Chapter 9

Tracking the Petty Traitor across Genres

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Twenty years ago, when I first began searching for ballads and pamphlets and trying to figure out what to do with them, I assumed that I could find, arrange, and assess these texts following the linear logic of source study; this was modeled for me, after a fashion, in editions of plays like *Arden of Faversham* or *A Warning for Fair Women*, which included (in Appendices) pamphlet and ballad accounts of the notorious crimes the plays dramatized. What I would do, then, was begin with plays and then look for the raw materials playwrights had drawn on and shaped to make those plays. There would, I thought, have been an event—the crime itself—and then the legal prosecution and thereafter the print response and then playwrights, at the end of this process, would have created plays that drew on all of these sources. Malcolm Gaskill describes (and attempts to follow) something like this method when he imagines archival material in three layers, through which the researcher must dig progressively down towards what he clearly privileges as the most reliable. As Gaskill imagines these layers, “normative” sources (such as statutes and sermons), representing “the way things were supposed to be,” are on the top or surface; “beneath this we have more impressionistic sources,” which would include ballads and pamphlets revealing “how things seemed to contemporaries”; and at the bottom, we find “mainly administrative sources,” by which he means various legal records, which, according to Gaskill, “best reflect the input of ordinary people, and perhaps the way things really were.” But in my own early attempts to find that bedrock in investigating the story of Alice Arden, what I learned was that assize court records, which Gaskill describes as “the most valuable administrative documents,” are spotty and terse. Court proceedings were

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not routinely transcribed verbatim, start to finish. When records survive at all, they are partial—an indictment but not necessarily a record of the outcome; an account of the examination of a witness but not a detailed narrative of the proceeding in which it figured. Furthermore, the preponderance of representations of Alice Arden’s crime is more unique than it is representative. Searching for other female criminals, what I often found was a ballad about one crime, an indictment about another, and a pamphlet about a third. At that time, I chose to respond to this by shifting my approach. Instead of mining for sources or lining up different accounts in different genres of the same crime (for the most part) I assembled a wide range of representations across genres and across the late sixteenth and full seventeenth century. It was that dragnet approach that first got me thinking about ballads, about cheap print and court records as conforming to generic conventions, and about the different, but equally valid, evidentiary value each genre might have.

The resources available to early modernists have expanded dramatically in the last decade or so. Newly available databases, such as the Proceedings of the Old Bailey, Early English Books Online (EEBO), and the EMC’s English Broadside Ballad Archive (EBBA), have inspired me to revisit my favorite kind of criminal, the petty traitor, specifically the woman who has killed her husband, as an evidence problem.3 If we use the resources now available to us, where can we find petty traitors, when do we find more than one kind of evidence of a given crime, what different kinds of evidence do different kinds of texts offer, and what is the ballad’s particular contribution to this evidentiary map?

I’ve created a listing of the named petty traitors about whom I know something (see Appendix). Such a method can at best be suggestive. Uneven survival makes it impossible to claim that texts did not exist just because we don’t have a record of them; uneven retrieval means that I cannot claim that I’ve found anything like everything.4 On my list at present, Alice Arden is the earliest, executed in 1551; Elizabeth Flower is the latest, convicted of manslaughter and branded in 1698. We can see depth of evidence around several cases—Alice Arden, Anne Saunders, Sarah Elston (or Elestone), Margaret Osgood (or Osily), and Mary Aubrey (or Hobry). Scholars have not always been aware of the high level of interest in the last three women because they figured in print but not on the stage and variant spellings of their names have made it difficult to find all of the relevant texts. By placing these notorious figures in the context of other petty traitors it becomes possible to ask why some petty traitors provoked representation, even multiple representations, and some none at all. Were some criminals more widely represented or is it just that more representations of them have accidentally survived? If they were more widely represented, what made them more popular or notorious? Was it something about them and their crimes or did representation beget representation?

3 On the definition, punishment, and cultural meanings of petty treason, see Dolan, Dangerous Familiars, pp. 20–88; and Marriage and Violence, pp. 82–96.

4 On the uneven survival of cheap print, see, for instance, Watt, Cheap Print, p. 42; see also pp. 257–95.
Pamphlets often present themselves as correctives of oral or manuscript culture. One text explains for instance that “whereas several imperfect Relations and hearsay Reports may have been spread abroad concerning this unhappy woman … for the full discovery of the Truth thereof in all Circumstances, ’tis thought convenient to publish this compleat and Impartial Narrative and Account of the same.” Pamphlets also present themselves as the source of detailed, accurate information about the crime, trial, and punishment. While we cannot assess the accuracy of pamphlets, they often give us more detailed accounts of a case than do assize court records; when we have both an indictment and a pamphlet about the same case, the pamphlet tends to quote from and expand on the information in the indictment.

Pamphlets appear with remarkable speed, sometimes as soon as days after a crime is discovered and before the accused appears in court. For instance, a paragraph about an unnamed petty traitor tacked onto a pamphlet about another murder clearly describes Joyce Ebbs, who had just been apprehended. The author does not yet know the details of Ebbs’s conviction, her plea of pregnancy, and her execution, which form the substance of a later account, *The Last Speech, Confession, and Prayer of Joyce Ebbs* (London, 1662). It is also possible that pamphlets and ballads helped to shape attitudes toward a suspect and her alleged crime. In an account of Leticia Wigington’s confession and execution (for whipping her servant girl to death), Wigington complains about “whoever they were that did make Ballads and Books upon me, after I was brought to Newgate; and raised great scandal and ignominy [regarding her failed attempt to plead her belly], and added grief to my Afflictions.” According to this account of Wigington’s confession, then, print intervened in her story and altered its outcome. For petty traitors, too, “ballads and books” do not stand at a remove, representing events or “mentalities”; they shape both attitudes and actions.

