

University of Montana

## ScholarWorks at University of Montana

---

Graduate Student Theses, Dissertations, &  
Professional Papers

Graduate School

---

1946

### Henry Fielding's portrayal of debtors

George H. Smith

*The University of Montana*

Follow this and additional works at: <https://scholarworks.umt.edu/etd>

**Let us know how access to this document benefits you.**

---

#### Recommended Citation

Smith, George H., "Henry Fielding's portrayal of debtors" (1946). *Graduate Student Theses, Dissertations, & Professional Papers*. 2536.

<https://scholarworks.umt.edu/etd/2536>

This Thesis is brought to you for free and open access by the Graduate School at ScholarWorks at University of Montana. It has been accepted for inclusion in Graduate Student Theses, Dissertations, & Professional Papers by an authorized administrator of ScholarWorks at University of Montana. For more information, please contact [scholarworks@mso.umt.edu](mailto:scholarworks@mso.umt.edu).

HENRY FIELDING'S PORTRAYAL OF DEBTORS

by

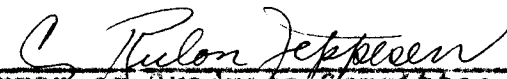
George H. Smith

Presented in partial fulfillment of the  
requirement for the Degree of  
Master of Arts

STATE UNIVERSITY OF MONTANA  
1946

APPROVED:

  
Chairman of Examining Committee

  
Chairman of Graduate Committee

UMI Number: EP34680

All rights reserved

INFORMATION TO ALL USERS

The quality of this reproduction is dependent on the quality of the copy submitted.

In the unlikely event that the author did not send a complete manuscript and there are missing pages, these will be noted. Also, if material had to be removed, a note will indicate the deletion.



UMI EP34680

Copyright 2012 by ProQuest LLC.

All rights reserved. This edition of the work is protected against unauthorized copying under Title 17, United States Code.



ProQuest LLC.  
789 East Eisenhower Parkway  
P.O. Box 1346  
Ann Arbor, MI 48106 - 1346

## CONTENTS

INTRODUCTION	Page ii
CHAPTER I    Imprisonment of Debtors in Eighteenth Century England	1
II    The Bases for Fielding's Interest in Debtors	11
III    Fielding's Portrayal of Debtors	18
BIBLIOGRAPHY	72

## INTRODUCTION

Research in recent years has disclosed a seriousness of purpose in Henry Fielding's writings that most eighteenth century readers overlooked. While acknowledging him to be a master of the comic spirit, Fielding's contemporaries generally ignored the social and moral reforms advocated in his essays and novels. The eighteenth century attitude persisted into the nineteenth; but today, thanks to studies by such writers as Austin Dobson, Wilbur Cross and Frederick Blanchard, the manifest reformatory purpose in much of Fielding's writings has been brought to light. These critics have emphasized Fielding's sincere humanitarianism and have pointed out many social ills which he censured; the vices and extravagances of the wealthy; the hapless condition of the poor; the dishonesty of the governing classes; the corrupt practices of lawyers and of law enforcement officers.

The purpose of this paper is to discuss yet another specific social problem which Fielding persistently and vigorously attacked--the problem of debtors and imprisonment for debt. The treatment of debtors, one of the outstanding social abuses of Fielding's time, was frequently discussed in eighteenth century literature. Wesley, Smollett, Goldsmith, Thomson and Dr. Johnson were some of the more important writers who evinced concern for the wretched plight of the debtor. None

of these men, however, treated the problem as thoroughly as did Fielding, who expressed deep sympathy for the financially distressed throughout the major part of his writing. While attention has been called to other causes which he championed, Fielding's efforts on behalf of the debtor have been unduly neglected. Since his plea for amelioration of the debtor's condition was more persistent and significant than that of comparable writers of the period, and since it is illustrative of his strong reformatory spirit, Fielding's treatment of this particular social problem merits consideration.

## CHAPTER I

The severity of the law and the condition of English prisons made the treatment of debtors one of the most glaring social evils in Henry Fielding's time: for failure to pay debts of forty shillings or more, the law condemned men to spend their lives in institutions that have been described as "the foulest blot on England of the eighteenth century."<sup>1</sup> It is impossible to state definitely how many were affected by the harsh legal system, since the first accurate count of the number imprisoned was not made until the latter part of the century;<sup>2</sup> but it is certain, from contemporary descriptions, that the suffering of debtors and their dependents was sufficiently extensive to constitute a major social problem. During the years Henry Fielding was writing (1725-1754) several others were expressing concern for the wretched plight

---

<sup>1</sup> Jay Barrett Kotsford, English Society in the Eighteenth Century (New York, 1924), p. 310.

