

# DOWNLOAD PDF A CLEAR STATE OF THE CASE OF ELIZABETH CANNING

## Chapter 1 : Project MUSE - Heteroanxiety and the Case of Elizabeth Canning

*A Clear State of the Case of Elizabeth Canning. Who hath sworn that she was Robbed and almost Starved to Death by a gang of Gipsies and other villains in January last, for which one MARY SQUIRES now lies under Sentence of Death.*

THERE is nothing more admirable, nor, indeed, more amiable, in the Law of England, than the extreme tenderness with which it proceeds against persons accused of capital crimes. In this respect it justly claims a preference to the institutions of all other countries; in some of which a criminal is hurried to execution, with rather less ceremony than is required by our law to carry him to prison; in many, the trials if they may be called such have little of form, and are so extremely precipitate that the unhappy wretch hath no time to make his defence, but is often condemned without well knowing his accuser, and sometimes without well understanding his accusation. In this happy kingdom, on the contrary, so tender is the law of the life of a subject, so cautious of unjustly or erroneously condemning him, that, according to its own maxim, *De Morte Hominis nulla est Cunctatio longa*, it proceeds by slow and regular gradations, and requires so many antecedent ceremonies to the ultimate discussion of a court of justice, that so far from being in danger of a condemnation without a fair and open trial, every man must be tried more than once, before he can receive a capital sentence. By the law of England, no man can be apprehended for felony, without a strong and just suspicion of his guilt; nor can he be committed to prison, without a charge on oath before a lawful magistrate. This charge must be again proved on oath, to the satisfaction of a large number twelve at least of the better sort of his countrymen except in the case of an Appeal of Felony, which is now obsolete, and where the proceedings are still more ceremonial and tedious, before the accused can be required to answer to it, or be put on his defence; and after all these preparatives, the truth of this charge is to be tried in an open court of justice, before one at least and often many judges, by twelve indifferent and unexceptionable men: These, after a patient hearing of the witnesses against him, and after attending to his defence in the making which, the law prescribes that every indulgence shall be shown him, and that even his judge shall be his counsel and assist him must all concur in declaring on their oaths, that he is guilty of the crime alleged against him, or he is to be discharged, and can never more be called in question for the same offence, save only in the case of murder. It seems, I think, that the wit of man could invent no stronger bulwark against all injustice and false accusation than this institution, under which not only innocence may rejoice in its own security, but even guilt can scarce be so immodest as to require a fairer chance of escaping the punishment it deserves. Sensible as I am of this, I should by no means become an aggressor of this kind; but surely when such methods have been used to mislead the public, and to censure the justice of the nation in its sagacity at least, and grossly to misrepresent their proceedings, it can require little apology to make use of the same means to refute so iniquitous an attempt. However unlawful a weapon may be in the hands of an assailant, it becomes strictly justifiable in those of the defendant: Lastly, there is something within myself which rouses me to the protection of injured innocence, and which prompts me with the hopes of an applause much more valuable than that of the whole world. Without this last motive, indeed, it may be imagined I should scarce have taken up my pen in the defence of a poor little girl, whom the many have already condemned. I well know the extreme difficulty which will always be found in obtaining a reversal of such a judgment. Men who have applauded themselves, and have been applauded by others, for their great penetration and discernment, will struggle very hard before they will give up their title to such commendation. Though they, perhaps, heard the cause at first with the impartiality of upright judges, when they have once given their opinion, they are too apt to become warm advocates, and even interested parties in defence of that opinion. Deplorable, indeed, and desperate is the case of a poor wretch against whom such a sentence is passed! No Writ of Error lies against this sentence, but before that tremendous Court of the Public where it was first pronounced, and no court whatever is, for the reasons already assigned, so tenacious of the judgments which it hath once given. In defiance, nevertheless, of this difficulty, I am determined to proceed to disclose, as far as I am able, the true state of an affair, which,

