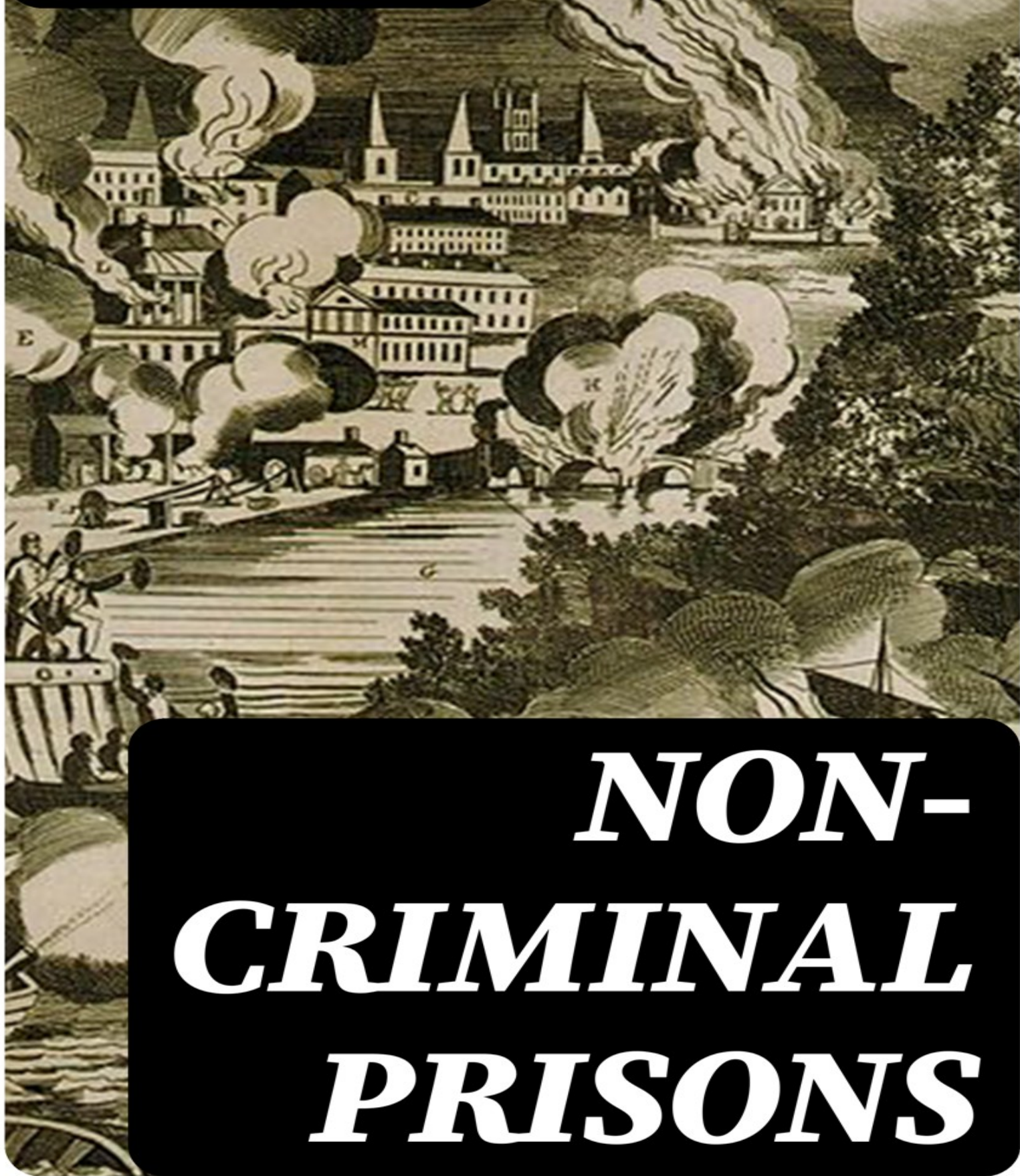