<sup>2</sup> John Howard, The State of the Prisons in England and Wales with Preliminary Observations and an Account of Some Foreign Prisons. The Works of John Howard, Esq. (4th ed., London, 1792), I, 17. Howard found in 1776 that there were 2,487 debtors in the jails of England and Wales. Earlier estimates placed the number much higher. In 1716 one source states that there were sixty thousand imprisoned in England. [Basil Williams, The Whig Supremacy 1714-1760 (Oxford, 1929), p. 130]. Dr. Johnson estimated in 1759 that the number of debtors in prison was twenty thousand. [Dr. Samuel Johnson, "Debtors in Prison," The Idler, No. 38 (1759). Alexander Chalmers, The British Essayists (London, 1817), Vol. 33].

of the debtor. In 1726 James Thomson called attention to the debtor neglected in prison.

Ah, little think the gay, licentious crowd . . .  
How may pine in want and dungeon glooms,  
Shut from the common air, and common use  
Of their own limbs . . .  
Unpitied and unheard, where Misery moans;  
Where Sickness pines; where Thirst and Hunger burn,<sup>3</sup>  
And poor Misfortune feels the lash of Vice . . . .

And in 1752, describing Newgate prison, Tobias Smollett declared, "A man must be void of all sympathy who can reside among so many miserable objects, without feeling an inclination to relieve their distress."<sup>4</sup> From various accounts written during and shortly after Fielding's time, one can gain an idea of the nature of this problem, and the manner in which it was treated by other eighteenth century writers.

Most of those who wrote on this topic were primarily concerned with the treatment debtors received in prison; James Thomson, John Wesley and Oliver Goldsmith depicted life in the debtors' prison, but failed to mention that the debtor's troubles started before he was cast into jail. An exception was Dr. Johnson, who was less concerned with prison conditions than he was with the law which exposed "the liberty of one to

---

<sup>3</sup> The Poetical Works of James Thomson (Boston, 188-), "The Seasons," pp. 332-3.

<sup>4</sup> Tobias Smollett, The Adventures of Peregrine Pickle, p. 163. The Works of Tobias Smollett (New York, 1902).



the passions of another."<sup>5</sup> Under this law, the debtor was wholly at the mercy of his creditor, who had but to swear to a debt to secure a warrant for arrest. The procedure which then followed was one familiar to most eighteenth century readers. The warrant was turned over to a bailiff who took the debtor into custody for twenty-four hours, placing him in a "sponging house." This institution, vividly described in Samuel Richardson's Clarissa Harlowe,<sup>6</sup> derived its name from the exorbitant and illegal fees<sup>7</sup> for food, lodging, and incidentals charged the debtor while he sought to obtain the means of paying his debt. At the end of twenty-four hours if he had not satisfied the demands of his creditor and of the bailiff, the debtor was removed from the sponging house to prison. Here he remained until the debt was paid, languishing "at the will of him whom he hath offended,"<sup>8</sup> for months, for years, perhaps for life.

#### Contemporary descriptions of debtors' prisons

---

<sup>5</sup> Dr. Samuel Johnson, "Imprisonment of Debtors," The Idler, No. 22 (September 16, 1758), ed. cit.

<sup>6</sup> Samuel Richardson, Clarissa Harlowe; or The History of a Young Lady (1747-1748) (London, 1902), VII, 65-94.

<sup>7</sup> Howard, op. cit., p. 5. Concerning the illegality of charges made in sponging houses, Howard stated "there is a legal provision made against this oppression; but . . . the abuse continues. The rapine of these extortioners needs some more effectual and easy check . . . ."

<sup>8</sup> Johnson, ibid.

emphasized the physical hardships and the moral degradation to which prisoners were exposed. On visiting Marshalsea Prison John Wesley found some of the prisoners underground, others half-starved "both with cold and hunger, added to weakness and pain."<sup>9</sup> Smollett, describing Fleet Prison, stated that the inmates were "cooped up, so as to be excluded from the benefit of fresh air," and given miserable sleeping quarters, where they "lay promiscuously among filth and vermin."<sup>10</sup> And of Bridewell which "approaches nearest the notion I have always entertained of the infernal regions," he asserted that its prisoners were deprived of all necessities, including food.<sup>11</sup> One result of the poor sanitary conditions and the lack of food was "gaol fever," a malignant form of typhus which accounted for an appalling number of deaths in prison. Dr. Johnson estimated that disease and starvation "put an end every year to the life of one in four of those that are shut up from the common comforts of life;" this would mean, he said, that in each generation, "an hundred and fifty thousand

---

<sup>9</sup> Journal of John Wesley (New York, 1907), II, 246. The Marshalsea housed only debtors, and only those arrested for the smallest sums. John Howard, in 1776, found the condition of the two hundred and fifty debtors there no better than Wesley had reported some forty years earlier.