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however inconsiderable the parties may be in their station of life though injured innocence will never appear an inconsiderable object to a good mind, is now become a matter of real concern and great importance to the public; against whom a most horrible imposture, supported by the most impudent as well as impious perjury is dressed up, either on the one side or on the other. To discover most manifestly on which side it lies seems to be within the power of the government, and it is highly incumbent on them to exert themselves on this occasion, in order that by the most exemplary punishment they may deter men from that dreadful crime of perjury, which, in this case, either threatens to make the sword of justice a terror to the innocent, or to take off all its edge from the guilty; which of these is it likeliest to do in the present instance, I will endeavour to assist the reader, at least, in forming a probable conjecture. Elizabeth Canning, a young girl of eighteen years of age, who lived at Aldermanbury Postern, in the City of London, declares, That on Monday, the 1st of January last, she went to see her uncle and aunt, who are people of a very good character, and who live at Saltpetre Bank, near Rosemary Lane; that having continued with them till towards nine in the evening, her uncle and aunt, it being late, walked a great part of the way home with her; that soon after she parted with them, and came opposite to Bethlehem-gate in Moorfields, she was seized by two men who, after robbing her of half a guinea in gold, and three shillings in silver, of her hat, gown, and apron, violently dragged her into a gravel-walk that leads down to the gate of Bethlehem Hospital, about the middle of which one of the men, after threatening to do for her, gave her a violent blow with his fist on the right temple, that threw her into a fit, and entirely deprived her of her senses. She says, that when it was day-light, upon her looking round to see in what dismal place she was confined, she discovered a large black jug, with the neck much broken, filled with water, and several pieces of bread, amounting to about the quantity of a quartern loaf, scattered on the floor, where was likewise a small parcel of hay. In this room, she says, she continued from that time till about half an hour after four of the clock in the afternoon of Monday, the 29th day of the same month of January, being in all twenty-seven days and upwards, without any other sustenance than the aforesaid bread and water, except one small mince-pie which she had in her pocket, which she was carrying home as a present to her little brother. She likewise says, that she had some part of this provision remaining on the Friday before she made her escape, which she did by breaking out at a window of the room or loft in which she was confined, and whence having escaped, she got back to her friends in London in about six hours, in a most weak and miserable condition, being almost starved to death, and without ever once stopping at any house or place by the way. She likewise says, that during her whole confinement no person ever came near her to ask her any question whatever, nor did she see any belonging to the house more than once, when one of the women peeped through a hole in the door, and that she herself was afraid to call or speak to anyone. All this she hath solemnly sworn before a magistrate and in a court of justice. Such is the narrative of Elizabeth Canning, and a very extraordinary narrative it is, consisting of many strange particulars resembling rather a wild dream than a real fact. First, it doth not well appear with what motive these men carried this poor girl such a length of way, or indeed that they had any motive at all for so doing. Secondly, that they should be able to do it is not easy to believe; I do not mean that it is not within the strength of two men to carry a little girl for so she is ten miles, but that they could do this without being met, opposed, or examined by any persons in the much frequented roads near this town, is extremely strange and surprising. Thirdly, the Gipsy woman doth not seem to have had any sufficient motive to her proceedings. If her design was to make a prostitute, or a Gipsy, or both, of this poor girl, she would, in all probability, have applied to her during her confinement, to try what effect that confinement had produced. If her design was murder, she had many easier and better ways than by starving, or if she had chosen this method of destroying the girl, it seems impossible to account for the conveying to her that bread and water, which would serve for no other purpose but to lengthen out the misery of a wretch against whom the Gipsy woman had, as appears, no foundation whatever of anger or revenge, and might have increased the danger of discovering the whole villainy. Fourthly, that Elizabeth Canning herself should have survived this usage, and all the terrors it must have occasioned, and should have been kept alive with no other sustenance than she declares she had, are facts very astonishing and almost incredible. Fifthly, that she should

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so well have husbanded her small pittance as to retain some of it till within two days of her escape, is another surprising circumstance. Sixthly, that she should undergo all this hardship and fasting without attempting sooner to make her escape, or without perceiving the possibility of making it in the manner in which she at last says she did effect it, seems to be no less shocking to reason and common sense. Lastly, that, at the time when she dates this escape, she should have strength sufficient left, not only to break her prison in the manner she declares, but to walk eleven or twelve miles to her own home, is another fact which may very well stagger our belief, and is a proper close to this strange, unaccountable, and scarce credible story. Thus have I set the several particulars of this narrative in as strong a light against the relator, and in one as disadvantageous to the credibility of her relation, as I think they can fairly be placed. Certain it is, that the facts seem at first to amount to the very highest degree of improbability, but I think that they do not amount to an impossibility; for, as to those objections which arise from the want of a sufficient motive in the transactors of this cruel scene, no great stress I think can be laid on these. I might ask what possible motive could induce two ruffians, who were executed last winter for murder, after they had robbed a poor wretch who made no resistance, to return and batter his skull with their clubs, till they fractured it in almost twenty different places. How many cruelties, indeed, do we daily hear of, to which it seems not easy to assign any other motive than barbarity itself? In serious and sorrowful truth, doth not history, as well as our own experience, afford us too great reasons to suspect, that there is in some minds a sensation directly opposite to that of benevolence, and which delights and feeds itself with acts of cruelty and inhumanity? And if such a passion can be allowed any existence, where can we imagine it more likely to exist than among such people as these? Besides, though to a humane and truly sensible mind such actions appear to want an adequate motive, yet to wretches very little removed, either in their sensations or understandings, from wild beasts, there may possibly appear a very sufficient motive to all that they did; such might be a desire of increasing the train of Gipsies, or of whores in the family of the mother Wells. One of these appears to have been the design of the Gipsy woman from the declaration of Elizabeth Canning, who, if she had said nothing more improbable, would certainly have been entitled to our belief in this, though this design seems afterwards not to have been pursued. So much for the first and third objection arising from the want of motive, from which, as I observed above, no very powerful arguments can be drawn in the case of such wretches: In reality, the darkness of the night at that season of the year, and when it was within two days of the new moon, with the indifference of most people to what doth not concern themselves, and the terror with which all honest persons pass by night through the roads near this town, will very sufficiently account for the want of all interruption to these men in their conveyance of the poor girl. I leave the degree of probability to be ascertained by the physicians. Possible, I think it is, and I contend for no more. I shall only observe here, that she barely did survive it, and that she, who left her mother in a plump condition, returned so like a spectre, that her mother fainted away when she saw her; her limbs were all emaciated, and the colour of her skin turned black, so as to resemble a state of mortification; her recovery from which state since, is a proof of that firm and sound constitution, which supported her, if she says true, under all her misery. As to the fifth objection, she answers, that the cruel usage she had met with, and the condition she saw herself in, so affected both her mind and body, that she ate scarce anything during the first days of her confinement, and afterwards had so little appetite, that she could scarce swallow the hard morsels which were allotted her. The sixth objection hath, in my opinion, so little in it that had I not heard it insisted on by others, I should not myself have advanced it; common experience every day teaches us, that we endure many inconveniences of life, while we overlook those ways of extricating ourselves, which, when they are discovered, appear to have been, from the first, extremely easy and obvious. The inference, which may be drawn from this observation, a moderate degree of candour will oblige us to extend very far in the case of a poor simple child, under all the circumstances of weakness of body and depression and confusion of spirits, till despair, which is a quality that is ever increasing as its object increases, grew to the highest pitch, and forced her to an attempt which she had not before had the courage to undertake. As to her accomplishing this, and being able to escape to her friends, the probability of this likewise I leave to the discussion of physicians:

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But if, notwithstanding all I have here said, the narrative should still appear ever so improbable, it may yet become a proper object of our belief, from the weight of the evidence; for there is a degree of evidence by which every fact that is not impossible to have happened at all, or to have happened in the manner in which it is related, may be supported and ought to be believed. In all cases, indeed, the weight of evidence ought to be strictly conformable to the weight of improbability; and when it is so, the wiser a man is the sooner and easier he will believe. To say truth, to judge well of this conformity is what we truly call sagacity, and requires the greatest strength and force of understanding. He, who gives a hasty belief to what is strange and improbable, is guilty of rashness; but he is much more absurd who declares that he will believe no such fact on any evidence whatever. The world are too much inclined to think that the credulous is the only fool; whereas, in truth, there is another fool of a quite opposite character, who is much more difficult to deal with, less liable to the dominion of reason, and possessed of a frailty more prejudicial to himself and often more detrimental to mankind in general. And when we have done this, it will possibly appear, that the credulous person is he who believes that Elizabeth Canning is a liar. First, then, there is one part of this story which is incontestably true, as it is a matter of public notoriety, and known by almost every inhabitant in the parish where her mother dwells. This is, that the girl, after the absence of a month, returned on the 29th of January, in the dreadful condition above described. This being an established fact, a very fair presumption follows that she was confined somewhere, and by some person; that this confinement was of equal duration with her absence; that she was almost starved to death; that she was confined in a place whence it was difficult to make her escape; that, however, this escape was possible, and that at length she actually made it. All these are circumstances which arise from the nature of the fact itself. They are what Tully calls *Evidentia Rei*, and are stronger than the positive testimony of any witnesses; they do, indeed, carry conviction with them to every man who hath capacity enough to draw a conclusion from the most self-evident premises. These facts being established, I shall oppose improbability to improbability, and first I begin by asking, Why did this girl conceal the person who thus cruelly used her? It could not be a lover; for among all the cruelties by which men have become infamous in their commerce with women, none of this kind can, I believe, be produced. What reason, therefore, can be assigned for this great degree of more than Christian forgiveness of such barbarous usage is to me, I own, a secret; such forgiveness, therefore, is at least as great a degree of improbability as any which can be found, or which can be feigned in her narrative. Again, what motive can be invented for her laying this heavy charge on those who are innocent? That street-robbers and Gipsies, who have scarce even the appearance of humanity, should be guilty of wanton cruelty without a motive, hath greatly staggered the world, and many have denied the probability of such a fact: Will they then imagine that this girl hath committed a more deliberate, and, therefore, a more atrocious crime, by endeavouring to take away the lives of an old woman, her son, and another man, as well as to ruin another woman, without any motive whatever? Will they believe this of a young girl, hardly 18 years old, who hath the unanimous testimony of all, who ever knew her from her infancy, to support the character of a virtuous, modest, sober, well-disposed girl; and this character most enforced by those who know her best, and particularly by those with whom she hath lived in service. The real truth is, that this subscription was set on foot by several well disposed neighbours and very substantial tradesmen, in order to bring a set of horrid villains to justice, which then appeared as it hath since proved to be a matter which would be attended with considerable expense, nor was any reward to the girl then thought of; the first proposer of which reward was a noble and generous lord, who was present at the last examination of this matter in Bow-street; so that this charge of the Gipsy woman, and the rest, if a false one, was absolutely without any motive at all. A second improbability which rises as much higher than that to which it is opposed, as the crime would be higher, since it would be more deliberate in the girl, and as her character is better than that of street robbers and Gipsies. Again, as the girl can scarce be supposed wicked enough, so I am far from supposing her witty enough to invent such a story; a story full of variety of strange incidents, and worthy the invention of some writer of romances, in many of which we find such kind of strange improbabilities that are the productions of a fertile, though commonly, a distempered brain; whereas

