

The Pet of the Law

Ever since I can remember, up to the period when I reached fifty years of age, I was a thief; not an amateur occasional thief, not one of those impulsive fallen respectabilities who do some piece of inartistic crime, and then are sorry for it; but a regular professional trained thief, who was, and is still, proud of his profession.

I am married, and have four children, three boys and a girl—all thieves, and all, I am happy to say, at this present time doing well. The girl, aged nineteen, has a decided talent for shoplifting, and I have had proposals for her hand from a celebrated housebreaker (I must not mention names), which I shall certainly accept, as it will be a very good match. I have also apprenticed my youngest boy, aged twelve, to this artist, to learn his branch of the trade, and I hear very satisfactory accounts of the lad's progress. My next boy, aged fifteen, who has taken quite naturally to the pickpocket and church business, has just returned, after a twelve-months' imprisonment, as plump as a butcher, and looking as if he had been at the seaside for a long season. My eldest son, aged twenty-two, is out on a ticket-of-leave; and we often talk together about the way in which he interested the chaplain in his welfare. He said he thought he could be of immense service in trying to convert his family from the evil course they had adopted, and the chaplain and the governor of the prison—a governor of the new school—thought he could. To do the young man justice, he mentioned the subject once or twice when he came home; but I think he broke down when he pretended to prove to his sister, in the presence of the chaplain, that needlework was, in the long run, more profitable than shoplifting. What effect his arguments might have had if he could have devoted more time to enforcing them, I cannot tell; but he is out a great deal, especially at night, and is doing very well, to judge by the money that I have seen him with lately. The rumor that he was the man who gave the gentleman that ugly blow the other night in the fog, I treat with the contempt that it merits. A man is innocent until proved guilty before a jury of his countrymen. My wife is not altogether undistinguished in the profession (you may remember the great plate robbery at Lord Mumblepeg's, in which she was concerned), but I will not dwell upon that. I did not marry her for her virtues, nor her talents, but to secure her from coming against me as evidence at any time.

Our business—the business of thieving—does not differ from any other business in which the profits are high and the risks proportionately great. We go into it, knowing exactly what forces are arrayed against us. Some men prefer the army, some, gold-mining; some, the excitement of the Stock Exchange; some, the delirium of the turf. I, and a very numerous body of fellow-professionals, prefer thieving.

Many persons suppose that we detest the police, and look upon them as our bitterest enemies. On some occasions, I admit, we find them troublesome; but, generally, we consider them as wholesome checks upon the increase of unskillful thieves, who diminish the profits without adding to the credit of the profession. The ordinary police force is not a very highly paid, highly educated, or highly intelligent class; and any man who knows his business can easily avoid coming in contact with them. As to the detectives, those awful men in plainclothes and curious disguises (which latter they

might save themselves the trouble of putting on, as we know the wearers as well as our own fathers), they benefit us by inspiring an unbounded faith in their efficiency in the public mind, and stopping the appointment of real preventive officers. The sum they require as a reward, if successful in tracing a crime, is another element of our security; as is also their plan of fostering the development of small thieves until they become important criminals. They carefully tend the criminal fruit until it is rotten with ripeness, and then—if it does not escape them—they shake it gently into the lap of justice; but they never nip it in the bud. Why should we be on unfriendly terms with such weak and agreeable guardians?

When I come to consider the rules of evidence, the comforts of prisons, and the general leniency of the criminal law and its administration (and I have devoted a good deal of attention to these subjects during my retirement), I cannot believe that any one is in earnest for the suppression of our class, but that we are considered worthy of preservation as providers of wholesome excitement, employers of capital in a peculiar direction, agents for the distribution of wealth, bodies to be experimented upon by the social philanthropist, problems to exercise the ingenuity of, and provide amusement for the legal mind, and members in that company which is conveniently styled “necessary evils.” When I was engaged in the active duties of my profession I was tried, for the first and only time in my life, in conjunction with the whole of my family—my wife and four children—for a robbery of some magnitude. We were guilty, of course, but we had managed matters very artistically. My boys were not so old or so experienced as they are now, and when the magistrate cautioned us, at the preliminary examination, that we were not bound to say anything to criminate ourselves, the two youngest could scarcely believe what they heard, and thought, in their simplicity, that we had all made an impression upon his worship. I remember having the same feeling myself when I heard the same remark addressed to my father, on the occasion of his trial, many years before. The youngest lad was so overcome by this, to him, unexpected exhibition of legal tenderness, that if it had not been for an additional caution from the worthy magistrate, and a sharp nudge from his mother, he would have there and then made a clean breast of the whole affair. That boy, like myself, and, I may say, all the family, is now a firm believer in the fact that the law does not want to discover the truth, but only desires to give an opportunity for a display of legal learning and ingenuity.

When we came up for our trial at the Oyer and Terminer, we were again put upon our guard, and very amusing the trial must have appeared to the spectators, for it amused even me. There we stood in the dock, a very happy family—a father, mother, daughter, and three sons—all implicated in one crime, and all warned to hold our tongues, lest we should spoil the sport of the trial. The counsel for the prosecution opened the case with a highly ingenious speech, full of eloquent denunciation but very empty of facts; and when he had finished, he proceeded to call witnesses in support of his charge. Several persons were examined without adding much to the previous knowledge of the case, for we had taken most elaborate precautions to shield ourselves from being proved guilty, although we could not avoid suspicion.

Once or twice, when some of the most absurd suppositions were put forward in place of

better evidence, I thought we should all have burst out laughing in concert, they were so very wide of the mark. One witness at last succeeded in proving to the apparent satisfaction of the court that, on a certain night, I was at a place which I never saw in my life; but as this supposed fact had nothing to do with the case, it was not of much benefit to the prosecution. Maddened by his ill-success, the prosecuting counsel wished, in defiance of law, to put a question to my daughter, but our solicitor at once objected to this, and the judge spoke up against it like a man, amidst a murmur of approbation that ran through the whole court. If they had put the question, I am afraid we should not have got off as we did, for my daughter is rather nervous, and could not have stood a cross-examination. But we were spared the trial, and the liberty of the citizen was preserved.

The case lasted a long time, and during its progress some very pretty circumstantial evidence was adduced, which all fell to the ground, bit by bit, under the vigorous blows of our solicitor. When the speech for the defense came, it was necessarily short, for there was really nothing of any moment to answer.

The summing-up of the judge was pleasant and dignified, with, of course, a little dash of the severity required by the duties of his position. But I cannot think that he was dissatisfied with his day's work; and the jury, who had been highly amused by the legal fencing displayed, and who—bless their hearts!—could not have put a question about the case to our happy family for the world, were glad to hurry over an acquittal and get to their dinners.

I cannot believe that a public hangman dislikes murderers, or that a judge dislikes wretched suitors; or, seeing the leniency of the laws, the mode of criminal procedure, and the vast amount of employment that we thieves give to capital, I cannot believe that judges, juries, public officers, police, jailers, governors of prisons, jail chaplains, and legal practitioners, are at all in earnest and interested in our extermination. So a long life and a merry one to all those honest gentlemen, and similarly to us!

Harper's Weekly, February 27, 1858