<sup>10</sup> Smollett, The Adventures of Peregrine Pickle, p. 163.

<sup>11</sup> Smollett, The Adventures of Roderick Random (1740), ed. cit., p. 25.

perish in our gaols!"<sup>12</sup>

The physical hazards of prison life were accompanied by degrading moral conditions. Few prisons existed for debtors only; with scant regard for the inevitable consequences, all types of prisoners were herded together in promiscuous association, debtors and criminals, men and women, the young beginner and the old offender. As a result, crime and wickedness flourished, a condition noted by Oliver Goldsmith in The Vicar of Wakefield, by John Wesley in his Journal and by Dr. Johnson in the Idler. Vice was encouraged by the system under which English prisons were operated. The keeper or governor seldom received a salary, but relied rather upon the fees which he admittedly extracted from the prisoners committed to his custody. For every service in prison life a charge was made; in one prison a fee of eleven shillings four pence was demanded of every incoming prisoner; in another, the turning of a key cost one shilling.<sup>13</sup> Destitute prisoners sank deeper into debt while unpaid fees swelled the charges that had to be met before release from jail. For the fortunate few such as Smollett's hero, Peregrine Pickle, prison life presented a brighter picture. Private apartments, coffee-houses, taverns

---

<sup>12</sup> Johnson, "Debtors in Prison," The Idler, No. 28 (January, 1759).

<sup>13</sup> Sidney and Beatrice Webb, English Prisons Under Local Government (London, 1922), p. 6.

and brothels were provided in many prisons on the "master debtors' side," a portion of the jail reserved for the wealthy who willfully neglected their debts. But such persons, as Smollett pointed out, were in the minority and most debtors had to rely upon the charity of others to keep from starving.<sup>14</sup>

Often entire families were exposed to these harmful physical and moral conditions for some debtors brought their wives and children to prison with them. Smollett wrote of the "cries of the hapless wife who was forced to follow her husband to this abode of wretchedness and want"<sup>15</sup> and Dr. Johnson, referring to women and children starving in prison, declared, "If there are any made so obdurate by avarice or cruelty, as to resolve these consequences without dread or pity, I must leave them to be awakened by some other power, for I speak only to human beings."<sup>16</sup>

From these descriptions one might wonder what, if anything, was done to ameliorate the condition of the debtor in the eighteenth century. The public was not unaware of the seriousness of the problem, and throughout the period, various attempts were made at reformation. The most ambitious effort occurred in 1789, when a House of Commons Committee, under

---

<sup>14</sup> Smollett, The Adventures of Peregrine Pickle, p. 170.

<sup>15</sup> Ibid., p. 276.

<sup>16</sup> Johnson, Ibid.

General Oglethorpe, proceeded with great vigor to lay bare the shocking cruelties of several London prisons; unfortunately, this investigation was suddenly dropped, for political reasons, before any effective changes were made.<sup>17</sup> James Thomson praised the work of the committee, but wisely added,

Much still remains untouched in this rank age,  
 Much is the Patriot's weeding hand required . . .  
 Ye sons of Mercy! yet resume the search;  
 Drag forth the legal monsters into light,  
 Wrench from their hands Oppressions iron rod,  
 And bid the cruel feel the pains they give.<sup>18</sup>

Subsequent parliamentary investigations were launched at intervals during the following fifty years, but without exception, failure attended whatever efforts were made at penal reform.

Less suspicious, but probably more efficacious than legislative endeavor was the work of private philanthropic societies and organizations for the relief of persons imprisoned for small debts; one such society secured the discharge of seven thousand debtors during the latter half of the eighteenth century.<sup>19</sup> Then too, individuals occasionally came to their aid. After leading the unsuccessful prison investigation of 1729, General Oglethorpe continued his

<sup>17</sup> Webb, op. cit., pp. 26-27.

<sup>18</sup> Thomson, "The Seasons," ed. cit., p. 1.

<sup>19</sup> Howard, op. cit., p. 18.

humanitarian work, and took many debtors with him to Florida.<sup>20</sup> Dilly, the London bookseller, gave on one occasion two hundred pounds for the relief of debtors,<sup>21</sup> and in periods of national prosperity others were frequently prompted to charitable aid of the imprisoned. Thus, during the rise of the South Sea stock, one Mr. Guy liberated three hundred and fifty men imprisoned for debt.<sup>22</sup> But commendable though the work of philanthropic societies and individuals was, it resulted in no marked improvement in the situation of the greater portion of England's debtors.

