

ABSTRACT

Title of Document: MATERIAL MURDERS: “AUTHENTICITY”
IN EARLY NINETEENTH-CENTURY TRUE
CRIME MURDER MELODRAMA

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In the early nineteenth century, London’s illegitimate playhouses featured melodramas based on murder accounts. The value of comparing a true-crime drama to its historical antecedent lies in asking how the theatre makes its claim, and what social or political issues jump to the fore. Spectatorship at public hangings is a regular feature of this period, but crowds sought to “see more” and “know more” by attending all sorts of spectacles. The courtroom, scaffold, publishing house, fair, and theatre all proclaimed their goal was to provide a moral lesson. The intent was education as well as profit; the effect for the audience was one of titillation. This study is rooted in archival print material including playscripts, pamphlets, newspapers, and broadsides, and employs theoretical concepts developed by theatre historians to illuminate the ways competing public narratives functioned in the minds of audiences.

Four cases are examined in detail: the Ashford/Thornton case and a “trial by battle” courtroom confrontation, the Weare/Thurtell case featuring a sloppy murder amongst gamblers, the Marten/Corder case of murder in a red barn, and the Bradford case following a wrongly-accused innkeeper. The dramas they spawned appeared between 1818 and 1833. Broadly speaking, each play communicates a warning to the working classes beyond simple moral proscriptions. Doomed characters might have no opportunity for redemption but there is a sense that social and political structures could and should be changed, reflecting the lived experience of a period when the legal system was being reformed, cities were being rebuilt, workers’ associations were growing, and the police system was being established anew.

Dramatizations invariably diverge from news reports, yet melodrama playhouses consistently claim they provide “authentic” experiences and present “true” stories. Material, tangible objects serve many functions, chiefly acting as a concrete link between circulating press accounts of a murder and theatrical representations. In the most extreme instance, the Surrey playhouse acquired property previously owned by accused murderers and used it on stage. More often, playhouses like the Coburg and Pavilion invoked or recreated specific material goods.

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CENTURY TRUE CRIME MURDER MELODRAMA

By

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“The theatre always says in the same breath – ‘I am a fiction’ and ‘You must believe in it.’” – Patrice Pavis¹

“Murder trials, if held to the light at the proper angle, are an almost unexcelled mirror of an epoch’s mores.” – Richard Altick²

Introduction: Murder as Entertainment; or, A Warning to the Working Class

In 1818, Mary Ashford’s body was pulled from a pond in Warwickshire. She had last been seen with Abraham Thornton, ne’er-do-well son of a local builder, who had offered to escort her home after a late-night dance. He was arrested upon suspicion of rape and murder but was found innocent when the witnesses’ clocks seemed to show that he could not have killed Ashford in a rural field and returned to his lodgings in the proposed time frame. When Ashford’s brother brought an additional suit, Thornton invoked a medieval statute still on the books that gave a defendant the right to a “trial by battle.” Thornton was prepared to face Ashford’s family and duel with clubs to settle affairs once and for all. Ashford’s young, weak brother was forced to drop the suit. The prevailing public opinion remained that Thornton had gotten away with murder. Pamphleteers picked up their pens and published play scripts designed to address the Ashford-Thornton case and corruption in the justice system, while the Coburg Theatre presented a drama with the au courant title *Trial by Battle*.

In 1823, down-on-his-luck gambler John Thurtell invited fellow gambler William Weare to join him in the country for some gaming, but as they drove down a dark country

¹ Patrice Pavis, *Languages of the Stage: Essays in the Semiology of the Theatre* (New York: Performing Arts Journal Publications, 1982), 77.

² Richard D. Altick, *Victorian Studies in Scarlet: Murder and Manners in the Age of Victoria* (New York: W. W. Norton, 1970), 12.

lane about eleven miles outside of London, Thurtell shot at Weare, knocked him from the carriage, chased him down the lane, cut his throat, and bashed his skull with the barrel of his pistol. The fatal gig in which the two men were riding, the horse, and some furniture from the home of Thurtell's accomplice were all sold to the Surrey Theatre, where they were used in the staging of *The Gamblers* while Thurtell was still on trial.

In 1828, Suffolk native William Corder was executed for killing his one-time lover, Maria Marten, and burying her body in the dirt floor of the red-roofed barn on his family's property. Tourists flocked to the site; they attended outdoor sermons near the victim's home, packed the courtroom during Corder's trial, and ripped boards from the barn to claim as souvenirs. The executed man's skin was even turned into a leather book-binding. Playhouses in London drew from journalists' accounts to develop theatrical versions of the Red Barn story and sold London residents the experience of visiting the Red Barn vicariously through the theatre.

In 1833, the manager of the Surrey theatre commissioned professional playwright Edward Fitzball to write a new play. Fitzball, a prolific playwright who specialized in nautical and gothic themes, surprised members of the company when he turned to a collection of true-crime accounts for his inspiration. He tried to carefully re-create the world of eighteenth-century England in his huge hit, *Jonathan Bradford, or the Murder at the Roadside Inn*.

These are the cases and plays that form the core of this study. All of these dramas can be classified as melodramas, and all were created in the tumultuous period between 1818 and 1833. In such nineteenth-century true-crime dramas, the audience is invited to

witness a “true” story. Hidden inside the sugar-candy coating of sensational murder, however, these plays introduce important social issues.

It is very seductive, and easy, to compare the historical true-crime event with its theatrical representation and tear down the theatre’s claims to authenticity because the dramatizations invariably diverge from news reports. However, as Catherine Belsey notes in her study of the Early Modern English true-crime drama *Arden of Faversham*, the goal here is not simply to compare a drama against some ultimately inaccessible “truth” about what “actually” happened in the moment of the crime. The value of exploring a true-crime drama and comparing it to its historical antecedent is in seeing *how* the theatre makes its claim, and *what* social or political issues jump to the fore.³ *Arden of Faversham*, for instance, rewrites the murder sequence so the fatal blow is dealt by Thomas Arden’s wife rather than a servant, before it dramatizes the discovery of the body and the murderers’ historical punishments with great accuracy.⁴ The play can be read as a discussion of the state of marriage, or a representation of competing versions of masculinity, or a cautionary tale warning against upwardly-mobile servants. These are not, of course, mutually exclusive subjects. The Early Modern domestic tragedy brings up all these issues and more.⁵ Similarly, examining nineteenth-century true crime melodramas provide a unique opportunity to compare fact and fiction, and then to see what issues leap into focus.

³ Catherine Belsey, “Alice Arden’s Crime,” *Staging the Renaissance: Reinterpretations of Elizabethan and Jacobean Drama*, ed. David Scott Kastan and Peter Stallybrass (New York: Routledge, 1991), 133-150.

⁴ M. L. Wine, ed. *The Tragedy of Master Arden of Faversham* (London: Methuen, 1973).

⁵ See Marisha Caswell and Erin Bone Steele, “Killing a Husband: Alice Arden and Her Accomplices on the Early Modern Stage,” *Representations of Murderous Women in Literature, Theatre, Film, and Television*, ed. Juli Parker (Lewiston NY: Edwin Mellen Press, 2011), 325-348.

Broadly speaking, nineteenth-century true-crime melodramas collectively function to provide warnings to the working class. The plays offer the usual simple moral strictures (“don’t have premarital sex, don’t assist murderers”) and the dramas do offer instruction by way of powerful counterexamples that show the consequences of transgression. But the plays are much richer than that. Melodrama is not a genre known for subtlety, but there is still a legible subtext at play in each drama. Beyond the usual Christian moralizing and gendered stereotypes of imperiled female virtue, the case of Mary Ashford’s murder really deals with corruption in the legal system. The Gamblers’ case presents an economic underworld of illegal gaming. The Red Barn exploits the tension between urban and rural and, in later adaptations, anxiety over enclosure acts that privatized land parcels. The semi-historical case of Jonathan Bradford is used to demonstrate the importance of solidarity among working men and women. These are deeper systemic issues broadly affecting the working classes.

The plays offer guidelines for acceptable behavior by comparing ideals to ill-fated victims’ actual experiences. In fact, there are often multiple victims in a true-crime melodrama. The murdered individual is almost always dead by the fall of the curtain at the end of Act One, requiring some additional conflict to sustain Act Two. Unlike more traditional melodramas that offer happy endings and allow the fallen male or female character the opportunity for redemption, true crime dramas presents characters whose fates are set by their actions; once they begin down a dangerous path, there is no turning back. Curiously, there was also a sense that external structures and social systems could and should be changed, reflecting the lived experience of a period when the legal system

was being reformed, the cities were being rebuilt, and the police system was being established anew.

The *en vogue* true-crime melodramas appeared in London theatres and booksellers' stalls in the decades after the Napoleonic Wars but shortly before the rise of a revolutionary working-class movement sweeping Europe, best embodied in England as Chartism. "Chartism" was a movement that grew out of the London Working Men's Association, and was eventually headed by a fiery leader named Feargus O'Connor. Chartists presented petitions to Parliament in 1839, 1842, and 1848 urging the adoption of a "charter" that would increase protection and enfranchisement for working class Englishmen.⁶ England underwent many changes in the first three decades of the nineteenth century and the turmoil made it a period of both great excitement and great anxiety, which the plays reflected and exploited as they brought true-crime stories to paying audiences. The large-scale popularity of sensational true-crime drama seems to peak around the same time as social and political distress, and fades correspondingly as the English perceived increased stability at home.

Spectatorship, even voyeurism, is also a major characteristic of the period when true-crime melodrama is at its most popular. The plays can be seen as one piece of a much bigger trend. Public attendance at hangings is regularly noted as a feature of the period, but crowds sought to "see more" and "know more" by attending all sorts of spectacles. As the following chapters will demonstrate, people flocked to witness courtroom proceedings that predated executions and the dissections of bodies that

⁶ See Dorothy Thompson, *The Chartists: Popular Politics in the Industrial Revolution* (New York: Pantheon Books, 1984); Stephen Roberts, "The Chartist Movement 1838-1848" at *BBC History*, http://www.bbc.co.uk/history/british/victorians/chartist_01.shtml; David Harris Willson and Stuart E. Prall, *A History of England* 3rd edition (New York: Holt, Reinhart and Winston, 1984), 499-501.

followed. Crowds made pilgrimages to crime scenes and paid to view wax museum replicas as well as stage re-enactments. Descriptions of crimes were published in major newspapers and cheap pamphlets alike. The courtroom, scaffold, publishing house, and theatre all proclaimed their intent was to provide their viewers with a moral lesson, but as often happens, what the purveyors tell themselves internally about the enterprise differs from what the public externally experiences. The effect for the audience was one of titillation as the darkest side of human nature was dragged into daylight.

True-crime Misunderstandings

Various authors assert, for instance, that the opening night at the Royal Coburg (now the Old Vic) included a play titled *Trial by Battle*, which was based on a recent true crime case. Except, it was not. When I finally tracked down records of the case and copies of the script, I was surprised to find that the Coburg's play and its supposed inspiration were largely dissimilar. I was disappointed and, for a time, felt as if previous scholarship had misled me. Then I determined to set the record straight. As I started looking at other cases and plays, however, I quickly realized how such faulty claims could arise. Numerous plays in the nineteenth century do carry some form of the "true story" tag line. Sometimes, the relationship actually is rather strong between reported historical case and stage adaptation. In other cases, the relationship is quite tenuous. Plays themselves make dubious claims about having real-life basis. The fact that plays without evident historical inspirations sported the "true crime" claim attests to the tag-line's usefulness and attractiveness.

Slips and errors about crime melodramas abound. Editor Michael Kilgarriff argues that no copy of a “Red Barn” play was published around the time of the crime, but one was not only referenced in the period’s definitive book-length account of the trial but furthermore the script is, in fact, extant. Historian and theorist Marvin Carlson mistakenly refers to a fatal jug of poison in the John Thurtell “Gamblers” case when there is no jug or poison involved at all. But I do not merely wish to correct some misleading historical trivia. The broader subject of “true crime” popular entertainment is still relevant today. Although genuinely “authentic” or “true” representations are unlikely if not impossible, we must remember that audiences do have genuine cognitive and emotional experiences as they watch events unfold in the playhouse, even if the specific experience may differ person to person. In the early decades of the nineteenth century, the theories that guide “Realism” were still many years away yet practitioners and playwrights argued about the “fourth wall,” asserted that their stories were “real,” and attempted detailed recreations of moments and objects in an effort to enhance the audience’s experience and their own commercial appeal.

Throughout this study, I use terms like true, real, concrete, and authentic. Such terms were not problematic in the nineteenth century; theatre practitioners and journalists of all stripes seemed to have no qualms about proclaiming their true-crime fare was “authentick.” Today, however, I could write this entire study with double-quotation marks setting off each use of such terms and still not satisfy the theoretical and philosophical protests challenging them. Still, I have no reasonable alternatives. I try to use the term “true” generally to mean that something is factual. It is true that Maria Marten lived in Polstead, England; it is a fact that John Thurtell was hanged on 9 January

1824. Similarly, I use the word “real” or “actual” to refer to something that historically existed. The Surrey Theatre manager put the murderer’s real horse and carriage on stage; William Corder actually was arrested in London. “Realistic,” however, is closer akin to verisimilitude; the theatres make an effort to present lifelike, realistic actions or believable recreations within the theatre’s conventions and confines. (“Real” and “realistic” should not be confused with Realism, which is a distinct theatrical movement with its own theoretical underpinnings.) Something “concrete” is something that an audience can use their five senses or sense memory to understand, and is the opposite of abstract. The cold, heavy irons that hold an accused murderer in prison, a tankard of canary with a lemon for additional flavoring, or a velveteen jacket are all tangible and conjure a sense of a concrete world experience for the audience. An “authentic” experience then comes from being in contact with something a person believes is real, factual, tangible, and concrete. A true-crime audience can be convinced by the presence of true facts, real details, realistic situations, and concrete material goods adding up to give the perception that something is “authentic.”

Material Murders

The fictional story and the real world blend in the true-crime play, but the nineteenth-century theatres producing true-crime melodramas continually claimed to give their audiences an “authentic” experience. Managers offered to put their patrons at the scene of the crime. It quickly becomes obvious that these are not early docu-dramas; the “true-crime” melodrama scripts depart from the reported news cases in multiple ways. Yet I do not dismiss the claim made by nineteenth-century dramatists and playhouses that

they were bringing historical cases to life on stage. Instead of scoffing at that assertion, I ask how they back it up. When they fall short of that goal, I ask what accounts for the differences or shortfalls. How is the playhouse purporting to bring the audience an authentic experience? I suggest that they do that through their use of the material world.

In the following chapters, I explore the relationship between press accounts of an event and the theatre's representations of an event, using the presence of material objects as the primary (though not exclusive) entry point for conversation. Material, tangible objects take many forms and serve several functions in this study. First, there are the physical items connected to the murder itself that become collectibles among consumers or merchants who seek to own and sell an event. The hangman's rope, the furniture from the murderer's house, or a stone chip stolen from a gravemarker all fall into this category. A second type of object are the physical items enlisted by the playwright and recreated in the playhouse in order to provide a point of entry for the theatrical viewing audience and to ground the audience experience. This includes things like a pair of shoes worn by a suspect, a borrowed pick-axe, or nutmegs purchased for flavoring punch. Sometimes these are physically present in the scene, while other times they are invoked in dialogue. These usually serve to give abstract feelings or off-stage actions a concrete incarnation.

There is a third type of object in this study and it functions in a rather different way, but is nevertheless necessary: the printed material itself. The events I explore in detail are not transmitted solely through word of mouth or through performance on stage. They are disseminated in print form, in newspapers, pamphlets, broadsheets, fair copies of sermons, and play texts. Such items are made by producers to be sold for profit to a consuming public. These items are purchased and preserved by readers who clearly

wished to own a printed material as a way of owning the narrative it contains. The pamphlet's or play's identity as a souvenir item is especially strong when the print material is purchased at the site of the crime. Admittedly, printed re-tellings lack the aura (in the Benjaminian sense) attached to the hangman's rope or the boards from the Red Barn,⁷ but the print souvenir works to enhance the collector's connection to an event. Such printed materials are as physically real as any rope, shoe, or lemon. For instance, a pamphlet play undoubtedly has measurable size and weight, and the reader has a tactile experience holding the pages. Like the board from the Red Barn, or even a piece of the "true cross," the *value* of the pamphlet play (or newspaper clipping or broadside) resides not in the material of which it is composed. For the print material, the value lies in the information it contains and the ephemeral experience it imparts to the readers who respond emotionally and cognitively as they consume it. The permanence and concreteness of the printed material bumps up against the slippery nature of words and the fleeting experience of a reader's response.

Inclusion and Exclusion

In selecting cases and plays to discuss in the following study, it was important for me to find surviving scripts that were based on true crime events, and were promoted as such. Many melodramas hashed together for London's playhouses have been lost, so I feel lucky to have the case studies that I do. Lines such as "founded on facts," or "a tale too true," appeared continuously in advertising because they worked. However, some plays advertised as "true" were not. In a number of instances, I could find no correlation

⁷ Harvey Young makes a similar observation about the souvenir qualities of lynching photos and postcards, comparing them with lynching victim's body parts co-opted as souvenirs. Harvey Young, "The Black Body as Souvenir in American Lynching," *Theatre Journal* 57 vol. 4 (Dec. 2005): 645-646.

between a script's topic and reported historical events. Further, I decided to focus on cases where at least one extant script was available.

For instance, I excluded *Father and Son, or the Rock of Charbonnier*, written in the 1820s by Edward Fitzball, the playwright profiled in chapter six. It would be fascinating to see what if any elements of the "Charbonnier" story were preserved in his play, since the case that formed its historical basis was a fairly gruesome cannibalistic rape and murder of a child by an insane man living in the French woods. But although the play title is known from the playwright's autobiography and newspaper articles about the case remain, at present the playscript does not seem to have survived.

I excluded dramas that had no specific references to historical cases, even if there were general thematic similarities. There were many melodramas that dealt with the theme of gambling, but they differed from the plays *Hertfordshire Tragedy* and *The Gamblers* so explicitly based on the Thurtell murder case. For this reason, I did not include plays like H. M. Milner's adaptations of *Trente Ans* and other melodramas that included generic gambling scenes.

I also excluded plays that were based on fiction, whether urban legends or literary works. The fascinating character of Spring Heel'd Jack is left unexplored because, although several internet sites propose play titles about him, I cannot find a single script or a record of a theatrical performance. The legendary character appears in the penny press, and in "boys' literature," especially late in the century. In these sensational accounts, Spring Heel'd Jack appears as a demon-faced, well-dressed man who could breathe blue fire and leap vertically four or five stories, where he would peep into windows and sometimes abduct young women. If there is any historical basis, it probably

lies, as Jacqueline Simpson suggests in a guidebook to English legends, in some unremarkable court cases where a male college student on a bet or a dare would leap out of bushes wearing a mask to frighten ladies into fainting. Spring Heel'd Jack has been kept alive by conspiracy theorists, and in the 21st century he was even re-invented as a Batman-like figure out to scare true villains.⁸

The much more domestic play *Lizzie Leigh, or, The Murder Near the Old Mill, a Tale of Three Christmas Nights* was also excluded. First performed 14 September 1863 and later published, the drama is prefaced with this claim: “The Poet has said, ‘Truth is Stranger than Fiction,’ an aphorism that use has converted into an adage. And never was it more faithfully applied than to the subject of this remarkable Drama, the chief and exciting incidents of which are drawn from undeniable facts.”⁹ Yet I could not find any correlating case. I did, however, find the short story *Lizzie Leigh*, published first in 1855 by Elizabeth Cleghorn Gaskell (1810-1865).¹⁰ The play closely follows Gaskell’s story of a young woman who is banished from her home for disgracing her family by having a child out of wedlock. She is peripherally involved in a series of misadventures and is eventually forgiven by her mother.

Perhaps the most enduring crime melodrama is the legend of Sweeney Todd, and I have excluded this play because, despite advertisements to the contrary, it is not actually

⁸ On the legend, see Jennifer Westwood and Jacqueline Simpson, *The Lore of the Land: A Guide to England's Legends, from Spring-Heeled Jack to the Witches of Warboys* (Penguin, 2010). See also Robert L. Mack, *The Wonderful and Surprising History of Sweeney Todd: The Life and Times of an Urban Legend* (London: Continuum, 2007), 17, 142. A recent sci-fi adventure: Mark Hodder, *Burton and Swindburne in The Strange Affair of Spring Heeled Jack* (Amherst NY: Pyr Science Fiction, 2010).

⁹ W. R. Waldron, *Lizzie Leigh, or, The Murder Near the Old Mill, a Tale of Three Christmas Nights* (London: T.H. Lacy [1863?]), 2. Play available in the British Library.

¹⁰ Elizabeth Gaskell, *Novels and Short Stories by Mrs. Gaskell, vol. 7: Lizzie Leigh and other Stories* (London: Smith, Elder and Co, 1889).

a true-crime play. The first recorded stage appearance of Sweeney Todd took place on 22 February 1847, when George Dibdin-Pitt's dramatization *The String of Pearls* was performed at the Britannia Theatre. When it opened, it was advertised as being "Founded on Fact." This stands as a testament to the power of the true-crime tag. No official record shows any barber named Todd or any barbershop-over-a-pastry-shop ever operating in Fleet Street.¹¹ Sweeney Todd's origins are not even really English. As early as 1612, a multi-volume work by Jacques du Breuil was published in Paris titled *Le Théâtre des Antiquités de Paris*. In the first volume, Breuil relates a story about a barber who murders his customers, and whose cellar attaches to a pastry-shop next door where the proprietor makes meat pies from the barber's victims.¹² It was 1824 when publisher Henry Fisher's monthly magazine, *The Tell-Tale Fireside Companion and Amusing Instructor*, published a story about a barber who murders his customers and sent them off to be cooked, this time set in a shop along Paris's Rue de la Harpe. From this point on, the story would be reprinted with slight variations about every two years, culminating in the 1846 appearance of the serialized story *The String of Pearls* set in London and featuring, for the first time, characters named Sweeney Todd and Mrs. Margery Lovett. This

¹¹ "PBS presents Sweeney Todd," *Sweeney Todd in Concert*
<http://www.pbs.org/kqed/demonbarber/play/index.html> and
<http://www.pbs.org/kqed/demonbarber/penny/index.html>

¹² Mack, *Wonderful and Surprising History of Sweeney Todd*, 337. The full title of the work Mack references is *Le Théâtre des Antiquités de Paris, Où est traité de la fondation des Eglises et Chapelles de la Cité, Université, Ville et Diocèse de Paris: Comme Aussi de l'Institution du Parlement, fondation de l'Université et Collèges, et autre chose remarquables*.

sensational story is most commonly attributed to Thomas Peckett Prest, a frequent magazine contributor.¹³

The String of Pearls was the direct source for the playhouse version by George Dibdin-Pitt originally also titled *The String of Pearls*. As in most surviving nineteenth-century versions of the tale, a sailor named Mark Ingestrie sails to London to present his sweetheart Johanna with a valuable pearl necklace. Avaricious barber Sweeney Todd steals the necklace then attempts to kill Mark, as he has robbed and killed others before. His opportunistic accomplice, Mrs. Lovett, disposes of the bodies by baking them into pies. Unfortunately for Sweeney, Mark survives his fall from the booby-trapped barber's chair and escapes. Sweeney Todd is brought before the court at the end of Act Three, but when Mark reappears Sweeney mistakes him for a ghost, loses his wits, and breaks out of jail. In an elaborate showdown at the end of the play, Mark is united with his sweetheart, tracks Sweeney to his barbershop, and engages in a fistfight until Mark's sailor friends arrive and the men force Sweeney into his own barber-chair, whereupon he "falls to the depths below."¹⁴ In the surviving text of Dibdin-Pitt's play, the multiple subplots are relatively complex, including a suitor for Mrs. Lovett, the rescue of an apprentice unjustly committed to an insane asylum, and the misfortunes of an eye-glasses maker and his daughter. The potential perils faced by lovers are less important than the treatment of apprentices and the struggles of working men.

¹³ For a detailed full chronology, see Mack, *The Wonderful and Surprising History of Sweeney Todd*, 336-354. It was common for a magazine to publish works from multiple unnamed contributors, so the authorship in the period is often a subject of some debate.

¹⁴ George Dibdin-Pitt, *Sweeney Todd: The Demon Barber of Fleet Street*. ed. Montagu Slater. (London: John Lane the Bodley Head Ltd, 1951), 79.

The story of Sweeney Todd has disturbing staying power. An American stage version was published in 1852. Around 1860, London's Pavilion Theatre submitted an anonymous adaptation seeking the approval of the official censor, the Lord Chamberlain. Three new versions were performed at various theatres around London in 1861, with two more the following year.¹⁵ In 1862, Frederick Hazelton's adaptation was presented at the Old Bower Saloon, where the role of a young apprentice was replaced with a part for a fat man.¹⁶ Authorial attributions, if not extant scripts, survive today for eight separate versions dramatized in 1865, mostly for provincial theatres. An abridged prose version published as "a history of Newgate, a record of the most celebrated trials," still bore the tag "Founded on Facts" in 1892.¹⁷ The Royal Victoria Theatre became known as "the bleedin' Vic" because of the number of murder plays produced there, particularly *Sweeney Todd*.¹⁸ Sweeney Todd also found a home amongst the puppet theatres of the nineteenth and twentieth centuries. Complex marionette puppets were featured in small portable theatres as well as large semi-permanent structures throughout London and the British countryside. Sweeney Todd and Mrs Lovett were natural figures for a medium that had already adopted Punch and Judy as popular favorites.¹⁹ The story was abridged,

¹⁵ Mack, *The Wonderful and Surprising History of Sweeney Todd*, 336-354.

¹⁶ Montagu Slater, "Introduction," *Sweeney Todd: The Demon Barber of Fleet Street* (London: John Lane the Bodley Head, 1951), 18. Slater conjectures that the company included a fat comedian who would have specialized in Falstaff-style parts.

¹⁷ *Sweeney Todd, the Barber of Fleet Street* (London: A. Ritchie, 1892). Title page also reproduced in Mack, *The Wonderful and Surprising History of Sweeney Todd*, 114.

¹⁸ James L. Smith, *Melodrama* (London: Methuen & Co, 1973), 42.

¹⁹ Mack, *The Wonderful and Surprising History of Sweeney Todd*, 246-248. Regarding Punch and Judy: "The perennially feuding couple have tended to run afoul of many of the self-appointed censors and moral guardians of the late twentieth and twenty-first century who – rather than reading the figures' ongoing, seditious rebellion against figures of authority as calculated symbols of theatrical subversion –

expanded, adapted and reprinted approximately every five years, in play and prose form, until the 1920s when it became a subject for film producers and radio shows.

Sweeney Todd's story was the basis for a few early black-and-white films, and then faded somewhat until dramatist Christopher Bond re-developed the tale in the 1970s. In 1973, a young Stephen Sondheim was visiting London when he attended Maxwell Shaw's production of this new *Sweeney Todd*. Sondheim's musical version debuted on Broadway 1 March 1979. It was made into a major Hollywood motion picture, released 21 December 2007.²⁰ Warner Brothers Pictures' stylishly graphic, gory musical film *Sweeney Todd: The Demon Barber of Fleet Street* was directed by Tim Burton and featured A-List Hollywood actor Johnny Depp in the title role. The version that has become famous in the twenty-first century is markedly different from Dibdin-Pitt's drama. Bond refocused the story on the anti-hero barber and created an entirely original backstory that would allow Sweeney to appear as a modern, multi-dimensional, sympathetic character.²¹

have earnestly insisted instead on a reductive interpretation of the most traditional playtexts for the puppets as pieces the most prominent features of which are dangerously uncomplicated representations of domestic and even sexual violence." Hand-crafted puppets of Sweeney Todd and Mrs Lovett rest near Punch and Judy in the Museum of Childhood, an outpost of the Victoria and Albert Museum in London, but "some few of today's parents, overly anxious to 'protect' their children against what they already judge to be the unsuitably violent stories of puppets such as Punch... can be seen hurrying their offspring past the Sweeney Todd marionettes."

²⁰ Rick Pender, "Serving a Dark and Vengeful God: Tim Burton's Cinematic Sweeney Todd Wins Mostly Positive Reviews," *Sondheim Review* (Jul 1, 2008), 9. See also "Production Notes," *Sweeney Todd Official Movie Site*. <http://www.sweineytoddmovie.com/site/index.html?dl=> [Accessed 20 December 2008.]

²¹ Christopher Bond, *Sweeney Todd: The Demon Barber of Fleet Street* (New York: Dodd, Mead, & Company, 1979). The new plot follows barber Benjamin Barker who was falsely convicted and transported so lecherous Judge Turpin could have Mrs. Lucy Barker for himself. Broken-hearted and mentally unstable, the barber returns to London under the alias Sweeney Todd to seek revenge. As he awaits his opportunity, he cuts the throats of rivals and pests while his opportunistic and infatuated accomplice Mrs. Lovett bakes the bodies into meat pies. Sweeney does not realize that the girl living as Turpin's ward is his long-lost daughter Johanna. (In the one happy subplot, Johanna escapes with a sailor named Anthony.) Sweeney also does not realize until too late that the beggar-woman who accuses him in

The story has undergone substantial changes, but there was never really a single, historical, definitive version in the first place. Each adaptation kept what it needed to maintain some central “Sweeney-Todd-ness” and then adjusted the story to give the audience of the day the kind of memorable, horrible thrill that they sought. Audience tastes shift, so the story shifts as well. The extreme details of the story are compelling, but flexibility and re-invention allowed Sweeney Todd to remain in the public imagination. The nineteenth century “founded on fact” catchphrase also still lingers, driving scores of twenty-first-century conspiracy theorists and armchair detectives to hunt for the “real” Sweeney Todd, but no credible accounts of real-life exploits have been produced. Still, the crime story remains popular.

Crime Entertainment Today

Crime dramas have been a staple of entertainment throughout human history. In its way, *Oedipus* is a crime drama; so are *Macbeth* and *Hamlet*. These stories were not original creations born exclusively from the playwrights’ imaginations, but the dramatic works are still mainly the invention of their authors. They are rich with meaning and messages, but they do not deal with stories that their initial audiences would consider domestic or contemporary.

When radio became the source of most Western popular entertainment, fictional period dramas like *Gunsmoke* (featuring the character of U.S. Marshall Matt Dillon) were joined on American airwaves by a new type of realistic, domestic, contemporary drama exemplified by *Dragnet*. *Dragnet* premiered on radio in 1949 and ran in that medium

the street is his long-lost wife Lucy who went insane after trying, unsuccessfully, to commit suicide with poison. Sweeney succeeds in killing the judge, but in a rage, he also kills Lucy and then Mrs. Lovett before her addled urchin apprentice slits Sweeney’s throat with his own razor.

until 1957. Shows were based on actual case files provided by the Los Angeles Police Department and each episode was famously introduced with the statement, “Ladies and gentlemen, the story you are about to hear is true. Only the names have been changed to protect the innocent.” A television version of *Dragnet* appeared in 1951 and ran for eight years, then was revived in 1967 for a further three years.²² With its dry actors, clipped dialogue, and precise but occasionally mundane action, *Dragnet* was perhaps the opposite of melodrama, and yet it capitalized on the audience’s thirst for entertainment that married extraordinary criminal events with something “real.” Creator and star Jack Webb insisted on “authenticity”: “When the cops walked up the steps at headquarters, listeners heard *exactly* the number of steps between floors in the real police building. When Webb picked up a crime report and read off the description of a suspect, the listener heard him turn a page first, because descriptions were always on the second page of real reports.”²³

The fascination with murder and other crime as a source of entertainment is alive and well in America today. Television, the site of our most widely consumed popular entertainment, is full of crime dramas. At almost any given hour of the day or night, a cable or satellite subscriber can watch new or re-run episodes of crime series. Many are tightly scripted fictional mystery or “procedural” dramas.²⁴ There are, however,

²² Old Time Radio Researcher’s Group, “Dragnet” at Archive.org [http://archive.org/details/OTRR_Dragnet_Singles]

²³ John Dunning, *On the Air: The Encyclopedia of Old-Time Radio* (New York: Oxford University Press, 1998), 209.

²⁴ Examples of fictional crime television series found on cable and network channels (in the Comcast lineup, Washington DC area, 2012) include: *Castle*, *CSI Crime Scene Investigators*, *CSI New York*, *CSI Miami*, *NCIS*, *NCIS Los Angeles*, *The Mentalist*, *Rizzoli and Isles*, *Blue Bloods*, *Criminal Minds*, *Sherlock*, *Elementary*, *White Collar*, *Law and Order*, *Law and Order Special Victims Unit*, *Law and Order Criminal Intent*, *Law and Order UK*, *Whitechapel*, and the period cop show *Copper*. Light-hearted crime-solving fare include *Monk* and *Psych*. Public broadcasting channels include Masterpiece Mystery episodes featuring fictional detectives from literature: Sherlock Holmes, Hercule Poirot, Inspector Morse, Inspector Lewis, and Kurt Wallander.

additional shows that trumpet the “true crime” claim. The Lifetime network thrives on their famous “movie of the week,” usually based on a historical case of an ordinary female in peril who ultimately overcomes an extraordinary assault or the death of a family member. NBC’s *Dateline* regularly produces exposés featuring recent criminal cases. In Fall of 2012, the Discovery Channel family of networks produced no less than thirty-four separate true-crime series with titles like *True Crime with Aphrodite Jones*, *Cold Blood*, *Deadly Women*, and *Dates from Hell*.²⁵

One of the most famous and successful television franchises, *Law and Order*, generally produces fictional stories but also profits from stories inspired by or very loosely based on news items. Neatly dividing the hour-long show into two parts, the classic *Law and Order* audience watches the police investigators for the first half, and then the prosecuting attorneys for the second half. The franchise regularly uses the famous catchphrase “Ripped from the Headlines,” although each episode contains a contradictory legal disclaimer that announces the story is fictional.

The parallels between news items and *Law and Order* scripts can be eerie. For example, in 2008, college professors William and Claire Hunter found the bodies of their eleven-year old son Thomas and fifty-seven year old housekeeper Shirlee Sherman who were stabbed to death in the Hunters’ Omaha, Nebraska home. Witnesses told police they saw a well-dressed young man carrying a briefcase enter and exit the house around the time of the killings. As the *Washington Post* reported, “On Jan. 21, 10 months after the killings, NBC’s ‘Law & Order,’ the venerable cops-and-courts drama, aired an episode about a double homicide. The victims were a young boy and his family’s housekeeper,

²⁵ *Investigation Discovery*, <http://investigation.discovery.com/> and <http://investigation.discovery.com/tv/tv-shows.html> [Accessed 8 October 2012.]

both stabbed to death in the boy's home. Their bodies are discovered by the boy's parents, both of whom are college professors. The chief suspect: a well-dressed man with a briefcase.” The families felt “blindsided” and “used,” and described the episode titled “Pledge” as “disturbing” and “painful.”²⁶ The dead boy’s father suggested the producers should have “put something at the end of the show.... ‘something helpful, to tell people about the real [crime] and where to contribute information.’ Instead, he says, ‘it just looks like they want to make money off of this.’”²⁷

The Hunter family did not launch a lawsuit, but others who saw their stories as the basis for *Law and Order* episodes have. A 2003 episode titled “Floater” sparked a suit by Ravi Batra, a bald, prominent, Indian-American New York City lawyer mentioned in New York newspapers as a possible participant in a Brooklyn bribery scandal. Batra was never formally charged with a crime, unlike the *Law and Order* fictional villain “Ravi Patel” who was also a bald, prominent, Indian-American New York lawyer guilty of bribery. The similarities were so striking that Batra’s suit charging “libel-in-fiction” was allowed to proceed to trial in 2004 over the protests of *Law and Order*’s legal team and producer/creator Dick Wolf who argued that they were protected because their show was not “reality TV” but inspired fiction. As of April 2012, the eight-year-old Batra case was still on-going in the New York State Supreme Court.²⁸

²⁶ Paul Farhi, “‘Law & Order’: Ripped from the Headlines – and from the Heart,” *Washington Post*, 8 March 2009. <http://www.washingtonpost.com/wp-dyn/content/article/2009/03/05/AR2009030504029.html?sid=ST2009030601368>

²⁷ Ibid.

²⁸ “Former Chief Administrative Judge Pfau to be Deposed in ‘Law & Order’ Lawsuit,” *Thomson Reuters News*, 26 April 2012; “Angry Lawyer to Grill Law & Order’s Dick Wolf,” *Crain’s New York Business News*, 2 September 2010 (<http://www.crainsnewyork.com/article/20100902/FREE/100909967>); Farhi, “‘Law & Order’: Ripped from the Headlines – and from the Heart.”

Although the original *Law and Order* stopped production after 456 episodes, the spin-off *Law and Order Special Victims Unit* is going strong, and the “ripped from the headlines” tag line is still in use. On the NBC website, one of the production team posted a photo of the staff around a television and wrote, “We can only rip from the headlines if we stay on top of current events... Though we scour New York and national newspapers every day for stories that might inspire an episode, every once in a while, we all stop what we're doing to watch what's happening live (i.e., DSK press conferences, Casey Anthony verdict, "rape cops" verdict... lots of verdicts...). Here's a shot of some writers, producers and other crew gathered around a small TV in our production office, watching the Amanda Knox verdict as it was read. No Amanda Knox story in the works, but we were all fascinated by the details of the case, so stayed tuned...”²⁹

Today the success of true-crime literature and television crime dramas, with their highly publicized use of “ripped from the headlines” story ideas, means that negotiating the relationship between fiction and fact is as complex now as it was in the nineteenth century. Twenty-first century audiences are not as far removed from nineteenth-century popular crime entertainment as we might at first assume.

²⁹ SVUMac, “Production Blog,” *NBC: Law and Order SVU*, 4 October 2011. <http://www.nbc.com/law-and-order-special-victims-unit/ripped-from-the-headlines/> (ellipses in original). All cases referenced here were covered by news outlets in 2011. “DSK” refers to Dominique Strauss-Kahn, European politician and banker arrested for assaulting a housekeeper at an upscale New York hotel; Casey Anthony was tried in Florida for killing her young daughter and was acquitted; “rape cops” Kenneth Moreno and Franklin Mata were acquitted of sexually assaulting an intoxicated 27-year old New York fashion assistant after they helped her into her apartment; Amanda Knox was an American exchange student tried and convicted in Italy for killing her roommate Meredith Kercher before being released upon appeal. (This story was the basis for the Lifetime movie *Amanda Knox: Murder on Trial in Italy*, February 2011.)

Preview of Coming Attractions

The first chapter of this work lays the foundation for the rest of the study by outlining the history of Regency England and surveying the general conditions of the London playhouses. Chronologically, the first case I will treat is the Ashford-Thornton case. Abraham Thornton was accused of the rape and murder of Mary Ashford in Warwick in 1817. Thornton was initially found not guilty, and managed to avoid a second suit brought by Ashford's brother by invoking an obscure medieval statute that allowed an accused person to forgo the courtroom in favor of a "trial by battle," engaging the accuser in mortal combat. In 1818, the recently-opened Coburg Theatre, on the south side of the Thames River, mounted a production titled *Trial by Battle*; this spawned generations of commentary regarding the true-crime fare offered in this playhouse. For chapter two, I use the case and the *Trial by Battle* script to discuss the work-a-day London theatre world and the physical environment of the playhouses. This chapter is heavy with historical detail and makes some historiographical observations about the way in which the melodrama theatre's story has been constructed.

The following chapter stays with the Ashford-Thornton case, but it closely examines two pamphlet play scripts. Unlike London's professional playwrights, these authors published their work in Birmingham. These plays were primarily intended for the reading public. I use these scripts to discuss conventions of melodrama, but also as a point of departure to look at lawyers and the legal system that allowed for such unusual maneuvers as the demand for a "trial by battle" in the first place. I also examine some of the ways in which physical objects, described in the pamphlet scripts, function as a

“vertical floor,” to borrow from Elaine Scarry’s *Dreaming by the Book*, in order to ground the audience’s experience.

Chapter four follows the 1824 “Gamblers” case. In this instance, the murderer and his two accomplices were bankrupt, and the landlord sold their property to an enterprising theatrical manager, Llewellyn “Boiled Beef” Williams, at London’s Surrey Theatre. A script was produced to feature a live horse and the very same carriage in which the murderer and the dead man had driven out of London. By employing the physical objects that had been in use and at the site of the historical murder, the Surrey theatre claimed to give its audience an “authentic” experience. Since the Surrey’s show was performed before the murderer trial was finished, it excited commentary from the legal community at the time.

Chapter five next deals with another London playhouse version of another crime. This time, the story follows Maria Marten who was killed in Suffolk in 1827 and discovered in 1828. The performances attached to the Marten “Red Barn” case were not limited to London playhouses, but also included sermons given at the site of the murder, tableau and booth theatres playing at the local Cherry Fair, and the trial itself. The case’s longevity comes from the translation of the event from a site-specific tourist destination, complete with souvenirs, to a London playhouse’s adaptation. The theatre included many details from the case as one way of bringing the audience along for a sort of vicarious tourist experience.

The final chapter offers still another different line of inquiry. The source story of *Jonathan Bradford, or the Murder at the Roadside Inn* was about one hundred years old when the professional playwright got his hands on it, and his life and career is examined

briefly. The “founded on fact” appeal of Jonathan Bradford’s story wound up secondary to its novel staging practice. The play invites an exploration of the previous century’s police systems and underscores the need for reforms that were implemented in the early nineteenth century. The hero/victim in this play is wrongfully convicted because events in the material world conspire to create compelling circumstantial evidence. Objects in this play have several important functions. They are used to show a character’s inner nature, and used to represent off-stage, unstaged events. They also establish the play’s period setting and provide the audience with the illusion of a sensory experience.

In drawing together this discussion of crime melodramas and the ways they invoke and employ the material world, I have been influenced by a number of historians and theorists. Some of the scholars who managed the task of demystifying the complex landscape of Regency London’s theatre world, without oversimplifying it, include Tracy C. Davis in *The Economics of the British Stage*, Jane Moody in *Illegitimate Theatre in London*, and Jim Davis and Victor Emeljanow in *Reflecting the Audience: London Theatregoing*. Equally important are those who addressed ways in which the theatre activates objects. In hoping to understand some of the ways in which material items transform in different hands and transmit meaning, I owe a particular debt to Andrew Sofer’s study of props in *The Stage Life of Props*, to Robin Bernstein’s “Dances with Things,” and Harvey Young’s “The Black Body as Souvenir in American Lynching.” Marvin Carlson’s *The Haunted Stage: Theatre as Memory Machine* and Joseph Roach’s chapter “Vicarious” influenced the way I think about how the audience’s experiences accumulate before, during, and after a performance. The following chapters make an effort to knit together a historical exploration of the true crime drama using five cases in

six chapters with some suggestion of the power of the physical object to effect performance and perception.

Chapter 1: London Theatres; or, Murder on the Popular Stage

Introduction

The early nineteenth century saw an explosion in the volume of printed materials available in part due to technological developments. American historian Karen Halttunen describes the changes in the way information was disseminated, writing, “The invention of steam printing and other technological innovations made it possible for publishers to print more titles and larger editions and sell them at a cheaper price, while advances in transportation enabled them to peddle their wares in a mass consumer market.... The diffusion of news, which in the eighteenth century had been a relatively slow, local, face-to-face process, grew swifter, wider and more impersonal....” Halttunen further describes the process by which the increasingly influential ideas of humanitarianism and “sensibility” led to a general distaste for inflicting pain – and, by making suffering taboo, also made it titillating. From this point, “in the cultural context of humanitarianism, the crime of murder was increasingly deemed a sensational event, capable of generating great public excitement.”¹

The print explosion and the new humanitarian mindset were only two of many changes the English people experienced in the span of just a few decades. The early nineteenth century fostered Jane Austen’s tales about elegant society and Sir Walter Scott’s novels of romantic adventures, but it was also a period of turmoil. England’s government and monarchy underwent several unusually rapid shifts. King George III,

¹ Karen Halttunen, *Murder Most Foul: The Killer and the American Gothic Imagination* (Cambridge, Mass., Harvard University Press: 1998), 62-70.

who took the throne in 1760, had overseen the union of England and Ireland and the expansion of England's trade empire but lost the American colonies to their revolution for independence and was not exceptionally popular. Although he remained king until his death in 1820, he suffered mental illness and was declared unfit to rule in 1811. His son, future King George IV, ruled as Prince Regent, giving the period its moniker of "Regency England." George IV was also viewed unfavorably by many of his subjects, as he spent extravagantly on lavish parties and residences like the massive "oriental" Pavilion at Brighton, and he tried to divorce Queen Caroline who was, for a while at least, better-liked than her husband. Their daughter and only heir, Princess Charlotte, died in childbirth in 1817. This meant that when George IV died after ten years on the throne, his younger brother succeeded him to become King William IV at age sixty-four. He ruled seven years before the throne passed to his eighteen-year-old niece, Victoria, in 1837. Whether the monarch was popular or unpopular, the real action was usually in Parliament, the site of near-constant power struggles between political factions known as Whigs and Tories. Parliament as a whole took up a number of reforms aimed at addressing election laws, building projects, the slave trade, workers' conditions, international treaties, and religious freedom. A labyrinthine legal system was scrutinized and a professional police force was established for the first time in the nation's history. Many of these issues found their ways into the period's contemporary dramas; the building projects and police and legal reforms in particular are directly relevant to the discussion in some of the chapters that follow. During the early nineteenth century, a number of inventions and technologies that had been in development became widely available, including usable railroads, coal-fired steam engines and viable steamships, and

the telegraph. The Industrial Revolution, which had begun in the previous century, continued moving England's economy from one based on manual labor towards machine-based manufacturing. Demographic shifts meant that a clear urban working class could be identified and, accordingly, workers' rights issues became increasingly visible as the century wore on.²

The theatre world also experienced changes during these early decades. The first play to announce itself as a "melodrama" in England appeared in 1802 with Thomas Holcroft's adaptation of a French melodrama. In a preface to a printed version of *A Tale of Mystery*, Holcroft himself credited Guilbert de Pixérécourt's play *Coelina; ou L'Enfant du Mystère*, "from which the principal incidents, many of the thoughts, and much of the manner of telling the story, are derived." Holcroft retained non-English character names, solidified stock character stereotypes, specified mood-enhancing music, and cut long soliloquies in favor of pantomime and action.³ *A Tale of Mystery* was performed at no less auspicious a playhouse than Covent Garden.⁴ Earlier plays had dabbled with similar conventions, most notably the Gothic play *The Castle Spectre* (1797). The trend after Holcroft's *Tale of Mystery*, however, was markedly in favor of plays with dialogue spoken over musical underscoring and strong visual moments. Usually two or three (but occasionally four) acts, the melodrama differed structurally from the traditional five act tragedies, three act comedies, and the one-act self-contained farces, which made up the

² See Eric J. Hobsbawm, *The Age of Revolution: 1789-1848* (Cleveland OH: World Publishing Co., 1962); David Harris Willson and Stuart E. Prall, *A History of England*, 3rd ed. (New York: Holt, Rinehart and Winston, 1984); Stella Margetson, *Regency London* (New York: Praeger, 1971); Donald A. Low, *The Regency Underworld* (Phoenix Mill UK: Sutton Publishing, 2005).

³ J.O. Bailey, *British Plays of the Nineteenth Century* (New York: Odyssey Press, 1966), 223-225.

⁴ See Booth, *Theatre in the Victorian Age*, 150-152; Robertson Davies, "Playwrights and Plays: 1800-1810," *The Revels History of Drama in English*, 205-207.

canon of spoken drama called classical, intellectual, or “legitimate.”⁵ Melodramas featured near-constant musical underscoring, with spoken dialogue and spectacular action occurring over the instrumental accompaniment. Melodramas are also identifiable by the hallmark characteristics that make them infamous today, such as stock characters, Christian morality, special effects, domestic concerns played out against exotic locales, hyperbolic dialogue, and episodic scenes that were often action-packed but disconnected from one another rather than flowing in a logical, Aristotelian way.

Most melodramas have some sort of intended crime at their core, since few things are more dramatic than such taboo actions as murder or rape, swindling or kidnapping. In many cases, the victims are rescued by the intervention of some hero or another, but in crime and true-crime melodramas, the villain sees the crime to its completion and the play continues until the villain is called to account for his or her actions. According to Richard Altick, whose *Victorian Studies in Scarlet* is one of only a few studies to document the interplay between true crime and crime-based popular literature and entertainment, there are at least seventy nineteenth-century plays with the word “murder” in the title alone, and twenty-five of these were produced between 1821 and 1840.⁶

For centuries, public executions were seen as acceptable because they ostensibly functioned to deter crime. In the nineteenth century, when the reading public could follow criminal cases through newspaper reports, the execution also became a tourist

⁵ The categorization of “legitimate” drama and “legitimate” theatres, which figures in the following discussion of London’s playhouses, is related to English licensing acts. I follow Tracy C. Davis and Jane Moody in using “illegitimate” to refer to minor playhouses that were either unlicensed or held licenses limited to performances of burletta, ballet, animal acts, melodrama, or other genres that fall outside of the classification of “spoken drama” originally reserved for the “legitimate” patented theatres, Drury Lane and Covent Garden.

⁶ Altick, *Victorian Studies in Scarlet*, 88.

attraction drawing curious crowds from well beyond the local community, as descriptions of the Thurtell and Corder hangings will show. Criminal stories in the popular press were recounted in order to educate and promote good behavior by showing, through counter-example, the consequences of ignoring moral and legal strictures. The plays I discuss also reflect the idea that showing negative consequences of criminal acts can deter others from following such a destructive path. In these dramas, as in most of the popular literature related to the cases, activities like gambling, blackmail, and illicit love lead directly to murder, arrest, madness, and death. Against this backdrop, the representations and dramatic repetitions of violent events were not generally considered offensive, especially when the tales concluded with a clear moral lesson and the glorification of solid principles of the rising English middle class: family devotion, hard work, sobriety, justice, and Christian piety. In melodramas, the virtuous almost always do receive their reward whether in this world or the next, and evil-doers may be punished by law, by their own guilty consciences, or by an act of God.

The London Theatre in the Legal Landscape

For better or for worse, traditions of English theatre history have been most interested in charting the stories of the dominant playhouses and premiere actors and actor-managers who worked there. The best-known performers of the eighteenth and nineteenth centuries, from David Garrick to Sarah Siddons through the Keans to William Charles Macready, are usually associated with their work in Shakespearean roles: Garrick, immortalized in portraiture as a startled Richard III or as himself with his arm

around the bust of Shakespeare;⁷ Siddons with her risky, original blocking choices as Lady Macbeth;⁸ Edmund Kean with a performance style that inspired Samuel Taylor Coleridge to write, “To see him act, is like reading Shakespeare by flashes of lightning;”⁹ William Charles Macready, whose studied and careful performances aimed to bring “respectability” to the theatre but also “reduced the high passion of tragedy to the restraint of the drawing-room.”¹⁰ All these performers, no doubt, deserved the public accolades they received. They are also associated with the best-known of the London theatres, Drury Lane and Covent Garden. Since the seventeenth century, when then-restored monarch Charles II granted royal patents to theatre actor/managers Thomas Killigrew and William Davenant, the “patent” or “legitimate” playhouse claimed the exclusive right to perform spoken plays in the capitol city.

Although patents could be bought or sold, and playhouses could be renovated or built entirely anew, Drury Lane and Covent Garden ultimately enjoyed the most continuity. Their hegemony was re-enforced by the Licensing Act of 1737, a censorship and licensing law shepherded through Parliament by politician Robert Walpole, who had

⁷ “David Garrick as Richard III” by William Hogarth (1745), in the Walker Gallery, Liverpool UK: <http://www.liverpoolmuseums.org.uk/walker/collections/18c/hogarth.aspx> [Accessed 2 October 2012]. Also, “David Garrick Leaning on a Bust of Shakespeare,” original painting by Thomas Gainsborough circa 1766-69, “hung in Town Hall, Stratford-upon-Avon, destroyed by fire in 1946.” Copy in the Folger Shakespeare Library, Washington DC, <http://luna.folger.edu/luna/servlet/detail/FOLGERCM1~6~6~162875~109930:David-Garrick-leaning-on-a-bust-of-> [Accessed 2 October 2012]

⁸ Sarah Siddons, “Remarks on the Character of Lady Macbeth,” from *Actors on Acting*, Ed. Toby Cole & Helen Krich Chinoy (New York: Three Rivers Press, 1970). 142-145.

⁹ Samuel Taylor Coleridge, “Table Talk, 27 April 1823” in Samuel Taylor Coleridge and Henry Morley, *Table Talk of Samuel Taylor Coleridge and The Rime of the Ancient Mariner, Christobel, &c..* (New York: Routledge, 1884), 38. Coleridge was not necessarily being complimentary.

¹⁰ Toby Cole and Helen Krich Chinoy, “William Charles Macready,” *Actors on Acting* (New York: Three Rivers Press, 1970), 333.

suffered anti-Walpole satires staged at the Haymarket Theatre, which had not yet joined the ranks of legitimate theatres.¹¹ By the nineteenth century, the theatre world was subject to a number of vague or conflicting rules that sought to restrict entertainment ventures in and around the City of London and Westminster. The parliamentary Act of 1752 was aimed at “regulating places of public entertainment,” and showed an unreflective assumption that the tightrope-walking, puppet shows, dancing, singing, and other “entertainments” happening at places like Sadler’s Wells “represented a non-dramatic sphere of bodily performance utterly distinct from the drama staged at Drury Lane and Covent Garden.”¹² By 1800, “a small number of suppliers (three to be exact: Covent Garden, Drury Lane, and during the summer the Haymarket) legally provisioned London with ‘legitimate drama’ (i.e. tragedy, comedy, and farce), dividing the market neatly between them.”¹³ Through the laws governing the theatre, these three held the exclusive right to produce *spoken* drama in London. Similar laws applied in other cities across England, with the result that provinces might have only one legally recognized “legitimate” theatre or none at all.

A series of requests during the first two decades of the nineteenth century from managers and professionals seeking new patents for new theatres were turned down

¹¹ See “Haymarket, Theatre Royal” and “Theatrical Monopoly,” in *The Cambridge Guide to Theatre*, ed. Martin Banham, revised edition (New York: Cambridge University Press, 1995). Online copy last accessed 22 September 2012, http://proxy-um.researchport.umd.edu/login?url=http%3A%2F%2Fwww.credoreference.com/entry/cupthea/haymarket_theatre_royal and http://proxy-um.researchport.umd.edu/login?url=http%3A%2F%2Fwww.credoreference.com/entry/cupthea/theatrical_monopoly

¹² Jane Moody, *Illegitimate Theatre in London, 1770-1840* (Cambridge: Cambridge University Press, 2000), 18.

¹³ Tracy C. Davis, *The Economics of the British Stage, 1800-1914* (Cambridge: Cambridge University Press, 2000), 19. The parenthetical notes are Davis’s.

partly because the patent theatre managers' heavy petitioning of the Lord Chamberlain not to allow such competition into the market. From 1800 to 1810, small theatres sprang up claiming to offer "non-dramatic genres" and licensed to stage burletta and musical melodrama, in direct competition for audiences.¹⁴

This would seem to imply that there was a clear dichotomy between the traditional and classical plays presented at the patented "major" or "legitimate" playhouses and the newer spectacle-driven forms at the "minor" or "illegitimate" playhouses, but this is not exactly the case. Minors were legally prevented from staging spoken classical works like Shakespeare, but majors could stage Shakespeare *and* melodrama, burletta, or any other form that were becoming popular. Perhaps John Philip Kemble's Covent Garden is now best known for the rise in admission which led, in 1809, to the Old Price Riots where audiences demanded a reduction in ticket costs, and Kemble's work presenting Shakespeare helped cement his claim to England's legitimate drama; he presided over twenty-seven Shakespeare productions in twenty-nine years, often starring across from his famous sister Sarah Siddons.¹⁵ But in order to compete and draw crowds, established playhouses had to adapt their fare and Kemble was not above staging "the grand Romantic Melo Drama *Timour the Tartar*" in 1811, notable for its "splendid combat scene... the new performers (the horses) displayed wonderful ability." In 1812, he surpassed the horses with an elephant; "and he [the elephant] was highly applauded."¹⁶ Similarly, Drury Lane staged *Caravan; or, the Driver and his Dog*, "with

¹⁴ Davis, *The Economics of the British Stage*, 21.

¹⁵ Frederick and Lise-Lone Marker, "Theatres and Actors," *The Revels History of Drama in English 1750-1880* (London: Methuen, 1975), 108.

¹⁶ W.C. Oulton, *A History of the Theatres of London from the Year 1795 to 1817 Inclusive*, (London, 1818), 266, 274, quoted in Frederick and Lise-Lone Marker, "Theatres and Actors," 110.

Carlo the Wonder Dog performing a daring rescue.”¹⁷ As the licensed, patent-holding houses realized there was profit to be made by staging melodramatic work, they added it to their bills.

Old protests that new theatres brought with them crime, prostitution, and general debauchery were replaced by arguments that new theatres ate into the receipts of the existing theatres. Rather than make a blanket ruling, English courts suggested that patented theatres could, on a case-by-case basis, “go ahead and prosecute to find out whether the licenses offered binding protection” against the upstart houses that may or may not have been presenting spoken dramas on a nightly basis.¹⁸ And so, in 1820, the manager of the Coburg theatre was hauled into court for producing *Richard III*. Drury Lane’s manager went straight to the Lord Chamberlain to protest a minor theatre’s production of French plays. The minor theatres produced “illegal” shows so often that “by 1824, Covent Garden’s proprietors were so wearied of initiating prosecutions that they requested that their solicitor desist from further action.”¹⁹

In February of 1827, the ever-inventive Coburg Theatre under the management of Davidge, announced a “Melodramatic Burletta called *Macbeth, King of Scotland; or The Weird Sisters*.” His theatre had already recently staged *The Three Caskets; or The Jew of Venice*, and *The Moor of Venice*, as well as a knock-off of *The Winter’s Tale* called *Florizel and Perdita* followed by “the Serious Melodrama called *The Life and Death of King Richard III; or the Battle of Bosworth Field*.” Despite couching such plays as new

¹⁷ Jeffrey N. Cox, “The Death of Tragedy; or, the Birth of Melodrama,” *The Performing Century: Nineteenth-Century Theatre’s History*, ed. Tracy C. Davis and Peter Holland (Houndsmill: Palgrave Macmillan, 2007), 165.

¹⁸ Davis, *The Economics of the British Stage*, 30.

¹⁹ *Ibid.*, 31.

works or melodramas, the appearance of the *Macbeth* adaptation finally spurred William Dunn, Treasurer of the Theatre Royal, Drury Lane, to file a lawsuit. But Davidge did not withdraw without protest: “The Lessee of the Coburg Theatre has hitherto studiously endeavoured to conform himself to the Laws... Until, therefore, he shall know wherein he has offended, and until the Surrey Part of the Metropolis shall have time to appeal to the Legislature and the Nation against so inordinate a claim to Intellectual Monopoly and Domination, he respectfully withdraws the advertised Melo-Drama of THE WEIRD SISTERS.”²⁰ Nor was Davidge’s strategy at all unusual. By the late 1820s, the Pavilion theatre “was staging more Shakespearean plays than Covent Garden and Drury Lane put together.... By this time, most illegitimate productions of Shakespeare had thrown caution to the winds, abandoning even the pretence of staging the plays as melodrama or burletta. Nevertheless, one critic did report as late as 1831 that a Surrey performance of *Othello* had been ‘interspersed with melodramatic music, in order to render it legitimately illegitimate.’”²¹ The sheer number of lawsuits and court inquiries bear testimony to the power the minor theatres began to wield.

Despite the legal restrictions during the first four decades of the century, by 1833 there were nineteen theatres operating in London, most licensed for such forms as burlettas, ballets, and melodramas, where it was constant musical underscoring that differentiated them from traditional “spoken dramas.” It was only in the late 1830s, when Drury Lane and Covent Garden found themselves under pressure, and unable to perform two days a week during Lent, that these patented theatres “were in such a bad way

²⁰ George Rowell, *The Old Vic Theatre: A History* (Cambridge: Cambridge University Press, 1993), 25.

²¹ Moody, *Illegitimate Theatre in London*, 135. Quoting *Figaro*, 21 January 1831, 82.

financially that even they could see little advantage in a continuation of their much abused monopoly rights.”²² In 1833, the House of Commons passed and the House of Lords narrowly rejected a bill that would have allowed any recognized theatre to play the “legitimate” drama. It was not until 1843 that a similar Theatres Regulation Act would be put into effect. By the time the 1843 Act granted any theatre the right to play any sort of drama to any sort of audience, it was more a matter of formalizing what had been happening *de facto* anyway. As the Examiner of Plays would write, “what the ‘minors’ had for years been doing against the Statutes, by connivance or surreptition, [was] rendered lawful for them to do thenceforward.”²³

The venues that offered the productions might call themselves theatres, but some chose alternative titles, one of the most popular being the circus. Far from hurting marketshare, an alternative identifier could actually broaden a performance venue’s appeal. In his autobiography, James Dawson, manager of a Cornish theatrical circuit, lamented that there were many people in the country who wanted to see a play but whose moral or religious strictures prevented them from entering a theatre. Their moral code had nothing against such places as the *circus*, however.²⁴ Attending a circus was one way to enjoy a show without technically setting foot inside a playhouse. Initially, circuses held licenses that, in theory, forbid them from offering plays, which were supposed to remain the domain of playhouses, but circuses pushed these boundaries early. In Brighton,

²² Michael Booth, “Public Taste, the Playwright and the Law,” in *The Revels History of Drama in English 1750-1880* (London: Methuen, 1975), 43.

²³ Davis, *The Economics of the British Stage*, 32-25.

²⁴ It seems likely that a similar phenomenon in America led to small towns erecting “Opera Houses” even if no operas ever played there. See, for example, Paul Wilson, *North Carolina Opera Houses, 1878-1921: A Source Book for Local Theatre History*, 3 volumes, Florida State University (Dissertation): 1995.

“Batty’s Circus opened *The Gnome Harlequin*... which was subsequently proven in court to contain fourteen lines of dialogue followed by ‘tumbling, dancing, horsemanship, and tricks.’”²⁵ Circuses relied heavily on horse performance, but so did many theatrical ventures, and sometimes it is hard to distinguish whether a performance happened in a playhouse, a circus ring, or at a theatre with a circus ring. Indeed, circuses were uniquely equipped to present shows with epic spectacular effects. From 1824 onward, for example, Astley’s Circus offered the *Battle of Waterloo* annually, a spectacle that involved hundred of performers, horses, and cannons.²⁶ Eventually music halls, tea gardens, and converted warehouses joined the ranks of alternative theatre venues. Keeping track of all of them is rather difficult in practice, since they were razed, rebuilt, refurbished, and renamed with regularity. Charles Dibdin, for instance, “adapted a riding school into the Royal Circus, which evolved through burnings down and buildings up into the Surrey Theatre.”²⁷

But was it Popular?

Melodrama was, arguably, the most popular form of theatre in London throughout the nineteenth century. The first challenge, however, with assessing the idea of “popular” is with defining “popular.” Nobody addressed this better than Michael Booth who

²⁵ Jacky Bratton, “What is a Play? Drama and the Victorian Circus,” *The Performing Century: Nineteenth-Century Theatre’s History*, ed. Tracy C. Davis and Peter Holland (Houndsmill UK: Palgrave MacMillan), 252.