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this girl is a child in years, and yet more so in understanding, with all the evident marks of simplicity that I ever discovered in a human countenance; and this I think may be admitted to be a third improbability. A fourth seems to me to arise from the manner in which this poor simple girl hath supported this story; which, as it requires the highest degree of wickedness of heart, and some tolerable goodness of head to have invented, so doth it require no small degree of assurance to support; and that in large assemblies of persons of a much higher degree than she had ever before appeared in the presence of " before noblemen, and magistrates, and judges " persons who must have inspired a girl of this kind with the highest awe. Before all these she went through her evidence without hesitation, confusion, trembling, change of countenance, or other apparent emotion. As such a behaviour could proceed only from the highest impudence, or most perfect innocence, so it seemed clearly to arise from the latter, as it was accompanied with such a show of decency, modesty, and simplicity, that if these were all affected, which those who disbelieve her must suppose, it must have required not only the highest art, but the longest practice and habit to bring it to such a degree of perfection. A fifth improbability is, that this girl should fix on a place so far from home, and where it doth not appear she had ever been before. Had she gone to this place of her own accord, or been carried thither by any other than the person she accused, surely Mother Wells would have told this, as it must have acquitted her of the fact laid to her charge, and would indeed have destroyed the whole character of Elizabeth Canning, and of consequence have put an end to the prosecution; but Mother Wells, on the contrary, denied absolutely that Elizabeth Canning had ever been in her house, or that she had ever seen her face before she came there with the peace officers. In this point, viz.: That Elizabeth Canning was not acquainted with Mother Wells, or her house, nor ever there, in any other manner than as she herself hath informed us, her evidence stands confirmed by the best and strongest testimony imaginable, and that is by the declaration of the defendant Wells herself. It is true indeed, that as to her being confined there, Wells utterly denies it, but she as positively affirms that this Elizabeth Canning was never there at any other time, nor in any other manner. Nay, she described likewise, the prospect that appeared from the hay-loft, with such exactness, as required a long time to furnish her with the particulars of. I know but two ways of her being enabled to give this description; either she must have been there herself, or must have had her information from some other. As to the former, Wells herself denies it; and as to the latter, I leave to the conjecture of my ingenious reader, whether it was Mother Wells herself, the Gipsy woman, Virtue Hall, or who else that instructed Elizabeth Canning in all these particulars. And now I come to a piece of evidence which hath been the principal foundation of that credit which I have given to this extraordinary story. It appeared to me at first to be convincing and unsurmountable, in the same light it appeared to a gentleman whose understanding and sagacity are of the very first rate, and who is one of the best lawyers of his time; he owned that this evidence seemed to him to be unanswerable, so I acknowledge it yet seems to me, and till I shall receive an answer, I must continue to believe the fact which rests upon it. In order to lay this evidence before the reader in a fair and just light, it will be necessary to give a brief relation of the order of proceedings in this case, down to the time when Virtue Hall appeared first before me. Possibly, indeed, she might never have been able to have discovered the house at all, had it not been for a very extraordinary incident, and this was, that through the chinks or crevices of the boards of the hay-loft, she saw at a distance the Hertford stage coach pass by, the driver of which she knew, though he past not near enough for her to call to him with any hopes of success, and by this extraordinary circumstance she came to know that the house stood on the Hertford Road. When they arrived at this house the poor girl was taken out of the chaise, and placed on a table in the kitchen, where all the family passed in review before her; she then fixed on the Gipsy woman, whom she had very particularly described before, and who is, perhaps, the most remarkable person in the whole world; she charged likewise Virtue Hall, whose countenance likewise is very easy to be remembered by those who have once seen her. The whole family, however, though no more were positively charged by Elizabeth Canning, being put all into a cart were conducted before Mr. Tyshemaker, who is a justice of the peace for the County of Middlesex, who, having first examined Elizabeth Canning alone, but without taking from her any information in writing, did afterwards examine all the parties, and in the end