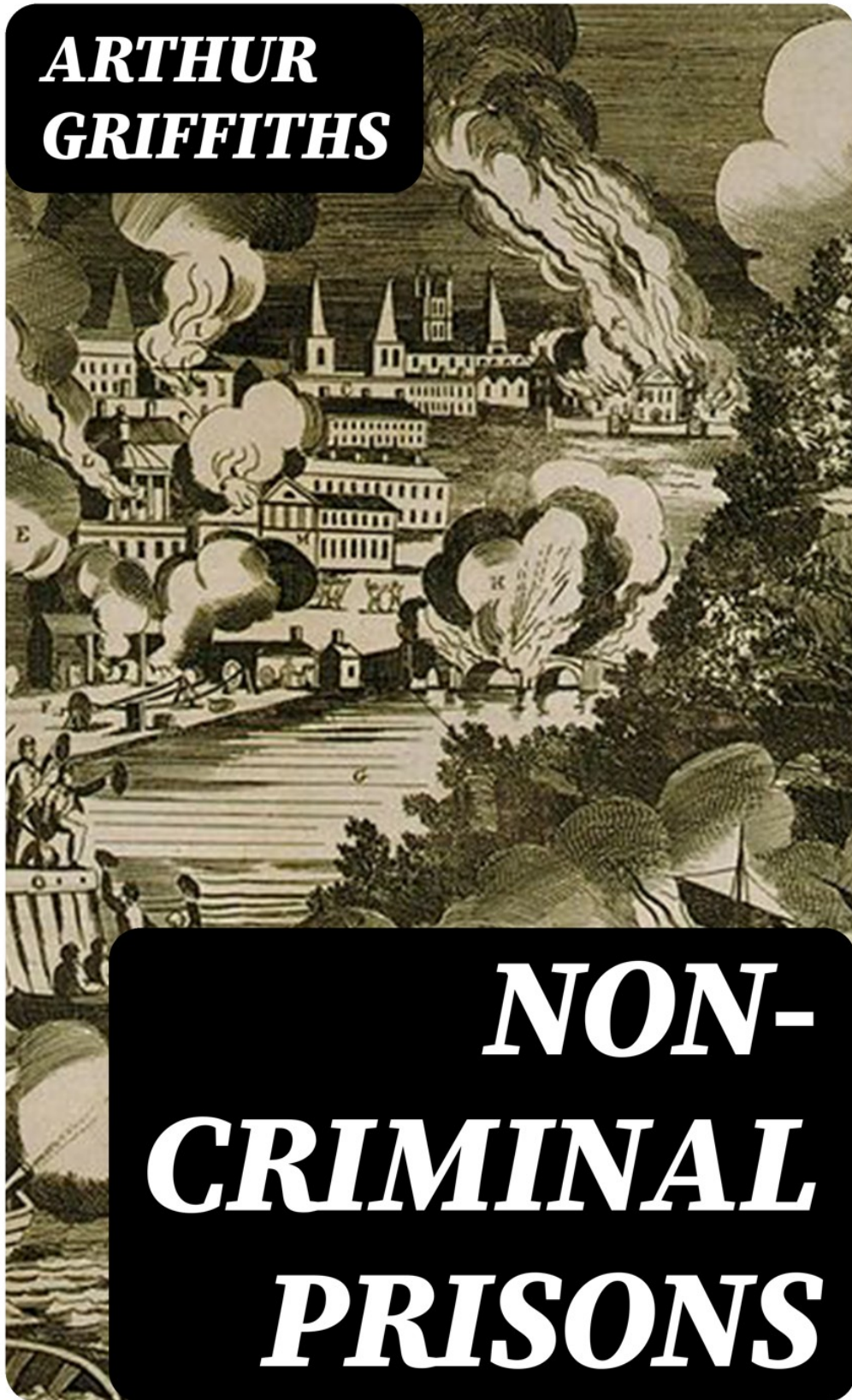


