s friends had taken up her cause and established a prosecution fund for their own profit and not “to assist her in carrying on the prosecution, [or] as some recompence for the unheard of

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³⁷⁰ Amory, *The Virgin and the Witch.*

³⁷¹ *The Case of Elizabeth Canning Fairly Stated* (London, Cooper, 1753); Amory, *The Virgin and the Witch.*
hardships she had undergone, and as a reward for so resolutely maintaining her virtue in the midst of so much danger.” According to the author, the Canningites saw in their young charge an opportunity to exploit her hard-won virtue and at least £300 had been collected already.

This early anti-Canning pamphlet argued that Canning lied about her whereabouts to conceal her “own criminal transactions” and suggested that the motivation of either her captors or her defenders, or both, was financial. And yet, she was not the primary villain in this version. Rather it was Fielding, Canning’s wealthy patrons, and her captors and co-conspirators who were the real criminals. Canning was portrayed as a servant maid with a good character who was kidnapped and manipulated by a series of criminals and powerful men. Most of the early anti-Canning accounts took a similarly ambivalent position, constructing Canning as virtuous even as they marked her as a liar and a cheat. But, at the same time, the accounts alluded with increasing prominence to the more sinister narrative of Canning as infanticide or prostitute, thus playing on the widespread fear of an organized underworld populated by cunning servant maids.

Fielding immediately responded to The Case of Elizabeth Canning Fairly Stated with a pamphlet entitled A Clear State of the Case of Elizabeth Canning published on 20 March. In Fielding’s account Canning embodied youth, simplicity and chastity—all of the qualities most prized in a female domestic servant. Throughout the pamphlet, he referred to her as “little girl,” “poor little girl,” and “poor simple child.” He emphasized her chastity, youth, and

372 Case of Elizabeth Canning, 14.
general good character, and suggested that the best judges of that character were the people for whom she had worked in service, thereby highlighting the fact that she had lived in service, under male supervision:

Will they believe this of a young girl, hardly 18 years old, who hath the unanimous testimony of all who ever knew her from her infancy, to support the character of a virtuous, modest, sober, well-disposed girl; and this character most inforced by those who know her best, and particularly by those with whom she hath lived in service?373

To her youth and simplicity, Fielding added ignorance, another quality of the ideal servant. He claimed that “the girl can scarce be supposed wicked enough, so I am far from supposing her witty enough” to come up with such a story. He continued, “this girl is a child in years, and yet more so in understanding, with all the evident marks of simplicity that I ever discovered in a human countenance.”374 In contrast to the depictions of Malcolm as a “woman” in opposition to the “boys” whom she accused of committing the murders, Canning was repeatedly referred to as a girl or a child even though she was eighteen years old, recalling some pamphleteers’ emphasis on Betty Branch’s youth and childlike qualities.

Fielding endeavored to portray Canning as a dull-witted, virginal, and hard-working servant in response to the rumors that were spreading in London and beyond that she was no idiot, but rather a cunning deceiver. He expressly denied rumors that she had spent the month with a lover, saying “it

373 Fielding, Clear State of the Case, 293.
374 Ibid., 293-94.
could not be a lover; for among all the cruelties, by which men have become infamous in their commerce with women, none of this kind, can, I believe be produced. “375 This is a rather naïve assertion for the seasoned magistrate, considering the popularity of clandestine marriage, rape, abduction, and virtue tested as themes in eighteenth-century fiction, including Fielding’s own. The very current controversy over Hardwicke’s Marriage Act that same year would have been foremost in Fielding’s mind. The Act was meant to prevent the clandestine marriages of minors, by voiding the marriages of those below twenty-one years without written parental consent. 376

On 29 March, John Hill, the essayist and long-time opponent of Fielding, responded with The Story of Elizabeth Canning Considered. He argued that Canning was a liar and speculated that she had indeed been with a lover: “Not with a Lover certainly, say you! . . . Eighteen, let me remind you, is a critical age; and what would not a woman do, that had made an escape, to recover her own credit, and screen her lover.” 377 Hill challenged Fielding’s repeated references to Canning as a child, calling her a woman old enough to be entangled with a lover. He suggested that Canning might have done anything, might even have committed a crime, to protect her reputation.