Such then was the condition of debtors during the eighteenth century, a condition frequently and sympathetically treated in popular literature of the period. But impressive as the accounts may be in the aggregate, they fail to indicate any serious effort at reform on the part of individual writers. While generally expressing pity for the plight of the debtor, few literary men devoted more than passing attention to the matter. James Thomson's descriptions of debtors' prisons were limited to one poem; Oliver Goldsmith's

---

<sup>20</sup> Arthur Stanley Turberville, English Men and Manners in the Eighteenth Century (Oxford, 1925), p. 220.

<sup>21</sup> John Nichols, Literary Anecdotes of the Eighteenth Century (London, 1812-1815), III, 192.

<sup>22</sup> Botsford, English Society in the Eighteenth Century, p. 292.

prison scenes occupy but a few pages in The Vicar of Wakefield; and Samuel Richardson made no mention of the subject beyond the sponging house episode in Clarissa Harlowe. In several novels Tobias Smollett depicted prison conditions realistically and at length<sup>23</sup> but nowhere did he offer any suggestions for improvement of the debtor's situation. Of these writers only Dr. Johnson offered a specific remedy. Declaring that the confinement of any man in prison "is a loss to the nation, and no gain to the creditor," he proposed that if in a fixed period of time, the creditor could not prove that his debtor had concealed property, the charge should be dismissed and the debtor set free.<sup>24</sup> After suggesting this reasonable solution, he added that

. . . it is vain to continue an institution, which experience shows to be ineffectual. We have now imprisoned one generation of debtors after another, but we do not find their numbers lessen. We have now learned, that rashness and imprudence will not be deterred from taking credit; let us try whether [fraud and] avarice may be more easily restrained from giving it. . . .<sup>25</sup>

Dr. Johnson's argument was as intelligent as any made during the century, but his interest subsided after the publication

---

<sup>23</sup> Smollett's picaresque heroes are constantly plagued by their debts. In each of three novels, The Adventures of Roderick Random (1749), The Adventures of Peregrine Pickle (1751), and The Adventures of Ferdinand, Count Fathom (1752), the hero is imprisoned by his creditor.

<sup>24</sup> Johnson, The Idler.

<sup>25</sup> Ibid.

of these opinions in two short essays in the Idler; in his writing thereafter no further mention was made of this problem.<sup>26</sup> What Dr. Johnson and other writers seemingly lacked was the crusading spirit necessary for effective social reform. To find this spirit one must turn to Henry Fielding, who possessed a degree of social conscience rare among his literary contemporaries, and who had, moreover, a definite and persistent interest in the condition of English debtors.

---

<sup>26</sup> It is interesting to note that Johnson was not speaking wholly from an academic viewpoint when he discussed the difficulties of debtors. In 1756 he was arrested for debt and confined to a sponging house, from which he was released by Richardson, who became his surety. James Boswell, The Life of Samuel Johnson (Oxford, 1887), I, 303.



## CHAPTER II

The most obvious reason for the interest Fielding showed in the subject of debt was the pertinent fact that he was himself a debtor. In 1741, having borrowed one hundred ninety-seven pounds which he was unable to repay, he was sued by his creditor, Joseph King, who received not only the judgment, but an additional fifty shillings as damages. The fate of most debtors--indefinite confinement in prison--faced the then impecunious writer; fortunately friends came to his aid and saved him from debtors' prison.<sup>1</sup> A somewhat different situation arose in 1745 when Fielding became surety for a friend's loan. The friend subsequently defaulted and Fielding was compelled by court order to pay the sum of four hundred pounds.<sup>2</sup> That Fielding was given to prodigality and as a result was frequently plagued by his creditors was an impression given by hostile contemporaries and by unsympathetic biographers;<sup>3</sup> but Cross,

---

<sup>1</sup> Wilbur L. Cross, The History of Henry Fielding (New Haven, 1918), I, 376.

<sup>2</sup> Ibid., II, 48.

<sup>3</sup> Arthur Murphy, Fielding's first biographer, gives a typical eighteenth century estimate of the writer in his "Essay on Fielding," The Works of Henry Fielding, ed. James Brown (London, 1871), I, 79: "Open, unbounded, and social in his temper, he knew no love of money; but inclining to success even in his very virtues, he pushed his contempt of avarice into the opposite extreme of imprudence and prodigality." And Lord Lyttelton, an acquaintance of Fielding, referred to him as "the remorseful inmate of the sponging house," who sought financial aid from Lyttelton. (Quoted from Cross, op. cit., III, 270.) The veracity of such accounts Cross denies, believing that Fielding's financial difficulties were greatly exaggerated by those who knew the writer less well than they supposed.

whose study of the writer seems the most authoritative, reports these two occurrences as the only verifiable incidents of this nature in Fielding's life.

