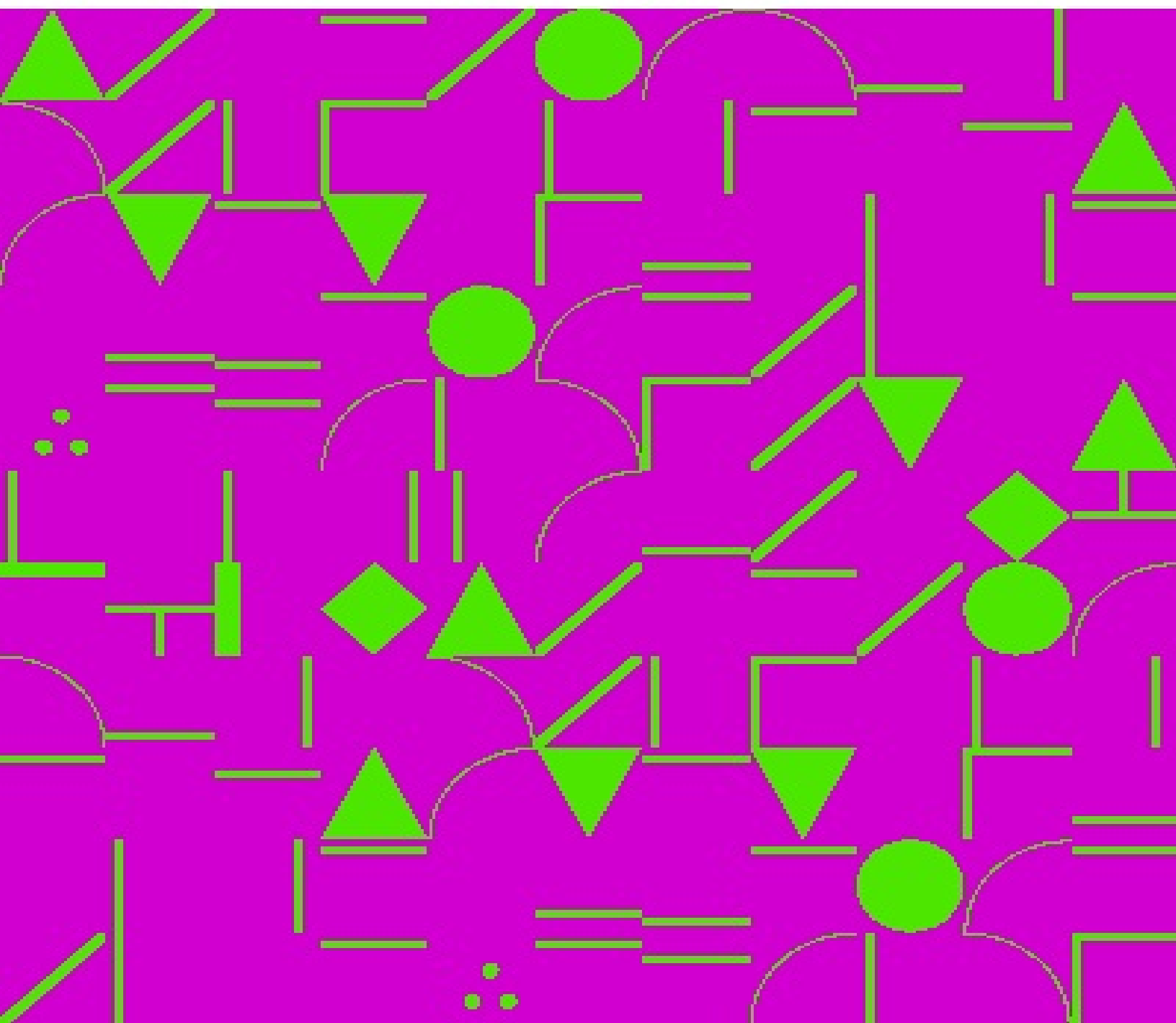


# An Enquiry into the Causes of the Frequent Executions at Tyburn (1725)

Bernard Mandeville



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Malvin R. Zirker

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BERNARD MANDEVILLE,

*AN ENQUIRY*

INTO THE CAUSES

OF THE

FREQUENT EXECUTIONS

AT

*TYBURN.*

(1725)

*INTRODUCTION*

BY MALVIN R. ZIRKER, JR.



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1964

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# INTRODUCTION

The *Enquiry into the Causes of the Frequent Executions at Tyburn* was originally published as a series of letters to the *British Journal*. The first letter appeared on February 27, 1725;<sup>[1]</sup> just twelve days before, Jonathan Wild, self-proclaimed "Thief-Catcher General of *Great Britain and Ireland*," had been arrested and imprisoned in Newgate. Thus the *Enquiry* had a special timeliness and forms a part of the contemporary interest in the increasingly notorious activities of Wild. Wild's systematic exploitation of the London underworld and his callous betrayal of his colleagues in criminality (he received £40 from the government for each capital conviction he could claim) had created public protest since at least 1718 when an act (which Mandeville cites in his Preface) directed against receivers of stolen goods was passed, most probably with the primary intention of curtailing Wild's operations. Wild's notoriety was at its peak in 1724-5 after his successful apprehension of Joseph Blake ("Blueskin") and Jack Sheppard, the latter figure becoming a kind of national hero after his five escapes from prison (he was recaptured by Wild each time).<sup>[2]</sup>

The timeliness of Mandeville's pamphlet extends, of course, beyond its interest in Jonathan Wild, who after all receives comparatively little of Mandeville's attention. The spectacle of Tyburn itself and the civil and moral failures it represented was one which Londoners could scarcely ignore and which for some provided a morbid fascination. Mandeville's vivid description of the condemned criminal in Newgate, his journey to Tyburn, and his "turning off," must have been strikingly forceful to his contemporaries, who knew all too well the accuracy of his description.

"Tyburn Fair" was a holiday. Apprentices deserted their posts, pickpockets, dram-dealers and other free-lance caterers, prostitutes, grub-street elegiasts armed with dying speeches or commemorative verses, went to theirs, to swell the enormous and unruly holiday mob, a mob given a certain tone by the presence of the respectable or aristocratic curious (Boswell says "I must confess that I myself am never absent from a public execution") who came in their coaches or even rode along with the condemned in his cart. The mob at Tyburn reached enormous proportions. Thirty thousand people witnessed an execution in 1776; eighty thousand an execution in Moorfields in 1767.<sup>[3]</sup> Richardson, in *Familiar Letters on Important Occasions* (Letter CLX) refers to the "pressure of the mob, which is prodigious, nay, almost incredible."

When such popular madness was climaxed by the generally unrepentant criminal's drunken bravado (Richardson's criminals "grew most shamefully daring and wanton.... They swore, laugh'd and talked obscenely"<sup>[4]</sup>), and by their glorification by the mob (according to Fielding the criminal at Tyburn was "triumphant," and enjoyed the "compassion of the meek and tender-hearted, and ... the applause, admiration, and envy, of all the bold and hardened"<sup>[5]</sup>), serious-minded men rightly wondered what valid end the execution of the law served. And of course it was not merely that the criminal died unrepentant or that the spectators remained unedified and undeterred. The scene at Tyburn also reflected society's failure to utilize a significant portion of its "most useful members," a failure disturbing to the dominant mercantile attitude of the time which valued "the bodies of men" as potential sources of wealth (Mandeville's concern with the usefulness of the lower class is obvious throughout the first part of the *Fable of the Bees* and in the *Essay on Charity, and Charity-schools*).

Mandeville's subject, then, was one familiar to his readers and one whose importance they recognized.

His attitude toward his subject was for the most part a thoroughly conventional one. For instance, his primary assumption that the penal code must be harsh since its function is to deter, not to reclaim, pervades eighteenth-century thought on the subject and is clearly reflected in the number of offences carrying the death penalty (160 when Blackstone wrote; 220 in the early nineteenth century). Its logical culmination may be found in arguments such as George Ollyffe presented in 1731. Ollyffe, noting that the frequency of the death penalty was not deterring criminals, suggests that more horrible forms of punishment be devised, such as breaking on the wheel, "by which the Criminals run through ten thousand thousand of the most exquisite Agonies ... during the unconceivable Torture of their bruised, broken, and disjointed Limbs," or "twisting a little Cord hard about their Arms or Legs," which would produce the "keenest Anguish."<sup>[6]</sup> Ollyffe's public-spirited ingenuity should be a warning to modern readers who assume that Mandeville's attitude is unusually harsh and unfeeling.

Most of Mandeville's specific proposals too may be paralleled in the many pamphlets of the time concerned with the criminal and the lower class. To point out some of the similarities between Mandeville's and Fielding's proposals (which he states most fully in *An Enquiry into the late Increase of Robbers*, 1751) is not to posit direct influence but to suggest the uniformity of opinion on these matters during many years. Both Mandeville and Fielding argue for closer control over receivers of stolen goods, against advertising in the paper to recover stolen goods, against the false compassion of the tender-hearted who fail to prosecute or of juries which fail to convict the guilty, against the indiscriminate imprisonment of young with old, hardened criminals with first offenders, men with women, and against frequent pardons. They agree in demanding that the condemned should meet his death, soberly, shortly after his conviction.<sup>[7]</sup>

Mandeville's suggestion that the bodies of the executed be turned over to surgeons for dissection is not to be found in Fielding's pamphlet. It does, however, become a part of the "Act for preventing the horrid Crime of Murder" (25 Geo. II. c. 37), an act for which Fielding is often given credit.<sup>[8]</sup> This suggestion, and that in Chapter VI to trade felons into slavery (which as far as I know is Mandeville's own), clearly stem from the impulse to increase the deterrent power of the law by making it more terrible.

What distinguishes Mandeville's pamphlet (in addition to the characteristically hard-headed bluntness of its author) is a quality present in one degree or another in all his work: an exuberant delight in creating scene. Throughout the *Fable of the Bees*, for example, but especially in the first part, the argument is punctuated by vivid scenes in which an idea is acted out or illustrated. Invariably these scenes have a merit and interest beyond that owing to their function in the argument. They are lively, vivid, picturesque, humorous or touching in their own right. The reader can scarcely doubt that Mandeville enjoyed composing them—he admits as much in the Preface to the *Enquiry* when he acknowledges, in defending the "lowness" of his subject, the "Pleasure there is in imitating Nature in what Shape soever."

The gusto and vitality of the description of the events at Tyburn well illustrate Mandeville's art. He puts us on the scene, lets us see and hear the various actors, gives us telling detail: a bully rolling in the mire; a putrified wig; a drunken old woman on a bulk; refuse flying through the air; trollops in rags; a gin seller "squeez'd up in a corner"; carcasses of dogs and cats. The scene is filled with objects and has movement as well: the mob is a torrent which "bursts through the gate," a "floating multitude." There is "jostling," "kicking dirt," "rolling"; peddlers "stir about," and one who has "ventured in the Middle of the Current" is "fluctuating in the irregular Stream." The air is filled with "oaths and vile expressions," and "loud laughter"; a peddler "tears his Throat with crying his commodity." Mandeville orders his scene spatially and chronologically, and he enforces its vividness by relating the action in the present tense. Its basic unity, however, is owing to the evaluation and control provided by the various tones of the narrator's

voice, which is alternately scornful and disgusted ("abandoned Rakehells") and almost playfully ironic ("he is the prettiest Fellow among them who is the least shock'd at Nastiness"; "their darling Cordial, the grand Preservative of Sloth, Jeneva").