Playwrights dramatized cases that were written about in other registers; they responded to rather than generated interest in a notorious case, often in a rather belated way (decades later, except for the lost Dekker-Jonson play *Page of Plymouth*). While there are ballads about the same two cases of petty treason explored in plays, they appear years after the plays and the crimes. When placed in the context of the many other representations of petty treason, then, the two plays, *Arden of Faversham* and *A Warning for Fair Women*, appear exceptional.

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6. *Bloody News from Clarken-Well ... Together with a True and Exact Narrative of a Bloody Murther Committed by a Souldiers Wife on Her Husband* (London, 1661), p. 8. The unnamed “Souldiers wife” who murdered her husband is identifiable as Ebbs from the date, the occasion of their quarrel (his desire to have a pipe), and the location.
Petty traitors appear far more frequently in court, on scaffolds, and in cheap print than they do on the stage.

There are also ballads about cases for which our only other evidence is an indictment or for which there is no other record at all. In these cases, where do ballad writers get their information and incentive? For instance, why would writers choose Katherine Francis and Alice Davis from among so many others? Is it just happenstance? Is it something about the particular criminal and her crime or is it a matter of whom she kills—and to whom he is related? Returning to those two petty treason plays, it is striking that both dramatize crimes that are also mentioned by Holinshed and Stow and were committed by or against men with powerful patrons. Lena Cowen Orlin has explained in detail the complex social status of Thomas Ardern, and his indebtedness to “mentors” or patrons Sir Edward North and Sir Thomas Cheyne. Similarly, in his biography of Edward de Vere, Earl of Oxford, Alan Nelson suggests that interest in the murder of George Saunders (dramatized in *A Warning for Fair Women*) stemmed in part from the fact that the murderer, George Browne, had once been in the Earl of Oxford’s service, although he had been fired prior to the murder. Thus, the news of petty treason cases with some oblique connection to political and social elites was more broadly disseminated; then these high profile cases inspired dramatization.

Since there are far more ballads and pamphlets than there are surviving plays about petty treason, in part because it took less investment (of time and money) to produce a ballad or pamphlet than a play, the protagonists’ social connections were not the only factors. To figure in popular print a petty traitor had to: succeed in killing her husband, get caught, and get convicted. Popular print, at least as it survives to us, leaves out both ends of the legal spectrum—those who don’t get caught and, for the most part, those who are acquitted. Henry Machyn’s diary twice refers to nameless women who “would have” poisoned their husbands and were therefore whipped and placed in the pillory. This draws our attention to the realm of failed attempts or suspected failed attempts. My appended list includes eight petty traitors who were found not guilty. In one of these cases, there is a gap between the pamphlet account and the outcome of the case. *Murther, Murther: or, a Bloody Relation How Anne Hamton ... by Poison Murthered Her Deare Husband*, printed in 1641, insists on Anne Hamton’s guilt and perfidy, and ends with her and her friend, Margaret Harwood, both “in the Gatehouse prison of

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9 Nelson documents the Privy Council’s interest in this crime, including their advice to “put Browne to tortures” (*Monstrous Adversary*, p. 90)—presumably because of his association with Oxford. The pamphlet account of the crime, *A Brief Discourse*, was by Arthur Golding, “Oxford’s uncle and Burghley’s protégé” (90). Saunders’ wife, Anne, was also implicated in and executed for this murder.
10 *Diary of Henry Machyn*, p. 22 (July 15, 1552) and pp. 29–30 (January 13, 1553).
11 Mary Mason, Catherine Ratcliffe, Joan Tolson, Margaret Paule, Joan Warren, Anne Hamton, Elizabeth Symbole, and Parthenia Owen.
Westminster, nigh London expecting a day of trial, which time will not be long; till when I rest; then (gentle reader) shalt thou have by God’s permittance a more perfect relation.” According to the Middlesex County Records, on September 17, 1642, Anne Hamton was found “not guilty.” Without the court record, we would assume that this story ended as they so often did, at least in ballads and pamphlets, with flames, prayers, and shrieks. Randall Martin has discovered that the Guildhall copy of *Murther, Murther* substitutes different names for Hamton and Harwood. While he speculates that the printer “may have inserted the alternative names to shield the women’s friends or relations” from the scandalous fact that the pamphlet describes them as “ningles” or lovers, it is more likely that the printer was trying to obscure the fact that the accused had already been acquitted.

Women convicted of petty treason were sentenced to the same punishment as those convicted of high treason: they were burned at the stake. The sentence thus equated the two forms of treason in women as equally heinous. In contrast, men convicted of high treason were, infamously, castrated, disemboweled, and quartered, while those convicted of petty treason were hanged, as they would have been for any murder; these punishments suggested that, for men, petty treason was more like murder than it was like treason. Despite this gendering of petty treason punishments, five of the convicted petty traitors (Chamber, Saunders, Hayward, Caldwell, and Dale) were sentenced to be hanged rather than burned. This makes sense in the case of Elizabeth Caldwell, who attempted to poison her husband but accidentally poisoned a neighbor child instead. In the other cases, it’s less clear why a different punishment was imposed. Ballads and pamphlets tend to focus on those petty traitors who burn spectacularly and might lead us to overlook the fact that some women who killed their husbands received a different sentence, one that downplayed the association of their crime with high treason and treated it like other murders.