Actual experience as a debtor might well evoke sympathy for others facing the harsh consequences of the debtors' law, but Fielding's experiences terminated happily and abruptly; it is doubtful that he was ever detained in a sponging house; certainly he was never imprisoned for his debts.<sup>4</sup> His own infrequent financial difficulties do not explain his remarkable familiarity with the stratagems employed by bailiffs, the extortions of the sponging house, the iniquities of the debtors' prison. Since he wrote knowingly about this subject many years before he was himself a debtor, his information must have been based upon observation. Fielding had ample opportunity to observe most aspects of contemporary society; as a popular playwright, political pamphleteer and later, magistrate,

---

<sup>4</sup> A recently discovered eighteenth century pamphlet asserts that Fielding was once imprisoned. The pamphlet, discussed by Howard S. Vincent, "Henry Fielding in Prison," Modern Language Review, XXVI (October, 1941), pp. 494-500, is entitled An Historical View of the Principles, Characters, Persons, &c. of the Political Writers in Great Britain . . . in a Letter to Monsieur M --s From Monsieur B --s, Private Agent these Twenty Years past From the C -- t of F -- s, in England . . . (London, 1740). The anonymous author infers that Sir Robert Walpole once saved Fielding from gaol where he would have "rotted . . . had it not been for the generosity in the Minister." Since the pamphlet is a satirical attack on Fielding at the time he was engaged in arduous political warfare, the statement is scarcely to be considered seriously.

he led an active life in London, a life which, in his own words, made him familiar with "every kind of character, from the minister at his levee, to the bailiff at his spunging house . . . ."<sup>5</sup> As a result of his various activities, Fielding was probably well aware of the suffering of London's many debtors. Particularly pertinent was his legal experience, for it explains his familiarity with the operation of the laws concerning imprisonment for debt. After studying law in Holland and England, Fielding was admitted to the English bar and practiced for several years in London; from 1748 until 1752 he served as Justice of the Peace for the County of Middlesex. Considering this background, it is not surprising to find that his novels, plays and pamphlets are full of legal points; Fielding and Shakespeare, one critic has remarked, "are the only two writers in our language who even touch law without showing their ignorance on the subject."<sup>6</sup> Fielding's comments on the historical phases of the debtors' law, which are discussed subsequently, and his descriptions of the trials and commitments of debtors, indicate considerable familiarity with this aspect of the problem.

---

<sup>5</sup> The History of Tom Jones, A Foundling, XIII, 1, The Works of Henry Fielding (London, 1871), Vols. VI, VII.

<sup>6</sup> H. C. Elwin, Some XVIII Century Men of Letters (London, 1902), quoted from Cross, op. cit., III, 228.

Another and more basic reason for Fielding's interest in the amelioration of the debtor's condition may be found in his humanitarianism. The disposition to do good for others, to better the lot of the unfortunate is evident throughout a large portion of his writings. This characteristic he called "good nature" and defined as "a delight in the happiness of mankind, and a concern at their misery, with a desire, as much as possible, to procure the former, and avert the latter."<sup>7</sup> Fielding's humanitarianism, expressed time and again in his plays, essays and novels, was closely linked up with the eighteenth century doctrine of "benevolism." Opposed to the conflicting ethical philosophies of self-love and self-interest, benevolism was considered an inherent tendency in man to be "amiably disposed toward his fellow-man and actively to seek his happiness."<sup>8</sup> It was definitely the active side of this philosophy that Fielding emphasized; his attitude toward the

---

<sup>7</sup> The Champion, March 27, 1940, Vol. V, The Works of Henry Fielding, Esq. (London, 1882).

<sup>8</sup> William Brown Irwin, The Making of Jonathan Wild (New York, 1941), p. 62. Irwin states that Fielding's "good nature" is "nothing more than a simplified, informal common sense version of the elaborate doctrine of benevolism." Fielding seems to have been rather widely read in the popular philosophies of this time; his acquaintance with this doctrine may have come through his reading of the Earl of Shaftesbury's Inquiry Concerning Virtue, for Cross (op. cit., II, 221) speaks of him as being "saturated with . . . Shaftesbury."

social and moral conditions of his day was clearly that of the reformer. In accord with the didacticism characteristic of eighteenth century literature, he stated upon one occasion that

Letters were surely intended for a much more noble and profitable purpose than this [amusement] . . . . When no Moral, no Lesson, no Instruction is conveyed to the Reader where the whole Design of the Composition is no more than to make us laugh, the Writer comes very near to the Character of a Buffoon.<sup>9</sup>

The "Instruction" he gave his readers was reformatory in nature. He not only censured the manners of his day, but exposed specific social abuses as well--drinking, gambling, prostitution, duelling, crime. Present to a greater or less degree in his novels, plays, and journals is one recurring purpose, the amelioration of eighteenth century society. It is found in Amelia, the most didactic of his novels, in which the express purpose was "to expose some of the most glaring Evils, as well public as private, which at present infest this country."<sup>10</sup> The same purpose appears no less prominently in his journals, especially in the two early papers he edited. In one, the Champion, Fielding sought "with his victorious pen,

---

<sup>9</sup> The Covent-Garden Journal by Sir Alexander Duncanson, Knt. Censor of Great Britain, Vol. I, No. 10, ed. Gerald Edward Jensen (New Haven, 1915), No. 10.