For one reader at least Mandeville is eminently successful in capturing what must have been the appalling uproar and the dismaying quality of the events at Tyburn. His vivid, circumstantial realism sets the *Enquiry* apart, as far as I know, from all other pamphlets dealing with this sorry subject. If his views for the most part are conventional, his style and technique are not, and in this respect the *Enquiry* is best compared not with other pamphlets but with Hogarth's portrayal of the demise of the idle apprentice (Plate XI of the *Industrious and Idle Apprentice*, 1747), in which Hogarth represents visually many of the same details which Mandeville reports and in which he conveys a comparable sense of the violent and brutal activity of the Tyburn mob.

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## FOOTNOTES TO THE INTRODUCTION

[1] See "A Note on the Text" below.

[2] A useful account of Wild's career and fame appears in William R. Irwin's *The Making of Jonathan Wild* (New York, 1941), pp. 3-32.

[3] The figures are taken from Leon Radzinowicz' *A History of English Criminal Law* (New York, 1948-56), vol. I, p. 175, n. 45.

[4] Compare the hero of Swift's "*Clever Tom Clinch going to be hanged*" (1726), "Who hung like a Hero, and never would flinch." He "Rode stately through *Holbourn*, to die in his Calling," and adjured his friends to "Take Courage, dear Comrades, and be not afraid, / Nor slip this Occasion to follow your Trade."

[5] Henry Fielding, "An Enquiry into the Causes of the late Increase of Robbers," *Works*, ed. Henley (London, 1903), vol. 13, p. 122. Fielding might have added that the criminal-hero also enjoyed the amorous admiration of the fair: when clever Tom Clinch rode by "The Maids to the Doors and the Balconies ran, / And said, lack-a-day! he's a proper young Man"; according to Mrs. Peachum "The youth in his cart hath the air of a lord, / And we cry, There dies an Adonis!"

[6] George Ollyffe, *An Essay Humbly Offer'd, for an Act of Parliament to prevent Capital Crimes, and the Loss of many Lives; and to Promote a desirable Improvement and Blessing in the Nation*, second edition, (London, 1731), p. 8.

[7] Fielding's and Mandeville's positions may be compared to that of an anonymous pamphleteer writing in 1701: "I might add, that it were not amiss, if after Condemnation they were allowed nothing but Bread and Water; a good way to humble them, and bring them to a sense of their Condition, as to a future state, and to put a stop to their murdering their Keepers, and attempting to break Gaol. And it were well, if a Particular Habit (Black the most proper Colour) were assigned them, at least at their Executions; and that they might not be suffered to make their Exits in gay Clothes (as they sometimes do like Men that Triumph) but rather as becomes Those, who are just going to undergo the Curse of the Law, and that are intended to be a Warning to Others." R. J., *Hanging not punishment enough, for Murtherers, High-way Men, and House-Breakers*, p. 21.

[8] Both the criminal and the "mob" detested the anatomists. In the *British Journal* of March 20, 1725—one of the issues in which Mandeville's letters appeared—a captured murderer is reported to have said "d——n my Soul; but I desire I may not be Anatomiz'd." In the same issue is recorded a mob's assault on a doctor whom they suspected, rightly it seems, of grave-robbing. He was forced to flee for his life and his stable was "pulled down."

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## A NOTE ON THE TEXT

The letters (which Mandeville tells us were composed before Wild's capture) appeared in nos. 128-133 of the *British Journal* (Feb. 27, Mar. 6, Mar. 13, Mar. 20, Mar. 27, and Apr. 3, 1725). The differences between the text of the newspapers and that of the pamphlet have some significance, for what alterations there are suggest that Mandeville was a fairly careful editor. The Preface to the pamphlet is entirely new—its addition is one of several changes Mandeville made to put the articles in pamphlet form. He also, for example, added a Table of Contents, and gave headings to each chapter and, in one instance, changed "Papers" to "Chapters."

Throughout minor changes (not clearly purposeful) in punctuation, italicization, and capitalization occur, and occasionally a word is changed ("Holland" becomes "Leyden," p. 27) or a word is inserted ("none of them should" becomes "none of them likewise should," p. 13), but only three changes may be called substantial. (1) In the first newspaper article the following sentence appeared in the text in brackets after the footnoted sentence on p. 3 of the pamphlet: "Here I beg leave to observe, that the greatest Part of this Treatise was wrote some Months before Jonathan Wild was apprehended; and that as nothing was said of him, but what may be equally applied to any one, who either now follows, or shall take upon him the same Employment, I keep to the original Manuscript, imagining the Reader will be better pleased to see the Author's Sentiments concerning Jonathan, and the Trade he drove before his Commitment, than any Alterations that might be expected from what has happen'd since." (2) The phrase on p. 17, "with Applause, and repeated with Impunity," corrects the newspaper version "with Impunity, and repeated with Applause." (3) On p. 25, lines 3 through 17 appear only in the pamphlet, the newspaper version reading merely "... of Course, we seldom meet with any Thing that is edifying, or moving."

The pamphlet is reproduced from the copy at the Huntington Library.





**E N Q U I R Y**  
**INTO THE**  
**C A U S E S**  
**OF THE**  
**FREQUENT EXECUTIONS**  
**AT**

# *T Y B U R N :*

AND

*A PROPOSAL for some REGULATIONS concerning FELONS in PRISON, and the good Effects to be Expected from them.*

To which is Added,

*A Discourse on TRANSPORTATION, and a Method to render that Punishment more Effectual.*

By *B. MANDEVILLE*, M.D.

*Oderunt peccare Mali formidine Pænæ.*

*LONDON,*  
Printed: And Sold by *F. Roberts* in *Warwick-Lane*.  
*MDCCXXV.*





## PREFACE



THE Design of this small Treatise, is to lessen if not prevent the common Practice of Thieving, and save many Lives of the loose and indigent Vulgar, of which now such great Numbers are yearly lavish'd away for Trifles. In order to this, I have endeavour'd to set in a true Light the destructive Consequences of *Theftbote*, and the Damage the Publick sustains from the Trade that is drove by Thieftcatchers, and the various ways now in vogue of compounding Felonies, by which the Safety as well as Maintenance of Thieves and Pilferers are industriously taken care of, and the Laws that enforce Prosecution altogether eluded.

To the same Purpose I have pointed at the Licentiousness and other Disorders of *Newgate*, arising from the wrong Method we have of treating common Felons in Prison. I have describ'd the Transactions of Execution Day, with the Procession to *Tyburn*, and demonstrated what small Advantage they are of, as well to the condemn'd themselves, whose grand Affair it is to prepare themselves for another World, as to their Companions who should be deterred, or the rest of the Spectators, who should be struck with the Awfulness of the Solemnity. I have likewise searched into the Origin of Courage, and the wrong Judgments that are differently pass'd on the dying Behaviour of Malefactors, shew'd the ill Consequences as well as Absurdity of our mistaking Drunkenness for Intrepidity, and a senseless Deportment for Undauntedness; and touch'd on the several Neglects and Mismanagements that are accessary, and one way or other contribute to the Encrease and Support of Felons, and consequently, the Frequency of Executions.

Afterwards I have in a Chapter by it self offer'd some Proposals for a better Usage, and more proper Treatment of common Felons in Confinement, and made a Pathetical Representation of the good Effects we might probably expect from such wholesome Regulations. To these I have added a Discourse on Transportation, and a Method of rendering that Punishment not only more effectual on the Criminals, but likewise advantagious to the Publick in the most extraordinary manner.

I am not so vain as to place any Merit in the Performance, or promise my self the Applause of many: on the contrary, I expect to be censur'd, and perhaps deservedly, for the uncouth Decorations I have intermix'd with my Subject. Men of Taste and Politeness will think themselves very little oblig'd to me for entertaining them with the meanest and most abject part of low Life, for almost a whole Chapter together; and tell me that the Inside of *Newgate*, either on an Execution Day, or any other, is not a Scene they ought to be troubled with; and that the Exactness of a Picture among the Judicious is of little Worth where the noble manner is wanting. To this I could answer that, if I have trespassed against the Laws either of Elegance or Formality, I was forc'd to it by what is superior to all Laws, Necessity. When a Man is to inspire his Readers with an Aversion to what they are unacquainted with, he can never compass his End without furnishing them first with a general Idea of the Thing against which he wou'd raise their Indignation: I could add that, when a Piece is lively and tolerably finish'd, the good-natured Critick will pardon the Meaness of the Design, for the sake of the Colouring and the Application of the Master. But if neither of these Excuses are thought sufficient, I must plead guilty, and confess that the Pleasure there is in imitating Nature in what Shape soever is so bewitching, that it over-rules the Dictates of Art, and often forces us to offend against our own Judgment.

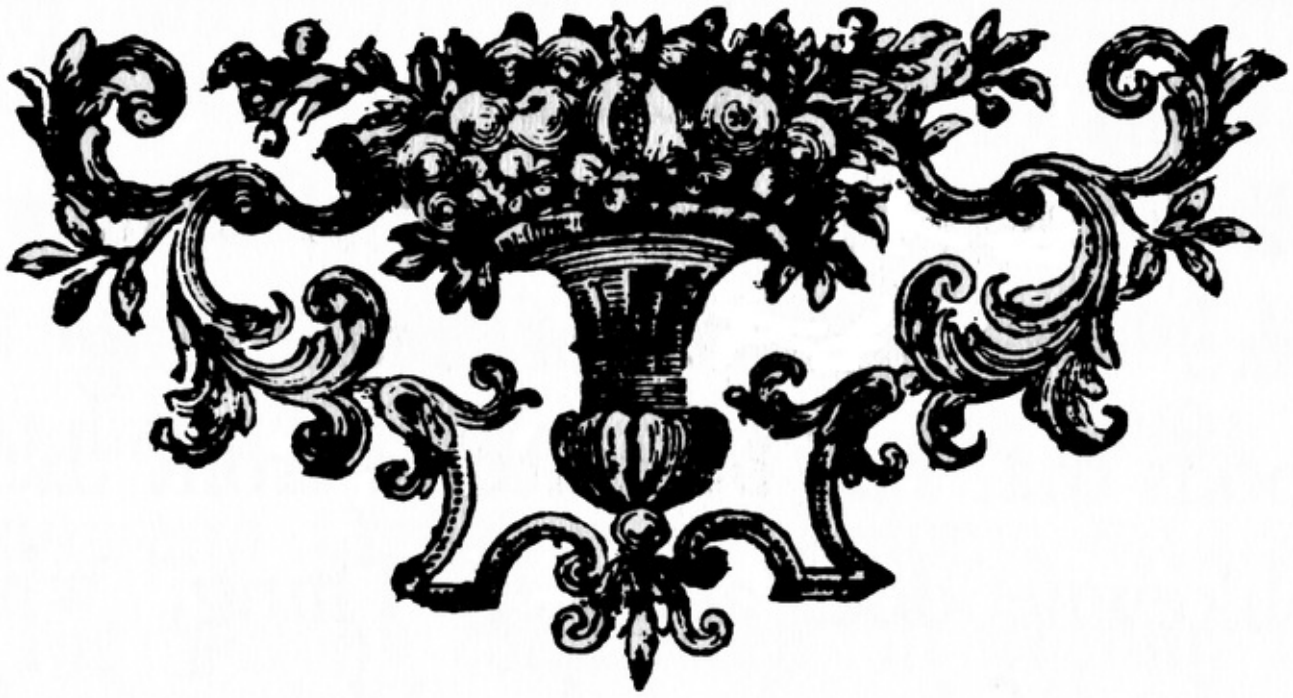
As there are in this City not a few Men of Business and good Understanding, whose Leisure allows them not to read much beyond the Publick News, and most of them are concern'd in the Contents of this Pamphlet, I caused the several Chapters of it to be Printed in as many Papers of the *British Journal*; imagining that its having been dispers'd, and, as it were, advertis'd in that manner, could give no Offence to the more Curious, who would chuse to have it entire by it self, and peruse it in a Character less troublesome to the Eyes.