**ARTHUR  
GRIFFITHS**



**NON-  
CRIMINAL  
PRISONS**

**ARTHUR  
GRIFFITHS**



**NON-  
CRIMINAL  
PRISONS**

**Arthur Griffiths**

# **Non-Criminal Prisons**

**English Debtor's Prisons and Prisons of War; French War Prisons; American War Prisons with References to Those of Other Lands**

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# INTRODUCTION

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THE word prison connotes crime; a place of punishment and detention where misdeeds are expiated and penalties enforced. A certain sense of shame attaches to all who have been committed to durance; for according to the old law, the “natural inherent right of liberty cannot be surrendered or forfeited unless by the commission of some great or atrocious crime.” This doctrine was coeval in one country at least, England, with the foundation of the constitution. Yet the seclusion and detention of individuals who had done no wrong, was long the rule in most civilised countries, and many prisons, which are to all intents and purposes non-criminal, have existed and been constantly filled with unfortunate persons guilty of no real offence against the law.

Of these there have been two principal classes: The debtors—those who had become bound to others for the repayment of moneys lent or goods purchased—and the prisoners of war,—combatants captured in the field whom the conqueror was entitled to hold in diminution of his enemy’s strength while hostilities continued. In both cases the right exercised is that of the strongest and in neither is it defensible, nor has it been always carried out fairly or humanely. The full acceptance of the principle, however, has called many large prisons into being which have gained great notoriety, and a description of them and the methods pursued forms the contents of this volume.

The British, essentially a commercial people, sought very early to control the relations between debtor and creditor, and ancient practice greatly favoured the latter. Every assistance was given him for the recovery of what was due him. His right to it was so amply acknowledged that the law went farther and decreed that the debtor who could not pay in cash was liable in person, so his services were attached to work out the debt and he was adjudged a serf or slave to the master he could not otherwise satisfy. The principle was derived from the Mosaic law by which the defaulter might be sold into bondage with his family, his wife and his wage-earning children. It was the same in ancient Greece and Rome, where the creditor had a claim to the person of his debtor. Solon abrogated this procedure, but it long held in Rome under very barbarous conditions. When judgment was pronounced there against a debtor, he was allowed thirty days to liquidate, but if at the end of that period he was still unable to pay, he was handed over to his creditor, who might keep him in chains for sixty days and make public exposure of him proclaiming his failure, with permission finally to sell him or put him to death. There were no public prisons for debtors in old Rome and the creditor acted as his own gaoler until milder methods ruled that the right of private imprisonment was intolerable. Nor was it permissible in feudal times, when men were continually called upon to bear arms for their lord and their valid effective strength would have been reduced by locking them up in gaol.

Imprisonment for debt had its origin in the wish to foster and protect trade. The creditor was permitted when he had proved his debt to recoup himself by laying his debtor by

the heels. Yet in England the practice was held by jurists to be an undoubted invasion of the "Bill of Rights." It was distinctly laid down that no court of justice, whether at common law or statute law, possessed the power to deprive an individual of his personal liberty for anything less than serious and atrocious crime. Still the right was usurped and exercised by specious means. Sellon says in his "Practice," "They obtained jurisdiction by a mere fiction over actions of debt, detinue and causes of a like nature." The judgment pronounced in English courts against a debtor was merely to the effect that he should pay the debt and costs, and it was incidental thereto that "if he does not pay an execution will issue against his property." But no mention of imprisonment was included in the judgment, for which there was, in fact, no authority.

This immunity from personal arrest remained in force in England long after Magna Charta, but a change was introduced by a statute generally known as that of "Marlbridge," which enacted as a remedy against absconding bailiffs and stewards that if any went off with the rents they had collected for their employers, their bodies might be attached when caught and they themselves held to serve to make good the loss. A second statute called that of "Acton Burnell" (11th Edward I), allowed merchants to arrest their debtors for acknowledged breaches of contract. The practice was excused by the plea that traders were very constantly foreigners and very likely to run out of the kingdom. As time passed the chicanery of the law was further called in to protect the creditor and the debtors' offence was held to be a fraudulent act, a *delictum* or

offence injurious to the plaintiff or a contempt of the court originally moved to recover the debt. The rule then was that the creditor should make a sworn affidavit against his debtor and that the court should summons him to appear and answer the claim. If he neglected to attend, the disobedience justified a presumption against him and the sheriff was ordered to distrain his goods so as to force him to come into court. If this procedure also failed, the defendant's conduct was construed into contumacy and a writ of *capias* was issued for the seizure of his person.

Herein there was clearly a great stretch of power and an unlawful interference with personal liberty, yet the procedure was acquiesced in on account of its general convenience. Still the public suffered in its broad interests and the debtor was undoubtedly damnified and afterward horribly ill-used. When the arrest was made, too often arbitrarily, he was hurried off to gaol where he might be kept in durance almost indefinitely with small hope of enlargement. He was in much worse case than the prisoner charged with a crime, for no proper provision was made for his support and maintenance. While the supposed lawbreaker got the county allowance, such as it was, the debtor might starve. The latter was no doubt entitled to claim his "groats," fourpence per diem, from his creditor, who was slow to pay, and did so only under compulsion enforced by legal process, a costly matter generally beyond the means of the insolvent and necessitous debtor. To die within the walls was easier than to obtain release, even if he could show that he had been wrongfully locked up. It cost money to prove that he did not owe the debt; a suit at law



must be begun and carried through, and legal process was an expensive undertaking wholly beyond his means. This was so well understood that a recognised and not uncommon form of charity was the donation and bequest of moneys for the assistance of poor debtors.