²⁶ Scott Hughes Myerly, *British Military Spectacle: From the Napoleonic Wars Through the Crimea* (Cambridge MA: Harvard University Press, 1996), 145.

²⁷ Vera Rule, “Projections of Puppet Theatre,” *The Guardian*, 31 July 2010. <http://www.guardian.co.uk/stage/2010/jul/31/melodrama-national-theatre-southbank-cutouts> [Accessed 30 September 2012]

produced numerous articles, books, and chapters on the nineteenth century. As he put it, over the years some “have taken ‘popular’ to imply the support of sheer numbers of people, and in this sense the nineteenth-century theatre was indeed popular.” Theatre *as a whole* was popular in sheer numbers during the nineteenth century because it developed enough permutations that it “catered to all social classes and all income levels,” making the pre-cinema age “the last time when theatre was a mass market entertainment.”²⁸ The term popular can be extended to describe “characteristics of repertory, acting style, or types of entertainment either unavailable or uncommon in conventional theatre buildings... [including] the cut-down Shakespeare, melodrama and pantomime offered in theatrical booths at fairs, melodramas (and Shakespeare) staged in circus rings with trained horses, street shows, spiritualists, mimes, magicians (who drew huge audiences with elaborate presentations), *tableaux vivants*, music hall, vaudeville, and Wild West shows.”²⁹ Since many of these entertainment forms were designed to be accessible for people without money, interest, or leisure time to attend the traditional theatre, there is also a class-based definition of *popular* “as a kind of theatre appealing to audiences low on the social scale.”³⁰ Such specific descriptions can be very useful in narrowing focus, but it does us no favors to paint the theatre world as so compartmentalized. As one form became successful, its elements were absorbed into another form. While audiences did learn which venues would consistently appeal to their tastes, those who attended one kind of spectacular entertainment did not necessarily shun others.

²⁸ Michael Booth, “Nineteenth Century Theatre,” in *The Oxford Illustrated History of the Theatre*, ed. John Russell Brown (Oxford: Oxford University Press, 1997), 317.

²⁹ *Ibid.*, 317-319.

³⁰ *Ibid.*, 317.

Legitimate, established playhouses could not help but be affected by the trends and tastes in the theatre world at large. Kemble's Covent Garden may have focused on classical works, but it did not exclude melodramas, and it was not alone. Similarly, in the eighteen-teens, Gothic melodrama fare like *The Woodman's Hut* and *The Broken Sword* were performed at Drury Lane and Covent Garden.³¹ Melodramas and spectacle entertainment appealed to all classes of patrons. In 1838, Drury Lane staged a version of *Charlemagne* featuring live lions; the young Queen Victoria attended six times in six weeks.³² Drury Lane continued to hold onto traditions of classical dramas only to see upstart theatres begin to draw bigger crowds. It was the manager of the Princess's Theatre, not a traditional patent house, who was asked by Queen Victoria to run the Windsor Castle theatricals beginning in 1848. The Queen famously attended operas at the Haymarket and the occasional Shakespeare play, but her last public outing to the theatre was 16 March 1861 when she and some of her children saw Dion Boucicault's Irish melodrama *The Colleen Bawn* at the Adelphi.³³ Theatres had to be responsive to the tastes of multiple potential audiences, from those who wanted "respectable" classics to those who wanted pantomime. As late as 1881, when Drury Lane lost money hosting the world-famous experimental Saxe-Meiningen troupe production of *Julius Caesar*, the theatre quickly mounted *Sinbad the Sailor* and recovered their losses.³⁴

³¹ Michael R. Booth, *Theatre in the Victorian Age* (Cambridge: Cambridge University Press, 1991), 152.

³² Michael Booth, "Public Taste, the Playwright, and the Law," *The Revels History of Drama in English 1750-1880* (London: Methuen, 1975), 32.

³³ George Rowell, *Queen Victoria Goes to the Theatre* (London: Paul Elek, 1978), 79.

³⁴ James L. Smith, *Melodrama* (London: Methuen, 1973), 16.

Unlike the present day, it is not possible to look at the number of consecutive performances as a reliable indicator of popularity in the early decades of the nineteenth century. The “long run” was almost unheard of in London until the 1850s. Of course, there are exceptions to every rule. For example, W. T. Moncrieff’s *Town Talk*, an adaptation of Pierce Egan’s *Life in London*, enjoyed a run of approximately 300 performances at the “minor” or “illegitimate” Adelphi in 1821, and Edward Fitzball’s true-crime *Jonathan Bradford, or the Murder at the Roadside Inn*, ran for 264 consecutive nights in 1834, but such runs were considered unusual. By the 1850s, things began to change. London not only continued to experience population growth but was also reconceived as a tourist destination, and affordable rail travel brought visitors and new audience members into the city. In 1856, the Princess Theatre announced an “unprecedented” run of 102 nights of Charles Kean’s *The Winter’s Tale*, but the figure pales in comparison with runs of melodramas at other theatres. Tom Taylor’s socially conscious melodrama *The Ticket-of-Leave Man* ran for 407 straight nights in the 1860s while Henry James Byron’s comic three-act play *Our Boys*, particularly suited for music-hall-cum-theatre venues, drew audiences for 1,362 shows. Eventually, the Princess’s theatre got on board the melodrama train and mounted a solid 300-night run of *The Silver King*, a late melodrama written by Henry Arthur Jones in 1882.³⁵ At the least, such numbers indicate that melodrama in general, once established, maintained a strong hold in the theatrical marketplace.

³⁵ Jacky Bratton, *New Readings in Theatre History* (Cambridge: Cambridge University Press, 2003), 156-158; Edward Fitzball, *Thirty-Five Years of a Dramatic Author’s Life*, vol. 1 (London: T.C. Newby, 1859), 232-245; Michael Booth, *Theatre in the Victorian Age*, 13; Frederick and Lisa Lone Marker, “A Guide to London Theatres, 1750-1880,” *The Revels History of Drama in English*, lviii.

There are a number of competing answers to the question of *why* nineteenth-century melodrama did become so popular. The theatrical stage may offer something artificial and fictional in any event, but it is worth remembering that members of a theatrical audience have actual psychological and physiological experiences as a result of attending the dramas. The melodrama conjured up genuine emotion and sensation.³⁶ It neither talked down to its audience nor attempted to offer “high art” beyond their grasp, although the working-class audience’s genuine appreciation for Shakespeare (particularly, it seems, *Macbeth* and *Richard III*) would indicate that they were not so undiscerning as we might otherwise be led to believe. Audiences received some sort of real thrill for having been in attendance.

Additionally, it is not inconsequential that playhouses far and wide were able to mount melodrama productions with their existing actors. As a form, melodrama had much to recommend it to the practical actor-manager. Lines of business, whereby each actor had a specialized type of role to play, were essential to acting companies at the start of the nineteenth century and help explain why the character types that appear in

³⁶ See Bernard Sharratt, “The Politics of the Popular? From Melodrama to Television,” *Performance and Politics in Popular Drama: Aspects of Popular Entertainment in Theatre, Film and Television, 1800-1976*, ed. David Bradby, Louis James, Bernard Sharratt (Cambridge: Cambridge University Press, 1981), 275-296, and Joseph Roach, “Vicarious: Theatre and the Rise of Synthetic Experience,” *Theorizing Practice: Redefining Theatre History*, ed. W.B. Worthen and Peter Holland (Palgrave Macmillan, Hampshire UK, 2003), 120-135. For an extreme example of an audience member having a genuine reaction to a staged spectacle, see Victor Emeljanow, “Grand Guignol and the Orchestration of Violence,” in *Violence in Drama*, ed. James Redmond (Cambridge: Cambridge University Press, 1991). The first Grand Guignol entertainment was presented in Paris, 3 April 1897, featuring seven short plays under the guidance of Oscar Méténier, who was a proponent of extreme experimental naturalism. His successor, Max Maurey, advertised the theatre as the “House of Horror,” and even employed a house doctor to attend fainting patrons. Ironically, the first night the doctor was on staff, he viewed the shows from the audience and, much to his embarrassment, he himself fainted.

melodrama are so regularized.³⁷ Manager-actor-playwright Dion Boucicault famously described a stock company roster of eighteen distinct character lines,³⁸ although smaller companies usually had to rely on actors who were able to cover more than one line. “Since lines of business preserved character stereotyping, in spite of the variety possible within each line, they served to maintain traditions and customs of performance, as well as a standard set of characters for the dramatist to write for, that might otherwise have disappeared much sooner from the stage,” Booth observes.³⁹

Audiences anticipated with pleasure the comfortably predictable work of character types. Edward Wright, “*the low comedian*” at the Adelphi in the 1840s, would “without uttering a word across the footlights, give the audience a confidential wink and send them into convulsions,” theatre-goer Edmund Yates reported. “For many years he was the undoubted attraction to the theatre, and was paid and treated accordingly. Never have I heard such laughter as that which he evoked, never have I seen people so completely collapsed and exhausted by the mere effect of their mirth.”⁴⁰ In 1847, Gilbert Abbott à Beckett published the satirical book *The Quizziology of the British Drama*, wherein he offered commentary about the sorts of stock characters one is likely to find in melodramas. As Frederick and Lise-Lone Marker note, “It should be remembered of

³⁷ On character types, see also David Grimsted, *Melodrama Unveiled: American Theater and Culture, 1800-1850* (Chicago: University of Chicago Press, 1968), chapter 8: “The Melodramatic Structure.”

³⁸ Dutton Cook, *Hours with the Players*, (London: Chatto and Windus, 1883), 243. Boucicault’s list appears in just about every work on melodrama and theatre in the nineteenth century, including Booth, *Theatre in the Victorian Age*, 126.

³⁹ Booth, *Theatre in the Victorian Age*, 127.

⁴⁰ Edmund Yates, *Edmund Yates: His Recollections and Experiences* vol. 1 (London: Bentley and Sons, 1884), 197-198.

course that nobody bothers to satirize anything which a large body of other people do not take seriously.”⁴¹

The connection between audience and actor clearly ran deep. This relationship was probably not so different from that of a modern audience and favorite football player or stand-up comedian, where the audience develops a “peculiar blend of real and pretended knowledge, real and fantasized acquaintanceship;”⁴² in the melodrama playhouse, an audience that was simultaneously connected to the actors and character at once felt strongly about the character’s predicament (or, in case of the villain, machinations) *and* free to express opinions about the performance. Despite the prevalence of proscenium arches, so helpful in framing trick special effects, the melodrama theatre also facilitated actor-audience interaction. From the regularity of direct-address prologues and entre-act entertainers appearing as themselves to characters’ clever and frequent asides, the characters’ willingness to talk directly and self-consciously to the audience is evident. As for the audiences, they were comfortable giving feedback through “catcalls, whistles, and flying fruit.”⁴³

Style at the Bleedin’ Vic and the Blood Tub

Theatres developed their own identities, a process that intensified over the nineteenth century. Specific actors and their trademark styles often became associated

⁴¹ Marker, “Playrights and Plays 1820-1830,” 218.

⁴² Bernard Sharratt, “The Politics of the Popular? From Melodrama to Television,” *Performance and Politics in Popular Drama: Aspects of Popular Entertainment in Theatre, Film and Television, 1800-1976*, ed. David Bradby, Louis James, and Bernard Sharratt (Cambridge: Cambridge University Press, 1981), 281-282.

⁴³ *Ibid.*

with particular playhouses. Contemporary commentary tells us that the famously passionate Edmund Kean contrasted with the formal Kemble style. Later, Edmund Kean's son Charles adopted a most gentlemanly manner when he and his respectable wife, actress Ellen Tree, took over management of the Princess's, in direct and deliberate contrast with his extravagant father. William Charles Macready's intellectual bent was different even from the "drawing-room manner of Madame Vestris at the Olympic."⁴⁴ Smaller theatres might offer a wide array of performances, from Shakespeare to juggling acts, but even without star actors or actor-managers, they often cultivated their own niches. The term "Adelphi Screamers" was coined to sum up the sensational plays offered there. The Coburg became known as the "Blood Tub" because of its fare trending the same way⁴⁵ and later, when its name changed to the Victoria, it became known as the "Bleedin' Vic" after its profitable habit of offering plays featuring murderous characters like Sweeney Todd and his kin.⁴⁶

As I hope I have illustrated, it does a disservice to the complexity of the nineteenth century London theatrical world to draw bright lines and boundaries around any playhouse. The grandest and oldest were not above staging melodramatic spectacles, and the smallest and most precarious evinced a real desire to stage "classical" works early and often, by which they usually meant Shakespeare's plays, despite the legal strictures against such productions in the first decades of the century. It is nonetheless reasonable, and useful, to generalize a bit where true-crime melodrama is concerned.

⁴⁴ Marker, "Theatres and Actors," 122.

⁴⁵ Marker, "A Guide to London Theatres," li-lii.

⁴⁶ Smith, *Melodrama*, 42.

Despite cross-over in genre and general theatrical trends, it was possible to divide the London playhouses into three tiers well into the nineteenth century. The top-tier theatres were the original patent-holding playhouses like Drury Lane that featured internationally recognized first-rate actors and were best known for their “serious” dramas, while the middle-tier was comprised of more or less stable theatres and theatre-circuses like the Princess’s, Adelphi, and Astley’s, which could offer large scale dramas and melodramas with fairly assured success. The bottom tier was comprised of a rotating assortment of newcomers who regularly opened, sold, renamed, closed, built, and tore down playhouses in the working-class areas like London’s East End and on the “Surreyside,” south of the River Thames.⁴⁷

While the origins of many melodramas lie with popular magazine fiction writers and puppet theatres, there *were* writers driven to hastily adapt headlining news stories about actual cases for the illegitimate playhouses. Richard Altick, in *Victorian Studies in Scarlet*, tells his reader, “The minors did all they could with the rich materials provided them by sudden death in the midst of contemporary life.” The Suffolk case of the murder of Maria Marten was one such example. “Probably the most successful of the plays based on police news was the ‘Red Barn’ drama which, in many versions, held the boards for a full hundred years... But Maria’s story seems never to have been admitted to the respectable stage. ‘No theatre with a reputation to lose,’ says a modern historian of melodrama, ‘would let him [Corder] be represented on its stage, while every theatre which did exhibit the murder in the Red Barn was packed’.”⁴⁸

⁴⁷ Davis, *The Economics of the British Stage*, 206.

⁴⁸ Altick, *Victorian Studies in Scarlet*, 93. Altick is quoting M. Wilson Disher, *Blood and Thunder* (London, 1949), 128.

There are several possible reasons why playwrights writing for the “minors” in the 1820s and 1830s turned to accounts of real crimes as source material. First, the stories circulated widely and audiences who consumed them in print were already primed to consume it in the playhouse, giving enterprising managers a built-in audience with pre-existing interests. Next, the theatre world offered less stability and less income-earning potential to playwrights, so those who could produce high volume, drawn from whatever inspiration, could compensate somewhat for the low going rate for original works. Until about 1820, English writers of poetry, novels, and plays generally focused on labor-intensive romantic themes. Partly because of demands for cheap tickets, increase in expenses, and the increase in competition among playhouses, the economic situations of most London theatres took a downward turn after 1820. Even the venerable Drury Lane was unwilling or unable to pay its best writers what their contracts demanded. Drury Lane had initially offer 400 pounds to a playwright named James Kenney for his play *Masaneillo*, but in 1832 was so bankrupt that Kenney received no money at all despite the fact that *Masaniello* played for over 150 nights. The more established author Edward Bulwer-Lytton did receive 600 pounds at Covent Garden for his play *Richelieu*, but “no other author could command either Bulwer-Lytton’s literary prestige or his fees.”⁴⁹

Although some contracts stipulated authors receive “a nightly sum during the run of the piece,” it was much more common practice for managers to insist the writer to take a single fixed payment and give up all rights to the drama; the playwright had no hope of receiving benefit performances, copyright protection, or what might now be call royalties on future productions. One of the most often discussed examples of the financial injustice

⁴⁹ Michael Booth, “The Social and Literary Context,” *Revels History of Drama in English, 1750-1880*. (London: Methuen & Co, 1975), 48-49.

involved follows the case of Douglas Jerrold and his play *Black-Ey'd Susan; or All in the Downs*, written in 1829. At that time, the Surrey Theatre was managed by Robert William Elliston, who had poached Jerrold from the Coburg Theatre by offering him the house dramatist position and a good £5 a week salary. Jerrold wrote and “sold” the Surrey his new nautical drama, *Black-Ey'd Susan*, for a total of £60. The play became the Surrey’s most financially successful melodrama ever, restoring the precarious fortunes of Elliston and the playhouse, and was repeated at the Pavilion, patent house Covent Garden, and Sadler’s Wells, a playhouse famous for installing water tanks to more ably produce nautical melodramas and required sea-faring special effects. Yet Jerrold saw no further profit from his most famous play.⁵⁰ “The consequences of the low market value of drama after about 1820 or 1830 were obvious,” says melodrama expert Michael Booth. “Authors either had to turn out great quantities of material very quickly or abandon the drama entirely. . . . The only way an author could keep up the monetary pace at the low rates prevailing was feverishly to adapt French plays, work to a few stereotyped situations and characters, steal from popular novels, dramatize newspaper reports of crime, rewrite his own old plays, and borrow liberally from his fellow dramatists.” Booth, embracing potentially pejorative terms, continued: “Careful and original work was not encouraged by the prevailing financial circumstances; dramatists *had* to be hacks, willy-nilly.”⁵¹ The hard-working “hack” writers churned out melodramas that, not surprisingly, did not hold up well as literary texts and were not preserved in their own day, let alone in

⁵⁰ John Russell Stephens, *The Profession of the Playwright: British Theatre 1800-1900* (Cambridge: Cambridge University Press, 1992), 42-43.

⁵¹ Booth, “The Social and Literary Context,” 50.

modern scholarly circles. Their work “dramatizing newspaper reports of crime” was made possible, and profitable, by changes in the realm of the printed word.

The Press and the Play

The early decades of the nineteenth century lay at the heart of a perfect storm involving rising literacy rates, legal reforms, boom in inexpensive publications, and the savvy ways in which printers, publishers, journalists, and playhouse managers all worked to capitalize on an interest in crime, particularly murder. Shanyn Fiske, in her study of the relationship between social mores and representations of Medea in the nineteenth century, identifies technological and practical reasons why publications and consumer interest in murder concurrently rose during the first half of the century. First, there was changing technology available to the print industry itself. “The steam-press, invented in 1814 and generally adopted by 1840, allowed a tenfold increase in newspaper production over the handpress.”⁵² No matter how much the publishers historically couched their offerings amid language about morals and lessons, early nineteenth-century public interest in crime literature was rooted its newly-exploited entertainment value.

The shifting public taste for narratives about murderers and punishment coincided with developments in the printing industry and changes in world affairs. “While murder had been a staple of broadsides and pamphlets for decades, the more respectable newspapers had spent decades attracting readers by concentrating on war reporting and issues of national security regarding England’s entry into the Napoleonic Wars in 1793.

⁵² Shanyn Fiske, *Heretical Hellenism: Women Writers, Ancient Greece, and the Victorian Popular Imagination*, (Athens OH: Ohio University Press, 2008): 28.

Once the war concluded papers like the *Times* were left with empty pages to fill.”⁵³ Or, as Sir Walter Scott put it, “A bloody murder will do the business of the newspapers when a bloody battle is not to be heard.”⁵⁴ The first papers to recognize that sensational murders suited their readership were the weekly papers that sold copies on Sundays; their commercial success led daily papers to follow suit.⁵⁵ In 1836, the British government reduced a long-standing newspaper tax to one penny, and in 1855 the government officially eradicated the newspaper “stamp” tax, which honest distributors had previously been forced to pay, and which had driven up the consumer’s cost.⁵⁶ Newspapers were becoming increasingly available, and increasingly affordable.

Increases in urbanization and the ever-expanding Industrial Revolution paradoxically fed a general longing for a mythologized, frail, pastoral rural heritage. When true-crime murder melodramas were most popular in London, “the majority of workers in London and the industrial towns before 1850 were emigrants from the country.” Shattering crimes committed in the countryside merely emphasized “lost rural heritage, lost simplicity, a lost innocence.”⁵⁷ Authors of *The Red Barn*, *What’s the Clock*, and *Jonathan Bradford*, like many crime melodramatists, capitalized on the juxtaposition of the fragile rural world of days gone by with the disorienting or corrupting influence of

⁵³ Altick, *Victorian Studies in Scarlet*, 56.

⁵⁴ Sir Walter Scott, *Letters of Sir Walter Scott*, ed. H.J.C. Grierson, (Edinburgh 1932-1937), vol. 8: 160. Quoted in Altick, *Victorian Studies in Scarlet*, 56.

⁵⁵ Altick, *Victorian Studies in Scarlet*, 56-59. The weekly papers also tended to feature “radical” politics that appealed to unemployed laborers and those who had sympathized with the French revolutionaries in the 1790s. Such papers mixed “Establishment scandal and sidewalk sensation” with political commentary. The repressive laws and increased stamp tax enacted in 1819 was part of a government attempt to curb the radical press and limit its readership. The new laws failed to do either.

⁵⁶ Fiske, *Heretical Hellenism*, 28.

⁵⁷ Booth, “The Social and Literary Context,” 33-34.

the urban experience. For instance, although the murder happens in a farming community, the villain of the *Red Barn* plays is usually presented as a wealthy cad educated in London, and it is to London that he flees to hide himself after the crime. Even when the country/city divide is not so explicitly presented, the plays still reflect the wishes and fears of the urban population.

As neighborhoods in and around London were developed and farm land was transformed to support industrial purposes, schools, colleges, and accessible transportation were gradually installed to improve the lives of the working poor who lived in places like Mile End, Whitechapel, or Battersea. Working men's associations offered reading lessons as a way for laborers to better themselves and their prospects.⁵⁸ Particularly in London, the number of educational opportunities for both youth and adults increased and literacy rates rose rapidly so that by mid-century, substantial portions of every class were able to read. As the literate population grew, the press logically grew also, churning out increasing numbers of cheap newspapers and pamphlets. As they expanded they sought ever more source material to feed their hungry readers.

The perceived rise in crime coincided with a rise in literacy rates. Although correlation does not prove causation, there were those who insisted on connecting the two phenomena. In the 1820s, "opponents of popular education seized upon the spread of crime and avidity with which the great public consumed the news thereof as evidence," arguing that campaigns to educate working-class adults through "mechanics' institutes and cheap books" only encouraged and enabled increasingly wily criminals to carry out

⁵⁸ Altick, *Victorian Studies in Scarlet*, 291-293.

base crimes.⁵⁹ In 1830, the “Newgate Novel” *Paul Clifford* linked reading and criminality. As Ginny Crosthwait points out in her study of popular literature and police powers, “Paul’s adopted mother ensures that he attains this ‘key of knowledge (the art of reading)’” but Paul’s first choice of reading material is “the life and adventures of the celebrated Richard Turpin,” an infamous criminal. In fact, prior to being sent to his inept tutor, Paul had already been taught basic reading by “Ranting Rob, a criminal later transported for burglary.”⁶⁰ Paul, who turns to pick-pocketing and then to a lucrative career as a gentleman-highwayman, is eventually convicted and transported to the penal colony of Australia.⁶¹ Thus, ironically perhaps, popular fiction itself connected crime and reading. If it was implied in the novels, newspapers stated the supposed connection blatantly. When Scottish “body-snatchers” Burke and Hare were arrested, the *Edinburgh Weekly Chronicle* offered the opinion that “the only symptom we have yet discovered of the ‘march of intellect’ among the lower order, is certain recent discoveries in the art and science of crime.”⁶² The *Law Magazine* of 1845 described “the deficiency of sound and religious education for the great mass of the people,” and *Chamber’s Edinburgh Journal*

⁵⁹ Altick, *Victorian Studies in Scarlet*, 291-293.

⁶⁰ Ginny Crosthwait, “*They Belong to Ourselves!*”: *Criminal Proximity in Nineteenth-Century British Narrative and Culture* (Dissertation, Rice University, 2004), 72-73.

⁶¹ Sir Edward Bulwer Lytton, *Paul Clifford* (Philadelphia, J.B. Lippincott, 1873). The novel opens with the infamous line, “It was a dark and stormy night.” Bulwer-Lytton, in the preface composed for the 1840 edition, wrote that he had two main points in writing the novel: “First, to draw attention to two errors in our penal institutions... the habit of corrupting the boy by the very punishment that ought to redeem him, and then hanging the man, at the first occasion, as the easiest way of getting rid of our own blunders.... A second and a lighter object in the novel Paul Clifford (and hence the introduction of a semi-burlesque or travesty in the earlier chapters) was to show that there is nothing essentially different between vulgar vice and fashionable vice — and that the slang of the one circle is but an easy paraphrase of the cant of the other.” (ix-x). Spoiler Alert: Unlike the title character in *Jack Sheppard*, *Paul Clifford* has a happy ending for the criminal-hero protagonist. Paul, alias Captain Lovett, escapes from the penal colony and makes his way to America. He becomes a thoroughly respectable man through honest hard work and marries his long-time sweetheart (and long-lost cousin) Lucy Brandon.

⁶² Quoted in Altick, *Victorian Studies in Scarlet*, 292.

of 1849 argued that hideous murder “is the attendant of our civilization, the shadow of our refinement.”⁶³ Perhaps such commentary is related to fear or threat felt by the established upper classes as the working classes grew in size and influence; the newspapers that were most popular published radical political opinions side by side with murder narratives. These weeklies particularly appealed to unemployed laborers and those who had sympathized with the French revolutionaries in the 1790s and continued to mix “establishment scandal and sidewalk sensation” with political commentary. The earlier repressive laws and increased newspaper stamp tax enacted in 1819 had been part of a government effort to limit readership and curb a growing press it saw as radical. In practice, such laws failed to do either.⁶⁴

Writing in 1845, Freidrich Engels concluded that English crime rose at a rate six times higher than the corresponding rate of population growth. Engels announced, “The clearest indication of the unbound contempt of the workers for the existing social order is the wholesale manner in which they break its laws... Consequently, the incidence of crime has increased with the growth of the working-class population and there is more crime in Britain than in any other country in the world.”⁶⁵ In the early decades of the nineteenth century, England was just beginning to establish an organized system of policing and statistical reporting regarding crime, a subject that receives more attention in later chapters. Present-day statisticians can now argue that the apparent increase in crime was mainly due to better and more systematic reporting methods employed during the

⁶³ Quoted in Altick, *Victorian Studies in Scarlet*, 292, 293.

⁶⁴ Altick, *Victorian Studies in Scarlet*, 56-59.

⁶⁵ Friedrich Engels, *The Condition of the Working Class in England*, trans. William O. Henderson and W.H. Chaloner (Oxford: Blackwell, 1971), 145.

first part of the century, and that there was an actual drop in crime, particularly after the 1850s.⁶⁶ Regardless of what statistics tell today's scholars, the *belief* among the nineteenth-century denizens of London was that crime was rising and the city was growing more dangerous.

Of course, there were murders long before there were journalists to cover them or dramatists to adapt them. However, it seems likely that true-crime stories could not have achieved widespread infamy without the aid of the popular press, and that the popular press would not have been able to grow so rapidly if it had not had the opportunity to capitalize on a consumer market for true-crime literature. It is a symbiotic relationship.

One tactic publishers employed to secure marketshare was the repackaging of criminal events as cautionary moral tales. The popular *Newgate Calendar*, a record of criminals' misdeeds and the punishments imposed, gained acceptance partly because it claimed to be morally instructive.⁶⁷ Pamphleteers had no problems criticizing one another for failing to be adequately moral. In the "Red Barn" case of the murder of Maria Marten by William Corder, which I detail in a chapter five, one author criticized both the popular reading world and the pamphleteers and illustrators who passed off their impressions of the case: "[Corder's] atrocity has furnished the bulk of the population with their only literary recreation... It is clear that these caterers of horror do not understand their business; they neither harrow up the feelings with skill nor turn their materials to a moral

⁶⁶ Lynn McDonald, "Theory and Evidence of Rising Crime in the Nineteenth Century," *The British Journal of Sociology* 33, no. 3 (Sept. 1982): 410-411. McDonald points out that Engels' Marxist line of thought linked crime and class struggle. This was not unique to England; a similar treatment was carried out in France by Paul Lafargue when he described the period of 1840-1886. According to McDonald, Lafargue inaccurately chooses his data, and the statistical evidence on crime that was available to him actually contradicts his argument.

⁶⁷ Sandra Lee Kerman, "Introduction," *The Newgate Calendar, or Malefactor's Bloody Register* (New York: Capricorn Books, 1962), iv-vii.

account.”⁶⁸ The editorialist satirizes circulating accounts of the story: “The rustic beauty, half undressed and half attired in male habiliments, sinking under the murderous grasp of her lover, armed with his pistols, his scimitar, and his gun, on the point of killing his victim, according to the indictment in ten different ways! The very owls would leave the Red Barn at such a scene; and were it well represented, the foaming porter would die in its pot on the table of every public-house.”⁶⁹ The editorialist’s tone in the last part of the article belies genuine feelings about the events. No matter how much the writer wants to take to task the “morbid curiosity” of the British public and mocks the overblown descriptions of the event circulating in the popular press, the powerful visual images and passionate elements of the Red Barn story do not fail to hold imaginative sway.

Details of the Red Barn case were related to the public through columns in the London *Times*, a monograph by reporter James Curtis, numerous pamphlets, printed sermons, broadsides, ballad sheets, and published scripts. The Red Barn events did indeed serve as the background for numerous moralizing opinion pieces addressing everything from female virtue (or lack thereof) to London’s corrupting urban influence. Such concerns could not help but be introduced into the dramas that were produced around the case. John Cawleti, in laying the groundwork for his study of crime films, discusses the growth of crime literature and the entertainment arts in the nineteenth century, claiming that these forms underwent a major shift, “from an essentially religious or moral feeling about crime to what might best be called an aesthetic approach to the subject.... the cycle of crime and punishment becoming the occasion for a pleasurable,

⁶⁸ “Points of Horror!!!! Or, The Picturesque of Corder’s Case,” [1828]. Bound clipping in the Law Library, Library of Congress, Washington DC.

⁶⁹ *Ibid.*

highly formal and controlled intellectual and emotional stimulation.”⁷⁰ Melodramas did reduce the complex question of murder to a recognizable, formulaic story until it was acceptable for consumption. It is because of these changes that the material object became such an important functionary. Items from the physical world, mentioned in press accounts, were included in the plays in order to establish a connection between the event and the stage version.

Cawleti argues that there was a move away from the moral, religious framework over the course of the century as the public embraced a values set that supported the romanticization of heroes and antiheroes on the one hand, and a new scientific approach to empirical investigation and analysis on the other. This helps to explain the popularity at mid-century of melodramas like Dion Boucicault’s *The Corsican Brothers*, which was highly romantic and gothic, complete with ghosts rising through the floor.⁷¹ This also helps explain the success, at the end of the century, of Arthur Conan Doyle’s unwaveringly intellectual crime-solver Sherlock Holmes, who appeared in the popular

⁷⁰ John G. Cawleti, “The New Mythology of Crime,” *boundary 2* 3, no. 2 (Winter 1975): 329-340.

⁷¹ *The Corsican Brothers* premiered 24 February 1852 at the Princess’s Theatre, London, and is based on a novella by Alexandre Dumas (père). In its barest essentials, the story features a set of twins, one of whom is killed in Paris and reappears as a ghost to urge his dutiful brother to avenge his death. The “Corsican trap” or “ghost glide,” developed for the show, became a popular piece of stage effects machinery. A ghost rising slowly through a trap was nothing new, but the Corsican trap involved a platform that rose and moved across the stage at the same time by virtue of a below-stage raked railway with a wheeled platform on which the actor stood. To ensure that the audience could not see a great opening in the floor of the stage running parallel to the plaster line, the carpenters created a false canvas floor with strips of wood glued to the top (“scruto” flooring), so it could be rolled in time with the rising “ghost.” The opening through which the actor emerged was surrounded by bristles, which allowed the actor to rise; the bristles brushed past the actor’s body but never showed the gaping hole below. See Dion Boucicault, *The Corsican Brothers*, in *Trilby and Other Plays*, ed. George Taylor (Oxford: Oxford University Press, 1996); Richard Southern, “Theatres and Actors: Regency and Early Victorian,” *The Revels History of Drama in English 1750-1880* (London: Methuen, 1975), 88-90; “Dion Boucicault Collections: The Corsican Brothers,” University of Kent. <http://www.kent.ac.uk/library/specialcollections/theatre/boucicault/plays/corsican.html>

Strand magazine from 1891 to 1905.⁷² Holmes is quite a different kind of figure from the characters in melodramas, and the famous “consulting detective” appears in a different sort of story. However, I do not think that the “aesthetic framework” fully supplanted the moral and religious proscriptions held, at least passively, by a great swath of the nineteenth-century British population. At the end of the century, the rational new crime literature coexisted alongside popular revivals of action-packed true-crime melodramas that preserved the original promise of divine justice. London’s theatres were able to revise and remount murder melodramas even after the cases that inspired them disappeared from the newspapers.

Greed and lust and all the other motivations for murder existed long before and entirely separate from the boom in printed press accounts and the literate consumers at whom they were aimed. I suggest that what the repetitious press accounts provided was not encouragement for more crime so much as a template by which any or all crime could be understood. The authors who collected and created the pamphlets, ballads, broadsides, and Newgate accounts were not so much writing their subjects’ stories as re-writing them according to an expected pattern. From newspapers to the *Newgate Calendar*, the descriptions of the criminal’s acts are strikingly similar, the motivations are reduced to simple and concise notes, and the confessions are almost identical. Exaggerations and fictional embellishments appear in many broadsides. In the sheet associated with the case of *The Gamblers*, for instance, it reports that Thurtell killed Weare and then drank his

⁷² See Arthur Conan Doyle, *The Original Illustrated Sherlock Holmes* (New York: Castle Books, 1976).

blood,⁷³ a detail not present in any other account but a sensational one that increased the horror of the crime while capitalizing on current popular legends of vampirism.⁷⁴ Printers or their employees wrote most of the murder ballads in circulation, even though they often appropriated the name and the voice of the convicted criminal. Such ballads most often condensed events, included a few essential details related to the case, and filled out the verses with formulaic situations and assertions. In his analysis of Red Barn ballads, Tom Pettitt wrote, “Crime broadsides also acquire in the course of transmission some of the verbal repetition patterns familiar from traditional balladry, as well as verbal commonplaces or formulas. In the rare cases where the oral version have actually added narrative material to the some, it tends to be scenes or motifs familiar from other traditional ballads... or (more likely) of a formulaic status that is common to the tradition as a whole.”⁷⁵ The ballads most associated with the Red Barn case shift between first person and third person as “William Corder” warns youths to observe his example and forbear.

Whether the audience was to consume an event in print or in performance, their expectations would be grounded in the experiences with form and style. French semiologist Patrice Pavis, quoting reception theorist Hans Robert Jauss, noted, “Even at that instant when it first appears, a literary work does not surface as a complete novelty

⁷³ *The Hertfordshire Tragedy; or, The Fatal Effects of Gambling Exemplified in the Murder or Mr. Weare and the Execution of J. Thurtell, in Prose and Verse* (London: J. Catnach, 1824). Broadside available in the British Library. The lines read: “The helpless man sprung from the gig, / And strove the road to gain, / But Thurtell pounc’d on him, and dash’d / His pistol through his brains. / Then pulling out his murderous knife, / As over him he stood, / He cut his throat, and, tiger-like, / Did drink his reeking blood.”

⁷⁴ Borowitz, *Dark Mirror*, 199-200.

⁷⁵ Tom Pettitt, “Written Composition and (Mem)oral Decomposition: The Case of ‘The Suffolk Tragedy,’” *Oral Tradition* 24, no. 2 (2009): 433.

flowering forth in an informational desert; its public is predisposed to a certain mode of reception by an interplay of messages, signals – manifest or latent – of implicit references and of characteristics which are already familiar.”⁷⁶ In these early decades, journalistic accounts of one event or another are unabashedly similar and certain features, such as the criminal’s confession, appear with artificial but comforting regularity. The playhouses that adapted these stories also followed templates, drawing from their own traditions and the forms that journalistic accounts took.

The Cases at Hand

Since some variation of the phrase “based on true events” seemed to play a very important role in marketing and advertising live theatrical events and the printed plays that attended them, playwrights and playhouses had to do something to establish their authority in relationship to the source material from which they drew. In the process, they demonstrated their relationship with the stories themselves and the audiences they hoped to please. The murder cases that form the basis of this study all received coverage in popular print formats and were adapted into plays for minor playhouses in London.

All of the murderers in these instances are male. There are two cases with female victims; in both stories, the victim and killer were engaged in some sort of romantic entanglement. There are two cases with male victims; money is the motivation for the crimes in these situations. On the surface, it appears that these are simply straightforward stories about sensational murders, but they would not have been nearly so interesting or useful on stage if that were true. At least in their theatrical presentation,

⁷⁶ Patrice Pavis, *Languages of the Stage: Essays in the Semiology of the Theatre*, trans. Susan Melrose (New York: Performing Arts Journal Publications, 1982), 74.

they all deal with more reaching questions. One murder story allows for an indictment of a corrupt legal system in which money can buy anything. Another story allows for an excoriation of underground, illegal gambling and its ability to bring financial ruin to an entire family. A third story is a cautionary tale about urban corruption and perils of extramarital affairs. The last shows the dangers of circumstantial evidence while holding up the working man as the champion of true justice. These plays introduce real social and political concerns. One of the aspects of melodrama that make it frustrating, however, is that the genre generally fails to explore possible solutions, and its tidy resolutions may be emotionally satisfying but seldom have an iota of practical application to the real world. It is partly this conundrum that encouraged the development newer, radical theatrical forms like Realism, which was as much about analyzing complex problems and coming up with solutions as it was about entertaining.

True-crime melodramas draw on the same seductively strong paradigms as other melodramatic works but their basis in reported cases, and their claims about bringing to life “true” stories and authentic re-enactments, mean there is an additional layer of meaning-making absent from plays that make no such claim. Perhaps omissions, additions, and changes to the “true” stories can be attributed to the strength of the melodrama paradigm and the inevitable desire of producing theatres to prefer ticket sale over exact verisimilitude. But, as Catherine Belsey puts it, “My concern is not with the truth of the murder, not with an attempt to penetrate beyond the records to an inaccessible ‘real event,’ not to offer an ‘authoritative’ interpretation of [the] crime. Rather, I want to examine the implications of the constant efforts at redefinition.”⁷⁷ There is a reason why the pamphlet or newspaper reports a story the way they do, and there is a reason why a

⁷⁷ Belsey, “Alice Arden’s Crime,” 134.

playhouse presents a story in a particular way. True crime melodramas wrestled with difficult subject matter. For example, plays that presented the rape and murder of Mary Ashford are engaged in a struggle with the solid fact that the only person ever charged with the crime was found innocent. All four of the men involved in *The Gamblers* case were profligate and rather unsympathetic gamblers. Similarly, playhouses staging Maria Marten's *Red Barn* murder had to figure out how to represent a heroine/victim who had several documented sexual affairs and multiple children born out of wedlock. In *Jonathan Bradford*, meanwhile, the playwright had to manipulate a case where the hero/victim was actually unjustly executed. Comparing multiple accounts, and noting the places where they differ, is not only an interesting exercise that helps bring to the fore implicit values and assumptions but also highlights the problems crime tales posed for the commercial playhouses that tried to fit them into existing moulds.

In drawing together this discussion of crime melodramas and the ways they invoke and employ the material world, I have been influenced by a number of historians and theorists. Some of the scholars who managed the task of demystifying the complex landscape of Regency London's theatre world, without oversimplifying it, include Tracy C. Davis in *The Economics of the British Stage*, Jane Moody in *Illegitimate Theatre in London*, and Jim Davis and Victor Emeljanow in *Reflecting the Audience: London Theatregoing*. Equally important are those who addressed ways in which the theatre activates objects. In hoping to understand some of the ways in which material items transform in different hands and transmit meaning, I owe a particular debt to Andrew Sofer's study of props in *The Stage Life of Props*, to Robin Bernstein's "Dances with Things," and Harvey Young's "The Black Body as Souvenir in American Lynching."

Marvin Carlson's *The Haunted Stage: Theatre as Memory Machine* and Joseph Roach's chapter "Vicarious" influenced the way I think about how the audience's experiences accumulate before, during, and after a performance. The following chapters make an effort to knit together a historical exploration of the true crime drama using five cases in six chapters with some suggestion of the power of the physical object to effect performance and perception.

Chapter 2: The Murder of Mary Ashford; or, Battles at the Coburg

Introduction

In 1818, when London's Royal Coburg Theatre first opened its doors, the evening's entertainment included a melodrama titled *Trial by Battle*. The theatre now known as the Old Vic and revered for productions by the likes of Sir John Gielgud and Sir Laurence Olivier began its life as a melodrama playhouse on the unsavory south side of the River Thames. Even summary entries regarding the Royal Coburg's debut production refer to the opening night piece as a true crime melodrama. According to Hartnoll and Found's contribution to *The Concise Oxford Companion to the Theatre*, the play *Trial by Battle; or, Heaven Defend the Right*, was "based on a recent notorious murder trial."¹

It is true that at the time the Coburg opened, the medieval legal statute and logic-defying concept of "trial by battle" had gained public notoriety because Abraham Thornton, who was accused of murdering Mary Ashford, had invoked the right to a duel rather than a courtroom fight. William Barrymore's one act play *Trial by Battle* capitalized on this current interest, an early example of the true-crime melodrama label being used effectively for commercial gain. Barrymore's play itself, however, bears little resemblance to the case that vaulted the "trial by battle" idea into the public consciousness. The Royal Coburg's *Trial by Battle* is only loosely related to the Ashford-

¹ Phyllis Hartnoll and Peter Found, "Old Vic Theatre," *The Concise Oxford Companion to the Theatre*, 1996. Digital edition retrieved 9 February 2012 from Encyclopedia.com: <http://www.encyclopedia.com/doc/1O79-OldVicTheatre.html>

Thornton case, but the title is clearly part of an effort to capitalize on the signature feature of the murder trial; the viewing audience was almost certainly already aware of the “trial by battle” concept since it was a widely reported detail.

The reading public, additionally, absorbed arguments about the case through printed pamphlet plays that obliquely reference one another and other circulating press accounts. Other would-be playwrights also used the case as their inspiration, but it seems the scripts that made the most effort to follow the historically reported sequence of events were circulated only in print. Pamphlet plays *The Murdered Maid; or The Clock Struck Four!* and *The Mysterious Murder; or, What's the Clock?* are the subjects of the following chapter. True-crime plays in production appear first and most often in the “illegitimate” playhouses, especially the Surrey and the Coburg. The playhouse that produced Barrymore’s *Trial by Battle* was one of several playhouses that were licensed to perform burletta, melodrama, and other genres that fell outside the category of “legitimate” spoken drama. This chapter touches on the practical working experiences of actors, managers, scenic painters, playwrights, and audiences in these theatres as a way of addressing how the spectacle and physical experiences affected the development of melodramas and the market.

A Fatal Pit

The Ashford-Thornton case has many of the hallmarks of any good popular crime story: a heinous crime, a virtuous victim, a distraught family, and a conscienceless villain who games the legal system and thwarts his adversaries by dragging them through

labyrinthine and archaic legal statutes.² On a May morning in 1817, Mary Ashford was found raped and murdered in a field near Erdingham, a village northeast of Birmingham, England. The night before, she had attended a country dance with her friend Hannah Cox. Ashford danced most of the night with Abraham Thornton, son of a local builder. Thornton had a reputation as something of a playboy and had a nice sum of money, as much through his father's generosity as his own occasional work as a day laborer. Ashford, Cox, and Thornton left the dance together in their party clothes around midnight and walked a short way before Cox left them to return to her family's house. Ashford later stopped by Cox's house to retrieve her day clothes and other belongings she had left with her friend. Thornton was then supposed to escort Ashford to her grandfather's home, but evidently neither made it there. They were seen together along a lane sometime between 2:00 and 4:00 in the morning. The next day, Mary Ashford's dead body was found in a field close to the lane, lying submerged in a few feet of water by the edge of a "pit," what we might refer to as a seasonal cow-pond. Her torn clothes were nearby, and a series of footprints in the area indicated a man had chased a woman around the field the night before. Thornton was arrested upon suspicion of the murder, and was put on trial.

The circumstantial evidence for Thornton as the murderer seemed compelling and – barring a random attack by an unknown and exceedingly stealthy person – there were no other viable suspects. During the trial, the crown prosecutor set out to show that the

² The following account of the Ashford-Thornton case is compiled from a variety of pamphlets as well as secondary sources. Because the conventional nineteenth century titles are incredibly long, please see the bibliography for the full title. See: Rev. Luke Booker, *A Moral Review of the Conduct and Case of Mary Ashford...* (Dudley: John Rann, 1818); Edward Holroyd, *Observations Upon the Case of Abraham Thornton...* (London: J. Mawman, 1819); *Thornton's Trial!!!* (Warwick: E. Heathcote, 1817); *An Investigation of the Case of Abraham Thornton... from Authentic Documents Actually Taken in Court* (London: R. Gray and James Harper, 1818).

footprints indicating a chase were left by Thornton and Ashford. The inquest noted that the set of footprints appeared to match Thornton's shoes, including impressions of nail-heads holding on the soles. At the time of their discovery, a clever farmer had put boards over the footprints to preserve them from being obscured by other traffic or rain,³ but such a preservation strategy was not viable in the long term and by the time the trial commenced they were gone. The defense argued that not only were the footprints not Thornton's, but even if the footprints were his, a chase, no matter how spirited, does not ipso facto lead to a murder.

The defense did an excellent job of casting doubts as to the timeline of the crime, piecing together testimony from farmers, villagers, and innkeepers, who consulted their various clocks to see when they had spotted Thornton and Ashford on the road, or had seen Thornton at his lodgings. There was conflicting testimony about Thornton's movements and the amount of time it would have taken him to commit the crime, travel down the road, clean up, and reappear utterly unshaken at an inn several miles away. Two things helped the defense with regards to the timeline. First, the witnesses' clocks were not synchronized. Second, the ability to tell time of death by body temperature was hardly an exact science in this period. The state of the body was the subject of some debate, with most witnesses testifying that the young woman was, to borrow from Charles Dickens, "dead as a doornail," but the defense called Mary Smith, a local woman who was supposed to assess whether the dead woman had been raped or not. The defense

³ "Warwick Assizes, Friday, Aug. 8 - Trial of Abraham Thornton for the Murder of Mary Ashford," *Times* (11 Aug 1817), 3. "Mr. Joseph Webster, proprietor of Pens-mills, gave very distinct and full evidence as to the footmarks, the blood, and the state of the body. Some of the footmarks were immediately covered with boards to preserve them from any injury."

emphasized, “Mary Smith examined the body about half-past ten, at which time it was not cold; from which it was probable that the act was committed so much the later.”⁴

The defense also did a thorough job of putting the victim on trial. There was a not inconsiderable amount of time spent on the question of whether Mary Ashford was a virgin at the time she was attacked or if she had engaged in willing sexual intercourse, known as “a connexion,” with Thornton, or anyone else, at any prior point. Ashford’s state of mind when she was seen at Hannah Cox’s house and the state of her clothing, and the exact moment they became bloody, were intensely scrutinized. The defense proposed that Ashford willingly had sex with Thornton early in the evening, staining her party dress. Ashford’s consent meant Thornton had no reason to resort to forced rape, and he would not fear a denunciation from her. In short, he had no motive to sexually assault her and thus no motive for killing her to keep her quiet. Although this could be somewhat relevant since the court was addressing a charge of rape, it also called into question her virtue and, therefore, whether Mary Ashford deserved the considerable sympathy heaped posthumously upon her. There was a strong additional implication that if Thornton had killed someone who was sexually promiscuous it would be seen as a lesser crime than if he had killed an innocent young woman. Those authors who considered Thornton guilty consistently invoked the victim’s pure, virginal, virtuous nature as a way of re-enforcing the horror of the crime.

When Thornton was found not guilty and acquitted in August, pamphlet authors took to the press to express their opinions. The public was divided. Some, like the anonymous author who signed his pamphlet “A Friend to Justice,” rejoiced that

⁴ *An Investigation... Actually Taken in Court*, 46.

“speculative” evidence had not brought down an innocent young man from a respectable family.⁵ Others, like the Rev. Luke Booker, claimed a great travesty of justice had been committed, and that expensive lawyers had helped a villain escape punishment.⁶

Mary Ashford’s brother William pursued Thornton by bringing forward a “writ of appeal,” calling for a second trial. Depending upon the legal scholar today, this could either be considered double jeopardy or roughly equivalent to what Americans might think of as a wrongful-death civil suit. Demanding such an “appeal” was unusual, but what happened next was even more surprising. William Ashford, his lawyers, and the general public were all shocked to learn that there was still a medieval legal statute on the books that gave defendants the right to avoid court and select, instead, a “trial by battle.” No one had successfully requested a trial by battle in England since 1638,⁷ but on the advice of his lawyers, Thornton demanded just such a trial by battle. This meant that William Ashford and Abraham Thornton would have to face one another, armed with clubs, and engage in a duel. As Gary Dyer summarizes, “According to the rules of battle,

⁵ “A Friend to Justice,” *A Reply to the Remarks of the Rev. Luke Booker...* (Birmingham: W. Suffield and London: Baldwin, Cradock, and Joy, 1818).

⁶ Rev. Luke Booker, *A Moral Review of the Conduct and Case of Mary Ashford, in Refutation of the Arguments Adduced in Defence of Her Supposed Violator and Murderer* (Dudley: John Rann, 1818). If extant materials are any indication, Booker was one of the most prolific writers to take up the case, answering his critics in a battle of pamphlets. According to the title page of *A Moral Review*, Booker was also the author of *Two Volumes of Discourses & Etc on Particular Subjects, with an Essay on the Progress of Crime*.

⁷ Gary R. Dyer, “Ivanhoe, Chivalry, and the Murder of Mary Ashford,” *Criticism* (Detroit: Summer 1997) 39, no. 3: 386. According to Dyer, “Although hardly anyone associated with Ashford v. Thornton referred to the incident, in 1815 in Ireland a man accused of murder in an appeal had claimed the right to trial by combat. The two sides worked out a compromise in which the defendant agreed to transportation.” See Robert S. Salmon, “Wager of Battel [sic],” *Notes and Queries* 2nd ser. 2, no. 39 (Sept. 27, 1856): 24142; the case is mentioned in regard to Thornton’s challenge in *Rape and Murder!! The Trial of Abraham Thornton, for the Wilful Murder of Mary Ashford: with Copious Elucidations* (London: John Fairburn, [1817]), 41.

if the men fought and Thornton either won or remained unbeaten until the stars were visible, he would go free, but if he lost, he would be hanged immediately.”⁸

The medieval legal logic that propped up this statute proposed that a divine power would strengthen and protect a truly innocent party, and enable him to defeat the party who had committed a crime against man and God. The romantic duel and the idea that God would aid a righteous person to defeat a sinner was still a feature in literature; the climax of Sir Walter Scott’s hugely popular novel *Ivanhoe*, published in 1820, relies on such a duel.⁹ However, very few if any people believed that this was actually a reasonable way to dispense justice in nineteenth-century England. Even the medieval law had loopholes; it “exempted women, priests, peers, infants, and citizens of the City of London from answering a challenge, so that people they accused had to be tried by a jury instead,”¹⁰ but William Ashford did not enjoy any such protection. Since William Ashford was a “scrawny youth” and widely reported to be in generally poor health, to go forward would have been suicidal. As the law was written, no one else could stand in his place or launch a similar suit, so he was forced to withdraw his appeal. In an article on the case’s influence, Gary Dyer comments, “In effect, Thornton was rescued by his own

⁸ Dyer, “Ivanhoe, Chivalry, and the Murder of Mary Ashford,” 386-387.

⁹ Sir Walter Scott, *Ivanhoe*, (Paris: A. & W. Galgnani, 1825) vol. 3, pp 269-276. In the next-to-last chapter of the novel, the lovely Jewish woman Rebecca has been found guilty of sorcery in a rigged trial and to delay her execution she demands a trial by battle, although no one believes any knight will fight for her. Wilfrid of Ivanhoe, however, arrives to fight as her champion, since she earlier saved his life with her skills as a healer. Ivanhoe faces Rebecca’s long-time pursuer Brian de Bois-Guilbert. Bois-Guilbert falls from his horse and dies without Ivanhoe having to land a fatal blow, evidently struck down by God and his own passion.

¹⁰ Dyer, “Ivanhoe, Chivalry, and the Murder of Mary Ashford,” 403.

strength – which apparently had enabled him to rape and kill Mary Ashford in the first place.”¹¹ Thornton was allowed to live out the rest of his days.

From Mary Ashford’s death in May to Thornton’s ultimate victory in November, the story played out in front of the public through coverage in newspapers, circulated poems, pamphlets, letters, and word of mouth. These were not neutral sources. Strong sentiments were expressed in private correspondence and public reports alike. The journalistic code of ethics that reporters today are assumed to exercise was neither accepted by nor expected of writers in the early nineteenth century. It seems everyone who put pen to paper regarding the Ashford-Thornton case had an opinion about the accused man’s guilt or innocence.

The Thornton trial attracted a crowd. The *Times* reported, “So great was the public curiosity to hear this trial, that the street in front of the County-hall was crowded before 7 o’clock. When the gates were opened at 8, the rush was tremendous... The court, though the ladies were necessarily excluded, was crowded to excess throughout the day.”¹² Whether Thornton was guilty or innocent is impossible to say. The jury’s verdict was certainly influenced by the blatant instructions of the judge that the jurors should find the man innocent because, as far as the judge could interpret the timeline, Thornton could not possibly have chased Ashford into a field, committed the rape and murder, disposed of the body, and been spotted calmly entering his lodgings, within the proposed time-frame. This was not seen as inappropriate; judges were free to instruct juries and invoked

¹¹ Dyer, “Ivanhoe, Chivalry, and the Murder of Mary Ashford,” 383.

¹² “Warwick Assizes, Friday, Aug. 8 - Trial of Abraham Thornton for the Murder of Mary Ashford,” *Times* (11 Aug 1817), 3. “Ladies” were not always excluded from courtroom audiences at murder trials.

“moral imperative” to help guide the verdict.¹³ Judge George Sowley Holroyd told the jury in the Ashford case, “After making the necessary allowances for the variation of the clocks, the prisoner must have perpetrated the horrid deed, and walked nearly three miles and a half in the short space of ten minutes.”¹⁴ With the benefit of hind-sight, this time frame itself appears problematic since clocks were not synchronized. When the chronology was being established, each witness giving testimony was asked to state whether they believed their home clock was ahead of or behind the village clock, and the court officials factored how that related to London time. The *Times* reported, “Holden’s clock was next day ascertained to be with Birmingham time.... By comparison of watches and clocks, it was shown that Mrs. Butler’s clock was too fast by 41 minutes.”¹⁵ Throughout the testimony, witnesses and lawyers noted that clocks were anywhere between 15 minutes and half an hour “off,” although one person could not even state how far off his clock was.¹⁶ The Ashford-Thornton story was quickly adopted as an example of why English laws needed to be revised. The *Trial by Battle* play at the Coburg, listed as a “true” crime drama, became a footnote in theatre history. The Ashford-Thornton case literally became a footnote in English history textbooks as an example of a justice system that did not function adequately.¹⁷

¹³ Martin J. Wiener, “Judges v. Jurors: Courtroom Tensions in Murder Trials and the Law of Criminal Responsibility in Nineteenth-Century England,” *Law and History Review* 17, no. 3 (Autumn 1999), 472. (467-506).

¹⁴ *An Investigation... Actually Taken in Court*, 46.

¹⁵ “Warwick Assizes, Friday, Aug. 8 - Trial of Abraham Thornton for the Murder of Mary Ashford,” *Times* (11 Aug 1817), 3. Similar information reported in *An Investigation... Actually Taken in Court* and other pamphlets.

¹⁶ *An Investigation... Actually Taken in Court*, 33-46.

¹⁷ Willson and Prall, *A History of England*, 480.

Complications: Conventional Justice in *Trial by Battle*

The Royal Coburg theatre announced, in 1816, that the foundation stone for their building was laid by “the Prince of Saxe-Coburg and Her Royal Highness the Princess Charlotte of Wales,” although in fact it was laid by their proxy, an Alderman named Goodbehere. The theatre was erected in fits and starts, and finally opened on 11 May 1818. The prince did not attend anything there until, more than a year after it opened, he visited “a performance of the topical and spectacular *North Pole*.”¹⁸

There is often a general assumption that a theatre like the Coburg drew only an audience of undereducated working-class patrons. For instance, in *The Concise Oxford Companion to the Theatre*, Phyllis Hartnoll and Peter Found observe, “The journey across the river was too hazardous for a fashionable audience, but a series of melodramas of the most sensational kind soon attracted a large local audience, particularly as the plays were well staged with well-known actors.”¹⁹ Certainly, one of the great strengths of a minor playhouse was its ability to appeal to audience populations that were geographically close to the theatre, and to reflect their particular concerns and interests. The Coburg was situated on the south side of the Thames, well outside London’s respectable West End, and was forced to avoid “legitimate” drama or risk legal action.

This, of course, is an oversimplification. Although the Prince of Saxe-Coburg did not frequent the theatre that bore his name, this does not mean that all official or court figures stayed away. Despite the assertion that the fashionable crowd did not cross to the treacherous south bank often, the Duke and Duchess of Kent attended a performance on

¹⁸ George Rowell, *The Old Vic Theatre: A History*, 6-8.

¹⁹ Phyllis Hartnoll and Peter Found, "Old Vic Theatre," *The Concise Oxford Companion to the Theatre*, 1996. Digital edition retrieved 9 February 2012 from Encyclopedia.com: <http://www.encyclopedia.com/doc/1O79-OldVicTheatre.html>

14 August 1819 when their daughter Victoria, the future queen of England, was six weeks old. The Duke died unexpectedly in January 1820; determined that their daughter would be raised an English princess, the Duchess remained in London.²⁰ Later that year she attended the Coburg again. The theatre responded by replacing *Mary Queen of Scots* with a less politically-loaded drama, *The Vampire*, a proven hit that migrated from the Lyceum in 1820. *The Vampire; or the Bride of the Isles*, by J. R. Planché, capitalized on the “fashionable belief that Scotland and its people were uncommonly romantic,” and underscored conventional gothic-melodramatic rhetoric with Scottish tunes.²¹

The Vampire was also the inspiration for the “vampire trap,” a bit of stage technology involving spring-hinged vertical panels set in scenic pieces that made it appear as if the actor could pass through solid objects.²² From the beginning, the Coburg Theatre recognized that stage spectacle would be one source of their commercial success. This is why, in 1821, the theatre introduced a five-ton “Looking Glass Curtain,” meant to reflect the entire house so the spectators saw themselves. Its first use, on Boxing Night, was anticlimactic. According to J. R. Planché, then employed at the rival Adelphi theatre, “The effect was anything but agreeable. The glass was all over finger or other marks, and dimly reflected the two tiers of boxes....” This time the spectacle failed. The heavy mirrors were eventually redistributed throughout the rest of the theatre in ceilings and

²⁰ There are a number of more-or-less scholarly sources that devote pages to tracking the movements of Queen Victoria’s parents. See Lytton Strachey, *Queen Victoria* (New York: Harcourt, Brace & Co., 1921), 1-30.

²¹ Robertson Davies, “Plays and Playwrights,” 213-214. *The Revels History of Drama in English*.

²² Joseph Donohue, “The Theatre from 1800 to 1895,” *The Cambridge History of British Theatre* (vol. 2), ed. Joseph Donohue, (Cambridge: Cambridge University Press, 2004), 249; Southern, “Theatres and Actors,” *The Revels History of Drama in English*, 72.

dressing rooms. George Rowell proposes that the audiences at the Coburg came to be transported by fantasy on stage, not to see their true selves, grubby as they might be.²³

Managers did understand that a theatre needed to be responsive to both its general presumed audience and its real, specific attendees. In this vein, under the management of Joseph Glossop, the Coburg presented performances gauged to appeal to special diplomatic or political guests. In 1823, the Coburg staged *The Spanish Patriots* with the Spanish ambassador in the house, and that year ensured that the “Greek Committee”²⁴ viewed a phihellenic *Lazarana; or the Archon’s Daughter*. The Coburg also aligned itself with powerful people by giving charitable benefits; in its first decade, it served King George IV’s Dispensary for Children and the Philanthropic Institution under the Duke Of Sussex. The Coburg’s charitable efforts also extended to the Distressed Letter and Press Printers Fund.²⁵

I do not mean to argue that the Coburg was a favorite haunt of England’s rich and famous, because that was neither its reality nor its goal. I do, however, wish to complicate the picture that has come down to us of a playhouse peopled only by those

²³ Rowell, *The Old Vic Theatre*, 13-14.

²⁴ This falls during the Greek War for Independence, usually dated 1821 to 1832, pitting Greek fighters and their European allies against the Ottoman/Turkish rulers who had claimed the Peloponnese since around the mid-fifteenth century. Half of the fifty-name London Greek Committee membership list, published 29 March 1823 in the *Morning Chronicle*, were Whig members of parliament. The final committee list ran to eighty-four members and included members of the London Greek community, Lord Byron, former military leaders, and left-leaning reformers. Fundraising was one of their main objectives and they lobbied for material aid for the Greek revolutionaries. Lord Byron died in Greece in 1824; the British made the decisive move to send a naval fleet to join French and Russian ships to win a battle in 1827. See F. Rosen, “London Greek Committee (1823-1826),” *Oxford Dictionary of National Biography* (Oxford University Press, 2004). Online at: Oxford University Press, May 2012 <http://www.oxforddnb.com/view/theme/95072>, last accessed 25 Sept 2012. See also, David Brewer, *The Greek War of Independence: The Struggle for Freedom from Ottoman Oppression* (Woodstock NY: Overlook, 2001).

²⁵ Rowell, *The Old Vic Theatre*, 8-9.

living at the rough fringes of London society. Jane Moody, although focusing on the theatre's unfortunate nickname, provides a more balanced discussion of the Coburg repertoire when she explains, "Journalists soon began to refer to the theatre as the Blood Tub, for the Coburg rapidly gained notoriety for lurid and sensational melodramas such as *Trial by Battle, or Heaven Defend the Right* (1818) often based on recent crimes reported in broadsides and newspapers. This reputation for blood and sensation should not obscure the range of the Coburg repertoire, which featured a variety of historical plays, sometimes on classical themes, as well as spectacular oriental melodramas..."²⁶

What was important, in Moody's examination of the Coburg's offerings, was not so much who was in the playhouse or what the specific drama was, but rather the overarching message that audiences received from the plays they might view. "Spectators saw Britain's imperial ambitions dramatized as an heroic crusade for liberty against usurping tyrants and barbaric native customs." For an example, Moody points to the melodrama *El Hyder*, written by the same author who penned *Trial by Battle*. *El Hyder* featured hero sailor Harry Clifton declaring from the stage, "We British lads espouse the cause of all who are oppressed... while a sword, a man, or guinea lasts, surrounding nations shall all allow that England is the first to combat in the cause of liberty."²⁷ The grand emphasis on heroic Englishmen confronting and overcoming injustice played well to both upper class and working class patrons, the latter proving to be the Coburg theatre's most regular demographic.

²⁶ Jane Moody, "The Theatrical Revolution, 1776-1843" p205, in Joseph W. Donohue, *The Cambridge History of British Theatre: 1660-1895* vol. 2, Cambridge: Cambridge University Press, 2004.