In the first Chapter I should have taken notice of a Clause in an Act of Parliament that was made in the Fourth Year of His present Majesty, and is call'd, *An Act for the further Preventing Robbery, Burglary, and other Felonies*, &c. The candid Reader I hope will pardon the Neglect, occasion'd by the small Acquaintance I have with the Law, and give me leave in this Place to repair that Omission. The Words are these.

And whereas there are several Persons who have secret Acquaintance with Felons, and who make it their Business to help Persons to their stollen Goods, and by that Means gain Money from them, which is divided between them and the Felons, where-by they greatly encourage such Offenders: Be it Enacted by the Authority aforesaid, That whenever any Person taketh Money or Reward, directly or indirectly, under Pretence, or upon account of helping any Person or Persons to any stollen Goods or Chattels, every such Person so taking Money or Reward, as aforesaid (unless such Person doth apprehend, or cause to be apprehended such Felon who stole the same, and cause such Felon to be brought to his Trial for the same, and give Evidence against him) shall be guilty of Felony, and suffer the Pains and Penalties of Felony, according to the felony committed in stealing such Goods, and in such and the same manner, as if such Offender had himself stole such Goods and Chattels, in the manner and with such Circumstances as the same were stollen.

Since the Printing of these Chapters, in the Paper aforesaid, I have likewise been inform'd; that, as

receiving Money for assisting others in the Recovery of their stolen Goods, is by this Act made Felony; so by the known Rules of Law, whoever is aiding and assisting thereto is of Course guilty as an Accessary, and to incur the same Punishment as the Principal: and it cannot be doubted; but that he, who pays Money on such an Occasion, is accessory to the Receiving of it; which well deserves the Reflection of those who make no Scruple of redeeming the Goods that had been stolen from them; as likewise does another Thing, which is, that if he who takes Money for stolen Goods is a principal Felon, and that he who pays it is a Felon, as being accessory, then he who by publick Advertisements with Promises of Secrecy, and that no Questions shall be asked, invites others to commit Felony, is guilty of a great Misdemeanour, tho' it produce no Effect; but, if it do, the Person publishing such Advertisement will be an Accessary likewise.



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THE

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## CHAP. I.

### *Of THEFTBOTE; or, the Crime of Compounding of Felony.*



THE Multitude of unhappy Wretches, that every Year are put to Death for Trifles in our great Metropolis, has long been afflicting to Men of Pity and Humanity; and continues to give great Uneasiness to every Person, who has a Value for his Kind. Many good Projects have been thought of to cure this Evil, by sapping the Foundation of it: A Society has been set up to reform our Manners; and neither Workhouses, nor Discipline on small Crimes, have been wanting: An Act has been made against prophane Cursing and Swearing; and many Charity Schools have been erected. But the Event has not answer'd hitherto the good Design of those Endeavours. This City abounds as much with loose, lazy, and dishonest Poor; there is as much Mischief done by ordinary Felons; and Executions for Theft and Burglary are as frequent, at least, as ever: Nay, it is believed, that *London* is more pester'd with low Villany than any other Place whatever, the Proportion of Bigness between them not left unconsider'd. As there is no Effect without a Cause, so something must be the Reason of this Calamity. I have long and carefully examined into this Matter, and am forced to ascribe the Mischief complained of to two palpable Evils, distinct from those we have in

common with other large overgrown Cities. One regards Prosecutions; the other the Treatment that is given to Malefactors after they are taken. I shall begin with the first: I mean the Neglect of them, occasion'd by our shameful Negotiations with Thieves, or their Agents, for the Recovery of stolen Goods, by which, in Reality, we become Aiders and Abettors to them.

The Law of *England* is so tender of Mens Lives, that whoever justly prosecutes, and convicts a Person of a Capital Crime, has nothing to answer for to his Conscience, but, on the contrary, has done a Service to his Country, without Offence to God, or the least Breach of Charity to his Neighbour. But as every Body has not Strength of Mind and Resolution enough to perform Duties that are repugnant to his Nature, so, making Allowances for Human Frailties, I could excuse the Backwardness of a meek home-bred Person, who should complain, That to appear in open Court, and speak before a Judge, are terrible Things to him. But I think it unpardonable, that a Man should knowingly act against the Law, and by so doing powerfully contribute to the Increase, as well as Safety and Maintenance, of Pilferers and Robbers, from no other Principle, than a criminal Selfishness, accompany'd with an utter Disregard to the Publick: Yet nothing is more common among us.<sup>[9]</sup> As soon as any Thing is missing, suspected to be stolen, the first Course we steer is directly to the Office of Mr. *Jonathan Wild*. If what we want is a Trinket, either enamel'd, or otherwise curiously wrought; if there is Painting about it; if it be a particular Ring, the Gift of a Friend; or any Thing which we esteem above the real Value, and offer more for it than Mr. *Thief* can make of it, we are look'd upon as good Chaps, and welcome to redeem it. But if it be plain Gold or Silver, we shall hardly see it again, unless we pay the Worth of it. Some Years ago, it is true, a Man might, for half a Piece, have fetch'd back a Snuff-Box that weigh'd twenty or thirty Shillings: But this was in the Infancy of the Establishment. Now they are grown wiser, and calculate exactly what such a Thing will melt down for: To offer less is thought unreasonable; and unless Mr. *Thief-catcher* stands your Friend indeed, if you have it, you will seldom save any Thing but the Fashion. If in this Place you can hear no Tidings of your Goods, it is counted a Sign, that they are in the Hands of irregular Practitioners, that steal without Permission of the Board. In this Case we immediately put in an Advertisement in some News-Paper or other, with a Promise, that such a Reward will be given, and no Questions asked. I own, that in the Printing of these short Epistles there is no manner of Harm, if we abstract the Act itself from the Concern the Publick has in it. The Tenor of them is rather benevolent than injurious: And a Panegyrist on the present Times might justly say of them, That in no Performances the true Spirit of Christianity was so conspicuous as in these: That they were not only free from Calumny and ill Language, but likewise so void of Reproach, that speaking to a Thief, we never call'd him so in those charitable Addresses: That in them the very Catalogues of Injuries receiv'd, were penn'd with as little Heat, or Resentment, as ever Tradesman shew'd in a Bill of Parcels directed to his best Customer: That here we are so far from hating our Enemy, that we proffer him a Recompence for his Trouble, if he will condescend to let us have our own again; and leaving all Revenge to God, to shew that we are willing to forgive and forget, we consult, in the most effectual Manner, the Safety of a Person that deserves Hanging for the Wrong he has done us. Yet, notwithstanding the kind Constructions that may be put on these Civil Offers, they all tend to the *Compounding of Felony*, and are the Occasion of a double Mischief: They invite the Indigent and Lazy to pick Pockets, and render the Negligent more careless than probably they would be, was this Practice abolish'd. A Pocket-Book, or Memorandum, may be stole from a Man that is of vast Concern to him, and yet of no Use but to the Owner: If this be taken by a regular Thief, a listed Pilferer, it is easily recover'd for a small Reward. I don't suppose any one so silly, that therefore he would go to Places, and into Companies, on Purpose to have his Pocket pick'd; but I can't help thinking, that if those Things were never to be heard of again, and the Loss irretrievable, many young Rakes, and other loose Reprobates, would be under greater Apprehensions, and more upon their Guard, at least when they had such a Charge about them, than the Generality of them now are. And again, if nothing could be made of Letters, Papers, and

Things of that Nature, such as have no known Worth, and are not readily turned into Money, the numbers of Whores and Rogues, young and old, that are employ'd in the Diving Trade, would decrease considerably; many of them, from a Principle of Prudence, refusing to meddle with any Thing else. For as on most of the Things now spoke of, no real Value can be set, the Punishment would be inconsiderable, if any, should the Things be found upon them, or themselves be taken in the Fact. Most Men will agree to all this, whilst unconcern'd; but when private Interest is touch'd, it soon stifles these Considerations. I should be a Fool, says one, when a Thing of Value is stolen from me, not to get it back, if I can, for a Trifle. If I lose a Sword, or a Watch, I must have another; and to save the Fashion in these Things is considerable: It is better to lose the Half than the Whole. I have nothing to do with the Thief, says another, if I have my own again, it is all I want: What Good would it do to me to have a poor Fellow hang'd? A Third, more compassionate, will tell us, that if he knew the Thief, he would not meddle with him; and that he would lose ten times the Value of what has been taken from him, rather than be the Occasion of a Man's Death. To these I reply, that the Legislators seem to have known how the Generality of Men would argue, and what Excuses they would make; they had an Eye on the Frailty of our Nature; consider'd, that all Prosecutions are troublesome, and often very expensive; that most Men preferred their own Interest, their Ease and Pleasure, to any Regard of the Publick; and therefore they provided against our Passions with so much Severity. *Compounding of Felony* is not prohibited under a small Penalty, or attoned for by a little Fine; it is next to Felony; and the most creditable Citizen, that is convicted of it, ceases to be an honest Man.

The Offence in our Law is call'd THEFTBOTE; of which my Lord Chief Justice *Coke* says, "That it is an Offence beyond Misprision of Felony; for that is only a bare Concealment of his bare Knowledge: But that it is THEFTBOTE when the Owner not only knows of the Felony, but takes of the Thief his Goods again, or Amends for the same to favour or maintain him, that is, not to prosecute him, to the Intent he may escape. The Punishment of THEFTBOTE is Ransom and Imprisonment." THEFTBOTE (as described by Act of Parliament) *est emenda furti capta absque consideratione curiæ domini regis*. Sir *Matthew Hale*, in his *Pleas of the Crown*, says, "That THEFTBOTE is more than a bare Misprision of Felony, and is, where the Owner doth not only know the Felony, but takes his Goods again, or other Amends, not to prosecute."