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committed the Gipsy woman and Wells & the former for taking away the stays from Elizabeth Canning, and the latter for keeping a disorderly house. And here the reader will be pleased to observe these facts: First, That Elizabeth Canning did not make any information in writing before this justice. Secondly, That the history of the fact that she related to the justice was not in the presence of Virtue Hall. Salt, the attorney, who hath been employed in this cause, advised the parties to apply to counsel, and upon this occasion, as he hath done upon many others, he fixed upon me as the counsel to be advised with. Accordingly, upon the 6th of February, as I was sitting in my room, Counsellor Maden being then with me, my clerk delivered me a case, which was thus, as I remember, endorsed at the top, The Case of Elizbeth Canning for Mr. Upon the receipt of this case, with my fee, I bid my clerk give my service to Mr. Salt and tell him that I would take the case with me into the country, whither I intended to go the next day, and desired he would call for it on the Friday morning afterwards; after which, without looking into it, I delivered it to my wife, who was then drinking tea with us, and who laid it by. The reader will pardon my being so particular in these circumstances, as they seem, however trifling they may be in themselves, to show the true nature of this whole transaction, which hath been so basely misrepresented, and as they will all be attested by a gentleman of fashion, and of as much honour as any in the nation. My clerk presently returned up stairs, and brought Mr.

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## Chapter 2 : Elizabeth Canning - Wikipedia

*A clear state of the case of Elizabeth Canning who hath sworn that she was robbed and almost starved to death by a gang of gypsies and other villains in January last, for which one Mary Squires now lies under sentence of death.*

Over the following days, searches by both her mother and her employer turned up nothing. Elizabeth Canning She eventually stated that she had been returning home early on the morning of the 2nd when two men hit her on the head and knocked her unconscious. She was then taken to a house where an old lady told Canning that she wanted the young girl to go into prostitution for her. Canning was able to give a clear description of her captors and the loft that had served as her prison. She managed to escape by pulling away boards covering a window, jumping to the ground, and fleeing towards home. By various clues it was determined that the house in question was occupied by a Susannah Wells and her family. Canning identified Wells and another woman in the house, Mary Squires, as her captors. The investigation began but soon ran into a snag: Additionally, all of the boards on the windows were in place. Canning would go on to identify the loft as the one she had been kept in, but she did not address these discrepancies. Meeting with Canning several times, he believed the young woman and began the process for presenting a court case against Wells and Squires. Oddly, the kidnapping and assault of Canning warranted little punishment at that time, but the theft of the corset stays could lead to a death penalty. The newspapers eagerly followed every development of the story. Wells and Squires were branded as gypsies, an ethnicity generally reviled at the time. Under pressure by authorities, a woman living in the Wells house named Virtue Hall confessed to knowledge of the illegal incarceration. On February 21st Wells and Squires went on trial. The Lord Mayor of London presided at the trial. Canning testified to her abduction and stay in the loft where she lived solely on bread and water. The defense presented numerous witnesses to claim that the accused women had not been in the area at the time in question. The arguments went back and forth and the case eventually went to the jury, who found both women guilty. The people of London rejoiced at the verdict, but the trial judge Sir Crisp Gascoyne was not as happy. In an interesting twist, Virtue Hall, whose confession had been instrumental to the convictions, recanted that confession. Enough evidence was gathered that Canning soon found herself arrested for perjury. Wells and Squires were set free. At this point it was difficult to tell who said what, who accused whom of what crime, and which testimony had stood firm and which had toppled. Although the trial seemed to be going against her, Canning had her supporters. Every day during the trial a mob pressed around the courthouse. The crowd quickly escalated to violence as prosecution lawyers were pelted with rocks by the pro-Canning faction. That mob was further incensed when the jury found Canning guilty. As punishment, Canning was shipped off to America where she married, gave birth to two children, and died in So, legally, Canning was not kidnapped. But no further claims came out clearing up the matter of what did happen to her during January of Canning did nothing to clarify the mystery when she stated: Modern true-crime fans continue to pore over the mystery, but nobody has ever proven exactly what happened to young Elizabeth Canning during her month-long absence.