From the admittedly skewed perspective of this list, two ballad subjects, Alice Davis and Katharine Francis, executed less than a year apart, in 1628 and 1629, seem to usher in a period of intensified interest in murderous wives. Although Alice Arden was burned to death in 1551, the ballad presenting her “complaint and lamentation” appeared more than eighty years later, in 1633, as did the third quarto of the play *Arden of Faversham*. In her biography of Eleanor Davies, Esther Cope claims that “in July 1631, one of Lord Scudamore’s informants told the story of a ‘young woman burned in Smithfield for having poisoned her husband who was a most barbarous and cruwell man to her and … his own neerest of kindred … were suitors for her pardon’ since he was so villainous ‘and the Queen laboured earnestlie for it, but howsoever the woeman was much pitied of all, yet the king

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12 *Murther, Murther, or; a Bloody Relation How Anne Hamton ... Murthered Her Deare Husband* (London, 1641), p. 6; Middlesex County Records 3.79. No mention is made of Margaret Harwood.


14 On this crime cluster, see Clark, *Women and Crime*, p. 89. My chart suggests another cluster, three husband murders in Southwark from 1675–80 (Lillyman, Elston, Osgood).
thought it dangerous to spare hir, soe that he would not pardon her.”15 In Richard Smyth’s eccentric list of deaths from 1627 to 1675, he records that “a woman burnt in Smithfield for poisoning her husband” on April 20, 1632 and on December 12, 1634 “a taylor’s wife, for killing her husband, burnt in Smithfield.”16 Perhaps referring to this same execution, John Rous records that “a Woman was burned in Smithfield December 13, who, in a falling-out with her husband, stabbed him in the necke with a knife; so that, following her downe a payer of stayers, and crying out to stay her, he died at the bottome of them immediately.”17 These four contemporary references to the Smithfield burnings of nameless petty traitors, from 1631 to 1634, bring to mind the reference to an unnamed petty traitor in Henry Goodcole’s account of Alice Clarke’s crime and execution in 1635: “But not to tire your patience I will onely trouble you with the poore wretched creature, who last suffred in Smithfield in this kinde, much commiserated, much lamented.”18 Could he be referring to the same woman whose execution Henrietta Maria supposedly “labored earnestly” to prevent? Or to one of those whose recent deaths Smyth and Rous record? In any case, if there was a petty traitor whose story was “much commiserated, much lamented” then why is she not named and not depicted in pamphlet or ballad? This may have something to do with the vagaries of textual survival or what Charles I perceived as the “dangers” of commiserating too much with the petty traitor. Taken together, these fragments of evidence add up to a fairly high rate of petty treason executions at Smithfield in the late 1620s and 1630s.

While uneven survival makes it impossible to argue definitively, it is interesting to speculate about why interest in and representations of petty treason might have fluctuated from decade to decade, even if the incidence of the crime perhaps did not. In the 1630s, as has been argued, opposition to Charles I’s policies and political style was often expressed as concern about his uxoriousness, his wife’s excessive influence, and gender inversion at court.19 Perhaps the burnings of petty traitors functioned as an outlet for concerns about female authority—or as a focus for the brewing interest in patriarchs’ failures and vulnerabilities and their subjects’ murderous dissatisfactions that would erupt in civil war and regicide in the next decade.

Only one printed account of a petty traitor survives from the Interregnum. Joy Wiltenburg and I have both argued that, around 1650, emphasis shifted from the petty traitor to the domestic tyrant, from fears about insubordination to


16 Obituary of Richard Smyth, pp. 7, 8. Smyth lists deaths and funerals from 1627 to 1675, but he does not record many women who are burned at Smithfield, nor does he record the names of those he does mention. Smith’s catalogue is a reminder of the unevenness of news circulation even within London.

17 Diary of John Rous, entry for December 13, 1634 (p. 76).


fears about abuses of authority, in popular representations of domestic disorder and crime. The dearth of surviving evidence of prosecutions for petty treason suggests that this might not have been a matter just of what preoccupied popular print, but that, at least in the Interregnum, suspicion turned away from the petty traitor, and that, in the wake of regicide, the spectacle of the petty traitor in flames may have lost some of its appeal. If this was the case, it was not a permanent shift. As the chart shows, there are five petty traitors in the 1680s, including the notorious, remarkably well-documented Mary Hobry, whose case was explicitly associated with the threat of Catholicism and tyranny during James II’s reign. The politicization of Hobry’s case suggests that contemporaries did not view petty treason as timeless but, instead, linked specific instances to other political conflicts in a given moment. The incidence and meaning of petty treason might have shifted from decade to decade.

Whereas we can see one kind of pattern by considering chronological clusters of petty traitors, we can see others by surveying the whole period with an eye toward how the petty traitor’s story is recounted in different genres. If we were to construct a composite narrative of petty treason, from the murder through the execution, drawing details from various cases and kinds of evidence, what might such a narrative sound like? Here is my attempt:

The petty traitor is motivated by lust, alienated affection, resentment, fury, jealousy, and/or the desire for revenge. Her motives are more often announced than explored. She acts alone occasionally—and this is the case for three ballad petty traitors, Wallen, Davis and Francis—but more often as an accessory to her lover. She poisons, stabs, or strangles her husband. She is apprehended because her neighbors or relatives (including children) are or become suspicious (or, more rarely, she confesses). Her trial usually follows within a few days or weeks. The evidence against her includes the obvious marks of violence on the corpse and signs of struggle at the scene, eye and ear witnesses of the murder itself or of her earlier threats against her husband, accounts of her character, or the testimony of her co-conspirator. Rarely does she admit her own guilt from the start (although some ballad petty traitors do). In her own defense, the woman might claim that she was “distracted” when she committed the crime. No one is convinced. In order to defer her punishment, she claims to be pregnant and fails, or is later found not to have been pregnant at all, or bears an infant and is burned later. At least

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21 Description of Margaret Osgood in The True Narrative of the Confession and Execution of the Prisoners at Kingstone-upon-Thames on Wednesday the 16th of This Instant March, 1681 (London, 1681).