This Rigour of the Legislature is a full Demonstration, that they thought it a Crime of the most pernicious Consequence to the Society; yet it is become familiar to us; and our Remissness in several Matters, relating to Felons, is not to be parallell'd in any other civiliz'd Nation. That Rogues should be industriously dispers'd throughout the City and Suburbs; that different Hours and Stations should be observ'd among them, and regular Books kept of stollen Goods; that the Superintendent in this hopeful Oeconomy should almost every Sessions, for a Reward, betray, prosecute, and hang one or more of this his Acquaintance, and at the same Time keep on his Correspondence amongst the Survivors, whom, one after another, he sends all to their Triangular Home; that Magistrates should not only know and see this, but likewise continue to make use of such a Person for an Evidence, and in a manner own that they are beholden to him in the Administration of Justice; That, I say, all these Things should be Facts, is something very extraordinary, in the Principal City, and the Home Management of a Kingdom, so formidable abroad, and of such Moment in the Balance of *Europe*, as that of *Great Britain*.

The Mischief that one Man can do as a Thief, is a very Trifle to what he may be the Occasion of, as an Agent or Concealer of Felons. The longer this Practice continues, the more the Number of Rogues must hourly encrease; and therefore it is high Time that regular Book-keeping of stolen Goods should cease, and that all Gangs and Knots of Thieves should be broke and destroy'd as much as is possible, at least, none of them suffer'd to form themselves into Societies that are under Discipline, and act by Order of a Superior. It is highly criminal in any Man, for Lucre, to connive at a Piece of Felony which he could have

hinder'd: But a profess'd Thief-Catcher, above all, ought to be severely punish'd, if it can be proved that he has suffer'd a known Rogue to go on in his Villany, tho' but one Day, after it was in his Power to apprehend and convict him, more especially if it appears that he was a Sharer in the Profit.



## CHAP. II.

### *Of the ill Consequences of THEFTBOTE, and the Licentiousness of Felons in Newgate.*

Often, when I have spoke against *Theftbote*, after the same manner as now I have been writing, I have heard Men of Worth and good Sense come into my Sentiments, who yet, after all, would tell me, That if I had lost any Thing myself, they believ'd that I would be glad to have it again with as little Cost and Trouble as I could. This I never denied, and am still willing to own. We are all partial and unfit Judges in our own Cause; but the most that can be made of this, is, That in that Case neither I nor any Body else, that has had any Thing stolen from him, ought to be consulted about the Matter: We are ill qualified, and therefore incapable of determining any Thing rightly concerning it. I have another Reason why this ought to be referred rather to those who never lost any Thing by Thieves and Pilferers, than others who have been Sufferers that Way: Rogues, it is true, have a thousand Stratagems, and a Person may be very careful, and yet have his Pocket pick'd, if ever he appears in the Street, or a Crowd: Yet, if we divide Mankind into two Classes, that the one will be more exempt from those Misfortunes than the other, is undeniable. A Man, who is always upon his Guard in the Streets, and suspects all Crowds; that is temperate in his Liquor; avoids, as much as is possible, unseasonable Hours; never gives Ear to Night-walkers; a Man that abroad is always watchful over himself, and every Thing about him, and at home takes Care of his Doors and Bolts, his Shutters, Locks, and Bars; such a one, I say, is in less Danger than others, who are unthinking, and never mind what Companies they thrust themselves into; or such as will be drunk, go home late in the dark unattended, and scruple not to talk and converse with lewd Women, as they meet them; or that are careless of themselves as well as of the securing and fastening of their Houses. It is evident then which Class would yield the most proper Judges; whom if it was left to, I don't question but the sober, careful, and wiser Part of the Nation would agree, that the Practice in vogue, and Method made use of to recover stolen Goods, even tho' there was no express Law against it, is, on many Accounts, mischievous to the Publick, and visibly destructive to the Interest of honest Property, and our Security in the Enjoyment of it.

There is no greater Encouragement for Men to follow any Labour or Handicraft, than that they are paid as soon as they have done their Work, without any further Trouble. It is from such a Consideration as this, that to encrease the publick Security, the Law not only punishes Stealing, but likewise makes it Felony, knowingly to buy stolen Goods; and moreover perpetuates honest Property, and renders the Right of it inalienable from the injured Owner, who seizes his Goods in what Hands soever he finds them. These two additional Precautions are of admirable Use in hampering common Villains, and strengthening the Law against Theft. From the first, a Rogue, after he has made himself liable to be hang'd, may be still disappointed, and miss his chief Aim; for as Money is what he wants, if no Body will purchase what he offers, he is never the nearer. The Second makes that he is never safe, tho' he is rid of the Goods, and the Money in his Pocket; for tho' they are gone through half a Dozen Hands, as soon as the Right Owner lays Claim to the Things stole, every one is oblig'd to discover where he had them; and by this Means it is

seldom difficult to find out the Thief, or the Receiver of stolen Goods. To leap these two Barriers, and free himself at once of the Trouble there is in finding a safe Purchaser, and all Apprehensions of future Danger, a Rogue could not wish or imagine any Thing more effectual than that he might lodge what he has stole in the Hands of the Owner himself, and so receive a Reward for his Pains, and, at the same Time, a Pardon for his Crime, of him, whose Prosecution was the only Thing he had to fear. It is evident then, that the friendly Commerce, and amicable Negotiations, now in vogue, between Thieves and those that are robb'd by them, are the greatest Encouragement of low Villany that can be invented, and as sure a Way to keep up the Breed of Rogues, and promote the Interest of them, as either our Fishery or the Coal Trade are constant Nurseries for Sailors.

I am not ignorant, that in the present Conjuncture, as Cases might be stated, it would be very harsh, and seem to be the Height of Injustice, if we should hinder People from redeeming stolen Goods on all Emergencies whatever. A Man may be vigilant and careful, and his Servants the same, and yet, their Eyes being one Moment turn'd from the Counter, a Shop-Book may be snatched, and carried off, perhaps, a Month before *Christmas*. This may put a Tradesman of good Business in great Distress: Must he lose it? I say, Yes, if the Publick is to be preferr'd to a private Interest. In the mean time, I know very well what every Body would do in that Case: But that the Whole suffers by the Redemption, I prove thus: Let us say, that this Year twelve Shop-Books are stole, that are all recover'd for two or three Guineas apiece got for them, and no Body punish'd. You may expect that next Year you will have forty or fifty stole, and in a few Years nothing will be more common. And again, let us suppose that last Year an hundred Shop-Books were stole; but, by vertue of some effectual Law for that Purpose, not one redeemed. The Consequence, in all Probability, would be, that the next Year you would hardly have ten Shop-Books stole; and if, thro' the strict Observance of the Law, none of them likewise should be redeem'd, you would hear no more of that Practice.

Besides, when a Man steals what is of no Value but to me, and can have no other View than that I should redeem it, and be his Pay-Master myself, the Felony becomes, in a manner, a compound Action, in which, as soon as I comply, I join with the Thief: And if we consider that the changing of Property from one Man to another, is seldom of any Consequence to the Publick, and that all the Mischief that can befall it from Theft, that is, the Loss of Goods that Way sustain'd by private Persons, consists in this, That those who committed it, gain their Point, and come off with Impunity, let who will be the Thief, or the Receiver; if, I say, we consider these two Things, it will appear, that in the Case I have mentioned, myself, who for my own Ends assisted the Thief with Money, and secured him from Prosecution, had the greatest Share in the Transaction, and consequently was, of the two, the most injurious to the civil Society. Without me the Rogue would not only have been disappointed, but likewise, whilst he continued in Possession of the Thing stole, remained in the perpetual Dread of being prosecuted for what he never had any Benefit from; and it is not probable that a Man who had been twice so served, would ever make such another Attempt.

These Things well deserve the Consideration of wise Men, and I desire the compassionate Part of Mankind to reflect on what daily Experience teaches us of common Felons, and they will easily find out, that unseasonable Pity may prove the greatest Cruelty. The oftner a young Rogue steals with Impunity, the sooner he'll be a thorough-paced Villain, that will venture on more hazardous Undertakings; and the more numerous the Examples of such are, the more loose People will enter into the Fraternity, of which, whether it be great or small, very few ever arrive to a middle Age. Some are cunning enough never to be taken in a Fact; but no Subtlety can save them from the Impeachment of others. A licens'd Practitioner may be skreen'd and protected some Years, if he sticks to Discipline, and pays the greatest Part of his Earnings for his Security; but if he rides resty, and squabbles about the Contribution required of him, he is in a dangerous Way. It is possible that a dextrous Youth may be esteemed, and be a Favourite to the

Superintendent a great while; but when he grows very notorious, he is hunted like a Deer, and the Premium on his Head betrays him. He may baffle his Prosecutor, find a Flaw in an Indictment, elude the Force of an Evidence, come off once or twice, be reprieved, break Goal, or be pardoned, the Gallows will be his Portion at last. The Wretch that is train'd up to stealing, is the Property of the Hangman: He can never entirely leave off his Trade: Many, after Transportation, have, with great Hazard of their Lives, found the Way back again to *Newgate*. A Thief bred must be hang'd if he lives.

From all which appears, what I undertook to prove, That Remissness as to Prosecutions, occasion'd by the bare-faced Compositions of Felony, is one of the grand Causes of that lamentable Complaint, the Frequency of Executions; and should we compare the Drovers that are carried to *Tyburn* for Slaughter, with those others that are sent to *Smithfield* for the same Purpose, we would find the modern Thief-Catcher subservient to the Executioner in the same Manner, as the wealthy Grazier is to the needy Butcher; and that of the Cattle in either Sense, few are kill'd by the one that were never cherish'd by the other.

I am now come to the second Cause, which is the Treatment Felons receive after they are taken, both in *Newgate* and their Journey from thence to the Gallows: First, It is wrong to suffer such Numbers of them to be and converse together; for nothing but the utmost Corruption can be expected from a Company of forty or fifty People in a Prison, who, every one of them, singly consider'd, were all the worst of Thousands before they met. Secondly, It is an Encouragement to Vice, that the most dissolute of both Sexes, and generally young People too, should live promiscuously in the same Place, and have Access to one another. For the rest, the Licentiousness of the Place is abominable, and there are no low Jests so filthy, no Maxims so destructive to good Manners, or Expressions so vile and prophane, but what are utter'd there with Applause, and repeated with Impunity. They eat and drink what they can purchase, every Body has Admittance to them, and they are debarr'd from nothing but going out. Their most serious Hours they spend in mock Tryals, and instructing one another in cross Questions, to confound Witnesses; and all the Stratagems and Evasions that can be of Service, to elude the Charge that shall be made against them; or else in reading Lectures on some Branch or other of their Profession, the various Arts and Methods of Stealing, or the Glory, as well as Usefulness of invincible Impudence on all offensive and defensive Emergencies. As villainous Pawn-brokers, and all Receivers of stolen Goods, have good Reasons to be liberal to those they have dealt with, when in this Distress, so no Felons are here in Want, and reduced to the Allowance of the Prison, but Novices and silly Creatures, that have the least deserved to be punish'd; whereas the Veteran Rogues, and such as have been great Traders, are well provided for. This keeps them up in Debauchery; and many, after Condemnation, persist in their riotous Courses, and pampering their Bodies, whilst the Care that is taken of their Souls is very mean. For such is the Noise and Confusion all around them, that even the best dispos'd have not sufficient Opportunities to prepare themselves for another World; and the Helps they receive in Spirituals are, all Things consider'd, no better than the Accounts we have of them after every Session.

