

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

## PART I

*Turning criminals to account: three case histories and two myths of crime*


---

*Every man by nature hath a lusting desire to leave God, and live at his own hand; he would stand on his own legs and bottom, and be at his own dispose: Thus it is with every man by Nature. . . . Man would be at liberty from God and his Will, to follow and fulfill his own. . . . He hath a principium laesum, a devilish principle in his nature; an impulse to range about the earth, as Satan said of himself.*

Obadiah Grew, *Meditations upon our Saviour's Parable of the Prodigal Son* (1678), pp. 44, 46

*All thieves and Murderers . . . may come under the Denomination of Rebels.*

Paul Lorrain, Ordinary Account, 6 June 1707

*Myth . . . [has] often been declared to be a mere product of fear. But what is most essential . . . is not the fact of fear, but the metamorphosis of fear. Fear . . . can never be completely overcome or suppressed, but it can change its form. Myth is filled with the most violent emotions and the most frightful visions. But in myth man begins to learn a new and strange art: the art of expressing, and that means organizing, his most deeply rooted instincts, his hopes and fears.*

Ernst Cassirer, *The Myth of the State*, pp. 46–47

*Myth functions especially where there is a sociological strain.*

Bronislaw Malinowski, *Myth in Primitive Psychology*, p. 126

After he was hanged and before he was quartered, Captain James Hind was disemboweled for committing high treason against the Commonwealth of England. There is in this the making of a dark conceit, for to his public, to those who followed his exploits for at least the next century and a half, James Hind was without an interior reality. Harmon Strodman suffered for his sins, which were many and most grievous, including murder, robbery, and irregular church attendance. In this last—as Strodman, before he was hanged, was himself to explain in several separate publications, for he too had his public—lay the dreadful

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

seeds of the first. Mary Edmondson made no confession and had no public; she died but briefly regarded and little regretted. Were it not for the protestations of her brother-in-law, and the special pleadings of a kind-hearted but credulous “gentleman,” all we would know was that, sullen and denying her guilt to the last, she died most recalcitrant for the murder of her aunt.

Hind suffered in 1652, Strodtman in 1701, Edmondson in 1759, and so together their executions span more than a century. Each of them, like so many other criminals condemned in the seventeenth and eighteenth centuries, dropped like stones into the public consciousness. They themselves remain like stones, dense, impervious to our probing, and they themselves sank quickly out of sight. It is what ripples they made, or did not make, that shall concern us here. For their cases show with unusual clarity the ways that popular writers, and presumably their audiences, shaped the facts of actuality into patterns convenient (and useful) to their imaginations. Each was made to conform to a preexisting type, as certain features of their lives were emphasized, played down, or suppressed, and “facts” were often invented. Their individualities, variously compressed and expanded, were ultimately denied; like innumerable others, they were absorbed into either of two myths of crime.

The use of the term “myth” assumes that accounts of criminals’ lives served specific cultural functions. These functions may not always have been so dramatic as Cassirer’s statement would suggest, with its emphasis on “fear,” for the myths of a particular culture can treat all sorts of matters of concern to that culture. A broader and more generally useful definition of myth is offered by Malinowski. “Myth,” he wrote, “is not an explanation in satisfaction of a scientific interest” (as others before him had argued, most notably Max Müller) but rather “a narrative resurrection of a primeval reality, told in satisfaction of deep religious wants, moral cravings, social submissions, assertions, even practical requirements. . . . it expresses, enhances, and codifies belief; it safeguards and enforces morality; it vouches for the efficiency of ritual and contains practical rules for the guidance of man.” Building on this and other definitions, G. S. Kirk explains that myth has two preeminent functions: it is “speculative and explanatory,” as well as “operative, iterative, and validatory.” It serves the second inasmuch as it “confirm[s], maintain[s] the memory of, and provide[s] authority for [social] customs, and institutions,” and the first by addressing problems that cannot “be resolved by rational means.” Instead, myth “offers an apparent way out of the problem, either by simply obfuscating it, or making it appear abstract and unreal, or by stating in affective terms that it is insoluble or inevitable, part of the divine dispensation or

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

## THREE CASE HISTORIES

3

natural order of things, or by offering some kind of palliation or apparent solution for it.”<sup>1</sup>