Many are the painful details of the misuse of debtors, and of the power given to one class of the community to oppress the other. The laws relating to debtor and creditor in England were for centuries unsound, illogical and unequal, and productive of untold misery to enormous numbers of innocent people. The great debtors' prisons of England will live in history rivalling in their callous neglect and distinctly inhuman treatment the more notorious receptacles used by high-handed and cruel tyrants for the coercion of their helpless subjects. The irresponsible despotic ruler who cast all who offended him into dark dungeons and hermetically closed *oubliettes*, condemning them to a lingering and acutely painful death, was no worse than the callous judge who, enmeshed by complex, senseless machinery, consigned harmless people to gaol for unlimited terms and under the most irksome conditions, because unable to meet the smallest and not always the most righteous pecuniary demands. It was not until John Howard laid bare the secrets of the prison houses that the whole story was revealed or the unjust sufferings of the debtor class fully realised.

The status of military prisons the world over has been an indictment upon humanity. In England, the Hulks and Dartmoor; in France, Verdun and Bitche; in Russia, Peter and Paul and the Schlüsselburg; in the United States, Libby

Prison, Andersonville and Fort Delaware are sad examples of the cruelties of war. Idleness, starvation and homesickness conspired to make the wretched captives prefer death or daring escape to indefinite torture.

# **NON-CRIMINAL PRISONS**

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# CHAPTER I

## THE FLEET PRISON

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The great debtors' prisons of England notorious for their callous neglect and inhuman treatment—Denounced by John Howard, the philanthropist—The Fleet, the King's Bench and the Marshalsea—Origin of the Fleet—Early government—Closely connected with religious and political persecution—Bishop Hooper—Account of the Fleet at the beginning of the seventeenth century—Charges of cruelty brought against Warden Alexander Harris—Charitable bequests—Fees extorted—Prices charged for chamber-rent—Deplorable state of the prison.

THE three principal prisons in London in the fourteenth century were the Fleet, the King's Bench and the Marshalsea, but Newgate took precedence in interest because identified with its earliest history. All have their peculiar histories full of interesting associations, replete with memories of famous inmates and striking incidents, and all are worthy of detailed description. All alike received prisoners for debt and on occasion, more heinous offenders, especially in the earlier years of their existence. The old King's Bench was the peculiar prison for the Court of that name, but it also took debtors committed by the Court of Exchequer and the Court of Common Pleas. The Marshalsea Court, so called from having been originally under the

control of the Knight Marshal of the Royal Household, was at first intended to settle differences between the lesser servants of the palace, and had its own judge, counsel and attorneys, but none except members of Clifford's Inn were permitted to practise in this court. The jurisdiction of this court extended twelve miles round Whitehall, excluding the city of London. It also served the Admiralty Court and received prisoners charged with piracy.

The Fleet prison took its name from the little stream long stigmatised as the "Fleet<sup>[1]</sup> Ditch," the open sewer or water-way which rose in the eastern ridge of Hampstead Hill, flowed by "Oldbourne" or Holborn under four bridges to discharge into the Thames on the west side of Blackfriars bridge. As time passed this ditch, after being deepened once or twice to allow for water traffic, became more and more pestilential and was at length filled up and arched over, becoming then the site of Fleet Market in what is now known as Farringdon Street, on which the main gates of the prison opened. The building was of great antiquity and is first mentioned in authentic records about A. D. 1197. A deed of that date granted it to the safe keeping of one Nathaniel de Leveland and his son Robert, in conjunction with the King's Houses at Westminster. It is stated that the Fleet prison had been the inheritance of the Levelands since the time of the Norman Conquest. Four years later this same Robert de Leveland petitioned King John for leave to hand over the wardenship of the Fleet to Simon Fitz-Robert, archdeacon of Wells, while he, Leveland, proceeded with the crusaders to the Holy Land. He returned very shortly afterward, as appears from a grant of moneys made him by

the City of London in 1205, his salary for guardianship of the prison. His wife Margaret was also granted an allowance as keeper of the Westminster Royal Houses.