375 Ibid., 292.


A young woman with a good reputation attracted scrutiny because middling employers demanded that the servants they hired have a good character. Reputable workingwomen were so economically dependent upon their fragile reputations, the theory went, that they were protective of them to the point of fraud or even infanticide. This system of economic dependence upon character and personal creditworthiness developed over the eighteenth century. It ensured that independent women, workingwomen especially, were never above suspicion and thus surveillance. Women with good characters were not only susceptible but prone to illicit behavior because they needed to protect their characters and thus their livelihoods. The formulation reversed the traditional understanding of criminality as the result of bad behavior leading to ever more damning sins: for example, Hogarth’s idle apprentice starts down the road to his execution by being slothful. In the new interpretation of female crime, particularly sexual misconduct such as abortion or infanticide, the crime could just as easily have been the result of a life of careful and virtuous behavior. Because independent women were dependent upon the references their mistresses and masters supplied, they might have been willing to commit the most heinous crimes to protect their reputations. Increasingly, from the early eighteenth century, women had to play by, or appear to play by, the rigid rules of both the legal and economic systems in order to survive as independent workers.

A woman could be modest, religious, and hardworking, and still succumb to the advances of a deceitful man. Bernard Mandeville described the

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378 William Hogarth, Industry and Idleness, plate 9, engraving (1747).
infanticidal servant as “wicked” and “cruel,” but it was precisely because of her “good parentage,” diligence, modesty and faith. “The fear of shame” pushed servants to commit murder. Indeed, murderous servants walked a fine line between villainy and virtue in the public imagination. A well-behaved servant with a good character, like Canning, was as susceptible, if not more so, to accusations of promiscuity, pregnancy, or infanticide as a woman with a bad reputation. So, just as in court, where lawyers and doctors became the voices of accused women, masters and mistresses had taken firm control of working women’s economic fate by mid-century.

Three weeks after John Hill published his reply to Fielding, on 20 April, Doctor James Solas Dodd shot back with a Canningite pamphlet entitled *A Physical Account of the Case of Elizabeth Canning* in which he proposed to explain her physical condition before and after the ordeal and whether or not her version of events was medically plausible. Canning claimed that she survived for four weeks on a quartern loaf of bread, a partially-filled pitcher of water, and a small mince pie. One of the central questions during Squires’s trial had been whether or not a person could survive on so little food and water; Dodd argued in his pamphlet, through a discussion of documented cases of near-starvation, that it was possible. Canning, he explained was of a costive, or constipated, nature, and “she was a hearty girl, sanguine, and of a florid countenance; she had been accustomed throughout her life, to a deficiency of liquid aliment; . . . and consequently to a costive habit of body;”

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and [here he drops the bomb] she for five preceding months had had the common female benefit totally obstructed.” She had not menstruated for five months before her disappearance. According to Dodd, her failure to menstruate for five months was the result of sleeping on the damp stone kitchen floor so that she would hear the watchman and wake in time to do her work. Observers who were already suspicious of Canning took this last piece of information as proof that she had been pregnant when she disappeared. Dodd produced “scientific” evidence in support of Canning’s version of events, and at the same time portrayed her as a virtuous, hard-working (non-sexual) servant in order to explain her not menstruating.

News that Canning had not menstruated for five months before her disappearance fueled the rumor that she had been lying-in secretly. On 9 June, Doctor Daniel Cox published *An Appeal to the Public, in Behalf of Elizabeth Canning*. His purpose was to prove Canning’s good character by a consideration and refutation of the various slanders against her. His pamphlet was one of the first to address, in print, the story that Canning had given birth to a child in her absence. Cox met with Canning alone on 30 March to question her about her health. He asked her:

whether before her going from home on new-years day she had been regular in her courses? She replied without any kind of hesitation, that she had not had them for about five months before. That one night being up at washing when she was out of order, she took cold and they ceased,

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nor had returned again but since she came home: this is no uncommon case with servants who are obliged to dabble in cold water.

Like Dodd, Cox was careful to associate obvious signs of pregnancy with Canning’s domestic work, deflecting attention away from her sexuality and onto her reputation as a hard-working servant.