22 For failed claims see Alice Davis and Alice Clarke; Joyce Ebbs pled her belly successfully but then, after ten months in Newgate prison, was found never to have been pregnant and was executed (Last Speech, Confession & Prayer of Joyce Ebbs [London, 1662], sig. A2v).
one minister meets with her to prepare her for death. While her execution might be as soon as a day after her sentencing, she might beg extra time “of the Court, the better to prepare herself for that terrible Death.” She is drawn to the place of execution on a hurdle or walks there with a preacher before her and a woman on each side. She is dressed in her “owne smocke” covered with a “kirtle of Canvasse pitched cleane through” and a white sheet or “arrayed and attired in White, having a branch of Rosemary in one hand, and a Nose-gay in her Bosom.” If it is later in the seventeenth century, her suffering is ameliorated because she’s “set in a pitch barrel,” provided with “a half sheet spread over with Pitch, to shorten the time of her miserable Torment” or strangled fifteen minutes before the kindling is lit. She often says something—and this is where we find the most notable differences between women and across genres. The reeds or straw and faggots are ignited and she dies with shrieks and prayers or just shrieks.

This composite story, as inadequate as it is, tries to sketch out the plot that emerges when one surveys the evidence, as well as the fascinating variety even within these contours. This composite depends on all the available kinds of sources. Without court records, we would not, for the most part, know that negotiations regarding pleading the belly often formed part of petty traitors’ assize court appearances. Most pamphlets and ballads do not discuss these negotiations, dwelling instead on the repentance and retitration that such negotiations postpone or undermine. To the extent that printed texts refer to women’s attempts to plead the belly, they usually do so in order to discredit the women. For instance, an account of Margaret Osgood’s imprisonment reports that “it was said during her Imprisonment she did what she could to be got with Child, thereby to respit her Execution, but her expectation failed, for she proved not pregnant” perhaps because, as the text mentions earlier, she was “stricken in Years.” By their very nature, court records never extend to the site of execution. So without pamphlets and ballads, we would not know details about how executions unfolded. We know surprisingly little as it is.

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23 A Warning for Bad Wives (London, 1678), p. 3.
25 The Witch of Wapping (titlepage); A Full ... Account of a ... Murther; Committed by Esther Ives (London, 1686), p. 8; An Account of the Manner, Behaviour and Execution of Mary Aubry (London, 1687/8), explains how such strangulation would be achieved: “she was set upon a stool prepared for that purpose; and a Rope being fastened through a Hole of the Post, or Stake, and the Noose of it put over her Neck; the stool being taken away, she hung there for near the space of a quarter of an Hour, in which time, the Bavins and Faggots where piled about her” (p. 2).
26 On benefit of belly and benefit of clergy as gendered routes to pardon, see Ferguson, Dido’s Daughters, pp. 70–71.
There are, of course, exceptions to this composite or generic account. Still, assembling a composite from different sources, and sorting out what each kind of source contributes to the picture, helps us to isolate what is unusual or unique about ballads’ contribution to the story. Ballads offer a fantasy of the woman on the pyre who speaks at last. In contrast, court records assign little or no speech to defendants; in pamphlets we often find petty traitors who do not admit or do not repent their crimes. In a 1591 pamphlet, Mrs. Page does not deny the murder but says of it only that “she had rather die with [her lover] than to live with [her husband].”

In the 1608 pamphlet account of her crime, Margaret Ferneseede offers a “well spoken” and persuasive confession but it doesn’t include any reference to the murder of her husband, for which she “obstinately denied” responsibility to the bitter end. In a 1671 deposition, Margaret Pinchbeck “sayth that she did take the ax, and knocked her husband’s harnes [brains] out, for he had done her a great injury and did deserve it.”

A 1681 account presents Margaret Osgood as claiming that “were her Husband now alive she would rather be Burnt according to sentence than to live with him”; another account of the same crime reports that, in court “she did in effect declare, were it undone, she would yet do it.” In pamphlet accounts, numerous petty traitors, including Mrs. Beast, Anne Brewen, Mrs. Brown, and Esther Ives, are reported as “saying little” or nothing at all.

Yet the ballad tradition confers voice on petty traitors largely so that the women can condemn themselves and advise others not to imitate them. Ballads offer a fairly simple model of an interiority and its expression produced under fire; the women are depicted bound to a stake, speaking at that moment in which they despair of pardon and bargain for salvation: “I’m a bad wife,” they say, “therefore I did it, but I am sorry and I should be a lesson to you.”

How are we to interpret such statements? In our early work on these ballads, Joy Wiltenburg and I emphasized their constructions, albeit vexed, of female subjectivity and power. It is certainly the case that in every evidentiary venue—the court, the scaffold, the streets, and the stage—the petty traitor has the last word in and on her marriage. She represents the marriage, the events leading to the crime, and the murder. While various representations sometimes assign her husband and victim a few words, incriminating or pitiful, he is largely silent. As a consequence,
some scholars continue to focus on the valuable access these texts give us to constructions of female agency, emotion, voice, and authority.\footnote{See Wiltenburg, \textit{Disorderly Women}; and Dolan, \textit{Dangerous Familiars}. On the subjectivities ballads confer on petty traitors, see also Chess and Wiltenburg in this volume; Clark, \textit{Women and Crime}; and Stuart Kane, \textit{\textquoteleft\textquoteleft Wives with Knives.\textquoteright\textquoteright} }