Like all terms borrowed by one discipline from another, “myth” is to be treated gingerly. We ought to note Malinowski’s warning, for instance, against limiting “the study of myth to the mere examination of texts.” Lévi-Strauss has been criticized on just these grounds. Myth is “not merely a story told but a reality lived,” Malinowski emphasizes. Like the myths of antiquity, the study of which he himself eschewed in favor of studying those of a living society, the two myths of crime that we are about to analyze “have suffered a very considerable transformation at the hands of scribes, commentators, learned priests, and theologians.”<sup>2</sup> What remains to us in print of the attitudes of *any* historical period toward crime and criminals—or indeed toward *anything*—is inevitably only the bare (and very likely misleading) trace of a richer, more complex cultural phenomenon. This need not trouble us quite so much, however, as it should anthropologists or, certainly, the social and legal historians who have recently done so much to recover and interpret the actual facts of crime in early modern England.<sup>3</sup> Our concern is not so much with the real as with the highly selective ways in which the real was represented. This does not mean we are excused from having to consider as much as we can the actual historical facts; without considering at least some of them we have no basis at all for judging the ways in which they were interpreted. But still the question before us is not, primarily, how people thought and felt about crime in the total context of their lives, or what roles it played in the social process, but rather how that fraction of the population with access to the popular press wrote and read about it. In many ways, to be sure, but the most interesting ways it seems to me were two.

Where the one myth was in fact a species of spiritual biography, the other imitated the picaresque novel.<sup>4</sup> Hind’s case (the longest of his biographies is called *The English Gusman*) illustrates the influence of the latter. In the writing (and rewriting) of his life there is a tendency to shape the materials at hand into loosely structured and seemingly amoral entertainments. In the course of this process, Hind is depersonalized until finally he is only a name, a faceless emblem of certain specified traits. Succeeding narratives of his life move toward the fantastic, edging away from a “solid” and “realistic” appraisal of his situation. Nor do they make much effort to understand (so far as these could have been understood) his mental processes; there is, finally, no interest in probing the nature of his character. Like so many other highwaymen, Hind is shunted off into the easy world of vulgar romance, his life taken, as it were, twice over. The impulses behind this myth, I shall argue, are more complicated and various than might at first appear. The product not only

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

of fear but of confusion, guilt, even perhaps a sense of embarrassment, its movement loose, disjunct, often hard to follow (and so hardly worth following), it offered readers escape from a variety of real-world concerns, not the least of which was the increasingly troublesome business of hanging men merely for crimes against property.

The other myth is seen most clearly in cases of what I call “familiar murder” (stressing in “familiar” the archaic sense of “familial,” and pointing out that “family” would have included one’s servants as well as one’s spouse and children). Here the tendency of the writing is radically different. Every effort is made to fix such murderers firmly within the context of the “real world,” even to the extent of inventing what would otherwise seem to be actual facts. There is a marked concern, as well, with the criminal as a person (however factitious this may actually be), particularly in his consciousness. Though this distinction is only relative—for all their greater “characterization” Edmondson and Strodtman are just as finally made into types—it is nonetheless significant. This interest in consciousness (psychology is perhaps too elaborate a term) tends moreover, along with a parallel concern for presenting the “facts” of the criminal’s case, to be turned more toward moral purposes than entertainment. Such narratives are tightly structured, too, in the sense that each event they relate is made to seem part of a causal chain. Here, it seems to me, the aim of the mythologizing process is to reconstruct the real along “happier” or at least more tolerable lines. This myth sought to limit the damage that crime—particularly heinous crime—could do not only to people’s sense of themselves and their God but to their sense of what it was that held (or might hold) society together. By focusing on solidities, and arranging them into significant patterns, it aimed at making criminals over into proper objects of concern, which is to say at reconnecting them with their fellow human beings.

In their form and ultimate purpose, then, as well as in their content, narratives concerned with criminals like Strodtman and Edmondson stand opposite those that fed on the historical reality of highwaymen like Hind. In their complementarity, I’ll argue, they show the full range of attitudes their society encouraged—or found it expedient to allow—toward criminals, their crimes, and their fates on the gallows. Each in its different ways was an effort at exorcising the “devilish principle” in human nature, a means of coming to grips with the “*principium laesum*” in one of its more disturbing manifestations, and both worked, too, at soothing ruffled consciences. Both were popular entertainments as well, an achievement all too easily undervalued. Crimes in crime-ridden societies are not automatically of interest; indeed, the opposite may just as well be true. “Several persons, as is usual every Sessions, were Con-