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The family lived in two rooms in Aldermanbury Postern a northern extension of Aldermanbury that formerly ran from a postern gate on London Wall to Fore Street; it no longer exists in London. Canning was born into poverty. Her father died in and her mother and four siblings shared a two-room property with James Lord, an apprentice. With no work that day, she spent time with her family and made plans to go shopping with her mother after visiting her aunt and uncle Alice and Thomas Colley , but changed her mind and instead remained with them for the evening. Mrs Canning sent her other three children to Moorfields to search for her, [8] while James Lord went to the Colleys, who told him that they had left Elizabeth at about 9: Neighbours were asked if they knew of her whereabouts, and weeks passed as Mrs Canning searched the neighbourhood for her daughter, while her relatives scoured the city. At the sight of her daughter, whom she had not seen for almost a month, Elizabeth Canning fainted. Once recovered she sent James Lord to fetch several neighbours, and inside only a few minutes the house was full. Elizabeth was described as being in a "deplorable condition"; [11] her face and hands were black with dirt, she wore a shift , a petticoat , and a bedgown. A dirty rag tied around her head was soaked with blood from a wounded ear. They had partially stripped her, robbed her and hit her in the temple, rendering her unconscious. She awoke "by a large road, where was water, with the two men that robbed me" [13] and was forced to walk to a house, where an old woman asked if she would "go their way" become a prostitute. Canning had refused, and the woman cut off her corset, slapped her face and pushed her upstairs into a loft. There the young maidservant had remained for almost a month, with no visitors and existing only on bread and water. The clothing she wore she had scavenged from a fireplace in the loft. Canning had eventually made her escape by pulling some boards away from a window and walking the five-hour journey home. Wintlebury, Scarrat and Joseph Adamson a neighbour were the first to arrive, on horseback. They met the warrant officer and several peace officers, and waited for Susannah Wells to appear. The old woman kept animals in the house and occasionally had lodgers. She had twice been widowed; her first husband was a carpenter and her second had been hanged for theft. She had also been imprisoned in for perjury. Sarah Howit, her daughter by her first husband, had lived there for about two years. Another woman, Judith Natus, was brought down from the loft to be questioned with the rest. The warrant officer who searched the loft was surprised when he discovered that it did not resemble the room described by Canning, and nor could he find evidence of her having jumped from the window. The rest of the party, who had by then arrived in a hired coach and chaise , were similarly surprised. Canning was then taken upstairs where she identified the loft as the room in which she had been imprisoned although it contained more hay than she recalled. George Squires and Virtue Hall, who both denied any involvement in the kidnapping, were set free; Canning and her supporters were allowed home. The onus therefore was on Canning to take legal action against those she claimed had imprisoned her, and she would also be responsible for investigating the crime. This was an expensive proposition and she would therefore require the help of her friends and neighbours to pursue her case. An additional complication was that rather than send such matters to trial, justices preferred to reconcile the parties concerned. The theft could be tried under a capital statute, making the assault charge less worthy of legal attention. They took legal advice from a solicitor , a Mr Salt, who advised them to consult the Magistrate and author Henry Fielding. Since " taking the sacrament " four years earlier and becoming a Justice of the Peace for Middlesex and Westminster , he had, with "volcanic energy", concerned himself with the activities of criminals. In December he had published *Amelia* , a story of a young woman dragged into vice and folly by her abusive husband. Although the book was poorly received, with his experience of criminology Fielding believed he understood the depths to which humans could descend. The house of that notorious woman well known by the name of Mother Wells, between Enfield Wash and Waltham Cross, was immediately suspected;

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and from many Circumstances appears to be the dismal Prison of the unhappy sufferer, whose melancholy Situation since her miraculous Escape is worthy of Compassion and Charitable contributions of all public-spirited people, and anyone who has any regard for the Safety of their Children and Relations, who are equally liable to the same inhuman and cruel Usage In the Case of, Wells was clearly identified as "that Monster of a Woman", and in an edited version which appeared a week later in the Public Advertiser it was revealed that Canning had suffered a fit after being struck on the head. Squires was called an "old Gypsy Woman", who "robbed the girl of her stays; and then in a miserable naked Condition, because she would not become a common Prostitute, confined her in an old Back Room or loft". Being named a gypsy could carry certain legal penalties and although these were rarely applied, gypsies were nevertheless treated as pariahs. Moore described Squires as a "dark, tall, but stooping, elderly woman, with an estimated age ranging from sixty to eighty, sometimes depicted as exceptionally hearty", continuing "all accounts do agree that she was an exceptionally ugly woman, with a very large nose and a lower lip swollen and disfigured by scrofula. An year-old servant girl threatened with prostitution and held captive by a remarkably ugly old gypsy of bad repute, having escaped, emaciated, to return to her loving mother; it was a story that the vast bulk of general public as well as the gentry, found irresistible. There, before the two kidnapers, Lucy Squires [nb 4] and Hall, the old woman had assaulted Canning and forced her upstairs, where she remained until her escape. Hall said that Fortune Natus and his wife Judith had been at the house for some weeks but were moved into the loft to make it appear as though they had stayed there throughout January. Although not charged with any crime, Hall meanwhile was committed to the Gatehouse Prison in Westminster , her stay paid for by the Canningites. Fielding left London for a short while before returning to interview Squires, Wells and the others. This had little credence, due to the long-standing habit of the accused of breaking the law and lying about it. Fielding had left London believing that he had "ended all the trouble which I thought it necessary for me to give myself in this affair", but on his return he learnt that during his brief absence, amongst others, several "Noble Lords" had attempted to contact him. Also listed were the locations at which donations could be left, "either applied to the carrying on of the Prosecution, or given to the poor Girl as a Recompence [ sic ] for her Virtue, and Miseries she has gone through". A rather embellished account of the story was later sent to the press. In the kitchen, the old woman Squires was sat in a chair [42] and asked her "if I chose to go their way". She fled along a lane behind the house, through some fields, and on finding a road set out for London. When asked if she had seen or spoken to anyone on the way back, she replied that she had not, explaining that she had shied away from contact for fear of meeting somebody from the house she had escaped from. Asked why she had not attempted escape earlier she replied: Squires again interrupted, asking "What day was it that the young woman was robbed? Susannah Wells used the opportunity to ask how long Squires and her family were supposed to have been at the house, and was answered by Hall "They were there six or seven weeks in all; they had been there about a fortnight before the young woman was brought in". However, three witnesses found in Dorset by George Squires, to testify for his mother, passed by unrecognised. This was corroborated by his neighbour, William Clarke. Wells, whose witnesses had been unable to pass by the mob outside, was able to offer only two sentences in her defence. Judges respected the evidence of employers, farmers and neighboring gentlemen, not mere neighbors and friends. Canning was celebrated by the mob and gentry, several of whom contributed to her purse, enabling her to move to better accommodation in the house of a Mr Marshall, a cheesemonger in Aldermanbury. Not everybody was satisfied with the verdict. He thought it unlikely that the three witnesses found by George Squires would travel so far "to foreswear themselves on behalf of this miserable object" [57] and Harris did not disappoint. He considered the behaviour of the Canningites inappropriate for their low station and was more impressed by the assurances of people such as Alderman Chitty and Reverend Harris, who as gentlemen and public advocates were presumed more reliable. The Undersheriff wrote back claiming that they "would not have given evidence had it not been true". Clarke may have been in a relationship with Lucy Squires, and claimed that he had stayed with the Squires in Ridgeway. Fifteen prominent residents of Abbotsbury, including churchwardens, Overseers of the Poor , a