He went on to address the rumors that were being “cruelly suggested,” that she was hiding a “private lying-in” during her absence. According to Cox, if she had been cunning enough to have devised her whole extraordinary story, in order to cover a private lying-in, . . . she would have been artful enough to have concealed a circumstance, which might have countenanc’d a suspicion, that the obstruction had been of longer duration, and had arisen from some other cause than what she had alledged.\textsuperscript{381}

Cox articulated the set of assumptions that likely arose in the public mind when confronted with the news of Canning’s failure to menstruate for five months. People would not, according to Cox’s scenario, immediately equate the five-month hiatus with an abortion, but rather, they would assume that the “obstruction had been of longer duration” and that she had given birth to a child and rid herself of it somehow. On the one hand, a possible counter-argument to the “lying-in” rumors would have been to use the revelation about her menstruation as proof of her innocence by simply pointing out that five months was not long enough to carry a child to term. On the other hand,

\textsuperscript{381} Daniel Cox, An Appeal to the Public, in Behalf of Elizabeth Canning (London, Meadows, 1753), 19-20.
five months was the point at which popular beliefs held that a foetus was viable and that it was no longer morally acceptable to abort it. Legally, “quickening” or the perceived movement of the foetus was the only proof of pregnancy. Considering these popular and legal understandings of the stages of pregnancy, the fact that Canning had not menstruated for five months becomes very suspicious indeed.

Cox interviewed Canning again in early April to investigate a rumor that a midwife had examined her shift and had concluded “it was too clean to have been worn so long as had been pretended.” He questioned Mrs. Canning about the midwife’s visit to her daughter. She said the midwife had indeed come a few days after Canning’s return to examine the shift, and had said that “she would make oath, that from the appearance of the shift the girl had had no commerce with men, nor any distemper, or other discharge, for that the shift was free from all kind of stains.” He examined Canning again on 9 and 15 May, and took Frances Oakes, a midwife, with him on the second visit. He had Oakes examine Canning alone and then he examined her breasts and belly himself; the two agreed that Canning had never had a child. Finally, he had two local women, Mrs. Woodward and Mrs. Rossiter, who were friends and neighbors of the Cannings, examine her. Not surprisingly, they came to the same conclusion as the doctor and the midwife. Cox and Dodd attempted to overcome sexual gossip with scientific evidence and references to Canning’s reputation as an honest, hard-working servant. They defended her virtue in the new professional, scientific language that had become powerful in the

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courtroom and in popular literature. Ironically, it was Canning’s most ardent defenders—Fielding, Cox, and Dodd—who repeatedly introduced her sexuality and criminality in print. By responding to the rumors of Canning’s pregnancy, they said what anti-Canning writers had not been willing to say, yet.

A ballad published in early July entitled The Devil Outdone—some six months after Canning had reappeared—responded to Cox’s pamphlet and suggested that Canning was no innocent, young virgin. It made explicit the charges that her defenders were so eager to dispel and that her more “reputable” critics had only been willing to hint at:

I’ll tell how a Girl was met, stript, and knock’d down,
And carried an Airing ten Miles out of Town.
By Men who first plunder’d her under a Wall,
Then stole her to rob her of — Nothing at all;
They sought not a Maiden-head, for if they had
They went to the wrong Shop to find it, Egad.
My Pen is grown weary, or else I wou’d tell ye
How a sapient Physician has grop’d at her Belly,
And how the grave Doctor has taken great Pains
To demonstrate that People may write without Brains;
And has blabb’d out a Secret, from which may be guess’d,
That a Cuckoo (five Months before) laid in her Nest,
And that her Pr-t-ct--s may learn, to their Shame,
That she has miscarry’d — I mean of her Aim.\textsuperscript{383}

The balladeer played with Cox’s careful construction of Canning’s story, candidly claiming that she was no virgin, and pregnant when she disappeared. He took literally Canning’s assertion that she had not menstruated for five months and suggested that she had miscarried or, more likely, procured an abortion.

Allan Ramsay, whose paintings were hanging in the new London Foundling Hospital, published a pamphlet on 27 June entitled \textit{A Letter . . . Concerning the Affair of Elizabeth Canning}. According to Ramsay, Canning, a servant with a good reputation, disappeared on 1 January in order to end an unwanted pregnancy and rid herself of the child. His pamphlet contains the clearest articulation of the stereotype of the infanticidal servant. He argued that

\begin{quote}
it may not be amiss to hint to them that there are such distempers as lyings-in and miscarriages, to which young servant-maids of eighteen are very much subject; distempers that will hold them as long, and reduce them as low as has been related of E. Canning, especially if attended and nursed in the manner we may easily suppose her to have been. It may not be amiss to hint, that thirteen shillings and six-pence, with the sale of a gown and pair of stays, is hardly more than sufficient to defray the expences of such an operation; even altho’ no part of it was expended in a christening, a wet nurse, or a coffin, which, not to continue any idea of
\end{quote}