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

## THREE CASE HISTORIES

5

victed for stealing of silver Tankards, and divers for Shop-lifting,” one sessions paper reports with more than usual candor, “the particulars too tedious to relate.” These were petty thieves, but the exploits of highwaymen, in and of themselves, were not necessarily more interesting. As the compiler of one collection of criminal lives explains, “there is so little Diversity in the Manner of committing a Robbery on the Highway, that it would be rather tiresome than pleasant to the Reader, if we were to give him the Particulars of every Action.” “If this were required,” he wryly observes, “a Man who writes the History of Highwaymen, had need have a Fancy as fruitful as the celebrated *Homer*, who discovers his great Genius in nothing more than in the various Manners of giving up the Ghost, which he describes in the Deaths of his Heroes; whereas the Act of Dying is in itself altogether simple, and capable of little Variety.”<sup>5</sup> Murder, too, is “capable of little variety” and may – described at length, repeatedly – come to seem as “tiresome.” Dressed in the appropriate myth, however, the bludgeonings, stabbings, and poisonings of the popular literature of crime seem not to have palled but rather to have made occasion for special kinds of pleasure – as did, too, in their myth, the depredations of highway robbers. What these pleasures were, and why so regularly indulged, are important aspects of criminal biography considered as myth. But how were these myths fit together, from what kinds of materials, and into what sorts of wholes? The case studies that follow are highly particular. Given the necessarily speculative nature of this book, and the obscurity of the texts it treats, it seems important to begin as solidly as possible, that is, by equipping my reader to disagree with me.

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

## Chapter 1

# The highwayman: power, grace, and money at command

---

*He ask'd him, What Friends he had? To which he answer'd, That his Friends were but few, and that he depended upon his Fingers Ends for a Livelihood. . . . then the Prisoner at the Bar said, If he'd venture with him, and do as he did, he should live like a King, and never want Money; and that he'd teach him a better way to get Money, than by going to Service.*

*Truth of the Case of Palmer (1708), pp. 13–14*

*Honey, says Plunket I thought . . . thou hadst Spirit and Resolution, with some Knowledge of the World. A brave Man cannot want; he has a Right to live, and need not want the Conveniences of Life while the dull, plodding, busy Knaves carry Cash in their Pockets . . . ; there is scarce Courage necessary, all we have to deal with are such mere Poltroons.*

*John Taylor, Ordinary Account, 3 October 1750*

*Jack if thou wilt live with me thou shalt have money at comand or any thing thou wantest.*

*No Jest like a True Jest (1657)*

*They told me he was the captain of the gang, and that he had committed so many robberies that Hind, or Whitney, or the Golden Farmer were fools to him.*

*Daniel Defoe, Moll Flanders (1722), ed. G. A. Starr, p. 281*

The actualities of Hind's life were mythologized even before his capture. Ultimately, with more than fifty of his confraternity, he would take his place in that compendium of "most Secret and Barbarous Murders, Unparalleled Robberies, Notorious Thefts, and Unheard-of-Cheats," Captain Alexander Smith's *Lives of the Highwaymen*. Here, in the version of Hind's life that persisted through the eighteenth century, one reads in rapid order that he was born the son of a respectable saddler at Chipping Norton in Oxfordshire, that apprenticed to a butcher he ran off to London and there, falling into unwholesome company, took to robbing on the highway. In this he showed remarkable aptitude, having the courage in his first attempt to rob two trav-

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

## THE HIGHWAYMAN

7

elers single-handed, and then the generosity to return them enough money to continue their journey—which generosity, Smith writes, made Hind’s mentor “very proud, to see his companion rob with good grace.” Hind went on to greater deeds, going even so far as to rob Peters and Bradshaw, two of the regicides, giving each the merciless lash of his tongue. And he would have robbed Cromwell too, but “that infamous usurper” was too heavily guarded and Hind nearly lost his life. In these adventures he was prompted, we are told, by a “great respect for the royal family.” Eventually betrayed by “an intimate acquaintance” while hiding out in London, Hind was interviewed by the Council of State and tried at the Old Bailey. When nothing was proved against him, he was taken to Reading and convicted on “plain” evidence of murder. This sentence being nullified the next day by an act of general amnesty, Hind was then removed to Worcester, where the authorities succeeded in getting a conviction and making it stick. And so he was executed for high treason, but not before declaring his “abhorrence” of the “Republican Party” on the scaffold, and defending the king’s right to the throne. The parts of his dismembered body were hung over the various gates of the city until they rotted away, “except his head, which was secretly taken down and buried within a week after it was set up.”<sup>1</sup>