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schoolmaster and a tithing man swore that the Squires were in Dorset in January and that their witnesses were trustworthy men. Hall had given her testimony to Fielding under threat of imprisonment and when by chance the Grub Street writer John Hill heard from a Magistrate that she had showed signs of remorse, he was presented with a perfect opportunity to settle an old score. Hill immediately communicated his concerns to Gascoyne, who sent for the young woman. I was terrified and threatened to be sent to Newgate, and prosecuted as a felon, unless I should speak the truth. Gascoyne also asked George and Lucy Squires about their travels early in ; George was unable to recall all the places they had visited, and so Gascoyne sent him to Dorset to help him remember. Gascoyne instructed him to visit Squires in Newgate, where the two recognised one another immediately. One said he had seen two men dragging a woman towards Enfield early in January. Cooper wrote back affirming the good character of Thomas Greville who had testified for Squires at her trial , but later sent the same information to Gascoyne, offering his support. Through January, he thought, the Squires had very likely been travelling through Dorset, Hampshire , and then London , and had not been in Enfield Wash to kidnap Canning. The output of the writers and publishers of Grub Street emboldened opinions about the case, and in some instances reinforced long-held stereotypes of "wicked Gypsies and a poor innocent girl refusing to yield her honour". Copies sold so quickly that a second print run was ordered two days later. Retire into yourself and know your station. Although pardons were not common, it was possible to bypass the Judge and petition the king directly, [55] and although Gascoyne had some concerns about the character of the witnesses upon whom he was able to call, he nevertheless wrote to George II to request that Squires be pardoned. With a small armed party he captured Gibbons and Clarke at the local inn and took them back to Dorchester, but his warrant was incorrectly worded and Gibbons was released by the justice. Clarke was taken to London and interrogated by Myles at his house, for two days, but the cordwainer refused to cooperate. He was granted bail and returned to Abbotsbury. As Lord Mayor, and fearing accusations of bias, Gascoyne excused himself from the case. The defendants were represented by William Davy, who had earlier defended Squires and Wells. Myles had not been paid by his employers, and to delay proceedings, his brother Thomas sent a clerk to deliver to the court a selection of writs, but nevertheless Gibbons, Clark, and Greville were found not guilty, and released. When in November a new Lord Mayor was installed she remained out of sight, but at the February Sessions in she reappeared at the Old Bailey and presented herself to the authorities. It is a perversion of the laws of her country to the worst of purposes; it is wrestling the sword out of the hands of justice to shed innocent blood. The latter emphasised her misfortune at twice being subjected to such anguish, firstly for prosecuting her assailants and secondly for being punished for doing so. The third attorney, George Nares, concentrated on the societal problems of prosecuting Canning for perjury, implying that other victims of crime would be less likely to pursue their assailants, for fear of being prosecuted themselves. The three Abbotsbury men then stepped up and gave their evidence. William Moreton Esq recorder, recommended to all persons who were concerned in the most pathetic manner, to consider the dignity of the Court of Justice, the necessity of keeping up that dignity , and that the magistracy of this court should not be treated in such a manner as to lessen the weight of the Civil Power. After the court adjourned there was so great a mob at the gate of the Session-House threatening Sir Crisp Gascoyne, that Mr. Sheriff Chitty, with a number of Constables, escorted him as far as the Royal-Exchange. Infuriated, they threw dirt and stones at him, forcing him to retreat to a nearby inn, before returning to the court to escort Canning away from the building. One possible line of defence for her daughter was simply that she was too stupid to have ever invented the tale, but under cross-examination by Davy Mrs Canning demonstrated that her daughter was capable of writing "a little". Her employer was questioned, as was her apothecary, who thought that Canning would have been quite able to survive on the pitcher of water and crusts of bread she claimed to have been given. More witnesses claimed to have seen her in various places around Enfield Wash, including one woman who swore she had seen her on Old Christmas Day. Others were illiterate, and struggled similarly. The court also heard from three witnesses present solely to discredit the testimony offered by the Natuses. The defence tried unsuccessfully for a retrial.