²⁷ *Ibid.*, 205-206.

Although the “jolly tar” hero-sailor was a standard fixture of melodrama even before midshipman-turned-playwright Douglas Jerrold provided *Black Ey’d Susan, or All in the Downs* to cement the archetype in 1829, nautical melodramas also complicated the myth of the noble sailor. Marvin Carlson, tracing the “bluff and honest, if somewhat roughhewn, British seaman” back to Antonio in Shakespeare’s *Twelfth Night* and Ben in Congreve’s *Love for Love*, identifies the sea battles and victories during the Napoleonic Wars as one reason for the explosion of such types in the early decades of the nineteenth century.²⁸ In *The Regency Underworld*, Donald Low noted, “Abroad, the Navy and the Army – which were to most people synonymous with Nelson and Wellington – brought victory and heightened self-confidence to complement the outstanding artistic achievements at home.”²⁹

But the theatre also became a venue for acknowledging, if not addressing, problematic aspects of the seaman’s life. Melodrama theatre exploited stereotypes when it was profitable, and their representations of women and minorities seldom represented anything like an authentic point of view, but when it was important the playwrights and playhouses could challenge and change traditional narratives. Carlson, discussing still-popular parodies of nautical melodrama, notes, “The disjuncture between the rhetoric of democracy and independence and the fact of social differences, especially in the highly ordered and disciplined world of the military (enforced in this case not only by social pressure but by such legalized coercive instruments as the ship’s hold and the cat-o-nine-

²⁸ Marvin Carlson, “He Never Should Bow Down to a Domineering Frown,” *Melodrama: The Cultural Emergence of a Genre*, ed. Michael Hays and Anastasia Nikolopoulou (New York: St Martin’s Press, 1996), 151.

²⁹ Donald A. Low, *The Regency Underworld*, vii.

tails) provides a tension in any democracy and is a constant concern of *H.M.S. Pinafore*.³⁰ In addition to creating sailor-hero characters, melodrama playwrights could cast a sailor as a perpetrator of a crime or show him guilty of unfair practices at sea. Originally, the enemies the seamen faced manifest themselves as Frenchmen, Americans, pirates, or smugglers, until eventually Jerrold's *Black Ey'd Susan* raised a more complicated picture pitting the struggling seaman against exploitative and rapacious superior officers.³¹

The smuggler-sailors in *Trial by Battle* are dark versions of the sailor type established in other dramas, but perhaps this is not particularly problematic because they are not particularly British. Although there certainly were patriotic melodramas, it was more often the case that most early British melodramas located their actions on the continent when they bothered to locate them specifically at all. This did not really change until 1826, when John Baldwin Buckstone's "domestic melodrama" *Luke the Laborer* "cut the pattern for native [British] melodrama"³² and established a new trend. In this light, it is unsurprising that the whole of *Trial by Battle* seems set in some vaguely foreign, romanticized Europe. Like the *Tale of Mystery*, none of the characters invoke the name of England or suggest that they are members of British society, either in the 1800s or any earlier period. No towns or regions are identified in the *Trial by Battle* play text. Nor do the names of the characters offer much in the way of establishing nationality, although Henrie and Geralda hardly seem like native English names compared with the

³⁰ Carlson, "He Never Should Bow Down..." 151.

³¹ Ibid., 151-154.

³² Bailey, *British Plays of the Nineteenth Century*, 239. Quoting Winton Tolles.

Marys and Hannahs of the historical case, or the Annes and Amelias of later British crime melodramas.

The peasant girl, the urchin, the old fathers, the evil Baron, and the smugglers and sailors who fill out the *Trial by Battle* cast are all recognizable character types presented in highly conventional situations. Class and corruption, perennial subjects of concern, are both present but there is little specific content in William Barrymore's *Trial by Battle* that might link it with specific case. Perhaps this was the reason that it survived and was produced for decades after; it was able to transcend one historical moment because of its very general presentation of the honorable man fighting against injustice, protecting female virtue and family honor.

Trial by Battle begins with a band of sailor-smugglers who are hired by dastardly Baron Falconbridge to abduct a certain young woman named Geralda, who the Baron has been unable to seduce using the usual means. The majority of the sailor-smugglers see this action as just one more opportunity to earn money, but the senior member of the band and one of his sons are scandalized by the order to kidnap the virtuous daughter of a nice old peasant, and they split from the band. The night of the abduction, Geralda's father and brother attempt to protect her, and the Baron kills the old man. Geralda is spirited away to a cave by the sea, but the dissenting smuggler Henrie rescues her before any real harm can befall her. Meanwhile, Geralda's brother Hubert pursues the Baron to his castle. After a quick trial, the Baron and Geralda's brother agree to combat and it is the honorable ex-smuggler Henrie, serving as champion for Geralda's family, who ultimately defeats the Baron in final combat.

Geralda is the lone named female character in the play, although there may be nameless females among the “Villagers” and “Nobles” who gather in the last half of the play. Geralda speaks three sentences in scene four, and is otherwise without lines. It is interesting to speculate how the actress might have managed the rest of her character’s time on stage. Surely she did not lay around mute and motionless while the Baron kidnaps her and kills her father, and again when the smugglers carry her to a cave? Playwrights penning scripts for melodrama playhouses were often familiar with the actors who would be portraying their characters. In addition to writing *El Hyder*, the title page of Barrymore’s *Trial by Battle* identifies him as the author of the dramas *Wallace, the Hero of Scotland* and *The Foulahs; or A Slave’s Revenge*. Barrymore’s name also appears in Leigh Hunt’s dramatic criticisms as an actor responsible mainly for minor Shakespearean roles and primarily at the Coburg. Hunt categorized him among the “tragic actors” playing throughout London, and considered him “useful” and worth mentioning, but goes on to suggest he struggled with great roles and lacked gravitas.³³ It was not uncommon for actors to earn some extra money, and test their authorship abilities, by writing short plays for the theatres where they were employed. It is entirely probable that Barrymore was aware of the talents of the actors who were to play the parts in his drama and may have relied on the actress’s ingenuity to enliven the otherwise lifeless Geralda.

Nevertheless, we are left with an image of Geralda as a kind of empty shell, not a character likely, on her own, to engender strong feelings. Ambrose calls her a “helpless

³³ Leigh Hunt, *Leigh Hunt’s Dramatic Criticism, 1808-1831*, ed. Lawrence Huston Houtchens and Carolyn Washburn Houtchens (New York: Columbia University Press, 1949), 105. Writing 5 February 1815, Hunt reports: “Mr. Barrymore is a useful performer and very sufficing in a Turk, though he ought by no means to talk about music as he does in that exquisite opening of *Twelfth-Night*. He speaking of ‘a dying fall’ and ‘the food of love’ just as he might order a Lord Mayor’s dinner.”

female” in the first scene,³⁴ and she seems scripted to show neither resourcefulness nor real graciousness but a kind of idealized inaction. Geralda is a prototype of the average melodrama heroine/victim described by Léon Metayer as a woman in a position “of weakness; she is dependent on her surroundings.” The biggest menace she faces in life appears in the form of a man.³⁵ Without any input from Geralda herself, we are forced to rely on what others say about her: “One of humble birth, but of beauty rare; and aged father’s fondest hope, a brother’s idol, the poor man’s friend, and the rich man’s victim.”³⁶ Certainly, in her sparse spoken lines, she demonstrates kind-heartedness in the attention shown towards the shoe-less orphan boy Jem, giving him the best chair by the fire and spreading her father’s cloak over him to keep him warm, but that is the extent of the her actions.³⁷

Geralda’s rescue is successful largely due to the contributions of this littlest member of the smuggler’s band. “Little Jem,” although clearly identified in the script as a boy, was played at the Coburg by the actress Miss I. Scott, and when the play was presented in Sheffield in 1840 the role was taken by a Miss Oliver.³⁸ Orphans have been objects of particular pity in England dating at least to the Early Modern period; Queen Elizabeth I was careful to show politically-savvy graciousness and kindness to the members of the children’s hospital and orphans’ home who greeted her on her first entry

³⁴ William Barrymore, *Trial by Battle; or, Heaven Defend the Right, a Melo-Dramatic Spectacle in One Act* (London: Thomas Hailes Lacy, 1840), 5.

³⁵ Léon Metayer, “What the Heroine Taught, 1830-1870,” trans. Michael Hays, in *Melodrama: The Cultural Emergence of a Genre*, ed. Michael Hays and Anastasia Nikolopoulou (New York: St Martin’s Press, 1996), 237.

³⁶ Barrymore, *Trial by Battle*, 6.

³⁷ Barrymore, *Trial by Battle*, 10-11.

³⁸ Barrymore, *Trial by Battle*, 2.

into London.³⁹ Little Jem, who initially infiltrated Geralda's cottage in order to expedite her abduction, redeems himself by helping with her eventual rescue, thereby demonstrating inherent, uncorrupted goodness.⁴⁰ If the actress playing Jem is young, the considerable gymnastic tricks she performs as she clambers in and out of a chest and dances around the seaside cave, one step ahead of the villainous Rufus, serve as a commercial attraction. If the actress playing Jem is older, there is the additional old titillation of seeing a woman's legs displayed in boys' clothing. Either way, the performer in a small role could have a big impact on the audience's enjoyment of the piece. It is apparent that Jem is leading a criminal life because he has found, in the smugglers, a kind of foster family and a means of accessing food, clothing, and shelter, but there is no acknowledgement of what kind of social system pushed him into that situation, and no real alternatives until the unlikely arrival of the kind-hearted Geralda and her champions, old Ambrose and young Henrie.

Geralda is, essentially, just a device, but the rest of the characters serve to execute some action or speak some important point of view, including the character listed in the cast list as merely a "silly peasant" named Morrice. When Geralda's brother Hubert rushes into the Baron's castle, Morrice declares, "So, so – he has rushed into the lion's den without consideration, and may there remain unless I extricate him; but how? I'll have recourse to the law; that has got many an honest man into trouble: I'll see now if it

³⁹ Randall Martin, "Elizabethan Civic Pageantry in *Henry VI*," *University of Toronto Quarterly* 60, no. 2 (Winter 1990): 245, 253.

⁴⁰ It is entirely possible that this sort of formulation owes much to the Romantic interpretation of the philosophies of Jean-Jacques Rousseau, who suggested that men are born with a natural good nature that is corrupted by human civilization and its inequalities and desires, but that is outside of this discussion.

can get an honest man out of it.”⁴¹ In Falconbridge’s “Gothic Chamber,” and before an audience of knights and nobles, Hubert declares that Falconbridge is a murderer. When Falconbridge pulls his dagger, Hubert identifies the blood on it as belonging to his dead father, and the entire company heads to court.⁴²

In *Trial by Battle*, instead of a staid court room scene, the audience is treated to an elaborate escape sequence (played without dialogue) where Geralda and her rescuers manage to outsmart their captors, so we only learn of the trial results through a report from Morrice. “So, so – here’s another pretty bit of business: another specimen of dependence on the law – a guilty man found innocent, acquitted, turned loose upon the world, and no other chance left of meeting with his deserts, but getting his head cracked in a trial by battle. Oh, wise and upright law to give a chance to might to knock down right.”⁴³ There is, in fact, a general skepticism of the legal code and its enforcement running through the play. Earlier, Ambrose had rationalized his livelihood by saying, “As a smuggler, I can follow my trade without a blush; for having by the laws been cheated, with pleasure will I cheat the laws.” When Ambrose declares, “But as an assassin – my heart revolts at the idea,”⁴⁴ it is clear that he is guided not by a legal system but by his own internal moral compass, which appears to be superior.

It may seem surprising now, after the era of *Matlock* and *Law & Order*, but the theatre’s audience is not shown any of the proceedings that occur inside the courtroom. This turns out to be a typical (although not universal) plot choice among crime

⁴¹ Barrymore, *Trial by Battle*, 18.

⁴² *Ibid.*, 18-19.

⁴³ *Ibid.*, 21.

⁴⁴ *Ibid.*, 4.

melodramatists and there is, I suggest, a logical and practical reason for this decision. There is little that could be said in the courtroom scene that could add increased suspense since the audience has already witnessed the crime.

The state of the English legal system and law-enforcement surfaces as an issue in all of the true-crime melodrama plays examined here, and in many fictional crime melodramas as well. It is a point to which I will return again and again; at the start of the nineteenth century, there was a great need for legal reforms in England. “The law of England was not deliberately formulated with conscious social purpose. It accumulated capriciously,” says Sandra Lee Kerman in her introduction to selections from the *Newgate Calendar*. Before 1688, there were about fifty classes of felonies. By the start of the nineteenth century, there were over two hundred. Laws were frequently passed in response to a particular incident, and the result was that “trivial and major crimes alike were often capital offenses.” For instance, throughout the eighteenth century, it was a felony punishable by death to steal fruit that had been harvested, but it was only a misdemeanor to pick fruit oneself and steal it.⁴⁵ Such a system was badly in need of both reform and regulation, which slowly began to take shape throughout the nineteenth century. Even in London, where one would expect centralized, organized law enforcement, the Metropolitan Police Force was not formally established until 1829.⁴⁶ The legal and law enforcement system, and its early nineteenth-century reforms, are treated in more detail in Chapter 6. In 1818, when Abraham Thornton’s lawyers found the loophole that allowed him to request a trial by battle, the public could feel the

⁴⁵ Kerman, “Introduction,” *The Newgate Calendar*, viii-xi.

⁴⁶ Crothswaite, ““They Belong to Ourselves!”” 56-57. See also Lucy Moore, *Thieves’ Opera*, Donald A. Low *The Regency Underworld*.

injustice of the situation but could not reach a different conclusion through the legal system.

Money is the source of corruption in *Trial by Battle*, *The Murdered Maid*, and *What's the Clock*. Barrymore identifies its influence right from the very start. The senior member of the smugglers, Ambrose, tells the band that Baron Falconbridge offered “a heavy sum to be divided equally among the band, if they will aid him to secure the possession of a female who, under the watchful care of a doating [*sic*] father and loving brother, bids defiance to his dishonorable solicitations.” Ambrose’s son Rufus inquires as to whether the sum is “very handsome,” and when the reply is affirmative, Rufus announces, “Then we must not let it slip... The Baron wants the girl, we want the money—and so there’s an end of the question.”⁴⁷ The generally corrupting nature of money is shown most clearly in the ability of the Baron to buy whatever he wishes without regard for law or morality. The only hope remaining is the idea proposed by old Ambrose: “Gold can do much, but valor more.”⁴⁸ This opinion is what moves Ambrose’s conscientious second son Henrie to serve as Geralda’s rescuer and her family’s champion.

The justice available for Geralda and her brother comes from the strong hand of Henrie. The court is shown as an inadequate forum for justice when it clears the guilty Baron. Gary Dyer suggests one message of Barrymore’s drama is “to illustrate how judicial combat is necessary as a corrective to jury trial because a man's wealth and

⁴⁷ Barrymore, *Trial by Battle*, 3-4.

⁴⁸ *Ibid.*, 6.

authority can gain him acquittal so easily.”⁴⁹ There is clearly a concern over the corrupting ability of wealth and power, but I do not think the script supports such an outdated, overt stance on trial-by-battle. In fact, the trial by battle is not held at the behest of the aggrieved parties; it is only Baron Falconbridge’s own hubris, and a narcissistic need to clear his name once and for all, that leads to the court-sanctioned combat.

The trial-by-battle scene itself is full of pomp and ceremony. For each combatant, the Judges overseeing the fight intone “Appear! Or lose your writ of right.”⁵⁰ Combatants enter, kneel, throw down gauntlets, retire, bow, and wait for the trumpet charge before beginning their fight. When the Baron’s champion falls, the Baron himself finally enters the competition. The script reads: “Combat between Henrie and Baron. Baron killed – shout. Enter Jem, R.H., with Geralda, who rushes into Hubert’s embrace. Judges advance – place the order of Baron round Hubert’s neck. Picture and the Curtain Falls.”⁵¹ The final scenario, rendered so dry and brief in print, could easily have played out over several exciting, nail-biting minutes featuring thrilling sword work underscored with emotional music. Unlike life, the villain is defeated, and the victims survive and are rewarded. Geralda’s brother is elevated from peasant to noble condition by the simple act of a Judge. In this drama, heaven did defend the right. The dramatic ending is tidy and audiences, evidently, approved.

⁴⁹ Dyer, “Ivanhoe, Chivalry, and the Murder of Mary Ashford,” 403.

⁵⁰ Barrymore, *Trial by Battle*, 23-24.

⁵¹ *Ibid.*, 24.

Received Truth with Respect to Melodrama

The assertion that *Trial by Battle* is a bloody, true-crime melodrama is unfortunate. *Trial by Battle* is not great literature, and certainly has a gothic tone, but it is neither particularly bloody nor particularly spectacular. It evinces so little fidelity to the famous contemporary case and works on such a general theme that, was the late plot pivot not undeniably related to the Ashford-Thornton situation, it would be pure and typical melodramatic invention. It was not at all uncommon in the early nineteenth century for printers, writers, and publishers to rely on generic stock narratives that could be quickly adapted with the inclusion of one or two details and brought out to capitalize on interest in particular cases. Printers, for example, regularly reused woodblock illustrations and reproduced standard “gallows confessions.”⁵² I suggest it is likely, in a similar vein, that Barrymore had worked out a conventional melodrama, following established patterns, and when the Ashford-Thornton case became well known it was a simple and commercially savvy move to tweak the climax and reference the trial.

Presumably, audiences intrigued enough by the case to come to the playhouse would have known that there was not even a hint of smuggler-pirates or good-hearted orphans in the historical Ashford-Thornton case, and would have to choose to overlook these facts. Furthermore, Geralda survived where Mary Ashford did not. Such an audience could not possibly have left the theatre thinking that they had seen anything like a staged news report. Why do scholars continue to assert that *Trial by Battle* was “lurid

⁵² Altick, *Victorian Studies in Scarlet*, 49-50, 53; Patricia Cline Cohen, *The Murder of Helen Jewett* (New York: Vintage Books, 1999): 438. Cohen discusses an American case, but the confession convention seems borne out in England as well

and sensational,” a retelling taken from “broadsides and newspapers”⁵³ and “based on a recent notorious murder trial”⁵⁴

Some of the observations Thomas Postlewait offers, in his exploration of the problematic history of *Ubu Roi* and the birth of the avant-garde, are certainly applicable here, although the stakes may seem to be somewhat lower. Present historians bring to each issue “a set of modernist narratives, assumptions, beliefs, and ideologies... Trusting the previous scholarship, as we all must do on occasion, they perpetuate the received, standard version.”⁵⁵ This is especially easy to do when the standard narrative is seductively straightforward. But there are bigger values girding the infrastructure that supports the transmission and repetition of the accepted story. “As an intellectual community, we fulfill the process by which certain ideas, beliefs, explanations, and theories become received truths,” Postlewait writes.⁵⁶ We situate ourselves in relationship to the narrative to establish our own positions of authority. Regarding the scandal and uproar surrounding Alfred Jarry’s *Ubu Roi*, Postlewait’s observes, “Our refusal to be offended, as is demonstrated in our extensive commentary on *Ubu Roi*, makes us the rightful arbitrators of the significance and value of avant-garde art... This historical narrative ratifies not only the value of the ideas and works but also our role as the keepers

⁵³ Moody, “The Theatrical Revolution, 1776-1843,” 205.

⁵⁴ Phyllis Hartnoll and Peter Found, “Old Vic Theatre,” *The Concise Oxford Companion to the Theatre*, 1996. Digital edition retrieved 9 February 2012 from Encyclopedia.com: <http://www.encyclopedia.com/doc/1O79-OldVicTheatre.html>

⁵⁵ Thomas Postlewait, *The Cambridge Introduction to Theatre Historiography* (Cambridge: Cambridge University Press, 2009): 62, 77.

⁵⁶ *Ibid.*, 79.

and defenders of the heritage.”⁵⁷ Generations of historians have placed themselves, vis-à-vis melodrama theatre, as intellectuals in a position to dismiss what they see as inconsequential popular spectacle.

In the 1970s, Michael Booth, author of numerous articles and books on nineteenth-century theatre, put on a crusader’s hat to write “A Defence of Nineteenth Century Theatre.” He set out to show that the drama of the period deserved to be taken seriously, and that critics who dismissed it based on received knowledge really needed to “learn something more about it... In that case, opinion and argument would be based upon knowledge and insight, which is presumably what criticism is all about.”⁵⁸ The authors Booth singles out for re-education include Nicolas Bentley, who wrote in *The Victorian Scene*, “Until comparatively late in the Victorian era there was hardly a single dramatist then alive, except for T.W. Robertson, author of *Caste*, the first so-called realistic drama, whose plays are worth intelligent consideration. Not only in the provinces, but in London too, the boards creaked beneath loads of trash by authors whose names have sunk into well-merited oblivion.”⁵⁹ Bentley’s book is, as Booth notes, a “popular work” and Bentley seems to be using standards of literary text analysis without, apparently, evincing any knowledge or consideration of theatrical production practices of the day. But similar opinions show up in the work of J.A. Barish,⁶⁰ F.C. Thomson,⁶¹ and

⁵⁷ Ibid., 64.

⁵⁸ Booth, “A Defence of Nineteenth-Century English Drama,” 13.

⁵⁹ Nicolas Bentley, *The Victorian Scene*, (London: 1968), 288. Quoted in Booth, “A Defence of Nineteenth-Century English Drama,” 5.

⁶⁰ J.A. Barish, “Antitheatrical Prejudice in the Nineteenth Century,” *University of Toronto Quarterly*, 40 (Summer 1971): 289. Barish, attempting to explain Charles Lamb’s Shakespeare projects, describes Lamb’s reactions to farces, pantomimes, and comic operas as “the justified dismay of a man of

Terry Otten.⁶² In the 1970s, Booth concluded, “These attitudes are partly explicable by a lack of interest in or a basic antagonism to theatre as theatre, and since they are invariably critically elitist, are especially hostile to a popular (read ‘bad’) theatre like so much nineteenth-century theatre. Much of what they say can be attributed to misinformation, incomplete information, or sheer ignorance....”⁶³ Booth was as frustrated with the incomplete picture of the nineteenth-century popular theatre as Postlewait is with the inaccurate readings of evidence that leads to the *Ubu*-as-catalyst narrative. The critics Booth addresses did what Postlewait’s sloppy historians did. They took received truth, were unable or unwilling to reexamine evidence, and were comfortable in their assertions because their narrative positioned them as arbiters of good sense and good taste.

The received truth about the Coburg theatre and its premiere *Trial by Battle* production works on the assumption that a minor, illegitimate playhouse would necessarily play to an undereducated and unfashionable core audience, crammed into a playhouse erected without concern for architectural soundness or elegance. George Rowell’s history of the playhouse addresses such assumptions and the Coburg’s physical form: “The nineteenth-century reputation of the Old Vic suggests a huge barracks of a

sense confronting a deal of incompetent nonsense.” Quoted in Booth, “A Defence of Nineteenth-Century English Drama,” 6.

⁶¹ F.C. Thomson, “A Crisis in Early Victorian Drama: John Westland Marston and the Syncretics,” *Victorian Studies* 9 (June 1966): 375. F.C. Thomson asserts there was a “sickness of the drama” and he surveys a “generally sad scene” to diagnose the patient: “Few would deny that the condition of the drama during the earlier Victorian period was decidedly unhealthy... Most of what was written that did succeed on the boards scarcely bears reading, must less actual revival, today.” Quoted in Booth, “A Defence of Nineteenth-Century English Drama,” 6-7.

⁶² Otten wrote in *The Deserted Stage*, “‘conventional popular plays’ performed in the nineteenth-century theatre constituted a drama that ‘requires no explanation and merits no defense.’” Booth, “A Defence of Nineteenth-Century English Drama,” 6. Quoting Terry Otten, *The Deserted Stage* (Athens Ohio, 1972), 3-4.

⁶³ Booth, “A Defence of Nineteenth-Century English Drama,” 6-7.

house, packed to suffocation with the simplest of spectators, but this was certainly not the architect's original concept.... Most contemporary accounts stress the intimacy and refinement of the theatre and its fittings. A first night reporter claimed: 'It is not too large, and yet will hold more company, we should think, than could get into the Little Theatre, Haymarket.'" The Coburg's architect, Rudolph Cabanel, envisioned the theatre as the focal point for a new, large pleasure-garden. Originally it was to be a "summer playhouse" and thus was not initially heated, but by the autumn of 1818, the management decided to install heating and more comfortable seats to make it attractive year-round.⁶⁴ The Coburg, which was designed in the style of "the French minor theatres" and featured "a grand proscenium extravagantly embellished with images of comedy and tragedy," could seat over three thousand spectators.⁶⁵

On the south side of the Thames, the Coburg's main rival was the Surrey Theatre. It began life as the Royal Circus in 1782, and through burning down and rebuilding, it gained the name the Royal Surrey in 1811. It, too, was a legally licensed playhouse, but relegated to playing the "illegitimate" theatricals of burlesque, burletta, and melodrama. Robert William Elliston was credited with initially establishing its reputation during his first period as Surrey manager (1809-1819); he also lobbied for a license to play spoken drama but his petition to produce plays "accompanied by *Dialogue*, in the ordinary mode of dramatic representation," was "peremptorily refused."⁶⁶ Thomas Dibdin, the manager who came next, continued to attract fashionable spectators, partly by staging

⁶⁴ Rowell, *The Old Vic Theatre*, 6-7.

⁶⁵ Moody, *Illegitimate Theatre in London 1770-1840*, 34.

⁶⁶ Moody, *Illegitimate Theatre in London 1770-1840*, 36. Quoting George Raymond, *Memoirs of Robert William Elliston* 2 vols (London: John Mortimer, 1844), vol 1, 432-434. See also Jim Davis and Victor Emeljanow, *Reflecting the Audience: London Theatregoing 1840-1880*, 4.

melodramatizations of Walter Scott's works, including *Ivanhoe: or, The Jew's Daughter* in 1820. In her study of "illegitimate" London theatre, Jane Moody described the scene as "West End carriages swept across Waterloo Bridge to St. George's Fields to see realised on stage the works of the nation's most celebrated novelist."⁶⁷ The *Times* described it in 1823 as "very neatly and creditably appointed," but warned that it would never achieve total respectability as long as it employed unshaven money-takers and was surrounded by "idle boys."⁶⁸ The playhouse was always considered primarily a neighborhood theatre, and both manager David Osbaldiston and actor T.P. Cooke testified to this during the hearings of the 1832 Select Committee on Dramatic Literature, but it drew enough audience members from across London that Elliston had found it worthwhile to sell tickets at Sam's Royal Library in the West End during his second period as manager starting in 1827.⁶⁹ In 1833, Edward Fitzball's blockbuster *Jonathan Bradford*, the subject of my final chapter, again succeeded in drawing large audiences to the Surrey including "some thousands of the highest order of intellect and society,"⁷⁰ and in 1837 the theatre-goer Charles Rice reported "the house was crowded by a very respectable audience... orderly, well-dressed and cool."⁷¹

The traditional narrative surrounding the dramatic fare offered in playhouses like the Coburg and the Surrey used to focus on the lack of literary merit contained therein;

⁶⁷ Moody, *Illegitimate Theatre in London 1770-1840*, 37.

⁶⁸ "Surrey Theatre," *Times*, Friday, 29 Aug 1823; pg. 2.

⁶⁹ Jim Davis and Victor Emeljanow, *Reflecting the Audience: London Theatregoing 1840-1880*, 4-5. A cholera epidemic in South London in 1831 is partly to account for the depletion of audiences.

⁷⁰ Fitzball may be exaggerating the numbers in his autobiography but his description of the audience make-up is echoed in accounts by the *Times* and has been accepted by Davis, Emeljanow, and Moody.

⁷¹ Davis and Emeljanow, *Reflecting the Audience*, 5.

“hack” writers who drew their subjects from newspapers or novels necessarily offered up dramatic material that was both unoriginal and sensational (not intellectual). Booth writes, “The literary criterion is an important one, and large numbers of nineteenth-century plays fail to meet it – a truth surely relevant to the total output of drama in any age. Yet it is neither the only criterion, nor the most significant one; nor should canons of literary criticism be applied to such strongly theatrical forms, with no literary pretensions, as nineteenth-century melodrama, farce, and pantomime.”⁷² If a modern critic of dramatic literature were to choose to read *Trial by Battle* and analyze it from a literary standpoint, the extensive descriptions of stage movement and broadly drawn but transparently motivated characters would be unlikely to impress. The generous critic might grant that *Trial by Battle* could be emotionally affecting, but would not see it as intellectually stimulating, and might find the clear-cut gender and power dichotomies downright problematic. But we do not live in the same time or place as the audience to whom the show was directed, and we cannot experience it on the page the way the play was originally experienced in performance. To forget this would be unfair to the genre.

Since Booth’s call, there have been many good scholars at work on the nineteenth century. In the 1970s, Booth acknowledged the “substantial historical knowledge and careful critical discrimination” of “Watson, Nicoll, and Rowell.”⁷³ In the decades after Booth’s 1970 article, a number of talented scholars have seriously considered the popular entertainment forms from the nineteenth century and much good work has been published by the likes of Jacky Bratton, Marvin Carlson, John Frick, Bruce McConachie, and Tracy

⁷² Booth, “A Defense of Nineteenth-Century English Drama,” 7.

⁷³ *Ibid.*, 5.

C. Davis, who dedicated her book *The Economic History of the English Theatre 1800-1912* to “Michael Booth, who showed me a path and encouraged me to follow it.”⁷⁴ The careful, original work done by these scholars shows the multifaceted and exciting picture that can be gained when the “received truth” is reconsidered. Nonetheless, opinion is often slow to change and books in libraries neglecting or dismissing melodrama are still available for use as sources.⁷⁵

The Visual and The Dramatic

The visual, scenic, and spectacle elements of a play often formed its biggest selling points in nineteenth-century English theatre.⁷⁶ Playwrights, actors, and designers

⁷⁴ Davis, *An Economic History*, inside title page.

⁷⁵ Marvin Carlson includes a chapter called “Nineteenth-Century England” in *Theories of the Theatre: A Historical and Critical Survey from the Greeks to the Present* (Ithaca NY: Cornell University Press, 1993), but it primarily discusses Shakespeare and the writings of Coleridge, Hazlitt, and Lamb (they suggest that the Bard’s plays are corrupted by putting them on stage) and Lewes (whose historicist tastes seem to have prefigured a form of naturalism). Survey introductory texts and anthologies are usually most neglectful. Robert Cohen’s textbook *Theatre: Brief Version* (5th ed., Mountain View CA: Mayfield Publishing, 2000) covers all of melodrama in two short, uncomplimentary paragraphs, starting, “Melodramas are plays that purport to be serious but are in fact trivial... This genre cannot sustain unpleasant endings or generate catharsis” (p34-35). Milly S. Barranger’s *Theatre: A Way of Seeing*, defines melodrama in two confusing and vague paragraphs: “Melodrama oversimplifies, exaggerates, and contrives experience,” and “Today, we apply the term to such diverse plays as Lillian Hellman’s *The Little Foxes* [and] Lorraine Hansberry’s *A Raisin in the Sun*.” (p109). The anthology *Stages of Drama: Classical to Contemporary Theatre* (Ed. Carl H. Klaus, Miriamm Gilbert, Bradford S. Field, Jr., 4th edition, Boston: Bedford / St. Martin’s, 1999) includes 45 plays and skips from Sheridan’s *The School for Scandal* to Büchner’s *Woyzeck*, without even a commentary mentioning melodrama. I recognize it is impossible to cover all parts of theatre history in one collection, but some do a better job than others. The *Bedford Introduction to Drama* (6th ed.) includes 54 plays and jumps from Congreve’s *The Way of the World* to Ibsen’s *A Doll’s House*. In between, however, there is one section devoted to American Melodrama and, although it begins, “The rise in popularity of melodrama in nineteenth-century America... has been attributed to the less sophisticated audiences in American cities,” it goes on to include selections from Michael Booth’s “A Defence of Nineteenth Century Drama,” descriptions of scenic and technical achievements, and excerpts from *Fashion* and *Uncle Tom’s Cabin* [Lee A. Jacobus, ed. *The Bedford Introduction to Drama*, 6th ed. (Boston MA: Bedford / St. Martin’s, 2009), 718-755]. (The *Bedford* also treats Roman drama in a similar fashion.) Edwin Wilson’s intro text *The Theatre Experience* does a very nice job of explaining the characteristics of melodrama. [Edwin Wilson, *The Theatre Experience*, 6th ed., (New York: McGraw-Hill, 1994), 183-186].

all hoped the audience would find the visual life of the production satisfying. A theatrical world that emphasized the work of the scenic artist and spectacle engineer inadvertently de-emphasized the status of the playwright, and consequently the financial value of their dramas suffered. Michael Booth is not alone when he refers to the scenic artists of the day as living and working “in the greatest age of English scene-painting.”⁷⁷ When the 1866 Select Committee charged with examining the English theatre called a Middlesex magistrate named Henry Pownall to testify, Pownall maintained that, for his purposes, the “principal point” that decided whether a show was or was not “a theatrical entertainment” was “whether there was scenery.”⁷⁸ The nineteenth century was, in many ways, a Golden Age for the stage carpenter and machinist.

Scenic spectacle was often expensive. When Drury Lane burnt in 1809 and had to be rebuilt, Benjamin Dean Wyatt developed his plans around four main considerations, the first of which was “the size and capacity of the theatre.” The structure that had burned seated around 3,500; Wyatt refused to enlarge the theatre, arguing that larger spaces require more decorative and scenic resources. As the audience demand for spectacle had already grown, Wyatt tellingly refers to the auditorium that opened anew in 1812 as “the Spectatory.”⁷⁹

⁷⁶ The music that accompanied melodramas, and the songs that were inserted into and between scenes, were also essentially important to the experience of attending melodramas. But, unlike the visual, the songs could stand alone, and if contemporary newspaper reviews can be believed, a play could certainly succeed even if the music was mediocre. The song itself did not constitute a “spectacle moment.”

⁷⁷ Booth, “A Defence of Nineteenth Century Drama,” 7.

⁷⁸ Jacky Bratton, “What is a Play? Drama and the Victorian Circus,” *The Performing Century: Nineteenth-Century Theatre’s History*, ed. Tracy C. Davis and Peter Holland (Houndsmill: Palgrave Macmillan, 2007), 252.

⁷⁹ Richard Leacroft, *The Development of the English Playhouse: An Illustrated Survey of Theatre Building in England from Medieval to Modern Times* (London: Methuen, 1988), 167.

The nature and aims of melodrama, although now much lampooned and misunderstood, was to create a highly visual and skillfully executed theatrical experience. It was a different type of theatre and rearranged dramatic structure to suit its new ends. In his study of the connections between paintings, stage plays, and novels, Martin Meisel explained,

“In the inherited drama, the building block of the play was transitive and rhetorical. It was a unit of action [or] a unit of passion... In either case, such a piece of the dramatic whole typically came from somewhere, or led somewhere, or both... In the new dramaturgy, the unit is intransitive; it is in fact an achieved moment of stasis, a picture. The play creates a series of such pictures... Each picture, dissolving, leads not into consequent activity, but to a new infusion and distribution of elements from which a new picture will be assembled or resolved. The form is serial discontinuity, like that of the magic lantern, or the so-called ‘Dissolving Views.’”⁸⁰

The expressive gesture, already a standard part of actor training outlined in such manuals as the anonymous *Thespian Preceptor* (1810) or *The Road to the Stage; or the Performer’s Preceptor* (1827) by Lemman Thomas Rede, now took on a narrative function that was even more practical and important to the progress of the play than its previous work delineating emotional states.⁸¹ By 1840, the stage picture was a necessary part of popular performance. In the aptly titled guide *Stage Effect: or, The Principles which Command Dramatic Success in the Theatre* (1840), Edward Mayhew discusses the “modern theory... that dramatic success is dependent on ‘situations’.... To theatrical minds the word ‘situation’ suggests some strong point in a play likely to command applause; where the action is wrought to a climax, where the actors strike attitudes, and

⁸⁰ Martin Meisel, *Realizations: Narrative, Pictorial, and Theatrical Arts in Nineteenth-Century England* (Princeton: Princeton University Press, 1983), 38.

⁸¹ *Ibid.*, 8.

form what they call ‘a picture,’ during the exhibition of which a pause takes place...”⁸² Playwrights included notes at the end of scenes to describe these stage pictures, and the scenic artist, the actors, the managers and technicians all worked together to achieve the desired effect so the spectator’s expectations were fulfilled. As late as 1882, when successful actor-manager-playwright Dion Boucicault contributed to *The Art of Acting*, he explained that the spectator should always be given primary consideration. “Gesture must be subordinate to the spectator himself. All things in this art must be subordinate to that. It is a sort of picture.” Boucicault asserts that this concern for the spectator’s experience and visual clarity is the reason that the actor must always raise his or her upstage arm, for example, even when the downstage arm would have been a more natural choice.⁸³ The visual impact of the stage was perhaps the most important element of the theatre-going experience. Although the visual picture was composed of human bodies as well as scenic effects, the scenic spectacle usually demanded more attention, considerable ingenuity, and a sizeable budget.

Although he was writing about melodrama in America, David Grimsted’s observations can be applied to British theatre as well when he states, “Partly because scenic tricks were difficult given the resources of the theatre, even because they might not always come off, critics and audiences alike were intrigued by attempts at visual illusion and fascinated by their successful execution.”⁸⁴ Grimsted related that in Philadelphia, rain could be represented well enough by gauze, unless the effect was ruined when the gauze fell all at once; hauling it back up again in full audience view

⁸² Edward Mayhew, *Stage Effect* (London: 1840), 44-46. In Meisel, *Realizations*, 39.

⁸³ Dion Boucicault, *The Art of Acting* (New York:1926), 39. In Meisel, *Realizations*, 7.

⁸⁴ Grimsted, *Melodrama Unveiled*, 82.

elicited boos from spectators. In a much more dangerous example, the *New York Mirror* reported that during one performance in New York City, a waterfall feature “caught fire and burnt up.”⁸⁵

When he wrote his autobiography *Thirty-five Years of a Dramatic Author's Life*, professional playwright Edward Fitzball includes a number of anecdotes about failed theatrical spectacle moments. When an actor playing a sorcerer in *The Burning Bridge* at the Surrey Theatre tried to enter the opening scene set in an orange grove, his robes got entangled in the set pieces and “pulled down with it, the orange tree excepted, every morsel of scenery on the stage, discovering only bare walls and flaring lamps.” The acting manager begged the audience’s forgiveness, reset the stage, and started the show again from the top.⁸⁶ A man named Leslie, playing the female spectre in another night’s production of the same play, watched as a draft blew his gauze clouds into a lamp. The gauze caught fire, and to escape the flames the actor was forced to leap from the stage machinery at a dangerous height, revealing not only that “she” was a “he,” but also that he was already dressed under the gauze in his Scottish kilt costume for the afterpiece, *Waverly*.⁸⁷ During the 102nd night of *The Fireworshippers*, a simple spectacle piece that Fitzball himself derisively called “gingerbread,” the actor Gallot was riding his elaborately costumed camel on stage “when the large trap gave way under the immense weight of the gigantic animal, and in an instant the poor helpless creature lay crushed, with its neck broken.” As they couldn’t remove the huge corpse intact, they had to

⁸⁵ Grimsted, *Melodrama Unveiled*, 80-81.

⁸⁶ Fitzball, *Thirty-five Years of a Dramatic Author's Life*, 140.

⁸⁷ *Ibid.*, 142.

dismember the dead beast and pull out one limb at a time.⁸⁸ After all this, it is positively pedestrian that the first performance of Fitzball's nautical melodrama *The Floating Beacon* was nearly ruined simply by an actor who could not remember his lines.⁸⁹

Although the "stage picture" moments may appear static when play texts are merely read, "in fact sound and movement – 'real' waves, ships sailing off the stage of sinking through it, forts blowing up and tenements burning down – these too were part of the dramatist's arsenal."⁹⁰ Nautical plays required the theatres to come up with some way to stage nothing less vast than the ocean itself and the ships that plied the waters. In Fitzball's own record of the first night of *The Floating Beacon*, for instance, he described the opening: "The curtain again rose, the scenery, by Tomkins, was beautiful... The second scene presented a still brighter prospect: a section of The Floating [sic] Beacon, the surrounding waves, the moving horizon, done to such a perfect reality, all painted on gauze, that you might well have believed yourself absolutely on board."⁹¹ Another design team adept at presenting the ocean was the "Scenic Department" at Covent Garden, "directed and supported by Mr. Grieve, T. Grieve, W. Grieve."⁹² Thomas and William were sons of the senior Mr. Grieve, who began his career in 1794 and was initially influenced by the original designs Philip De Louthembourg developed for David Garrick. In "New Viewpoints on Nineteenth Century Scene Design," Vera Mowry Roberts explains that the Grieves "exploited all the devices known to their times to create a stage

⁸⁸ Fitzball, *Thirty-five Years of a Dramatic Author's Life*, 143.

⁸⁹ *Ibid.*, 145.

⁹⁰ Miesel, *Realizations*, 41.

⁹¹ Fitzball, *Thirty-five Years of a Dramatic Author's Life*, 144-145.

⁹² Alfred Bunn, *The Stage*, 242.

picture, to give movement, and to produce atmosphere: transparencies, torches, illuminations, burning forests and buildings, trick explosions. They perfectly illustrate the best of romantic stage design – the illusion of reality, a stage picture which could always be recognized as an illusion – the stuff of theatre.” In one inspired move, they “paid 30 boys one shilling a head to tumble under painted canvas to make the sea surge.”⁹³

The managers of Sadler’s Wells, meanwhile, employed “craftsmen from the Woolwich dockyard” to build model ships for the theatre’s mock naval battles, like the historically-inspired *Siege of Gibraltar* (1804).⁹⁴ A Sadler’s Wells advertisement poster, also dated to about 1804, proudly proclaims “*Battle of the Nile on Real Water!*” The British Museum notes that it was Charles Dibdin II who installed a water tank used for dramatic “reconstructions” of great naval battles, particularly after the Napoleonic Wars.⁹⁵ Military advances did not only serve as inspiration for plays, but also contributed to stage technology. In addition to being known for their aquatic capabilities, Sadler’s Wells also regularly employed the “blow-up” moment: the villain’s castle might blow up, or a ship might blow up, or a volcano erupts and blows up. Such effects were made

⁹³ Vera Mowry Roberts, “New Viewpoints on Nineteenth Century Scene Design,” *Educational Theatre Journal* 18, no. 1 (March 1966): 43-44. Among other things, they also pioneered a “sink and fly” scene change system where elements flew in and were raised from the floor simultaneously, and they introduced the first moving panoramas.

⁹⁴ Moody, *Illegitimate Theatre in London*, 27-28.

⁹⁵ “Battle of the Nile on Real Water,” The British Museum Prints & Drawings Department; Registration number Y,6.159; Location History 1798 Imp. Digital Image accessed 29 September 2012: http://www.britishmuseum.org/research/search_the_collection_database/search_object_details.aspx?objectid=1563676&partid=1&output=Terms%2F!!%2FOR%2F!!%2F21019%2F!%2F%2F!%2Fplay-bill%2F!%2F%2F!!%2F%2F!!!%2F&orig=%2Fresearch%2Fsearch_the_collection_database%2Fadvanced_search.aspx¤tPage=1&numpages=10

possible by the creation of “Redfire,” a mix of strontia, shellac, and chlorate of potash originally developed for military applications.⁹⁶

Playwrights in the period often employed spectacular effects because the audiences enjoyed them. Sometimes, however, a playwright was saddled with a specific spectacle demand from a theatre manager. In the 1820s, for instance, Tom Dibdin was commissioned by David Morris, the manager of the Haymarket Theatre, to write a particular kind of piece: Morris wanted *The Laplanders* because he already had, on hand, “a herd of reindeer and a diminutive family trio of singers, dancers, and fiddlers.” However, when some of the reindeer died, the manager canceled the job. The reindeer herd was intended as the featured spectacle and that was the heart of the thing, as far as Morris was concerned. He refused to pay for the now un-stageable play and Dibdin wound up suing him in the Court of Common Pleas.⁹⁷

A successful commercial playwright had to keep one finger on the pulse of public preference. Fitzball, for instance, tapped into this taste for nautical melodramas, and gained some notice (if not considerable money) for writing *The Floating Beacon* as well as successful nautical melodramas like *The Flying Dutchman* and *The Inchcape Bell*. Although it had a bumpy start, *The Floating Beacon* played for something close to 120 nights at the Surrey, then moved with the cast intact to Sadler’s Wells for another 120 consecutive nights.⁹⁸ There is a small measure of irony in this, for Fitzball himself became violently seasick on every ship voyage he took. He attempted to describe the

⁹⁶ Moody, *Illegitimate Theatre in London*, 28, 93.

⁹⁷ Stephens, *The Profession of the Playwright*, 1, 197. From Thomas Dibdin, *The Reminiscences of Thomas Dibdin, of the Theatres Royal, Covent-Garden, Drury-Lane, Haymarket &c and author of The Cabinet, &c*, 2 volumes (London: 1827). See vol II pp 195-196, 325-326.

⁹⁸ Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 148.

experience, writing, “I could compare it to nothing except a burning wheel flying round and round the head with a grating velocity, incalculable. I must have suffered more than other people, because I observed on landing, others could laugh and eat, while I was compelled to be supported to the hotel and remain for at least a day almost insensible. So changed was my personal appearance, even in crossing from Dover to Calais, that when I landed at the latter place, neither Rodwell [composer] nor Stanfield [scene painter], who were standing on the pier at the time, recognised me!”⁹⁹

Partly because of the emphasis on spectacular visual impact and effects, and the tableaux-like moments that ended practically every scene, there was necessarily what Martin Miesel describes as “severe tension in the theatre of the nineteenth century between picture and motion; between the achievement of a static image, halting (and compressing) time so that the full implication of events and relations can be savored, and the achievement of total dynamism, in which everything moves and works for its own sake, as wonder and ‘effect.’”¹⁰⁰ Skillful playwrights had to negotiate this terrain, balancing the melodrama’s forward-motion sequence of events with both still story-telling tableaux moments and the action-packed spectacle moments like explosions, storms, waterfalls, and exotic animal sequences.

Authors faced a difficult financial market in the early decades, and many had to take whatever commission was available. Although there were already some contracts that stipulated authors receive “a nightly sum during the run of the piece,” it was much more common practice for managers to insist the writer to take a single payment and give

⁹⁹ Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 184.

¹⁰⁰ Miesel, *Realizations*, 50.

up all rights to the drama.¹⁰¹ Managers did not invest heavily in original scripts and the low going rate for new plays did not escape notice. In 1823, the *Times* suggested that the Surrey Theatre was “beset, we perceive, with one sin – common to all the managers on the Surrey side of the water – that of employing capital with very little taste or discretion. All the money goes to the machinist and the red-fire-monger. They spend a thousand or two thousand pounds in fitting up and ornamenting a theatre; and then buy plays at thirty shillings a dozen to represent in it. Five or ten pounds for the writing of a piece, and two or three hundred, perhaps, for the gilding about it -- a practice about as reasonable as it would be to put embroidery upon a soot-bag.”¹⁰² In August of 1823, the theatre employed talented actors, but the spectacles failed to fill the playhouse and their efforts at classical adaptations were not well received: “We really saw a spruce-beer-shop man... shake his head at something which they call *Antigone!*” Instead, the writers suggested, the theatre would profit more by returning to “dramatically tolerable” pieces like *The Beggar’s Opera*, which “brought more money (without costing a shilling in the ‘getting up’) than any score of the muslin and gold paper affairs that were ever produced there.”¹⁰³

In this climate, playwrights and their signature plays could gain considerable notice if they were financially successful for the playhouse, but that does not mean that the playwright’s bank account benefited commensurately. One of the most commonly discussed examples follows Jerrold’s *Black Ey’d Susan*. At that time, the Surrey theatre

¹⁰¹ Stephens, *The Profession of the Playwright*, 42-43.

¹⁰² “Surrey Theatre,” *Times*, 29 August 1823, p2.

¹⁰³ *Ibid.*

was managed by Elliston, who had poached Jerrold from the Coburg by offering him the house dramatist position and £5 a week salary. Jerrold wrote and “sold” the Surrey his new nautical drama for a total of £60. The play became the Surrey’s most financially successful melodrama ever, restoring the precarious fortunes of Elliston and the playhouse, and was repeated at the Pavilion, patent house Covent Garden, and Sadler’s Wells, which used its famous water tanks to bring to life the nautical melodrama. Yet Jerrold saw no further profit from his most famous play.¹⁰⁴

Formal national and international copyright protections were both being reconsidered during the nineteenth century. Parliament assembled a Select Committee specifically to research the state of “dramatic literature,” resulting in a formal Report in 1832, three debates in 1833 on “Drama and Dramatic Literature (12 March, 31 May, 24 July),” and the passage of the Dramatic Literary Property Act that year. As Ronan Deazley explains in his introduction to the primary Parliamentary records, “This piece of legislation marks the first occasion on which the legislature provided the author of a work, in this case the dramatic manuscript, with two exclusive economic rights - the reproduction right (conferred by previous legislation such as the Copyright Act 1814) and the public performance right (conferred by the 1833 Act).... After the Act was passed, the first British copyright licensing agency, the Dramatic Authors Society, was established.”¹⁰⁵ Furthermore, a new international copyright Act, presented in Parliament

¹⁰⁴ Stephens, *The Profession of the Playwright*, 42-43.

¹⁰⁵ Deazley additionally notes, “The Act also illustrates the influence of continental models for protecting dramatic performances, in particular French and Belgian, on developments in Britain.” Ronan Deazley, “Commentary on Dramatic Literary Property Act 1833,” in *Primary Sources on Copyright (1450-1900)*, eds L. Bently & M. Kretschmer (2008), www.copyrighthistory.org, http://copy.law.cam.ac.uk/cam/tools/request/showRecord?id=commentary_uk_1833 [Accessed 30 September 2012.]

by Charles Poulett Thomson, was enacted in 1838.¹⁰⁶ Playwrights, however, still had to find their way in a tricky legal landscape. In *Thirty-five Years of a Dramatic Author's Life*, Edward Fitzball explained that in the 1830s it was not himself but his publisher, Mr. Cumberland, who claimed the royalty payments whenever his early plays were performed:

“The act passed by parliament, in favour of dramatic authors, at this time, the better to enable them to meet with a remuneration equal to their labour, proved highly beneficial to me; and would have been more so, had I not previously disposed of so many of my copyrights, to Mr. Cumberland, who claimed upon his assignments the new privilege of nightly remuneration for dramatic pieces acted, either in town or country. This event, of course, was never contemplated by the legislature, whose intension was simply to assist literary, (and too frequently necessitous,) men, not publishers. However, the case was tried with Cumberland by the Author's Society, and the judge gave it in favour of the former. (Law but not justice.) I cannot, nor ever shall admit it into my opaque brain, how it is that *Copyright* can mean right over an *original*.”¹⁰⁷

Even with new copyright and royalty protections, professional playwrights continued to face the artistic challenge of managers who felt completely within their rights to stipulate the content of plays. Like Tom Dibdin, who was commissioned to write for a diminishing reindeer herd, Charles Somerset wound up writing canine pieces. Despite a track record of successful scripts produced at the Surrey, Adelphi, and Olympic, Somerset had trouble making a living and felt he had no choice but to accept a commission from manager Sam Wild around 1846 that demonstrates the shockingly low

¹⁰⁶ Akiko Sonoda, “Historical Overview of Formation of International Copyright Agreements in the Process of Development of International Copyright Law from the 1830s to 1960s,” *IIP (Institution of Intellectual Property) Bulletin* (2007), 2; see also Ronan Deazley, “Commentary on International Copyright Act 1838,” in *Primary Sources on Copyright (1450-1900)*, eds L. Bently & M. Kretschmer (2008), www.copyrighthistory.org

¹⁰⁷ Fitzball, *Thirty-five Years*, 271-272. Emphasis in original.

value attached to the playwright's work. "Old Wild's" touring theatre paid just two guineas each for "a series of three-act canine plays based around 'Nelson,' the proprietor's famous performing dog."¹⁰⁸ Any creative impulse Somerset felt had to first be subjugated to the manager's pre-existing spectacle demands, and at a very low going rate.

The place of "spectacle" in drama and theatre brings up an old argument; Aristotle ranked it last of six in his hierarchical list of elements of tragedy,¹⁰⁹ and in the seventeenth century author Ben Jonson and designer Inigo Jones had a falling-out over whose role was more centrally important to the success of theatrical masques.¹¹⁰ Things were a little different in the nineteenth century, when the question was not so much about whether spectacle deserved a superior or subordinate position to text, but rather what kind of spectacle was most valuable. In one nineteenth-century argument, Stanfield found himself pitted against the "master of equestrian spectacle" Andrew Ducrow, hired by Drury Lane to oversee the animals and crowd scenes in a new spectacle play titled *King Arthur and the Knights of the Round Table*, by Isaac Pocock. In his memoirs, Drury Lane manager Alfred Bunn remarked, "The production of this spectacle was remarkable amongst other things, as having led to the retirement of Mr. Stanfield, the eminent artist, from the very cradle of his reputation.... He had prepared, with great ingenuity, and at great labour, a splendid scene, representing the Entry into the City of Carlisle; and when it was shown at the last rehearsal, Ducrow had thronged every part of it with knights,

¹⁰⁸ Stephens, *The Profession of the Playwright*, 50.

¹⁰⁹ Aristotle, *Poetics*, trans. Gerald Else (Ann Arbor: University of Michigan Press, 1967).

¹¹⁰ Stephen Orgel, "Introduction," *Ben Jonson: Selected Masques*, (Yale University Press, 1970), 1-40; D.J. Gordon, "Poet and Architect: The Intellectual Setting of the Quarrel Between Ben Jonson and Inigo Jones," *Journal of the Warburg and Courtauld Institutes* 12 (1949): 152-178.

squires, pages, attendants and all sorts of characters to give life and animation to the scene. Mr. Stanfield being of opinion that his scene had quite ‘life and animation’ enough in it, without any of Mr. Ducrow’s assistance, vowed he would leave the theater unless the said scene was first discovered for the audience to gaze on and admire, and the multitudes sent on afterwards.” The manager sided with the equestrian handler, and “the offended painter quitted the theatre.”¹¹¹ Clarkson Stanfield thus retired at Christmas, 1834, returning to scenic work in the theatre only a few times between 1837 and 1842 at the personal request of his friend William Charles Macready.¹¹²

Bunn was led more by business sense than artistic conviction when he let the acclaimed scenic artist go. Because of spectacles like the *Knights of the Round Table*, the manager wrestled with questions of legitimacy, plagued by critics who considered his choice of dramatic material to be less than intellectual. Bunn emphasized that, under his rule, Drury Lane and Covent Garden¹¹³ had produced Shakespeare performances 262 times, with “three hundred and six representations of the writings of other dramatists, coming exclusively under the denomination of mental works, and as such classed under

¹¹¹ Bunn, *The Stage*, 224-225.

¹¹² Pieter van der Merwe, “Stanfield, Clarkson (1793–1867),” *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004); online ed, Jan 2009 [http://www.oxforddnb.com/view/article/26234, accessed 30 Sept 2012] “In all Stanfield painted over 550 scenes in more than 170 productions in his scenic career.” He traveled extensively and was also known for creating moving panoramas, book illustrations, and landscape oil and watercolor paintings. He was a founding member of the Society of British Artists and resigned his membership there to join the Royal Academy in 1832. Six weeks after he quit Drury Lane, in 1835, he was elected Royal Academician, eventually serving four terms. When he died in 1867, his friend Charles Dickens published a moving tribute.

¹¹³ Bunn began a joint management of both Covent Garden and Drury Lane in 1833. In 1835 he ceased managing Covent Garden but continued at Drury Lane until he declared bankruptcy in 1840, the year he published his autobiography, *The Stage*. He rejoined Drury Lane as manager from 1844 to 1848, but did not have financial success and “retired penniless to Boulogne.” See W. Davenport Adams, “Bunn, Alfred,” *A Dictionary of the Drama* (Philadelphia: J.B. Lippincott Co, 1904), 227 (which includes career highlights as well as a rather unflattering description by Planché); and “Bunn, Alfred (1796-1860),” *Encyclopedia Britannica*, 11th ed., vol 4 (Cambridge: Cambridge University Press, 1910), 799.

the title of legitimacy.” The carefully enumerated list, which Bunn culled from playbill files, consisted of authors like Sheridan, Goldsmith, Otway, and Lord Byron. Defending himself against critics, Bunn declared sarcastically, “After having so shamefully neglected the legitimate drama as to play it five hundred and sixty-eight nights out of about twelve hundred, (nearly one half the time,) let us see how wantonly I ill used the performers. . . . It is necessary to enumerate the novelties, legitimate and otherwise.”¹¹⁴

Like other managers of his day, Bunn broke the drama down into categories differently than we might today. Besides Tragedies and Tragic Plays, Comedies, and Operas, he lists Spectacles, Ballets, Farces and Interludes, Melo-dramas, and Pantomimes.¹¹⁵

Despite Bunn’s own snobbish insistence that theatres under his management propagated an appreciation for the “legitimate” dramas even better than the shows staged by his rival Macready, Bunn was never above staging spectacle pieces. Yet he did not embrace the spectacles the way the minor theatres did. In fact, Bunn favored maintaining the patent system and scorned the idea that the minor theatres could really do anything of artistic value. Further, he feared competition in the marketplace and blamed the proliferation of entertainment venues for falling ticket prices, reduced audiences in his own playhouse, and, ultimately, bankruptcies among the legitimate theatre managers like himself. All of this makes the interesting story about Stanfield and Ducrow all the more illuminating. As Martin Miesel observed, “Bunn can be trusted to color his stories,”¹¹⁶

¹¹⁴ Bunn, *The Stage*, 239, 243-244.

¹¹⁵ *Ibid.*, 244, 246. Under the heading “Operas,” we find Edward Fitzball credited with *Maid of Cashmere*, *Siege of Rochelle*, and *Diadeste*, while appearing once in the “Melo-dramas” category with *The Note Forger*. Fitzball’s career is considered in more detail in the final chapter.

¹¹⁶ Miesel, *Realizations*, 43.

but even if the story is stripped down to bare essentials, it still speaks to the theatre's emphasis on the visual.

Conclusion

The received truth says that *Trial by Battle* is a stage version of a real, notorious criminal case. The writers who gave it this identifier were surely relying on authors who preceded them, as any effort to compare the script to its contemporary trials would have resulted in a different opinion. Even if we are unwilling to grant the somewhat suspect “true crime” moniker to a play so divorced from real life inspiration as *Trial by Battle*, alternative worthwhile modes of inquiry still present themselves. The managers at the Coburg chose, for their opening night, to feature a play that employed many stylistic elements and techniques traditionally associated with melodrama, and the choice proved to be a success. In addition to that fact that months after the opening, in the Coburg's self-serving playbill of July 1818, *Trial by Battle* was advertised as a “Highly Popular Melo-drama,”¹¹⁷ this otherwise inconsequential title has quite improbably made its way into encyclopedia entries.

It almost goes without saying that melodrama playhouses used technical wizardry, novel staging practices, and spectacle to engage audiences. But above all, the melodrama theatres and the playwrights who wrote for them knew how to make the most of juxtaposition. They placed weakness next to power, and compared lawless deeds (both virtuous and dastardly) with legal codes (both robust and impotent). They could put an exotic setting before an everyday audience. They presented class struggles, generally with a central conflict pitting the rich and corrupt against the poor and noble. Because of

¹¹⁷ Royal Coburg Theatre ...: Thursday, 30th July, 1818. Playbill at Yale Library.

inherent inequality in the lives and options available to men and women, even if they were presumed to be natural, the quickest way to establish a man abusing his power was to show him using “his superior power, wealth, and social position to advance his own suit. Sexual rivalry thus became the common dynamic for the playing out of class conflict.”¹¹⁸ *Trial by Battle* includes all of these things. Such juxtapositions are part of what made *Trial by Battle* a success.

In this period, the “long run” had not taken hold, so counting the number of back-to-back nights a play was staged is not an appropriate way to assess its popularity or success as plays that were considered very successful could have rather short stage lives. Nevertheless, *Trial by Battle* proved popular enough that it was still being staged at the Coburg two months after its debut. The Royal Coburg advertised that on Thursday, 30 July 1818, audiences could enjoy a “the highly popular melo-drama written by Mr. W. Barrymore, called the Trial by Battle.” It was part of a bill that included an Irish-themed “new broad farcical burletta,” the thirty-fourth performance of “the new interesting local melo-drama called The North Pole,” and, to end the night, “the new popular ballet of Don Quixote.”¹¹⁹ Obviously, bloody melodramas were not the only thing on the Coburg’s playbill, but most of the original works associated with the theatre’s early days are left

¹¹⁸ Carlson, “He Never Should Bow Down...,” 154.

¹¹⁹ Royal Coburg Theatre ...: Thursday, 30th July, 1818, And Following Evenings, the Entertainments Will Commence With, 4th Time, an Entirely New Broad Farcical Burletta, Written by Mr. Bryant, Called The Irish Crispin ... : After Which, for the Thirty-fourth Time, the New Interesting Local Melo-drama ... Called The North Pole : the Melo-drama Written And Produced by Mr. W. Barrymore ... : After Which, the Highly Popular Melo-drama, Written by Mr. W. Barrymore, Called The Trial by Battle ... : the Whole to Conclude With the New Popular Ballet of Don Quixote ... [London]: Hartnell, Printer, Wine-office-court, Fleet-street, and Albion-Press, Southwark, 1818. (Broadside playbill held at Yale University library.)

out of notes and reports now. Continuing references to the *Trial by Battle* speak to the importance, endurance, and attractiveness (even today) of the “true crime” tag.

Chapter 3: Battle of the Pamphlets; or, Lawyers and Corruption

Introduction

Although written with a clear sense of the theatrical, *The Murdered Maid; or The Clock Struck Four!* and *The Mysterious Murder; or, What's the Clock?* were probably never performed in London, and *The Mysterious Murder; or, What's the Clock?* was probably never performed on any stage at all. Yet both texts employ the dramatic form to communicate the story of Mary Ashford's murder. The author of *The Murdered Maid* in particular penned his play with stage directions, descriptions of scenic art, and a number of stereotypical theatrical devices, rendering a vivid dramatic world that the intended audience, readers rather than viewers, is meant to imaginatively envision. Pamphlet plays were not just an indulgent expense of paper that allowed for flights of fancy. Pamphlet plays served as part of a larger printed discourse, using an established dramatic form to effectively communicate positions about complicated, contested issues. In the young United States, for instance, this might mean arguing about pro- or anti-British sentiments, national identity, and revolutionary spirit.¹ In the British "trial by battle" pamphlet plays, the authors presented viewpoints on the English legal system itself. The catalyst for this argument was the trial resulting from the murder of Warwickshire resident Mary Ashford and the unlikely maneuvering by the defense counsel retained to manage the fate of her accused murderer, Abraham Thornton.

¹ For more on this, see Jared Brown, *The Theatre in America During the Revolution* (Cambridge UK: Cambridge University Press, 2007); Ginger Stroud, "The Many Deaths of General Montgomery: Audiences and Pamphlet Plays of the Revolution," *American Literary History* 9 (1997): 1-20; and Jason Schaffer, *Performing Patriotism: National Identity in the Colonial and Revolutionary American Theatre*, (University of Pennsylvania Press, 2007). Thanks to Allan N. Davis for pointing me to these sources.