Aside from this last detail, aside from the stories about Cromwell and the regicides, Smith’s version of Hind’s life is much on a par with many others in his book. For more excitement, for a richer look into the sort of imagination that welcomed Smith’s largely fantastic accounts of crime on the highway, one might look at his lives of Whitney and the Golden Farmer (to complete Moll’s triumvirate), or at his account of the equally infamous Claude Duval. These exemplify much more richly the myth of the highwayman, document much more exactly the points I shall want to make about that myth, than does Smith’s life of Hind. But the case of Hind is notable as those of other highwaymen are not. For his legend, unlike most others, can be traced nearly back to its source. Though we cannot see how it was originally formed, we can watch it resisting transformation, even in rather interesting directions, once it had already taken shape.<sup>2</sup>

---

There is one topic in the *Weekly Intelligencer of the Commonwealth* for Tuesday, 11 November 1651: “It is happy indeed for all that travell both by Sea and by Land. This day about twelve of the clock Hind that notorious Robber was brought from the Gate House to Newgate in a Coach, and committed to the charge of the Master of that Prison.” As the *Intelligencer* goes on disapprovingly to note, the first thing Hind did

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

once his warders finished shackling him, “although he was sufficiently laden with Irons before, and had money little enough about him, and look’t but heavy at his entrance,” was to drink to the health of Charles Stuart “with good Ale.”<sup>3</sup> For Hind was indeed a staunch Royalist, had in fact (as Smith omits to mention) fought for Charles at Worcester, and, it was rumored, helped him escape to Holland when the battle was lost. Hind himself had come to London to lie low and there indeed had been betrayed, contemporary accounts confirm, by an “intimate acquaintance.”<sup>4</sup> Needless to say, it was not for having robbed Peters and Bradshaw or for his attempt on Cromwell that Hind had been arrested on 9 November. Nor was it for any of this that he came to the attention of the Council of State. Smith, who obviously had access to contemporary sources, chose to repeat only part of their story; his life of Hind, like so much else in his book, is at core his own contrivance. Yet the spirit of Smith’s account is not inappropriate. Even in his own time, the largest part of Hind’s reputation came not so much from what he had done for the Royalists, as from his cavaliering on the highway in his own behalf. Thus it was almost entirely as a highwayman that he figured in a pamphlet published just a little less than two weeks before he was captured.

*Hind’s Ramble*, a collection of anecdotes describing, supposedly, the most notable of his robberies and swindles, epitomizes the first of his myth’s three phases.<sup>5</sup> In both substance and appeal it has much in common with earlier jest-biographies and treatises on cony-catching. But it is more important to note that its form and narrative style are typical of the largely fictitious accounts of highwaymen’s lives that begin to appear early in the seventeenth century, and which flourish, in cheap chapbooks or in more lavish compilations like Smith’s, over most of the eighteenth. There is really no need to give a particular description of its contents—it has Hind doing the usual sorts of things—except possibly to say it possesses an unusual currency, bringing his adventures (remember, he was still at large) right up to the time of Charles’s escape from Worcester.<sup>6</sup> Before assisting (supposedly) in that enterprise, Hind ranges over England, Holland, and Ireland, robbing rich travelers, cozening the covetous, and occasionally helping the poor. In none of this, except for Hind’s parentage and education, does *Hind’s Ramble* confirm the particulars of Smith’s account. But then, apart from certain of Smith’s details concerning Hind’s capture, and where, when, and why he died, neither do any other contemporary accounts. Nowhere else is there any mention of Cromwell or any other regicides; nor, as we shall see, is Smith’s account of Hind’s last moments—for all its seeming authenticity—confirmed by the one other writer who mentions his death.

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

## THE HIGHWAYMAN

9

On the very day that Hind was committed to Newgate another account of his exploits was published, styling itself *An Excellent Comedy, Called, The Prince of Priggs Revels*.<sup>7</sup> In actual fact, this series of crude dramatic sketches is made of much the same stale stuff as *Hind's Ramble*; both works, quite obviously, are nothing more than timely efforts at cashing in on Hind's notoriety. "Such things as these are less than the least of my *Recreations*," says the playwright—in this one inclines to believe him—and he ends his work in media res. (In a brief epilogue he pretends to have been called away from his imaginings by the real news of Hind's capture, but the whole work, barely fourteen pages long, could just as likely have been written afterward.)<sup>8</sup> The author of *The Prince of Priggs* is even less interested in Hind as an actual person than the author of *Hind's Ramble*. And the author of *Hind's Ramble*, though mildly critical of Hind—"All that can be said of him that was good, is, That he was Charitable to the poor; and was a man that never murdered any on the Road; and always gave men a jest for their money: Therefore of the Knaves, the honestest of the Pack"—is after all just barely concerned with the question of what his hero is actually like. All that we get from *Hind's Ramble* about the man himself are a few details at the beginning about his origins and then at the end this cursory judgment: "Hind was a man but of mean stature; his Carriage before people was civil; his Countenance smiling, good Language; civilly Cloathed; no great Spender or Ranter in Taverns. But these were onely Cloaks to deceive honest men of their money. Many of his actions savoured of Gallantry: Most of Wit; but least of Honesty."<sup>9</sup> This crabbed and ambivalent comment is all that we hear in either work of Hind's personality and character.