<sup>10</sup> Preface to Amelia, The Works of Henry Fielding, Vol. VIII.

to lash mankind into humanity . . . ;"<sup>11</sup> and in the other, the Covent-Garden Journal, he had a similar aim, one critic declaring that in this periodical Fielding's "desire to reform the age was stronger than his desire to create literature."<sup>12</sup> Less apparent, perhaps, is the element of reform in his early play-writing period, but Cross states that

contrary . . . to the opinion of hasty readers, not only was Fielding's aim social satire when he wrote the plays of his youth, but he was then becoming the moralist and preacher such as he appears in his most mature novels and pamphlets.<sup>13</sup>

His pamphlets, written while he was a magistrate, give obvious evidence of his interest in social and legal reform.<sup>14</sup>

As a social reformer, Fielding's attention was directed toward many of the outstanding abuses of the period; among them was the plight of the English debtor. The basis of his humanitarianism or "good-nature" was the alleviation of undeserved suffering, and the misery of debtors plainly merited concern, for "these proper objects of charity" were reduced

<sup>11</sup> The Champion, The Works of Henry Fielding, Esq. (London, 1882), Vol. V, February 7, 1739/40.

<sup>12</sup> Jensen, Introduction, The Covent-Garden Journal, I, 17.

<sup>13</sup> Cross, op. cit., III, 278.

<sup>14</sup> Fielding's most notable pamphlets written during the time he was Justice of the Peace were "An Enquiry into the Causes of the Late Increase of Robbers," "A Proposal for the Poor," and "A Charge to the Grand-Jury."

to distress

sometimes by inadvertency, sometimes by misfortunes, and sometimes by the noblest acts of friendship, and through the rapaciousness, impatience, and unmercifulness of creditors, more savage than wolves, and the impious severity of our laws . . . .<sup>15</sup>

Thousands suffered in prison for what Fielding thought was no crime; the punishment of debtors was in his opinion as unjust as it was harsh. It is not unnatural that this situation should have aroused his reformatory tendencies, for he was possessed of too great sympathies to gaze dispassionately upon undeserved misfortune.

---

<sup>15</sup> The Champion, March 27, 1940, The Works of Henry Fielding, Vol. V.

### CHAPTER III

Henry Fielding began writing in 1728 and produced before his death in 1754 a considerable number of plays, poems, essays, political tracts and pamphlets, in addition to his three novels. References to the difficulties of debtors occur in most of his works, in his first play as well as in his last novel. For the present purpose, Fielding's writings may best be considered in chronological order, since they seem to illustrate a growing interest in the treatment of debtors. The first indications of this interest are found in the plays which occupied the early part of his career. In them Fielding at first refers to debt incidentally, utilizing the subject perhaps as a comic device or as a plot contrivance, but as his career progresses, his allusions appear more significant and suggest a developing concern. His interest reached a climax in two essays written for the Champion in 1741; here one finds emphatic statement of ideas touched upon in his earlier works, and definite expression of his attitude towards imprisonment for debt. The opinions set forth in these essays are restated in later writings, chiefly in the Miscellanies and in Amelia. The following discussion is concerned first with the treatment of debtors in Fielding's plays up to 1741; secondly, with the ideas expressed in the Champion, and finally, with the subsequent appearance of these ideas in works published after 1741.



The numerous references in Fielding's plays to bailiffs, duns, sparging houses, creditors, and debtors are more important for their frequency than for their individual significance. This is especially true of the early comedies, where he utilized the subject of debt in three ways: in figures of speech, in connection with persons whose tastes exceed their means, and in referring to the troubles of indigent writers.

The use of debt in figures of speech is illustrated by Fielding's first play, Love in Several Masques, wherein one character declares

my stock of love will be so far exhausted, that I shall be like a contested heir, who spends his estate in the pursuit of it, and when his litigious adversary is overthrown, finds his possessions reduced to a long lawyer's bill for more than he is able to pay.