As with all the cases I will examine in this work, the purpose here is not to prove whether the accused murderer was “really” guilty or innocent. Such a task is not only impossible, but it also misses some other important aspects of the case and its translation into a dramatic text or event. The plays that lived in the imaginations of authors, producers, and audiences did not necessarily adhere to the facts of the case, even as they were then known. However, by choosing to print or stage a play that was based on a real murder, the playwrights and producers waded into a specific public discourse regarding particular crimes. Presumably, discussion and debate would have existed in the print culture spheres dominated by newspaper and pamphlet writers even if theatrically inclined writers had not entered the debate. By utilizing theatrical forms as one mode of dissemination, even amateur playwrights helped keep the Ashford incidents in the public consciousness in a unique and effective way.

Reading a Crime Drama

We cannot go back in time and experience the live debut production of *Trial by Battle*. Although there is an extant a black-and-white illustration purporting to show the playhouse interior with the *Trial by Battle* final tableau on stage,² we do not have other sources to give us a visual sense of the performance. Imperfect but desirable archival material such as photographic evidence would not be possible for decades. Attempting to

² Robert Blemmell Schnebbelie and James Stow, “Royal Coburg Theatre as it appeared on opening night, May 11th, 1818,” from *Londina Illustrata. Graphic and Historical Memorials of Monasteries, Churches, Chapels, Schools, Charitable Foundations, Palaces, Halls, Courts, Processions, Places of Early Amusement, and Modern Present Theatres, in the Cities and Suburbs of London and Westminster*, Volume 2 by Robert Wilkinson. Digital image created from the 1819-1825 edition. In the Edwin C. Bolles papers (MS004), Digital Collections and Archives, Tufts University (Medford, MA). [Available online: <http://hdl.handle.net/10427/54807>.]

access this event, and others like it which will appear throughout this work, requires knowledge of theatre practice, interpretations of surviving play scripts and commentaries, contextual cultural material contemporaneous with the case and/or its dramatization, and – last but not least - imagination. The imagination works to bridge the gap that exists for the historian who must use limited written resources to examine a vibrant, living event that is a theatrical production, and the messages exchanged and meaning made therein.

The imaginative leap is no less important when the object of study is a play script that was almost certainly not performed in London, or possibly never performed anywhere. In 1818, George Ludlum’s pamphlet play *The Mysterious Murder, or, What’s the Clock?* was printed in Birmingham and sold “by the author” for one shilling. It is advertised as “Founded on a Tale Too True,”³ and in many particulars, it faithfully represents evidence and testimony surrounding the Ashford-Thornton affair. The play is carefully scripted, with all the characters and linguistic turns typical of a melodrama, and yet Ludlum modestly asserts, “The Author never intended it should attract the eye of Public Criticism.”⁴ Indeed, there seems to be no mention of any production of the piece or recognition of the playwright, either directly or obliquely, in the *London Times*, *Examiner*, or *Morning Chronicle*, in any of the autobiographies of London theatre managers of the day, or any extant playbills from any town that I have been able to locate from the period. Fifty years after the crime, in *All the Year Round*, Charles Dickens

³ G. [George] L. [Ludlum], *The Mysterious Murder, or, What’s the Clock? A Melodrama in Three Acts, Founded on a Tale Too True* (Birmingham: Taylor, 1818): 1. Title Page.

⁴ Ludlum, *What’s the Clock?*, 3.

identifies by name the “very wild dramas” that I will now discuss, but never suggests they were performed on stage.⁵

While Ludlum’s play seems to be a print phenomenon only, the second script titled *The Murdered Maid, or the Clock Struck Four!*, written by an author identified only as S.N.E., evidently did receive at least one production. In 1827, Sotheby’s auction house published a list of theatrical items collected by Mr. John Field, containing a copy of the script *The Murdered Maid, or the Clock Struck Four!* accompanied by one playbill announcing its performance in Warwick, 1818.⁶ The Warwick production of S.N.E.’s play seems to be the only instance of the play ever appearing on stage. Field, whose library catalogue included early rare imprints of works by Shakespeare and Ben Jonson, listed a surprisingly extensive collection related to the Ashford murder. His collection also included a copy of Ludlum’s *The Mysterious Murder, or, What’s the Clock?*, but no complementary materials attended that script. It is true that many records from the popular theatre were lost during and after the nineteenth century, so it is conceivable that somewhere, at some future date, a playbill for Ludlum’s *The Mysterious Murder, or*

⁵ Charles Dickens, “Old Tales Retold: Wager of Battle, the Trial of Abraham Thornton for the Murder of Mary Ashford,” *All the Year Round* vol. 17 (18 May 1867), 499. (495-501). Dickens’ position was that Thornton was innocent, and he proposed three new possible scenarios to account for Ashford’s death: 1. Mary Ashford “might have been assaulted and murdered by some rambling tramp from Birmingham”; 2) Mary Ashford tried to bathe the pond, slipped, and drowned; or 3) “(and this we think is the most probable)” Mary Ashford, struck with shame and remorse after willingly having drunk sex with Thornton, committed suicide by drowning herself. Dickens’ preferred explanation does not seem to account for the “deep marks as of fingers on her arms” or the “trail of blood” described at trial.

⁶ *Bibliotheca Histrionica: A Catalogue of the Theatrical and Miscellaneous Library of Mr. John Field, in which are Contained Several Interesting Specimens of the Early Drama... which will be Sold by Auction by Mr. Sotheby, at his house, Wellington Street, Strand, on Monday 22d of January 1827, and Five Following Days, at Twelve O’Clock*, (London: Compton and Ritchie, 1827), 83. Among the items for sale: editions of William Shakespeare’s *A Midsummer Night’s Dream* and *Merchant of Venice* printed in 1600, a 1605 edition of Ben Jonson’s *Sejanus* “with his autograph,” manuscript papers written by the Killigrew family, and “the largest collection of Play Bills ever submitted to Public notice.” Field’s extensive collection of Ashford material includes copies of most of the pamphlets (copies available in the British Library) published between 1817 and 1819, plus a “recitative poem” titled “Mary of Langley.”

What's the Clock? might surface. But it is equally likely, given the nature of Ludlum's text, and the existence of pamphlet plays and closet dramas that were never intended for production, that *The Mysterious Murder, or What's the Clock?* was meant for consumption only by readers, and primarily in the industrial town of Birmingham, about seven miles from the murder scene.

In making his "following little Drama" available, George Ludlum, the author of *The Mysterious Murder, or, What's the Clock?* asserts he is acceding to the wishes of his friends, with the hopes that the play will serve "as an humble instrument of exposing the perfidy and baseness of that villain, be he whom he may, who could commit so inhuman a deed as that which has given rise to the following Production."⁷ He goes on to suggest that the murderer might read his drama, and be moved to admit his crimes and seek God's forgiveness. Ludlum, like many authors, sees drama as a possible tool for moral instruction. The idea that a play could move an evil-doer to confession when other efforts have failed is unrealistic at best, but from *Hamlet*⁸ to the nineteenth century, the idea holds a certain appeal for those who wish drama to be as efficacious as it is entertaining.

⁷ Ludlum, *What's the Clock?*, 3.

⁸ In Act II, scene 2 of William Shakespeare's *Hamlet*, Hamlet instructs a visiting theatrical company to produce a play (the "Murder of Gonzago") before the current king Claudius, who Hamlet suspects of murdering his father since the dead king's ghost told him as much. (In Act III, scene 2, the show does rattle the current king, confirming Hamlet's suspicions.) A variety of lines from Hamlet's speech at the end of II, 2 were popular among nineteenth century crime dramatists, gracing their introductions or title pages. Almost all come from this passage:

"I have heard
That guilty creatures sitting at a play
Have by the very cunning of the scene
Been struck so to the soul that presently
They have proclaim'd their malefactions;
For murder, though it have no tongue, will speak
With most miraculous organ. I'll have these players
Play something like the murder of my father
Before mine uncle: I'll observe his looks;
I'll tent him to the quick: if he but blench,

As my introductory chapter asserted, the rise in literacy rates and the educational efforts that made this possible throughout the century are connected in a symbiotic relationship with the boom in the publication of cheap pamphlets and penny sheets as well as newspaper accounts of sensational murders and attendant trials. Interest in the Ashford-Thornton case was not relegated exclusively to the working classes; contemporary pamphlet author Rev. Luke Booker found it “the chief topic of conversation, not only in the Cottage, but in the Drawing Room, among Companies consisting of both Sexes.”⁹ *What’s the Clock?* was just one publication among many dealing with the case. Ludlum self-consciously excuses the “very hasty manner” in which it was composed and any “faults and errors” that might be found in the text by overtly situating his entry into the field: “It is hoped the Reader will therefore consider it as one of those many short-liv’d flying productions of the present day, which buzz for a short time, then sink into oblivion, and are seen no more.”¹⁰ It is not possible to know whether he intended “production” to be read as a theatrical production or merely a published product, but either way, it seems that flash-in-the-pan cases with popular appeal were common enough to give rise to Ludlum’s off-handed reference.

I know my course. The spirit that I have seen
May be the devil: and the devil hath power
To assume a pleasing shape; yea, and perhaps
Out of my weakness and my melancholy,
As he is very potent with such spirits,
Abuses me to damn me: I'll have grounds
More relative than this: the play 's the thing
Wherein I'll catch the conscience of the king.”

⁹ Rev. Luke Booker, *A Moral Review of the Conduct and Case of Mary Ashford, in Refutation of the Arguments Adduced in Defence of Her Supposed Violator and Murderer* (Dudley: John Rann, 1818): iii. Pamphlet in the British Library. Also quoted in Gary R. Dyer, “Ivanhoe, Chivalry, and the Murder of Mary Ashford,” 384.

¹⁰ Ludlum, *What’s the Clock?*, 3.

Even though a published pamphlet may have been intended for a reading public only and not a viewing one, authors Ludlum and S.N.E. still found the dramatic form a powerful and effective format. As an item available for sale in the consumer market, it was also capitalizing on a headlining case that had broad appeal. My colleague Matthew Shifflett proposes that written entertainment like novels, poems, and pamphlet scripts “present an ontological conundrum for the distinction between public and private: they are publicly disseminated and privately consumed. This paradox becomes even more complicated when the novel accesses its readers' knowledge of public events and builds its narrative as a commentary on issues of public interest.”¹¹ Both Ludlum's and S.N.E.'s versions of the Ashford story rely on the audience's familiarity with the existing case, and both take the stance that a guilty man used financial resources to escape punishment.

In “The Reading Process: A Phenomenological Approach,” Wolfgang Iser addresses the process by which readers, perusing a single story repeatedly, bring to the interpretive process their previous experiences: “Thus, the reader, in establishing these inter-relations between past, present, and future, actually causes the text to reveal its potential multiplicity of connections. These connections are the product of the reader's mind working on the raw material of the text, though they are not the text itself – for this consists just of sentences, statements, information, etc.”¹² Even a printed play that is never realized as a production is so much more than the ink on the page or the words with their dictionary definitions. “The literary text activates our own faculties, enabling us to

¹¹ Matthew Shifflett, “As Newly Ravish'd: The Actress as Sexual Spectacle in the Late Stuart Theatre.” *Public Theatres and Theatre Publics*, ed. Robert Shimko and Sara Freeman (Newcastle upon Tyne: Cambridge Scholars Publishing, 2012), 189.

¹² Wolfgang Iser, “The Reading Process: A Phenomenological Approach,” *Reader Response Criticism from Formalism to Post-Structuralism*, ed. Jane P. Tomkins (Baltimore: Johns Hopkins University Press, 1994), 54.

recreate the world it presents. The product of this creative activity is what we might call the virtual dimension of the text, which endows it with its reality.... It is the coming together of text and imagination.”¹³ The shape of a text, its pace, the way it addresses its readers, the way it does (or does not) include expected details, all add up in an effort to “script” the audience’s experience, while the experience of reading brings to life the text.

Of course, a reader may misinterpret a text. Jonathan Culler notes, “Texts can be quite blatantly misunderstood and still be appreciated for a variety of personal reasons.”¹⁴ Understanding and appreciating are not the same thing. But to allow for the possibility of something being misunderstood indicates that there are right and wrong ways to interpret the material in the first place. Perhaps some of the more blatant, clunky, even “art-less” maneuvers found in the melodrama text exist because of an effort to ensure the playwright’s morals and messages are clearly articulated. This renders the script less ambiguous, less open to interpretation and, consequently, less open to misinterpretation, but this constraint can be discomforting to a sophisticated reader accustomed to reveling in a multiplicity of possible interpretations.

Play scripts have a conventional style and form distinct from other types of literature, but the commercial sale of pamphlet plays indicate that the reading public was familiar enough with its characteristics. Jonathan Culler, although not addressing plays specifically, makes a statement about the reading public that bears repeating: “It is clear that study of one poem or novel facilitates the study of the next: one gains not only point

¹³ Iser, “The Reading Process,” 54.

¹⁴ Jonathan Culler, “Literary Competence,” *Reader Response Criticism from Formalism to Post-Structuralism*, ed. Jane P. Tomkins (Baltimore: Johns Hopkins University Press, 1994), 108.

of comparison but a sense of how to read.”¹⁵ Like many other pamphlets, *What’s the Clock?* helped carve out a corner of the consumer market for pamphlet plays on this topic and inspired a reply.

The pamphlet play author who signed only the initials S.N.E., produced a second pamphlet play shortly after Ludlum’s began circulating. Like Ludlum, S.N.E. writes with a clear sense of the theatrical and evidently conceives of the script as meant for, or worthy of, production. Of *The Murdered Maid; or the Clock Struck Four!!!* the author writes, “If additions are made to the facts familiar to public knowledge, they are inserted with the intention of enabling the *spectator or reader* to extract from this work a confirmation of that great moral lesson.”¹⁶ The author of *The Murdered Maid, or the Clock Struck Four!!!* provides the reader with both a preface and a prologue. In case the play itself does not drive home the author’s point, the preface lays out the author’s opinions about morality, drama, and the law.

S.N.E. asserts that this new dramatization is necessary precisely because the previous dramatization was inadequate. S.N.E. comments, “A Pamphlet, called a ‘Melo Drama,’ compiled from this ‘Tale of Woe,’ has been lately published, and although possessed of no recommendation, save the publicity of its subject, it has met with a most

¹⁵ Jonathan Culler, “Literary Competence,” 109.

¹⁶ S.N.E., *The Murdered Maid; or, the Clock Struck Four!!! A Drama, in Three Acts* (Warwick: Heathcote and Foden, 1818), iv. (“Sold by E. Heathcote, Market-place; also by Messrs. Rivington, St. Paul’s Church Yard, London; and all other booksellers.”) Emphasis mine. Unfortunately, S.N.E.’s true identity is unknown. When I must use a pronoun, I have decided to refer to S.N.E. as a male figure. I have no proof of gender either way. Although there are textual clues (“the fair sex” rather and “our fair sex”), they are weak ground on which to base a case. Still, English does not offer a suitable gender-neutral pronoun and referring to the author without using any pronoun is onerous. The odds are in favor of a male writer; at this time great majority of melodrama playwrights, almost all journalists, and most murder-trial pamphleteers were men.

extensive circulation.”¹⁷ The work to which S.N.E. refers is almost certainly *The Mysterious Murder, or What’s the Clock?* by George Ludlum. Although the moral lesson is clearly S.N.E.’s focus, the first weakness S.N.E. identifies in the Ludlum’s competing pamphlet script is that “many details are narrated and scenes disclosed, as unfit for the public eye, as they are ill-calculated for dramatic representations.”¹⁸ This assumption that the pamphlet play might be staged and seen by a spectator, or that the construction of a dramatic representation requires some special attention or skill and that some things are more worthy of dramatic representation than others, indicates that S.N.E. considered himself an expert on theatre. I cannot, at this point, say whether S.N.E. was involved in any way with the production of the play in Warwick in 1818, but he was familiar with the dramatic form and had, at the least, hopes of seeing *The Murdered Maid, or the Clock Struck Four!!!* in production.

S.N.E. also was aware that his work would fall into the hands of the reading public. Besides practical grounds, S.N.E. argues for the necessity of this new playscript on a moral basis, asserting that the competing pamphlet play is “improper for the inspection of the fair sex, or of the rising generation, who might otherwise benefit by the perusal of it.”¹⁹ S.N.E. conceives of drama not so differently from Horace, the Roman who declared in *Ars Poetica* that the theatre’s purpose should be to teach and please.²⁰ The authority S.N.E. chooses to invoke, however, is William Shakespeare: “The purposes

¹⁷ S.N.E., *The Murdered Maid; or, the Clock Struck Four!!!*, iii.

¹⁸ *Ibid.*, iv.

¹⁹ *Ibid.*, iii.

²⁰ See “Horace: The Art of Poetry,” trans. John Conington, in *Theatre / Theory / Theatre: The Major Critical Texts from Aristotle and Zeami to Soyinka and Havel*, ed. Daniel Gerould (New York: Applause, 2000), 68-83.

of The Drama, whose end is, says the immortal poet – ‘To shew virtue her own feature – Scorn her own image, And the very age and body of the time, his form and pressure.’ are best answered, when they most promote the sacred cause of virtue and morality.”²¹

S.N.E., then, is inoculating the audience in advance. The playwright admits that additions have been made to the Ashford tale, and “in these pages every disgusting circumstance is carefully omitted,” in order to ensure that the script will offend no one but clearly impart a “great moral lesson, ‘That although vice may for a time triumph, a merciful but just God fails not to punish in this world, as well as in a future state, the perpetration of a crime of which, of late years, we have so many dreadful instances to deplore.’”²²

The playwright points to the press as the source for inspiration, as the prologue refers to the play as a “record” and as the “Abstract of the Time.”²³ The verse prologue that accompanies the play begins, “All love to read some mystic fearful tale. / ‘The Wand’ring Israelite,’ or ‘Spectre Pale,’ / Of such our Newsmen sad records provide, / Enough for this, and every Realm beside.”²⁴ This is not unique. True-crime playwrights throughout this period deliberately point to the news as their source; they found it more advantageous to claim they were retelling a current well-known story than something wholly “original.”

Re-Creating the Crime

²¹ S.N.E., *The Murdered Maid; or, the Clock Struck Four!!!*, iv. This quote, notwithstanding S.N.E.’s punctuation choices, is from *Hamlet*, Act 3, scene 2.

²² Ibid.

²³ Ibid., v.

²⁴ Ibid.

Like other melodrama authors who write on true-crime cases, both George Ludlum and S.N.E. needed to establish authority over the topic and the reader. They deliberately connect their written work to the historical events in several ways.

One simple way in which Ludlum makes his case for authority lies in the names he gives his characters. In *What's the Clock?*, the characters based on historical people go by very thinly veiled aliases. Mary Ashford becomes "Maria Ashfield," Hannah Cox becomes "Hannah Fox," and Abraham Thornton becomes "Abram Thorntree." Ludlum introduces a score of essentially fictional characters as well, with names associated with their professions. The landlord of the inn is Tapster, the constable is Turnout, and Thorntree's attorney is Quibble. Certainly, Abraham Thornton had a few different legal counselors handling his case, but the scenes Ludlum writes involving private conversations between Quibble and his associates do not match any of the content found in newspaper reports. S.N.E. also creates whole cloth characters who become stand-ins for their profession. There were several inns and landlords mentioned in the news reports, but no innkeeper named LeClerq. Similarly, there is no solicitor named Coquin, or friend to the accused murderer named Reynard.

S.N.E. renames the rest of his characters, much like Ludlum, but S.N.E. gives them French sounding names. Mary Ashford becomes Marie Ashville and her brother William becomes Guillaume, while Thornton becomes Thornville. Right from the start, the playwright declares: "Our Scene near Chateau Bromege must be laid, / Of this *true* Tragedy, -- "The Murdered Maid..."²⁵ To some extent, the pamphlet playscripts admit there is a certain elasticity between the "real" and "theatrical" versions of events, even

²⁵ S.N.E.. *The Murdered Maid; or, the Clock Struck Four!!!*, v. Emphasis in the original.

while they claim to be “true.” In the pamphlet play texts, the invocation of actual or thinly disguised physical details helped to link the fictionalized works with reported events and grounded the readers’ experience. There is, of course, no Chateau Bromege in Warwickshire. But there is a town called Castle Bromwich, and the historical Thornton was staying at an inn there. The town boasted a large stately mansion house with formal gardens. Castle Bromwich Hall, which still stands today, was originally built around 1599 for Sir Edward Devereaux and was home to the Bridgeman family, later to become the Earls of Bradford, until 1900.²⁶

In S.N.E.’s “true” play version, the entire sequence of events is removed and placed quite specifically in Normandy.²⁷ Like the commercial *Trial by Battle*, S.N.E. disconnects the historical events from the physical landscape in which they occurred. This seems to be a peculiar choice, given that the case was so much tied to its locale; a large part of the defense’s argument hinged on the particular details of distance, time, and terrain specific to the fields and town where the events transpired. One possible explanation for the re-setting could be simple convention, since the British melodrama’s most common setting was in some vaguely gothic, enchanted, or romantic locale, something Warwickshire was unlikely to be able to provide.²⁸ Another possible explanation stems from England’s complex and contradictory legal system that might

²⁶ “Castle Bromwich Hall Gardens,” <http://www.cbhgt.org.uk/History.html>. The gardens are managed by the Castle Bromwich Hall and Garden Trust, while the house itself is now a 31-bedroom boutique hotel. See “Castle Bromwich Hall Hotel,” <http://www.castlebromwichhallhotel.co.uk/> (last accessed 2 October 2012).

²⁷ S.N.E., *The Murdered Maid; or, the Clock Struck Four!!!*, 6.

²⁸ A number of writers and artists associated with nineteenth-century Romanticism lived in Warwickshire, but it does not seem to have the strong, almost mythical, Gothic or Romantic associations attached to Welsh castles and the foggy Scottish countryside.

have allowed the Ashford or Thornton families to sue for libel if they recognized themselves in print. This may be one reason why so many pamphlets, plays, and opinion pieces that dealt with true-crime cases were printed without reliable authorial attribution.²⁹ S.N.E.'s true name, then, remains a mystery, and the thinly veiled characters move through readers' imaginations with French monikers.

In both *The Murdered Maid, or the Clock Struck Four!!!* and *The Mysterious Murder, or What's the Clock?* the audience is introduced to a lovely, lively Mary Ashford stand-in in the first scene, and follows her to the country dance where Thornton's character singles her out. Despite many scenes that are purely creative conjecture, Ludlum invokes details and material evidence to help build his authority and secure his reader's trust. Early in the play, Abram Thorntree boasts of having "connexion" with Maria's sister Ann who is "out at service."³⁰ When the case was reported in pamphlets and papers, there were several people who testified to overhearing Thornton boast about having sexual relationships with a number of pretty women, among them Ashfield's older sister, who was working in another town as a maid.³¹ Early in S.N.E.'s *The Murdered Maid, or The Clock Struck Four!!!*, the script betrays an inherent tension between the desire to teach a lesson and to relay the true crime events that serve as inspiration. Where the trial pamphlets and *What's the Clock?* reported that Thornton/Thorntree boasted of

²⁹ Bentley, *English Criminal Justice in the Nineteenth Century*, 47. It was technically illegal to publish reports of preliminary examinations and inquest testimony given before magistrates when there was an impending trial, but newspapers and pamphleteers ignored this rule regularly. (This detail also affected the 1824 case of John Thurtell and the Gamblers.) In 1847, Lord Chief Justice Denman himself argued before the House of Lords Select Committee on the Libel Law that such pre-trial publications should be legalized since they could be considered "in the public interest."

³⁰ Ludlum, *What's the Clock?*, 9.

³¹ "Warwick Assizes, Friday Aug. 8: Trial of Abraham Thornton for the Murder of Mary Ashford," *Times* 11 Aug 1817 (Monday), p. 3.

having “connexion” with Ashford/Ashville’s sister, S.N.E.’s Thornville makes the significantly less sexual boast, “Before marriage, her sister doated [sic] on me.”³²

Mary Ashford’s body showed that she was no longer a virgin when the corpse was pulled from the water so she either had consensual sex or she was raped; either way, a frank discussion would prove uncomfortable, so the author skirts the issue entirely. What S.N.E. can be certain of is that no one can argue about the value of pure love, and no one can argue that Ashford’s death was criminal. So, in *The Murdered Maid, or the Clock Struck Four!!!*, after thirteen pages of Marie’s ruminations on romance and the possibility of honest love, Marie is lured away from her friends and the country dance and led to an isolated spot only to discover that Thornville has a “base purpose.” Marie does not simply take flight. The audience is treated to another speech³³ before Thornville overcomes his scruples and isolates Marie on an “Alpine path,” despite the fact that Normandy does not have any geographic features that can be described as “Alpine.”³⁴

In Ludlum’s melodrama, on the other hand, when Maria and Abram leave the dance and find themselves on the turnpike road, Maria is concerned that they will be seen

³² S.N.E., *The Murdered Maid*, 19.

³³ Ibid., 12-13. The speech continues in the same vein as it begins: “Begone, and learn that the humble and low-born Marie abhors the wretch, though a diadem sparkled on his brows, who would shock her ears with such base proposals and try to lure her from the paths of rectitude and honour....”

³⁴ According to the French tourism site <http://www.normandie-montagnes.fr>, the “mountains” in Normandy in the La Suisse-Normande range are geologically ancient granite formations and look like rolling hills compared to the Alps. La Suisse-Normande elevations reach only about 1000 feet above sea level. (For comparison, Grandfather Mountain in North Carolina, USA, reaches 5,946 feet. “Surveyors Correct Grandfather Mountain’s Elevation,” *Grandfather Mountain*, 6 November 2009, <http://www.grandfather.com/surveyors-correct-grandfather-mountains-official-elevation/>) The Suisse-Normande does have a number of impressive rock outcrops sheer drops, like the 387-foot drop from the Rock of Oëtre to the Rouvre Gorge. (“L’ à-pic de 118 mètres domine les gorges de la Rouvre, un torrent sauvage qui serpente entre les blocs granitiques.” <http://www.normandie-montagnes.fr/site/6%20oetre/ens/nature.htm>)

by the passers-by including a labourer, a “countryman,” and “farmer Ashton’s boy.”³⁵ When the case came to trial, a veritable parade of people testified to seeing either the couple at the roadside or Ashford walking alone. In court testimony printed in the *Times*, Ashford was spotted on the road by John Hompidge (on his way home from visiting a nearby family where he was courting a Miss Reynolds), John Chesterton (up at 2:00am readying his horses to go to Birmingham), Thomas Ashbury (occupation not listed), Joseph Dawson (who exchanged a greeting with Ashford on the road), and Thomas Broadhurst (going home after the dance party at Tyburn Inn).³⁶ The large number of people on the road around four o’clock in the morning can be explained by putting them into two groups: those who had not gone to bed from the night before, like the people at the country dance, and those who had to be up before dawn to start their work day, like the farmers.

In Ludlum’s tale, Maria has wisely discounted Thorntree’s false promises of a future together. Thorntree waits at the roadside to intercept Maria when she walks from Hannah’s house toward her uncle’s house, where she is staying. On seeing him, Maria announces, “I don’t like this! I’ll run back!” and Thorntree, like a dog spotting its prey, instinctively gives chase.³⁷ Both scripts stop short of showing the actual crime, although this is typical of crime melodramas. In a different sort of study, it might be fruitful to explore the morals and mentality of theatrical culture that finds it acceptable to re-enact stabbings and shootings that result in murder but balks at staging sexual assault.

³⁵ Ludlum, *What’s the Clock?*, 12, 14, 17.

³⁶ “Warwick Assizes, Friday Aug. 8: Trial of Abraham Thornton for the Murder of Mary Ashford,” *Times* 11 Aug 1817 (Monday), pg. 3.

³⁷ Ludlum, *What’s the Clock*, 16-19.

Both Ludlum and S.N.E. rely on chase sequences for the Act One climax. Ludlum uses spare stage terminology. The entire pursuit is summed up: “Enter Maria, almost out of breath, pursued by Thorntree: after various turns round the Stage, he seizes her by the arm.”³⁸ There are a few possible explanations for this brevity. Perhaps he trusts that his readers are familiar with performances and he believes their imaginations will engage so they can envision the scene. It is less likely that he could simply trust the skills of the actors because, unlike Barrymore from the previous chapter, Ludlum seems unaffiliated with a playhouse company. S.N.E., on the other hand, describes the scene in detail. The dialogue is utterly predictable; the action lies in the physical confrontation so carefully described. In this way, the script is creating a typically melodramatic moment. “Enter Marie flying from Thornville, her Dress in confusion, and her Hair wildly disheveled: she is pale as Death, her trembling limbs scarce support their burthen, and she totters to the front of the Stage... She slowly kneels, – her streaming Eyes are piteously raised towards Heaven, – she pauses, – her lips feebly utter an inarticulate Prayer, – a noise of approaching footsteps is heard, – she starts wildly on her feet, and flies. Enter Thornville, in Pursuit... he sees Marie flying up the Alpine Path, she crosses the little Bridge, and Exit.”³⁹ Melodrama’s robust popularity is justly attributed to its success with spectacle and action. Published scripts often describe action.

The methods the playwrights adopt to stage the Maria/Marie death can be seen as part of their efforts to connect their re-telling with the authentic crime. In Ludlum’s script, Thorntree’s Act I, scene 9 actions of taking off Maria’s shoes and bonnet and then

³⁸ Ludlum, *What’s the Clock?*, 18.

³⁹ S.N.E., *The Murdered Maid*, 14.

placing them on the side of the pit,⁴⁰ which appear ridiculous and unmotivated on the surface, must be executed to make the scene match the site as it was reported. This scene also allows the playwright to script the moment just after the rape occurred. Act I, scene 9, opens: “A Field. – In which is seen a Pit; and at a distance a Mill. --- Maria discovered lying on a Bank, senseless; her apparel in a disordered state, &c. Young Thorntree is taking off her Shoes and Bonnet; after which he takes the Body in his arms....”⁴¹ I am not confident that this is indicative of a trend in melodramas, but the discovery of the unconscious female victim does strongly echo Restoration she-tragedies where one standard theatrical maneuver involved the “reveal” of a ravished heroine, who had been dragged out of sight just one or two scenes before.⁴² One example is Act IV, scene 5 of John Dryden’s *Amboyna*, where a semi-conscious Ysabinda is “discovered,” when the scenery is drawn back, bound to a tree with her clothes in disarray and looking pale as death.⁴³ Jean Marsden, who references over thirty plays from the 1690s, suggests that the legendary sexuality of England’s first female actresses bumped up against the carefully constructed passive and pure characters scripted by the period’s playwrights to create exciting friction for the audience. The result is a contradictory and powerful erotic moment where male desire is played out upon the unwilling bodies of female characters, embodied by (presumed) willing actresses.⁴⁴ In the nineteenth century, George Ludlum

⁴⁰ Ludlum, *What’s the Clock?*, 19.

⁴¹ *Ibid.*

⁴² Elizabeth Howe, *The First English Actresses: Women and Drama 1660-1700* (Cambridge: Cambridge University Press, 1992).

⁴³ John Dryden, *Amboyna*, in *The Works of John Dryden*, vol. 12 (Berkeley: U. California Press, 1994), 52-53, 54.

did not need to be familiar with Dryden's play or any other specific Restoration text. The presence and style of this scene in *What's the Clock?* testifies to the enduring power of such a stage moment. There is, I think, room in theatre research for a further study examining the "ravish reveal" moment in popular theatre.

Like Ludlum before him, S.N.E. also creates for his audience a moment for which there is no historical record. There were no witnesses to the crime, the victim left no statement, and the supposed killer offered no confession. Yet the carefully described and wholly invented chase is the climax of Act I. Unlike the critics in Ancient Greece who held the opinion that it was not only distasteful but also perhaps impossible to convincingly stage death, it would appear from the number of on-stage deaths in other plays that actors and audiences in the early nineteenth century did not have a problem with staging murder. S.N.E., however, avoids writing a death scene. Presumably, killing is one of those elements that this moralizing author found distasteful. Instead, there is an off-stage scream, followed by "a noise, as of one falling into water."⁴⁵ A scream and a splash, of course, do not have to automatically mean murder. Yet an audience even fleetingly familiar with the case would know that the young woman's body was found in a pond. Lest there be any doubt, Marie's friend Anna proclaims, "God, no aid, Murder, Murder, up, up, Murder.... Oh friends, my dear companion has been, I fear, enticed this way, by the artifices of a villain, and murdered, I doubt not, as she is no where to be found."⁴⁶ Anna marshals the "peasants" to launch a search as the Act ends.

⁴⁴ Jean Marsden, *Fatal Desire: Women, Sexuality, and the English Stage, 1660-1720* (Ithaca: Cornell University Press, 2006).

⁴⁵ S.N.E., *The Murdered Maid*, 14.

⁴⁶ *Ibid.*, 15. "Anna" is the stand-in for Hannah Cox.

There are two more acts remaining in both Ludlum's and S.N.E.'s script, and Maria/Marie will not be seen (alive) again. This practice of killing the victim relatively early in the play is quite typical of true-crime murder melodramas, and a point in which they differ from most other melodramas where the hope, at least, of saving the victim keeps the tension going for most of the show. As terrible as such a crime might be, the murder is not the most interesting aspect of the true-crime melodrama.

Lawyers and Legal Corruption

In *What's the Clock?* and *The Murdered Maid, or the Clock Struck Four!*, the true-crime tale of attempted seduction and murder is put to service telling a more wide-reaching story of money and corruption. When an event "see-saws" through the private and public spheres, the transformations it undergoes can reveal larger social tensions that play out in the telling and re-telling of a singular event.⁴⁷ The issue of money and corruption, presented through the machinations of the Baron Falconbridge in the *Trial by Battle*, take their form in Ludlum's script as Quibble, the epitome of the corrupt lawyer, and in S.N.E.'s text the unscrupulous lawyer is called Coquin.

This section quickly sketches the situation of lawyers and courts in the early nineteenth century, where these murder cases first played out before a broad public audience before moving on to the even broader audience in the playhouse. As Martin Weiner wrote for an article in *Law and History Review*, "Courts have been regarded as a single thing – the 'courts' did this or that. Yet before they produced verdicts and rulings,

⁴⁷ Shifflett, "As Newly Ravish'd," 189.

courts were settings for events – arenas where competing narratives were in play.”⁴⁸ In the nineteenth century, it was possible for Thornton to raise the “trial by battle” defense precisely because the judges, lawyers, and other officers were actively engaged in interpreting England’s complex legal codes.

The venues for cases to be tried and settled in the early nineteenth century legal system included magistrates, “inferior” courts, ecclesiastical court, common courts, the assizes (where the more serious cases were tried), and a Supreme court.⁴⁹ A barrister was a lawyer who had been “called to the bar,” or been granted a sort of graduation ceremony, by one of the Four Inns of Court,⁵⁰ the professional organization that certified training and qualifications for lawyers. Attorneys, meanwhile, “were persons who had been admitted by the judges of the superior common law courts to conduct proceedings therein on behalf of clients.”⁵¹ At some smaller sessions or those in out-of-the-way places such as Derby, Doncaster, and Cornwall, barristers declined to attend for most of the early

⁴⁸ Martin J. Wiener, “Judges v. Jurors: Courtroom Tensions in Murder Trials and the Law of Criminal Responsibility in Nineteenth-Century England,” *Law and History Review* 17, no. 3 (Autumn 1999): 469-470.

⁴⁹ *Ibid.*, 468.

⁵⁰ The four Inns of Court are Lincoln’s Inn, Grey’s Inn, Inner Temple, and Middle Temple. During the eighteenth and early nineteenth century, there were additional Inns of Chancery that served as prep schools and then as the Inn exclusively for attorneys and clerks. By the beginning of the twentieth century, the Inns of Chancery had all “vanished.” “History of the Inn: Origins” *The Honourable Society of Lincoln’s Inn*, http://www.lincolnsinn.org.uk/index.php?option=com_content&view=article&id=145&Itemid=213 [last accessed 3 October 2012]

⁵¹ Bentley, *English Criminal Justice in the Nineteenth Century*, 97. See also, “History of the Inn: Origins,” *The Honourable Society of Lincoln’s Inn*, http://www.lincolnsinn.org.uk/index.php?option=com_content&view=article&id=145&Itemid=213 [last accessed 3 October 2012]. For attorneys, it was not until 1860 that there was a standard “preliminary examination.” The term “attorney” fell out of use in 1875 when the “courts of common law” were abolished. The preferred term for a non-barrister lawyer after that point was “solicitor.” In the early nineteenth century, standards had slipped at the Inns of Court for barristers as well. The previously rigorous series of legal examinations and the seven-year student term with residency expectations had been “diluted” to the “mere ritual of dining” and the “perfunctory formality of reciting the first few lines of a standard formula from a pre-prepared card.” Bar exams for barristers were introduced in 1852 and became compulsory in 1872.

nineteenth century and attorneys had full privileges to work in their place.⁵² It was the attorney who generally consulted with clients, gave legal advice, and drew up legal documents.

Etiquette prohibited potential clients from contacting barristers directly; instead, attorneys served as the go-between carrying messages from clients to barristers. Etiquette also prohibited barristers from taking cases that would pay less than one guinea for producing a brief or appearing in court. Both rules were violated often in London, partly because law was not an easy profession in which a man could establish himself and the work was not lucrative. Prosecutors and defense counsel alike could usually expect fees not greater than two guineas (unless the client was an unusually wealthy or established one) and many were willing to accept “half-guinea” cases. If a barristers, attorney, or those in their employ did not insist on being paid up front, they might earn nothing; they could not sue former clients for recovery of fees owed. Many defendants chose to represent themselves, and in cases where a judge assigned counsel to defendants charged with capital offenses, the attorney was required to render services for free.⁵³ Attorneys trying to drum up business would give kick-backs to prison guards who helped them identify clients who could pay. London’s Old Bailey and Newgate prisons were also regularly invaded by “sham attorneys,” men with no qualifications who would convince a prisoner’s family to hire them as defense counsel. Sometimes these sham attorneys would pass the case off to a barrister, paying the barrister one or two guineas although he had charged the family sometimes as much as ten pounds. Other times the sham attorney

⁵² Bentley, *English Criminal Justice in the Nineteenth Century*, 97.

⁵³ *Ibid.*, 98-99.

would keep all the money and simply disappear. Even recognized barristers might take a case, take the family's money, then pass the representation in court off to a less qualified substitute.⁵⁴ If a barrister took a case, and another more lucrative case later presented itself, he could drop the first without having to refund the client's money.⁵⁵

It proved to be a vicious cycle. Attorneys and barristers engaged in unethical practices because it was difficult to make a living by practicing law alone, but because their actions could be considered fraud or malpractice they never earned the sympathy needed to change the system and ease their difficult financial straits. In the early decades of the century, bills to reform both the fee system and to establish lawyer's qualifications repeatedly died in Parliament; reforms were gradually enacted between the 1830s and the 1880s.⁵⁶ In this environment, it makes sense that lawyers come in for considerable scorn in the plays from the early decades. In Ludlum's version of *The Mysterious Murder, or What's the Clock?*, the problem of injustice is not to be found in England's laws, per se; the problem is lawyers. According to Ludlum's corrupt creation Quibble, "The laws of England are good; no other country in the world can boast of such, were they abided by: but that's impossible; for when a new law is made, we immediately sit down to find out all its imperfections and errors. This enables us to take both sides of the question, either

⁵⁴ Bentley, *English Criminal Justice in the Nineteenth Century*, 97-103. For examples of such misconduct, Bentley cites letters and news items published in the *London Times*: 28 May 1833, 1 Jan 1836, 10 Feb 1836, 7 Dec 1841, 2 June 1842, 8 June 1842, 25 Jan 1845, and 23 and 25 Nov 1852.

⁵⁵ *Ibid.*, 100. The "no refund" policy was reversed in the 1880s.

⁵⁶ In 1834, the Central Criminal Court Act established a new court in London to hear cases of treason, murder, felonies, and misdemeanors. In 1856 the Central Criminal Court Act was amended to make the Central Criminal Court available to hear cases outside of its jurisdiction if there was concern that a defendant would not otherwise receive a fair trial. The Prisoner's Counsel Bill, which widened the ways in which an accused person and attorneys could address the courtroom, was passed in 1836. "Serious Crimes: Trials in the Old Bailey and the Central Criminal Court," *The National Archives* (Kew, Richmond, and Surrey UK) <http://www.nationalarchives.gov.uk/records/research-guides/old-bailey.htm> last accessed 3 October 2012. See also Bentley, *English Criminal Justice in the Nineteenth Century*, 100-106.

for the plaintiff or defendant: and we often get more by pointing out [sic] the faults of the law, than supporting a good cause.”⁵⁷ Ludlum’s fictional lawyer can admit fiscal motivations that a real lawyer might not. Quibble’s opinion of young Abram is, “He deserves to suffer!” Yet Quibble continues, “But what shall I get by that? very little; if he escapes, a great deal.”⁵⁸ For his part, Quibble is clearly of the opinion that a good fortune can fix all problems. He tells the accused man’s father, “You may depend, most men may be bought, some way or another, give them but their price.”⁵⁹ Quibble assures Abram Thorntree, as the young man is taken to the County Gaol, “Never mind! Money will make a prison comfortable.”⁶⁰ Money is his constant theme, and his manipulation of the courts is his greatest asset.

Most crime melodramas skip a courtroom scene (unless it can be used for some spectacular effect)⁶¹ since the audience has *already* seen the much more spectacular re-enactment of the crime itself. In the case of a true-crime melodrama, the audience also likely knows the basic testimony and the real-life verdict as reported in the press. *What’s the Clock?*, however, devotes 11 pages, or better than one-fifth of the total work, to courtroom events. This is unusual, and may be another sign that the pamphlet play was primarily intended for reading rather than performing. The first half of the courtroom

⁵⁷ Ludlum, *What’s the Clock?*, 27-28.

⁵⁸ *Ibid.*, 27.

⁵⁹ *Ibid.*, 26.

⁶⁰ *Ibid.*, 29.

⁶¹ For example, in George Dibdin-Pitt’s play (originally titled *String of Pearls*), Sweeney Todd is confronted in the courtroom by Mark Ingestrie, pale-faced but not actually dead. Sweeney, who dumped Ingestrie down his murderous barber-shop-chair-chute several scenes earlier, thinks he is seeing a ghost and goes stark raving mad in front of the whole crowded courtroom. See George Dibdin Pitt, *Sweeney Todd: The Demon Barber of Fleet Street*. Ed. Montagu Slater. (London: Percy Lund Humphreys and Co. for John Lane the Bodley Head Ltd, 1951).

scene includes dialogue that sounds suspiciously similar to any other pamphlet account of the case. In this instance, “Hannah Fox” states, “The deceased and myself was brought up together, and we were to the time of her death on the strictest terms of intimacy. On the return of the deceased from the market on the 19th of May, I accompanied her to a dance in the village; I did not dance myself but saw the prisoner there.”⁶² This language does not in any way match the language the character Hannah used in earlier scenes, but it is perfectly in line with the reported testimony of the historical Hannah Cox. The style of her testimony here matches the style of the others. The character of William Lavender, for example, begins by saying, “On being informed that a pair of shoes, bonnet, and bundle, was lying in the field near the house where I live, I went to the place and found the things lying near a pit; on dragging which, I found the body.”⁶³ In the script, Lavender’s testimony about the footprints is corroborated by Mr. Webb, then followed by the surgeon Mr. Bolus. After also calling Mr. Tapster and Mr. Turnout, the crown prosecutor rests and the witnesses for the defense are called. At his point, the style of dialogue changes remarkably. Instead of lengthy passages describing the scene of the crime and the formal testimony accounts, there are short witty exchanges pitting the representative counselors (Mr. Parsons for the crown and Mr. Reynard for the defendant) against the fictional witnesses Cowherd, Clodpole, and Ploughshare. Each claims to have passed the prisoner on the road, three and a half miles away from the site of the murder,

⁶² Ludlum, *What’s the Clock?*, 46-47.

⁶³ *Ibid.*, 47.

at half-past four in the morning.⁶⁴ It is this testimony that convinced the judge and jury to acquit Thorntree.

The three fictional laborers who testify that they saw Abram Thorntree more than three miles from the fatal pit are all marked by their jobs and accents as members of a lower class. Even if all the play's central characters are all from a provincial setting, comic characters specifically often exhibit a tendency for malaprops, coarse language, or crass humor that clearly sets them on a lower rung of the social ladder. In *Melodrama Unveiled*, David Grimsted observes, "all low-comedy stereotypes were presented on stage with some condescension as well as much affection."⁶⁵ Each producing theatre with a reliable stable of actors had a "low comedian" at its beck and call. Yet perhaps it is another indication that Ludlum's script was borrowing the theatrical form without recourse to a playhouse that he writes parts for *three* rustic characters, yet none of them are particularly funny. Cowherd, Ploughshare, and Clodpole visit the lawyer just before the murder trial is to commence. Clodpole relates their exchange with a man in a pub: "... And he said, says he, yo' be one o' the evidences, bean't ye? yo mun mind an' speak truth, or yo'll be pillow'd: So d'ye see, he come an' told us, and we think, should we be found out, that 30l. each an't enough to be pillow'd for?"⁶⁶ Ludlum's script contains most of the characters typically found in melodrama, but he repurposes many of them to suit his message.

⁶⁴ Ludlum, *What's the Clock?*, 36-37, 50-52.

⁶⁵ Grimsted, *Melodrama Unveiled*, 194. Although Grimsted's book deals primarily with melodrama in America, the cross-Atlantic exchange of literature and drama and some of the cultural similarities between the English and Americans mean that many of his excellent observations apply to British melodrama as well.

⁶⁶ Ludlum, *What's the Clock?*, 35.

Quibble has no trouble understanding Clodpole, although the laborer has substituted “pillow” for “pillory.” He warns them, “I think, Gentlemen, you should be content with what you have? I could have the whole village to stand in the pillory for the money: but to put an end to it, I’ll give you 5l. a piece more, out of my own pocket? (aside) I will put 10l. each in first.”⁶⁷ Quibble is not moved by their concerns. Similarly, Quibble has no great affection for the Thorntree family; he takes the Thorntree case purely because it will be highly profitable: “Our affair goes on charming; the old boy bleeds freely: What a fortunate thing is it, he’s plenty of money? . . . all-powerful Money?”⁶⁸ When Old Mrs. Thorntree visits her son in prison, Ludlum’s stage directions have her fainting in Abram’s arms, then “they all weep, except Quibble; who stands unmoved, watching the motions of the Younger Thorntree – Scene drops.”⁶⁹ Ludlum’s second-tier villain is excited by money, not by the feelings of others. He manipulates his clients, the court, and the prison system according to his own profitable designs. Perhaps Ludlum’s script hopes to pull back the curtain, as it were, and reveal the corruption present in the legal system. All of Quibble’s scenes provide a behind-the-scenes look at the work of a lawyer, and it is unflattering at best.

The elderly parent, whether fainting or ranting, is another standard character in melodrama. S.N.E.’s script for *The Murdered Maid* does a better job than *What’s the Clock?* at creating traditional lines of business for characters. It is usually the deceased’s

⁶⁷ Ludlum, *What’s the Clock?*, 35.

⁶⁸ *Ibid.*, 32. By now, you may have noticed question marks appear in this play in places where there probably should be exclamation marks. I preserved the original odd punctuation. My guess is that the printer had a finite supply of exclamation marks at his disposal and, when he was running low, he substituted question marks. This is consistent throughout this pamphlet script.

⁶⁹ *Ibid.*, 41.

parent or grandparent who is left to mourn and to call for justice, and it is with this figure the audience is meant to relate. For these characters, crying is not a sign of weakness. As David Grimsted observed, “Emotional sensibility was the real criterion for virtue, and crying became its testament.... Tears were the sure sign of inner virtue.”⁷⁰ This “sympathize with the crying old father” directive is used repeatedly in melodramas, whether true crime or not. For just one example, when W. T. Moncrieff’s *The Lear of Private Life* was produced at the Coburg Theatre in 1820, the beleaguered father’s appearance is pointedly “musically accompanied by Handel’s ‘Tears such as tender fathers shed.’”⁷¹ There is no shame when Old Ashville faints at the sight of his dead granddaughter’s body, just as there will be no shame in the Red Barn play of 1828 when Mr. Marten completely breaks down and sobs upon the discovery of his daughter’s corpse. Such father figures excoriate the accused murderer, threaten, condemn, and call on God’s justice, but their rhetoric is also heavily laden with references to past “days of happiness” and the young woman’s “youthful fancy” and “innocent heart.”⁷² In the plays based on the Ashford-Thornton case, the elderly father figures are especially sympathetic because the earthly justice system fails them.

The low opinion of lawyers, and their unscrupulous business dealings, appears again in *The Murdered Maid* by S.N.E. In the very first scene, Marie and Anna let the audience know that Advocate Coquin made some tentative advances to Marie, but abandoned his suit when he learned Marie was poor and there was only a “silly rumour”

⁷⁰ Grimsted, *Melodrama Unveiled*, 11.

⁷¹ Davies, “Playwrights and Plays,” 215.

⁷² S.N.E, *The Murdered Maid*, 25.

that she had inherited a large fortune.⁷³ In Act Three, the audience learns that Thornville is set free: “The power of gold prevails, the murderer, spite of reason, probability, every thing, is at last acquitted.” Marie’s elderly grandfather is left to lament, “Such is the world! I am poor, the libertine is wealthy, and my child’s foul murder unrevenged.”⁷⁴ In this scripted version of events, Thornville and his friends retire to “an elegant estate” on the night of the acquittal for a celebration, and when a younger lawyer suggests that Thornville’s attorney might have an unsettled conscience, Coquin berates him as “ignorant,” saying, “When did you ever hear that a lawyer’s conscience twinged him on counting the fees in a bad cause? -- when did a surgeon give back his fee for amputating a limb, altho’ his patient died in the operation – or a politician sleeping the worse, for having pursed the thousands that purchased that thing *you* call conscience. No, no, conscience, ’tis a good article to take into the money market; and should be retained in the owner’s hands not a moment after the full value is offered for its purchase.”⁷⁵

As the stereotypical greedy lawyer, Coquin is eager to maximize his profit, but Coquin is perhaps less odious than the lawyer Quibble. Although the “10,000 francs” offered by Old Thornville is certainly a huge enticement, Coquin is also motivated to take the case because he is a family friend. “I should like to serve my old friend, and extricate his dissipated son, if I could; but how, how?... Yes, my hair-brained hero, you will need all Coquin’s skill, to ’scape a halter.”⁷⁶ The specifics of his skills are left unarticulated.

⁷³ S.N.E., *The Murdered Maid*, 8.

⁷⁴ *Ibid.*, 30.

⁷⁵ *Ibid.*, 33. It is worth noting that money itself is not presented as inherently evil. In fact, Old Ashville relates that his additional suit against the murder is only possible because, “Burning with honest indignation at his present unmanly triumph, several of my wealthy neighbours have enabled me to appeal to the Sovereign for vengeance” (30).

The audience does not observe Coquin paying any witnesses or suborning perjury, but again, the problem is the manipulations of lawyers, not the British law. Like the real defense attorneys, Coquin latches onto the fact that the timeline is fuzzy; he decides the best course of action is to claim that Thornville left Marie hours before her death and to suggest that she committed suicide, throwing herself in to the pond like a ruined Shakespearean Ophelia.

S.N.E.'s script is more typical and predictable than Ludlum's, in that it does not show a courtroom scene. Act Two ends with the company mourning Marie's death, and Act Three begins with a report about what has transpired in the time lapse. Where the "well-made play" provides satisfaction as it "shapes undifferentiated clock time into linear, structured stage time,"⁷⁷ the melodrama's scenes move without undue attention to time continuity, sacrificing form when it can instead achieve effect.⁷⁸ In *The Murdered Maid*, kind-hearted inn-keeper Leclerq reports the accused murderer has been acquitted at the end of a high-profile trial.

In the latter half of the nineteenth century, William Otter Woodall, a historian of British trials, wrote regarding the Ashford-Thornton case, "There has probably been no case in the criminal records of this country, during the present century, that has attracted so universally the public attention."⁷⁹ This hyperbolic claim – that a particular trial is

⁷⁶ S.N.E., *The Murdered Maid*, 23-24.

⁷⁷ Andrew Sofer, *The Stage Life of Props* (Ann Arbor: University of Michigan Press, 2003), 168.

⁷⁸ This is one of the main points of a somewhat simplified but surprisingly good summary on melodrama in the general introductory textbook: Edwin Wilson, *The Theatre Experience* (Boston: McGraw Hill, 1994), 183-185, and also a theme in James L. Smith, *Melodrama* (London: Methuen & Co, 1973).

⁷⁹ William Otter Woodall, ed., *A Collection of Reports of Celebrated Trials, Civil and Criminal* (London: Shaw, 1873), 1. Also quoted in Dyer, "Ivanhoe, Chivalry, and the Murder of Mary Ashford," 384.

THE most important or popular – is made at least once for three of the four cases I address in this study, and is applied to several other cases for which I do not have plays (the Greenacre killing, the Manning murder trial, and the Burke and Hare affair, to name a few). Still, even if the Ashford-Thornton case was not quantifiably “the most popular,” it clearly did have a high profile. In S.N.E.’s text, Leclerq reports, “Never before was public interest or curiosity so universal, as this dread case excited. How splendid was the Court, crouded [sic] in every part, Prince, Peers, the rich, and powerful, witnessed a trial never surpassed in its details of vice...”⁸⁰ The potential for people of money and status to be in attendance is not as exaggerated as it might appear. Thornton, led by his attorneys Mr. Reynolds and Mr. Reader, followed the medieval statute to the letter and threw down his gauntlet glove and vowed to defend his claim with his body in the Court of the King’s Bench in Westminster,⁸¹ the English venue for ceremonies as important as the king’s coronation banquet.⁸² The “densely crowded” court included curious noblemen, “Lord Yarmouth and Lord Mountford conspicuous among the spectators.”⁸³

The Physical and the Pamphlet

The printed play poses special challenges and unique opportunities for analysis. In a theatre, an audience enjoys a sensory experience that engages sight and sound at a

⁸⁰ S.N.E., *The Murdered Maid*, 30.

⁸¹ Dickens, “Old Tales Retold: Wager of Battle,” 499. William Ashford was represented by attorneys “Clarke, Gurney, and Chitry.”

⁸² Dyer, “Ivanhoe, Chivalry, and the Murder of Mary Ashford,” 404. Dyer notes that it is coincidence, but suggestive nonetheless, that until 1830, part of the coronation ceremony in Westminster included the “king’s champion” riding in on horseback, throwing down a symbolic glove, and offering to face any challengers in combat.

⁸³ Dickens, “Old Tales Retold: Wager of Battle,” 499.

minimum. Often the senses of smell, touch, and taste are also awakened in a playhouse, and although these sense may be responding to off-stage stimuli like the jostling crowd or cheap refreshments, the complete play-going experience fully engages the spectator. The play script alone cannot do this. Although it has size and weight, those qualities are entirely separate from the message its author intended to communicate. As Elaine Scarry writes in her study of the power of imagery to bring the written word to life, “The verbal arts are of particular concern here because they – unlike painting, music, sculpture, theater, and film – are almost wholly devoid of *actual* sensory content.”⁸⁴ Nevertheless, authors throughout time have succeeded in creating worlds in which reading audiences are able to immerse themselves.

In narrative poems and novels, “The people on the inside of the fiction report to us on the sensory qualities in there that we ourselves cannot reach or test.”⁸⁵ Ludlum’s play is not a great work of literature, but the techniques that bring the audience into the story are much the same. When the murderer, waking from a night in jail, says, “By the sun’s beams darting through those iron bars, it must be 7 o’clock,”⁸⁶ the audience is given something Scarry considers exceptionally powerful: the sense of the intangible (light) sliding over the solid (bars). Similarly, regarding the “horrid irons” keeping him in his cell, the villain reports, “They hurt my legs a bit to be sure.”⁸⁷ These simple techniques allow the written word to bring to life the experience of the characters inside the drama.

⁸⁴ Elaine Scarry, *Dreaming by the Book* (Princeton NJ: Princeton University Press, 2001), 5. Emphasis in original.

⁸⁵ *Ibid.*, 25.

⁸⁶ Ludlum, *What’s the Clock?*, 38.

⁸⁷ *Ibid.*, 38-39.

The presence of physical objects in *What's the Clock?* are no accident. It is significant that the first time Quibble is introduced, he is shown “reading a newspaper; over a bottle.”⁸⁸ It is not just to mark him as a consumer of popular tales, and overly fond of drink as well. Elaine Scarry argues that the presence of solid objects is key to the process by which a reader imitates sensory experiences. The objects attend to “the putting in place of the vertical floor that bears our weight and stops our inward fall into the narrative’s risky projective space.”⁸⁹ Similarly, Maria’s shoes and bonnet function to ground both the reader and Thorntree, without either necessarily realizing their full importance. But their function does not end there. In a murder melodrama like this, such objects provide another layer for the reader when their presence fulfills the audience expectation by repeating details from news reports. The state of Mary Ashford’s clothes formed a not inconsiderable part of the case testimony. It is no accident that Ludlum makes reference to her clothes repeatedly in *What's the Clock?*. Maria herself mentions her outfits twice on the first page of dialogue, and Thorntree asks the landlord at the dance, “What genteel girl is that in the straw bonnet and white gown?”⁹⁰

Perhaps more than any other object, Ludlum invokes the clock. In her first exchange, Maria tells Hannah that her good health and happy spirits are due to her wholesome lifestyle full of hard work and positive thinking: “In this way I cheerfully pass my days, and as regular as our old clock.”⁹¹ The countryman on the turnpike road at

⁸⁸ Ludlum, *What's the Clock?*, 23.

⁸⁹ Elaine Scarry, *Dreaming by the Book* (New York: Farrar, Straus and Giroux, 1999), 30.

⁹⁰ Ludlum, *What's the Clock?*, 9.

⁹¹ *Ibid.*, 6-7.

four in the morning likens the chattering of his wife to “the larum of our old clock.”⁹² The longest gap without mention of a clock is seven pages in Act I, mostly when the crime is being committed. The clock has a prominent position in the title. It is as if Ludlum sat down to write his play and thought, “How many references to clocks can I work into one text?” The playwright’s choice underlines one of the central issues in this case: time. But since no one seems sure of their timepieces, human efforts to mark time are slippery. This is what allows Quibble to undermine the justice system. In the script, the murderer works out the equation aloud: “Let me see; -- I left her at four o’clock; she stopp’d about fifteen minutes at her friends; the deed was done before five: by crossing the fields I gain’d about twenty minutes; and when I met Mr. Fallow, he said ‘twas only half past four by their clock, which certainly must be too slow; as it was past five by my watch, at the time; and I know it is right by the Church: but no matter; ‘tis in my favour. But if the clock be found out late? then I’m lost! Well, I don’t care! I can but die once.”⁹³

From the very title of the drama through the courtroom testimony at the end, the clock is not mentioned merely as a time-telling device, but serves a metaphoric function as well. It is quite possible to read the references to clocks as an effort to remind the reader that time is fleeting, making the clock serve a kind of memento mori function. Secondly, the instability of the time-telling devices re-enforces the idea that human systems are inadequate and corruptible. It seems innocent enough when Maria retrieves her clothes from her friend’s house and asks, “But What’s the Clock?,” to which Hannah

⁹² Ludlum, *What’s the Clock?*, 14.

⁹³ *Ibid.*, 21-22.

replies, “By our’s it is nearly five, but it is a great deal too fast.”⁹⁴ The intended reader, already aware of at least some of the particulars of the case, is thus grounded by references to physical timepieces while simultaneously feeling unsettled by the inevitable march of time and the inability of humans to control or even understand it, an effective way of building suspense into the experience of reading a story where the outcome is already known.

Conclusions

What at first appears as a conundrum with the true-crime murder play, where the dramatic story ostensibly re-presents yet over-writes the actions that historically occurred, actually points to the drama’s strength – the fictional life of the theatre becomes a tool in the very necessary and very human process of making sense of a horrible real-life event. Fredric Jameson, literary critic and political theorist, wrote, “[T]he aesthetic act is itself ideological, and the production of aesthetic or narrative form is to be seen as an ideological act in its own right, with the function of inventing imaginary or formal ‘solutions’ to unresolvable social contradictions.”⁹⁵ Deploying the theatrical frame can confine a threatening story, and even redefine the central issue. The plays that developed from the Ashford-Thornton case examine corruption as much as murder. For every detail the authors leave intact, there are many others to which they apply considerable creative license.

⁹⁴ Ludlum, *What’s the Clock?*, 15.

⁹⁵ Fredric Jameson, *The Political Unconscious: Narrative as a Socially Symbolic Act* (London: Routledge Classics, 2002), 64.

In S.N.E.'s text of *The Murdered Maid*, the timeline of events is collapsed to produce a strong dramatic effect; Ashville's appeal is held the day after the first trial. The judge Le Juste listens while Guillaume summarizes the charges and Thornville summarizes the testimony offered on his behalf the previous day at the (unstaged) trial. It is a quick and dramatic summary, without any particulars, at the end of which Thornville throws down a glove and demands his "Wager of Battel" [sic]; Coquin, standing by, has a copy of the obscure statute ready for Le Juste to inspect. Historically, the presiding judge Lord Ellenborough took about two months before issuing his decision,⁹⁶ but in the play the ruling is, necessarily, instant. Guillaume produces a shield, inscribed with the words "Avenge Marie" – how Guillaume would have come to possess such a handy shield without knowing about the "Battel" ahead of time is evidently of no concern.⁹⁷ In typical melodramatic fashion, scenes move at an urgent pace but without a particular sense of continuity. The name of "Marie" is enough to send the guilty man mad. In an entirely fanciful conclusion, the stage directions state, "Draws a concealed Pistol, and shoots himself, -- he drops without uttering a word, -- all start up in horror."⁹⁸ The court officer Laloi speaks five closing lines containing the moral of the story, urging "giddy youth beware" lest they suffer a similar fate, and the play is done.⁹⁹

⁹⁶ Dickens, "Old Tales Retold: Wager of Battle," 500. Thornton claimed right to the Trial by Battle on 24 January 1818. It was discussed and debated on 29 January 1818 and again 7 February 1818. Lord Ellenborough issued his ruling, declaring the Trial by Battle an unusual but legal procedure, on 16 April 1818. William Ashford did not accept the "wager of battle" and Thornton was discharged 21 April 1818.

⁹⁷ S.N.E., *The Murdered Maid*, 38-43.

⁹⁸ S.N.E., *The Murdered Maid*, 43.

⁹⁹ *Ibid.*

It is this type of pat conclusion that would allow 21st century reviewer Peter Marks, writing for the *Washington Post* in 2004, to opine that a recent production “makes a disastrous foray into melodrama, resorting improbably to a rape and some gunfire... The report of a pistol may have been a stunning stage effect in the time of Ibsen and Chekhov; in 21st-century theater, however, gunpowder smells a lot like desperation.”¹⁰⁰ The pistol-shot is seen as a plot device for an author with no other way to conveniently end a story. The gun “proved a tried-and-true device not only for driving home the moral (the virtuous triumph, and the wicked are punished), but also for bringing down the curtain with a bang.”¹⁰¹ For the actor or actress, however, “The pistol is no symbol but a concrete acting tool that successively releases feelings of sexual excitement, hatred, morbidity, and vanity,”¹⁰² and as Sofer suggests, the pistol on stage is a traditionally masculine accoutrement. Over time, the gun became such a hackneyed prop that later playwrights had to tread carefully if they were to realize the gun’s full potential to accelerate or decelerate stage time,¹⁰³ but melodrama playwrights were nothing if not utilitarian; they would not have continued to use the pistol on stage unless it functioned effectively in their plots and was acceptable to their audiences.