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## CHAP. III.

*Of Execution Day, the Journey to  
Tyburn, and a Word in behalf  
of Anatomical Dissections.*

When the Day of Execution is come, among extraordinary Sinners, and Persons condemned for their Crimes, who have but that Morning to live, one would expect a deep Sense of Sorrow, with all the Signs of a thorough Contrition, and the utmost Concern; that either Silence, or a sober Sadness, should prevail; and that all, who had any Business there, should be grave and serious, and behave themselves, at least, with common Decency, and a Deportment suitable to the Occasion. But the very Reverse is true. The horrid Aspects of Turnkeys and Gaolers, in Discontent and Hurry; the sharp and dreadful Looks of Rogues, that beg in Irons, but would rob you with greater Satisfaction, if they could; the Bellowings of half a dozen Names at a time, that are perpetually made in the Enquiries after one another; the Variety of strong Voices, that are heard, of howling in one Place, scolding and quarrelling in another, and loud Laughter in a third; the substantial Breakfasts that are made in the midst of all this; the Seas of Beer that are swill'd; the never-ceasing Outcries for more; and the bawling Answers of the Tapsters as continual; the Quantity and Varieties of more entoxicating Liquors, that are swallow'd in every Part of *Newgate*; the Impudence, and unseasonable Jests of those, who administer them; their black Hands, and Nastiness all over; all these, joined together, are astonishing and terrible, without mentioning the Oaths and Imprecations, that from every Corner are echo'd about, for Trifles; or the little, light, and general Squallor of the Gaol itself, accompany'd with the melancholy Noise of Fetters, differently sounding, according to their Weight: But what is most shocking to a thinking Man, is, the Behaviour of the Condemn'd, whom (for the greatest Part) you'll find, either drinking madly, or uttering the vilest Ribaldry, and jeering others, that are less impenitent; whilst the Ordinary bustles among them, and, shifting from one to another, distributes Scraps of good Counsel to unattentive Hearers; and near him, the Hangman, impatient to be gone, swears at their Delays; and, as fast as he can, does his Part, in preparing them for their Journey.

At last, out they set; and with them a Torrent of Mob bursts thorough the Gate. Amongst the lower Rank, and working People, the idlest, and such as are most fond of making Holidays, with Prentices and Journeymen to the meanest Trades, are the most honourable Part of these floating Multitudes. All the rest are worse. The Days being known before-hand, they are a Summons to all Thieves and Pickpockets, of both Sexes, to meet. Great Mobs are a Safeguard to one another, which makes these Days Jubilees, on which old Offenders, and all who dare not shew their Heads on any other, venture out of their Holes; and they resemble Free Marts, where there is an Amnesty for all Outlaws. All the Way, from *Newgate* to *Tyburn*, is one continued Fair, for Whores and Rogues of the meaner Sort. Here the most abandon'd Rakehells may light on Women as shameless: Here Trollops, all in Rags, may pick up Sweethearts of the same Politeness: And there are none so lewd, so vile, or so indigent, of either Sex, but at the Time and Place aforesaid, they may find a Paramour. Where the Croud is the least, which, among the Itinerants, is no where very thin, the Mob is the rudest; and here, jostling one another, and kicking Dirt about, are the most innocent Pastimes. Now you see a Man, without Provocation, push his Companion in the Kennel; and two Minutes after, the Sufferer trip up the other's Heels, and the first Aggressor lies rolling in the more solid Mire: And he is the prettiest Fellow among them, who is the least shock'd at Nastiness, and the most boisterous in his Sports. No modern Rabble can long subsist without their darling Cordial, the grand Preservative of Sloth, *Jeneva*, that infallible Antidote against Care and frugal Reflexion; which, being repeated removes all Pain of sober Thought, and in a little Time cures the tormenting Sense of the most

pressing Necessities. The Traders, who vent it among the Mob on these Occasions, are commonly the worst of both Sexes, but most of them weather-beaten Fellows, that have mis-spent their Youth. Here stands an old Sloven, in a Wig actually putrify'd, squeez'd up in a Corner, and recommends a Dram of it to the Goers-by: There another in Rags, with several Bottles in a Basket, stirs about with it, where the Throng is the thinnest, and tears his Throat with crying his Commodity; and further off, you may see the Head of a third, who has ventur'd in the Middle of the Current, and minds his Business, as he is fluctuating in the irregular Stream: Whilst higher up, an old decrepit Woman sits dreaming with it on a Bulk; and over against her, in a Soldier's Coat, her termagant Daughter sells the Sots-Comfort with great Dispatch. The intelligible Sounds, that are heard among them, are Oaths and vile Expressions, with Wishes of Damnation at every other Word, pronounced promiscuously against themselves, or those they speak to, without the least Alteration in the Meaning.

As these undisciplined Armies have no particular Enemies to encounter, but Cleanliness and good Manners, so nothing is more entertaining to them, than the dead Carcasses of Dogs and Cats, or, for want of them, Rags, and all Trompery that is capable of imbibing Dirt. These, well trampled in Filth, and, if possible, of the worst sort, are, by the Ringleaders, flung as high and as far as a strong Arm can carry them, and commonly directed where the Throng is the thickest: Whilst these ill-boding Meteors are shooting thro' the Air, the Joy and Satisfaction of the Beholders is visible in every Countenance and Gesture; and more audibly express'd by the great Shouts that accompany them in their Course; and, as the Projectiles come nearer the Earth, are turn'd into loud Laughter, which is more or less violent in Proportion to the Mischief promis'd by the Fall. And to see a good Suit of Cloaths spoiled by this Piece of Gallantry, is the tip-top of their Diversion, which they seldom go home without enjoying: For tho' no People in their Senses would venture among them on Foot, in any tolerable Dress, yet there are young Rakes of Fortune, who care not what they lavish, or destroy: Of these the maddest sort will often, after a Night's Debauch, mix with Crowds, and thrust themselves in the midst of the most abominable Rabble, where they seldom fail of meeting with such Adventures.

Tho' before setting out, the Prisoners took care to swallow what they could, to be drunk, and stifle their Fear; yet the Courage that strong Liquors can give, wears off, and the Way they have to go being considerable, they are in Danger of recovering, and, without repeating the Dose, Sobriety would often overtake them: For this Reason they must drink as they go; and the Cart stops for that Purpose three or four, and sometimes half a dozen Times, or more, before they come to their Journey's End. These Halts always encrease the Numbers about the Criminals; and more prodigiously, when they are very notorious Rogues. The whole March, with every Incident of it, seems to be contrived on Purpose, to take off and divert the Thoughts of the Condemned from the only Thing that should employ them. Thousands are pressing to mind the Looks of them. Their *quondam* Companions, more eager than others, break through all Obstacles to take Leave: And here you may see young Villains, that are proud of being so, (if they knew any of the Malefactors,) tear the Cloaths off their Backs, by squeezing and creeping thro' the Legs of Men and Horses, to shake Hands with him; and not to lose, before so much Company, the Reputation there is in having had such a valuable Acquaintance. It is incredible what a Scene of Confusion all this often makes, which yet grows worse near the Gallows; and the violent Efforts of the most sturdy and resolute of the Mob on one Side, and the potent Endeavours of rugged Goalers, and others, to beat them off, on the other; the terrible Blows that are struck, the Heads that are broke, the Pieces of swingeing Sticks, and Blood, that fly about, the Men that are knock'd down and trampled upon, are beyond Imagination, whilst the Dissonance of Voices, and the Variety of Outcries, for different Reasons, that are heard there, together with the Sound of more distant Noises, make such a Discord not to be parallel'd. If we consider, besides all this, the mean Equipages of the Sheriffs Officers, and the scrubby Horses that compose the Cavalcade, the Irregularity of the March, and the Want of Order among all the Attendants, we shall be forced to

confess, that these Processions are very void of that decent Solemnity that would be required to make them awful. At the very Place of Execution, the most remarkable Scene is a vast Multitude on Foot, intermixed with many Horsemen and Hackney-Coaches, all very dirty, or else cover'd with Dust, that are either abusing one another, or else staring at the Prisoners, among whom there is commonly very little Devotion; and in that, which is practis'd and dispatch'd there, of Course, there is as little good Sense as there is Melody. It is possible that a Man of extraordinary Holiness, by anticipating the Joys of Heaven, might embrace a violent Death in such Raptures, as would dispose him to the singing of Psalms: But to require this Exercise, or expect it promiscuously of every Wretch that comes to be hang'd, is as wild and extravagant as the Performance of it is commonly frightful and impertinent: Besides this, there is always at that Place, such a mixture of Oddnesses and Hurry, that from what passes, the best dispos'd Spectator seldom can pick out any thing that is edifying or moving.

Here I must observe, that the Possibility of Pardons and Reprieves, that often come very late, and which, with or without Grounds, most Criminals continue to hope for, 'till they are hang'd, is another great Clog, that keeps attach'd to the World those that are less abandon'd, and more relenting than the Generality of them; and who, without that Hindrance, would, in all Probability, prepare themselves for certain Death, which overtakes many whilst they are still doubting of it. The Ordinary and Executioner, having performed their different Duties, with small Ceremony, and equal Concern, seem to be tired, and glad it is over.

The Tragedy being ended, the next Entertainment is a Squabble between the Surgeons and the Mob, about the dead Bodies of the Malefactors that are not to be hanged in Chains. They have suffer'd the Law, (cries the Rabble,) and shall have no other Barbarities put upon them: We know what you are, and will not leave them before we see them buried. If the others are numerous, and resolute enough to persist in their Enterprize, a Fray ensues: From whence I shall take an Opportunity of saying something upon the Occasion of it. I have no Design that savours of Cruelty, or even Indecency, towards a human Body; but shall endeavour to demonstrate, that the superstitious Reverence of the Vulgar for a Corpse, even of a Malefactor, and the strong Aversion they have against dissecting them, are prejudicial to the Publick; For as Health and sound Limbs are the most desirable of all Temporal Blessings, so we ought to encourage the Improvement of Physick and Surgery, wherever it is in our Power. The Knowledge of Anatomy is inseparable from the Studies of either; and it is almost impossible for a Man to understand the Inside of our Bodies, without having seen several of them skilfully dissected. Kings and Princes are open'd, and have their Hearts and Bowels taken out, and embalm'd. It is not then Ignominious, much less offensive to the dead Body, which may be interred with as much Decency, after Dissection, as if it never had been touch'd. But suppose that many of our common Thieves were not to be buried at all, and some of them made Skeletons; and that several Parts of others, variously prepared, should be preserved for the Instruction of Students? What if it was a Disgrace to the surviving Relations of those, who had Lectures read upon their Bodies, and were made use of for Anatomical Preparations? The Dishonour would seldom reach beyond the Scum of the People; and to be dissected, can never be a greater Scandal than being hanged. The University of *Leyden* in *Holland* have a Power given them by the Legislature to demand, for this Purpose, the Bodies of ordinary Rogues executed within that Province; but, with us, it is the general Complaint of all Professors of Anatomy, that they can get none to dissect: Where then shall we find a readier Supply; and what Degree of People are fitter for it than those I have named? When Persons of no Possessions of their own, that have slipp'd no Opportunity of wronging whomever they could, die without Restitution, indebted to the Publick, ought not the injur'd Publick to have a Title to, and the Disposal of, what the others have left? And is any Thing more reasonable, than that they should enjoy that Right, especially when they only make use of it for commendable Purposes? What is done for the common Good, every Member of the Society may, at one time or other, receive an Advantage from; and therefore

quarrelsome People, that love fighting, act very preposterously and inconsistent with their Interest, when they venture to have their Bones broke, for endeavouring to deprive Surgeons of the Means to understand the Structure of them.