To which another replies, "But then your fates will be different, the one condemned to starve in a prison, the other to surfeit in matrimony."<sup>1</sup> In a similar vein is the mention of fleeing to London, "as a place of security against love-debts."<sup>2</sup> Such figures were not uncommon in eighteenth century literature; in this particular instance they may have been used to impart to Fielding's comedy of manners a semblance

---

<sup>1</sup> Love in Several Masques, I, 1. The Works of Henry Fielding, Esq. (1872), Vol. I. This play was produced in 1728, a few months after Fielding first arrived in London.

<sup>2</sup> Ibid., II, 1.

of familiarity with London social life which the youthful dramatist lacked at this time. It would be impossible on such slight evidence to attribute to Fielding any interest in or concern for debtors; nothing more than casual familiarity with their difficulties is evinced by references of this type. But the cumulative effect created by the recurrence of such figures of speech in later plays<sup>3</sup> might well suggest that for Fielding this topic became something more than material for fashionable dialogue.

In several of his comedies depicting the life of London's fashionable society, Fielding introduces characters whose extravagant expenditures far exceed their means. Their consequent financial distress, suggested in Love in Several Masques, is dramatically presented in his second play, The Temple Beau. Wilding, the title character, finds his rooms invaded by his long-suffering creditors--the milliner, the peri-wigmaker, the shoemaker and the hosier. After a few short scenes filled with their threats, these "fop makers" are driven out by his irate father.<sup>4</sup> Wilding, the first debtor to appear in Fielding plays,

---

<sup>3</sup> See especially The Universal Gallant (1733), II, 1, and The Wedding Day (1734), I, 1, II. The Works of Henry Fielding, Esq., Vol. III. Further use of debt in figures of speech occurs in the novel, Tom Jones, and in The Miscellanies, discussed below.

<sup>4</sup> The Temple Beau (1730), II, ii, iii, iv. The Works of Henry Fielding, Esq., Vol. I.

is essentially a ridiculous character and his experiences in this episode were designed to evoke laughter, not sympathy. "Every joke of a courtier's not paying his debts is sure to receive a thundering applause from the pit and galleries," wrote Fielding in 1743,<sup>5</sup> and he may have expected, in 1730, a similar reception for the spectacle of a beau's contemptuous treatment of his creditors.<sup>6</sup>

Indebtedness leads to far more serious consequences when the same situation arises in The Modern Husband. Hard-pressed by his creditors, Mr. Modern adopts an odious expedient to escape the debtors' prison, selling his wife, a character scarcely more admirable than he, to a rich lord.<sup>7</sup> Modern's debts, however, are but incidental to the central theme of the play. Stating in a preface his intention "to instruct and mend mankind,"<sup>8</sup> Fielding attacked a particularly unpleasant practice among fashionable people, that of the

<sup>5</sup> The True Patriot, No. 28, op. cit., Vol. VIII.

<sup>6</sup> That Fielding had any sympathy for the financial difficulties of men such as Wilding is exceedingly doubtful; in subsequent articles he frequently attacked the wanton extravagance that led so many into debt. Cross, op. cit., I, 78, believes Fielding was holding Wilding up to ridicule, for the playwright "had nothing but contempt for beaus in general."

<sup>7</sup> The Modern Husband (1732), I, iv. The Works of Henry Fielding, Esq., Vol. II.

<sup>8</sup> "Preface," ibid.

traffic by husbands in their wives' charms.

A more sympathetic and important treatment of debtors is given in The Intriguing Chambermaid. Much of the action centers in the hero's debts which, with the aid of the "intriguing chambermaid," Valentine endeavors to keep from his father's knowledge. The youthful spendthrift is constantly harassed by dunning creditors who threaten him with the sponging house and the debtors' prison; but their threats prove empty when a bailiff, with a warrant for Valentine's arrest, is driven off in a manner similar to that employed in The Temple Beau.<sup>9</sup> Unlike the earlier comedy, however, the matter does not end here, for the hero is finally called upon to account for his debts. He is judged blameless because the source of his distress is not prodigality, but unfortunate association with "gentlemen of quality," who led the innocent youth into extravagant expenditures, only to desert him when his money was gone. The prevailing farcical tone of the play is temporarily suspended, in the censure of these gentlemen who gloat at the distress of their former friend: "Lamn me! there's a pleasure in ruining these little mechanical rascals, when they presume to rival the extravagant expenses of us men of quality," cries Lord<sup>d</sup> Pride, while his associate, Lord Puff,

---

<sup>9</sup> The Intriguing Chambermaid, I, i, vi; II, iii, iv, Works, Vol. III

exclaims, "That ever such plebian scoundrels, who are obliged to pay their debts, should presume to engage with us men of quality, who are not!"<sup>10</sup> Since he was the innocent victim of such unscrupulous characters, Valentine is readily forgiven by his father, with the gentle warning, "let the misery you so narrowly escaped from your former extravagance be a warning to you for the future."<sup>11</sup>