Others stress the overwhelmingly didactic intent and effect of these texts. Garthine Walker, for instance, argues that \textquoteleft\textquoteleft legal and cultural attitudes converged in attributing full culpability to murderers.\textquoteright\textquoteright\footnote{Walker, \textit{Crime, Gender and Social Order}, p. 117. See also Gaskill, \textit{Crime and Mentalities}, pp. 203–41; Staub, \textit{Nature\textquoteright s Cruel Stepdames}, pp. 19–40; and Walsham, \textit{Providence}, pp. 65–115. Many scholars believe that cheap print becomes morally messier by the late seventeenth century. See Clark, \textit{Women and Crime}; Gladfelder, \textit{Crime and Narrative}; and Martin, \textit{Women and Murder}, p. xii.} Elizabeth Foyster considers those accounts of petty treason that connect the crime to a history of marital violence but concludes that \textquoteleft\textquoteleft popular representations of the female murderess were moral tales that did not question her final fate on the scaffold, even if they accepted that male violence had led her there.\textquoteright\textquoteright\footnote{Foyster, \textit{Marital Violence}, p. 108.} Peter Lake argues that we must read pamphlets and ballads about husband murder in the context of representations of other crimes and sins. If we do, he suggests, we can see that these stories are concerned, at the most general level, with human fallenness and sin in all their manifestations. Although many ballads and pamphlets present disorder \textquoteleft\textquoteleft viewed and defined from a decidedly patriarchal perspective,\textquoteright\textquoteright they serve as warnings to bad husbands as well as warnings to bad wives.\footnote{Lake, \textit{Antichrist\textquoteleft s Lewd Hat}, pp. 57, 54, and passim.} Bernard Capp, too, draws our attention to how men might have responded to these depictions of female crime. For him, \textquoteleft\textquoteleft if the burnings of a murdering wife sent a warning to other rebellious women, her terrible crime may have made some tyrannical husbands pause for thought,\textquoteright\textquoteright reminding them of their burden of responsibility and their vulnerability to murder.\footnote{Capp, \textit{When Gossips Meet}, p. 125.}

Walker, Foyster, Lake, and Capp agree, then, that such texts teach a lesson, but Lake and Capp stress that this lesson is directed at men as well as women.

The suggestion that texts explicitly addressed to wives might implicate and threaten some male readers and listeners also opens up other interpretive possibilities. This is a third developing approach to pamphlets and ballads. Patricia Fumerton suggests that the decisive punishment of murderous wives might function as a \textquoteleft\textquoteleft wish fulfillment\textquoteright\textquoteright fantasy at least for embattled husbands.\footnote{Fumerton identifies \textquoteleft\textquoteleft fear of, antagonism toward, and exclusion of wives\textquoteright\textquoteright in ballads (\textquoteleft\textquoteleft Not Home,\textquoteright\textquoteright p. 508f).} And what about wish fulfillment fantasies for unhappy wives? Mightn\textquotesingle;t some women have taken pleasure in such songs and stories? Isn\textquotesingle;t it possible to imagine a woman singer or listener who would dwell on the fact that women could and did kill their husbands,
even if they had to pay for it with their lives? Like Margaret Osgood, maybe they’d rather contemplate burning than continuing to live with their husbands. Furthermore, Bruce Smith rightly challenges the assumption that those who sang ballads and those who listened to them identified only with those of the same sex. The pleasure of a subordinate’s retaliation might appeal to men as well as women, especially men such as servants who share the petty traitor’s structural position. Perhaps some men might identify not with the husband, whether learning greater responsibility or heightened vigilance, but with the powerlessness, resentment, and vengefulness assigned to the wife. When we imagine mobile identifications, in short, we must also accept the possibility of messier didacticisms and less predictable effects.

After all, even pointed lessons can have unintended impacts. Describing what is likely to have been Anne Wallen’s execution in July 1616, John Chamberlain connects her crime to other women’s murders: “That morning early, there was a joiner’s wife burnt in Smithfield for killing her husband. … Another desperate woman, coming from her execution, cut her child’s throat, alleging no other reason for it, but that she doubted she should not have means to keep it. The same day likewise, another woman poisoned her husband, about Aldgate.”

A particularly detailed example comes from the annals of wife murder. A broadside about Edmund Kirk’s murder of his wife reports that on Friday, May 23, 1684, Kirk, a servant, attended the Tyburn execution of John Gower (a bigamous wife-murderer) and Francis Robinson and “at his return, brought back the Speeches and Confessions of them, which he particularly related to the Family.” This broadside does not make clear the form in which Kirk “brought back” these speeches and confessions. He might have “related” them orally or he might have purchased The Last Speech, Confession, and Execution of the two Prisoners at Tyburn … Viz. John Gower and Fran. Robinson and/or one of the Pepys ballads, “A Warning to Murtherers.” Print versions of “last speeches” were sometimes available at executions (and thus before the condemned had had a chance to say anything). In any case, in addition to stories told or read or sung, what Kirk

38 John Chamberlain to Sir Dudley Carleton (on July 6, 1616), Court and Times of James I, 1.418. Similarly, John Stow records that “in this month of June [1592] a young man was hanged in Smithfield, and a woman there burned, both for poisoning of her husband, a goldsmith.” The dates and details suggest that Stow refers to Anne Brewen. Later on the same page, he records that “the fourth of September [in the same year] a woman was burnt in Smithfield for poisoning of her husband” (Stow, Annales, p. 764).
39 A Full and True Relation of a Most Barbarous and Dreadful Murder; Committed on the Body of Mrs. Kirk (London, 1684), front side.
40 The ballad, 3.358v, is in the EMC’s English Broadside Ballad Archive (http://ebba.english.ucsb.edu/). The Last Speech, Confession, and Execution … John Gower (London, 1684) describes Gower as a bigamist who killed his first wife because he loved his second
“brought back” from the execution was the inspiration to kill his wife, which he promptly did two days later. The broadside concludes “tho he had seen John Gower executed on the Fryday before for murdering his Wife, yet [he] could take no warning from his sad example, but … commits the same crime himself, by which he may expect the same miserable and shameful death.” Despite all of the pronouncements about warnings and lessons, contemporaries sometimes acknowledged that what spectators learned at executions might not in fact be that they should not kill.