Many entries in the records show that in those early days the Fleet was a place of detention for offenders of all sorts as well as of ordinary debtors, and especially of defaulters owing money to the King's Exchequer. The Chamberlain of Chester in the reign of Edward I was imprisoned in the Fleet for a year on account of a debt to the King. A similar case was that of the sheriffs of Nottingham and Derby, who were detained in 1347 for sums owing to the Exchequer in the reign of Edward III; another, that of William de Hedersete, who was answerable for great "arrears to our lord the King," through a deceased partner who had died insolvent. The Fleet received debtors for the Court of Chancery, and was essentially the King's prison to which were committed all who came under his displeasure or failed in their obligations and payments. When one Guy de Codemore was ordered into exile and did not leave the country, forthwith he was thrown into the Fleet. French prisoners of war taken in the capture of Harfleur, in 1423, were brought to the Fleet. When Sir Geoffrey Poole of Hampshire fell out with a neighbour, the Lord Privy Seal summoned him to appear before him and committed him to the Fleet until the King's (Henry VIII) further pleasure should be known. Lady Poole won her husband's pardon this time, but Sir Geoffrey was again in trouble the very next year for assaulting the parson of Pacton in the county of Sussex.

In these troublous times various offenders found themselves in the Fleet. It was a place of penitence for

young gentlemen who misbehaved, such as the son and heir of Sir Mathew Browne of Surrey who, with his servants, was guilty of arson in a wood; a printer who sold seditious books was committed to it in 1541; the riotous servants of a gentleman of the Privy Chamber were laid by the heels in the Fleet. Smugglers and all who infringed the Customs' laws were committed to the prison as debtors to the King. A ship master of Southampton who was "privately conveying five packets of wool to Flanders without a license" was arrested and sent to the Fleet, the wool being seized and the captain fined half the value of his ship. It was made a place for the detention of state prisoners, for when Cowley, the Master of the Rolls in Ireland, was under examination in 1541 he was lodged in the Fleet until the King himself should come to London. This was the fate of the illustrious knight, Sir John Falstaff, when he bearded the Lord Chief Justice, as Shakespeare tells us in "Henry IV":—

"Go carry Sir John Falstaff to the Fleet,  
Take all his company with him."

Poets, dramatists and pamphleteers were from time to time cast into the Fleet, and it was christened by Pope the "Haunt of the Muses." Among the first was Lord Surrey and among the latter Nash, author of the satirical play "The Isle of Dogs." Wycherley, the wit and dramatist, who married the Countess of Drogheda, languished for seven years as a debtor in the Fleet, and Sir Richard Baker, author of the famous "Chronicles," wrote them as a means of subsistence when an impecunious debtor there, where he died. Francis Sandford, author of the "Genealogical History," also died in

the prison in 1693. James Howell, who wrote the delightful "Familiar Letters" during the troublous times of the Civil War, was a tenant of the Fleet prison in the years 1643 to 1647. In one of his letters dated from the Fleet in 1643, he describes his arrest one morning betimes, by five men armed with "swords, pistols and bills," who took him to gaol where, as he says, "as far as I can tell I must lie at dead anchor a long time unless some gentle gale blow thence to launch me out." He consoles himself, however, with the thought that all Englishmen being islanders, are, in effect, prisoners.

The Fleet was arbitrarily used by Sir Richard Empson in the reign of Henry VII, when that overbearing law officer was indicted for committing to it, without process, persons accused of murder and high crimes. Cardinal Wolsey was charged with a like invasion of the liberty of the subject, "by his power and might contrary to right," in the case of a Sir John Stanley who had taken possession of a farm illegally. This man would not yield but preferred to turn monk in Westminster monastery, where he died.

Other prisoners were committed to the Fleet for political misdemeanours and severely dealt with by the ruling powers. It was an offence to marry the sister of Lady Jane Grey and for this imprisonment was adjudged to Edward Seymour, Earl of Hertford. Dr. Donne, who married Sir George More's daughter without his knowledge, was laid by the heels; the penalty of durance overtook Sir Robert Killigrew for entering into conversation with Sir Thomas Overbury, when returning from a visit to Sir Walter Raleigh, then a prisoner in the Tower. James I, when overmuch

importuned by the Countess of Dorset, who broke into the Privy Council Chamber, sent her to the Fleet, and Lucius Carey, Lord Falkland, was imprisoned for sending a challenge.

Many painful memories hang about the old Fleet prison in connection with the religious and political persecutions of the fifteenth and sixteenth centuries. It was crowded with the martyrs to intolerance in the reign of the bigoted Queen Mary and the victims Elizabeth sacrificed in the way of reprisals when she came to the throne. The Protestant party had been in the ascendant under Edward VI and the old religion had been sharply attacked, so that many eminent Catholic bishops burned at the stake,—Cranmer, Latimer, Ridley, and the pious Hooper, whose chief offence was that being a priest, he had married a wife. He was now Bishop of Worcester but he had been in the Fleet before, imprisoned by his own friends for refusing to wear vestments on the occasion of his consecration. He was soon set free but came again to the Fleet on his way to the stake.