## CHAP. IV.

### *Of the wrong Judgments that are pass'd on the dying Behaviour of Malefactors.*

Having finish'd the Picture I proposed to draw of modern Executions, and the Crowds that usually attend them, I shall make some Remarks on the Judgments that are commonly passed on the dying Behaviour of our ordinary Felons. In a rich and potent Kingdom, where worldly Glory is not in Contempt, and to think meanly of our selves seldom taught by Example, whatever it may be by Precept, nothing is counted more provoking, or less to be born with Patience, than to be called a Coward. The vilest Rogues, and most despicable Villains, may own a thousand Crimes, and often brag of the most abominable Actions; but there is scarce one, who will confess that he has no Courage. Our general Esteem for Valour, which is demonstrable from what I have said, as it is of great Use to a warlike Nation, is very commendable; and Fortitude ought ever to keep its Place amongst the Cardinal Virtues: But the Notions which the Vulgar have of Courage, as well as Honour and Shame, are full of dangerous Errors. Compliments, as well as Reproaches, when ill applied, are often the Causes of great Mischief; and I am persuaded, that the Perverseness of Opinion now reigning amongst us, both in applauding and discommending the Conduct of Criminals in their last Hours, is an accessary Evil, that very much contributes to what is the Subject of our grand Complaint, the Frequency of Executions. To explain my self on this Matter in the clearest Manner I am able, I beg leave to begin with it from the Bottom.

In all living Creatures, that fall under our Senses, we perceive an Instinct of Self-Preservation; and the more sensible they are, the greater Aversion they discover to the Dissolution of their Being. Man, the most perfect of them, sets an inestimable Value on Life, and knows no Fear equal to the Horror he has against Death. This is to be understood only of Man, in the State of Nature, before he has made Reflections on himself, and what he sees of the Creation; but when, after that his Reason demonstrates to him that there must have been a first Cause; that the World is govern'd by an intelligent Being; that himself, a Compound of Soul and Body, is indebted to that Being for all he enjoys, and that there is a strong Probability of a Life after this: When, moreover, he considers himself as incorporated in a Community of vast Numbers, that all together make one Body politick, the Welfare of which he finds universally esteemed, as a Concern superior to all others: When, I say, he finds and reflects on all this, he plainly sees, that the Fear of Death, must, on many Accounts, be prejudicial to the publick Good and common Security, in which he has a Share. It is a Virtue then to conquer it; and if we inspect into the early OEconomy of all Nations, we shall find, that the most powerful Motives made use of to induce Man to lessen this Fear, and moderate the Fondness which Nature has given us of Life, had their Origin from Religion, or a publick Spirit; that is, in other Words, from a Representation of his Duty either to God or his Country. Thus holy Martyrs have suffer'd with Fortitude for their Faith, and, in Confidence of eternal Happiness, hasten'd to Death with Alacrity, and even rejoiced in the Midst of Flames. And thus there have been valiant Men, in all Ages, that have exposed themselves to the greatest Hazards, in Defence of their Laws and Liberties, and, animated by a zealous Love for their Country, sacrific'd their Lives to the publick Welfare. As Men of this Sort have every where deservedly gained the general Applause, and the Virtue they are possess'd of has

been honoured by the Name of Courage; so, on the contrary, the Fearful and Pusillanimous, that ever prefer their own Safety to all other Considerations, and are therefore never to be relied upon, are as justly despis'd, and the ignominious Word, by which we reproach the Vice that enslaves them, is Cowardice.

From what has been said it is evident, that the original Reason why Courage is generally esteemed, is, because it is taken for granted, that both the Principle we act from, and the End we labour for in conquering our Fears, are praise-worthy, and have a visible Tendency, either to the Good of others, or our own spiritual Felicity. Nothing, therefore, is more unjust, than that we should continue our Esteem for Valour when it degenerates, and both the Motive Men set out with, and the Scope they aim at, are palpably destructive. Anger, Pride, Envy, and several other Passions, are capable of subduing Fear. But, as these Principles are evil in themselves, so it is impossible that the End to be obtain'd by them should be commendable. What perverse and miserable Judges are we then, that applaud a Person's Intrepidity in fighting a Duel, when in the Act itself, we see him willfully violate the Laws of God and Man? But should human Honour here break in upon me, and my Reasoning, how right soever, be overpower'd by the irresistible Clamour of the fashionable World, what can be said for the senseless Intimidity of a vulgar Rogue, who not only professes an utter Disregard to Honour and Conscience, but has likewise, at his first Setting out, as a Preliminary to his Business, disclaim'd all Pretences to common Honesty? Why should we delight in the Intrepidity, tho' it was real, of a Villain in his Impiety? Why should Christians be pleased to see a great Sinner give up his Ghost impenitent; or imagine that he dies bravely, because he bids Defiance to Heaven, and boldly plunges himself into an Abyss of eternal Misery? Yet nothing is more common amongst us: And the further a Man is removed from Repentance, nay, the more void he seems to be of all Religion, and the less Concern he discovers for Futurity, the more he is admired by our sprightly People: Whereas, he who shews but the least Sorrow for his Sins, or, by his Tears, or Dismality of Gestures, lets us know that he is under Apprehensions of the divine Wrath, is a weak silly Creature, not worth looking at: And he only, in the Opinion of many, dies like a Man, who, in reality, goes off most like a Brute. But some of my Readers, perhaps, will have nothing to do with Christianity. Suppose, then, we lay by that Consideration; I grant, that to subdue the Terrors of Death is a manifest Token of Intrepidity, and promise to pay Homage to true Courage wheresoever I can meet with it; only let us not be imposed upon, but try the Valour of this undaunted Hero, whether it be genuine. No Man can conquer the Fear of Death, but by something superior to it: What is the Power that supports him in the Conflict, and what Principle does he act from? It is not his Innocence, for his Guilt is publick, and his Crimes are proved upon him. It is not Zeal for Religion, nor the Love of his Country: He pretends to neither. Yet it must be some mighty Principle of vast Force and Efficacy; for if he acts consistently, he despises not only Death, but the Wrath of Omnipotence, and a Punishment just at Hand, that shall be everlasting. Will you say that he firmly believes that there is no God, nor Life after this, and that Man is wholly mortal? Suppose it; that's no Support against Death itself: But look narrowly into him, and you will alter your Opinion, even as to that. The Enthusiasm of Atheists has other Symptoms; deplorable as it is, the Appearance of it is more sedate, and they make some Pretences to Reasoning: But what Probability is there, that a poor Rascal, who was brought up in Ignorance, and perhaps cannot read, one who never troubled his Head with thinking, much less with thinking on abstruse Matters, and Metaphysicks, should so far lose himself in the Mazes of Philosophy, as to become a speculative Atheist.

Since, then, we can find no Principle from which it is possible a common Villain should derive his Undauntedness, it is evident that what we see is spurious, and the Bravery we admire only counterfeited, and false at Bottom. The Terror of Death inwardly excruciates him; But his Fear of shewing this, of being called a Coward, and laugh'd at by his Companions, has some Command over his outward Appearance; therefore, (not to be found out,) sometimes he swears or scoffs at Religion; at others he mixes forc'd Laughter with the vilest Language, and tries all the Strength of Brutality to keep down a struggling

Conscience, and appear more atheistical and obdurate than, to his Sorrow, he feels himself to be. But his Impudence would soon fail him, and his inexhaustible Stock be but a weak Match for the Agonies he suffers, if he took not Refuge in strong Liquors. These are his only Support, and Drunkenness the Cause of his Intrepidity. Should I be told, that in many of them no Signs are seen either of Fear or Ebriety, it would be of no Force against my Assertion: As great Fear sinks, so hard Drinking raises the Spirits: They are two Enemies, that, when equally match'd, may, by mutual Conflict, easily disarm and hinder the Operations of each other. Let a curious Observer mind the continual Changes of the Prisoner's unsettled Behaviour, the wild Manner of his Actions, and, above all, the greedy Haste, with which he throws down every Thing potable and intoxicating, and he will soon perceive that our Sham-Hero drinks neither with Comfort, nor for Pleasure, and seems to expect no other Benefit from it, than that it may take away his Senses, and hinder him from thinking. Are not they fine Judges, who are imposed upon by such pusillanimous Wretches, that are so far from having conquer'd the Fear of Death, that they go out of the World without having ever dared one Moment soberly to think of it; and of whom it can only be said, that they died hard and unmov'd, because they were senseless, and with the Courage of a Stone suffer'd themselves, without Thought, to drop into Eternity?

The Mischief that these Patterns of Impenitence, together with the Applause that is given them, must produce in a vast and opulent City, will appear from the following Consideration. It is necessary to the publick Peace and Security, that Burglary, Robbing in the Streets, or on the Highway, and all those Crimes where Violence is mix'd with Injustice, should be capitally punish'd: But considering on the one hand, how much more prone Men are to Ease and Pleasure, than they are to Industry and Labour; and, on the other, the Generality of human Wants, and the unequal Distributions of Fortune to supply them, it must be acknowledg'd, that where Men are without Shame and Education, and consequently not affected with the Ties either of Honour or Religion, Poverty itself is a strong Temptation to Thieving, when Opportunities offer. The greatest Charity, therefore, and Compassion we can shew to our Fellow-Creatures, is an extraordinary Severity, and never-ceasing Watchfulness in a Government against the first Approaches of Dishonesty. It is with this View that the Provision of the Legislature, that such Offenders should be punish'd with Death, is to be vindicated; tho' the Punishment is greater than the Laws, framed by God himself for the *Jewish Commonwealth*, inflicted; or what natural Justice, proportioning the Punishment to the Crime, seems to require: For it is not the Death of those poor Souls that is chiefly aim'd at in Executions, but the Terror we would have it strike in others of the same loose Principles: And, for the same Reason, these Executions are little better than Barbarity, and sporting away the Lives of the indigent Vulgar, if those valuable Sacrifices we are obliged to make to the publick Safety, are render'd insignificant. If no Remedy can be found for these Evils, it would be better that Malefactors should be put to Death in private; for our publick Executions are become Decoys, that draw in the Necessitous, and, in effect, as cruel as frequent Pardons; instead of giving Warning, they are exemplary the wrong Way, and encourage where they should deter. The small Concern, and seeming Indolence of the Condemn'd, harden the Profligates that behold them, and confirm to them, by ocular Demonstration, what they encourage one another with in viler Language, (low, as it is, permit me to mention it,) *That there is nothing in being hang'd, but awry Neck, and a wet pair of Breeches.*

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## CHAP. V.