\textsuperscript{383} \textit{The Devil Outdone} (London: Wright, 1753).
horror in your Lordship’s imagination, might have been all provided by that most humane institution, the Foundling-Hospital.\footnote{Ramsay, Letter to the Right Honourable, 20. See John Brewer, The Pleasures of the Imagination: English Culture in the Eighteenth Century (London: Fontana, 1997), 226-27.}

Ramsay suggested that Canning’s gown and laces had not been stolen, but that she had sold them to pay an unscrupulous midwife. There had been no need for a christening, wet-nurse, or coffin because Canning had concealed the birth, death, and body of the infant, rather than abandoning it to the Foundling Hospital. Ramsay portrayed Canning as a good servant turned whore, liar, and infanticide. For him, her good character was prime evidence against her.

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Gascoyne pressed perjury charges against Canning and she was finally tried in May 1754, almost a year and a half after her disappearance. She was convicted of willful and corrupt perjury and sentenced to be transported to the American colonies.\footnote{The jury returned with a verdict of “guilty of perjury, but not willful and corrupt” but the judge would not accept their verdict and sent them back to deliberate further. They finally returned a verdict of “willful and corrupt perjury.” State Trials, 669-70.} In August 1754, she departed for Connecticut where she eventually married, had at least one child, and died in 1773.\footnote{Moore, Appearance, 173-74.} As far as we know, she never changed her story. Although the jury decided that she had lied about her whereabouts and had falsely accused the gypsy, her prosecutors did not need to establish a plausible explanation of her
disappearance in order to make their case. Thus the mystery was never “solved” to anyone’s satisfaction.

Among the three cases examined in this study, Elizabeth Canning’s is perhaps the most mysterious, at least to the historian. It reveals that in London’s print culture of crime and criminals, representations of independent women had evolved to the point of disempowering, silencing, and infantalizing even women who were not formally accused of violent or sexual crimes, but who lived—even for a mere four weeks—indeed independent of male authority. The mystery is why this was so. There was nothing in Canning’s story or in Squires’s or Wells’s denials to suggest that she had given birth to a child during the month she was missing. There were none of the usual tell-tale signs of childbirth and murder—bloody linens or undergarments, milk in her breasts, the sudden shrinking of her stomach, or a dead body. Why then would some people conclude that Canning had committed infanticide in the absence of conventional evidence?

Family members, neighbors, and employers closely monitored the movements and behavior of young, single women. When women escaped observation, either by leaving their families, their jobs, or their communities, they entered a dangerous arena in which they were labeled either criminal or victim—or both. Canning had been in that dangerous arena—beyond the supervision of her mother and her master—for an entire month.

Her absence led to the widespread assumption that she was no innocent, but rather a sexually-active woman who had become involved in some kind of scandal. That assumption reflected the widespread perception that female domestic servants were essentially criminal, an assumption that
emerged from the unique material and social conditions of the late seventeenth and early eighteenth centuries. In this period, a nascent middle class sought more female servants to accomplish the myriad tasks associated with its new domestic life. As the demand for female servants appeared to outpace the supply, employers grew increasingly wary of servants’ power to control their own personal and professional lives. Women who exercised even a small degree of independence were a threat to the social order. Much of the negative discourse surrounding servants in the eighteenth century focused on secrecy, concealment and, to use Fran Dolan’s words, “dangerous familiarity.”

That discourse shaped and reflected employers’ and authorities’ anxiety about servants’ ability to hide their true (criminal) identities. Virtuous servants with good characters were as vulnerable to accusations, if not more so, because all servants were represented as potentially criminal.