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## Chapter 4 : Staff View: A clear state of the case of Elizabeth Canning

*Add tags for "Clear State of the Case of Elizabeth Canning, Who Hath Sworn that She Was Robbed and Almost Starved to Death by a Gang of Gipsies and Other Villains in January Last, for Which One Mary Squires Now Lies under Sentence of Death".*

She told a tale of being robbed and beaten by two men who dragged her to a house where a woman attempted to entice her into prostitution, stripped her of her stays and locked her in a hayloft. This tale sparked a series of events that culminated in two criminal trials the second of Canning herself for perjury and a pamphlet war, in which emotive appeals for sympathy and the influence of the press played a pivotal role. On 21 February, Mary Squires, a gypsy woman who Canning had identified as her attacker, and Susannah Wells, whose house Canning had identified as the place of her imprisonment, were convicted for robbery and harbouring a thief, respectively at the Old Bailey. Fourteen witnesses testified at the trial, 11 of whom appeared for the prosecution. After the trial, however, the judge – Lord Major Sir Crisp Gascoyne – launched an investigation into some of the evidence. The scale of his endeavour was unusual, but making enquiries about the character of felons was not, because during the eighteenth century the pardoning system operated such that judges were required to lodge recommendations and return opinions on the suitability of capitally convicted felons for royal mercy. Immense public support had also emerged for Canning, and Gascoyne was concerned that this might have had a bearing on the trial. He explained, in a printed address, that: I will focus here on two of these material effects. By 15 February, specific instructions were being provided as to where subscriptions to aid the prosecution could be lodged: And whereas the several Prosecutions that are carrying on against the many Persons concerned in the above Offences will be Expensive; every Person inclined to assist in so laudable an Undertaking as an Encouragement to Virtue, are desired to send their Subscriptions to Mr. While prosecutors were entitled to some compensation for court costs from, this was only granted upon application after the trial. Mary Squires claimed to have been in Dorset at the time Canning was apprehended and robbed. But, poor and imprisoned in Newgate, she had neither the means nor the opportunity to search the countryside for witnesses to confirm her alibi or subpoena them to the trial in London. The monies amassed from public appeals for Canning not only helped to fund the prosecution of Squires and Wells, but gave Canning an upper hand during the trial by allowing her to produce witnesses who would support her version of events. When first questioned, she had denied seeing Canning before. But the entrance into the case of magistrate and author Henry Fielding saw her change her statement. By his own admission, Fielding found Hall in a distraught condition, trembling and in tears, and assured her that if she told the truth he would protect her. After the trial, Crisp Gascoyne sent enquiries to the various places in the West of England where Squires claimed to have been in January. The key witness, Virtue Hall, also recanted. As more and more pamphlets were produced, often by men of public renown, public attitudes towards Canning became increasingly divisive and emotionally charged. The press served as an important forum for advertising the publication of these pamphlets, and for briefly summarising their position for a wide audience. In April, after months of legal wrangling, Elizabeth Canning stood trial for perjury at the Old Bailey and was convicted. In contrast to the 14 witnesses who had appeared at the trial, witnesses were admitted to give evidence. Changing public attitudes towards Canning and the exposure of the case in the press had encouraged many of these witnesses to come forward. The volume of press reports and printed pamphlets about this case, although unusual, provides us with valuable insight into how sympathy could be generated and manipulated in the public sphere and how it affected reputation and perceived credibility. Furthermore, this case gives us clear evidence of emotional appeals and narrative framing, disseminated through the press, significantly and materially impacting on the legal process and the administration of justice. She has previously published on lodging arrangements, attitudes towards domestic violence, and child murder in eighteenth-century London and Scotland. History, Culture Society 1. Beyond the Law Baltimore: Johns Hopkins University Press, , pp.

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## Chapter 5 : Holdings : A clear state of the case of Elizabeth Canning : | York University Libraries

*The Story of Elizabeth Canning Considered by Dr. Hill. With Remarks on What Has Been Called, a Clear State of the Case, by Mr. Fielding; and Answers to the Several Arguments and Suppositions of That Writer. 53, [1] pp. London: M. Cooper,*

## Chapter 6 : Elizabeth Canning | Historic Mysteries

*Elizabeth Canning (married name Treat; 17 September - June ) was an English maidservant who claimed to have been kidnapped and held against her will in a hayloft for almost a month.*