### *Of Regulations concerning FELONS in Prison, and the good Effects to be expected from them.*

What has been said in the foregoing Chapters, in relation to common *Felons*, has pointed at the evil Customs, Mismanagements, and perverse Opinions, that prevail amongst us. I shall now conclude what I proposed to publish on this Subject with offering some Proposals towards a better Usage of them in Prison; and the good Effect such Alterations, in all Probability, would produce. All which, without Arrogance or Presumption, I submit to better Judgment.

*First*, I would have every one of the Malefactors lock'd up by himself; and they should never be suffer'd to converse together. It would not be a very great Expence (where Chimneys, convenient Windows, Order, and Beauty would be out of the Question;) to build an hundred small Rooms, perhaps, of twelve Foot Square, that would be strong, beyond the Possibility of being forced by naked Hands; and, to prevent all Hopes of breaking Goal, I would have it a Custom made, to search, suspected or not, all Prisoners, and the Places they are in, every Night before Bed-time. The Rooms I speak of, I would rather have obscure, than otherwise; and the small Light they had, far beyond Reach. They, should all have such Conveniences, that those, who were shut up in them, should, during their Stay, have no Occasion to stir out of them on any Account. Thus we might secure Prisoners, without galling them with Irons, before we are sure that they deserve to be punish'd at all.

*Secondly*, I would have a Law made, to fix a certain number of Days, after which the Condemned should not have the Benefit of Pardons or Reprieves, tho' they might be obtain'd. This Time elaps'd, they should have one Day to bid farewell to Friends and Relations: After which, they should have three times four and twenty Hours allow'd them, for no other Purpose, than to make their Peace with Heaven, and prepare themselves for Death. During this time, they should be inaccessible to all but a sober Keeper, to take Care of them, and a Clergyman, to assist them in Spirituals. And here I beg leave to observe, that Men of Reputation, who live in Credit, and by their Learning, or exemplary Lives, have acquired the Publick Esteem, are fitter for this Task, than others of small Parts, and no Repute; that, labouring under narrow Circumstances, for a poor Salary, and some miserable Perquisites, take upon them this weighty Province, as a Livelihood and Business, to be constantly follow'd. The more Respect and Reverence are paid to Divines, and the higher their Dignity is, the greater Opportunity they have of making themselves serviceable in every Branch of their Function, but more especially that Part of it now under Consideration. In other Protestant Countries, beyond Sea, the Ministers of the National Church perform this Office, either by Turns, or as the Criminal, and sometimes the Magistrate, desire it. In most Employments Use makes Perfectness, but here it incapacitates: and was a Man, even of the greatest Prudence and Watchfulness over himself, always to converse with Rogues, and do nothing else but instruct and attend Malefactors in their last Hours, the very Habit he would contract from it, would spoil him for that Purpose: And it is impossible, but constant Practice wou'd, in a little Time, wear out, or at least take off the greatest Part of that Earnestness and Concern, which ought to be inseparable from the

Charge I speak of.

The greater Provision we made for the Souls and future Happiness of these short-liv'd Sinners, the less Indulgence we should have for their Bodies and sensual Appetites: And I would have it strictly observed, that from the Moment their Death was fixed, 'till their Execution, they should receive nothing for Sustenance but Bread and Water; and of either what they would. I would, moreover, have it enacted, That every Year a certain number of dead Bodies, not under six, should be allowed to Physicians and Surgeons, for Anatomical Uses, not to be made choice of till after Death, in such a Manner, that no Felon could be sure this would not be his Lot.

If they should complain, that the miserable Diet they were confined to, was a Severity that disturbed their Thoughts, and hinder'd their Devotion, it would be a Sign, that their Minds were not yet turned the right Way: But this Grievance, a short Time and Necessity will never fail to cure. The harsher that Article may seem, the more Efficacy it would be of, in deterring Rogues from Mischief: For I do not doubt but most of them would look upon the wholesome Regulations in Prison here mentioned, as the most considerable Part of the Punishment they were to suffer; though, I confess, that what I have in View by this low Diet, chiefly regards the eternal Welfare of those unhappy People, as it would be instrumental to an early Repentance. When, free from Fumes of Food, and all intoxicating Comforts, the serious Thoughts of a Criminal shall be obliged to dwell upon his wretched Self, and behold the Prospect of a future State so near, so certainly to come, the loosest and most abandon'd will be brought to Reason. Death being unavoidable, and nothing upon Earth to save him, Self-defence will make him turn his Eyes elsewhere: His continued Abstinence will help to clear his Understanding; then searching after Truth, he will be soon convinced of the Folly and Weakness of those Arguments, by which he had been used to harden his Conscience, keep out Remorse, and fortify his Steadiness in Guilt.

When a Man thus wean'd from the World, and all the Hopes of Life, should be drawn forth from his dark and solitary Dungeon, once more enjoy the open Air, and see himself exposed to gazing Multitudes, there met on purpose to feed their Curiosity at his Expence; when the Paleness of his Countenance, and the Shaking of every Limb, should, without Disguise, reveal the Motions of his Heart; and his Spirits neither confounded, nor buoy'd up by inebriating Liquors, should discover their real Condition and Incapacity to uphold their trembling Tenement; the Spectacle would be awful, and strike the Hearts of the Beholders: When seated on the ignominious Cart, by his restless Posture, the Distortion of his Features, and the continual wringing of his Hands, he should disclose his Woe within, and the utmost depth of Sorrow: When we should hear his shrill Cries and sad Complaints interrupted with bitter Sobs and anxious Groans, and now and then, at sudden Starts, see Floods of Tears gushing from his distracted Eyes, how thoroughly would the Concurrence of so many strong Evidences convince us of the Pangs, the amazing Horror, and unspeakable Agonies of his excruciated Soul!

Common Stubbornness and Stupidity could not be Proof against all this; and the Licentious Rabble of both Sexes, that make now the most considerable part of those dismal Processions, would not attend in such tumultuous Crowds. Few Profligates would be able to stand the Shock of Sounds and Actions so really tragical: Many would run away for fear of rousing the Lion kept chain'd within, and waking a guilty Conscience from the Lethargy they have thrown it in with so much Labour. They would not follow long to behold a Scene so little to their Purpose; and whatever Multitudes of them might set out with these Penitents, they would drop off, and dwindle away by Degrees; even the most obdurate would sicken at such a Sight, and turning from it to less displeasing Objects, seek after more suitable Diversions. The Absence of so many Rake-hells, that only take delight in Mischief, would render these Tragedies more solemn, and, at the same Time, make room for Spectators of a better Sort, and lesser Sinners, on whom, in

all Probability, they would have a more desirable Effect. It is not to be express'd, what lasting and useful Impressions such Shews would make: Many that are conscious of their Frailty, and the small Power they have of conquering their Passions, would take an Opportunity from them of adoring the divine Mercy, for having preserved them hitherto from falling into such Crimes; even the Voluptuous, that in the Enjoyment of Youth and Vigour, are enamour'd with Life for the sake of Pleasure, would be startled at them, and thank God that this was not their Case; and several by the Fear of Death only, become more serious and reflecting.

Thus much we should gain, at least, in Behalf of Religion, from every Execution, even of the most sorry Felons, who, void of Sense and Goodness, only grieve because they are to die, and go they know not where: But it is more than probable, that some of them would become good Christians, and make exemplary Ends. When the Condemn'd should, in every Respect, receive the Treatment I have requir'd, and by this Means, undisturb'd by earthly Cares, have Leisure, in sober Sadness, to review their past Life, and examine into the Multitude, as well as Enormity of their Offences; then, after thorough Contrition, and an open Confession in Behalf of Justice, animated by Faith, betake to constant Prayer; we ought to believe that thus exerting themselves in the Work of Salvation, by the good Guidance of able Divines, and their own unwearied Endeavours, many of them would find Favour in the Sight of the Almighty; and that several, even as they went to Death, would be regenerated, and comforted from above with a strong Assurance of Forgiveness. What a visible Alteration would it not make in them, when they should perceive their Spirits, that the Moment before were overwhelm'd with Grief, or fill'd with black Despair, cherish'd and enlighten'd by the powerful Beams of heavenly Grace and Clemency: Transported with the Prospect of approaching Bliss they then would wish to die, and rejoice that they should be made Examples to frighten Evil-doers from their Ways.

But when they should consider, what Acts of Devotion and unfeigned Piety, what Works of superlative Charity would be necessary, if they were to live, to atone for the heinous Crimes and manifold Transgressions they had been guilty of against God and their Neighbour, how would it rouse their Souls, and how eager would it not render them, in the most profitable Manner, to spend the small Remains of Life! Sometimes they would deter the wicked and in the same Breath sollicit Heaven for their Conversion: At others, reasoning from the Changes they had experienced within, they would combat Impiety with Vehemence, and conjure Unbelievers no longer to doubt of an everlasting Futurity: They would paint to them, in the strongest Colours, the Horrors they had felt from an accusing Conscience, and the Abyss of Misery they had been plunged in, whilst yet labouring under the dire Reflection on eternal Vengeance; And thus, mixing fervent Prayers with strenuous Exhortation, they would employ the few Moments, that were left them, in Exercises intirely spiritual and holy.

How such Conversions would affect the Minds of all that saw or heard them, cannot be better imagin'd than by examining our selves. When we had seen an half-starv'd Wretch, that look'd like Death, come shivering from his Prison, and hardly able to speak or stand, get with Difficulty on the slow uncomfortable Carriage; where, at the first Rumbling of it, he should begin to weep, and as he went, dissolve in Tears, and lose himself in incoherent Lamentations, it would move us to Compassion. But with what Astonishment would it not fill us, to behold the same Creature, near the fatal Tree, become lively, glow with Zeal, and, in Strength of Voice and Action, excell the most vigorous Preachers! All this we might expect; and that those of Wit and Genius, as certainly there are among them, would often light on new and convincing Arguments to warn the Sinner: Nay, some of them prove stupendious Orators, that would not only spread Amazement all around them, but likewise find uncommon Ways to reach the Heart with Violence, and force Repentance on their Hearers. It is Stupidity to doubt the vast Use such Executions would be of, to compass Happiness both here and hereafter; and should we regard the first

only, it would be no Exaggeration to assert, that one of them would be more serviceable to the Peace and Security of this immense City, than a thousand of those that are now so frequent among us.