Although most texts about petty treason condemn whatever agency they attribute to their protagonists, most representations include some details that undermine or at least exceed the didactic project. In “Anne Wallen’s Lamentation,” for instance, the mournful tune and tone begin to disintegrate when the details of all the names Anne calls her husband become boastful, angry, or funny rather than sad. Similarly, the claim that her husband struck her on the ear before she stabbed him is extraneous to the insistence that she had no right to strike back and distracts the listener into other ways of evaluating the story. I would argue that ballads and some pamphlets create a space in which it becomes possible to imagine the wife’s motives and perspective. Once opened up, such a space is hard to control. Furthermore, whatever contemporaries made of it would have been unpredictable and various—and is not recuperable for us now. The recent emphasis on the complexities of reception, in which I participate here, attempts to stake out an interpretive middle ground between celebrating female resistance in ballads and pamphlets at one methodological extreme and insisting on these texts’ relentless didacticism at the other.

Pamphlets and ballads operate rather differently from one another and we may need to distinguish between them carefully. It’s tempting to read for voice—for “I” statements—as the evidence of subjectivity being imagined for or conferred on petty traitors. But when read against the petty traitors in ballads, the convicted petty traitors in pamphlets, with their unseemly outbursts of resentment, clever evasions of responsibility, laughing denials, and stubborn silences, suggest a grudging subjectivity that is less articulate, less performative and performable, and farther off the record. Presented as refusing to explain or repent, some petty traitors

wife “better being a younger Woman” (sig. A). See also Samuel Smith, The Behavior of Edward Kirk (London, 1684), p. 4; and Proceedings of the Old Bailey ref. T16840515-20. J.A. Sharpe also points out that an account of Kirk’s final words “apparently circulated in a broadsheet before his execution” (“Last Dying Speeches,” p. 151). That such a thing could happen undermines Sharpe’s claim that “in most cases for which we have evidence, the convicted persons seemed happy to accept the role allotted to them in public executions” (p. 156). If the evidence is a broadsheet printed before the execution then it can tell us little about what happened on the scaffold even if it does suggest what some people thought ought to happen.

41 On silence as a signal of resistance as well as oppression, see Ferguson, Dido’s Daughters, pp. 286–8 and Bloom, Voice in Motion, pp. 111–59.
disrupt a legal process that demands their compliance, and disappoint the market demand for their last dying speeches, offering instead the tantalizing prospect of the killer without regrets. They also withhold a kind of evidence that scholars are trained to seek, skilled in parsing. What they offer instead is an invitation to speculate about what might have motivated such a crime, what a murderous wife might have felt or wanted, what might have been going on inside of a person whose interests were not being served by the processes that produced the textual traces that long survive her.

I want to conclude by drawing your attention to a provocative instance of “the aesthetics of displacement” Patricia Fumerton has described regarding the worn out, recycled woodcuts that turn up on so many ballads and pamphlets. Pompa Banerjee points out the transfer of figures from the title page of *News from Scotland*, a text about witchcraft, to the title page of the pamphlet about petty traitor Margaret Ferneseede. Banerjee wants to emphasize a link between witchcraft and petty treason in order to argue that this link informed European travelers’ tendency to interpret women who committed sati as guilty of poisoning their husbands. There are certainly cultural links among different forms of female disorder. And woodcuts create visual links between one petty traitor and another; for instance, the same woodcut illustrates a 1678 pamphlet about Sarah Elston (*Last Speech and Confession of Sarah Elestone*) and a 1688 broadside about Mary Aubrey (*Cabinet of Grief*). But in England, burning linked petty traitors not to witches (who were hanged rather than burned) but to heretics of either sex and to female traitors. Even in Banerjee’s example, which she calls the “witchburning” picture, no witches are on fire. Several critics have noticed a woodcut transfer that is more germane and more challenging to many of the assumptions about how popular depictions of female crime work: the woodcut on the title page of the 1592 pamphlet account of Anne Brewen’s crime (see Figure 9.1) is recycled from Foxe’s account of Cicelie Ormes’s 1557 martyrdom in numerous editions of *Acts and Monuments*, including that printed in 1570 (see Figure 9.2). I suspect but cannot yet prove that there are other such borrowings, and that other petty traitors were formerly known as martyrs. What might be the effects and affects of this visual link between the martyr and the petty traitor? Mightn’t this link invite sympathy for the petty traitor, even admiration for her self-assertion and sacrifice, particularly in a married female viewer or the kind of lower status man who so often figures as a petty traitor’s lover and co-conspirator?

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44 The woodcut also appears in the 1576 (p. 1916) and 1583 (p. 2023) editions. This woodcut transfer is remarked on by Wabuda, review of Lake, *Antichrist’s Lewd Hat*; Martin, *Women and Murder*, p. xv; and Stavreva, “Scaffolds unto Prints,” esp. p. 184.
Figure 9.1  Title Page to Pamphlet about a Petty Traitor
Figure 9.2 From John Foxe, *Actes and Monumentes* (London, 1570)
To pursue such questions, we need to look at the circulation, survival, and appropriation of images and stories. In order to do so, we need a figural vocabulary that allows us to describe our evidence as scattered, random, and mobile. For me, this means that we need to abandon the notion of an evidentiary point of origin or substratum, thinking instead about charting ripple effects, splatters, aftershocks, feedback loops, and contact networks rather than tracing a line to the beginning or digging down to the bottom. Each fragment of evidence is valuable as a piece of a larger puzzle; but its value does not depend on its proximity to the event, the facts, or the truth of what it represents. Each fragment, whether it is a deposition, a diary entry, or a ballad, has invariably been shaped by the process of its own production, by generic conventions, and by an awareness of audience or market. Everything needs to be read warily; everything requires interpretation; each morsel makes most sense when it is read against others, but a different sense depending on what others.