His own account of this second confinement is to be found in Fox's Book of Martyrs. "On the first of September, 1553, I was committed unto the Fleet from Richmond, to have the liberty of the prison, and within five days after I had paid for my liberty five pounds sterling to the warden for fees, who immediately upon the payment thereof complained unto Stephen Gardiner, Bishop of Winchester, and so I was committed to close prison one quarter of a year in the lower chamber of the Fleet and used very extremely. Then by the means of a good gentleman, I had liberty to come down to dinner and supper; not suffered to



speaking to any of my friends, but as soon as dinner and supper were done to repair to my chamber again. Notwithstanding ... the warden and his wife picked quarrels with me and complained untruly of me to their great friend the Bishop of Winchester.

“After one quarter of a year and somewhat more, Babington, the warden, and his wife fell out with me for the wicked mass; and thereupon the warden resorted to the bishop and obtained to put me in the ward, where I have continued a long time, having nothing appointed to me for my bed but a little pad of straw and a rotten covering with a tick and a few feathers to lie on, the chamber being vile and stinking, until by God’s means good people sent me bedding. On one side of the prison is the stink and filth of the house and on the other side the town ditch (the Fleet ditch) so that the evil smells have affected me with sundry diseases. During which time I have been sick and the doors, bars, hasps and chains being all closed and made fast upon me, I have mourned, called and cried for help, but the warden when he hath known me many times ready to die, and when the poor men of the ward have called to help me, hath commanded the doors to be kept fast and charged that none of his men should come at me saying, ‘Let him alone, it were a good riddance of him.’”

Yet the sums extorted from the poor bishop were as high as for a peer of the realm. A lord, spiritual or temporal, paid the sum of five pounds as “fyne” for liberty of the house and irons on first coming in. It was a graduated scale, each item according to rank ranging from ten pounds for an archbishop, duke or duchess, to twenty-five shillings for an

esquire. The rates were proportionate and laid upon everything: fees for dismissal, for entering the obligation and to everyone concerned in the administration, porter, "jaylor," chamberlain, charge for commons or board and for "coyne." When these fees were not promptly paid the wretched prisoner was "left to lye in the common prison without 'bedd' or 'dyete,' subject to the discomfort of low companions and the dangers of distemper."

Bishop Hooper sums up his griefs thus: "I have suffered imprisonment almost eighteen months. My goods, living, friends and comfort taken from me; the Queen [Mary] owing me by first account eighty pounds or more, she hath put me in prison and giveth nothing to find me; neither is there any suffered to come at me whereby I might have relief. I am with a wicked man and woman [the warden and his wife] so that I see no remedy (save God's help) but I shall be cast away in prison before I come to judgment. But I commit my just cause to God whose will be done whether it be life or death." It was death, and as he esteemed it, a glorious death, that of being burnt at the stake after some more months in confinement, during which he was frequently examined and called upon to recant. He was sent down for execution to Gloucester, of which diocese he had been bishop before his translation to Worcester. He was burned alive at a slow fire and suffered exceeding torment, but bore it with the splendid endurance vouchsafed to so many victims to savage laws that counted difference in religious belief an abominable crime.

We have an authentic account of the interior of the prison early in the seventeenth century, in the volume

published by the Camden Society, entitled the "Æconomy of the Fleete" by Alexander Harris, at one time warden there. Charges were brought against him by a number of his prisoners, of oppression and ill-usage and he is at great pains to make his defence. The prison, as he describes it, was no doubt identically the same as that of earlier date. It consisted of "six great rooms and a courtyard with Tower chambers and Bolton's ward," the strongest part of the prison. There was a further sub-division. One ward of the Tower chambers was appropriated to females exclusively; another was called the "Twopenny" ward from the price charged; a third the "Beggars'" ward in which nothing was demanded and nothing given. At a lower level was the Dungeon, a receptacle for refractory prisoners where they were kept in irons and confined in the stocks.