## CHAP. VI.

### *Of TRANSPORTATION: And a Method to render that Punishment more effectual.*

When I concluded the last, I thought not to have tired the Reader any longer with the Subject of Malefactors: But it has been remonstated to me since, that what I had wrote, would seem very defective, and this Treatise be, in reality, imperfect, if I said nothing of Transportation; which, for some Years last past, on many Occasions, has been substituted, and inflicted in the room of capital Punishment; and having, at the same Time, been furnish'd with a Hint concerning this Affair, that may be of admirable Use, I cannot forbear imparting it to the Publick. There is no doubt but the Design of Transporting Felons, instead of hanging them, when their Crimes were not very enormous, was just and commendable, and it was reasonable to expect that it would have proved a powerful Remedy against the grand Evil I have all along complain'd of, and which has been so often repeated. But our subtle Criminals have found out Means hitherto to render it ineffectual: Some have made their Escape in the Voyage itself; others, condemn'd to this Punishment, never have been put on board; several have reach'd the Plantations, but been return'd again by the first Shipping, and great Numbers have been come back before half their Time was expir'd. Those that are forced to stay, do very little Service themselves, and spoil the other Slaves, teaching the *Africans* more Villany and Mischief than ever they could have learn'd without the Examples and Instructions of such *Europeans*. We have loud Complaints from all the Islands, that we send such Numbers, and they know not what to do with them. As they come from *England*, and are to serve *English* Men, their Colour, as well as Country and Language, plead for them; and the Masters that complain of them, are to blame themselves for treating them with less Severity than they do the innocent, as well as unfortunate Blacks, and more remisly than they ought, if they consider'd that these Country Men of theirs are sent thither on purpose to work, and are condemn'd to Hard Labour, as a Punishment for their Crimes. The mild Usage our Felons receive beyond Sea, and the many Examples of such as come back before their Time, with Impunity, have quite destroy'd the End which Transportation was design'd for. The Criminals have no dread against it, remain as they were themselves, and do no Service to others.

To redress this, there is an Expedient that may immediately be put into practice, and is, to my thinking, every way unexceptionable; for it would effectually prevent the returning of the Felons, make them serviceable in the most extraordinary Manner, and, at the same Time, be terrible beyond Expression. The Use I would put them to is, the Redemption of Slaves, that in *Morocco*, as well as *Tunis*, *Algiers*, and other Places on the Coast of *Barbary*, groan under a miserable Servitude. Should it be objected, that such abandon'd People would turn Mahometans, and our selves become accessory to their eternal Ruin, I would ask what Surety we had for those that were there already. Amongst our Seafaring Men, the Practice of Piety is very scarce: Abundance of them lead very bad Lives, who yet, as to the Love of their Country, and the *Meum & Tuum*, are very honest Fellows. There are not many that are well grounded in the Principles of their Religion, or would be capable of maintaining it against an Adversary of the least Ability; and we are not certain, that under great Temptations, they would remain stedfast to the Christian Faith. The Danger then of Apostacy being the same in both, we must be manifestly the Gainers, when we

change lazy cowardly Thieves, and incorrigible Rogues for brave, laborious, and useful People. It would be no difficult Matter to enter into Negotiations with the several Powers of *Barbary* for this Purpose; neither is it reasonable to imagine, that they would scruple to take our Felons on account of the bad Lives they had led, or refuse any for their Impudence, Wickedness, or Aversion to Labour. They consider and manage their Slaves as we do our Cattle; and it is their Age, their Health, the Soundness of their Limbs, and their Strength, they examine into, with little Regard to their Temper or their Morals: They are ever watchful over them, without trusting to their Honesty, or expecting any voluntary Obedience from them. If bought Servants are able, Masters there have sure Ways to make them work. They laugh at Stubbornness and refractory Spirits, and their steady Severity is a sovereign Remedy against Sloth, and all other Failings of the Will: From all which it is highly probable, that a Barbarian would be glad to change an elderly honest Man, pretty well worn, and above Fifty, for a sturdy House-breaker of Five and twenty: And as to those that might be pretty equal, as to Years and Abilities, what if we should give them three for two, or two for one? I am sure we could be no Losers. Those likewise that are known to be in Quality superior to common Sailors, might be redeem'd by still a greater Number of Felons; or, at the worst, they could be no Sufferers by the Exchanges of the others.

What I am speaking of, I confess would be a very severe Punishment for Felony; but I cannot imagine, how we can think on the Rigour of it, without reflecting, at the same Time, on the Inhumanity we are guilty of in the small Concern we often shew, for many Years, for the Captivity of those who have deserv'd no Punishment at all. The greater the Calamities are of that cruel Bondage, the more reasonable it is, that the Guilty should suffer it rather than the Innocent. It is unpardonable not to deliver from the Yoke of Infidels, when it is in our Power, our Fellow Subjects, whom we have no Complaint against. When sufficient Sums cannot be rais'd to redeem them with Money, what should hinder us from doing it at the Expence of Miscreants, whom it is Injustice not to punish, and who, out of Chains, cannot be otherwise than noxious to the Publick? If this be duly weigh'd, I doubt not, but what, at first, seems to be the greatest Objection to this Proposal, would, on further Reflection, be found an unanswerable Argument why we should embrace it. There would likewise be room always, with fresh Supplies of Felons, to release those, who might be cured, or, at least, thought to have been sufficiently punish'd; and, to prevent all Tricks and Escapes, this Service might be perform'd by Men of War instead of Merchant Men, or Transports. This effectual Manner of Transportation, as Felons are treated, and Things are managed now, would be more dreadful than hanging, whilst it was only talk'd of; but when it came to the Push, and Criminals came near, and under the Gallows, there would be very few, if they were sober enough to think at all, that, before the Cart drove away, would not change their Minds, put off the evil Hour if they could, and chuse Slavery, or any Thing else, to avoid immediate Death. But then, if the Regulations I have offer'd in the foregoing Chapter were likewise to be put in Practice, the forc'd Abstinence, and unavoidable Sobriety in Prison, with the other Preparations before Detail, and the Journey from *Newgate* to *Tyburn*, without Hopes of Pardon or Reprieve, would strike great Terror even at a Distance; by which Means, the Thoughts of either would be insupportable, and there would be no great Purchase in the Choice. The Horror loose People would conceive against such Proceedings, would be of inestimable Consequence to the Nation, and Thousands that are yet unborn would, deterr'd by the Rigour of those Laws, turn their Hands to honest Labour, and die in their Beds in their own Country, that without them, and Things remaining as they are, will either be hanged, or transported long before the End of this Century. But if what I propose should not lessen the Number of Felons so much as ought to be expected, it would clear us at least from the Blame of not having endeavour'd it; and from Transportation we should have the Satisfaction, that the Kingdom would not lose so many Inhabitants by it as it does now, though the same Numbers were sent abroad. But, what is infinitely more valuable, that Punishment likewise would rid without Slaughter, or Probability of Return, the Country of the Vermin of Society, that, perpetually nibbling at our Property, destroy the Comforts of

secure and undisturb'd Possession, at the same Time that it would furnish us with an Opportunity of performing the most charitable Action in the World; for such I will not scruple to call the redeeming and restoring to their Friends, without their Cost, industrious Mariners, that lost their Liberties, and became Sufferers in an honest Calling, and were led into dreadful Captivity by Infidels, whilst, in promoting the Interest of Commerce and Navigation, they were labouring for the Safety, the Wealth, and Glory of their Country.

I shall be told by some of my Readers, that they are ready to contribute to the Redemption of unfortunate Captives with their Purses; but that among Christians, free-born Subjects ought never to be made Slaves for any Reason, or at any Rate whatever. But this is a Singularity peculiar to *Englishmen*, more built on an Excess of Good-nature, than any sound Reason. *France* and *Spain* make use of Malefactors in their Gallies, and the *Hugonots* of the first would never have complained of that Punishment, had it never been inflicted on any but Thieves and Villains. But these are *Roman* Catholick Countries, and arbitrary Kingdoms: Of *Holland* you can say neither, and yet the great Cities of it have all Work-houses for Criminals. At *Amsterdam* there is one, where Felons are kept constantly employ'd in rasping of *Brasil* Wood: To earn at this as much as they spend is not to be done without excessive Labour, though they fare as hard as they work; yet they are obliged to get more than their Maintenance costs considerably. They have a Task set them, which if they do not perform, the Neglect of their Hands is reveng'd on their Bellies; and they are stinted in their Allowance in Proportion to the Deficiency. In this Place a very strict Hand is kept over them; no Offences are left unpunished, and they are often drubb'd even for ill Language. The Periods of Time, for which Felons are condemned to this Rasp-house, are vastly different, according as their great Crimes, or slighter Trespasses deserve this Tuition, and themselves are young or old Offenders, and judged to be more or less incorrigible, from six Weeks to ninety nine Years. These are not called Slaves; but such is their Abode, their Diet, and their Discipline, that of those who were to be confined there for any considerable Number of Years, I don't believe there ever was one who would not have thought it a glorious Preferment, if, instead of it, he might have taken his Chance, and been sold for a Slave in *Turky*.

We have, I own, no open Enemies in *Africk* more than any where else at present; and our most gracious Sovereign has, by his Clemency and powerful Influence over the Emperor of *Morocco*, procured Liberty to those of his Subjects that had been taken in *English* Ships: But it is wrong from thence to infer, that there are no Slaves in *Turky* of the *British* Nation.

Among those that are brought up to the Sea, there are many, that, by several Accidents, are left ashore in Foreign Parts, and are necessitated to enter themselves on any Ships they can meet with. If this be done in Time of Peace, and when they are not summoned to serve their own Country, they are guilty of no Fault. But as all Mariners, as well as Soldiers, share the Fate of those on whose Side they engage, so many of our Sailors are Slaves in *Turky*, that were taken in *French*, *Dutch*, and other Ships, and are consequently not reclaimable by any Treaty made with *Great Britain*. Tho' these might not deserve the same Regard altogether with those that were taken in Ships of the *British* Nation; yet, as they are our Countrymen, and have committed no Crime, their Redemption ought not to be deferred one Moment, if they might be had in Exchange for others, whom we have judged not worthy to live amongst us. Besides, as we are at Peace now with all those Rovers, so half a Year hence, some or other of them may fall out with us; their Friendship is not much to be depended upon: Let the Provision but be made, and Felons kept at hard Labour, and under strict Discipline at home, till they are wanted abroad, and we shall find, that the Institution it self, the very Name of it, will be of vast Use, before the Thing itself is put into Practice.

***FINIS.***





## **FOOTNOTE:**

### **Transcriber's Notes.**

This file was derived from scanned images. With the exception of the errors that were corrected and indicated below, the original text is presented.

Licence has been taken in 'block formatting' the quotation within the Preface; the text of: '*An Act for the further Preventing Robbery, Burglary, and other Felonies, &c.*'

### **Typographical Errors Corrected:**

Several minor typographical corrections were made (missing periods, commas, misspelling of 'and', etc.); but are not indicated here. The more substantial changes are:

page i. Tuburn --> Tyburn -- Frequent Executions at Tyburn was originally

page v. Goal. --> Gaol. -- their Keepers, and attempting to break Gaol.

page 48. extraordinary --> extraordinary -- serviceable in the most extraordinary Manner,

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