So, by the mid eighteenth century, representations of dangerous servants reflected both the persistent seventeenth-century preoccupation with young women’s illicit sexual behavior and new anxieties

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about a growing class of independent women dangerously familiar with their employers’ property, bodies, and secrets. Employers were concerned not only with independent women’s ability to conceal the bodies of their dead infants but also with their servants’ ability to conceal their true characters.
CHAPTER SIX
CONCLUSIONS

In the early eighteenth century, women who found themselves accused of violent or scandalous crimes were portrayed as dangerous agents, both in representations of their criminal behavior and in their sometimes powerful self-defenses. However, by the 1760s, images of such outspoken, independent, and dangerous women were rare. Instead, criminal women were portrayed as either victims of male deception or as mentally unstable.\footnote{Evidence gleaned from a close reading of all of the infanticide cases tried at the Old Bailey during the eighteenth century as well as the extensive medical and social pamphlet literature on the subject support this contention. From 1715 through 1750, 62 women were tried for infanticide at the Old Bailey. Twelve trials resulted in conviction and 50 in acquittal, representing a 19 percent conviction rate for the 35-year period. By the 1770s, almost no women were convicted. In most cases from the 1730s onwards, the trial accounts reveal the conflicting emotions that were brought to bear in infanticide cases. Witnesses were horrified by child murder. At the same time, they were eager to maintain the image of the virtuous (chaste) domestic servant maid who lived in their midst. They reconciled the two images by explaining newborn child murder as the reaction of a virtuous girl protecting her reputation. Legal reformers, including Edmund Burke, Charles James Fox, Sir William Meredith, and Cesare Beccaria pointed to the notion of the virtuous servant maid turned murderer in their campaigns of the 1770s and 1780s for the repeal of the 1624 statute that made concealing the death of a bastard child a capital offense. The famous Scottish man-midwife, William Hunter (d. 1783), expressed most clearly the new interpretation of female criminality in his treatise, \textit{On the Uncertainty of the Signs of Murder} (London, 1784), 266. Hunter portrayed young, unmarried women as passive victims of...}
chose to defend themselves in court, instead leaving their defenses to attorneys who frequently sought the expertise of male doctors in order to pathologize women’s criminal behavior.

The shift in ways of defining dangerous women in terms of their sexuality or sensibilities was one part of the profound cultural shift, after the Restoration and up to about 1800, to modern constructions of femininity that emphasized male and female opposition or difference and reinforced female obedience and submission to men. Thomas Laqueur has documented the emergence in Western Europe of a two-sex model of the body at the same time that political and social hierarchies were coming under strain throughout Europe, and particularly in England. He explains, “The one-sex body of the doctors, profoundly dependent on cultural meanings, served both as the microcosmic screen for a macrocosmic, hierarchic order and as the more or less stable sign for an intensely gendered social order.” The new definition of gender characterized by the two-sex model of gender difference evolved during the long eighteenth century and was articulated within several new genres including conduct books for women, medical literature, periodical literature aimed at women, and the novel. I would add to this list of the

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“properly established discourse[s] of modern gender construction” the popular literature of crime and court records. Lawyers and doctors, by testifying at trials and writing about famous criminals, played a significant role in defining gender difference and thereby solidifying notions of women’s physical and mental weakness.

Each of the three cases examined here is about the social and cultural struggle to control independent women’s behavior. An analysis of the representations of Sarah Malcolm reveals early-eighteenth-century anxieties surrounding single women’s sexuality and independence. Sarah Malcolm told and wrote her own story, although it comes to us filtered through the pens and printing presses of elite men. Her vigorous self-defense brought female sexuality, through a discussion of her menstrual blood, into the courtroom. In challenging the prosecution’s theory of her crime, she made her bloody clothes the foundation of her claim to innocence, thus overturning the taboo that had long identified menstruating women as unclean and dangerous.393

The Branch case characterized a new stage in the evolving representation of criminal women in the courtroom from outspoken, dangerous suspects to weak victims—from active to passive. The case reveals the ways in which a variety of stereotypes were used to identify dangerous, independent women. Elizabeth and Betty Branch represented the danger posed by independent middling women (as opposed to workingwomen like Malcolm) who lived without the supervision of any man, managing their own

392 Fletcher, Gender, Sex, and Subordination, 383.

household and farm, and exercising considerable power and influence over their servants and within their communities. An analysis of the myriad contradictions in the representations of the mother and daughter exposes the evolution in representations of criminal women that began in the 1730s.

The representations of Elizabeth Canning reveal continuing anxiety around independent women’s sexuality and “essential” criminality. Canning’s case deals not with an overtly “deviant” woman, who has (presumably) killed someone above or below her, as in the Malcolm and the Branch cases. Canning was not overtly deviant, and there was and is great uncertainty about whether she committed any crime at all. Rather than her deviance, it may have been Canning’s presumed normalcy or typicality that was so threatening. The definition of a criminal woman had so broadened by the 1750s, that it included a servant who merely disappeared for a few weeks and might—like unknown numbers of other young women in London each year—have had an illicit sexual affair and obtained an abortion.