In *Hind's Ramble*, as in *The Prince of Priggs*, the putative adventures of the highwayman are offered up as nothing more than aids to wish fulfillment. Neither means actually to give its readers Hind but rather to give them back a part of their own minds. *Hind's Ramble*, says its author, is "a book full of delight and fit for vacant hours." It shows that "Fantacies may take place as well as Histories." Hind is a man of whom "it may well be said . . . *That the like is not to be seen or ever heard of*; his experience hath made him an absolute Artist in his profession: He may be likened to a place called, *Nonesuch* . . . for all the Histories in the World cannot afford the like president."<sup>10</sup> The very fact of his actual existence is to be taken, it seems, as proof that reality can offer all the dream satisfaction of fiction. Hind's name is used to give to a set of specious stories what otherwise they could not have: the teasing possibility that indeed they are true. In being put to such use Hind of course is not unlike so many other criminals, from the time of Elizabeth right down to the present day, upon whom fictions have been foisted by

Cambridge University Press

0521326729 - Turned to Account: The Forms and Functions of Criminal Biography in Late Seventeenth- and Early Eighteenth-Century England

Lincoln B. Faller

Excerpt

[More information](#)

popular writers serving, in one way or another, the needs of their audiences to mythologize reality. Nor was he unlike so many modern criminals who, for motives of their own, have cooperated in the making of their myths.

Hind lost no time, once he was captured, in doing what he could to disarm the more dangerous elements of his legend. At the same time, however, he seems to have been eager to exploit whatever there was in his public reputation that might make for sympathy. Thus, with the help of a certain George Horton, he gave impetus to the second phase of his myth. As the publisher of *The Prince of Priggs*, Horton had already taken a hand in the shaping of Hind's legend; he was not behindhand in the attempt to remold it. In quick succession two more pamphlets came from his press: first, *The True and Perfect Relation of the Taking of Captain James Hind*, and then, a few days later, *The Declaration of Captain James Hind (Close Prisoner in New-Gate)*.<sup>11</sup> The second of these pamphlets, mostly a reprint of the first, is prefaced by Horton's announcement that he has been "desired . . . by . . . Mr. *Hind*, to publish this ensuing Declaration, for satisfaction, & true information of the People; together with a Narrative of his Travels" so that "sundry and various Relations fraught with impertinent stories, and new-invented fictions" (among them of course Horton's own *Prince of Priggs*) might then be discredited.<sup>12</sup> Hind himself, in the first of these two pamphlets, is reported as saying, when confronted by a gentleman who pulled "two Books out of his pocket; the one entituled, *Hinds Ramble*[, t]he other, *Hinds Exploits*," that yes, he had seen them before, but that "upon the word of a Christian, they were fictions."<sup>13</sup>

Though willing to admit to "some merry Pranks and Revels," Hind claimed there was little in these to be reprehended. "[It] is a supportment to me," he declared, "that I have taken from the rich; and given to the poor; for nothing doth more impoverish the Cottage-Keeper, then the rich Farmer, and full-fed Lawyer. . . . They were the men I chiefly aimed at." Hind was "confident," or so he said, that "the wrongs which I have committed doth not cry aloud for vengeance; but rather the Mercy that I shewed in all my Designs and Actions, may plead an acquitment of all punishment." Though "every wrong I have done wrings drops of blood from my heart," he added, "I never shed one: Neither did I ever take the worth of a peny from a poor man; but at what time soever I met with any such person, it was my constant custom, to ask, *Who was he for?* if he reply'd, *For the King*, I gave him 20 shillings: but if he answer'd, *For the Parliament*, I left him, as I found him." But "any other Exploits since 1649" Hind most emphatically denied, wanting rather to emphasize the services he claimed to have done his king. Though he disavowed helping Charles escape from