In life, Abraham Thornton did not commit suicide. According to Charles Dickens and Richard Altick, the public generally believed Thornton to be a murderer, and this

¹⁰⁰ Peter Marks, “Anna in Tampa: End of Stogie,” *Washington Post*, 11 October 2004, C01 (Style). This review of Nilo Cruz’s Pulitzer-prize winning play *Anna in the Tropics* described both the staging and the writing as lackluster.

¹⁰¹ Andrew Sofer, *The Stage Life of Props*, 169.

¹⁰² *Ibid*, 177.

¹⁰³ Sofer discusses the use of guns on stage in Samuel Beckett’s *Happy Days*, Maria Irene Fornes’s *Fefu and Her Friends*, Marsha Norman’s *’night, Mother*, and Ibsen’s *Hedda Gabler*.

unfriendly environment prompted him to leave England and head to America where he found success as a bricklayer.¹⁰⁴ S.N.E. supplies an alternative ending and supposes his audience will forgive the alteration of facts because the dramatic version is so much more satisfying.

George Ludlum's play, however, does not provide such an inventive ending. Instead, it follows its real-life inspiration in this regard; Abraham Thornton was found not guilty and no perpetrator was punished for Mary Ashford's murder. The audience's taste for pat conclusions is frustrated, stymied by the truth. It is possible that George Ludlum, by his own admission not a professional playwright, did not understand audience/performance relationship that guides script and production choices in commercial theatres, but it is equally likely that his script denies the reader a tidy conclusion simply because he did not have to invent such a false ending. Ludlum writes an opinion piece masquerading as a play. If his point is to rile up his reader by showing the injustice of the situation, then giving the reader a feel for the world through historical detail while denying the reader a happy ending serves his purposes better. Perhaps, in this moment, a playwright who is not writing for the commercial stage can more easily make the bold choice to deny justice at the end of the play.

So, at the end of *What's the Clock?*, what is the audience left with? The justice system has been undermined by a money-hungry lawyer who presumably enjoys his profit. Abram Thorntree, a murderer, is saved from prison and escapes punishment. Old Mr. Thorntree hints his family might eventually face bankruptcy because of the expense involved, but this is not explored. The fact that Maria was technically not a virgin when

¹⁰⁴ Altick, *Victorian Studies in Scarlet*, 51; Dickens, "Old Tales Retold: Wager of Battle," 500-501.

she died is conveniently overlooked, since a chorus sings for the audience, “Clad in Robes of Virgin Light, She shines in bright Eternal Day.”¹⁰⁵ For further reassurance, Maria’s heavenly spirit appears: “Maria is seen to descend in radiant clouds; a crown of gold on her head; in her right hand a harp; and the fore finger of her left hand pointing towards Heaven.”¹⁰⁶ Such a suitably spectacular moment is common throughout melodrama’s history; Maria Marten in the Red Barn play will make a similar appearance, and a hundred years and an ocean away, Little Eva and Uncle Tom will still be doing the same kind of ascend/descend stunts. But in *What’s the Clock?*, the criminal is not punished. Justice is not done. Maria’s family and friends are nowhere to be seen. The only remotely “happy” part of this resolution lies in the fact that a “Maria Ashfield” is in heaven and a nice monument has been erected on earth bearing the inscription, “Sacred to the Memory of Maria Ashfield; Whose Prudence and Virtues, rendered her universally belov’d and respected, by all who knew her. Yet by a MONSTER in human form, fell a victim to Cruelty and Lust. This MONUMENT was erected by her Friends, to perpetuate the fatal Effects of Inordinate Passions.”¹⁰⁷

The authors who penned *What’s the Clock?* and *The Murdered Maid* supplied pamphlet play entries into a larger print dialogue about the nature of the Ashford-

¹⁰⁵ Ludlum, *What’s the Clock?*, 55.

¹⁰⁶ *Ibid.*, 56.

¹⁰⁷ *Ibid.*, 54-55. I have preserved the punctuation and case used in the playscript. The pamphlet play would not have had to worry as much about building a thrilling final scene as a production script, and Ludlum writes a dull sequence where five men and five women take turns approaching the monument and, one at a time, intone, “Peace to her Shade.” The monument’s inscription is another tricky element. Even the first row of spectators in the pit might have a hard time making out all the words. Of course, this does not mean it could not have been done. Perhaps the chorus parade could have been staged in an exciting way. The text of the inscription could have been circulated in printed playbills. Furthermore, circus-playhouses in particular had skirted prohibitions against “spoken drama” by introducing “linen scrolls, also known as flags or banners... held aloft on stage by the performers for the audience to read,” bearing short but important catchphrases. (Moody, *Illegitimate Theatre in London*, 28-29.)

Thornton case. The pamphlet play asks its audience to read with an engaged imagination, to envision the events as if they were playing out on stage. The true-crime play's issues are framed and re-framed between imaginary curtains and behind make-believe footlights, even if it does not live and breathe in three dimensions.

Chapter 4: The Gamblers' Case; or, The Fatal Gig on the Surrey Stage

Introduction

In his compiled history of the Bow Street Runners, the first professional British police force, Percy Fitzgerald observed that the Thurtell-Hunt case was “so extraordinary in its melodramatic incidents, so lurid in its details, that it holds the reader with a sort of fascination akin to the attraction of some repulsive but absorbing melodrama.”¹ The case did indeed find its way into popular imagination through multiple print sources and theatrical adaptations.

Descriptions of the murder of William Weare in 1823 repeat a series of graphic events. Weare, an accomplished gambler, was planning on spending the weekend playing cards and dice with three other less adept gamblers at a modest country house eleven miles outside London. One of the cohort, John Thurtell,² picked Weare up from the inn where he lodged and the two set off in Thurtell's small rented carriage drawn by a single horse. As they neared the country house, Thurtell drove down Gill's Hill Lane, a road which is known colloquially even in recent decades as Murder Lane.³ There Weare and Thurtell struggled, Thurtell killed Weare, and hid the body in a roadside hedge until his

¹ Percy Hetherington Fitzgerald, *Chronicles of Bow Street Police Office, with Accounts of the Magistrates, "Runners," and Police, and a Selection of the Most Interesting Cases*, vol. 2 (London: Chapman and Hall, Ltd, 1888): 127. Bow Street's officers were legendarily quick-witted and fleet of foot, leading to the nickname "Runners."

² According to period sources, "Thurtell" rhymes with "turtle."

³ Albert Borowitz, *The Thurtell-Hunt Murder Case: Dark Mirror to Regency England* (Baton Rouge: University of Louisiana Press, 1987), 239. When Borowitz visited the site in the 1980s, he asked his taxi driver about the area. "The driver then volunteered that for some reason unknown to him Gill's Hill Lane was sometimes called Murder Lane."

accomplices could arrive to help move it to what they hoped would be a permanent resting place in a local pond.⁴ When John Thurtell, Joseph Hunt, and William Probert were arrested and faced trial, Probert quickly turned crown's evidence to testify against the others. In addition to the numerous character witnesses who described Thurtell as a profligate gambler and boxer, there were many people who identified the murderer's pale-faced horse and gig. The outcomes varied: Thurtell was hanged; the ghost-faced horse became the centerpiece of a theatrical production; Hunt was transported to a penal colony in Australia; Probert was released, only to be hanged the following year on charges of horse-stealing.⁵

The Gambler's case prompted a theatre manager at London's Surrey Theatre to commission a dramatization of the events while the murder trial was still underway. Several other theatres advertised plays based on the same case, and even more took up the general theme of the dangers of gambling, but it was the Surrey Theatre that went to greatest lengths to establish its primacy by acquiring furniture from the country house that had belonged to William Probert and by buying the very horse and carriage in which the murdered man was spirited to his death. Presenting the original physical objects was essential to the theatre's marketing strategy and to providing the audience with an

⁴ Evidence was given to this effect in the court testimony, with these details featuring prominently in the broadside *The Hertfordshire Tragedy; or the Fatal Effects of Gambling* (London: J. Catnach, 1824); the leaflet *An Account of the Trial and Sentence of John Thurtell and Joseph Hunt for the Murder of Mr Wear, also an Account of the Execution of John Thurtell on Friday the 9th of January 1824* (publisher unknown); and the broadside *A Full, True, and Particular Account of the Trial of Thurtell & Hunt for the Murder of Mr Weare, at Hertford, in Oct. Last* (Gateshead: W. Stephenson, 1824). All are housed in the Borowitz Crime Ephemera Special Collection at Kent State University, Kent OH. Some are also available at the British Library, London.

⁵ Camden Pelham, *The Chronicles of Crime, or, The New Newgate Calendar*, (London: Thomas Tegg, 1841) vol. 2, 100-103. After the Thurtell case, Probert took refuge at his mother's house. There he met a distant relative named Meredith and stole this man's mare, took it to London, and sold it for 20 pounds. Meredith tracked him down and had him arrested, 18 February 1825. At trial, Probert argued that he was a broken man, driven to steal because his countrymen hated and shunned him due to his former association with Thurtell. The jury delivered a guilty verdict and Probert was hanged on 20 June 1825.

“authentic” experience. The dramatization itself departs from the case in an astonishing number of ways, but by putting the actual horse and sofa into use on the stage, the theatre activated the otherwise insignificant objects, endowing them with levels of meaning that let the Surrey Theatre’s claim to authenticity transcend the claims of its peer institutions, including London’s Coburg Theatre.

Underworld Entertainments and Contradictory Narratives

As the 1818 “trial by battle” fiasco attests, English law did not develop in a clear, coherent manner, and by the nineteenth century many outmoded rules were still on the books. While Abraham Thornton’s trial showed that those with a good command of the law could find many loopholes, other entities simply chose to skirt the laws or ignore them altogether. As earlier chapters explained, London’s minor theatres found a number of creative ways to overcome the limitations imposed by their licenses. The possible financial gain attached to producing “intellectual” spoken dramas like *Electra* and *Richard III* inspired a number of creative staging techniques in the minor theatres. Presenting *Macbeth* with a melodramatic musical underscoring with singing witches walked a thin line between legal and illegal, but the financial gain and satisfaction was evidently worth any potential legal risk. Theatre was not, however, the only illicit yet large-scale enterprise in the nation’s capital. Open gambling and boxing were both illegal in England during the early nineteenth century. This prohibition had been in place for some time for some classes; at least as early as 1541, English legal codes contained laws

like the one stating that “no apprentice, servant, or artisan was permitted to play at tennis, bowls, cards, dice, quoits, or ‘any other unlawful game’ except at Christmas time.”⁶

The *de jure* prohibition against boxing and gambling gave way under the weight of the *de facto* popularity of fights and betting, and legal loopholes made private clubs acceptable sites for such entertainment, in much the same way that the minor theatres eventually earned a large slice of market-share despite the legitimate theatre’s ostensible monopoly on spoken drama. Even author Pierce Egan observed the similarities between boxing and the minor theatres, stating “The amphitheatre, boxing, foil-play, and cudgelling [sic] schools, were openly advertised, and the amusements made known, like unto any of the regular theatres – the audiences equally as fashionable; patronized by the noble and great, and not disturbed, but tolerated by the magistrates.”⁷ Egan’s first installment of *Boxiana, or, Sketches of Ancient and Modern Pugilism*, was provided to subscribers in 1812 and was available for general purchase in 1813. Boxing may have been illegal but fighting was obviously popular and profitable, leading to the establishment of a famous private gentleman’s club in 1814 known as “The Fancy,” which existed primarily to support prize-fighting in London.

Boxing was an exclusively male world. Professional boxers usually came from the urban working class, especially during periods of economic depression. Class was less of an issue among boxing’s audience members. Although merchants and minor nobility presumably knew that their social positions differed and acted accordingly on the public street, when they were ringside the regular rules seemed not to apply and they

⁶ Borowitz, *Dark Mirror*, 9.

⁷ Pierce Egan, *Boxiana, or, Sketches of Ancient and Modern Pugilism, from the days of Broughton and Slack to the Championship of Cribb* (London: George Virtue, 1830), vol. 1, 28.

mingled without regard for traditional status. This in and of itself was cause for concern in some circles. Working and lower classes also mingled with men of the merchant class in gambling halls, known (provocatively) as gambling “hells.” In London in the early 1800s, there were about five gambling hells open each year but their numbers were to grow. By 1821, there were at least 22 gambling hells, with more opening and shutting in the West End annually.⁸ Despite Pierce Egan’s philosophical consideration that boxing taught British men how to be strong and noble, and therefore turned them into assets in the British military and made them valuable in support of Britain’s imperial enterprise,⁹ on a practical level fighting and gambling were inseparable and fight “fixing” was rampant.

John Thurtell was not the typically obvious candidate for life in the boxing ring or at a gaming table. He came from Norwich, England, a town that had built its reputation upon fabric. Already by the 1600s, Norwich was well known for turning English wool into quality woven cloth. When Norwich’s hold on the wool fabrics market started to slip in the late 1820s, the fabric producers turned, creatively, to importing new raw materials and manufacturing crepe, silk fabrics, and blends.¹⁰ John Thurtell’s father, Thomas Thurtell, Sr., was a prosperous merchant who traded well and worked his way into a position as a Norwich alderman, eventually becoming Mayor of Norwich. John Thurtell initially signed up for the Navy, but in 1814 he resigned and returned home to pursue

⁸ Borowitz, *Dark Mirror*, 10.

⁹ Egan, *Boxiana*, iv-vi.

¹⁰ Cathy Terry and Victoria Mitchell, “Norwich Textiles: History.” A collaboration of Norfolk Museums & Archaeology Service and Norwich School of Art and Design, devised and facilitated by Cathy Terry, Curator of Social History (NMAS) Victoria Mitchell, Senior Lecturer and Course Leader, Textile Culture, (NSAD). http://www.norwichtextiles.org.uk/history/manufacture_trade-economy/how-the-textiles-trade-worked/changing-fortunes [Accessed 25 April 2010.]

business in his father's line. The senior Thurtell set his son and a business partner up with a company manufacturing bombazine, a kind of twilled or corded dress fabric. For a time, it appeared that the cloth manufacturing would make John Thutell a conventional and successful businessman like his father. One writer at the time described John Thurtell this way: "He was well known to be the son of Alderman Thurtell, of Norwich, a man of great respectability, of considerable property, and likewise possessing superior talents."¹¹ In and outside Norwich, money and business success also translated into political and social respect.

Around 1818, however, the Anchor Pub in Norwich's Lobster Lane was purchased by a moderately successful boxer, and the novelty of gambling and fighting distracted John Thurtell from his appointed pursuits. He began to neglect his business interests, and traveled regularly to London to see and bet on boxing matches. During one trip to London, Thurtell was supposed to collect payment for cloth but he returned to Norwich without any of the money. Thurtell claimed that highway bandits beat and robbed him en route. His creditors, however, suspected that he had gambled away the money, and refused to extend further credit. The Thurtell-Giddings cloth shop closed in 1821. The same year that Thurtell's bombazine company closed, his younger brother also declared bankruptcy. John Thurtell moved to London and opened the Black Boy Pub, using not his own name but the name of a third brother evidently not soiled by a bankruptcy. The issue of identities and aliases appears in most of the cases I examine here and in other works of melodrama, fiction, and record. Aliases allowed the historical "Jenny Diver" and the fictional title character of *Paul Clifford* to escape notice, avoid

¹¹ Pierce Egan, *Recollections of John Thurtell*, 34.

arrest, and continue criminal activities. I think the representations of slippery identity reflect urban anxiety about knowing, or not knowing, ones' neighbors as populations shifted and grew. The issue continued to appear in dramas during the century; I address it again in the last chapter covering the *Jonathan Bradford* play.

In 1821, although the underground world of boxing was flourishing, John Thurtell was losing large sums of money on bad boxing bets. In early 1822, he managed to convince his bankrupt brother Tom to join him and a new business partner, William "Bill" Probert, in purchasing the Cock Tavern and a warehouse nearby. Probert began his career as a clerk to a wine merchant, then married the daughter of an old-fashioned brewer and used her dowry to set himself up as a wine merchant on his own. Although he kept a house outside of town and drove into London with a crew in full livery, he was bankrupt to the tune of roughly £14,000, hiding his few existing assets from inspectors and refusing to answer questions from bankruptcy commissioners. He even served some time in King's Bench prison, where he evidently robbed the money-box in the prison's coffee house.¹² Together, the Thurtells and Probert took out an insurance policy in December of 1822, and burned their warehouse down in January of 1823. The County Fire Office, which held the policy, suspected arson and refused to pay. Without the insurance money, the tavern keepers were unable to pay suppliers and the butcher who provided meat for the kitchen cut off their supply entirely in early 1823.

Probert and Thurtell next became acquainted was Joseph "Joe" Hunt, who had spent a short period in Newgate prison for reasons now unknown, and briefly worked as manager of the Army and Navy Tavern, where he too failed to pay his suppliers and, as several pamphlets later proclaimed, left a pile of debts upon his departure. His most

¹² Borowitz, *Dark Mirror*, 23.

attractive attribute was his charming singing voice. In fact, when he resided in prison awaiting trial, the gaoler asked him to sing to entertain some visitors, who appreciated his performance. When the first song ended, fellow prisoner Thurtell requested his “old favorite” titled “The Look Out, or Old Conwell the Pilot,” and when Hunt finished there was applause from prisoners and visitors alike.¹³ According to pamphlet reports, Hunt sometimes appeared on stage acting in bit parts at minor playhouses. The theatre held a special draw for Thurtell as well. He was “very attached to theatricals,” and would memorize dramatic lines and passages. In Pierce Egan’s *Recollections of John Thurtell*, he wrote that sometimes “he would burst forth, in familiar company, like some stage-struck hero,” and “his imitations of Mr. Kean, were considered very far above mediocrity.”¹⁴ The pamphlet representation provided by Egan must command more respect than many of the narratives hastily constructed after Thurtell’s arrest. Egan was a commercial author, and owed his loyalty to the market rather than absolute fact, but he was well acquainted with the murderer and had known Thurtell *before* he became infamous for killing Weare. Egan was perhaps most famous for his *Life in London* city adventure featuring Tom and Jerry, but he also wrote extensively on other subjects including boxing and gaming. *Boxiana*, although initially issued to subscribers in installments, was subsequently expanded and reprinted regularly throughout the first three decades of the nineteenth century. Egan’s choice to link gamester-turned-murderer Thurtell to Edmund Kean, an actor as famous for his outrageous off-stage behavior as his

¹³ Pierce Egan, *Recollections of John Thurtell*, 2. Visiting prisons was considered a kind of urban travel-tourism for journalists and the curious wealthy. During Probert’s second stint in jail, the Earl of Uxbridge visited Newgate prison. Charles Dickens is among the writers who made a tour of prisons early in his career. (For more, see Borowitz, *Dark Mirror*, 218.)

¹⁴ Egan, *Recollections of John Thurtell*, 35-36.

passionate onstage performances, is no accident. It was Kean, after all, who inspired Samuel Taylor Coleridge to famously write, “Seeing him act was like reading Shakespeare by flashes of lightning.”¹⁵ Such a connection would have informed the reading audience of the time and painted for them a picture of Thurtell as a commanding, impassioned man.

In contrast with the portrayal of Thurtell, Thurtell’s accomplices inspired much less flattering commentary. The way the pamphlets describe them, Probert appears to have been a weasely social-climber, and Hunt seems to be a thoughtless pretty boy. All enjoyed gambling and gaming. Thurtell, Probert, and Hunt were also all reasonably good at hiding their assets and moving from one business failure to another. William Weare, meanwhile, was a top-notch card player who often pretended to be a rube in order to lure other unsuspecting gamblers to his table. Thurtell took the bait, and Weare took £300 and all of Thurtell’s pride in one night. Author Pierce Egan, who respected Thurtell’s efforts in the boxing arena, nevertheless reported, “His [Thurtell’s] betting-book has often proved the source of laughter among his companions; in short, as a gambler, he had not talents to win.”¹⁶

Contradictory narratives about John Thurtell, his actions, and his motivations began circulating as soon as the arrest made the papers. According to pamphlet accounts, Thurtell’s temper and behavior reportedly became volatile.¹⁷ At court, however, Thurtell’s defense called witnesses to claim the exact opposite – that Thurtell was a

¹⁵ Coleridge, “Table Talk, 27 April 1823,” 38.

¹⁶ Egan, *Recollections of John Thurtell*, 37.

¹⁷ *Ibid.*, 4.

rational, gentlemanly man. In Egan's text *Recollections of John Thurtell*, he says that the gaoler, Mr. Wilson, and his family were fond of Thurtell "for although a murderer, there was a manliness and a correctness in his general conduct which won their respect."¹⁸ Thurtell's lawyers continued to represent him as a repentant sinner who had renounced his former gambling and fighting ways years earlier. Although this seems unlikely given other evidence about his character and ongoing misdeeds, it is also true that pamphlet printers, who needed to sell numerous copies, and did not have what we would consider a journalistic codes of ethics to guide them, may have greatly exaggerated stories of his irrational, passionate nature simply to sell more copies. Similarly, the representations of the men presented in the theatres were largely unsympathetic and hardly nuanced, but the practice of reducing a complex human being to a recognizable stage character type was an effective commercial strategy.

In 1823, Thurtell and his accomplices Hunt and Probert decided to murder William Weare, partly for revenge and partly because Weare, who was notoriously skeptical of banks, was known to carry as much as £2000 in his purse and Thurtell could certainly have used the quick infusion of cash. Thurtell, feigning friendliness, invited Weare to join him in the countryside for a bit of hunting and gambling. Weare accepted. Hunt and Probert were supposed to assist Thurtell in the murder, but they did not show up at the appointed meeting place in time. Alone, Thurtell picked up Weare in his gig and eventually turned onto Gill's Hill Lane, the narrow country road leading towards Probert's house situated eleven miles outside London.

The murder was messy. In the dark, Thurtell shot Weare with his pistol, and although the bullet hit Weare's face it did not kill him. Weare fell from the gig, and

¹⁸ Egan, *Recollections of John Thurtell*, 4.

Thurtell chased him down the lane, slashed his throat, and smashed the pistol into his head with so much force that brains got stuck in the barrel.¹⁹ Thurtell stuffed the body into a nearby hedge and, when he managed to get his accomplices together, they moved the body twice.

Three different versions of events were given at court. In fact, the only thing the three participants could agree upon in testimony was that a crime had occurred and they were all somehow linked to it. The subjectivity demonstrated in their separate testimony speaks to an early inability to get to the “truth” of the matter. The first time Weare’s body was moved, it was placed in the fish-pond behind Probert’s cottage. The next day, because Probert protested against having the body so near his house (and, according to Hunt, since the dead man’s toes could be seen at water level), they finally deposited the body in a marshy pond not far away. Thurtell claimed that they were all involved in moving the body. In Hunt’s testimony, he and Probert observed the process but both refused to handle the dead body and Thurtell was left to do all the corpse-moving himself. According to Probert’s testimony, on the other hand, Hunt and Thurtell moved the body together, for which Hunt was paid six pounds and given the dead man’s clothes to wear.²⁰ In between their escapades, the killer and his assistants attended a dinner party held by Mrs. Probert, whereat Thurtell attempted to impress Mrs. Probert’s younger

¹⁹ These details, evidently presented at trial, feature prominently in the broadside *The Hertfordshire Tragedy; or the Fatal Effects of Gambling* (London: J. Catnach, 1824); the leaflet *An Account of the Trial and Sentence of John Thurtell and Joseph Hunt for the Murder of Mr Wear, also an Account of the Execution of John Thurtell on Friday the 9th of January 1824* (publisher unknown); and the broadside *A Full, True, and Particular Account of the Trial of Thurtell & Hunt for the Murder of Mr Weare, at Hertford, in Oct. Last* (Gateshead: W. Stephenson, 1824). All of these are housed in the Borowitz Crime Ephemera Special Collection at Kent State University, Kent OH.

²⁰ Egan, *Recollections of John Thurtell*, 15. Evidently, the dead man was in some state of undress when the police collected the body.

sister, Miss Noyes, by giving her the gold watch chain just removed from the deceased Weare in front of the household staff. (“At the trial, the maid, who must have been a spiritual ancestress of Chico Marx, was asked whether the dinner was postponed. She replied, ‘No, it was pork chops.’)²¹ Unfortunately, Weare did not have much money in his purse that night. Even more unfortunately, it was extremely dark in the lane and the murderer was unable to locate the weapons after the fray. The pistol and knife, recovered by two day laborers the following morning, led Investigator Ruthven to arrest the three gamblers in 1823.

Newspapers and ballad printers quickly identified the case as a source for reading material that was both sensational and moral. Just the title of the book-length compilation volume, *The Fatal Effects of Gambling Exemplified in the Murder of William Weare*, gives some sense of the moral sentiments offered in its pages.²² It was hardly unique. Pamphlet after pamphlet inveighed against the destructive habits of gaming and gambling, using this worst-case scenario to describe the two possible fates that awaited such a fallen man: becoming a murderer or being murdered. Popular theatre and popular literature took much the same position. None of this spontaneously sprang into existence; there was a history of moralizing that associated gambling and gaming with decay and destruction. In Edward Moore’s play *The Gamester*, produced in 1753, gambling signifies weakness in the character Beverly (who is eventually killed) and villainy in the

²¹ Albert Borowitz, *Blood and Ink: An International Guide to fact-Based Crime Literature* (Kent OH: Kent State University Press, 2002), 5.

²² Anonymous, *The Fatal Effects of Gambling Exemplified in the Murder of William Weare* (London: Thomas Kelly, for William Clowes), 1824.

character Stukely (who is eventually arrested); the character names became recognizable short-hand for fallen men and predatory gamblers at least into the mid-1830s.²³

Penny press publishers embarked on what would become a lasting journey to outdo one another with the newest news or the least-known facts regarding the Thurtell case. James Altick, in *Victorian Studies in Scarlet*, insightfully notes that “the sales figures that come down to us have little real value as statistics, because they are nothing more than (probably) ‘informed’ guesses; but they suggest the order of magnitude in which contemporary observers thought of the murder-broadside trade.”²⁴ The magnitude of publications surrounding the Thurtell-Hunt case is notable. James “Jemmy” Catnach, one of the most prolific and savvy publishers located in the Seven Dials district, told his biographer that he worked four presses day and night to produce more than a quarter of a million copies of his pamphlet “Full, True and Particular Account of the Murder of Mr. Weare by John Thurtell and His Companions,” then followed that success with half a million copies of the trial proceedings.²⁵ The pamphlet title, which contains three adjectives proclaiming its veracity, is typical of titles of the period. However, the emphasis on authenticity was honored more in the breach than the observance; pamphlets might contain facts, but they might as easily contain wild conjectures, and for publishers the sales figures were certainly more important than journalistic accuracy. Newspapers were considered reliable sources for factual information, but they still took an editorial tone. The Thurtell case, for whatever reason, inspired on-the-spot coverage, and

²³ Michael Flavin, *Gambling in the Nineteenth-Century English Novel: “A Leprosy is o’er the Land,”* (Brighton UK: Sussex Academic Press, 2003), 18. Flavin cites the article “Hells in London” in *Fraser’s Magazine* from 1833 as an example of the character name-dropping.

²⁴ Altick, *Victorian Studies in Scarlet*, 46.

²⁵ *Ibid.*

pamphleteers went beyond the usual step of reprinting stock accounts with new names inserted into the standard narrative. Regardless of the variations and inventive inaccuracies found in pamphlet accounts, the public that made up the melodrama playhouses' audiences would have been familiar with the general circumstances of the case before setting foot in the theatre. Both the theatres and the publishers were engaged in an effort to turn a financial profit from presenting the events of the day, and they both asserted their authority to tell the tale and proclaim the truthfulness of their message. Because the mediums and forms differed, their particular methods and claims necessarily did as well.

A Horse on Stage

Thurtell and his accomplices were certainly not admired as murderers. Three years after the murder trial, in Thomas de Quincey's witty tongue-in-cheek article, his fictitious author of "On Murder as Considered One of the Fine Arts" claimed, "As to Mr. Thurtell's case, I know not what to say... I do really think that his principle performance, as an artist, has been much overrated. I admit, that at first, I was myself carried away by the general enthusiasm."²⁶ The case did generate a great deal of interest and excitement, but it was not because of the perpetrators' perceived talents or intelligence. Sir Walter Scott commented upon their "stupid audacity," "short-sighted wickedness," and "strange inconsideration which a professed robber would not have admitted."²⁷ Despite, or

²⁶ Thomas de Quincey, "On Murder as Considered One of the Fine Arts," in *The Arts of Cheating, Swindling, and Murder*, ed. Jesse Lee Bennett (Westport, Conn.: Hyperion Press, 1975), 131. Reprint of the book issued by The Arnold Co., New York NY, 1925. Thomas de Quincey's piece was originally published *Blackwoods Magazine*, 1827.

²⁷ Sir Walter Scott, *The Journal of Sir Walter Scott*, (Edinburgh: 1950), 553. Quoted Altick, *Victorian Studies in Scarlet*, 24.

perhaps because of, their incomprehensible sloppiness, “balladmongers and the newspapers turned them into immediate classics.”²⁸

In 1823, the Surrey Theatre was under the brief management of Llewellyn “Boiled Beef” Williams. He commissioned *The Gamblers, A New Melo-drama in Two Acts*, to be presented on the Surrey stage immediately.²⁹ The Surrey had recently hired professional playwright Edward Fitzball to be their in-house dramatist, but 32-year-old Fitzball refused to pen the dramatic adaptation of the events. In his autobiography, Fitzball recorded, “My blood absolutely chilled at the proposition... I resolved neither to degrade myself, my family, nor my reputation, by the comittal [sic] of such an atrocity; and although it was held out to me as a *strong* temptation, by the manager, that he had actually purchased the *real shovel* and *cart* connected with the murder, to assist in the *reality* of the intended production, young as I *then* was, I indignantly threw up my engagement, and quitted the theatre in disgust.”³⁰

Williams had to find another playwright. The script survives for *The Gamblers*, which was presented first 17 November 1823 at the Surrey Theatre, but the author’s name does not accompany the published playtext and there is some mystery surrounding the playwright’s identity. In 1883, one Mr. Blanchard sent a letter to his friend Mr. Croker, in response to a question about just this play text. Blanchard wrote, “My dear Croker, Tom Dibdin had nothing to do with the drama. The piece called The Gamblers –

²⁸ Altick, *Victorian Studies in Scarlet*, 17.

²⁹ *The Gamblers: A New Melo-drama in Two Acts*, title page.

³⁰ Edward Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, vol. 2 (London: T.C. Newby, 1859), 402-403. Emphasis in original. Fitzball’s career and his play *Jonathan Bradford, or Murder at the Roadside Inn* are treated in my final chapter.

hashed up by Milner if I remember rightly – was produced at the Surrey Theatre in January 1824 when ‘Boiled Beef – Old Bailey’ Williams was the proprietor....”³¹

Blanchard’s tone is definitive despite the time lapse, and his recollection that “Boiled Beef” Williams was in charge of the Surrey in January 1824 is accurate, but there is confusion surrounding Henry M. Milner as a possible author of the 1824 play. Milner is the undisputed author of several plays about gambling, but they do not draw from the Thurtell case. In a fascinating example of the back-and-forth practice of adaptation, parts of the eighteenth-century English drama *The Gamester* were translated into French and included as the second act of the French melodrama *Trente Ans, ou La Vie d’un Joueur*, written by Ducange and Dinaux.³² *Trente Ans* was then adapted, in English translation, in 1827 by H. M. Milner as *The Hut of the Red Mountain; or, Thirty Years from a Gambler’s Life*.³³ Milner’s extremely dramatic script follows the character of Augustus Derancé from 1790 to 1820 as his gambling habit results in death after death. Augustus’s father dies of shame, then Augustus participates in the murder of his wife’s uncle, and in

³¹ Correspondence of Mr. G. Blanchard, to Mr. Collins Croker, Esq., dated 23 April 1883. Bound with *The Gamblers: A New Melo-drama in Two Acts*, held at the British Library. Blanchard writes, “I refer to this in my ‘History of the Surrey Theatre’ which appeared in ‘The Almanac’ for 1876.”

³² Regarding “Ducange and Dinaux:” “Dinaux” is the pen name used by Prosper Goubaux (who sometimes appears as Prosper-Parfait Goubaux) and Jacques-Félix Beudin, although Goubaux seems to have also used it when he was writing without Beudin. Victor Ducange contributed to the text while rehearsing it. See: J.W. Sherer, “Frédéric Lemaître,” *The Gentleman’s Magazine* vol. 260, (Jan-June 1886), Ed. Sylvanus Urban (London: Chatto and Windus, Piccadilly 1886): 153. *Trente Ans* can be read as a study in marital ideals and strains, as in Patricia Mainardi, *Husbands, Wives and Lovers: Marriage and Its Discontents in Nineteenth-Century France* (New Haven: Yale University Press, 2003), 138-142. *Trente Ans* was also included on the programme for Artaud’s Theatre of Cruelty, along with other melodramas; see Christopher Innes, *Holy Theatre: Ritual and the Avant-Garde* (Cambridge: Cambridge University Press, 1984), 90.

³³ H.M. Milner, *The Gambler’s Fate, or the Hut on the Red Mountain* (London: John Dicks, undated). Original play script digitized and available for download through the University of Toronto Libraries and Internet Archive, <http://www.archive.org/details/gamblersfateorhu00milnuoft> See also Michael Flavin, *Gambling in the Nineteenth-Century English Novel: “A Leprosy is o’er the Land,”* (Brighton UK: Sussex Academic Press, 2003), 17-20.

the final moment, to save his long-lost son Albert, Augustus stabs the wily gambling ring-leader Warner and then turns the knife on himself. Milner is also credited with *The Gambler's Fate, or A Lapse of Twenty Years*, a two-act play first performed 15 October 1827. The 1828 published edition announces it as “Founded on the popular French Play of ‘La Vie d'un Joueux,’ by Charles Thompson,” but it reads suspiciously like *The Hut of the Red Mountain* although it follows the adventures of Albert Germaine and his long-suffering wife Julia as he struggles with gambling, his father’s death, and the loss of his son Henry, all the while egged on by evil gambler Malcour. In this play’s final moment, Malcour kills long-lost son Henry and sets fire to the house, and to close the loop Albert Germaine drags Malcour into the fatal inferno.³⁴

As Michael Flavin noted in his study of gambling in the nineteenth-century novel, such melodramas presented gambling as “nefarious in the extreme, producing shame, ruin and death” and, along with commentaries in other printed formats, the scripts are evidence that “the fear of gambling’s destructive potential was deeply rooted in the popular imagination.”³⁵ To again borrow Carlson’s ideas from *The Haunted Stage*, the theatre was very much haunted by the spectre of gambling and its attendant destructive power. Whether or not Milner’s name can be attached to the anonymously authored piece *The Gamblers* at the Surrey Theatre, the range of plays and pamphlets on gambling in the 1820s show that the general subject was of broader interest than might be indicated by just one true-crime case. The time lapse between the Thurtell-Hunt events and the

³⁴ H.M. Milner, *The Gambler's Fate, or A Lapse of Twenty Years* (London: John Cumberland, 1828). Online text copyright Cambridge, Chadwyck-Healey, 1996, available through Literature Online database, http://gateway.proquest.com.proxy-um.researchport.umd.edu/openurl?ctx_ver=Z39.88-2003&xri:pqil:res_ver=0.2&res_id=xri:lion-us&rft_id=xri:lion:ft:dr:Z000103136:0

³⁵ Flavin, *Gambling in the Nineteenth-Century English Novel*, 20.

Blanchard letter also shows that the case was still fascinating decades after the criminal event was staged by enterprising managers.

Despite its unclear authorship and somewhat unsavory origin, *The Gamblers* has served a number of scholars as an example of the minor theatre's penchant for "authentic" crime drama. In *The Haunted Stage*, Marvin Carlson writes of the nineteenth-century theatre saying, "Melodrama and spectacle houses of the same period would often seek to raise the emotional level (and commercial attractiveness) of productions by utilizing properties or costumes that were claimed to have significant real-life associations." *The Gamblers* serves as his example: "One may find many theatre advertisements from Victorian England and the United States like that of London's Surrey Theatre for its production of *The Gamblers*."³⁶ Unfortunately, in drawing from H. Chance Newton's *Crime and the Drama* for his information on *The Gamblers*, Carlson has been misled. Newton claimed that Boiled Beef Williams bought many of the gamblers' items for use as props, including the gig and "the jug out of which the unsuspecting victim had drunk punch with his waiting destroyer."³⁷ It is true that the murderer and victim shared a drink at the inn where Thurtell went to pick up Weare, but *The Gamblers* is clearly not, as Carlson says, "a recent notorious poisoning case staged with the actual table, chairs, and even the fatal jug used in the real crime."³⁸ Perhaps somewhere there is a poisoning case with a "fatal jug," but it is not *The Gamblers* at the Surrey in January 1824; the Thurtell case involved a famous "fatal gig."

³⁶ Marvin Carlson, *The Haunted Stage: The Theatre as Memory Machine* (Ann Arbor: University of Michigan, 2003), 125.

³⁷ H. Chance Newton, *Crime and the Drama* (London: St. Paul, 1927), 96.

³⁸ Carlson, *The Haunted Stage*, 125.

Because the three arrested gamblers were in debt, their possessions were seized and sold, allowing the theatre to acquire many objects, including “the table at which the party supped, the sofa as described to having been slept on, with other household furniture.”³⁹ In fact, William Probert’s landlord sold all of his property, and his country cottage became such a popular tourist destination that the landlord began charging admission. Books and pamphlets vividly describe Probert’s former home “in a very decayed and crazy state” with “undressed walks, and the unpruned trees.”⁴⁰ Four years after the Thurtell-Hunt trial, Sir Walter Scott recorded in his journal that, on the way home from visiting Edinburgh, he took a side trip to Gill’s Hill Lane to see the cottage where the murderers had stayed. The site was in ruins: “The principle part of the house has been destroyed... the garden has been dismantled... A truculent-looking hag who showd [sic] us the place and received half-a-crown looked not unlike the natural inmate of such a mansion. She indicated as much herself, saying the landlord had dismantled the place because no respectable person would live there.”⁴¹ The cottage and grounds were not un-akin to the theatre in the sense that, to again use Carlson’s terms, it was “haunted.” The memory of one event attached to the site and the cottage was devastated by the inability to shake its associations while, simultaneously, offering its managers the possibility of profit due to the connection. The Thurtell-Hunt case not only paved the way

³⁹ Advertisement, “New Surrey Theatre Re-Production of The Gamblers,” 15 Jan 1824. Original in Borowitz Crime Ephemera Collection (Kent State University, Kent OH), also reproduced in Borowitz, *Dark Mirror*, 129.

⁴⁰ *The Fatal Effects of Gambling Exemplified in the Murder of William Weare* (London: Thomas Kelly, 1824), 55.

⁴¹ Sir Walter Scott, *Journal*, 553-554, quoted in Altick, *Victorian Studies in Scarlet*, 18-19.

for a haunted tourist site on Gill's Hill Lane, but turned the popular theatre into a site for vicarious touristic thrills.

Manager Boiled Beef Williams succeeded in purchasing the horse and carriage, promptly put it on stage, and proudly advertised that fact. In the playbill announcing the Surrey Theatre's "Re-Production" of *The Gamblers*, very large print announced that the show included "The Identical Horse and Gig, alluded to by the Daily Press in the Accounts of the Late Murder."⁴² During this period, the theatres and the newspapers developed an informal but mutually beneficial relationship in which the theatre generically referenced press accounts as their sources and called attention to it anytime the press mentioned them, and the newspapers often reported upon the commercial theatricalizations based on the people and events covered in the newspapers. The horse appeared in the press accounts, and so the theatre was pleased to point out that audiences could come see it, in person, on stage.

The horse played an important role in the real life trial of John Thurtell, too. The prosecution needed to produce evidence that Thurtell was in the company of his victim while whisking him off to a remote location, but it was difficult to find eye-witnesses who could reliably identify two men bundled in dark coats and driving at great speed in unlit roads at night. What the witnesses could identify was the horse. Mr. Thomas Wilson, a mounted police officer from the famous Bow Street office, testified, "I am a horse patrol... They were driving at a very furious rate. I should know the horse again, though not the men. I pointed out the horse in Mr. Probert's stable; it had a very white

⁴² Advertisement, "*The Gamblers* at the Surrey Theatre," 12 January 1824; Advertisement, "New Surrey Theatre Re-Production of *The Gamblers*," 15 Jan 1824. Originals in the Borowitz Crime Ephemera Collection at Kent State University (Kent OH), also reproduced in Borowitz, *Dark Mirror*, 129.

face.”⁴³ The prosecution proceeded to introduce nine further witnesses who identified the distinctive horse. Ostler James Shepherd testified that it “was a roan gray horse with a whiter face than the body” while ostler Richard Bingham called it “a bald-faced horse” and the landlord of the inn said, “His horse was lighter faced.”⁴⁴ The most damning testimony on this line of inquiry came from the servant at Probert’s own house, Richard Addis, who took care of the pale-faced horse when it arrived at the stables, and John Harrington, a local laborer who not only saw the pale-faced horse speeding down the lane but, while repairing the heavily rutted road the next day, was one of the men who discovered a broken knife and bloody pistol.⁴⁵ The iconic horse was the most direct link between the sloppy murder and the man on trial.

The image of the fatal horse and gig appear in illustration after illustration. In 1824, those wishing to “see” something remote had few options. They could not gaze at a photo of a faraway place; the daguerrotype was not introduced until 1839, and photographic processes that allowed negatives to create paper prints only really became available in the 1850s.⁴⁶ Printers relied on pen and ink illustrations, engravings, woodcuts, or lithographs to make mass-produced visual images, including portraits and landscapes. When sensational criminal cases caught the attention of the public, the only way most early nineteenth-century audiences could “see” the criminals or the locations was through this sort of illustration. The cover illustration for the printed playscript *The*

⁴³ Eric Watson, *The Trial of Thurtell and Hunt, Notable British Trials Series*, ed. Eric R. Watson, Barrister-at-Law (Edinburgh: W. Hodge, 1920), 94. Reprinted by Hesperides Press, 2006.

⁴⁴ *Ibid.*, 94-97. An ostler was a professional paid to handle horses, usually at an inn or stables.

⁴⁵ *Ibid.*, 102.

⁴⁶ Raymond Mander and Joe Mitchenson, *Victorian and Edwardian Entertainment from Old Photographs* (London: B.T. Batsford, 1978), 8-9.

Gamblers features the street in front of an inn, with a horse and cart waiting by the door.⁴⁷ When Pierce Egan's *Account of the Trial of John Thurtell and James Hunt* was published in 1824, it included a haunting illustration of the horse and gig standing empty at the center of a dark, overgrown lane.⁴⁸ The broadside sheet, *The Hertfordshire Tragedy; or the Fatal Effects of Gambling* featured another version of the horse-and-gig-in-the-lane as the largest of ten illustrations and the paper's central image.⁴⁹ These horse-and-gig images are even more striking given that original, case-specific illustrations were not the norm, although they did follow an established pattern. Altick describes them this way:

“The crude woodcut which, de rigueur, headed the broadsheet usually showed either the murderous deed itself or the moment of the execution, with the elevated gallows in the background and rough approximation of many hatted and bonneted spectators silhouetted in the foreground.... [T]hese cuts, conveniently generalized, were used over and over again... Similarly with the cut recommended by the hawker as ‘an exact likeness of the murderer, taken at the bar of the Old Bailey’: the truth was the same cut had been used for every noted criminal for the past forty years, and what had been vended as a faithful portrait of a Quaker forger one year served for a wife-murderer the next... On great occasions such as the Thurtell, Rush, and Manning murders, however, the printer might go to the expense of having a cut specially made. The hawkers’ routine guarantees of authenticity then took on the extra fervor that only unaccustomed sincerity could supply.”⁵⁰

⁴⁷ *The Gamblers* (London: John Lowndes, 1824), illustration frontispiece (unpaginated).

⁴⁸ “The Scene of the Murder with the Gig in the Lane,” in *Pierce Egan's Account of the Trial of John Thurtell and Joseph Hunt* (London: Knight and Lacey, 1824), 58.

⁴⁹ *The Hertfordshire Tragedy; or, the Fatal Effects of Gambling, Exemplified in the Murder of Mr. Weare and the Execution of John Thurtell* (London: J. Catnach, 1824). Original in the British Library.

⁵⁰ Altick, *Victorian Studies in Scarlet*, 49-50.

As expected, woodcuts related to the Thurtell case do indeed include illustrations of the murderer, of the crime scene, and of the spectators at the execution. The woodcut had been the preferred way to illustrate such affairs for centuries. The 1633 quarto edition of the *Tragedy of Master Arden of Faversham*, a true-crime domestic tragedy, included a woodcut showing the unlucky Thomas Arden surprised during a table game by his knife-wielding wife Alice and five of her accomplices; faithfully following accounts of the murder, one of the killers is shown winding a towel around the victim's neck to keep him from crying aloud.⁵¹ Stylized woodcuts continued to be popular in the penny press, broadside, and cheap pamphlet trades in early nineteenth-century London, although books and more expensive pamphlets began to introduce finer pen and ink illustrations.

The illustrated pamphlets and books covering the Gamblers case circulated throughout England, but for those who lived in London, dramatic re-interpretations of events also allowed access to the stories. The script devised for the Surrey production boasted the following deceptively simple stage directions for Act 2, scene 2, set at a local inn: "Horse and Gig at the door... Ostler at Horse's head." The gig is driven off stage, only to be driven back on two scenes later and stopped at the "back of the stage" while the actors tumble from the gig and re-enact the infamous murder.⁵²

The horse and gig evidently stirred strong feelings among members of the audience. At trial, Thurtell's attorneys requested an injunction halting the Surrey performances. According to testimony, "The identity of the vehicle and horse formed the strongest feature of interest in the eyes of the audience, if we could safely collect that

⁵¹ Wine, *Arden of Faversham*, 122. Arden was famously playing "at tables" with one of the co-conspirators. In the illustration, it looks like a backgammon board.

⁵² *The Gamblers*, 12-13.

expression from the applause that followed their appearance.”⁵³ This horse was not just any horse. *This* horse was the *actual* horse that had been at the scene of the murder. I suggest there is a point of tension here – a real gig and horse, seized from a real murderer, were put to use in a theatre that was in business because actors were able to impersonate fictional or fictionalized characters to sell an imaginary story. The conflation of “real” and make-believe was not new; in Restoration England, Charles II “loaned his coronation robes to the playhouse to costume the player kings.”⁵⁴ Celebrity, as Joseph Roach describes it, can therefore be transmitted to theatrical surrogates through the physical objects introduced in an entertainment.

Albert Borowitz, an American lawyer and expert in historical trials, observed that the case’s vicious murder and multiple burials were unique, but “even more gripping were the gig that carried Weare to his doom and the phantom-faced horse by which it was drawn.”⁵⁵ Borowitz goes on to suggest that the roadside crime and the horse together connect the tale with the dangerous and romantic highwaymen who were fading from England’s landscape. If so, harnessing the horse to such a conventional domestic vehicle as the gig made the total conveyance somehow contradictory, disconcertingly middle-class and ill-suited to a cold-blooded crime. The physical presence of otherwise commonplace objects helps the playhouse render an intangible or even unfathomable story as concrete. Murder is extreme, irreversible, fleeting, and not a part of everyday

⁵³ *The Fatal Effects of Gambling...*, 68.

⁵⁴ Joseph Roach, “Vicarious: Theatre and the Rise of Synthetic Experience,” *Theorizing Practice: Redefining Theatre History*, ed. W.B. Worthen and Peter Holland (Palgrave Macmillin: Hampshire & New York, 2003), 126.

⁵⁵ Borowitz, *Dark Mirror*, 81.

life; the killer's table, sofa, horse, and gig are tangible and present a lasting quality.

Tangible objects help ground the products the theatre sought to sell.

The flesh-and-blood horse with its trademark pale face and the carriage it drew were physically real parts of the murder story, and a chilling reminder that although the theatre offered a re-enactment by actors, the event had actually happened. The horse and gig proved to be memorable. Four years after the crime, in 1828, a contributor to the *Quarterly Review* quoted from memory this exchange between counsel and witness during the Thurtell trial: "Q. What do you mean by 'respectable?' A. He [Weare] always kept a gig." By 1832, this somewhat apocryphal exchange had been immortalized by historian and cynical essayist Thomas Carlyle, who was so tickled by the quote and the values it betrayed that he used it often and ironically to refer to bourgeois pretensions, even going so far as to coin the term "gigmanity."⁵⁶ Curiously, although the singular horse might have been most essential to the prosecution's case at trial, the gig became uniquely ensconced in the public imagination, perhaps because of its ordinary nature.

In his analysis of the communion wafer in theatrical performance in *The Stage Life of Props*, Andrew Sofer asks if there is a point where something on stage, although used in a clearly fictitious scenario, becomes the "real" thing.⁵⁷ By 1500, the holy communion wafer, or host, was being used by priests both in communion and in liturgical Easter dramas, and even more troubling, by lay actors in "Last Supper" dramas during passion plays. The presence of the host in the hands of an unholy actor proved philosophically problematic. As Sofer explains, "To the communicants of the medieval

⁵⁶ Altick, *Victorian Studies in Scarlet*, 27-28.

⁵⁷ Andrew Sofer, *The Stage Life of Props*, 31-60.

church the consecrated wafer was no mere sign-vehicle standing in for an absent signified.” There was even a “doctrine of ‘real presence’” that held that the host contained the actual body and blood of Christ, and the priest thus oversaw transubstantiation and not representation at all.⁵⁸ There is a similar line of inquiry attached to the “real presence” in Thurtell’s horse and carriage, which were placed on stage at the Surrey but were not representations at all. Unlike the question of the communion wafer in medieval dramas, however, the nineteenth century horse and carriage come with no serious theological ramifications. In the case of the horse and gig, it might even be more appropriate to invert Sofer’s question: is there a point at which something real is rendered merely emblematic by its presentation on the stage? Either way, what is special is the extra layer of meaning attached to the horse and gig (and communion wafer) that come not from the inherent value of the items themselves but from the inherited value ascribed to them by virtue of their relationship to an outside event.

Because the minor playhouses that specialized in melodramas were engaged in a constant battle to lure in paying audiences, the Surrey was not the only theatre in town with a play based on the Thurtell case. Also in January 1824, The Royal Coburg produced a play advertised as “An entirely new melodrama of intense interest, founded on facts, to be called, *The Hertfordshire Tragedy! Or, The Victims of Gaming!!!*” Their major selling point was “New Scenery, Taken from Views on the Spot... Gill’s Hill Lane by Night... View of the Cottage and Stable with the Fatal Pond...”⁵⁹ If the Coburg could

⁵⁸ Andrew Sofer, *The Stage Life of Props*, 32.

⁵⁹ Advertisement, “Royal Coburg Theatre,” 15 Jan 1824. Original image reproduced in Borowitz, *Dark Mirror*, 130.

not have the murderer's actual sofa, they could have the most authentic scenic art in town. Scenery, like woodcuts, was often all-purpose and generic, which made financial business sense in a theatrical industry where a different show might be mounted each night. But by the nineteenth century, the theatre had begun to see "local color" as an attractive scenic design element. There was precedent; Philip de Louthembourg had created historically influenced, site-specific designs for David Garrick's productions starting in 1771. The nineteenth century tastes for the historic, the exotic, and the localized were not at all incompatible in the theatre; even if the influential Romantic movement leaned towards the grand rather than the gritty, it was still a shift away from the formal rules and ideal models that had guided Neoclassicists before them.⁶⁰ In *Stage Design*, Donald Oenslager notes that many nineteenth century stage artists were influenced by the Romantic painters and their landscapes that were at once nostalgic, site-specific, dramatic, and picturesque.⁶¹ In France, Victor Hugo argued in his "Preface to *Cromwell*" (1827), "Imaginary scenes, imbued with the same 'couleur' as the actual historical events, actually sharpen rather than blur the historical verisimilitude."⁶² Thus, while it is impressive that the Coburg would go to the trouble and expense of having site-specific scenery created for a play as historically inconsequential as *The Hertfordshire Tragedy*, it demonstrates both the theatre's commitment to bringing "authenticity" or "verisimilitude" into the play through the scenery and the trends in audience taste that made it worthwhile to explicitly note scenic art as an advertising point.

⁶⁰ *Cambridge Guide to Theatre*, (Cambridge: Cambridge University Press, 1995), ed. Martin Banham, 1094.

⁶¹ Donald Oenslager, *Stage Design: Four Centuries of Scenic Invention* (New York: Viking Press, 1995), 111.

⁶² Frederick Burwick, "Illusion and Romantic Drama," *Romantic Drama*, ed. Gerald Gillespie (Philadelphia: John Benjamins North America, 1994), 68.

The Coburg, like the Surrey, also took pains to reenact certain of the criminal actions. According to the London *Times*, the Royal Coburg's production of *The Hertfordshire Tragedy* "portrayed (as far as scenic arrangements could affect it) the whole of the revolting transactions which led to the late trial and execution." The characters' names have been changed, as usual. Thurtell's stand-in is called "Freeman," angry after having been fleeced by "Mervin, the successful gamester (who is easily recognized as the person meant for the late Mr. Weare)." Act One ended "leaving Freeman in the act of cutting his [Mervin's] throat." In the next act, the theatre recreated "the disposal of the body" with "disgusting exactness."⁶³ In the *Times*'s largely negative opinion, the Coburg script's adaptation of the killer's final confession was in particularly poor taste due to "the frequent allusions of the man intended to represent Thurtell's respectable father." The reviewer announced, "It is, we think, from beginning to end a most disgusting spectacle," then gleefully reported that "the audience was not very numerous" although "the gallery was crowded with exactly such a motley assemblage as one might perceive at an Old Bailey execution."⁶⁴ For the majority of the audiences, who did not have leisure time or money to travel to Gill's Hill Lane to see the site of the murder, walk up the overgrown path to Probert's cottage, or attend the court proceedings against the criminals, the theatre allowed them to visit all these places vicariously through its "accurate" representations.

⁶³ *Times*, 13 Jan 1824, page 2. The advertisement: "Royal Coburg Theatre. First Night of a New and intensely interesting Drama. THIS EVENING will be presented an entirely new melodrama of intense interest, founded on facts, called THE HERTFORDSHIRE TRAGEDY: or, the Victims of Gaming..." appears 12 Jan 1824, pg 2.

⁶⁴ *Times*, 13 Jan 1824, page 2.

Adaptation and Injunction

The script from the Royal Coburg's production of *The Hertfordshire Tragedy* has not apparently survived, leaving only the script for *The Gamblers* available for analysis. The characters presented in *The Gamblers, A New Melo-drama in Two Acts*,⁶⁵ bear little resemblance to the actual murderers. In life, they were a strange assembly of hedonistic would-be businessmen and sportsmen bonded by gambling debts and their failed joint real estate frauds. In the play, two are calculating, villainous, and successful gamblers who force the third, a devoted family man, to assist them in criminal acts. Although the names were changed for the play, the playwright gave them closely parallel aliases, in much the same vein as the authors of plays about Mary Ashford/Ashville/Ashfield. In *The Gamblers*, true-life victim William Weare is represented by the fictional William Frankly, and conspirator Joseph Hunt becomes Joseph Bradshaw. William Probert becomes the unfortunate and dramatically sympathetic William Mordaunt. Although murderer John Thurtell's reincarnation as Thomas Woodville would seem to take naming conventions a step further, it makes more sense once records reveal that John Thurtell often used the alias (and family name) Thomas Thurtell as part of a lifelong campaign to avoid paying his debts. Despite the fact that the playwright changed the names of the characters, the playbills for *The Gamblers* clearly identify it as an account of the Thurtell-Hunt case. The murder was the most carefully scripted moment, ensuring the actions on stage would align with reports of the case. The script preserved the essential struggle: Woodville (Thurtell) committed the crime alone on a narrow road, attempting to shoot

⁶⁵ *The Gamblers*, title page.

Frankly (Weare), throwing him from the horse-drawn gig, and finally slitting his throat with a knife.⁶⁶

Audiences attended the play in such large numbers that John Thurtell's attorneys sent a theatre-going investigator named Francis Fenton to the Surrey to report on the dramatic representation and audience reaction. Fenton recorded "that the incidents ... are very similar to, and indeed parallel with, the occurrences detailed in the evidence given before the Coroner on the inquest... except that the scenic representation appears to exculpate one of the supposed murderers at the expense of the other two." Of further concern was the fact that the crowded audience "expressed great and peculiar applause when the officers seized the person ... intended to represent the said John Thurtell."⁶⁷ Fenton and several attorneys working for the defense assembled a compelling number of sensational books, broadsides, and articles discussing the case, all with printing runs in the thousands, all issued after the initial inquest but prior to the proper trial. It was technically illegal for publishers to produce commentary on a case in the period between inquest and trial, although obviously a number of printers and authors thought it worth the risk. Francis Fenton also reported that an application was made "to file a criminal information against the proprietor of the said theatre for a misdemeanor in exhibiting the said performance."⁶⁸ Largely because of the protests of Thurtell's attorneys, the court indeed ordered an injunction halting theatre performances for the duration of the trial, and the Surrey Theatre was forced to suspend their production after only two performances. However, the judge would not grant the defense's request for a delay in the trial. Printed

⁶⁶ *The Gamblers*, 13.

⁶⁷ Egan, *Pierce Egan's Account of the Trial of John Thurtell and Joseph Hunt*, 14.

⁶⁸ *Ibid.*

accounts of events continued to circulate. When Thurtell was found guilty and the trial concluded, theatres immediately remounted their shows and the crowds came again. It was at this point in January 1824 that the Royal Coburg came out with their detailed scenery for *The Hertfordshire Tragedy! Or, The Victims of Gaming!!!*,⁶⁹ and the Surrey returned their horse and “fatal gig” to the stage as a main attraction in *The Gamblers*.

The items that the Surrey Theatre manager acquired are offered to the audience, quite blatantly, as a means of linking their lives with the ephemeral events that resulted in the death of William Weare. The audience did not witness the murder, but they wanted to buy tickets to witness its reproduction. As Roach put it, “That people will part with good money to experience experience (by living through someone else’s performance of it) is a discovery as exciting to some as fire.”⁷⁰ In true-crime melodrama, the theatre, through the dramas it is able to stage, allows those in attendance to have a genuine experience even though they are presented with a synthetic product.

If we are to take seriously the claim that the theatre provided a “genuine” product, one that allowed the audience to experience a “true” crime re-enacted, then we must find a way to reconcile this claim with the fact that the dramatization does not remain true to the reported events. I suggest that the way to come to terms with this is through the physical objects, not the script’s factual fidelity (or infidelity), for *The Gamblers* does take considerable license with the story once the horse and gig have been dismissed. In the case of the surviving dramatic text of *The Gamblers*, as with most true-crime melodramas, there are really two victims. Frankly (Weare) is murdered midway through

⁶⁹ Advertisement. “Royal Coburg Theatre.” 15 Jan 1824. Original image reproduced in Borowitz, *The Thurtell-Hunt Murder Case*, 130.

⁷⁰ Roach, “Vicarious,” 121.

the play, but it is the unfortunate William Mordaunt (Probert) who is blackmailed and pressed into serving the heartless gambler master-mind Woodville (Thurtell). It is Mordaunt's devotion to his wife and young children, and their devotion to him, that marks him as a "good man" despite his downfall. Time and again, Mordaunt stresses his unhappiness and his wish that the other gamblers had not led him into such a miserable life. In the first act, Mordaunt confronts ringleader Woodville, saying, "Who but thyself spread all those snares about me, which first entangled, then overthrew my virtue? Who stained the native whiteness of my soul and spotted it with follies?"⁷¹ Woodville does, quite deliberately, plan to ensnare Mordaunt, specifically so they can use his pond to dispose of Frankly's body. Although this might seem to us to be the more hideous crime, Mordaunt is most distraught that he gambled away the family's grocery money, and too proud to ask his wife's uncle for a loan. Once he is trapped in the murder plot, he is willing to commit suicide rather than subject his innocent wife and children to the indignity of a public trial, even though he was not directly involved in the carefully orchestrated murder scene. The terrible state in which the Mordaunt family finds itself is a direct result of his unacceptable gambling activities; gambling sparks more commentary than murder.

Justice in the scripted version of *The Gamblers* is achieved in the final moments of the final scene as a bevy of nameless police officers descend upon Mordaunt's home, just as he and his wife are preparing to take poison. Mordaunt dissolves into a raving, incomprehensible puddle until Woodville and his accomplice arrive, whereupon Mordaunt turns on them and sends the officers to check his pond for the victim's body,

⁷¹ *The Gamblers*, 9.

pleading, “Mercy! Just heaven! I – I – am not guilty!”⁷² The play ends on this dramatic appeal. For all the theatre’s concern with authentically representing the place of the murder and the sequence of actions, the script shows a remarkable but not unique disregard for authentically showing how law enforcement operated. Since the audience had seen Woodville murder Frankly, the character *was* guilty, and there was no need to bore the audience by showing a careful investigation. What mattered was that an arrest was made at the end, and some sort of confession elicited from the gambler with the guiltiest conscience.

Historically, the real arrests were made systematically by a respected investigator named Ruthven, later a member of the early organized police force known as the Bow Street Runners. Renton Nicholson, who collected salacious stories in his “autobiography,” was a friend of the investigating officer. Ruthven related that he corralled Thurtell, Hunt, and Probert at an inn for informal questioning, whereupon Thurtell ordered brandies for everyone and Hunt began entertaining them by singing a song titled “Mary, List, Awake.” Ruthven told Nicholson, “I said to myself, ‘Is it possible that these men are murderers?’”⁷³

⁷² *The Gamblers*, 22.

⁷³ Renton Nicholson, *Rogue’s Progress: The Autobiography of “Lord Chief Baron” Nicholson*, ed John L. Bradley (Boston, Houghton Mifflin, 1965): 150-151. Also quoted in Borowitz, *The Thurtell-Hunt Murder Case*, 36. According to reviewer Angela Smith, Nicholson’s title is misleading. “Nicholson (1809-61) was not a lovable rascal... He throws a gloss of respectability over his shady activities, but he edited a scurrilous newspaper, *The Town*, and his ‘Judge and Jury Society’ was an infamous club over which he presided as ‘Lord Chief Baron,’ where obscene mock cases were tried before a ‘jury’ (which included noblemen and M.P.s) and audience. His account of his life takes us from his early days as a pawnbroker’s assistant to his success as a caterer, publican, and ‘Lord Chief Baron’ with descriptions of the various prisons, gambling clubs and low haunts, toned down for his public, that he passed through on the way.... He writes with robust amorality, reveling in any practical joke or crime that has an inventive vitality about it.” [Angela Smith, Review, “Rogue’s Progress,” *The Modern Language Review* 61, no. 4 (Oct 1966): 691-692.]