The inmates one and all were entirely at the mercy of the warden, who inherited his office, or purchased it, and looked to recoup himself by the fees he extorted from his prisoners. The place was a sort of sorry hotel kept by a brutal and rapacious landlord, as a life tenant, with a keen eye to profit, and who gave his lodgers nothing, exacting payment often exorbitant for even light and air and the barest necessaries. The English law was so neglectful and inhuman that it made no regular provision for the imprisoned debtor. A fiction existed that the creditor was bound to contribute four pence daily to provide him with food, but, as has been said, as late as 1843 this payment of the "groat" was not punctually made, if at all, and could only be enforced by slow process of law at a cost prohibitory to the penniless prisoner, and he was thrown on his own resources, to starve

if without friends or private means, or in the extreme case to drag out a miserable existence from the doles of the charitable. Great numbers of hapless folk in the passing ages were detained for five and twenty, thirty and even forty years, on account of debts of a few pounds, grown out of a first pitifully small sum and largely increased by arbitrary charges for fees and maintenance, which but for unjust arrest and detention would never have existed. Thousands died of hope deferred or slow starvation and with them suffered those naturally dependent upon them. It was a calculation well within the mark that every debtor was saddled with two dependents for whom he was the stay and breadwinner. Some figures are given by John Howard when, later, he began his self-sacrificing philanthropic labours, and may be quoted here to show how numerous were the innocent victims of the iniquitous and remorseless legal system in force:

“I have found,” he writes in 1777,<sup>[2]</sup> “by carefully examining sundry gaols, that upon an average two dependents (by which I mean wives and children only) may be assigned to each man (debtor) in prison. My computation is confirmed by the account which we have from the Benevolent Society at the Thatched House, October 9th, 1777. Since its institution in 1772 there were yearly about 3,980 discharged debtors who had 2,193 wives and 6,288 children.” From this he reasoned that as there was a total of debtors in England and Wales of 4,084, the dependents would be twice that number.

The sufferings entailed upon poor debtors and their families appealed forcibly to good people and produced

much spontaneous assistance. Societies were formed having considerable sums at their disposal to be expended in the relief of poor debtors by the payment of and legal extinction of small debts. Other sums were subscribed, granted or bequeathed with the direct intention of purveying to the daily crying needs of the imprisoned, as moneys held in trust to be expended on bread and improved dietaries for those who would otherwise starve. These allowances survived to a comparatively recent date, and when the state assumed control of all British prisons in 1878, a long list still existed and was absorbed by the Charity Commissioners. These poor creatures were active on their own behalf and collected funds by begging openly in the public streets. This was practised by the so-called "Running Box;" a prisoner ran about the streets adjacent, carrying a box which he shook constantly, rattling its contents and imploring alms from passers by for the poor prisoners in the Fleet. There was also the prison gate or "grating," which at the Fleet was a window barred, behind which always sat an emaciated debtor rattling his money box and ever chanting dolorously his appeal, "Pray remember the poor prisoners who have no allowance." The practice was universal and in Salisbury it went the length in 1774—as Howard says—of exhibiting two Crown debtors at the door of the County Gaol, who offered articles manufactured in the prison for sale. Hard by the outer gate was a row of staples fixed in the walls and through the rings was run a chain, to each end of which was padlocked a "Common Side" debtor appealing to the passers by. At Salisbury there was a custom of sending out felons to roam

the city in quest of alms; two were chained together, one carrying a money box, the other a sack or basket for food.

No debtor was allowed to benefit by the funds thus obtained until they had been formally sworn at the "grate," to the effect that they were not worth five pounds in the world. After this they were entitled to a share in the contents of the collection box and to participate in the donations and bequests of the charitable souls who compassionated their poverty-stricken, hardly-used brethren.

A detailed list of the benefactors and their gifts will be found in Howard's "State of Prisons" (1784), and some are curious enough and may be quoted, such as the bequest known as "Eleanor Gwynne's bread," which gave the debtors in Ludgate every eighth week five shillings' worth of penny loaves, and the gift of Mrs. Elizabeth Mission, the yearly income of two hundred pounds, three per cent. annuities for free bread and coals. A mysterious gift was sent for years to the Wood Street Compter, "nine stone of beef and fourteen quartern loaves," but its origin was kept secret until at the death of Princess Caroline its royal origin was displayed, and the alms was continued by the order of George III during his life. Mr. Allnutt, who was for many years a prisoner in the Marshalsea for debt, came in for a good estate while incarcerated and at his death he left one hundred pounds a year to be applied to the release of poor debtors. In the Southwark County Gaol, once known as the



### *The Fleet Beggar*

From the painting by Hosmer Shepherd

At the barred window at the gate of the Fleet prison, it was the custom for an emaciated debtor to sit, rattling his money-box and imploring alms. English law made no regular provision for the imprisoned debtors. The creditor was supposed to contribute fourpence daily to provide him with food, but this was rarely made and could only be enforced by process of law.

White Lion Prison, there were sixteen legacies and donations, all applied to the relief of debtors, and “Nell” Gwynne also bequeathed a sum to be expended in loaves for Common Side debtors.