Canning’s story graphically demonstrates the complex and problematic position of independent women—especially servants—in mid-eighteenth-century England, who were obliged to prove their virtue, innocence, and preferably, their ignorance to an ever more suspicious culture. Unlike Malcolm, Canning had no opportunity to speak publicly in her own defense. The debate over Canning’s character and fate was carried on by dozens of lawyers, doctors, and writers in the exploding popular literature of crime that contributed to the articulation of other female stereotypes in the Malcolm and Branch cases years earlier. In the Canning case, her supporters introduced the topic of the young woman’s sexual experience and criminality into the public
debate in order to clear her name, using the language of female sexuality and sensibility to disempower and infantilize “the unfortunate maid,” while ostensibly defending her. And her detractors used her good reputation against her, because as a “virtuous servant,” she was presumed to be as susceptible to sexual temptation as other women, and even more likely to hide or destroy the results of illicit sex through murder.

Variations among the accounts (both written and visual) in each of these cases, are not random. They highlight cultural contests. Pamphlet and newspaper writers, and perhaps their readers, tried to fit the stories into conventional narrative structures and to give them an acceptable ending and a moral lesson. The overarching message in each account was the importance of taming women with power. The language and tactics used by professional men as well as the press to control unruly women had altered. Malcolm was allowed to defend and define herself in 1732; by the 1740s and 1750s Branch and Canning were defended and defined by professional men.

The widespread shift in attitudes about criminal women from the 1730s through the 1750s diluted women’s responsibility for their violent behavior, and ultimately contributed to a stifling of women’s agency throughout English society by the end of the eighteenth century.
SELECTED BIBLIOGRAPHY

PRIMARY SOURCES

Unpublished Works


Somerset Record Office. *Chew Magna and Stanton Drew Registers*. Depositions in the Case of Elizabeth and Betty Branch (Mar. 1740, DD/X/WI 37).

Published Works

Newspapers and Other Serial Publications


*Daily Courant (London)*, 5-6 Feb. 1733.


*Daily Post (London)*, 8 Mar. 1733.

*Derby Mercury (Somerset)*, 1, 15 May 1740.


*Gentleman’s Magazine*, Mar. 1733, May 1740.


*Sherborne Mercury and Weekly Advertiser (Somerset)*, 11 Mar., 8 Apr. 1740.
Ordinary of Newgate, His Account of the Behaviour, Confession, and Last Dying Words, of the Malefactors, who were Executed at Tyburn (London), 1733.

Proceedings at the Sessions of the Peace, and Oyer and Terminer, for the City of London, and County of Middlesex (London), 1714-1803.

Other Published Works

An Appeal to Humanity, in an Account of the Life and Cruel Actions of Elizabeth Brownrigg . . . to Which is Added the Trial of Elizabeth Branch. London, 1767.


Blandy, Mary. Miss Mary Blandy’s Own Account of the Affair between her and Mr. Cranstoun . . . to the Death of her Father, in August 1751. London, 1752.

Blood for Blood: or, the Murtherers Just Punishment. London, 1726.


The Case of Elizabeth Canning Fairly Stated. London: Cooper, 1753.


________. Augusta Triumphans. 2nd ed. London, 1729.
_______. *The Generous Projector: or, a Friendly Proposal to Prevent Murder and Other Enormous Abuses*. London, 1731.


*Inhumanity and BarbarityNot to be Equal’d: Being an Impartial Relation of the Barbarous Murder Committed by Elizabeth Branch and her Daughter*. London, 1740.


*The Malefactor’s Register; or the Newgate and Tyburn Calendar.* London, [1778-80?].


*A Narrative of the Barbarous and Unheard of Murder of Mr. John Hayes.* London, 1726.


*Select Trials at the Sessions-House in the Old-Bailey IV* (1733-41). Dublin, 1742.

*The Trial of Mrs. Branch and Her Daughter.* London, 1740.


*The Unfortunate Maid Exemplified in the Story of Elizabeth Canning.* London: Corbett, 1754.


**SECONDARY SOURCES**

**Published Works**


______. *The Brink of All We Hate: English Satires on Women, 1660-1750*. Lexington, Ky.: University of Kentucky Press, 1984.


Unpublished Works