Following their arrest, the real murderers faced a compact but exhausting trial. It was still the law that a trial had to continue without interruption until the jury, and only the jury, asked for a break. Starting at eight o'clock in the morning on 6 January 1824, the jury heard thirteen hours of non-stop testimony and took refreshments at their places in the courtroom, finally requesting a break at nine o'clock at night. The entire trial of Thurtell and Hunt took only two days.⁷⁴

In the 1820s, executions were still public spectacles attracting a variety of attendees. On 9 January 1824, the morning Thurtell was to be hanged, the crowd was so large that it was hard to catch sight of the scaffold, and to get a better view many people climbed on top of “a cow-house and a place, we believe, for rearing swine,” but the weight caused the thatched roofs to collapse.⁷⁵ Because of concerns about the anticipated crowds, a special enclosure was constructed to protect guests of honor, including the investigator Ruthven, the sheriff’s officers, and “gentlemen of the press.”⁷⁶ When Pierce Egan’s *Recollections of John Thurtell* appeared in print, it included “A correct view of the execution, taken on the Spot by an Eminent Artist.”⁷⁷ The illustration that follows identifies nine men by placement of numbers over the subjects’ heads, including such expected figures Thurtell, the Executioner, and Mr. Wilson the Gaoler. Amusingly, the illustration also includes “One of the Reporters to the Morning Chronicle,” a man

⁷⁴ Borowitz, *Dark Mirror*, 142-181; Altick, *Victorian Studies in Scarlet*, 26. Altick notes that the jury hearing the Burke and Hare body-snatchers trial five years later, “sat from 10 a.m. Christmas eve to 8:30 Christmas morning... Burke’s counsel began his speech at 3 a.m.” The 22 1/2 hour long trial was interrupted only by the judges’ midnight coffee break.

⁷⁵ *The Times* (London), 10 Jan 1824. Unpaginated clipping held at the Law Library, Library of Congress.

⁷⁶ Egan, *Recollections of John Thurtell*, 8.

⁷⁷ *Ibid.*, interior title page, unpaginated.

standing up and waving both hands in the air among the otherwise seated attendees directly before the gallows, while a “Javelin Man” is shown with his spear, beating down the “indecorous Reporter.”⁷⁸ It is worth noting here that the “javelin men” were actually the gaolers of Wood Street Compter, used in the late eighteenth and early nineteenth century by the London sheriff as his personal armed escort and “their duties included marching alongside the condemned men on their way to Tyburn,” the traditional place of execution.⁷⁹

Thurtell’s old gambling associates, meanwhile, arrived with the rest of the crowds to attend the execution; some came from as far away as Ireland and Edinburgh.⁸⁰ The inns were full, and those who could not find a bed spent the night in the pubs. Pierce Egan recalls, “Scarcely a public house was closed for the night,” and, ironically perhaps, “the parties remained engaged in drinking and gambling till the light of day burst upon them.”⁸¹ The illustration in Egan’s book includes a shadowy figure in the front row, face turned away from the illustrator, identified merely as “A person well known in the Sporting circles.”⁸² Whether a real individual or a stand-in for all the other boxers and gamblers reputedly present, the artist and author tellingly afford this man the same anonymity extended to the unnamed executioner.

Conclusion

⁷⁸ Egan, *Recollections of John Thurtell*, unpaginated, immediately prior to page 1.

⁷⁹ Lucy Moore, *The Thieves’ Opera* (San Diego: Harvest, 2000), 174.

⁸⁰ Egan, *Recollections of John Thurtell*, 8.

⁸¹ *Ibid.*

⁸² *Ibid.*, unpaginated, immediately prior to page 1.

The Surrey Theatre, largely through use of the pale-faced horse, could claim to place its audience closer to the crime than any other theatre. The Coburg Theatre, through its scenic designs, could recreate site-specific environments and place its audience, virtually, at particular important locations.

John Thurtell's ability to draw a crowd did not end with his death. It was common practice to send the bodies of executed criminals to medical professionals or schools that could then use the cadavers for teaching and study. Dissection was also seen as an extended form of punishment since it denied the dead man a holy burial, and in this case it was also a further point of public interest. "While Thurtell's body was being dissected, in conformity with the court's sentence, at St. Bartholomew's Hospital in London – a leisurely process which occupied some weeks – thousands of morbid curiosity-seekers passed through the dissecting room. Daily accounts of the deteriorating condition of the remains appeared in *The Times* and the *Morning Chronicle* for the benefit of those who were prevented from seeing the body in person."⁸³ As was the case with Thurtell, families trying to claim bodies were usually denied the privilege.⁸⁴

After Thurtell's execution, there was not a soul alive in the world who had been present at Weare's murder, but all of London could relive it through staged re-enactments in 1824 and in revivals in London and as far afield as Manchester, Nottingham, Tamworth, and Leamington.⁸⁵ The story was profitable, but this does not mean, however, that consumption of the tale was universally accepted. The *Times* uses highly judgmental language to describe the productions at the Coburg Theatre. In-house playwright Edward

⁸³ Altick, *Victorian Studies in Scarlet*, 23.

⁸⁴ Borowitz, *Dark Mirror*, 235.

⁸⁵ *Ibid.*, 199.

Fitzball left the Surrey Theatre at least in part because he could not countenance adapting the Thurtell story while the trial was underway. Interestingly, although Fitzball found success writing a number of nautical melodramas and literary adaptations, he would later become most famous as a playwright specializing in blood-and-thunder and gothic murder mystery melodramas.⁸⁶ When Fitzball finally created a successful true-crime drama, he chose for his source not the current events playing out in the *London Times* but a 100-year-old story haunting the pages of publications like the *Newgate Calendar*. Fitzball was not against dramatizing crime and murder *per se*, but seemed to need the distance provided by the passage of time before he was comfortable adapting such material. This emphasis on distance through historical detail in his *Jonathan Bradford, or, the Murder at the Roadside Inn* is one of the subjects that I will address in the final chapter.

The case of the four ill-fated gamblers remained in popular imagination for some time. Victorian letter-writer Mr. Blanchard wrote that he believed he had seen William Weare's ghost going up the stairs before him at Lyon's Inn, lodgings made famous in a children's rhyme that refused to die. Scores of people who never ran into Carlyle's term "gigmanity," who might never have attended productions at the Surrey or Coburg theatres, and who did not read essays by William Hazlitt or Pierce Egan, or the satires of De Quincey, nevertheless could chant: "His throat they cut from ear to ear, / His brains they punched in; / His name was Mr. William Weare, / Wot lived in Lyon's Inn."⁸⁷ This

⁸⁶ See Edward Fitzball, *Thirty-five Years of a Dramatic Author's Life*, vols. 1 & 2 (London: T.C. Newby, 1859). See also, Larry Stephen Clifton, *The Terrible Fitzball: the Melodramatist of the Macabre* (Bowling Green OH: Bowling Green State University Popular Press, 1993). Clifton argues Fitzball's work fits an Aristotelian model, although I can think of few paradigms less appropriate for analyzing blood-and-thunder melodrama.

poem was published in several broadsides and is attributed to William “Hoppy” Webb, an interesting character in his own right. Webb reportedly worked as an acrobat in a traveling circus then tried a number of other jobs before being arrested and sentenced to transportation for stealing jewels belonging to an opera prima donna.⁸⁸ It seems that those who profited most from the case of the gamblers, like Jemmy Catnach and Boiled Beef Williams, were viewed as unscrupulous purveyors of popular entertainment, while others like Hoppy Webb and Bill Probert eventually wound up on the wrong side of the law themselves.

In 1828, when the Red Barn case of the murder of Maria Marten captivated the public, commentators and reporters noted that it was the most sensational case since John Thurtell was convicted of murdering William Weare. The inside pages of the Thomas Kelly 1828 imprint of *The Red Barn*, a full-length book account of the Marten-Corder case, featured an advertisement for another volume, this one covering the four-year-old case of *The Murder of William Weare*. For years, Madame Tussaud’s London wax museum featured a sculpture of Thurtell, while his actual skeleton continues to reside in an exhibit case at the Royal College of Surgeons in London. A glum novelization of the case, brought out as *Murder at Elstree, or, Mr. Thurtell and His Gig*, was printed as late as 1936.⁸⁹ The case of the Gamblers endured even though the Surrey’s specific play text did not seem to stick in the public consciousness, and the Coburg’s text seems to be lost entirely. The trick of bringing out a horse and carriage could only work for so long. The

⁸⁷ Quoted in Altick, *Victorian Studies in Scarlet*, 28.

⁸⁸ Altick, *Victorian Studies in Scarlet*, 28-29.

⁸⁹ Thomas Burke, *Murder at Elstree: or, Mr. Thurtell and His Gig* (London and New York: Longmans, Green, and Co, 1936).

story of John Thurtell and the murder of William Weare was not continually adapted for the popular stage the way the story of the murder in the Red Barn, the next sensational true-crime case, would be.

Chapter 5: Murder in the Red Barn; or, Souvenirs and Tourism

Introduction

In 1828, William Corder was executed in the English town of Bury St. Edmunds for murdering Maria Marten, a local woman who had once been his lover.¹ The case became known almost instantly as the Red Barn case, or the Murder in the Red Barn, named for the location where Marten's corpse was discovered. Very quickly, newspaper articles, pamphlets, books, and plays telling the Red Barn story flooded into the market. Today, one of the exhibits at the Moyse's Hall museum of local Suffolk history includes a first-edition printed account of the Marten/Corder story, which rolled off the presses just months after Corder's execution. What makes this most unique is that this copy of the book, which belonged to the county coroner, is bound in the tanned skin of the murderer himself.

The case was so infamous in its time that every bit of material associated with the crime was reconceived as a consumable collectible good. Some items, like Staffordshire pottery figurines of the murderer, victim, and the barn itself, were deliberately produced for the marketplace. Found objects also served as souvenirs, claimed by pilgrims who visited the site of the murder. It is for this reason that Marten's churchyard tombstone was chipped away to nothingness. Those who did not choose to physically carry an object from the site of the murder were nevertheless able to consume the story through its representations in booth theatres, camera obscura shows, and on the London stages. As

¹ The names "Marten" and "Corder" will be used to refer to the historical individuals, while the names "Maria" or "William" will refer to the fictional characters based on the real people.

Joseph Roach writes, “Historians of the ‘consumer revolution,’ the origins of which have been variously traced to periods ranging from the Elizabethan age to the eighteenth century, tend to think of commodities as things. Theater historians need to complicate that definition because they know performance is not a thing; it is a service of a very dynamic and labile kind. Professional playwrights and performers manufacture and sell experiences.”² The theatre, selling its “authentic” version of the story, makes no wilder claim here than in previous cases. Unlike the Surrey Theatre’s offering of *The Gamblers* a few years earlier, the playhouses that staged Marten’s death were unable to acquire objects that belonged to the murderer or victim, so there is no equivalent to Thurtell’s ghostly horse and carriage or Probert’s sofa. The Marten/Corder case also lacked the serious implications for the antiquated legal system that had come glaringly to light in the Ashford/Thornton murder trial. Perhaps, however, because of its lack of moment-specific concerns, the Red Barn story outlived these other similar true-crime melodramas.

With revisions and rewrites, versions of the Red Barn story remained popular for nearly a hundred years in print and on stage. The appearance of the Red Barn story in the *New Newgate Calendar* in 1841 perpetuated the presence of the case in the minds of early nineteenth-century Londoners, and shows that the *New Newgate Calendar* printers believed it was still of marketable interest thirteen years after the murder came to light.³ As a young man, respected actor Henry Irving appeared in a Red Barn play at the Prince

² Roach, “Vicarious, 120.

³ Camden Pelham (pen name), “William Corder, Executed for the Murder of Maria Marten,” *The Chronicles of Crime; or the New Newgate Calendar, Being a Series of Memoirs and Anecdotes of Notorious Characters who have Outraged the Laws of Great Britain from the Earliest Period to the Present Time.*” Vol. 2. (London: Bradbury and Evans [Whitefriars], 1841): 146-157. According to the title page, this collection was printed for Thomas Tegg of Cheapside, and for James Tegg in Sydney and S. A. Tegg in Hobart Town (Australia), and R. Griffin & Co. in Glasgow. The *New Newgate Calendar* held an international appeal.

of Wales Theatre, Liverpool, in 1865, a year prior to his London debut.⁴ Another version of the story, featuring a gypsy curse and numerous large dance numbers, was produced by the resident writer of the Queen's Theatre, Battersea (London) and was handed down within the family when they founded a large and well-outfitted touring theatre venture. They continued to perform the story with financial success throughout the 1870s.⁵ An early British "quota quickie" film was produced in 1935 with a stage veteran named Tod Slaughter in the villain's role,⁶ and Brooks Atkinson of the *New York Times* reviewed an American production of *The Murder in the Old Red Barn* in 1936. Although Atkinson was not impressed, he nevertheless admitted that the "bombastic, maudlin yarn of villainies and virtues, concluding with a turgid hangman's scene" met with "approval" from the audience. He further observed, "In the crises the actors occasionally appeal to the audience for counsel, and the response is thoroughly upright and spontaneous."⁷

The Red Barn story and its historical foundation are interesting partly because of its longevity and popularity in the consumer marketplace. Over more than a century, it formed the basis for multiple adaptations meant for the stage and films, print materials,

⁴ Michael Kilgarriff, *The Golden Age of Melodrama* (London: Wolfe Publishing Ltd, 1974), 206.

⁵ Montagu Slater, "Introduction," in *Maria Marten, or Murder in the Red Barn*, 2nd ed. (London: Heinemann Education Books Ltd, 1971), viii. Latimer's Mammoth Theatre, as it was listed in John Latimer's will in the 1850s, enjoyed lucrative tours to Wales and was eventually established a home base in West Bromwich, near Birmingham, England (coincidentally, not far from the site of the Mary Ashford murder).

⁶ A "quota quickie" was a short British feature film, usually produced on a limited budget and in a very short time frame in order to satisfy the Cinematograph Films Act, a government regulation that British film studios release a minimum number of films per year and that British cinemas show a certain percentage of British-made movies as part of an effort to protect the British film industry from the influx of movies made in the United States. Between 1930 and 1940, commercial film-maker George King directed or produced 69 films, many of which were adaptations of existing melodrama stage plays. He produced Slaughter's 1935 *Red Barn* and again cast Slaughter as the villain in his 1936 version of *Sweeney Todd*. See Steve Chibnall, "*Quota Quickies*": *the Birth of the British 'B' Film*, (London: British Film Institute, 2007).

⁷ Brooks Atkinson, "The Play: 'Murder in the Old Red Barn' in Fifty-fifth Street, or a Drama Critic's Saturday Night," *New York Times*, 3 Feb 1936, pp 20.

and audio recordings.⁸ From the moment the story broke in the nineteenth century, the case connected with consumers in such a way that the commercial theatre, with its economic motivations, positioned itself to capitalize on a public appetite for consuming the Red Barn.

In the early part of the nineteenth century, when the event and its attendant dramatic presentations were closely linked chronologically, the writers and producers who brought the tale to life in the theatre worked to situate their plays as authoritative retellings, selling “provincial” events to an urban audience already familiar with the story and the circus-like atmosphere surrounding the historical case. In the beginning, early dramatic adaptations in the form of camera obscura and booth theatre productions appealed to tourists who traveled to the Suffolk area where the murder and trial occurred. Unlike many other true-crime entertainments, there were early Red Barn theatricals at the site of the crime, drawing at least some of their power from their site-specific geographic situation. Theatres and printers several hours away in the capitol city of London found the story sold well among urban audiences who had never been near the site of the murder. In the end, the tension between rural and urban played to the strengths of the melodrama playhouses. In their advertising and publications and through the texts of the

⁸ The oldest ballad version, “The Murder of Maria Marten by William Corder,” published in 1828 by J. Catnach of London, and a competing ballad “The Suffolk Tragedy or the Red Barn Murder” published around 1830 by Thomas Ford of Chesterfield, have regularly been performed and, more recently, recorded by folk musicians. For more on these ballads, see Tom Pettitt, “Written Composition and (Mem)oral Decomposition: The Case of ‘The Suffolk Tragedy’”, *Oral Tradition* 24, no. 2 (2009): 429-454. Some examples of recent recordings include a version by Shirley Collins & The Albion Country Band on the album *No Roses* (1971), and Freda Palmer on the album *Voice of the People 03: O'er His Grave The Grass Grew Green: Tragic Ballads* from Topic Records (1999). There is also, evidently, audio recordings from the 1930s by “Tod Slaughter & Company with Orchestra,” featuring songs and spoken narration; recordings are held at the National Film and Sound Archive in Australia. Title No. 304715 (Title “Maria Marten: Act 1, The Dawn of Romance; Maria Marten: Act 2. The Tragedy Unfolds Itself.” Library Matrix No's: AR1276; AR1277) and Title No. 304717 (Title “Maria Marten: Act 3, The Murder; Maria Marten: Act 4, The Hand of Justice: A Life for a Life.” Library Matrix No's AR1278; AR1279).

scripts themselves, printers and producers made it clear that they thought it was absolutely necessary to stake claim on “authenticity,” even though it was not unusual to find gossip and rumor in pamphlet reports, or entirely fictitious characters in dramatic adaptations. The desire for a vicarious touristic experience coincided with a desire for ownership, placing the Red Barn story squarely at the center of a perfect storm of print culture, theatre culture, and consumerism.

Morals and Tourists in Suffolk

The real story of murderer William Corder and victim Maria Marten was inherently melodramatic. In 1827, Maria Marten left her father’s small house in the Suffolk countryside, dressed in disguise, presumably to marry her lover William Corder, son of the disapproving local squire. Marten was not heard from again, and in the spring of 1828, her father found her body buried under the dirt floor of a red-roofed barn near their home. William Corder was located in London, living respectably under an assumed identity, and was returned to Suffolk to be tried for her murder. He was convicted and executed that fall.

The public’s primary point of access to the story was through the work of journalists. The explosion of print culture and a rise in reading for pleasure, entertainment, and edification meant that pamphlet printers found it financially beneficial to plant their writers in court houses. These pamphlets were designed as rivals to the *Newgate Calendar* and similarly framed the crime narrative as an opportunity for moralizing. As Richard Altick wrote, “Moralizing pamphlets and tracts had, of course, a long history behind them, as did the custom of basing Sunday sermons on current

events.... Thanks to the broadside and newspaper press, the preachers' and critics' audience could be relied upon to be fully briefed in the background facts which gave point to the moralizing and particularly disposed the audience to be attentive."⁹ If, as dance and theatre scholar Catherine Pedley asserts, the *Newgate Calendar* was "marketed as a means of teaching children the ultimate price that would be paid for sins against society and God,"¹⁰ the pamphleteers and theatre producers used similar techniques in an effort to render their topics acceptable, and profitable, across all age ranges.

Conventions of the time allowed, or even expected, authors and journalists alike to express opinions and pass judgment on their subjects. The Red Barn spawned newspaper articles, commentaries, poems, pamphlets, broadsides, ballad sheets, court records, its own entry in the *Newgate Calendar*, and even an invaluable book-length study by journalist/author James Curtis. Curtis was a writer for the *London Times*, and his specialty was murder trials. He was well known to courthouse and jailhouse authorities, and was granted exceptional access to prisoners in over one hundred cases, especially those at London's Old Bailey.¹¹ When news of the Red Barn case broke, Curtis hurried to Polstead with the other reporters. What set him apart was his choice to remain in Polstead and conduct his own journalistic research into the case. Despite the presence of his personal views, editorial commentaries, and sometimes overly-dramatic turns of phrase, the great majority of Curtis's book-length Red Barn study is thoughtfully constructed, factually correct, and thoroughly researched.

⁹ Altick, *Victorian Studies in Scarlet*, 189-190.

¹⁰ Catherine Pedley, "Maria Marten, or the Murder in the Red Barn: The Theatricality of Provincial Life," *Nineteenth Century Theatre and Film* 31, no. 1 (Summer 2004): 32.

¹¹ Altick, *Victorian Studies in Scarlet*, 29.

Again, it is not possible to reach some essential truth about the Red Barn murder events. The narrative provided by witnesses and the convicted murderer shifted somewhat during the months the case was aired. Motivations are even more elusive things to track, despite the very human desire to control and understand the seemingly random, senseless act of murder by explaining it. The crime itself was described as horrific. The historical Maria Marten was a single mother, raising her son in the home she shared with her aged father, stepmother, and two siblings. In 1827, she bid her family adieu and set out to elope with William Corder, the landlord's son and her current lover. Her family became suspicious when they did not receive a single letter from her after her supposed marriage; they tried to reach Corder by mail and his initial replies offered plausible but unsatisfactory reasons why Marten had not written home. Next, Marten's stepmother reported having disturbing dreams wherein Marten's ghost called out for justice. When the harvest was cleared from the barn in the spring of 1828, Marten's father discovered a patch of disturbed ground, and when he sank his mole-spade into the earth, part of Marten's linen dress came up with it. A local doctor-turned-medical-examiner was called and the court ordered a coroner's inquest immediately. William Corder was evidently the only suspect seriously considered, but it took a strong appeal by Suffolk lawmen and good deal of sleuthing by London police officer Pharos Lea to locate Corder in the metropolis.¹²

¹² It should be noted that there are variant spelling of the names of several people connected with the case. I use the most commonly accepted spellings in this piece. Most of the alternate spellings appear in cheap and hastily produced pamphlets or in early newspaper articles. Policeman Pharos Lea is listed in some early reports as "Lee," and Constable Ayres from Suffolk is given as "Ayers" or "Eyers" in different accounts. Courtroom witness Pheobe Stowe is listed as "P. Stow" in one pamphlet. Marten is occasionally spelled "Martin," especially in later melodramas.

The London *Times* and the local Suffolk papers alike printed information about the grisly discovery of Marten's body and the life she left behind, but press coverage of the Red Barn events began in earnest with Corder's arrest in April, arousing considerable public interest. By the time Corder was carted back to Suffolk to stand for the inquest, the public had already been following the case in the press. News of his movements "preceded him" as he was being transported to Suffolk. *John Bull Magazine* reported, "[I]mmense crowds were collected before the Inn. Lea conducted his prisoner to the room appropriated to the coach passengers... but the crowd was so great, and their anxiety to gain a sight of the prisoner so intense, that the officers deemed it absolutely necessary to remove the prisoner to a place of security."¹³ Soon every part of the Polstead area would be flooded by visitors hoping to see the prisoner or the scene of the crime. For his part, Corder spent his first night back in the provinces sharing a bed with Constable Ayres, one arm handcuffed to the law officer and the other cuffed to the bedpost.¹⁴

¹³ "Murder at Polstead," *John Bull Magazine*, late edition, 27 April 1828

¹⁴ This account of events had been drawn from various reports. Pamphlet and book titles are typically quite long in this period. For the full titles, please see the bibliography. Pamphlets: *A Correct Report of the Trial of William Corder...* (Bury St Edmunds: T. D. Dutton, 1828); *The Red Barn Tragedy! An Authentic Narrative...* (London: G. Smeeton and G.H.Davidson, 1828); *The Trial of William Corder at Bury St Edmunds...* (Bury St. Edmund's: T. D. Dutton, 1828); *The Trial of William Corder at the Assizes...* (London: Knight and Lacey, 1828). Book-length study: J. (James) Curtis, *An Authentic and Faithful History of the Mysterious Murder of Maria Marten...* 1st ed., (London: Thomas Kelly, 1828). Magazines: "Murder at Polstead," *John Bull Magazine*, late edition 27 April 1828; "Horrid Murder," *John Bull Magazine*, 27 April 1828. Newspaper articles: "The Trial and Conviction of William Corder," *Times* 9 Aug. 1828, p3; "Summer Assizes: Bury Dr. Edmund's, Thursday Aug. 7, Trial of William Corder for the Murder of Maria Marten," *Times*, 8 Aug. 1828, p2; "Horrible and Mysterious Occurrence," *Times* 23 April 1828, p3. Also, newspaper articles from a clippings collection in the Law Library Rare Books Collection, Library of Congress (Washington, DC): "Atrocious Murder of a Young Woman in Suffolk – Singular Discovery of the Body from a Dream – And Apprehension of the Murderer at Ealing, Middlesex," *The Suffolk Herald*, 22 April 1828; "The Murder at Polstead," *The Suffolk Herald*, [April 1828?]; "Polstead," 25 July 1828 (newspaper title unknown); "Murder at Polstead – Coroner's Inquest" (newspaper title and date of publication unknown); "Polstead, July 25, From a Correspondent," (London newspaper and date of publication unknown).

The three and a half months between William Corder's arrest and his trial did not diminish the public interest, buoyed by constant reporting. A newspaper correspondent wrote from Polstead on July 25th, "Polstead Cherry Fair... was the largest ever known in the memory of man. This increased influx is no doubt owing to the notoriety which the village has obtained in consequence of the late murder of Maria Marten."¹⁵ Each summer, Polstead hosted a country fair that celebrated a harvest of particularly dark, sweet cherries from orchards around the area. The Polstead Cherry Fair also featured the earliest documented theatrical version of the Red Barn story. England has a tradition of performance that reaches beyond the legitimate London playhouses and the urban minor theatres. In Polstead, the first theatrical events that used the Red Barn murder for their source material took the forms of camera obscura and booth theatre productions, which largely reduced the story to a series of tableaux scenes.

The *Times* reported on the theatrical representations on 25 July 1828, worth quoting despite its length:

Among other amusements there were a number of shows, and in two of these there were exhibited theatrical representations of 'The Late Murder of Maria Marten,' which of course attracted considerable attention, and insured to the proprietors a rich harvest. In one of these exhibitions, there was the scene in the 'Red Barn' where the mutilated body was lying on a door on the floor, surrounded by the Coroner and the gentlemen of the Jury as they appeared on Sunday the 20th of April, the day after the fatal discovery took place, and the representations were said to be extremely correct. This ill-timed spectacle was placed for public view within the trumpet-sound of the dwelling of the venerable, care-worn, and almost broken-hearted mother of the alleged perpetrator of the horrid

¹⁵ "Polstead," 25 July 1828. Unidentified newspaper clipping in the Law Library Rare Books Collection, Library of Congress, Washington DC.

deed, which was deemed extremely improper by the better-informed part of the inhabitants, and by some of them entirely condemned.¹⁶

There are several telling phrases that reveal tension in this passage. The reporter considered the spectacles to be “ill-timed” and “extremely improper,” given that the “better informed part of the inhabitants” both disapproved and refused to attend. However, the event was clearly also popular. The “rich harvest” assured to the theatrical proprietors had nothing to do with Polstead’s harvest festival. The proprietors were raking in money, not cherries. The theatrical event is a commercial endeavor; in this case it is not positioned to inform since the particulars of the case were already so established by press accounts that spectators felt authorized to comment on its “correctness.” Rather, these early performances were calculated to exploit the event for financial gain.

James Curtis, author of the book on the Marten/Corder case, was also covering the Cherry Fair for the *Times*, and was already on his way to becoming the authority on both the trial and the lives of those people involved. After describing the chief entertainments at the Polstead Cherry Fair, Curtis continued:

There was no magisterial interference on the subject. In the course of the day, however, the showmen received a message from Mrs. Corder, warning them of the consequences if they made an improper use of the name of her son; and the caution appeared to be attended to, but the public were as well acquainted with the innuendos which were thrown out as though the real name had actually been used. In addition to these exhibits, there were ballad-singers with songs connected to the Polstead murder, where the name of Corder was unfairly introduced, considering that at the time he was awaiting trial. ¹⁷

¹⁶ Reprinted in Curtis, *The Mysterious Murder*, 55-56. Unlike some other reporters, Curtis was experienced at taking down court testimony.

¹⁷ Reprinted in Curtis, *The Mysterious Murder*, 55-56.

The Polstead Cherry Fair occurred about two weeks prior to Corder's trial. No verdict could have been handed down, but that did not stop the proprietors of popular entertainments from presenting Corder as an undisputed murderer.

What sort of people composed this audience? This question may never have a clear answer, but since Polstead enjoyed an unprecedented influx of visitors due to the murder case, and Polstead itself had only a small year-round population, it is easy to extrapolate that tourists made up at least a reasonable segment of the audience. Despite the journalist's disapproval of the consumption, which he clearly deemed crass, it is unlikely that all of the "better" people entirely stayed away. Even the most high-class, educated people can be drawn to an event by curiosity, and this in an era when public hangings were still considered crime deterrents and appropriate entertainment for ladies and gentlemen.

Corder's August trial followed the Cherry Fair almost immediately and again attracted journalists from the nearby *Suffolk Herald* to the *London Times*. The pamphleteers who published booklets about the trial wrote that visitors came from as far away as Scotland. The night before Corder's trial was to begin, "such was the influx of visitors to Bury that many had to pay a guinea for a single bed, or to take no bed at all."¹⁸ The fact that reporters could get into the court room the following day may have been a minor miracle. The pamphlet *Red Barn Tragedy!* informs its readers that "though every exertion was made... to facilitate the ingress of reporters, yet for a time they proved fruitless, and it was only by being actually hauled over the barriers that they reached the

¹⁸ Curtis, *The Mysterious Murder*, 83.

place allotted to them.”¹⁹ Another enterprising pamphleteer informed his readers, “The Court could not possibly allow of the admission of a tenth of the multitude.”²⁰ At the time of the trial, these proceedings certainly appealed to spectators; men and women filled the court room, climbed to the roof to peer through skylights, stood on stone window-ledges, and pressed against the building’s side window glass with such force that some of the panes shattered.²¹

Additionally, people flocked to hear about the reported “seduction” of Maria Marten in at least two outdoor religious sermons delivered revival-style by Rev. Charles Hyatt and Rev. Young, within sight of the infamous barn. Such a performance conflated religious ceremony with popular entertainment, although this was not (and is not) uncommon.²² In Suffolk, performances like this were pitched to an audience of mixed but not incomprehensible background. Those who had traveled to the countryside from London were, at the least, middle-class enough to afford the trip even if they stayed for only a few days. The poorest of the poor would have been unlikely to make the journey. The local inhabitants of the county formed another audience constituency and the majority of these people were not wealthy. The community’s economy was entirely based on agriculture, and its population was dominated by laborers and those who, like Marten’s mole-catcher father, supported the farm industry.

¹⁹ *Red Barn Tragedy!*, 3.

²⁰ T.D. Dutton, “To The Reader,” in *A Correct Report...* 3

²¹ Curtis, *The Mysterious Murder*, 142-143.

²² Another, later example of the religious sermon transported or translated into a popular theatrical act is “Sister” Aimee Semple McPherson. When “one of America’s most renowned evangelists came to Broadway” she “achieved celebrity status in the 1920s through a combination of the public display of her religiosity and ‘show business’” with an act that included a brass band, a juggling seal, and thirty minutes of religious testifying by the attractive, “blindingly blond” preacher. See John W. Frick, “Monday *The Herald*, Tuesday the Victoria: (Re)Packaging, and (Re)Presenting the Celebrated and the Notorious on the Popular Stage,” *Nineteenth Century Theatre and Film* 30, no. 1 (Summer 2003): 34-35.

In times of tragedy, church leaders can employ real world events to stir up their congregants. For instance, Charles Hyatt, minister of Ebenezer Chapel, Shadwell, preaching at the Red Barn 17 August 1828, aimed much of his commentary specifically at the young women present. “Fornication, called, and justly called, in the Prayer book of the Church of England, deadly sin, is increasing among the poor in the villages... O young females, time was that your mothers and grandmothers possessed almost so much chastity as the middling or the higher ranks of society!”²³ The obvious class bias aside, there is interesting if typical gender construction at work here, since the reverend’s speech places the sole responsibility for sexual propriety on the young women.

Some of those who flocked to hear a sermon may have gone out of religious fervor, and others may have gone out of curiosity, but the preachers exploited the case to draw a crowd just as the showmen who put up the tableau theatre production at the fair had done. Some pamphleteers and preachers carefully glossed over the issue of Marten’s sexual activity, while others gleefully reported that Marten had had three pregnancies with multiple partners. In the late eighteenth and early nineteenth centuries, there were multiple, divergent forms of reform literature. “Conventional” works “emphasize the ingredients and rewards of virtue” while the “subversive” used a cloak of morality as an excuse to focus on the adventures of those wallowing in depravity. In sermons and moral tracts addressing everything from sex to gambling to drink, “dark” reformers embraced the “paradoxical combination of the perverse and the prudish,”²⁴ sensationalizing and

²³ Slater, “Introduction,” *Maria Marten, or Murder in the Red Barn*, viii.

²⁴ David S. Reynolds, *Beneath the American Renaissance: The Subversive Imagination in the Age of Emerson and Melville* (Oxford: Oxford University Press, 1988), 57-58, 60. Reynolds offers several examples of both the conventional and the subversive reform literature. One of the most extreme examples of the “dark” reformer follows Mason Locke Weems, America’s “Parson” Weems, who produced a number of tracts that were explicit in their descriptions of vice. His first best-seller was *Onania*, an anti-

sometimes even celebrating the vices they purportedly denounced. Many of the pamphlets and apparently some of the theatrical performances detailing the Red Barn case have less in common with the “conventional” moralists than with their dark counterparts.

Those who were less inclined to countenance salacious details about Marten’s relationships could still access the event through other publications centered on the murder. Additional sermons, like one given by Rev. Meshach Seaman of Queen’s College, Cambridge, happened in respectable English churches for presumably even more observant and more narrowly defined audiences. However, the market supported the publication of their sermons as well and disseminated them beyond the immediate congregational circle, and provided a permanence that the ephemeral church performance could never claim.²⁵ When Seaman had his speech published in a pamphlet, he added to his title the phrase “On the Occasion of the Execution of William Corder, for Murder,” despite the fact that neither Corder nor Marten appear before page 19 of the 32-page text.²⁶

Owning the Event

masturbation treatise published in the 1790s that described it so luridly that other religious leaders suspected the public read it for the early chapters and not for the final sermon tacked onto the end. His descriptions of adultery and alcohol-fueled sexual violence in tracts like *Hymen’s Recruiting Sergeant* and *The Drunkard’s Looking Glass* worked in a similar way. (See chapter 2, “The Reform Impulse and the Paradox of Immoral Didacticism,” p54-91.)

²⁵ Seaman’s sermon is at the Rare Books collection, Law Library of Congress (Washington DC). Charles Hyatt’s sermon is at the British Library (London, UK).

²⁶ Rev. M. (Meshach) Seaman, *The Privileges of the Righteous and the Woes of the Wicked, A Sermon Delivered in the Parish Church of East Donyland, Sunday Morning, August 17, 1828, and Repeated, by Desire, in the Afternoon of the Same Day at St. Peter’s Church, Colchester, on the Occasion of the Execution of William Corder, for Murder* (Ipswich: S. Piper, 1828).

A court room trial, like an open-air sermon or tableau theatre production, might be satisfying, but the experience is ephemeral. Pamphlet printers recognized the opportunity to sell their wares to the courthouse crowds because the tangible pamphlet, containing an accounts of the trial embellished with details of Marten’s life, had permanence and could serve as a souvenirs. Newspaper journalists were considered more reliable than their pamphlet-writing brethren, and given the column-inch constrictions of the *Times* and similar papers, their accounts are necessarily more brief and to-the-point. The newspaper was less likely to function as a souvenir, but some long-forgotten collector assembled newspaper clippings as a sort of scrap-book following the event. These records meant something to the collector, and eventually entered the archive as a bound volume at the Law Library, Library of Congress. Cheap pamphlets, however, claimed to report any number of detailed “facts” about Marten, Corder, their respective families, the town, the crime, and the evidence presented at trial. Many of these “facts” were little more than rumor or gossip, but they were published and sold to an eager public nonetheless. Pamphleteers found they could outsell their competition by advertising the most recent, unpublished, newly discovered, or salacious “fact;” fact-checking was not high on their list of priorities. An archivist comparing pamphlets finds confusing information: names of major players were often misspelled, dates were given incorrectly, even the Marten family tree becomes muddled.²⁷

²⁷ Various pamphlets casually and incorrectly stated that Maria Marten’s child was Corder’s son, or of unknown paternity, or even that the child was Maria Marten’s brother and she was a virgin until she met Corder. Pamphlets frequently state that Mrs. Marten (Maria’s stepmother who was near her own age) was Maria’s birth mother. After comparing all the sources available to me, I am confident that I have untangled this snarled-up family tree.

While pamphlets were popular commodities that flooded London book stalls, visitors to Bury St Edmunds purchased Red Barn publications in great numbers as well. Pamphlet printer T.D. Dutton hired reporters to step outside of the courthouse with copy every half-hour, which “enabled me to produce to the world the present account with the extraordinary dispatch announced, viz., two hours from the breaking up of the Court.”²⁸ To use a modern press term, Dutton “scooped” the other papers and pamphleteers this way, but he was by no means the only game in town. The inside cover of the rival Knight & Lacey pamphlet trumpeted the *Times* statement from August 12th: “Five hundred copies of Knight & Lacey’s edition of the Trial were sold in Bury within a few hours after their arrival from London.”²⁹ The effects of the media coverage did not go unnoticed in the court record. Witnesses objected to the reporters, who then dutifully reported the objections; one paper made sure to note, “The Coroner objected to our reporter taking notes.”³⁰

In addition to accounts of the court proceedings, a poem supposedly authored by William Corder was printed on multiple broadsides and ballad sheets and circulated throughout England for years. The most famous printing was from James (Jemmy) Catnach. Catnach located his shop in Seven Dials, an unsavory London neighborhood “long notorious as the fount of sensational, often salacious, and in any event extremely cheap ‘literature for the people,’” as Richard Altick colorfully explains in *Victorian Studies in Scarlet*. “A shifting complement of decrepit, gin-thirsty authors, ‘The Seven

²⁸ T.D. Dutton, “To The Reader,” in *A Correct Report*... 3.

²⁹ *The Trial of William Corder at the Assizes*... front cover.

³⁰ “Murder at Polstead – Coroner’s Inquest,” [1828]. Unidentified clipping in the Law Library Rare Books Collection, Library of Congress, Washington DC.

Bards of Seven Dials' as they were called, concocted the texts."³¹ Catnach's biographer, Charles Hindley, claimed that Catnach and his fellow Seven Dials printers together sold about 1,650,000 pieces on the Red Barn case alone.³² Catnach ran his shop from 1813 to 1838, during the ballad's heyday, but printers across England made Corder ballads widely available years after the trial ended.³³

The town of Polstead benefited from the overnight influx of site-seers and, along with tourism, an ad hoc souvenir industry sprang up, complete with knick-knacks. As a measure of modern success, "you know you've made it when you're an action figure,"³⁴ and the participants in the Red Barn event achieved the nineteenth-century equivalent. The Staffordshire pottery industry, well known for producing ceramic souvenirs for all occasions, created miniature figurines of both Corder and Marten. Additionally, they manufactured different versions of hand-painted ceramic Red Barn models. In one version, Marten stands at the door of the barn, while in the other, she stands at the corner while Corder beckons to her from the door, and in yet a third version, there are no people but the barnyard is full of chickens and cows.³⁵ It is worth noting that the a-symmetrical

³¹ Altick, *Victorian Studies in Scarlet*, 44.

³² *Ibid.*, 47.

³³ John J. McAleer, "Jemmy Catnach - Catchpenny Czar," *South Atlantic Bulletin* 27, no. 4 (Mar. 1962): 8-9. The Borowitz Collection at Kent State University Libraries has an undated copy of a "Murder of Maria Marten" ballad sheet published by Jackson and Son (late J. Russell) Printers, 21 Moor Street, Birmingham. Russell's shop printed between 1814 and 1838. Jackson printed from 1840 to 1855. Dates culled from Roly Brown, "Glimpses into the 19th Century Broadside Ballad Trade: No. 22," *Musical Traditions* (July 2006). Online at http://www.mustrad.org.uk/articles/bbals_22.htm [Accessed 5 October 2012.]

³⁴ This is a common phrase. For one appearance, see Patrick Lee, interviewing Ian McKellan, "Interview: The Stars of The Lord of the Rings Trilogy Reach Their Journey's End," *Sci Fi Weekly*, 22 Dec 2003.

³⁵ Altick, *Victorian Studies in Scarlet*, 107-108. In modern St. Edmundsbury, the Moyses Hall Museum counts one of the cow-and-chickens versions of the Staffordshire figures among their collection.

shape of the pottery Red Barn is very close to the barn's appearance in every illustration, but the Staffordshire Pottery collectible must have been painted by artists working from imagination or misleading reports, because the figurines feature red walls while the historic barn had plain wooden walls and a striking red roof.

Some nineteenth century tourists were not content to purchase manufactured items. Instead, they found their own souvenirs. Maria Marten's tombstone in the Polstead churchyard was chipped away by souvenir-hunters. Similarly, newspaper reports during the trial stated that the Red Barn itself "is now, from motives of curiosity, almost torn to pieces... one side, to the height of five or six feet, is nearly gone."³⁶ Some of the boards ripped from the structure went into the hands of enterprising entrepreneurs. One man, spotted carrying "a bundle of boards from the barn," remarked that he planned "to take them to London to make a variety of articles for sale as curiosities."³⁷ One of these curiosities was a snuff-box, a practical item designed for everyday use.³⁸ The souvenir's "memorial function, whether as a transitive verb or an actionable noun, anchors itself in its ability to bring the sensation of the other – an other person or an other place – into one's own body or conception of self... The souvenir refers back to a larger experience, of which it is a fragment."³⁹ The tourists at the Red Barn evidently felt a need to claim

The figurine with Marten and Corder may be seen at *Antique Pottery*, <http://www.antiquepottery.co.uk/antique-pottery-and-ceramics/d/staffordshire-pottery-red-barn-table-base-sherratt/86254> [Accessed 5 October 2012.]

³⁶ "The Red Barn at Polstead," *The Times* (London), 31 July 1828.

³⁷ *Ibid.*

³⁸ One of the supposed snuff-boxes, in the shape of a shoe, is in the collection at the Moyses' Hall Museum, St. Edmundsbury, UK. The St. Edmundsbury Borough Council official website includes photographs of some of the items in their collections can currently be viewed on line, including a ballad sheet, illustrations of Polstead, pamphlets, articles, and a Staffordshire pottery figurine.

ownership of the event in a very personal way, and to carry mementos of their provincial experience with them back to the quintessentially urban city of London.

Although Mary Moore, Corder's new and legitimate wife, petitioned to have Corder's body returned to the family after the execution, her request was denied. As was common at the time, Corder's body was handed over to the surgeon of the local hospital, and was dissected. The public was invited to view the dissection, and the body was separated into a number of pieces. The skull was examined by a phrenologist, Dr. J. Spurzheim, whose dubious (and now discredited) scientific examination led him to conclude, based on the bumps of the skull, "the natural moral character of such a head is formed by animal feelings, deprived of self-esteem."⁴⁰ A plaster cast of Corder's dead face was turned into a museum bust. The present Moyses Hall Museum in Suffolk also retained a portion of Corder's preserved scalp, while parts of his skeleton were sent to the Hunterian Collection, today exhibited at the Royal College of Surgeons in London. Gruesomely enough, George Creed, the West Suffolk Hospital surgeon, tanned William Corder's skin and made it into a book binding to re-cover a first edition copy of James Curtis's authoritative book.

The troubling practice of turning human remains into souvenirs has the effect of transforming the body into a "captive object to be owned, displayed, and quite possibly traded."⁴¹ The potentially threatening figure, in this case a convicted murderer, is contained and neutralized even after death by the commodification of his remains. This is

³⁹ Harvey Young, "The Black Body as Souvenir in American Lynching," *Theatre Journal* 57 vol. 4 (Dec. 2005): 641.

⁴⁰ The St. Edmundsbury Borough Council, "The Red Barn Murder: The Exhibits," <http://www.stedmundsbury.gov.uk/sebc/visit/exhibits.cfm>

⁴¹ Harvey Young, "The Black Body as Souvenir," 646.

probably one reason why, despite editorialists' fears that "the filthy rags which were dug from the grave, and which had been wrapped round the corrupting remains of the poor girl, will all be collected as precious relics,"⁴² Maria's Marten's remains were safely buried in the Polstead churchyard and not divided among souvenir seekers. She was not a saint, so her body parts held no religious value, but she was also non-threatening so the impulse to contain and reduce her humanity was less pressing. When the trial concluded, her bones and clothes were re-interred. For whatever reason, her family did not financially profit from public interest in the case; they did not sell her belongings or charge admission for visitors to walk through the house where she had lived.

On the other hand, after Corder's death, the hangman's rope was sold for "a guinea an inch."⁴³ Possessing the instrument of execution "trumps" owning illustrations or written accounts of such an event; similarly, the skin, bones, scalp or any other "body part as a keepsake" is more loaded with meaning than a tombstone chip because "the former contains, in a Benjaminian sense, an aura lacking in the latter."⁴⁴

Provincial Life from the Script and Stage

⁴² "Points of Horror!!!! Or, The Picturesque of Corder's Case," [1828?]. Clipping in the Law Library Rare Books Collection, Library of Congress, Washington, DC.

⁴³ Ibid.

⁴⁴ Young, "The Black Body as Souvenir," 645-646. Young's excellent treatment of the body-as-souvenir specifically deals with lynchings in the United States. Many of his insights have much wider-reaching value, but I should point out there are differences as well. Young notes that lynchings were racially motivated and that the most gruesome events tended to be the result of mob violence. Whatever one's feelings may be about capital punishment, Corder's execution, like Thurtell's, was quite different from a lynching. Among other things, the dying man had received a real trial, the cases lacked racial motivation, the crowds of spectators were not active participants, and it was structured, controlled, and officially sanctioned.

Spectators far and wide wanted to experience something of the Red Barn case first hand, but the move from a provincial tourist site to an urban working-class playhouse is significant. It is possible that all things bear ideological imprints, but a play is much less free of ideology than a pottery souvenir. Plays have implied audiences, of course, and the extant Red Barn texts were presented primarily for the working class London population. Since London's East End consumer was separated from the Suffolk residents and tourists by geography, and usually by occupation or class as well, the theatre's adaptation of the events should necessarily be different from those marketable products presented in the countryside. The stage served as a site for the consumption of the Red Barn story for a public that could best consume the event through embodied representation. Despite the theatre's claims that it offered its audiences a "correct" or "authentic" representation of the case, even a cursory glance through early scripts and descriptions show substantial changes to the key players and some plot points.

In Curtis's lengthy account of the Polstead Cherry Fair productions of the Marten case, he unwittingly reveals his own uneasy relationship with the spectacles. In order to write his first-person account of the theatrical scene, he went to see it himself. The provincial tableau theatre representation of the corpse was said to be "correct," and yet Curtis condemns both the proprietors and the spectators. He seems to differentiate between those who attended to gawk and those who wanted to learn. In this vein, he praised the reverends who came to preach sermons on the moral downfall of poor Maria, and criticized those who reworked the events merely for entertainment. He wrote, "It is

much to be lamented, though not to be wondered at, that advantage should be taken of this excitement of feeling by mercenary individuals for the mere purpose of gain.”⁴⁵

It is therefore surprising that near the end of Curtis’s account, he willingly, even happily, introduces a commercial dramatization of the case. Anticipating some resistance from his readers, he admits, “It may very likely appear an incongruity of no inconsiderable magnitude by many of our readers. . . , and why connect the stage with the pulpit may be the interrogatory? We answer that our aim being to turn to moral account the History we have compiled, we are careless from what source we obtain information and observations which may be subservient to that great object.”⁴⁶ Curtis’s “great object,” as he articulated it, was the moral education of the public. He thought the play he attended achieved this goal. “We have perused a melodrama called *The RED BARN, or the Mysterious Murder*, and have witnessed its stage effects at the Royal Pavilion, Mile-End Road; we consider the piece admirably got up, and creditable to the talents of Mr. West Digges, the author.”⁴⁷

The Royal Pavilion theatre was opened in London’s East End by Wyatt and Farrell, with its first performances held in November of 1828.⁴⁸ But this East End theatre, which no longer stands, is a mass of contradictions. It was situated in an area buoyed by industry and noted as early as 1807 for bustling trade and diverse occupations including

⁴⁵ Curtis, *The Mysterious Murder*, 55.

⁴⁶ *Ibid.*, 278.

⁴⁷ *Ibid.*, 279.

⁴⁸ Frederick and Lise-Lone Marker, “A Guide to London Theatres, 1750-1880,” *The Revels History of Drama in English* vol. 6 (London: Methuen & Co: 1975), lvii; Jim Davis and Victor Emeljanow, *Reflecting the Audience: London Theatregoing 1840-1880* (Iowa City: University of Iowa Press, 2001), 55. Wyatt and Farrell’s theatre burned down in 1856. The rebuilt version that opened in 1858 boasted the largest auditorium in London, but according to the *East London Observer*, initially failed to draw crowds from the diverse neighborhood because it leaned too heavily toward nautical dramas and did not offer the variety or “sophistication” found in the Surrey across the river (Davis and Emeljanow, 58-64).

“cabinet-making and tailoring, docks and ship building, and breweries and sugar-refineries.” Bakers, school teachers, and surgeons, lived alongside shoe-makers, umbrella-makers, and cigar-makers.⁴⁹ Until a mid-century slump, the spirit of the area was of a vigorous commercial neighborhood. Looking back, in the 1880s, local churchman Reverend H. Hadden described the area in the 1820s as “in the zenith of its prosperity. It was not then, as now it fairly may be called, an almost entirely poor parish... Houses, each of which now give a dwelling to three or four separate families, were then the town residences of the parochial merchant princes, Wellclose Square being pre-eminently the most fashionable quarter, as containing the house of the Danish Ambassador.”⁵⁰ And yet the audiences at the Royal Pavilion in Mile-End, despite diverse individual occupations, shared working class status. Mile End New Town and Mile End Old Town were separated by the aptly named Common Sewer, a modified natural waterway; theatre-goers in the early decades of the nineteenth century would have had to navigate around sections of sewer that still ran uncovered through town. Mile End had an ever-changing landscape that was heavily rebuilt throughout century. In the early decades, it was common to see homes one-window wide and three stories tall built side-by-side on fifteen-foot-wide plots of land. Docks replaced old hunting grounds, natural marshes, and small farm plots. Among the industries were foul-smelling tanning and wool-treatment workshops.⁵¹ Mile End and Whitechapel were already considered part of

⁴⁹ Davis and Emeljanow, *Reflecting the Audience*, 56, 62-64.

⁵⁰ *Ibid.*, 56.

⁵¹ F. H. W. Sheppard, ed., “Mile End New Town,” *Survey of London, vol 27: Spitalfields and Mile End New Town* (London: Athlone Press, 1957), 265-288. Portions also available online at <http://www.british-history.ac.uk/report.aspx?compid=50179>

London itself by the nineteenth century, regardless of where the actual, shifting city limit might fall.⁵²

In this environment, the new Pavilion theatre opened with advertisements announcing “elegant and commodious boxes... constructed and adapted for respectable Family Parties,” and in 1840 the manager asserted the Pavilion was “an eastern national theatre where the cause of moral improvement will be strenuously advocated” and where “parents and guardians may visit the theatre with their females without the fear of having the young mind contaminated by ribald and trashy productions.”⁵³ Some of this may be seen as aspirational or exaggerated self-promotion. Certainly by the 1850s an actor observed that “aristocratic playgoers ignore the existence of the Pavilion.”⁵⁴ It seems true that the Pavilion’s audiences were drawn from the local population that *London Labor and the London Poor* reporter Bracebridge Hemming called “a strange amalgamation of Jews, English, French, Germans, and other antagonistic elements,” and they loved their special effects: “pyrotechnic displays, blue demons, red demons... Great is the applause when gauzy nymphs rise like so many Aphrodites from the sea, and sit down on apparent sunbeams midway between the stage and the theatrical heaven.”⁵⁵ The enthusiastic crowds at the Pavilion were not sophisticated members of high society, but as actor McKean Buchanan wrote of his engagement there, “The audience, however, possessed

⁵² Whitechapel was vaulted to enduring international fame in the last decades of the nineteenth century as the site of the Jack the Ripper murders.

⁵³ Davis and Emeljanow, *Reflecting the Audience*, 55-56.

⁵⁴ *Ibid.*, 57.

⁵⁵ Henry Mayhew, *London Labour and the London Poor; A Cyclopaedia of the Condition and Earnings of Those that Will Work, Those that Cannot Work, and Those that Will Not Work*, vol. 4 (London: Charles Griffin and Co, 1861), 227.

the acceptable characteristic of being easily pleased and what they lack in refinement they make up for in earnestness of applause.”⁵⁶ There were tumble-down and unrespectable playhouses in London, but not the Pavilion. Hemyng noted, “People at the West-end who never in their dreams travel farther east than the dividend and transfer department of the Bank of England in Threadneedle Street, have a vague idea that East-end theatres strongly resemble the dilapidated and decayed Soho in Dean Street, filled with a rough, noisy set of drunken thieves and prostitutes. It is time that these ideas should be exploded.” All the bad characters in the neighborhood collected together would “not suffice to fill the pit and gallery of the Pavilion,” which “may stand comparison, with infinite credit to itself and its architect, with more than one West-end theatre.”⁵⁷ Still, aside from the ever-popular Shakespeare adaptations, most of the Pavilion’s fare was nautical or crime melodrama.⁵⁸ West Digges’s Red Barn melodrama, which played there in November 1828, was among the theatre’s earliest programs.

West Digges offered his short crime melodrama to a public already primed to accept the story since it had been circulating in print, and to a playhouse ready to capitalize on their interest. It is West Digges’s take on the Red Barn events that comprises the oldest printed script accessible today. The Digges script, now resting in the Rare Books collection at the Law Library, Library of Congress, was originally published in the Whitechapel district of London in 1828. The script is short by modern standards, filling just 24 pages, but could have played for anywhere between a half hour and an hour

⁵⁶ Davis and Emeljanow, *Reflecting the Audience*, 57.

⁵⁷ Mayhew, *London Labour and the London Poor*, 227.

⁵⁸ Frederick and Lise-Lone Marker, “A Guide to London Theatres, 1750-1880,” lvii.

depending upon the nature of the murder scene choreography, the spectacle of ghost appearances, and the song and dance numbers which are indicated in the text merely by the words “a duet” or “a dance.” If Digges’s title page is to be believed, his play was “acted upwards of Forty Nights at the Royal Pavilion,”⁵⁹ a respectable number in a period when theatres often mounted different shows each night and did not expect a “long run.”⁶⁰

The working-class audiences who patronized East End theatres were unlikely to have the considerable expendable time or money to travel in person to Bury St Edmunds and therefore would probably not have attended Corder’s trial, the outdoor sermons by the barn, or the hanging. They would likely not have visited the Polstead Cherry Fair, where they could have walked from the site of the booth theatre production over to William Corder’s actual boyhood home. They would not have been at Marten’s tombstone or the barn to take their own souvenirs, and they would probably not have been able or willing to part with hard-earned wages in order to acquire a pottery figurine. What they would do, however, was read about (or hear about) accounts of the case published in inexpensive tabloid-style broadsheets, “penny dreadfuls,” or ballads.⁶¹ They would also have easily been able to purchase inexpensive tickets to a melodrama production that claimed to recreate the sad, true story. The Red Barn melodramas

⁵⁹ West Digges, *The Red Barn, or the Mysterious Murder of Maria Marten* (London: Teulon and Fox, 1828), 1.

⁶⁰ As earlier chapters established, the “long run” was not expected in London until the 1850s, although there were exceptions.

⁶¹ Broadsides are made of an entire sheet of paper printed, like a poster, without any folds. “Penny dreadfuls” varied in shape and size but were the cheapest sources of news or sensational and dreadful tales; the price was one penny. (Slightly more expensive “tuppence coloreds” offered something beyond black-and-white printing, but surviving examples are today quite rare.)

explicitly attempt to transport the urban audience, for a half hour or so, to a provincial town, with an idyllic agrarian culture and the assurance that justice would be done.

Joseph Roach describes such a theatregoing phenomenon as vicarious tourism.

“Vicarious tourism occurs when the commodified experience of a local event substitutes for the direct experience of a remote destination.”⁶² The Royal Pavilion’s audience could no more spend time as tourists in Suffolk than the Surrey’s audience could have been present at the murder of the gambler William Weare, but through the craft of the theatre, the audience could imagine that they had.

Today, playwright West Digges is known only because his name appears on his title page and in James Curtis’ highly specialized book. He was, almost certainly, not very famous in his own time. The title page to *The Red Barn* trumpets Digges’s other achievements: “Author of ‘The Death of Marshal Ney,’ ‘The Fatal Bridge,’ ‘Manfred and Alphonso,’ &c. &c.”⁶³ The story of Marshal Ney is almost certainly adapted from the 1815 trial and execution of Napoleon’s loyal military man Marshal Michel Ney, for treason against the king of France. “Manfred and Alphonso” is likely a dramatization based on two characters from *The Castle of Ollada*, a romance written by Francis Lathom, published in 1795. The subject of “The Fatal Bridge” is anyone’s guess. West Digges appears to be just another “hack” writer, furiously adapting popular novels and recent events for the melodramatic stage.

The fact that Digges’s earlier plays do not seem to exist in print today should not surprise us. Discussing the treatment of popular plays in scholarly circles, Thomas J.

⁶² Roach, “Vicarious,” 131.

⁶³ Digges, *The Red Barn*, 2.

Taylor writes, “We tend to treat with more respect those texts that are ‘literature’ as well as script.”⁶⁴ Melodramas might play brilliantly on stage but they were not considered great works of *literature* even in their own time, and were not systematically preserved. Digges’s script was spared only because it was bound along with a collection of newspaper clippings and a fine first edition of Curtis’s book eventually acquired by the Rare Books division of the Law Library at the Library of Congress, Washington DC.

Digges’ preface announces his play is drawn from “a Work, now publishing by T. Kelly, Paternoster Row... containing the clearest, most interesting, and copious account,”⁶⁵ which is certainly Curtis’s book-length account.⁶⁶ Digges praises the actors who “truly conceive” his characters. He never openly acknowledges that certain characters are completely fictitious creations of his own imagination, including the stock comic relief figure Tim, a rustic but good-hearted bumpkin destined to marry Maria’s playful, chaste, amusing, and heavily fictionalized sister. Montagu Slater, an early twentieth-century editor of Victorian melodrama, advised his readers, “Tim Bobbin lacks description, because just as we might say ‘a Buster Keaton’ part, a Victorian manager would say ‘a Tim Bobbin part.’ Tim became the prototype of all comic countrymen.”⁶⁷

Digges praises the work of Mrs. Saker, the actress who portrayed the aged matriarch of the Marten family. Mrs. Anne Marten certainly aroused public interest because of the odd historical episode in early 1828, when Mrs. Marten had a disturbing

⁶⁴ Thomas J. Taylor, “Cumberland, Kotzebue, Scribe, Simon: Are We Teaching the Wrong Playwrights?” *College English* 43, no. 1 (Jan. 1981): 46.

⁶⁵ Digges, *The Red Barn*, 3-4.

⁶⁶ This makes Curtis’s praise for Digges’s play rather self-congratulatory. Adding Digges’s thanks to Curtis in his published preface into the mix, we have a veritable mutual admiration society going here.

⁶⁷ Slater, “Introduction,” xiv.

dream concerning the fate of the absent Maria. The *Mirror* reported that the whole town of Polstead was “only remarkable for their orthodox belief in ghosts and witches.”⁶⁸ Mrs. Marten, however, told James Curtis in an interview that she had had recurring dreams repeatedly from Christmas onward, but initially “she did not tell her husband of it, because he was extremely faithless in regard to matters of this sort.” Indeed, Mr. Marten knew of Mrs. Marten’s dreams for months before he was “goaded by the daily importunity of his wife” to search the barn.⁶⁹ As the Knight & Lacey pamphlet explained, on or around 22 April 1828, “Their fears were still more strongly agitated by the mother dreaming, on three successive nights last week, that her daughter had been murdered and buried in the Red Barn. . . . On Saturday morning, the father, with his mole-spade, and a neighbor, with a rake, went to examine the barn.”⁷⁰ The pamphlet, Digges’s playscript, and all the plays that follow make no mention of the fact that Mrs. Marten was actually Maria Marten’s stepmother. Maria Marten’s biological mother died when she was young, and when Maria and her sister Anne were in their late teens, Thomas Marten wed a young woman (confusingly enough, also named Anne). Maria Marten and her stepmother were separated in age by just two years. By most pamphlet accounts, they seem to have enjoyed a friendly relationship. The matronly, white-haired construction in Digges’s text might match expected melodramatic conventions, and possibly the Pavilion’s pool of available actors, but it does not square with the historical record.

⁶⁸ “Polstead,” *The Mirror*, [1828?]. Undated clipping in the Law Library Rare Books collection, Library of Congress, Washington DC.

⁶⁹ Curtis, *The Mysterious Murder*, 247.

⁷⁰ *The Trial of William Corder at the Assizes*, 4-5. The pamphlet here was quoting *The Suffolk Herald* from 22 April, 1828. The pamphlet does not distinguish Mrs. Marten as Maria Marten’s stepmother.

In his preface, West Digges apologizes for the fact that Mr. Vaughn, the actor playing the London law officer based on Pharos Lea (spelled in some newspapers and in Digges's playtext "Lee") is "not in appearance a proper representation of that worthy Officer."⁷¹ In the historical Marten case, only one suspect was seriously considered, but Corder was difficult to locate. After a few dead-ends, the local Suffolk police appealed to the London police. On 22 April 1828, Officer Pharos Lea quietly arrested William Corder at his London home, where he was living with a respectable new wife under a new name.

How Corder came to meet his wife fascinated the public. Back on 18 October 1827, after Corder and Marten had presumably eloped, Corder wrote to Maria Marten's father, "I am just arrived at London upon business."⁷² After some further correspondence, Corder wrote of his intentions to leave London in another letter, stating, "I am going to Portsmouth by this night's coach."⁷³ He did not, however, go to Portsmouth. Instead, Corder disappeared to Seaforth on the Isle of Wight where he met a well-educated woman named Mary Moore who was vacationing with her widowed mother and elder brother. Corder and the Moores returned separately to London, and Mary Moore's mother told *The Suffolk Herald* that "on her return to town they again accidentally met at a pastrycook's shop in Fleet Street."⁷⁴

Almost immediately after having tea with Mary Moore in Fleet Street, Corder went to a stationer's shop, where he did something considered quite odd. He composed a seemingly anonymous advertisement seeking a wife, and had it printed in the *Morning*

⁷¹ Digges, *The Red Barn*, 3-4. The "Work" from Paternoster Row is James Curtis's account.

⁷² Curtis, *The Mysterious Murder*, 122.

⁷³ *Ibid.*, 123.

⁷⁴ "The Murder at Polstead," *The Suffolk Herald*, [1828?].

Herald on 13 November 1827, garnering forty-five responses, and again in the *Times* on 25 November 1827, from which he received fifty-four replies. The stationer, for his part, filed away a copy of the ad and the letters that arrived from interested ladies, and published them all during the middle of Corder's trial, making a nice income from the sales. Curtis reprinted a number of the responses. Richard Altick is not alone in noticing that these "are of substantial interest to the historian of manners, not least for their copious illustration of the variety of prose styles adopted by pre-Victorian spinsters and widows wishing to intimate, in a modest but unmistakable way, that they were open to offers."⁷⁵

Unexplainably, Mary Moore was among the many ladies answering the ad. Moore and Corder were married approximately three weeks later, less than a year after Maria Marten's murder. Corder then turned school-master: "He, in conjunction with his wife, kept a boarding-school for females, at the Grove-house, Ealing-lane, Middlesex."⁷⁶ The couple were joined by Mary Moore's mother and frequently visited by her brother, an established jeweler. Moore and Corder had even made arrangements for a family vacation in France, plans that were stymied when Corder was arrested. It seems to have been something of a shock for the public to learn that Mary Moore, the woman who successfully answered Corder's unconventional matrimonial advertisement, was a former governess from a respectable family. James Curtis felt compelled to publish six pages extolling Moore's virtues, including her evident filial devotion, education, and religious

⁷⁵ Altick, *Victorian Studies in Scarlet*, 30.