In this essay, I myself use evidence in three ways: dwelling on richly detailed cases; accumulating or piling up evidence from multiple sources in some paragraphs in support of a point; and creating a composite so as to ignore variations in the service of assembling a story with a beginning, middle, and end as a reminder that most sources give us only a part of this supposedly linear narrative. That is, my “composite” narrative is a story no single early modern source tells and that I construct only so as to anatomize it, dwelling on the provenance of each detail I’ve assembled into a deceptively coherent tale. This eclectic approach demands a thoroughness that databases facilitate. Yet as we trawl through them, we need to read across sources and into the gaps between them. Even as new tools make it possible to search one body of material systematically, happenstance still matters in our researches into cultural processes that were themselves sprawling, haphazard, and only partially available to apprehension.
APPENDIX

Chronological Listing of Named Petty Traitors and Sources about Them

Alice Arden

Conspired with her lover and others to stab her husband; convicted of petty treason and burned March 1551.

Machyn, Diary of Henry Machyn; Holinshed’s Chronicles; play, Arden of Faversham (1592, 1599, 1633); ballad (1633) in the Roxburghe Collection, 3.156, British Library, printed in Roxburghe Ballads, ed. Chappell and Ebsworth, 8.49–53.

Rebecca Chamber

Poisoned her husband May 5, 1571; convicted and condemned to hang.

Cockburn, Kent, Elizabeth #578.

Mary Mason

Found not guilty of poisoning her husband with “poison mixed in a drink” on September 10, 1572.

Cockburn, Essex, Elizabeth #618.

Anne Saunders

Conspired with lover to kill her husband; convicted and hanged May 13, 1573.

Mentioned in Holinshed’s Chronicles (1577 edition, pp. 1865–6); Stow’s Annals (1615 edition, pp. 674–5); Arthur Golding, A Briefe Discourse of the Late Murther of Master George Sanders (London, 1573 and 1577); manuscript ballad, “The Wofull Lamentation of Mrs. Anne Saunders” 1573(?) printed in Hyder Rollins, ed. Old English Ballads; A View of Sundry Examples ... the Murther of Maister Saunders by George Browne (London,1580) Anthony Munday; play, A Warning for Fair Women (1599).

Petronella Hayward

Conspired with a man she subsequently married to kill her husband (November 7, 1581) and her lover’s wife (December 18, 1581) with ratsbane; found guilty and condemned to hang.

Cockburn, Kent, Elizabeth #1200 and #1258 (Jury of Matrons finds her pregnant).

References to court records are from the Calendar of Assize Records for the reigns of Elizabeth and James I, ed. J.S. Cockburn; Middlesex County Records, ed. J.C. Jeaffreson; Depositions from the Castle of York; and the Online Proceedings of the Old Bailey.
Mrs. Thomas Beast

Conspired with her servant/lover to bludgeon her husband with a blunt instrument; convicted and burned, June 1582.

*A Briefe Discourse of Two Most Cruell and Bloudie Murthers, Committed Bothe in Worcestershire* (London, 1583).

Catherine Ratcliffe

Indicted as an accessory to the murder of her husband in March 1588 because she “procured” someone to murder him with a quarterstaff, and then she “assisted” the killer “after the offence.” Murderer found guilty. She was found not guilty.


Elizabeth Base

On January 21, 1591, poisoned her husband with ratsbane. He died April 27. Found guilty and not pregnant; condemned “to be executed in a manner appropriate to her crime.”

Cockburn, *Kent, Elizabeth* #1957.

Mrs. Page of Plymouth

Conspired with her lover to strangle her husband and break his neck; burned February 1591.

Three ballads: “The Lamentation of Master Page’s Wife of Plimmouth” (1591 and then reprinted); “The Lamentation of George Strangwidge” (two copies from the Pepys collection, 1.126–7 and 2.170–71, both printed together c. 1609), in English Broadside Ballad Archive, hereafter EBBA, (http://ebba.english.ucsb.edu); and “The Sorrowful Complaint of Mistris Page” (1591), Roxburghe Collection, 1.561–3; lost Dekker-Jonson play (1599).

Anne Brewen

Conspired with her lover to poison her husband; she is burned and he hanged in Smithfield on June 28, 1592—two years after murders committed.


Joan Tolson

Charged with poisoning her husband with “rosalis” on June 1, 1597; not tried until June 1600; found not guilty.

Cockburn, *Essex, Elizabeth* #3032.
Margaret Paule

Allegedly stabbed husband on September 7, 1603; found not guilty.
   Cockburn, Kent, James I #26.

Elizabeth Caldwell

Conspired—unsuccessfully—to murder her husband by poison; convicted of homicide and hanged, June 18, 1603.

Mrs. Browne

Conspired with servant, Peter Golding, to beat her husband to death; convicted and burned.
   *Two Most Unnaturall and Bloodie Murthers: The One by Master Caverley ... The Other by Mistris Browne* (London, 1605).

Margaret Ferne-seede

Cut her husband’s throat; convicted and burned in February 1608.
   Assize court record lists her as “Margaret Ferne-seede, spinster” (Cockburn, Surrey, James I #170). *The Araignment and Burning of Margaret Ferne-seede* (London, 1608).

Mrs. James

Conspired with her lover, her husband’s curate, Lowe, to smother and beat her husband to death; convicted and burned.
   *A True Relation of the Most Inhumane and Bloody Murther, of Master James* (London, 1609).

Joan Warren

Charged with giving her husband a drink containing white mercury on August 25, 1613; found not guilty.
   Cockburn, Kent, James I #764.

Anne Wallen

Stabbed her husband with a chisel June 22, 1616 in Smithfield; convicted and burned.

Katharine Francis

Stabbed her husband with scissors; convicted April 8, 1629 and burned.  