Returning to the misgovernment of Warden Harris, and the malfeasances laid to his charge, one of the most serious against him was that he allowed two prisoners, well-known to be bitter enemies and constantly quarrelling, to consort together in the same cell or room, that called the Tower chamber, where one fell suddenly upon the other and stabbed him so that he presently died. The story told is much confused. It was not clear who was the aggressor and whether or not the fatal blow was struck in self-defence. The two prisoners in question were a Sir John Whitebrook, against whom the warden had a grievance (no less than

that Whitebrook had murderously assaulted him), and the other was one Boughton, of whose hostile feelings toward Whitebrook the warden astutely availed himself.

It was stated that Whitebrook was held a close prisoner by the order of two courts, but that he became violently disturbed, and breaking out went to the warden's study, where he found Harris in his gown writing. A talk ensued as to the quality of the lodging provided and the charge for the chamber-rent, and as the warden was using the pumice-box to dry his writing, Sir John Whitebrook struck him on the head with the sharp end of a hammer, inflicting four wounds upon his skull and other bruises, before the warden could close with him. Then the assailant was thrown on his back and the hammer taken from him so that the warden might easily have beaten out his brains, "but that he was neither wrathful nor daunted." When the servants came upon the scene, Whitebrook was seized by the butler but yet contrived to take out a stiletto and use it fiercely. The warden's deputy was stabbed through the hand and the porter or doorkeeper of the house would have been killed but the stiletto did not enter. After this the furious creature was carried in irons to Bolton's ward.

This affray was part of a settled plan of mutinous disturbance in which some three score prisoners had combined to break up the strongest wards and the massive doors of the Tower chamber. At that time Whitebrook and Boughton agreed amicably and the malcontents set themselves to "bar out" the warden from the prison and refused all persuasions of the officials to "unlock" the chambers even at the request of the Lord Chancellor, the



Lord Chief Justice and the Sergeant at Arms, but they yielded to the Clerk of the Council when sent from the Lords. Whitebrook was still insubordinate and refused the chamber offered him but seized upon five others which they “again fortified,” so that the warden “had no command in that part of the prison.” The authority of the officials was at last vindicated and the turbulent prisoners were removed into the common prison, where Boughton and Whitebrook came together and, after a suspension of hostilities for some months, the fatal quarrel with the results described took place.

Another serious allegation was that a prisoner, who was in possession of a large sum in cash, was robbed of it with the connivance of the warden. A man named Coppin was supposed to have fifty-one pounds concealed in his bed and orders were issued to remove him to another room and keep him close while the turnkeys rifled his bed and carried off his treasure. The answer given was that Coppin was known for six years past to be quite impecunious and unable “to pay the warden one penny for meate, drink, lodgings or attendance.” It was proved by the evidence of other prisoners that when Coppin was transferred from the Tower Chamber into Bolton’s ward, he took his bedding with him and that he never complained of having lost “one penny or any other thing.”

There were many more charges against the warden, Alexander Harris, which he answered speciously and sometimes denied categorically. He was accused of breaking into prisoners’ rooms, forcing the locks of their trunks, seizing their goods and cash and applying them to his own

use; but he replied that Peck, the particular complainant, although worth money, never paid a sou and when set free left the Fleet deeply in the warden's debt, having occupied a good room for eight years, for which he paid not one penny. He was a debtor whom a small sum would discharge, but "he never paid any man." Peck's children were known thieves, who sought shelter in the Fleet until the gallows got one and the other died a natural death. Peck himself "purloined the goods of his fellow-prisoners and by force, with knife drawn, took away the bedding of a dead roommate from the mother who claimed it. Peck with his accomplices came into the gaoler's lodge and thrust him out, with his aged wife, and in resisting grievously bruised the gaoler, offering to stab the man that was under the gaoler."

For these foul abuses Peck was moved to Newgate by order of the Lord Chief Justice, where he lay for a long time not daring to open his trunks, for they were full of stolen goods; but the warden called in neighbours and with the help of some prisoners forced them and inventoried the contents. The warden of the Fleet found more than enough to satisfy his debt for eight years' lodging and fees. Peck's remaining property consisted of only three blankets, two pillows, "an ould covering of darnex" and two bolsters.

Harris was also accused of impounding the moneys paid as fees to the servant who went as escort with prisoners allowed to go at large for the day. This curious custom obtained in the Fleet, from the earliest to the latest times, of permitting a prisoner on payment of a fee to go at large in the city and even into the country if accompanied by a