⁷⁶ "Horrid Murder," *John Bull Magazine*, 27 April 1828.

piety,⁷⁷ all elements Curtis thought were apparently lacking from Marten's character. Corder himself appears to have been perfectly capable of functioning in Mary Moore's world, running a school and otherwise "contentedly and effectively occupying the middle-class domestic sphere,"⁷⁸ right down to the infamous moment when he was arrested in his dressing gown while "minuting" the boiling of some eggs for breakfast.⁷⁹ This domestic scene was re-created in Red Barn plays and the 1841 *New Newgate Calendar* alike. As Catherine Pedley points out in her article on the provincial/urban tensions within Red Barn dramas, the "infiltration by Corder into a bourgeois urban identity, a lifestyle desirably shaped by moral wholesomeness... caused some anxiety."⁸⁰ One way to view the press's tendency to reduce the real Corder to a character type, even before most theatres did the same, is to see the portrayal as part of their response to this conundrum. For instance, the *Bury and Norwich Post* reporter for 6 August 1828 explained that Corder even *looked* like a villain.⁸¹ The eighteenth century sense that seeing and knowing were one and the same, or that the outside could be trusted to reflect the inside, was fading in the nineteenth century, but such wishful thinking lingered.

The link between seeing and knowing helped the commercial true-crime melodrama theatrical enterprise. Seeing the Red Barn events play out on the Pavilion stage was one way audiences could connect to the events and could experience

⁷⁷ Curtis, *The Mysterious Murder*, 291-296.

⁷⁸ Pedley, "The Theatricality of Provincial Life," 35.

⁷⁹ Curtis, *The Mysterious Murder*, 163.

⁸⁰ Pedley, "The Theatricality of Provincial Life," 35.

⁸¹ *Bury and Norwich Post*, 6 August 1828, quoted in Pedley, "The Theatricality of Provincial Life," 33.

emotionally satisfying entertainment while learning some truth at the same time. This is one reason why Digges's playscript follows newspaper reports closely at times, and employs physical objects and other details from journalists' accounts.

In 1828, when the Red Barn trial first entered the London consciousness, a short piece inspired by the "interview for a wife" scandal was presented at the Royal Coburg Theatre in 1828.⁸² Published as *Wives by Advertisement; or, Courting in the Newspapers*, it is not a melodrama but a "a dramatic satire in one act"⁸³ attributed to Douglas Jerrold. In fact, *Wives by Advertisement*, although capitalizing on a sensational element of the Corder story, has nothing whatsoever to do with the Marten/Corder case. There are no characters with either a recognizable name cognate or disposition resembling Maria Marten or William Corder, and there is no crime. Instead, this play reads as a farce, complete with characters named "Lovejoke" and "Miss Catchfly." All of the humor comes from the "ridiculous" practice of advertising for matrimonial partners in the papers, and the comic interviews that ensue.

In plays that adhere more closely to the Marten/Corder case, the "interview for a wife" scene also provides a comic moment even in the most serious texts. Digges takes care to situate his "interview for a wife" scene in a historically relevant locale. In Corder's letter to the Marten family on 18 October 1827, the address line reads, "London, Bull Inn, Leadenhall-street, Thursday, 18th Oct."⁸⁴ Although Corder instructed the

⁸² Douglas William Jerrold, *Wives by Advertisement; or, Courting in the Newspapers*, (London: J. Duncombe, 1828), 1. This script is available in the Rare Books Collections of the Law Library, Library of Congress, Washington DC. It is bound with other Red Barn items and is easily overlooked, since it measures only about 4 inches by 6 inches with the cover closed..

⁸³ Jerrold, *Wives by Advertisement*, 1.

⁸⁴ Curtis, *The Mysterious Murder*, 122.

Martens to destroy his letters, they did not do so, and the preserved letters were entered into evidence during his trial, and from there found their way into print in pamphlets, newspapers, and books. West Digges's "interview for a wife" scene is set, specifically, at "Bull Inn, Leadenhall Street" and characters announce that detail.⁸⁵ This adherence to fact might be undercut by the imaginative and fictional "wife interviews" that take place on stage, but audiences did not seem to mind.

Instead of relying on adherence to real life characters, their actions, or relationships to establish his claim to authenticity, Digges references many obscure details of the case within his script. At the Corder trial, the Marten's neighbor Phoebe Stowe testified that she had loaned Corder first a spade and then a pickaxe on the evening of the murder.⁸⁶ In Digges's script, Maria's young brother George announces to his fainting mother, "I saw William just now going through the field which leads to Phoebe Stowe's cottage with a pickaxe 'cross his shoulder." George's further notes, "He had his velveteen jacket on."⁸⁷ This remark is calculated to coincide with the details of Corder's confession, when the condemned man wrote that during a fight in the Red Barn, "I took the pistol from the side pocket of my velveteen jacket."⁸⁸ For those familiar with the highly publicized story and the published confession, the inclusion of the velveteen jacket and Phoebe Stowe's pickaxe lent Digges's script a further measure of authenticity. For someone reading the script 180 years later, without additional reference material, the jacket is a minor detail and the pick-axe may be ominous but the tool could just as easily

⁸⁵ Digges, *The Red Barn*, 21.

⁸⁶ Curtis, *The Mysterious Murder*, 223.

⁸⁷ Digges, *The Red Barn*, 17.

⁸⁸ Curtis, *The Mysterious Murder*, 223.

have been a shovel, a trowel, or a maddox. For audiences in 1828, none of those other digging implements would have sufficed; it had to be a pick-axe, because it had been a pick-axe. For audiences of the day, however, the inclusion of such a fact, coinciding with published reports and testimony, helped establish the playwright's authority on the subject matter.

Similar attention is paid to the clothing Maria wears when she leaves the house and the objects she carries with her. Some of these, like the handkerchief around her neck, became important when her family used them to identify the body. The final chapter in Maria Marten's life is pieced together from the testimony of the Marten family. According to their statements, William Corder told Marten that the local magistrate had taken out a warrant for her arrest on account of her having bastard children, a charge which Corder could save her from if she would go with him to Ipswich and be married under a special license. (The magistrate himself later testified that no such warrant ever existed.) On 18 May 1827, Marten agreed to leave for Ipswich. She packed a bag and arranged a rendezvous with Corder at the red-roofed barn. Out of concern that she might be seen by either the magistrate or by Corder's family, "Corder's relations being hostile to the connection," she was to disguise herself by dressing like a man.⁸⁹ Corder provided her with some of his younger brother's clothes and Marten's stepmother helped her get ready. Mrs. Anne Marten testified that when Maria Marten left, she put on a handmade Irish linen chemise and tied two silk handkerchiefs around her neck. Additionally, "she had a man's hat on, and one large and two small combs in her hair, and ear rings in her ears." Then the twenty-seven year old woman took her green cotton

⁸⁹ "Atrocious Murder of a Young Woman in Suffolk – Singular Discovery of the Body from a Dream – And Apprehension of the Murderer at Ealing, Middlesex," *The Suffolk Herald*, 22 April 1828. Clipping in the Law Library Rare Books Collection, Library of Congress, Washington DC.

umbrella and left her father's cottage for the last time.⁹⁰ Marten's cross-dressing disguise fascinated the public; her attire is mentioned in every journalist's account and is the basis for one of Maria's only light-hearted scenes in Digges's and subsequent plays.

West Digges's script is the earliest extant Red Barn playtext, but the Royal Pavilion certainly did not have the only Red Barn show in town. Curtis notes, "In addition to the representation at the Royal Pavilion, Melodramas and a series of similar pieces were performed at other of the Metropolitan Minor Theatres." Since the other scripts are not known to have survived, it is difficult to determine whether these playhouses' authors drew from newspapers and similar source material, as Digges had done, or whether they merely used the terms in the title to capitalize on the case's popularity.⁹¹

A further testament to this popularity was the revival of Red Barn plays that continued to play at minor theatres even after the inspirational event might have faded from memory. On Monday, 6 April 1840, the Marylebone Theatre presented their version of the Red Barn story, placing it at the very beginning of the evening. The Marylebone advertisement announced, "The performance to commence with a Drama, in Two Acts, entitled *THE RED BARN*."⁹² In October 1852, the Standard Theatre in the Shoreditch neighborhood offered its production, with an alternate spelling of Marten's last name, as *The Red Barn! Or, The Murder of Maria Martin*. This production was part of a benefit

⁹⁰ Curtis, *The Mysterious Murder*, 135-136.

⁹¹ Ibid., 284. Curtis also identifies a play titled *Advertisement for Wives* as a Red Barn play. No play by this exact title seems to have ever existed, suggesting that Curtis mistakenly rearranged the title words when he was actually referring to Jerrold's piece, an understandable mistake since the actors in Jerrold's playtext repeats the phrase "advertisement for wives" with almost absurd frequency.

⁹² Playbill reprinted in Kilgarriff, *The Golden Age of Melodrama*, 207.

night for Mr. E.B. Gaston, who took the role of William Corder, while “for this Night only” his wife, Mrs. E.B. Gaston, played the role of Maria.⁹³ The whole point of a benefit performance is to make as much money as possible for the actor it benefits, and the playbill’s contents were selected to maximize profit and/or capitalize on the actor’s best-known roles. The Red Barn was thus still expected to draw a paying crowd in 1852, and again in 1859 when James Elphinstone chose it for part of his benefit performance night at the reconstructed Pavilion on Whitechapel Road.⁹⁴ The unusually lengthy playbill description of the 1859 Pavilion play begins with the assertion that it is “a New Drama (founded upon Facts, the truth of which lives still in the mind of all; the Lord Chamberlain, for many years, refused permission for the Incidents of this fearful event to be dramatized, which he now grants,) entitled Maria Martin or, the Murder at the Red Barn!”⁹⁵ And, although the Pavilion had offered the Red Barn story its first London home in Digges’s adaptation, the 1859 script appears to be different because the names given in the cast of characters do not match any extant text.

The Pavilion’s playbill goes on to describes a number of specific details from the case, but not all are correct; it gives Maria’s birthdate as July 24th, 1810, and then claims “at the time she was murdered, was in her twenty-fifth year,”⁹⁶ which would have set the date of the murder at 1835. The killing, however, happened in 1827 and Corder was tried

⁹³ Standard Theatre playbill/advertisement. (Pub. Pownceby’s (?) Steam Press, Cannon Street, London.) 20 October 1852. Original playbill image available online through the East London Theatre Archive http://www.elta-project.org/fedora-stg/get/elta:2761/JPEG_ORG_001.jpg [Accessed 3 Nov. 2011.]

⁹⁴ Pavilion Theatre playbill/advertisement. (Pub. H. Pownceby, Steam Printer, 43 Leman Street, Whitechapel.) 5 October 1859. Original playbill image available online through the East London Theatre Archive http://www.elta-project.org/fedora-stg/get/elta:2016/JPEG_ORG_001.jpg [Accessed 3 Nov. 2011.]

⁹⁵ Pavilion Theatre playbill/advertisement., 5 October 1859.

⁹⁶ Ibid.

for it in 1828. Marten, in fact, was born in Polstead in 1801, and was 27 when she disappeared. The playbill refers to Maria's singular green silk handkerchief as an identifying feature on the corpse; court testimony makes clear that Marten tied not one but two striped handkerchiefs around her neck when she left her home and carried a green umbrella, while her decomposing body was eventually identified mainly by the Irish linen undershirt and earrings she wore. I suggest that the reason why the Pavilion advertised data such as dates, ages, and even the color of a handkerchief, was to assert their own authority and expertise, elevating their production and cementing their claim to tell a tragic and "true" story, much the same way Digges had included details in his text thirty years earlier. The fact that generally accurate accounts of the case were still circulating in 1859, in broadsides and the *Newgate Calendar*, but the playwright and producers did not bother to check them indicates that the claim to "truth" was more important to the playhouse than its veracity.

Urban and Rural, New and Old

In "The Theatricality of Provincial Life," Catherine Pedley argues that the Red Barn story's ability to be set firmly in Suffolk while playing successfully in London demonstrates that the urban/rural duality, the result of "critical attempts to understand and to quantify the cultural shifts of the industrialised world," is merely a "mythological construct," and that the Marten case actually "united urban and rural, low- and high-class audiences."⁹⁷ Although I owe Pedley a debt of gratitude for setting me off on the hunt for many good Red Barn sources, I disagree with her central argument.⁹⁸ Although the Red

⁹⁷ Pedley, "Theatricality of Provincial Life," 27-28.

Barn case shows that similar products, like pamphlets or pottery figurines, appealed to the consumer population in London and the provinces, life in these areas was quite different, and early nineteenth-century English people were very aware of that. In all versions of the Red Barn drama, there is a self-conscious effort to draw the rural environment in a rosy light, and, especially in later plays, there is an overt attempt to align urban London life with corruption and to show suspect economic success coming at the expense of honest, hard working country people.

Digges's melodrama is rooted in the beautiful world of what might-have-been. The image of the happy farm appears throughout the play, as in the scene where comic couple Tim and Anne decide they would like to marry. Tim leads a duet by saying, "Then we'll retire to a snug little cottage of our own, get plenty of sheep, but no horned cattle Anne, then I say, how happy we shall be, with a little chubby babe dandling on the knee, and what a comfortable farm we'll keep."⁹⁹ Virtuous, playful Anne and her bright future stands in deliberate contrast with Maria, the romantic but melancholy mother of an illegitimate son who is blind to the faults of her lover. Mourning Maria's death, old Farmer Marten exclaims, "I thought the evening of my life should set at peace, and the honest English farmer's fire-side be circled with his little family, all happy and content; but a villain! a damn'd, a treacherous villain has blasted all my hopes! robb'd me of my child, my Maria!"¹⁰⁰ In reality farming, with or without "horned cattle," was hard work - so hard, in fact, that two of Corder's older brothers died from injury or illness they

⁹⁸ To be fair, I have access to scripts and materials Pedley did not. At the time she was writing, the existence of the 1828 Digges script and other news reports was still unknown.

⁹⁹ Digges, *The Red Barn*, 8.

¹⁰⁰ *Ibid.*, 23.

sustained while running their own family farm. Life in the supporting industry as a mole-catcher, which was Mr. Marten's actual occupation, was also not glamorous. I suspect Maria Marten's documented string of affairs with men who, compared to her own background, enjoyed greater means and status (including William Corder's older brother Thomas and a moderately wealthy London businessman named Peter Mathews) indicated a determination to rise socially and economically through romantic connections. For some time after her death, Marten's family believed she had moved to London, like so many others before her. Perhaps it is simply nostalgia, but audience members who abandoned rural agricultural areas to seek opportunities in the city also seemed to greatly enjoy idyllic representations of the countryside they left behind.

The urban/rural divide is most explicit in the later Red Barn script written by John Latimer, developed first for production in the London community of Battersea, but also taken on successful tours around England and Wales.¹⁰¹ The pattern of a touring show that originated in London eventually transferring to the provinces is quite normal. Battersea, located on the south bank of the Thames, went through major changes in the mid-nineteenth century, as did most London suburbs. Increases in city populations, the Industrial Revolution's manufacturing boom, and the corresponding growth of the shipping industry, paradoxically fed a general longing for a mythologized, frail, pastoral rural heritage. It is not surprising to see the Battersea play responding, like Digges's Royal Pavilion play decades earlier, to urbanization by recreating a magical pastoral world. Latimer conceived a fictional/historical Polstead as an idyllic community upset by the corruption of the urbane London-educated William Corder. As Michael Booth

¹⁰¹ The date of this script is hard to say with certainty. It survived as a well-used, worn, handwritten copy provided to Montagu Slater in the 1920s by John Latimer's grandson. To further complicate matters, the name "John" was passed down to several generations of Latimers.

explains, in the mid-to-late nineteenth century, “the theme of lost innocence, of a vanished rural heritage, of a dimly remembered and already mythicized Garden of Eden, as expressed by the purely symbolic world of the village in melodrama, is very strong.”¹⁰²

Latimer, writing at least two decades after the crime, and thus somewhat removed from the need to maintain fidelity to newspaper reports, is freer to exploit the theatrical and the conventional. His script shows little concern for historical accuracy. He retains only the essential elements to ensure his story of gypsies and ghosts is still recognizable as a Red Barn story.

Latimer seizes on the most highly theatrical elements of the Red Barn case and explodes them into major plot points. The gypsies who barely figure into earlier plays, if at all, form the linchpin of Latimer’s plot. A new backstory has been created wherein William Corder, exemplifying a past history as a seducer, ruined the gypsy girl Zella who then died of a broken heart. These gypsies face a changing rural landscape; when William’s good father had been alive, he allowed the gypsies to pitch their tents on the family property, but William erects fences. Further, at William’s request, the local officers of the law chase the gypsies off the Town Common and arrest those who resist.¹⁰³

Of course, William is legally within his rights to chase “gypsy vagrants” from his property,¹⁰⁴ but the audience is clearly meant to sympathize at least somewhat with the mistreated people. Here, laws are things to be manipulated by the villain, to serve his own

¹⁰² Booth, “A Defence of Nineteenth-Century English Drama,” 11.

¹⁰³ John Latimer, *Maria Marten, or Murder in the Red Barn*, ed. Montagu Slater (London: Heinemann Education Books Ltd, 1971), 26.

¹⁰⁴ Latimer, *Maria Marten*, 15.

purposes. The script's concerns with changing land use and the private control of large areas of land appears to invoke anxiety over Enclosure Acts. Where early enclosures required the blessing of Parliament, "the General Enclosure Acts of 1836 and 1840 made it possible for landowners to enclose land without reference to parliament."¹⁰⁵ Enclosures continued to change the face of rural England until about 1915. In the introduction to their collection and analysis of enclosure maps, Roger J. P. Kain, John Chapman, and Richard R. Oliver write, "Enclosure maps, like many other genres of cadastral maps, were instruments of land reorganisation and control which both reflected and consolidated the power of those who commissioned them."¹⁰⁶

Immediately, Latimer develops a city/country division that is thematically essential to his story, despite Catherine Pedley's conclusion that in practice Red Barn melodramas, because of their universal appeal, largely erased such a boundary.¹⁰⁷

Latimer's play begins at a village festival, with virginal Maria leading the younger people in a dance ("a Sir Roger de Coverly").¹⁰⁸ The villain's music takes over as sophisticated William, newly arrived in town, enters and asks Maria to dance. When Maria virtuously

¹⁰⁵ Surrey County Council, "History and Heritage: Parliamentary Enclosure" http://www.surreycc.gov.uk/sccwebsite/sccwspages.nsf/LookupWebPagesByTITLE_RTF/Parliamentary+enclosure?opendocument [Accessed 8 March 2011.]

¹⁰⁶ Roger J. P. Kain, John Chapman, and Richard R. Oliver, "Introduction," *The Enclosure Maps of England and Wales, 1595-1918*, Cambridge: Cambridge University Press, 2004: xvii.

¹⁰⁷ This argument is the central point in Pedley's article "The Theatricality of Provincial Life."

¹⁰⁸ James Prescott, "Sir Roger de Coverley: Reconstruction." <http://www.telusplanet.net/public/prescotj/data/dance/rogercoverley.html>. [Accessed 5 October 2012.] A Sir Roger de Coverly (or Coverley) is the mature English form of what began as a Pre-Christian Celtic folk dance, and is most closely related to the Virginia Reel danced in America. There were specific choreographed moves that went with a Sir Roger de Coverly, laid out in 1814 in Thomas Wilson's book *The Complete System of English Country Dancing*. Ideally danced by six energetic couples, it can be adapted to suit four couples, and uses a skipping or jig step to execute patterns that would be easily recognized by square-dancers or contra-dancers today. The Sir Roger de Coverley appears in Dickens's *A Christmas Carol* as the climax of Fezziwig's Christmas celebration.

refuses his advances, her father apologizes, “She is only a country lass and doesn’t know the manners of your fine London ladies.” Even comic Tim Bobbin says he distrusts “that London Chap.”¹⁰⁹

Although temporarily thwarted, William, riding crop and top hat in hand, muses before the audience, “Pretty and coy, yet she shall be mine for I feel I love and have set my heart on possessing her...”¹¹⁰ From beginning to end, William constructs his feelings of “love” as one and the same with issues of possession and money and status. He actively exerts a position of economic and social power over his victim, befitting the typical melodramatic villain. Historically, William Corder was the son of the local squire, but Latimer makes more of this juxtaposition of power and weakness than history would indicate. By some accounts, Corder was bookish and quite shy. Latimer’s William, the well-dressed sophisticate just returned to Polstead from London, uses laws and money to consolidate his own powers and manipulates those around him, from Ishmael the gypsy to Tim Bobbin, who he swindles out of a precious nine-pence.

Latimer’s William uses his money for very selfish ends. His first real act is to bribe an old gypsy man into telling Maria’s fortune in such a way that she will be primed to accept his advances. Gypsies can be, as Montagu Slater suggests, simply “a convention in Victorian melodramas. It was felt their presence brought a touch of poetry.”¹¹¹ A closer look at the Red Barn story, however, shows that fortune-tellers were part of the original narrative, and gypsies passed through the Suffolk countryside regularly.¹¹² Corder was

¹⁰⁹ Latimer, *Maria Marten*, 3-4.

¹¹⁰ *Ibid.*, 4-5.

¹¹¹ Slater, “Introduction,” viii.

surprisingly uncommunicative throughout his trial, even refusing to discuss the case to his esteemed brother-in-law, and the prisoner was silent while in Colchester for the coroner's inquest. Afterward, however, on his way to the Bury Jail, he felt compelled to "force conversation" with his escort, the noble Officer Lea. Curtis, hearing of the conversation from Lea, wrote, "[Corder] believed there was some reliance to be placed in the prognostics of fortune-tellers, for about twelve years since his fate had been foretold by an old woman... He added, all her prophecies regarding me have come to pass."¹¹³

The morally upright author offered his own editorial footnote: "It is a very unusual thing for those Sibyls to prognosticate that evil shall befall those who are foolish enough to believe that the ignorant vagabonds whom they apply to can unfold the 'Book of Fate.'"

¹¹⁴ Fortune-telling was a suspect art, practiced primarily by transients considered neither wise nor virtuous. Curtis concluded, "It is devoutly to be hoped that this relation given by Corder will not become an inducement to others to pry into futurity."¹¹⁵

In Latimer's story, Ishmael the Gypsy, father of the dead Zella, is an avenging father more active than Farmer Marten was in any adaptation, and it is Ishmael's sons who ultimately secure justice. When William pays Ishmael to tell Maria's fortune, the gypsy agrees to assist for his own selfish reasons: "I'll aid this William and in doing so,

¹¹² There are still populations of Gypsies in and around Suffolk. A press release issued 24 October 2007 from Marianne Hulland of the St Edmundsbury Borough Council announced, "There is a shortage of sites for Gypsies and Travellers in the eastern region. Within St Edmundsbury the borough council needs to find space for 15 pitches... Gypsies and Travellers have the same rights to housing as those who live in the settled community... Having well-managed, authorised sites will also help to improve community relations." (<http://www.stedmundsbury.gov.uk/sebc/new/PR24100702.cfm> [Accessed 8 March 2008.]

¹¹³ Curtis, *The Mysterious Murder*, 30.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

further my own revenge. I'll lead him on step by step till he mounts the scaffold.”¹¹⁶

Ishmael knows that his fortune-telling will make Maria susceptible to William's charms, but Ishmael is consumed by thoughts of vengeance and Maria is tragically expendable, even though she survives into the fourth of five acts.

Melodramas can be problematic plays. Despite the general sense that the villain is often irredeemably, inexplicably bad, in practice they may reveal particular, rationalized motivations. For example, in *Luke the Labourer*, John Buckstone's popular and decidedly English domestic melodrama, the villainous figure is driven to alcoholism and crime after watching his dear wife die in his arms from preventable starvation. John Walker's *The Factory Lad* was another important play even if it was not necessarily a financial success; Walker lets the heroes perish, and permits the villain to lay his exploitive labor practices squarely on the backs of middle-class consumers who demand ever-lower prices on manufactured goods. These villains are not exactly sympathetic figures, but they are allowed to have what we might now call motivation for behaving the way they do. Still, in John Frick's estimation, “English domestic melodrama, in response to ‘the disease of modernism,’ became increasingly radicalized by its selection of subject matter – the everyday hardships suffered by workers and their families... and by rhetoric designed to foreground and accentuate the grim realities, class hatreds, and daily crises routinely encountered by the masses.”¹¹⁷

Ishmael, too, offers reasons why he can conscionably take part in Maria's destruction: “She is not one of our people, and what mercy did the white race ever show

¹¹⁶ Latimer, *Maria Marten*, 8.

¹¹⁷ John W. Frick, *Theatre, Culture, and Temperance Reform in Nineteenth Century America* (Cambridge: Cambridge University Press, 2003): 88.

us? Have they not driven us from village to village, chained and imprisoned us?”¹¹⁸

Indeed, during the nineteenth century, Gypsies were considered a separate race of people. As Katie Trumpener explains in her article “The Time of the Gypsies,” the very term “gypsy,” with all its perjorative connotations, “is not a self-designation but a Western coinage based on false surmises about the group’s race and place of origin.” Gypsy appearances in nineteenth-century fiction offered “fantasies in which individual or historical difference of experience within ‘the Gypsy camp’ are left deliberately undifferentiated and unexplored.”¹¹⁹ Ishmael is a type, after all, and ultimately the audience is not asked to move beyond preconceived ideas about gypsy people, the “unconventional” lives they led far from city life, or the mysticism they represent. From beauty and ghosts in the early versions, to gypsy magic in the later ones, the rural world, at least as the Red Barn productions conceived it, was both pastoral and magical. Once Maria Marten, William Corder, and a red barn were accounted for, playwrights felt comfortable bending the tale, and the further from the source the more the story changed, even as the theatres continued to advertise their true-crime basis.

In all Red Barn plays, William kills Maria in the Red Barn and then hides the body. This adheres to the reported facts. What varies from play to play is the exact way in which Maria is killed. In some versions, William stabs Maria. In another dramatization William fires a pistol as Maria tries to escape the barn. Sometimes her death is instant; other times, she is able to struggle through a lengthy speech. At the trial, the coroner testified that Marten had been shot and that the body had been stabbed, although, due to

¹¹⁸ Latimer, *Maria Marten*, 8.

¹¹⁹ Katie Trumpener, “The Time of the Gypsies: A ‘People without History’ in the Narratives of the West,” *Critical Inquiry* 18, no. 4, Identities. (Summer, 1992): 847.

the advanced state of decomposition, the investigators could not say whether the “stab” wound was from Corder’s penknife or if it was the result of the search party’s spade piercing the soil. At his trial, Corder unsuccessfully argued that he was innocent of murder, and that an angry and hysterical Marten used his pistol to commit suicide after he told her that he wished to break off their relationship.¹²⁰ The melodramas, meanwhile, dramatize a moment where Maria tries to blackmail her increasingly distant lover into marrying her and he kills her to be rid of the nuisance.

As in dramatizations of the Thurtell-Weare murder, there is no doubt about guilt when it comes to Red Barn plays; the audience sees the murder re-enacted before their eyes so there is little need for a lengthy investigation and there is little interest in staging a courtroom scene at all. Tedious investigation and legal work is passed over in favor of arresting William in his dressing gown, the appearance of Maria’s ghost seeking justice from beyond the grave, and William’s last-minute confession just before a final tableau on the hangman’s platform.

Conclusion

The melodramas, tableaux, and country fair exhibits that make up the Red Barn’s earliest theatrical face are one part of several much larger trends that are visible in this 1828 case. The press accounts of the murder spurred on tourism that brought outsiders to the rural location of the murder, part of an attempt by audiences to experience and understand first hand an event they could not revisit. The logical extension of this was the public’s desire to actually own and consume the event, through physical souvenirs and

¹²⁰ “Witnesses for the Defence [sic],” *Times* 9 August 1828, p3.

mementos ranging from printed material and pottery figurines to chips from the victim's actual tombstone and boards from the red barn itself. Theatrical performances, as ephemeral as courtroom hearings, nevertheless left a trail in the form of playscripts, reviews, and playbills. The theatre's preoccupation with objects associated with the crime manifests itself in the abundant details and calculated references included in playscripts. It is through the inclusion of details that the early playhouses made an effort to stake their claim to authenticity. The frequent appearance of terms such as "correct" and "true accounts" in all manner of theatrical notices indicate that the playhouses believed this was important, and was presumably a successful marketing tool over several decades. As decades passed and the Red Barn continued to be a popular topic, playwrights rewrote the story. West Digges's drama from 1828 shows the most fidelity to reported facts (and even then it departs in a number of ways), but it feels hastily written, with a disjointed plot and a comic scene stolen whole-cloth from John Baldwin Buckstone's *Luke the Laborer*.¹²¹ When John Latimer's play was established, sometime between 1850 and 1870, he felt less compelled to include historically accurate information, but his text is a more sophisticated theatrical work with a clear smooth plot, interesting characters, and more moments for spectacle. In the later script, the rural/urban divide that is just a nascent presence in the early text is unmistakable. In cities, this fed the nostalgia and concerns of the booming industrial populations, and in the countryside it affirmed their idea of the wholesomeness of rural life.

¹²¹ In the "pull Lunnon, pull pudding" scene, the comic country lad must decide whether to go to the big city or stay home where the comic country lass has made a delicious pudding. At the end of an amusing tug-o-war, the wholesome girl and her wholesome cooking skills win.

If there is a “unification of taste between the metropolis and the provinces,”¹²² as Pedley suggests, it is not necessarily due to a provincial story being imported into the city. At least initially, the city dwellers sought out the rural site, and then decades later the professional theatre exported its flattering vision of rural life back to the countryside. With the Red Barn case, the profitable but short-lived festival theatricals gave way to London productions. Digges’s final product stood at odds with both expected melodramatic conventions and the true crime story itself, a result of the theatre practitioners’ efforts to enforce their claim of correctness while meeting the horizon of expectations that accompanied their paying audience. Latimer’s version, in the end, preserved little more than some names and the barn, but rewrote the story to make the most effective use of melodramatic conventions.

As early as 1832, Parliament’s Select Committee had inquired whether the majority of London theatre audience members were London citizens or merely “visitors passing to and fro through London.” At that time, the theatre managers reported that the majority of audiences were living and working in London.¹²³ By the 1870s, when the scripts Pedley examines finally became available, there had also been a significant shift in playgoing audiences. In 1866, when the Select Committee again asked the question about whether audiences were London citizens or visitors, the answer had changed. In the latter half of the century, the long run and the repeated and rapid revival of plays, was made feasible largely by the contributions of the railroad to English mobility. “The provincial people come to town and fresh audiences are created every night,” testified the

¹²² Pedley, “Theatricality of Provincial Life,” 34.

¹²³ Quoted in Booth, *Theatre in the Victorian Age*, 12-13.

manager of the Gaiety, while the manager of the Olympic said, “The playgoing public had much increased... theatres were in very great proportion supported by the traveling population.” The dramatic critic of the *Athenaeum* declared that “country people” traveled regularly to London, “incited by the advertisements and criticisms they have seen in the London papers.”¹²⁴ Not only did touring companies continue to take successful plays out to the provinces, but the London theatre scene was become a stop for those visiting the capitol city. The theatre was no longer merely the site of vicarious tourism, but was itself a major tourist destination, and one which patrons would willingly pay good money to experience.

Because they enjoyed the experience, London audiences often frequented the same playhouses repeatedly. A Pavilion audience was a Pavilion audience and a successful manager learned to build upon audience expectations about the dramas and performers they would see there. Similarly, the Surrey Theatre had its own loyal attendees on the south side of the Thames. It is to the Surrey that we return in the next chapter; even though it lacked the longevity of the Red Barn subject, and the management had given up on gimmicks like the horse-and-carriage that appeared on the same stage in 1824, *Jonathan Bradford, or the Murder at the Roadside Inn* enjoyed an exceptionally long run in the 1830s.

¹²⁴ Quoted in Booth, *Theatre in the Victorian Age*, 12-13.

Chapter 6: Murder at the Roadside Inn; or, A Step Back in Time

Introduction

On 12 June 1833, the Surrey Theatre presented a new drama by professional playwright Edward Fitzball. Fitzball, who had once left the Surrey in disgust when “Boiled Beef” Williams requested he pen a play designed around John Thurtell’s horse and gig, had been lured back by manager David Webster Osbaldiston, but Osbaldiston evidently took a risk with this new script. The theatre had recently been having trouble attracting audiences, and although Fitzball had written many commercial successes he had also written a number of pieces we might now call “flops.” He was a prolific playwright capable of turning out new and profitable plays on command in less than one week’s time, and his work was ultimately presented at London theatres large and small, including Covent Garden, Drury Lane, Adelphi, Olympic, Surrey, Sadler’s Wells, and the Coburg theatres,¹ but his fortunes rose and fell along with those of the playhouses where he worked. In 1833, the Surrey was not drawing large audiences and something drastic needed to be done. *Jonathan Bradford, or, the Murder at the Roadside Inn* was the answer.

Jonathan Bradford was an immediate success. Fitzball recorded in his autobiography that the show, “as the play bills state, was presented (never before acted,) an entirely new, original, domestic drama, written expressly for this theatre... This

¹ In his autobiography, Fitzball consistently spelled the Coburg theatre as “Cobourg.”

Original Drama is founded on *real* facts.”² The play was remounted at other theatres in London throughout the century, with its popularity apparently peaking in the 1850s. The playbill neglects to mention that the case of Jonathan Bradford was not a recent popular crime account but a very old one. Bradford’s sad tale had appeared in the *Newgate Calendar* and similar publications for about a century by the time Fitzball chose it for his subject. In June 1736, a wealthy man named Christopher Hayes and his unnamed manservant stopped at an inn maintained by proprietor Jonathan Bradford on the Oxford side of the Oxford-London road. Later that night, other guests at the inn heard terrible noises in Hayes’s room. When they entered the room, they discovered Hayes dead in his bed and the inn-keeper standing over him with a bloody knife in his hand. Despite the evidence against him, the accused innkeeper never stopped insisting he was innocent. Bradford was found guilty and hanged. Many years later, Hayes’s servant admitted on his deathbed that he had, in fact, stolen Hayes’s money and killed him just before Bradford had entered the room.³

As this chapter will illustrate, Edward Fitzball was skilled at creating commercial adaptations of existing stories, although he more commonly turned to novels than crime narratives. His choices came from a firm grounding in the practical, work-a-day side of

² Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 241.

³ Camden Pelham, *The Chronicles of Crime, or the New Newgate Calendar*, vol. 1 (London: T. Miles, reprinted 1887 from the 1841 edition), 107. A more detailed account appears in *Cecil’s Sixty Curious, Interesting, and Authentic Narratives*, (Boston: Joel Smith, 1825), 166-168. The *Cecil’s* version is repeated almost verbatim in several other sources: *The Evergreen, a Monthly Magazine of New and Popular Tales and Poetry*, vol. 1, January to Dec 1840 (New York: J. Winchester, 1840), 268; *Remarkable Instances of Circumstantial Evidence Given on Trials for Criminal Acts Which Has Resulted in the Conviction and Execution of Innocent Persons Together With After Disclosures* (New York: J. Post, 1933), 15-19; *Leigh Hunt’s London Journal*, “Romance of Real Life: The Murderer Who was No Murderer,” (London: Charles Knight and Henry Hooper, 1834), 76. Although most reprints identify the *Cecil* account as their source, the narrative actually seems to predate the *Cecil* publication since it appears pretty much word-for-word ten years *earlier* under the heading “Circumstantial Evidence” in *The Works of Samuel Foote, Esq. in Three Volumes... [from the improved London edition of 1799 in two vols. octavo]* Vol. 3, (New York: D. Longworth, 1814), 62-64. Where Samuel Foote’s editors got their copy, I do not know.

the early nineteenth century theatrical profession. Fitzball's professional relationships demonstrate very clearly that, then as now, much of being a "success" has to do with equal measures perseverance and knowing the right people in the right place at the right time. In the vibrant world of London theatres, the network of actors, managers, directors, and scenic artists who worked, argued, quit, took new jobs, failed, or succeeded form an interconnected web, each linked professionally to other professionals in diverse playhouses. Many of their names are now obscure, but the paper trail they left behind in advertisements and reviews, in autobiographies and memoirs, in published playscripts and news items, can offer a glimpse into the activity, industry, and artistry involved in show business. Earlier chapters have already discussed some features of the work-a-day theatre world. Fitzball's name was littered across the nineteenth-century theatrical landscape. For instance, he knew and worked with Davidge, whose melodrama *Macbeth* prompted a lawsuit for its attempt to circumvent licensing acts. Fitzball traveled abroad with scenic painter Stanfield, who later stormed out of a rehearsal at Drury Lane because his artwork was over-run with horses. He worked with the composers Rodwell and Balfe writing original English operas, sharing these collaborators with theatrical manager/author Alfred Bunn. But it is his "blood and thunder" style and gothic, crime, and nautical melodramas that make him most accessible today.

As with other true-crime murder dramas, *Jonathan Bradford* juxtaposes convention and novelty, and examining it not only points to audience and practitioner preferences but also highlights contradictions inherent in any highly theatrical representation of a true-crime case. The next section looks at the ways in which the playwright and playhouse were able to exploit the material world in creating *Jonathan*

Bradford. In the play, Fitzball tries to establish the period of Georgian England. In order to create this world as “authentically” as possible, he deliberately scripted the presence of material objects that, in and of themselves, have little value or significance but help serve to establish the piece’s period setting. It is likely that the taste and importance for period accuracy, whether in *Jonathan Bradford* or in “Charles Kean’s Antiquarian *Macbeth*,” was enhanced as the Antiquarian movement gained popularity. Antiquarian societies, which formed in earnest in the late eighteenth century, were in the self-conscious process of trying to develop a critical historical viewpoint they could employ to explain the antique objects they collected. As Rosemary Sweet observes in her study of British Antiquarianism, “Publications such as the periodical the *Antiquarian Repertory* warned would-be antiquaries against making collections which had no other merit than that of being old, rather than being illustrative of any point in history.”⁴ The objects in the *Jonathan Bradford* script certainly do serve a purpose beyond merely being “old,” and even beyond establishing a historical moment. They create a solid foundation on which the audience builds their relationship with the characters. The material objects that appear in his drama function as embodiment of attributes (such as generosity) or off-stage actions (like a robbery), making the intangible concrete.

One effect of the period setting is examined in the next section, which looks into the police reorganization, law enforcement reforms, and changing urban geography that had finally taken hold of the capital city by the 1830s. The period setting was essential to the success, practically and financially, of Fitzball’s true-crime play. This is followed by a look at the specific popularity of *Jonathan Bradford, or the Murder at the Roadside Inn*

⁴ Rosemary Sweet, *Antiquaries: The Discovery of the Past in Eighteenth-Century Britain* (London: Hambledon and London, 2004), 18.

and its signature scene. Given its considerable success, it is somewhat surprising that *Jonathan Bradford* lacked the kind of special effects that are a part of so many melodramas. The stage moment that most gripped the Surrey's audience lay in an Act One gimmick referred to as the "four room scene," which enabled Fitzball's characters to pass among multiple rooms of the roadside inn in real time. From their reactions, it is evident the actors and audiences at least believed that this type of staging was novel and new. Everything added up to bring to life a story that was both highly theatrical and satisfyingly authentic in a particular working-class playhouse.

Life and Times of Edward Fitzball

In his autobiography, Edward Fitzball is conscientious about identifying and praising actors, actresses, stage painters, managers, composers, and other playwrights, speaking in very complimentary terms about the other professionals who made the theatre world function. He is quite delicate about his adversaries, refusing to criticize them by name. Fitzball is not a household name now, but he worked in almost every genre, in almost every theatre, and with almost everyone in London during his time. It is impossible to tell his life's story without also identifying the contributions of his fellow practitioners.

Through his friendship with melodrama actor T. P. Cooke, famous for playing leading-man sailor roles, Fitzball contracted to write for the Adelphi and produced a highly successful nautical melodrama, *The Pilot*, based on a novel by James Fenimore Cooper. Although often associated with nautical drama, that was not all he was capable of producing. It was the scenic painter Clarkson Stanfield, then employed at Drury Lane,

who suggested Fitzball write a piece titled *The Devil's Elixir*, sweetening the deal since “he promised to paint the scenery himself; and his scenery was, indeed, something worth writing for.”⁵

Temperamental scene painter Stanfield ultimately did not manage to help Fitzball get his show *The Devil's Elixir* on the boards at Drury Lane. Through a circuitous route, *The Devil's Elixir; or, the Shadowless Man* was staged at Covent Garden in 1829 with a cast headed by Charles Kemble and scenery by noted scenic artists “the Grieves and Finley.”⁶ It may seem strange to present-day writers, who prize originality so highly, that so many popular nineteenth century dramas were adaptations; *The Devil's Elixir* was a dramatic adaptation of not one but two preexisting pieces. In the *Times* review, the newspaperman wrote, “The main plot is taken from Hoffman's extraordinary romance, which bears the first title; and some use has been made of *Peter Schlemilh* to supply that part which relates to the loss of the hero's shadow. The author has, however, managed his materials so ingeniously, that he has made his drama very amusing in the action and has given it a more original character than such pieces of late commonly present.”⁷ The reviewers writing for the *Examiner*, meanwhile, were delighted with the scenic art but less enamored with the script, observing, “The original tale of the *Devil's Elixir* abounds in curious and fearful conceits, but such as are impossible to transfuse in the brief outline of a melo-drama. This deficiency was supplied by troops of demons and coruscations of

⁵ Fitzball, *Thirty-five Years of a Dramatic Author's Life*, 167.

⁶ *Ibid.*, 167-178. “Grieves” is plural because the three Grieves, described in chapter 2, were running the Covent Garden “Scenic Department.”

⁷ “The Theatres: Covent Garden Theatre,” *Times*, Tuesday, 21 Apr 1829 (Tuesday), 3. This critic did say, “The denoument is somewhat clumsy... The piece, however, is cleverly constructed, and goes off very agreeably. The music, by Mr. Rodwell, is spirited and pretty... The Scenery, by the Grieves, is admirable, and some of the mechanical contrivances [are] highly effective.”

red fire, and some most exquisite scenery; the changes, indeed, work so beautifully at this house, that, old stagers as we are, we could scarcely believe but that it was some fairy vision.”⁸ Again, the writers of the *Examiner* highlight the period’s emphasis on the visual experience of the theatre. The script might be deficient, but the reviewer is captivated by the scenery.

Many of Fitzball’s works were adaptations of some sort,⁹ although he preferred to work out stories that were not being widely attempted. For instance, he recorded that when his *Red Rover* was accepted for a run at the Adelphi, “They had seventeen versions, [manager J.B.] Buckstone assured me, of the latter piece sent in... And as my ‘Red Rover’ was the last written, and only presented when all the rest had been returned, I feel gratified – I feel thankful that I stood in no man’s light; and, in fact, knew nothing about the others, or I should not have attempted the subject – I should not even with my experience have had the courage.”¹⁰ But *Red Rover* was right in Fitzball’s wheelhouse; it was another nautical melodrama.

Fitzball preferred novels for his source materials. In fact, the play that first brought him to the attention of patent-house managers was a popular adaptation of Sir Walter Scott’s *Nigel* titled *The Fortunes of Nigel*.¹¹ However, according to Fitzball’s recollections, when he was first summoned to Covent Garden, manager Charles Kemble

⁸ *Examiner*, Sunday, April 26, 1829. I have elected not to discuss music very much in this study, although music was certainly a vitally important part of the experience of seeing a melodrama. With *The Devil’s Elixir*, the *Examiner* opined, “The music is below mediocrity.”

⁹ This is not so unusual, really. The ancient Greek tragedians worked with well-known stories, and Shakespeare adapted just about *everything* from other sources. Marlowe and Racine did something similar. The genius lay in what these authors did with the material.

¹⁰ Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 195.

¹¹ *Ibid.*, 92.

and acting manager Mr. Faucett suggested he put together a “melodrame” for them. When the playwright asked, “A melodrame of what kind?” the acting manager retorted, “Look into the papers, incidents enough invented there! The other day, a girl carried off by a savage fellow! Rock of Charbonnier.”¹² Fitzball replied, “Oh! I have written on that subject, and sold it to Mr. Davadge, at the Cobourg.” Upon hearing that the managers at one of London’s premiere patent houses were interested in the piece, Mr. Davadge generously allowed Fitzball to send the script to them even though rehearsals had already started at the Coburg. In the end, although the actors and managers were universally complimentary, “yet it *failed*, and was only acted five nights.” After hearing boos from an anti-melodrama clique in the audience, the playwright sneaked out of the theatre, and Kemble personally chased down the dejected author to console him.¹³

The unsuccessful play was “a melo-drama on the subject of a savage man, as recorded in the *Times* paper, who had carried off a young lady from the house of her family, and concealed her somewhere amongst the rocks of Charbonnier.”¹⁴ The case appeared in British newspapers, but the crime occurred in France. The *Times* reported, “The French Court of Assize at Versailles [sic] was occupied on Tuesday last with the trial of a wretch named Leger, who strangled, on St. John’s Day, in the neighbourhood of Etampes, a young girl, violated her person, and afterwards drank her blood and ate a part of her flesh. He is evidently insane. The most horrible facts of this recital rested on his

¹² Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 110. Fitzball initially dates this encounter to sometime around 1822, but he is in error on that point since the case of Antoine Leger, which inspired *Father and Son, or, the Rock of Charbonnier*, did not occur until 1824.

¹³ *Ibid.*, 114.

¹⁴ *Ibid.*, 111.

own confession. The jury found him guilty, and the Court condemned him to death.”¹⁵ A much longer and generally more thorough, though less gory, account including lengthy passages of court testimony can be found in *The Morning Chronicle*. Their report is evidently a reprint, mostly in English translation, of an article originally written for *Le Constitutionnel*.

“The Court of Assizes at Versailles, under the Presidency of M. de Haussy, was occupied to-day (Nov. 23) with the trial of Antoine Leger.... On St. John’s Day he left his father’s, saying that he was going into service. He had with him 50 francs, a knife, and two handkerchiefs striped blue and white. He went to Estampes, from thence he went towards the woods of de la Ferte. He slept on the rocks; he ate roots, wild sorrel, wild cherries and gooseberries... He was led to the rock of Charbonniere by despair. His brain was dried up. ... He left the rock on the 10th of August, towards half-past three o’clock in the afternoon; he went into the middle of the wood, to eat apples and pears; very soon he saw a little girl seated near a vine-yard, in a field of oats; he formed the idea of carrying her off... Here we pass over, as too horrible, the atrocities which Leger described.”¹⁶

And the crime is barely described, although the criminal’s movements before and after the murder are detailed. The journalist is presumably being discreet because “it was ordered that the trial should take place with closed doors. The witnesses and the reporters, who were ordered to be very circumspect in their account of this transaction, were alone allowed to remain in Court.”¹⁷

¹⁵ *The Times*, (Sat. 27 Nov 1824); pg. 2.

¹⁶ “Trial of the Monster Leger,” *The Morning Chronicle*, 27 November 1824. The English paper kept some odd French phrases intact; at one point, Leger went into the town to buy some food including “fromage du Gruyere.”

¹⁷ “Trial of the Monster Leger,” *The Morning Chronicle*, 27 November 1824.

*Father and Son, or the Rock of Charbonnier*¹⁸ was one of Fitzball's only contemporary newspaper adaptations. Perhaps Fitzball felt the "Rock of Charbonnier" story was apropos for adaptation because the crime took place in another country, or perhaps it was different from *The Gamblers* because the Leger case was settled before Fitzball put pen to paper whereas the Thurtell trial was underway when the commission came to him. Perhaps Fitzball was so disheartened by the commercial failure of his Charbonnier play that newspaper sources seemed risky and distasteful afterward, and not even Thurtell's horse could draw him back. Certainly Fitzball was not scandalized by murder, per se, since death and destruction form parts of many of his other pieces. When Fitzball and his wife first moved to London from Norwich, when the Surrey was under the management of Watkins Burroughs prior to 1822, they produced Fitzball's melodrama *The Innkeeper of Abbeville*. In the second act of that early play, the character Dyrkille tells the innkeeper, "Why man, the stranger's dead, as we have thrown him into that ditch, and covered him over with branches...."¹⁹ Fitzball's gothic fare featured its share of ghosts and "maniac" characters. Whatever the reason, when Fitzball again wanted to dramatize a "true" story, he looked to the past for inspiration and opened a book of criminal accounts. Many of the narratives that appeared in the *Newgate Calendar* and similar publications were decades old by the time Fitzball was perusing possible source material.

In *The Chronicles of Crime, or the New Newgate Calendar*, the Jonathan Bradford entry is unusually concise. That account opens with this disclaimer: "The

¹⁸ *Father and Son, or the Rock of Charbonnier* is not treated in detail in this study because, at present, it seems there is no extant script for this play.

¹⁹ Fitzball, *Thirty-five Years of a Dramatic Author's Life*, 82-83.

details of this case reach us in a very abridged form; and we have been unable to collect any information on which any reliance can be placed beyond that which is afforded us by the ordinary channels.”²⁰ The entire narrative takes up just under one page. Compared to the blow-by-blow account of the criminal activities of Mary Young, alias Jenny Diver, which occupies six pages, or the story of Richard “Dick” Turpin that fills seven pages of the same *New Newgate Calendar*, the Bradford account is brief indeed. A fairly descriptive version of Jonathan Bradford’s story, most thoroughly related in *Cecil’s Sixty Curious, Interesting, and Authentic Narratives*, manages to include relevant details about the case in two average-sized pages. During Mr. Osbaldiston’s visit in April of 1833, Fitzball says, “I arose, unlocked my bookcase, and looked into a volume of narrative. ‘Here is a name,’ I observed, ‘which strikes me. It is called Jonathan Bradford.’”²¹ It is, unfortunately, unclear exactly what edition Fitzball consulted for his inspiration, but in any event, he had found his next topic although he claimed he had never paid attention to the story before. After perusing it, Fitzball declared that the story contained “the essence of what I required, and I could draw upon my own imagination for the rest; which I determined to do.”²²

In his autobiography, Fitzball makes it a point to commend managers who acted in a “noble” or “respectable” way, which to his mind meant paying reasonable wages and speaking kindly to playwrights and actors alike. He also comments on the behavior of the audiences in the theatres. He does not, however, spend much time discussing the world of

²⁰ Pelham, *Chronicles of Crime* vol. 1, 107.

²¹ Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 233.

²² *Ibid.*, 234.

print and publishing despite his own early apprenticeship in the print-shop business. But it is primarily thanks to the printers that extant melodrama scripts are available today, and since the printers advertised their published playscripts to the public, we must assume that they were at least marginally profitable. For example, advertising appears at intervals in the 1834 publication of *Leigh Hunt's London Journal*, otherwise a collection of opinion pieces by prolific writer and sometime theatre critic Leigh Hunt. One advertisement is for Duncombe's copies of "The Minor Drama, all Copyright Plays, as performed at the Theatres, at Threepence each, beautifully embellished from original drawings by Findlay." The plays for sale include several by Moncrieff, a prolific author who wrote such melodramas as *The Lear of Private Life*, *The Dandy Family* (an equestrian drama that played at Astley's Circus), and a highly successful adaptation of Piece Egan's *Tom and Jerry, or Life in London*. Other notable offerings for sale include *Wallace the Hero of Scotland* by *Trial by Battle* playwright William Barrymore, dramas by Milner, Pitt, and Haines. Nestled among these titles is Edward Fitzball's play *Margaret's Ghost, or Libertine's Ship*.²³ Similarly, in the same *London Journal*, there is an advertisement for "Dramatic Tales at One Penny Each... Illustrated with Scenes from the Plays Taken in the Theatre, by R. Cruikshank &c." These 35 titles included *Jonathan Bradford* alongside such pieces as the Byron-poem-cum-melodrama *Mazeppa* and Douglas Jerrold's very famous domestic melodrama *The Rent Day*.²⁴ By 1834, both

²³ *Leigh Hunt's London Journal: To Assist the Inquiring, Animate the Struggling, and Sympathize with All. From Wednesday April 2 to Tuesday December 20, 1834*. vol. 1. (London: Charles Knight, 1834), 96. The advertisement for plays actually begins "Cheapest Edition of Plays Ever Printed." There is a wide and interesting variety of other printed subjects available from London booksellers, published by Charles Knight, including "Auto-biography of Colonel Crockett: Life of David Crockett of the State of Tennessee," "Researches on Theoretical Geology, 3rd edition," and "Twenty Minutes Advice on Gout and Rheumatism."

Edward Fitzball's name and Jonathan Bradford's name were scattered across the British popular literature landscape.

Fitzball, like his fellow dramatists, worked in an age where scenic art held center stage. *Jonathan Bradford* lacked the special effects present in Fitzball's more sensational melodrama; in fact, *Jonathan Bradford* is positively domestic. Fitzball himself admitted as much: "But, here was a dramatic work, with no wild horse, like *Mazeppa*; no rolling ship, like the *Pilot*; no expanding tree, of gold and emeralds, like the *Island of Jewels*; nothing *effective* to recommend it; no *blue fire*; no superb costumes; no gorgeous scenery; no popular actor; nothing but *natural* language, such as might have flowed from the lips of any existing personage, under similar circumstances, in *real* life."²⁵ For all their spectacles and shocking events, melodramatic authors consistently asserted that their plays were realistic, and it was important that characters were behaving in a "natural" or "real" way.

There is a paradox for theatres like the Surrey; the events that happen on stage in a theatre, of course, are not *real*. Yet audiences and critics expected verisimilitude and even accurate historical re-enactments from the stage. In a review of *Jonathan Bradford* published 22 September 1833, the writer for the London *Examiner* was bothered by how far these text and actors portraying the villains took their characters away from a "realistic" depiction of their types. "We would, however, suggest to Mr. Dibdin Pitt and

²⁴ Leigh Hunt's *London Journal*, 80. The top of the advertisement contains this note: "Now publishing, in the Weekly Numbers and Monthly Parts of the CASKET, A Series of Original Dramatic Tales..." *The Casket* was a penny paper originally published 1827-1829 by George Cowie and William Strange and revived by Cowie as "The New Casket" in 1831. [See Laurel Brake and Marysa Demoor, ed. *Dictionary of Nineteenth Century Journalism* (London: Academia Press and the British Library, 2009), 149.] However, as a testament to how complicated and confusing the printing business seems now, this particular advertisement states that the stories in question are actually "Published at the Office of *The Ladies Penny Gazette*, King Edward Street, New Bridge Street."

²⁵ Fitzball, *Thirty Five Years of a Dramatic Author's Life*, 257.

Mr. C. Hill that there is an appropriateness in attitudes, and that rat-catchers and denizens of Seven Dials, do not throw themselves in to postures of amazement and affright such as are assumed by the heroes of tableaux, or the Hamlets and Richards of tragedy. The effect of a situation, or the close of a scene, is not, we submit, improved by borrowing a gesture unsuited to the character, and belonging more to the beings of poetic creation than to the men of this world.”²⁶ The review evinces an expectation of decorum in the neoclassical sense, demanding characters behave in a manner appropriate to their station in life, but the specifics given in the *Examiner* invite further inquiry. Reviewers and casual audience members alike could have had personal experience with rat-catcher and “denizens of Seven Dials.” Denizens of Seven Dials were real people, walking the streets of London, not the fictional or even idealized type neoclassicists expected. There is a delightfully contradictory taste at work further illustrated by the reviewer’s comments on the piece that followed *Jonathan Bradford*. The adaptation of *Damon and Pythias*, a “classic story, seemed to us out of place at this theatre, in which we prefer scenes of familiar life.”²⁷ The tension between “familiar,” that which could be within the real scope of the audience’s experience, and the taste for the theatrical and spectacular is thrown into relief. The domestic, familiar *Jonathan Bradford* and the questionable *Damon and Pythias* were followed by a pantomime “which bears the euphonous name of *Hickerty-pickerty*,” complete with Harlequin, Pantaloon, and Columbine.²⁸ Here are characters that

²⁶ “Surrey Theatre,” *Examiner* (22 Sept 1833), page not identified in British Library search. (Possibly page 599?) Emphasis mine.

²⁷ “Surrey Theatre,” *Examiner* (22 Sept 1833).

²⁸ *Ibid.*

are certainly not “real” enacting a story that was not part of “familiar life,” yet the pantomime was deemed a success.

One way to approach this apparent contradiction is to consider that characters were supposed appropriately realistic when they behaved according to their “type.” Type was established by “common knowledge” and assumptions about class, race, and gender, as well as the commercial actors’ need to draw from inherited stylistic techniques that served the stage for generations. It is not for nothing that Dion Boucicault was able to provide a company breakdown that identified each actor with a specific type of role. The eighteenth century system of gesture and points was still practiced, although perhaps not as rigidly as in the century before. Each emotion had a gesture to match, while a “point” was a moment, line, or even a piece of business that had become inextricably linked to a specific scene, and actors were expected to play these moments in very specific ways.²⁹ As late as 1883, an “Irvingite” claimed that Henry Irving was an exceptional actor because he had thrown off the habit of making points, although making a point “was the object of the old school of English actors and is still the object of nearly all foreign tragedians...”³⁰ In his reminiscences published 1897, Walter Calvert claimed, “Irving does not make his success by ‘points’ but by a consistent, thoughtful, and highly intelligent reading of the whole character;” meanwhile Ellen Terry’s 1883 New York performance was praised because “in acting, her points were made with remarkable ease and

²⁹ Russ McDonald, *Look to the Lady: Sarah Siddons, Ellen Terry, and Judi Dench on the Shakespearean Stage* (Athens: University of Georgia Press, 2005), 24-25. For instance, in the eighteenth century, Sarah Siddon’s choice to *not* hold the candle in Lady Macbeth’s sleep-walking scene was considered groundbreaking and even dangerous.

³⁰ An Irvingite (Francis Albert Marshall), *Henry Irving, Actor and Manager*, (London: George Routledge and Sons, 1883), 61.

naturalness.”³¹ Despite a later generation’s feeling that the point was an artificial constraint, the point had its benefits. When everyone knew an important moment was coming up, it was easy for audiences who practiced selective inattention to redirect their focus and catch key moments. More practically, star actors could slip into visiting productions or tours with companies far and wide because everyone knew roughly how these important moments would be staged.

Also still in use was the eighteenth-century “claptrap,” a calculated moment or piece of dialogue built into the play to win the audience’s applause. Edward Fitzball, surreptitiously hired by the Surrey to work as script doctor on a version of *Sleeping Beauty*, discussed “the scene where the Count goes out at the window, and where I had contrived to pop into his mouth a clap-trap, respecting what the man deserves who would be coward enough to take advantage of unprotected female innocence.... [W]hen it came to my speech of the Count, (the clap-trap,) at the burst of approval with which a Surrey audience, in particular, invariably greets a virtuous exclamation, he [the author] turned to me, with a gratified air.”³² The clap-trap was not great art, but it was highly effective. The stereotypical behaviors of the characters, good and bad, in melodramas worked for the audience of the day. As Martin Miesel observed in his study of art, plays, and literature, “The broadly conceived, schematically arranged ideal types, in whom character, passion, and narrative function were one, necessarily behaved according to their ethical natures, rather than naturalistic canons of biological and social conditioning.” This meant that, as far as theatre was concerned, “The aesthetic problem

³¹ Walter Calvert, *Sir Henry Irving and Miss Ellen Terry: A Record of over Twenty Years at the Lyceum Theatre* (London: Henry J. Drane, 1897), 14, 28.

³² Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 120-122.

for the age was to incorporate such individuation, for which it had an enormous appetite and which it perceived as *real*, with the glamour and readable moral and intellectual coherence of the faceless *ideal*.”³³

Grounded by Nutmegs and Lemons

By this point, I hope it is evident that verisimilitude was a desirable quality in nineteenth-century theatre. The nature of competing commercial playhouses meant that the acquisition of “actual” objects was almost impossible for the majority of theatres, leaving the case of *The Gambler* at the Surrey an attractive but extreme example. It was exactly this sort of practical limitation, combined with the taste for “local color,” that led to the Coburg’s strategy of advertising new and “authentic” scenic views to bolster their production. Far more common was the practice of invoking details from newspaper accounts to support a playscript’s veracity, like the pick-axe, the velveteen jacket, or the linen chemise in *The Red Barn*, which could then be mentioned or recreated for the stage. Accounts of the historical Jonathan Bradford are spare and details are few. Nevertheless, *Jonathan Bradford* includes copious references to material properties, and these serve to establish authority over personality, time, and off-stage events.

In *Jonathan Bradford*, the play begins with the loyal and rustic assistant at the inn, Jack Rackbottle, singing a song then describing his employers, Jonathan and Ann Bradford.³⁴ Jack tells the audience that Jonathan is “as honest and warm-hearted a

³³ Meisel, *Realizations*, 8, 12.

³⁴ As with other cases, I will generally refer to historical individuals by full name or last name, and I try to refer to the characters by their first names since that is how the majority of them are identified in the script (Hayes being the exception).

landlord as ever poured out a noggin of ale, or drove cork into bottle; no double-scoring here; - no short measure; - no adulterated liquors....”³⁵ The audience has no reason to doubt the many proofs Jack offers of Jonathan’s fairness and the tangible examples of his generosity and honesty played out at the bar, in the consumer’s marketplace.

In Jonathan’s first moment on stage, he kisses his adoring wife several times, then describes his trip to London. Evidently, he traveled for the main purpose of provisioning his business and collecting treats for his family. “I’ve brought the lemons and the nutmegs, love / The sugar, and the comfits for the children; / I’ve brought besides – what think you that is, Ann?... / I’ll tell thee. It is a pair of buckles; though not diamond, / Glittering bright they shine, as stars at even; / Not costly are they, save as love enriches, / And turneth all things golden.”³⁶ This is our introduction to the innkeeper, although a similar attention to detail and taste for hyperbolic description characterizes many other scenes throughout the play. It is as if Fitzball recognized that, while abstract concepts of honor and affection are fine, the audience is more immediately affected by hearing and seeing concrete examples of Jonathan’s goodness.

Despite the historical evidence that points to Bradford’s unjust execution, the innkeeper was not the generous, blameless figure presented in the play. According to the *Newgate Calendar*’s version of the events, Bradford did not kill his guest Hayes, but was caught in Hayes’s chambers, knife drawn, because he had *intended* to threaten and rob

³⁵ Edward Fitzball, *Jonathan Bradford! Or, The Murder at the Road-Side Inn!* (London: John Duncombe, 1833), 5.