Alice Davis

Stabbed her husband June 29, 1629; convicted; failed attempt to plead belly; burned.  
Middlesex County Records 3.107; two Pepys ballads, Pepys 1.120–21, “A Warning for All Desperate Women,” and 1.122–3r, “The Unnaturall Wife: or, the Lamentable Murther, of One Goodman Davis,” both in EBBA (http://ebba.english.ucsb.edu).

Sara Braynt

Poisoned husband with ratsbane in a pancake, from which he languished and died; convicted and condemned to burn.  
Middlesex County Records 3.42.

Alice Clarke

Poisoned husband; convicted; unsuccessful attempt to plead her belly; burned at Smithfield on Wednesday May 20, 1635.  

Anne Hamton

Allegedly conspired with friend (Margaret Harwood) to poison her husband; found not guilty.  
Middlesex County Records 3.79; Murther, Murther. or, a Bloody Relation How Anne Hamton ... Murthered Her Deare Husband (London, 1641).

Prudence Lee

Stabbed her husband; convicted and burned.  
Joyce Ebbs

Stabbed her husband; convicted; successfully pled her belly and so kept at Newgate for ten months; sentenced and burned at Smithfield May 22, 1662.


Margaret Pinchbeck

Murdered husband with an ax; convicted and condemned to be burned.

Deposition October 29, 1671 in *Depositions from the Castle of York*, p. 185.

Elizabeth Lillyman (Lylliman)

Stabbed husband in an alehouse in June 1675; convicted and burned July 19, 1675.

*Proceedings of the Old Bailey* Ref. T16750707-4; *Middlesex Court Records* 4.60; *A Compleat Narrative of the Tryal of Elizabeth Lillyman* (London, 1675).

Sarah Elston or Elestone

Stabbed her husband with scissors on September 25, 1677 in an alehouse near their home in Southwark; tried in March; convicted and burned on April 24, 1678.

*Murder and Petty Treason: or, Bloody News from Southwark* (London, 1677)—although this doesn’t name the killer, she is probably Elston given the date of September 25 and the use of shears; *A Warning for Bad Wives: or, the Manner of the Burning of Sarah Elston* (1678); *The Last Speech and Confession of Sarah Elestone* (London, 1678); *Proceedings at the Assizes in Southwark, for the County of Surry* (London, 1678).

Margaret Osgood or Osily

On July 3, 1680, assaulted her husband with a hatchet while he slept and then strangled him with a Bow-string “to make all secure”; convicted and burned.

*Dreadful News from Southwark: or, a True Account of the ... Murder Committed by Margaret Osgood* (1680?); *Great and Bloody News from Farthing-Ally in St. Thomas’s Southwark, or, the True and Faithful Relation of a Horrid and Barbarous Murther* (1680?); *The True Narrative of the Confession and Execution of the Prisoners at Kingstone-upon-Thames on Wednesday the 16th of this Instant March, 1681* (London, 1681); *The True Narrative of the Proceedings at the Assizes Holden at Kingstone-upon-Thames for the County of Surry which Began on Monday the 7th of this Instant March and ended on Thursday the 10th Following* (London, 1681).
Beatrice Dale

Aided a man she subsequently married in murdering her husband with a rapier, on October 21, 1683; convicted and condemned to hang.  
*Middlesex Court Records 4.7.*

Elizabeth Ridgeway

Poisoned her husband’s broth with white Mercury; convicted and burned at the stake on Monday, March 24, 1684.  

Esther Ives

Conspired with her lover to strangle her husband; convicted and burned March 11, 1686.  
*A Full and True Account of a Most Barbarous and Bloody Murther, Committed by Esther Ives* (London, 1686).

Mary Hobry/Aubrey

Strangled and dismembered her husband in January 1688; convicted and burned on March 2, 1688.  
*Middlesex Court Records 4:322; Old Bailey Proceedings Ref. T16880222-24; Henry Care, Publick Occurrences Truely Stated* no. 2 (February 28, 1687/8) and no. 3 (March 6, 1687/8); Roger L’Estrange, *A Hellish Murder Committed by a French Midwife, on the Body of Her Husband* (London, 1688)—this text is advertised in *London Gazette* no. 2325 (February 27–March 1, 1687/8) and no. 2326 (March 1–5, 1687/8); *A Warning-Piece to All Married Men and Women* (London, 1688); *Cabinet of Grief* (London, 1688); *An Account of the Manner, Behaviour and Execution of Mary Aubry* (March 2, 1687/8); Elkanah Settle, *Epilogue to the French Midwifes Tragedy* (London, 1688), reprinted later with an elaborate woodcut; “Revolution” Playing Cards (1688).

Sarah Clerk

Hired two men to club her husband to death and bury him in the “midden”; pled guilty on April 10, 1689; verdict and sentence unclear.  
*Depositions from the Castle of York*, p. 291.
Katherine Fox

Slit the throats of her two children and then of her drunken, abusive husband on September 16 of an indeterminate year. Convicted and executed but not clear how or where.

_The Distressed Mother_ (London, n.d. [ESTC guesses 1690]).

Elizabeth Symbole

Indicted with her two sisters and Jacob Reginer for stabbing her husband (eighteen times) on January 30, 1695; trial required “a great deal of patience and Indulgence from the Court, for their Trial lasted very long”; found not guilty February 20, 1695.


Parthenia Owen

Assaulted her husband “by biting, bruising, and dislocating the first Joynt on the middle Finger of his Right Hand, which swelled afterwards to his Shoulder, and he languished until the 15th of April following, and then died”; found not guilty on May 8, 1695.

Proceedings of the Old Bailey Ref: t16950508-12.

Elizabeth Flower

Hit husband near his right eye with a poker on April 3, 1698; he languished and died April 9; “found guilty of Manslaughter only”; sentenced to branding.

Proceedings of the Old Bailey Ref: t16980504-11.