³⁶ Fitzball, *Jonathan Bradford*, 7-8.

him but was thwarted when he discovered, upon arriving at the room, that someone had already killed the wealthy guest.³⁷

Although Hayes is a victim and is murdered in the play, his death at the mid-point of the script leaves the audience to follow the unjustly accused Jonathan and Ann as the stronger choice for hero/victim and heroine/victim. What is the theatre to do with a true-crime case where the historical protagonist's behavior is nearly as reprehensible as the murderer's? There are several possible solutions for the playwright willing to take creative license. Fitzball simply reinvents a victim that is pure. In the melodrama version of the story, a clumsy but completely attractive hero/victim is offered right from scene one. His tactics mirror a modern film-making technique known colloquially as "saving the cat."³⁸ In such an instance, a writer can make a potentially un-likeable character resonate with audiences by choosing to have the character do something kind early in the story, such as saving a cat, even if it really has nothing to do with the plot. This device effectively wins the protagonist the audience's sympathy, and once that is established, the story can proceed. In the case of Jonathan Bradford, it was necessary for Fitzball to rehabilitate the historical figure. Fitzball's Jonathan, who escapes execution and is exonerated when the true criminal confesses, is presented as a selfless Christian father, evidently a far cry from the real Bradford. Even though Bradford was ultimately innocent

³⁷ "Jonathan Bradford" in part II of *The Newgate Calendar*, Ex Classics, online home for out of print public domain English-language reading materials. <http://www.exclassics.com/newgate/ng207.htm>

³⁸ Blake Snyder, *Save the Cat* (Studio City, CA: Michael Wise Productions, 2005), xv. For example, Snyder discusses the first appearance of Al Pacino's character in *Sea of Love*. Tough cop Pacino is about to bust parole violators at Yankees stadium, when he sees a former crook bringing his little boy along to the baseball game. Taking pity on the father, Pacino flashes his badge to tip off the family man, who leaves unscathed. See also 20 August 2012 radio broadcast of *Fresh Air* from WHYI with host Terry Gross interviewing Ira Glass and Mike Birbiglia about the film *Sleepwalk With Me*, where Birbiglia's semi-autobiographical character is made more sympathetic simply by getting his girlfriend something to drink.

of the murder with which he was charged, he eventually admitted that he had intended to rob and even possibly kill Hayes, and would have done so if someone else had not beaten him to it.³⁹ One wonders, if the historical proprietor of the inn had been the unwaveringly devoted and universally adored man shown in the play, perhaps his claims of innocence would have been taken more seriously? But a real person is multifaceted and conflicted while a character in a melodrama need not be. No matter how much a character professes love or hate or greed, it is not the power of introspection but action that drives the play. The stylistic marks that seem too blatant, too one-dimensional, too overblown to readers today are there because they were effective in production.

Melodrama is characterized by its very concreteness. In order to do this, the playwright's characters share their sensory experience with the audience. In plays like *Jonathan Bradford*, characters provide a variety of sensory information. When villain Dan Macraisy arrives at the Inn, posing as an Irish squire, he pauses to explain that he's sniffing smells of a "good supper" of "roast beef – horse-radish – wine – brandy."⁴⁰ There are textual cues that reference sounds, as when Jonathan, expecting the arrival of a troupe of soldiers, declares, "I think I hear the sound of horses [sic] feet."⁴¹ There is, of course, the visual use of objects that are manipulated in view of the audience. To underscore Dan Macraisy's treacherous nature, he threatens his assistant Caleb, "Keep your distance, fellow; stand behind, and remain silent, or I'll discharge you – (aside, and

³⁹ *Cecil's Sixty Curious, Interesting, and Authentic Narratives*, (Boston: Joel Smith, 1825), 166-168.

⁴⁰ Fitzball, *Jonathan Bradford*, 10.

⁴¹ *Ibid.*, 20.

showing a pistol) or this.”⁴² Characters also give the audience information about texture and weight. Wealthy Hayes is carrying a large sum of money because he is purchasing the local manor house, telling his lawyer, “When I have examined the title deeds, yes, on this very table, if you like the good truth, I shall be glad to be disremembered of the money; it’s of considerable weight.”⁴³ Hayes is not speaking metaphorically about some moral weight or great responsibility attached to wealth; he is speaking of the physical sensation that something is heavy.

Because the Bradford case relied upon circumstantial evidence, Fitzball takes care to plot out exactly how the material world could conspire to make Jonathan appear guilty. When Jonathan escorts Hayes to his chambers, Hayes expresses frustration that his watch is broken, then gives Jonathan the watch because Jonathan offers to send it to the local repairman. Hayes falls asleep while waiting for Jonathan to bring up a “tankard of canary;” but Jonathan does not wish to wake his sleeping guest, choosing to leave a lemon and a sharp knife beside the tankard so Hayes can add fresh lemon to his drink later if he chooses. The watch and knife soon become instrumental in Jonathan’s wrongful conviction. It is no accident that Dan Macraisy, who flashes his pistol about and threatens his assistant regularly, kills Hayes with Jonathan’s kitchen knife. The murder scene plays out this way: “Flash of lightening shows Dan getting in at window – he cautiously enters – blows out light, and endeavors to find purse – Hayes starts up and Dan seizes him by the throat... Macraisy finds the purse and is escaping when Hayes finds knife and seizes him... Music – In the struggle the purse falls, and Macraisy gets

⁴² Fitzball, *Jonathan Bradford*, 13.

⁴³ *Ibid.*

possession of the knife and stabs Hayes, who falls with a groan.”⁴⁴ Macraisy flees with the money, leaving behind the empty purse and the bloody knife. The noise reaches every resident of the inn. Jonathan and his wife are first on the scene, and the befuddled innkeeper unwisely picks up “this knife stained with blood – this purse upon the ground – horror!” Even more unfortunately, the dying man stirs when the lacadaisical lawyer Dozey and the self-important surveyor Rodpole finally arrive. Hayes survives just long enough to mutter, “Ah! my purse – that knife in his hands!” The lawyer, invoking his status as a magistrate, orders the soldiers to arrest the innkeeper. The presence of the dead man’s watch in Jonathan’s pocket, a tangible piece of personal property, works to confirm their suspicions.⁴⁵ The pocket-watch and knife are, as props on stage, rescued from disappearing into a potentially endless system of signs and signifiers through the actor’s use of them.⁴⁶ But these items, in the narrative function of the moment, are transformed from mere objects to “things;” unlike the static material object, the thing “forces a person into an awareness of the self in material relation to the thing.”⁴⁷ In this case, the pocketwatch gains power and function in both the fictional world of Jonathan Bradford and in experience of the audience.

Paper items are particularly essential to the second half of the play. Fitzball’s Sergeant does not merely tell Ann Bradford that she has been granted a pardon; he arrives at the Bradfords’ prison cell with the pardon in his hand.⁴⁸ Caleb does not merely hear

⁴⁴ Fitzball, *Jonathan Bradford*, 20.

⁴⁵ *Ibid.*, 20-21.

⁴⁶ Sofer, *Stage Life of Props*, 7-11.

⁴⁷ Robin Bernstein, “Dances with Things: Material Culture and the Performance of Race,” *Social Text* 101 27, no. 4 (Winter 2009) 69-70.

that his compatriot Dan Macraisy robbed a nearby farmhouse; he reads a wanted poster pasted to the church door.⁴⁹ And Dan's plan to ease his fear of arrest after the Hayes murder hinges on him convincing Caleb to copy out a confession, then getting another man to sign it. Caleb, rightly suspecting that Dan is trying to pin the crime on him, refuses to sign his name to the paper, even just "as a witness," and fortuitously drops the pen.⁵⁰ The paper props give the characters physical representations that communicate about, and stand for, events that happened off-stage.

Whether it is lemons and shoe-buckles, knives or watches, letters or posters, the melodrama abounds with physical properties that create a concrete world. The presence of such objects provides the potentially positive practical effect of helping actors enliven their stage business. Beyond this, however, this "concreteness" also serves on stage in much the same way as Elaine Scarry argues description of objects behaves in literature. The presentation and invocation of otherwise insignificant items offers an "in" for the audience, grounding the story in time and space in a very material way so that it can be understood and accessed by the viewers.

Step in Time – The Effects of a Period Setting

In theatres large and small, nineteenth-century designers were also expected to find ways to "authentically" reproduce both contemporary and past eras, even though they were not bound by concepts and theories that later formed the basis for Realism and Naturalism. While theatres had doubtless dabbled with period costuming and scenic

⁴⁸ Fitzball, *Jonathan Bradford*, 28.

⁴⁹ *Ibid.*, 30.

⁵⁰ *Ibid.*, 32-33.

design, it becomes a concern quite clearly in the 1820s with the work of James Robinson Planché. “In the August, 1823, issue of *The Album*, he published an article pleading that greater attention be given to costuming the plays of Shakespeare and setting forth a wardrobe system whereby plays of all countries and all periods could be costumed. Kemble apparently decided to give Planché a chance to put his ideas into practice, for on November 24, 1823, Covent Garden revived Shakespeare’s *King John* with Planché as costumer. Advance playbills announced: ‘The Publick is respectfully informed that *Shakespeare’s Tragedy of King John* is in a forward state of revival at this Theatre, and will shortly be produced with an attention to Costume which has never been equaled on the English Stage. Every character will appear in the precise habit of the Period – the whole of the Dresses and Decorations being executed from copies of indisputable authorities, such as Monuments, Seals, illuminated Manuscripts, painted Glass, &c.’” The playbill for December 1st goes on to identify the exact sources Planché consulted, including King John’s Effigy in Worcester Cathedral, Queen Elinor’s Effigy in the Abbey of Fonteveraud, King John’s Silver Cup, and Illuminated Manuscripts in the British Museum, Bodleian, and Bennet College Libraries.⁵¹ The 1823 production was the first of six at Covent Garden for which Planché claimed the costumes were “historically accurate.” He was elected to the Society of Antiquaries in 1829. In 1831, Planché began contributing to archaeological journals, and in 1834 he published his first major work on historical costuming, *History of British Costume from the Earliest Period to the Close of*

⁵¹ Paul Reinhardt, “The Costume Designs of James Robinson Planché (1796-1880)” *Educational Theatre Journal* 20, no. 4 (Dec 1968), 525. (524-544) Citing Covent Garden Playbills for Thursday 29 October 1823 and Monday 1 December 1823, in the Kendall Collection, University of Texas Theatre Collections.

the 18th Century.⁵² Planché and his theatre artists tapped into a trend of antiquarianism that demanded historical basis, historical referents, and historically-accurate recreations for the stage.

This desire for historical authenticity reached something of an apogee mid-century with Charles Kean's productions of "gentlemanly melodramas" and Shakespeare plays at the Princess Theatre. His production staff put a great deal of effort into "ensuring the accuracy of historical details, or of the architecture, foliage and flora."⁵³ When money allowed, Kean's artists traveled abroad to collect items and record first-hand illustrations of the historical and foreign objects they needed to reproduce on stage. In 1853, Kean oversaw a production of *Sardanapalus* that included unconventional scenic art calculated to match recent archaeological excavations. Although critics suggested that "he had turned his theatre into a Gallery of Illustration, and that, properly read, his playbills invited the public to witness, not the Drama of Sardanapalus, but the Diorama of Ninevah" and doubted whether the strange angular Assyrian figures were really desirable, they concurred that "adherence to pictorial authorities... adds strangely to the remoter oriental character of the scene."⁵⁴ His production of *Macbeth* that same year included notes from Kean himself admitting, "The very uncertain information... which we possess respecting the dress worn by the inhabitants of Scotland in the eleventh century, renders any attempt to present this tragedy attired in the costume of the period a task of very great difficulty." To support his near-historical design choices, Kean proceeded to reference

⁵² Reinhardt, "The Costume Designs of James Robinson Planché," 528, 527.

⁵³ Richard Southern, "Theatres and Actors: Regency and Early Victorian," *The Revels History of Drama in English 1750-1880* (London: Methuen, 1975), 88.

⁵⁴ *Athenaeum* (18 June 1853), 745. Also, Dallas, "The Drama," p217. Quoted in Miesel, *Realizations*, 43, 34.

Gaelic tradition, writings of Strabo, Pliny, Xiphilin, and Snorre, the Eyrbyggja Saga, building materials used in the Abbey of Iona, Meyrick's work on ancient armor, and Adomnan's Latin work *The Life of St. Columba*.⁵⁵ Despite their concern for details, Kean's company's performances were not totally historically accurate after all. As Richard Southern reminds us all, "The indictment here should not be against Kean so much as against the belief that archaeological accuracy is possible in a living theatre anyway."⁵⁶ The actresses in Kean's company evidently refused to remove their petticoats and corsets, consistently compromising the historicity of the costuming. Kean deviated from history in other ways. Presumably for commercial appeal, he introduced a full fairy ballet into *Henry V* to mark the title king's return to England after the battle at Agincourt. Such flights of fancy are, in their way, fitting. "No artist can be a proper mirror of his times if the characteristics of his times are not reflected in his work," writes Richard Southern.⁵⁷

The playwright's notes on *Jonathan Bradford* reflect a similar interest in historicity. For all the Surrey theatre's early advertisements highlighting the play's true-life basis, the author was explicit that it should be seen as a period piece. *Jonathan Bradford* is firmly set in the eighteenth century. The printed copy of the script, issued by John Duncombe publishing, not only features "a fine engraving by Mr. Findley from a drawing taken in the theatre" but also includes a costume list with such notes as "Sergeant, Corporal, and Soldier – old fashioned uniform as worn at the time of the

⁵⁵ "Charles Kean's Antiquarian *Macbeth*," in *A Source Book in Theatrical History*, ed. A. M. Nagler (New York: Dover, 1952), 480-483.

⁵⁶ Southern, "Theatres and Actors: Regency and Early Victorian," 88.

⁵⁷ *Ibid.*

piece,” and hats like a “George the Second shaped hat” and a “black Nell Gwynne hat.”⁵⁸

The stage apparel and visual appearance of the actors is clearly designed to help establish the period.

Evidently there were critics who “endeavored to turn into ridicule the language.”⁵⁹ Those who were not fans pointed to Jonathan’s opening line about lemons and nutmegs in particular as an example of bad writing. Fitzball defended his style, claiming “it was an imitation of the blank verse of the period.”⁶⁰ Even more interesting is his defense of the material details. He wrote, “I had frequently, when a boy, seen the landlord of a small public house, (the Rose,) near our estate, return from market with nutmegs and lemons, which, indispensably, country publicans go to the market towns to purchase, for the use of their customers, not being enabled to obtain, at any price, such commodities in a village; at the period of this drama, be it recollected, punch being the prevailing tip-top beverage in a rural inn.”⁶¹ The consumable commodities mentioned here are very specific. Regardless of the veracity of his claim for nutmeg punch, the opening verse section of Fitzball’s play seems grandiose even by melodramatic standards. Additionally, Fitzball’s characters’ unchecked switching between “you” and “thee” is evidently meant to strengthen the sense that these figures come from an earlier age. (Thankfully, the overwrought linguistic style seems to ease up as the play goes on.) If the visual impact of the costumes and the stylistic choices regarding dialogue are not enough to set the period, there are other clues as well. The most blatant occurs near the end of the play when the

⁵⁸ Fitzball, *Jonathan Bradford*, 2-4.

⁵⁹ Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 251.

⁶⁰ *Ibid.*

⁶¹ *Ibid.* I have preserved Fitzball’s ridiculous abuse of the poor comma.

villain asks his assistant to pen a confession. He reads the date aloud: “June 17th, year 1736.”⁶² There can be no doubt about the historic moment the playwright chose.

This time shift has several possible effects, one of which is to excuse the lack of police or detective work. Another effect is to assure the nineteenth-century audience that these terrible events, and the miscarriages of justice that threaten the Bradford family, were things of the past and would not happen in newly civilized and organized London. The police, in most murder melodramas, serve as a sort of *deus ex machina*, where the human figure of the officer of the law replaces the god from the machine. In *The Gamblers*, the arrival of the arresting officers *is* the resolution. In early plays about *The Red Barn*, the dry “just-the-facts” appearance of officer Pharos Lea leads swiftly to Corder’s removal. If it is the king in *Tartuffe* who served as the all-seeing, all knowing agent of justice, it is the officer of the law who became the nineteenth century agent actively assuring that justice is done. The detective’s process and the detective story as we know it, embodied best in the adventures of Sherlock Holmes, would not be a common feature of literature until closer to the end of the century. The English people were conscious of the changes. In the eighteenth century, there was not even a dedicated officer of the law. Fitzball introduces authority figures in the form of a corrupt attorney, named Dozey, who is himself a magistrate, and a host of well-intentioned but uninformed “horse-dragon” soldiers.⁶³ The frightening miscarriage of justice begins with Dozey ordering the soldiers to arrest the innocent Jonathan Bradford for a murder he did not

⁶² Fitzball, *Jonathan Bradford*, 32.

⁶³ *Ibid.*, 15. After Hayes excuses himself to go to bed, Dozey and Rodpole continue their conversation:

Dozey: ... (whispering) Not a word about the flaw in the title! mum!

Rodpole: No, no I’m as mute as a measuring pole; over a bowl of punch we’ll settle it, by measuration.

commit and ends only with the dying confession of the true villain. One final possible effect of the time shift on perceptions about law enforcement could be that *Jonathan Bradford* is a cautionary tale, warning all interested parties against over-confidence in circumstantial evidence.

By demonstrating the failings of the previous century's incomprehensible justice system and incompetent police force, nineteenth-century melodramas like *Jonathan Bradford* re-enforced the need for a modern law enforcement system while simultaneously warning against police over-reach. Indeed, the country's police system had undergone changes and it is necessary to understand something of the previous system to appreciate the reforms that were reshaping England's police force by the 1830s. In the eighteenth century, each county had "a royally-appointed Lord Lieutenant, who in turn appointed unpaid justices of the peace, or magistrates."⁶⁴ The JPs and magistrates faced a host of boring administrative duties and potentially expensive assignments like the regulation of wages and distributing Poor Relief. The magistrate/JP position, once considered a patriotic duty, became an unwanted job. "London JPs were often what was known as 'trading justices', who used their offices for personal gain."⁶⁵ It was even possible for a JP or magistrate to accept the office but refuse to take the oath to do the duties attached to the position. Sheriffs, meanwhile, also answered to the Lord Lieutenant and were responsible for training the local militia and keeping order in the event of mob uprisings. Constables, those tasked with maintaining order on a day-to-day basis, were elected yearly in every parish, but the position was unpaid and did not come with

⁶⁴ Lucy Moore, *The Thieves' Opera*, 173.

⁶⁵ *Ibid*, 174.

subordinate staff. “Because the constable-elect had to pay for his deputy himself, he tended to hire the cheapest, and often therefore, most incapable man available.”⁶⁶ The constable and deputy did not have uniforms, could not enter or search private property, and could be held personally liable for either wrongful arrests or escapees. The roles of constables and their parish watchmen, the sheriffs, and the magistrates were completely separate. In theory, a constable, JP, a sheriff, or even an ordinary citizen could at any time raise the “hue and cry,” that is, call for assistance in apprehending a criminal, but no one person was actually tasked with doing so.⁶⁷

In print and popular incarnations, the policeman was often presented as a source of amusement. The character goes back at least as far as William Shakespeare’s treatment of malaprop-prone Dogberry and his inept assistants Oatcake and Seacoal in *Much Ado About Nothing*, published in 1600, and the type surely existed before that. In the early 1820s, London *Morning Herald* reporter John Wight produced a volume titled *Mornings at Bow Street: A Selection of the Most Humourous and Entertaining Reports which Have Appeared in the Morning Herald*. In it, he presents crimes such as assault, drunkenness, and disorderly conduct chiefly to make his readers laugh. “The tone is humorous and derives entertainment from the outlandish behavior of the lower classes... Policemen are routinely associated, through their language and behavior, with the lower-class offenders they apprehend... The act of policing is generally depicted as the discovery of antics, perhaps even as the production of entertainment,” as in the case of two intoxicated men

⁶⁶ Lucy Moore, *The Thieves’ Opera*, 175.

⁶⁷ *Ibid.*, 173-190.

who decided to “have a bit of fun” by grabbing a befuddled watchman and twirling him about in a mock waltz.⁶⁸

One reason a powerful, formal police force was slow to catch on was that the British did indeed, as a whole, value their concept of personal freedom more than they feared crime. “The English staunchly refused to form a standing army or a permanent police force, believing it would infringe on individual liberties. They believed a police force might be corrupted into a network of government spies, or still worse, a private state army.”⁶⁹ But toward the end of the century, a new mentality took hold. Half-brothers Henry and Sir John Fielding, who worked as magistrates in London’s Bow Street office, began speaking publicly about the need for new police systems. “Henry Fielding believed that to live with the constant threat of assault and robbery was not liberty but anarchy; he held that true liberty was each person’s freedom to enjoy their life in safety, and that this could be achieved only with the aid of a regular, uncorrupted band of law-enforcers.”⁷⁰ In 1770, a parliamentary commission was tasked with examining the police and proposing reforms. Although it took several decades and several revisions, the Metropolis Police Improvement Bill was ultimately passed and a new police system was introduced in London in 1828 and established firmly in 1829. The new “unified force, replacing the hodgepodge system of parish watchmen,” consisted of five orderly divisions, each with inspectors, sergeants, and 144 constables. They had recognizable uniforms, regular pay, and were taught polite manners. Each officer was tasked with

⁶⁸ Crosthwait, *They Belong to Ourselves!*, 30-33. See John Wight, *Mornings at Bow Street: A Selection of the Most Humorous and Entertaining Reports which Have Appeared in the Morning Herald* (London: Wheatley and Adlard, 1825).

⁶⁹ Lucy Moore, *The Thieves’ Opera*, 177.

⁷⁰ *Ibid.*, 190.

learning his own “beat;” all were ultimately answerable, through a clear chain of command, to the British Home Secretary, Robert Peel.⁷¹

In 1829, speaking to the need for the Metropolis Police Bill, the Duke of Wellington said, “Many of your lordships must recollect what used to take place on the high roads in the neighborhoods of this metropolis some years ago. Scarcely a carriage could pass without being robbed; and frequently the passengers were obliged to fight with, and give battle to the highwaymen who infested the roads.”⁷² The notion that highwaymen could practice their craft uninhibited within the city of London was attached to fears about the growing city’s physical condition and the mobility of all classes. When Henry Fielding wrote his “Inquiry into the Causes of the Late Increase of Robbers,” as early as 1751, he argued that chief among the problems were London’s labyrinthine layout and the ability of the seriously destitute to “wander.” The two problems converge: “Whoever indeed considers the cities of London and Westminster, with the late vast addition of their suburbs, the great irregularity of their buildings, the immense number of lanes, alleys, courts, and bye-places; must think, that, had they been intended for the very purpose of concealment, they could scarce have been better contrived. Upon such a view the whole appears as a vast wood or forest, in which a thief may harbour with as great security as wild beasts do in the deserts of Africa or Arabia; for, by wandering from one part to another, and often shifting his quarters, he may almost avoid the possibility of

⁷¹ From *Bell’s Weekly Messenger*, 4 Oct 1829, quoted in Crosthwait, *They Belong to Ourselves*, 26. Robert Peele’s officers became known as “Peelers” or “Bobby’s” – “bobbies” is still a slang term used for British police.

⁷² “Duke of Wellington’s Speech on the Metropolis Police Bill, June 5th,” *Mirror of Parliament*, (1829), 2050. In Sir Edward Bulwer Lytton, *Paul Clifford* (Philadelphia, J.B. Lippincott, 1873), iv.

being discovered.”⁷³ Fielding describes the evils that come from allowing anonymous “vagabonds” to roam freely and shelter in cheap flops on a night-to-night basis. Although he addresses the loss of life due to illness and injury, and “the excessive misery of the wretches themselves, oppressed with want, and sunk in every species of debauchery,” he considers the proliferation of robbers among these classes even more troubling. “Among other mischiefs attending this wretched nuisance, the great increase of thieves must necessarily be one. The wonder in fact is that we have not a thousand more robbers than we have; indeed, that all these wretches are not thieves must give us either a very high idea of their honesty, or a very mean one of their capacity and courage.”⁷⁴

Although Fielding is writing in the mid-eighteenth century, his arguments for police reforms were influential, and he expressed clearly the perceived need for the kind of serious building reforms that would radically renovate parts of England’s capitol in the early nineteenth century. The urban redesign was most successfully implemented in London’s West End, and the divide between the “civilized” western side of the city and the unruly east side was visibly expressed in the layout of the streets and style of buildings. As Ginny Crosthwait described it, “The West End was deemed orderly and respectable in part because of its carefully designed architecture; similarly, older regions of London were considered chaotic because of their haphazard physical features.”⁷⁵ Reforms, significantly, were best executed in neighborhoods with government buildings and palaces. Among upper-class young people of the period, particularly men, taking an

⁷³ Henry Fielding, *The Works of Henry Fielding, Esq.*, ed. Sir Leslie Stephen, vol 7 (London: R Clay Sons and Taylor, 1882?), 225.

⁷⁴ Fielding, *The Works of Henry Fielding*, 240.

⁷⁵ Crosthwait, *They Belong to Ourselves!*, 23.

urban safari to explore the seedy side of town was a thrill, but for the rich visitors “slumming it” there was always the possibility of a safe retreat back to a well-organized wealthy sector of town. The poorest of the poor in the laboring-class East End continued to live in fairly hideous conditions. Most of the native Newgate protagonists could be traced to these unrenovated, economically disadvantaged neighborhoods. *Jonathan Bradford*’s events may play out in on the rural route between London and Oxford, so poorly marked that an entire regiment of soldiers missed their turn and got lost on their way to the inn that dark and rainy night,⁷⁶ but the play *Jonathan Bradford* was mainly performed in working-class London, in transpontine and East End theatres eventually including the Marylebone, Garrick Theatre, Britannia, and the Pavilion.

Besides the concern with London topography, Fielding touches on another issue that remained troublesome throughout England’s period of urban migration: identity. In *Jonathan Bradford*, the villain appears at the inn using a false name and claiming a lineage and heritage that is entirely fictional. Dan Macraisy, unknown along the London-Oxford Road, presents himself as “Squire O’Connor,” and tells his unsuspecting host that he set out from his beautiful estate in Kilkenny.⁷⁷ At the inn, Dan Macraisy presents his reluctant companion Caleb Scrummidge as his valet, but Caleb has already told the audience he is a failed apprentice, formerly with “Mr. Timothy Tick, clock and watchmaker of Seven Dials.”⁷⁸ Crime leads to crime in a fatal spiral; Caleb allowed Dan to convince him to rob his master and run away from London, setting him on a path to no

⁷⁶ Fitzball, *Jonathan Bradford*, 15-16.

⁷⁷ *Ibid.*, 10-11.

⁷⁸ *Ibid.*, 10.

good end. Caleb extends the sensory and material experience when he suggests that Dan is “going tick, tick, tick, to the gallows as fast as a repeater wot’s broke its main spring” and that if their exploits are recorded anywhere it will be “in the Newgate Calendar, alongside of Highwayman Billy and Hotpepper Jack.” Further, the unwilling accomplice laments, “I feels an alter as neatly round my throat as if it was made to fit – oh!”⁷⁹ Because they are highly mobile, the two miscreants are able to re-invent themselves and enact new crimes in new places without much fear of being known. Such an existential conundrum resonated in London, where individuals from around the country converged in one city. Without the familiar social constructs of family, established neighbors, and small-town acquaintanceship, it was difficult to have confidence in the urban community or to know whether a new person could be trusted. It is not possible for the residents living near Jonathan’s inn to truly know either Dan and Caleb on sight, much less their true positions in life or their real names. Dan does not stop with robbing Hayes, either. Late in the play, Caleb reads aloud a wanted poster, announcing, “A hundred pound reward for the apprehension of Dan Macraisy, alias O’Connor, &c &c &c [sic] who it is suspected broke into the farmhouse of Mr. Brown of Frogmore on the night of – There – there’s your description exactly! How will you get out of this?” Dan’s answer is, “Oh, aisy – shift it on some other fool’s shoulders.”⁸⁰ The slippery nature of identity does seem to be a feature of other crime melodramas as well; remember that when Polstead native and “Red Barn” murderer William Corder was arrested in London, he was using a new name and had set himself up as a school-master, while bankrupt Norwich native and

⁷⁹ Fitzball, *Jonathan Bradford*, 10.

⁸⁰ *Ibid.*, 30.

“Gamblers” killer John Thurtell perpetuated several scams in London by using his brother’s identity.

Then as now, cases built on circumstantial evidence were particularly problematic. It was circumstantial evidence that allowed Abraham Thornton to avoid conviction, and it was circumstantial evidence that led to the wrongful execution of the historical Jonathan Bradford. The *Constable’s Pocket Companion and Guide* of 1830 instructed that the policeman “has no authority to arrest a party for affray, assault or battery, committed out of his view.”⁸¹ England’s new police force needed a new literature. Surviving examples include the *Instructions to the New Police* and the *Constable’s Pocket Companion and Guide*, published in 1829 and 1830 respectively.⁸² London’s new officers were explicitly warned against moving to arrest on thin evidence or mere hear-say. However, the *Constable’s Pocket Companion and Guide* proceeds to offer a long list of reasons why an officer might still reasonably arrest someone even without witnessing a criminal act. Since each policeman was supposed to learn his neighborhood beat and recognize each of the residents who lived there, he was granted the ability to make arrests on so flimsy a pretence as seeing a person “being idle and disorderly, living a vagrant life.”⁸³ Arrest, of course, does not automatically lead to conviction, prison, or execution, but this kind of power to detain, however well-defined,

⁸¹ James Shaw, *Constable’s Pocket Companion and Guide, Containing the Duties, Powers, Responsibilities, Indemnity, Remuneration, and Expenses of Those Officers* (London: Sherwood, Gilbert, and Piper, 1830), 13. For more analysis of the police system, see Crosthwait, *They Belong to Ourselves*, 58-63.

⁸² See Shaw, *Constable’s Pocket Companion and Guide*. Also, Anonymous, *Instructions to the New Police* (London: Marsh and Miller, 1829).

⁸³ Shaw, *Constable’s Pocket Companion and Guide*, 30.

could still allow a suspicious public to consider the officers of the law a threat to personal liberty. Small wonder, then, that it took several decades for the government to institute police reforms. *Jonathan Bradford* reflects and exploits this kind of ambivalence about arresting officers.

In her study of eighteenth-century crime, Lucy Moores observes, “Because there was no centralized form of policing, and the structures that existed were so appallingly inefficient, other, more rudimentary means of detecting and catching criminals were used.”⁸⁴ The contrast between the civilizing forces of the nineteenth century police system, the chaotic lawless past at the very least allows the working-class man to function as an unproblematic hero in the eighteenth-century setting, assuring justice be done by whatever means necessary. The victims who receive the most attention are the hard-working modest innkeepers, Jonathan and Ann. They are heartbroken and frightened by their impending execution, and there is a sincerely touching scene in the prison where they express grief over losing one another and their children. Although Ann is granted a reprieve, Jonathan still faces hanging in chains until the servant Jack cuts a hole in the jail-house ceiling and lowers a rope to his condemned master, proposing, “Maester, if you’re ever so innocent, they’ll hang you in the morning. If you could but conceal yourself among the tombs for a while, the true murderer may yet be brought to light.”⁸⁵ When Jack helps Jonathan escape so they can finally confront Dan Macraisy, it is strangely appropriate. In the period when *Jonathan Bradford* is set, “It was considered

⁸⁴ Lucy Moore, *The Thieves’ Opera*, 183.

⁸⁵ Fitzball, *Jonathan Bradford*, 29.

the duty of the *victim* of a crime to bring the perpetrator to justice, from apprehending the villain, to taking him to court and prosecuting him.”⁸⁶

The working-class hero is a conventional staple of melodramas, a logical result of playhouses catering to specific working-class audiences who sometimes exhibited less enthusiastic affection for Shakespearean kings or Romantic princes than for British sailors and laborers. There was an undeniable increase in potential working-class audience members throughout the nineteenth century. “The population of London [grew], from 900,000 in 1801 to 3,000,000 in 1851 to 6,000,000 in 1901. London itself was not primarily a heavy manufacturing city, but functioned as the service centre of the nation and the heart of the expanding import-export business.”⁸⁷ Other cities had smaller populations but experienced similar proportional population booms, owing partly to demographic trends supporting earlier marriages and an increase in the birth rate.⁸⁸ By the middle of the century, the majority of London’s residents were considered working-class. Michael Booth sums up demographic findings: “The 1851 Census states that 79 per cent of the population of London, including 2 per cent clerks, is working-class”⁸⁹ This 79% translates into a fairly large number: 2,370,000. The theatre was surprisingly accessible for these people despite the hardships faced by the very poorest laborers; “English working classes as a whole were among the best off in the world in their time, and their better pay, cheaper food, and greater leisure translated into happy moments [and] outings for recreation,” which became increasingly common as the century wore

⁸⁶ Lucy Moore, *The Thieves’ Opera*, 183.

⁸⁷ Booth, *Theatre in the Victorian Age*, 2-3.

⁸⁸ Willson and Prall, *History of England*, 440, 442.

⁸⁹ Booth, *Theatre in the Victorian Age*, 4.

on.⁹⁰ In *Jonathan Bradford*, Jack and his ladyfriend Sally, Caleb Scrummidge, even Jonathan and Ann and Ann's predictably devoted elderly father Farmer Nelson, are all working class figures, all rural enough to play to the same taste for provincial fantasy demonstrated in the Red Barn plays, and all apparently designed to appeal to the working-class audience. Although the justice system in *Jonathan Bradford* malfunctions, tragedy in the drama is ultimately avoided through the circumventive efforts of wise and devoted working-class people who are good natured, energetic, and resourceful. There is an unmistakable suggestion that working men and women needed to stick together, for their very lives would be in jeopardy if they abandoned one another. *Jonathan Bradford* premiered in 1833, a mere six years before the first Chartist petition was delivered to Parliament arguing for working men's rights. The melodrama's popularity seems to have peaked in the 1850s; the last and largest Chartist petition was delivered in 1848. These petitions argued Parliament to adopt a "charter" that would have established universal male suffrage and the secret ballot, the removal of property-ownership as a qualification for membership in the House of Commons, payments for members of Parliament, annual elections, and revised electoral districts. Although the movement was ultimately peaceful, Queen Victoria was sent to the Isle of Wight for security reasons in 1848 while the Duke of Wellington ordered soldiers to London in case worker unrest turned violent, as it had in other European countries.⁹¹ The British working class men who joined the Working

⁹⁰ Ellen Ross, *Love and Toil: Motherhood in Outcast London, 1870-1918* (New York: Oxford University Press, 1993), 87.

⁹¹ See Dorothy Thompson, *The Chartists: Popular Politics in the Industrial Revolution* (New York: Pantheon Books, 1984); Stephen Roberts, "The Chartist Movement 1838-1848" at *BBC History*, http://www.bbc.co.uk/history/british/victorians/chartist_01.shtml; Willson and Prall, *A History of England*, 499-501.

Men's Associations were, by and large, the same people who attended the melodrama playhouses where *Jonathan Bradford* was most successful.

From the strange verse speeches to the lemons and nutmegs to the date on the confession, Fitzball's emphasizes the "correct" period of his play, a move central to the success of his project.

Fitzball's Four-Room Triumph

Although the "long run" was not a common feature of theatrical practice in the early decades of the nineteenth century, for obvious financial reasons managers nevertheless hoped the plays in which they invested would be popular enough to bring in audiences on multiple nights. The number of appearances of a play in playbills and in newspaper advertisements, and the descriptions of the shows, can be used as measuring sticks to gauge popularity, because theatre managers presumably cannot afford to continue staging shows that are not pleasing to paying audiences. However, even these measuring sticks should be applied with caution. Leigh Hunt's blunt reactions to the 1808 production of *Bonifacio and Bridgelina*⁹² at Covent Garden provide a helpful example. Hunt went to see the "new burlesque melodrama," also described as a "mock-heroic melodrama." Mock-melodrama or burlesque melodrama succeeded or failed depending on its ability to amuse the audience by cleverly exploiting popular dramatic trends. As Martin Meisel explained, "That there were conventions of the representation of character and emotion or the embodiment of a situation in the nineteenth century we know from

⁹² The mock-heroic melodrama was "given four titles of *Bonifacio and Bridgelina*, or the *Knight of the Hermitage*, or the *Windmill Turret*, or the *Spectre of the North-East Gallery*..." (Leigh Hunt, *Leigh Hunt's Dramatic Criticism*, 10).

old movies and the crude relics that survive even today as mock melodrama. The iconography of character and emotion was less limited than these relics suggest, and it was available for serious uses, while its clichés – like those of any conventional system or language -- were even then vulnerable to burlesque.”⁹³ Hunt, who preferred well-produced Shakespearean tragedies but also enjoyed indigenous pantomimes and some new dramas, was so disappointed by the show that night in April that he described Mr. T. Dibdin’s new play as “the most stupid piece of impertinence that has disgraced the English stage for some years past,” concluding that it failed to even be a decent burlesque.⁹⁴ Hunt was particularly distressed at the way the theatre management handled the play’s premiere and subsequent productions.

“The performer who came to announce its second representation could not obtain a hearing amidst the universal hisses and groans... But these petty hints of disapprobation are nothing to modern dramatists: the managers of the theatre prove their affection for public opinion by growing bolder from denial, and the new melodrama was announced, as usual, in the playbills of the next day, as an exquisite production which set the audience in universal and continued peals of laughter. This was a miserable artifice as well as a miserable falsehood.... It is reckoned sufficiently gross and contemptible in any person to tell a lie to a single man, but as these bills are intended for the whole town, they of course tell lies to everybody in the town, and everybody therefore is insulted. This is the true quackery of the theatres: they must impose upon people by the vilest puffs, before their physic can be swallowed: the new audience on the second night do not like to condemn a piece which has been so highly applauded by the critics of the first night; they laugh where they can, say nothing where they cannot laugh, and with the help of songs, and scenery, and playbills, the new

⁹³ Miesel, *Realizations*, 5.

⁹⁴ Leigh Hunt, *Leigh Hunt’s Dramatic Criticism*, 10.

piece becomes the standing opiate of the season. The poets of the modern stage do indeed live by fiction.”⁹⁵

Hunt goes on to detail the problems with both Tom Dibden’s script and the production, but I quote this portion of Hunt’s essay at length because it provides a reminder that we should, perhaps, be skeptical of statements printed in playbills and advertisements proclaiming the attractiveness or popularity of a particular production. Similarly, that *Jonathan Bradford* is granted many pages in the playwright’s autobiography would not automatically mean that it was “good” or even “profitable.” Like the managers whose job it was to create glowing playbills and fill playhouse seats, Fitzball can hardly be expected to be an objective, reliable source assessing his own product. However it came to pass, though, *Jonathan Bradford* did become a formidable success; the play ran for a total of 264 consecutive nights.⁹⁶

The exceptionally long and profitable run of the show drew notice throughout the months it lived on the Surrey’s board. On Friday, 9 August 1833, the *Times* reported, “The successful representation of *Jonathan Bradford*, which was performed last night for the fiftieth time, induced the proprietors to illuminate the exterior of the theatre. On a board, projecting from the Theatre, were the words ‘Jonathan Bradford, 50 nights,’ with a crown surmounting it, beautifully illuminated with gas.”⁹⁷ The *Times* reviewer reported again on Saturday, 5 October 1833, that the Surrey Theatre had mounted its 100th consecutive performance of *Jonathan Bradford*, “an instance of success not commonly enjoyed by dramatic productions these days. The frequency of the representation of this

⁹⁵ Hunt, *Leigh Hunt’s Dramatic Criticism*, 10-11.

⁹⁶ Altick, *Victorian Studies in Scarlet*, 88-89.

⁹⁷ “From the Times of 1833,” *Times* (9 August 1933), 13.

popular piece appears in no degree to have detracted from its attractions for the house was pretty full from the opening of the doors.”⁹⁸ To recognize the play’s centenary performance, manager Osbaldiston opened the evening’s entertainment by giving a “dejeuner” for the actors and playwright at tables set up on the stage, in full view of the audience, culminating with Fitzball receiving an engraved silver cup.

Such success had not been foreseen. Manager Osbaldiston at first turned down the *Jonathan Bradford* script and the author had to convince him to produce it. Staging the interiors of four rooms at once was a novelty and, as such, posed both great risk and offered great potential reward. At the first table read, Henry Wallack, the actor who was to play the villain, left the greenroom before the read-through was even finished. Mrs. West, who was to play Ann Bradford, approached the playwright. According to Fitzball’s autobiography, she told him, “I never heard anything like it. How are people to act in Four Rooms at once? I cannot understand it.”⁹⁹ The rehearsal process did not make the actors any more convinced that it would succeed. “Every half hour I was sent for by a double express. They had got into a sad muddle, to use a Norfolk expression, and a round robin was constituted to induce Osbalidston to insist on my leaving out this perplexing, unexampled, undramatic, unactable four-roomed scene. He urged! I had the temerity to refuse.”¹⁰⁰ Fitzball’s stance was that the theatre was in dire straits, and the playwright’s reputation was on the line. The only way to rescue both the theatre and the author was to

⁹⁸ “Surrey Theatre” (review), *Times*, 7 Oct 1833, p3. Also performed that night was another of Fitzball’s new dramas, *Mary Glastonbury, or the Dream-Girl of Devil-Holl*. Mary is a somnambulist, and the reviewer said: “There are some good melodramatic situations in the piece, and the exertions of the actors, backed by the skill of the scene painter, rendered it entirely successful.”

⁹⁹ Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 237-238.

¹⁰⁰ *Ibid.*, 239.

do something drastic. Fitzball threatened that if the company cut the four-roomed scene, he would insist the whole play be withdrawn. The “Four Room” spectacle moment, which happens not as a final climax but contains the murder sequence at the end of Act One, was to be at the heart of its success. Even once Osbaldiston was convinced, “sad murmurings were heard, during the rehearsals in the four boxes, (the four-room scene,) where the performers could neither see each other, nor hear each other’s voices.”¹⁰¹ Despite this legitimate technical difficulty, the scene stayed in the show.

There were other objections to the four room scene as well. Fitzball records, “Mr. Egerton, who heard from rehearsals what was going on at the Surrey, previously to the production of this drama, reasoned with me respecting the inconsistency of seeing into four rooms at once. My argument was – it is no more inconsistent to fancy the wall of four rooms gone, than the wall of one. In *The School for Scandal*, for instance, the audience are not supposed to be seated in Joseph’s apartment – they are supposed to be gifted with the faculty of seeing through the wall of the house, and the eyes that can penetrate one brick wall, can, doubtless, penetrate a hundred.”¹⁰² The idea that the audience sees into the scene through a missing wall, the invisible “fourth wall” as Denis Diderot conceived it, is usually associated with Realism and Naturalism but it predated those movements. Clearly the idea was already a part of theatrical discourse in the age of melodrama, even if it was not fully recognizable in a practice that still embraced asides and direct address. The invisible fourth wall is supposed to allow the audience to peer into a “real” situation where the characters play out scenes from their lives, unaware of

¹⁰¹ Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 240-241.

¹⁰² *Ibid.*, 245-246.

the audience and unaffected by them. “True” crime melodramas are en vogue in a period when the audience has a hunger for the “real,” and even expects the “real,” but has not yet embraced the scientific concepts that will eventually turn the stage into a laboratory in which, science-like, observers are supposed to analyze life and, by observing, reach conclusions and solve problems. Yet melodrama is not just an immature or inferior type of theatre destined to give way to some progressive, improved dramatic form. As Thomas Postlewait reminds us, “Melodramatic and realistic dramas developed during the same period... We make a categorical and historical mistake when we attempt to fix their identities.” They shared and exploited similar impulses in different ways; melodrama “has its own form, fully developed and immensely popular since the end of the eighteenth century.”¹⁰³

In *Jonathan Bradford*, the actors overcame their technical challenges and concerns to create a novel moment on stage in the Four Room scene. The stage for the scene is “divided into four apartments.” The first is a “two-bedded room with window opening onto a tiled roof;” this is the room where Jack puts Dan Macraisy and Caleb Scrummidge to spend the night. The room shares the roof with the One Bedded Room, where wealthy Hayes falls asleep in his chair. The “third division: Little Back Parlour” is the room where Hayes’s lawyer Dozey and surveyor Rodpole review the (flawed) legal paperwork regarding Hayes’s impending land purchase; true to his name, Dozey eventually falls asleep at the table. The fourth division is “The Bar seen through window – Punch Bowl – Glass of Brandy and Water &c on Bar, in centre of all a door and Sign of the ‘George Inn.’” At twelve o’clock, by the clock chimes, the whole company is on

¹⁰³ Thomas Postlewait, “From Melodrama to Realism: The Suspect History of American Drama,” in *Melodrama: The Cultural Emergence of a Genre*, ed. Hays and Nikolopoulou, 54–55.

stage. Jack and Jonathan pass back and forth between rooms, taking brandy and water to Dan Macraisy, a “tankard of canary” to Hayes, and punch to the lawyer and surveyor. Dan drugs Caleb with a “drop o’ laudanum” then leaves the unwitting accomplice asleep while he climbs out the window and across the roof to get to Hayes’s room for the robbery. Ann is working in the Bar below when her father Old Farmer Nelson arrives outside, leading the soldiers who had gotten lost on the dark roads. The stage directions are extremely specific, laying out each character’s exact movements moment to moment, like pieces on a chess board. Ann and Jonathan are busy in the bar when Hayes is noisily killed. Dan Macraisy quickly retires to his two-bed room and wakes Caleb while the Bradfords hurry to the one-bed room. In the little parlour, Rodpole wakes Dozey and they also hurry upstairs. In shock, Jonathan runs out of the room, which seems to indicate guilt, and meets the arriving soldiers in front of the sign for the Inn, where he is arrested.¹⁰⁴ The final tableaux is just as carefully described as any other movement: “The Soldiers on each side present their muskets, Jonathan, Ann, Farmer Nelson, Sally, and Jack, forming a group in the centre – Rodpole and Dozey, at Door, pointing to Jonathan – Macraisy at window of little Parlour No. 3, watching during the whole of the scene. Thunder and Lightning.”¹⁰⁵

The tableaux moment, present in all the crime dramas I have examined, was the conventional way to herald the curtain drop in theatres large and small. It always served to draw the audience’s attention by visually illustrating the focal character’s emotional state by using recognizable and stylized gesture in a clearly delineated stage picture. In addition to climactic music, the tableaux scene often included special effects, as with the

¹⁰⁴ Fitzball, *Jonathan Bradford*, 16-22.

¹⁰⁵ *Ibid.*, 21-22.

appearances of the spirits of Maria Marten's and Mary Ashford's flying ghosts, or the thunder and lightning demanded in the *Jonathan Bradford* script. Published copies of scripts were often embellished with an illustration showing the tableaux moment.

The exchange between stage and print was not a one-way street, however. In this period, the emphasis on "staged pictures" also resulted in the popular practice of turning artists' illustrations into scenes in the theatre. *The Harlot's Progress* by William Hogarth became J.T. Haines's *Village Tragedy!*, staged at both the Surrey and Adelphi in 1839. *The Bottle* by George Cruikshank had multiple stage incarnations; *The Bottle* by T.P. Taylor was presented at the City of London Theatre in October 1847, and *The Drunkard's Children* was staged at the Surrey in July 1848, where T.H. Reynoldson's adaptation received Cruikshank's blessing. Other versions of Cruikshank's illustrated morality tale were staged at The Royal Pavilion, the Britannia Saloon, and the Victoria.¹⁰⁶ Although they lacked the historically specific referent attached to a traditional true-crime play, the "staged pictures" subjects were very much supposed to be "familiar." In some ways, perhaps, they might have seemed even more "real" than the true-crime melodramas; they illustrated the kinds of pitfalls that any family could imagine and many could actually observe, whereas murder was exciting and sensational partly because it was not really a common everyday occurrence. Still, one of the reasons the melodrama theatres were so successful was that, in the majority of cases, they mounted plays that were more exciting and sensational than commonplace. *Jonathan Bradford* is perhaps exceptional in that it did not make use of the theatre's considerable ability to produce special effects. Instead, it succeeded because it used novel scenic construction and

¹⁰⁶ Miesel, *Realizations*, 118-133. (The Royal Pavilion version was by J. Johnstone, the Britannia Saloon version by George Dibdin Pitt, and the Victoria version by J. Courtney.)

unusual staging, and presumably featured an able cast of actors, all working to bring to life a very specific moment in time in a way that was somehow both highly theatrical and highly realistic.

Conclusion

As Fitzball himself writes, “It may appear somewhat extraordinary, that I should have dwelt, at so considerable a length, on the production of a minor drama, at a *minor* theatre.”¹⁰⁷ But the success of *Jonathan Bradford* provides the perfect opportunity to discuss so many of the elements that have appeared throughout this study of true crime melodramas. Nineteenth century Britons, even newcomers to the increasingly industrialized capitol city, paradoxically simultaneously longed for a lost idyllic past and were eager to dismiss the previous century as a more barbaric time. The operation of the justice system, even its failings, is a major part of the play. Its representation of characters is deemed either unsuccessful or correct based not on historical “truth” but on genre expectations and class position. The murder, clearly a major feature and noted in the play’s subtitle, nevertheless happens midway through the drama, leaving the final act focused on the secondary victims and the agents of justice. And in all things, the material details and the properties required by the script, from the knife and lemon to the shoe buckles and wanted poster, are absolutely essential to setting the play’s period, asserting the playwright’s authority, and facilitating the actions that drive the plot.

¹⁰⁷ Fitzball, *Thirty-five Years of a Dramatic Author’s Life*, 256.

The play was written for a very specific playhouse, with a company of actors known to the playwright. Years later, Fitzball marveled that other managers suggested he should have brought the script to them.

“Every one said it would have suited his theatre; meaning the receipts: that I never sent them such piece, all reiterated. At Covent Garden they would have settled on me an annuity for life, had I brought it to them. Even Morris, at the Haymarket, to suit whose old-fashioned taste, I had tried every effort in vain, told me, one hot day, as he met me in Piccadilly, that if I had only brought him ‘Jonathan Bradford,’ he would have made my fortune. The reader has now to judge for himself, how almost impossible it would have been, to have offered this drama to any theatre, save the one for which it was written; or suppose that I had offered it to Covent Garden, or the Haymarket, it would have been placed, not even half read, on the shelf, the manager neither understanding, nor troubling himself to understand it, or have coldly returned it, very properly, I think, (especially from the Haymarket,) on reading the title, the *Murder* at the Roadside Inn, with, ‘Mr. Morris presents his compliments to Mr. Fitzball, and regrets that the enclosed M.S. is by *no means* suited to the interests of *his* theatre, Theatre Royal Haymarket, & c. P.S. Could Mr. Fitzball favour Mr. Morris with the address of Mr. Lunn, or Mr. Douglas Jerrold: bearer waits.’ The truth is, that ‘Jonathan Bradford’ was only suited to the place where it was brought out, and for which it was manufactured; and would never have been produced in any regular theatre whatever, where the actor’s opinion, as is too frequently the case, is even paramount to that of the manager.”¹⁰⁸

But that does not mean that *Jonathan Bradford* only had appeal in one historical moment or one place. London printers T.H. Lacey and John Duncombe immediately published the script in 1833, and T.H. Lacey reprinted it in 1844. Both printers handled playscript publications regularly, and the text circulated among theatrical practitioners and the reading public alike. The “Royal” Surrey remounted it in 1835 under the management of

¹⁰⁸ Fitzball, *Thirty-Five Years of a Dramatic Author’s Life*, 253-255.

Mr. Davidge, who had moved there from the Coburg.¹⁰⁹ Despite Fitzball's assertion that the play was uniquely suited to the Surrey theatre, surviving playbills advertise the play's production in other theatres as well. The East London Theatre Archive¹¹⁰ digital collection includes a playbill advertising *Jonathan Bradford* at the Garrick Theatre in Whitechapel for the week of 24 October 1836, along with other melodramas by George Dibdin-Pitt and romantic adventures including *William Tell*.¹¹¹ The Royal Pavilion in Mile End, where the Red Barn play found its home, also produced *Jonathan Bradford*. The extended playbill from the week of 18 March 1844, printed with black and red-orange ink, describes each individual scene and still emphasizes the four room scene as a feature.¹¹² By the time the Pavilion was staging revivals of *Jonathan Bradford* in 1851, it was referred to as "The Favorite Drama of Jonathan Bradford" with the headline announcing the "Celebrated Four Room Scene Embracing the Whole Extent of the Stage."¹¹³ The Royal Marylebone, under lessee William Wallack, offered *Jonathan Bradford* in 1854,¹¹⁴ and the Britannia staged it in July of 1880.¹¹⁵ The "true crime" label

¹⁰⁹ "Royal Surrey Theatre," *Times*, Monday, Jul 20, 1835; pg. 2; Issue 15846; col C. The following day, the performances were to include Madame Vestris as "Julia" in *The Welsh Girl* and as "Apollo" in *Midas*.

¹¹⁰ East London Theatre Archive. <http://www.elta-project.org/home.html>

¹¹¹ Playbill, the week of 24 October 1836, at the Garrick Theatre. (Published London: E. Colyer, Fenchurch Street, 1836.)

¹¹² Playbill, the week of 18 March 1844, at the Royal Pavilion Theatre. (Published London: W. Ballard of Cannon Street, 1844.)

¹¹³ Playbill for Pavilion Theatre (Royal Pavilion Theatre, Whitechapel Road), advertising the week of 23 June 1851. Published: London: Pownsonby's, Cannon Street. (damaged original) East London Theatre Archive, <http://www.elta-project.org/browse.html?recordId=1602>

¹¹⁴ Classified Advertising, "Royal Marylebone," *Times*, Thursday, May 18, 1854; pg. 8; Issue 21744; col C

¹¹⁵ "Britannia Theatre, Hoxton," *Times*, Monday, Jul 05, 1880; pg. 10; Issue 29925; col C.

had disappeared, replaced with the description of the famous “Four Room” moment. That visual moment became, and remained, the defining feature of *Jonathan Bradford*.

Jonathan Bradford entered the American repertoire as well. According to the playwright, “On the twelfth night of ‘Jonathan Bradford,’ H. Wallack left England, at a very short notice, taking with him a M.S. of the piece, which he produced in America, with equal success.” Henry Wallack’s sudden departure meant the role of the villain would have to be filled by an actor for whom it was not intended. Fitzball “despairingly suggested the idea of installing Mr. Dibdin Pitt in the vacated part of Dan Macraisy, dressing him exactly the same, and letting Wallack’s name remain in the bill... It was done, and so well and artiste like, did Pitt acquit himself, that at the end of the performance *he* was unanimously called for, to receive the customary honours.... [T]he piece might have had something to do with its own popularity after all.”¹¹⁶ In a further example of the play’s appeal, a chronological list of roles performed by American actor and infamous presidential assassin John Wilkes Booth shows that on 19 April 1858, the twenty-year old actor performed in a double bill of *Jonathan Bradford, or Murder at the Roadside Inn* and *Virginia Mummy*.¹¹⁷ In New York, Samuel French published the *Jonathan Bradford* script multiple times between 1887 and 1896.¹¹⁸

Like the case of Maria Marten and the Murder in the Red Barn, Jonathan Bradford’s story continued to appeal to audiences decades after its first appearance. The distance between the actual events and the theatrical representation afforded the

¹¹⁶ Fitzball, *Thirty-Five Years*, 255-256.

¹¹⁷ Gordon Samples, *Lust for Fame: The Stage Career of John Wilkes Booth* (Jefferson NC: McFarland and Co, 1982), 201.

¹¹⁸ Information gathered from WorldCat. Search, “Jonathan Bradford” = Title, “Edward Fitzball” = author. Access provided by University of Maryland Libraries.

playwright and playhouse considerable freedom to create and develop an “authentic” world that was also essentially and crucially a wholly theatrical construct.

Conclusion: Crime Melodrama Endures; or, The Power of the True Crime Tag

Nineteenth century melodramas all but guaranteed exciting emotional experiences for their audiences. The familiar character types and general structural patterns that can be identified in melodrama helped ensure this. True-crime melodrama added another thrilling layer by offering the playhouse audience a re-enactment of a publicized crime and a glimpse at what *could* have happened. Knowing an upcoming plot point or action does not necessarily decrease the audience's enjoyment.¹ Just as a favorite book can be read many times, audiences have flocked to plays they already know well. *Romeo and Juliet*, for instance, has drawn crowds for centuries although the vast majority know full well that the title characters will not make it to the curtain call alive. Such an audience is not looking to discover *what* happens, but rather to savor *how* it happens. The fact that the basics elements of a story like the 1828 Red Barn case were already well known to its original audience, or that dramatizations of it attempted to bend the story so it more closely adhered to melodramatic conventions, in no way diminished its appeal in the playhouse. It is entirely possible that patrons of true-crime melodrama plays were drawn to the theatre to see actors embody and bring to life characters that audiences had only read about previously.

As historian Jeffrey Cox put it, "While we tend to think of the melodrama as involving a kind of exaggeration of character, movement and action at odds with realism,

¹ A recent study by Nicholas Christenfeld and Jonathan Leavitt of UC San Diego's psychology department, to be published in a forthcoming issue of the journal *Psychological Science*, shows that for the majority of readers, foreknowledge of a story's ending does not spoil enjoyment of the work, and can actually enhance reader's experience. See Inga Kiddera, "Spoiler Alert: Stories are Not Spoiled by Spoilers," *UC San Diego News Center*, 10 August 2011. http://ucsdnews.ucsd.edu/newsrel/soc/2011_08spoilers.asp Other news coverage: Angela Carone, "Knowing the Butler Did It Doesn't Spoil the Fun," *KPBS Radio*, 26 August 2011, online at <http://www.kpbs.org/news/2011/aug/26/how-do-you-feel-about-spoilers/>

at the moment Holcroft's *Tale of Mystery* reached the stage, *The Times* found it 'natural and characteristic... There is no extravagance of idea – no elaborate research of simile and metaphor, no display of pomp and inflated expression: the thought seems to arise from the moment, the words appear to be suggested by the circumstances...'”² In the theatre, of course, realism (or Realism) is always a matter of accepted conventions, but melodrama's claim to verisimilitude had nothing to do with making an audience think they were examining problems in a middle-class living room. Cox proposes that the audience's emotions were genuinely stirred by the performances, and that kept them coming back. “It is not a pictorial but an experiential realism, proved upon our pulses, that is won by early nineteenth-century theatrical techniques... People felt the action on stage in a visceral way.”³ James L. Smith's suggestion that melodrama's “uncritical” audiences simply “want to forget the drudgery and drabness of everyday life and escape into a more colorful, less complex and plainly perfect world”⁴ seems too simplistic, even patronizing. Michael Booth, somewhat more convincingly, often describes melodrama as a dream world that allows audiences to work out their anxieties and enjoy vicarious bursts of pleasure from the safety of seats in the theatre, but there is much angst and destruction in melodrama that would seem counterproductive to imparting comfort and pleasure. On the other hand, Bernard Sharratt proposes that the even though the melodrama world resolves with the re-establishment of security, the elaborate perils, “fear, terror, violence... shipwrecks, trainwrecks, apparitions, tortured heroines” and

² Jeffrey N. Cox, “The Death of Tragedy; or, the Birth of Melodrama,” *The Performing Century: Nineteenth-Century Theatre's History*, ed. Tracy C. Davis and Peter Holland (Houndsmill: Palgrave Macmillan, 2007), 169-170.

³ Cox, “The Death of Tragedy,” 170.

⁴ Smith, *Melodrama*, 9-10.

other horrors, keep the audience in suspense and, even more importantly, the “escape” provided by melodrama may have been “not so much an escape into its world as an escape back from its world into the familiar world which, however insecure, irrational and hostile it might actually be, was then experienced by comparison as not as horrific and risk-laden as it might be... It is the normal world which is made to seem more attractive.”⁵

All dramatists have available to them a number of devices they can employ to ground their audiences in the world of the play and to make the fictional world seem relevant, from repeatedly invoking historically specific material items to using objects to establish less tangible character attributes. The Regency playhouses that featured crime melodramas also had a variety of tricks and techniques they could use to make their plays seem authentic, or realistic, from putting a murderer’s horse on stage to commissioning new site-specific scenic art. The kind of experience they were selling was in itself a commodity. The published playscript, as a physical product available for purchase, further connected the crime drama event with the consuming public.

The playhouses in London’s East End and on the south side of the River Thames could succeed only if they could establish an audience base of local regular patrons. Even if there were members of the audience from all classes, crime melodramas are aimed squarely at speaking to a majority working-class audience. By situating the plays in their historical moment, it is possible to see that the dramas used the specifics of a sensational crime case to lure in audiences while the play as a whole gets at wider questions. These crime melodramas that played in the minor theatres were not simple whodunits. They reflected audience desires and anxieties, and incorporated issues of legal reform,

⁵ Sharratt, “The Politics of the Popular?,” 279-280.

gambling addiction, law enforcement, enclosure acts, working class solidarity, and other current concerns into their scripts.

I think it is safe to say that audiences that crowded to early nineteenth-century true crime melodramas were generally not attempting to use the melodrama as an outlet for their own murderous impulses. Rather, they attended because the familiar stories and predictable structure engaged their interest and stirred their emotions while helping them make sense of the world. One difference in definition between a mob and a crowd may be that the mob is active and wishes to *do* something, while the crowd tends to be alert but passive, wishing to *experience* or *understand* something.⁶ The cases described in the chapters above drew crowds, not mobs. The murder trials of Abraham Thornton, John Thurtell, and William Corder drew audiences into the courtroom; the executions of the latter two were also thronged with spectators. The Red Barn drew so many visitors hoping to take home a piece of the barn that local residents petitioned the owners and asked them to tear it the rest of the way down so it would no longer be a tourist attraction.⁷ The play *Jonathan Bradford* drew crowds of paying customers to the Surrey Theatre week after week.

True-crime melodramas, with their dead victims and dubious moral lessons, evince an uneasy attempt at shoe-horning a real story into a melodramatic mould. It is possible that the crime melodramatist made such an effort because spectators who attended the minor playhouses entered with set expectations about what a melodrama was supposed to offer. Another reason might be that the business-minded playwright needed

⁶ This idea was first proposed by Dr. Frank Hildy.

⁷ Curtis, *Mysterious Murder*, 46-47, and *Bury and Norwich Post*, 28 May 1828, p2. Although it was described as the Corders' barn, it seems that the Corder family actually had it on a long-term lease from Mrs. Cooke. She is not an important figure in any account of the Red Barn story.

to write roles that would suit the talents of the theatre's resident actors. The most powerful reason why the playhouse might change the story was that, in telling it on stage, the theatrical event superseded the real event – the storyteller reached back in time and brought the historical moment forward, controlling it, explaining it, and even overwriting it in the process. The crowds, who had genuine emotional and sensory experiences in the theatre, experienced a story that was at once artificial yet true.

The true-crime melodrama trend in the early decades of the nineteenth century was buoyed by the boom in print journalism and inexpensive popular literature. From the *Newgate Calendar* to *Paul Clifford*, from broadside ballad sheets to cheap pamphlets, reading material sensationalized or romanticized criminal activities. The rapid growth of the newspaper industry owed much of its development to a strong desire for news from reporters covering the Napoleonic Wars. Improvements in education raised the literacy rate remarkably from the end of the eighteenth through the nineteenth century. The potential market for written reports was ever-increasing. This audience was primed to consume news, and the producers of crime literature consciously presented their accounts as true. Magistrate Robert Clutterbuck, who had overseen some of the early proceedings in the Thurtell case, wrote 1 February 1824 that he looked through a new account of the trial going into print and gave it his personal stamp of approval: "I have revised the whole of it, and can certify that it is authentick [sic]."⁸

Like previous crime dramas, present-day entertainments are calculated to work on the audiences' wish to vicariously but safely experience a sensational event and travel to a point in space and time that they could never actually reach. Placing a crime drama on

⁸ Borowitz, *Dark Mirror*, 199.

the nineteenth-century stage, like placing a present-day drama on television, allows the writer and producer to contain and explain the events. Unlike news reportage, adaptations heighten dramatic tension and speed along entertaining actions. Dramas can reach conclusions within an hour when real-life cases can drag on for years. Within the theatrical frame, the audience is allowed to confront the inexplicable, distressing, and yet eternally fascinating taboo issue of murder. The large-scale popular-crime entertainment trend continues to be a profitable enterprise. Attaching the “true crime” tag, or some version of it, still helps sell the entertainment to a paying customer.

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