Valentine's actions and subsequent difficulties are remarkably similar to those of the "Temple Beau." Yet Fielding in no way ridicules Valentine as he did Wilding; indeed, his attitude toward the youthful debtor in The Intriguing Chambermaid seems to be one of tolerance, if not of sympathy. When he wrote this play Fielding was possibly more familiar with the causes of financial distress among one section of the middle class than he had been when he first arrived in London. In later works, where the subject is more fully and seriously treated, he declared that the subversive example set by the ostentatious rich on people of moderate means was directly responsible for a large number of English debtors. The appearance

<sup>10</sup> Op. cit., II, viii.

<sup>11</sup> Ibid., II, x. This play, an adaptation from Reynard, was freely revised by Fielding to suit his own needs, and the above episode may represent his own views on an important cause of financial distress among the middle class.

of such debtors in his early plays may be attributed more to the theme of these comedies than to any specific social interest on the part of the writer. But if Fielding did not feel any concern for debtors at this early stage in his career, he was at least familiar with the indebtedness of one class of persons, and, as is suggested by passages in The Intriguing Chambermaid, he had definite opinions on the source of their financial difficulties.

The third way in which debt is frequently mentioned in the plays is in descriptions of indigent authors. These characters appear in The Author's Farce, The Covent-Garden Tragedy, Eurydice His'd, and Pasquin, and are also mentioned in several of his early poems. Typical of this class is Harry Luckless, an impoverished playwright in The Author's Farce, whose door has been "almost beat down with duns."<sup>12</sup> His debts, and particularly those owed to his landlady, are the subject of several comic episodes in the early part of the play. Similar financial difficulties are attributed to all members of his profession,<sup>13</sup> which might imply that Fielding's own experiences were reflected in those of Luckless. On this

---

<sup>12</sup> The Author's Farce (1730), I, 11; Works, Vol. I.

<sup>13</sup> Ibid., I, v; Luckless: ". . . scribbling is as impossible to cure as the gout."  
Witmore: "And as sure a sign of poverty as the gout of riches." A similar sentiment occurs in a song, II, iii.

point Cross believes, "It would be going much too far to identify Harry Luckless with Harry Fielding. No farce can be in any true sense autobiographical." He admits, however, that Fielding probably used some incidents from his early life on occasion, though exaggerating them for comic effect.<sup>14</sup> The starving author, more or less a conventional character in eighteenth century literature, was frequently used for comic effect, but neither comedy nor dramatic convention seem adequate explanation for Fielding's frequent use of this figure. He refers to one playwright, whose "limbs are in durance and hold,"<sup>15</sup> to another who "runs away and leaves all his debts unpaid,"<sup>16</sup> and mentions a third, arrested for debt on his way to the play-house.<sup>17</sup> Then, in a more obviously autobiographical vein, he draws a picture, probably exaggerated, of himself dwelling in a garret, his doors besieged by bailiffs.<sup>18</sup> To credit these references solely to dramatic convention would be to impugn Fielding's creative ability; rather, their frequency suggests that he was not unmoved by the financial

---

<sup>14</sup> Cross, op. cit., I, 81.

<sup>15</sup> The Author's Farce, II, 111.

<sup>16</sup> The Covent-Garden Tragedy (1732), I, 1; Works, Vol. II.

<sup>17</sup> Pasquin (1736), I, 1; Works, Vol. III.

<sup>18</sup> This description occurs in the poem dedicated "To the Right Honourable Sir Robert Walpole (Now Earl of Oxford)" (1730), Works, XI, 134-136.

distress of his fellow-writers, distress such as he may himself have experienced. In his later works,<sup>19</sup> Fielding professed compassion for indigent artists; possibly something of the same feeling found its way into his plays.

These examples illustrate the three ways in which debt most frequently appears in Fielding's early plays. In addition, occasional other instances occur when various aspects of imprisonment for debt are mentioned: the sponging-house is exposed, among other evils, in The Justice Caught in His Trap;<sup>20</sup> brief reference is made in two other plays to the conditions under which English prisons are operated.<sup>21</sup> His repeated mention of the subject would seem to indicate that Fielding had a more than casual interest in debt. This inference gains credence from evidence in two other plays, Tom Thumb and Pasquin, where debt is treated in a manner somewhat more significant than in the preceding examples.

Tom Thumb, one of Fielding's most popular plays, is a parody of the heroic drama which flourished in his day.

<sup>19</sup> The Champion, February 16, 1739/40 (infra); "Of True Greatness," 1740 (infra).

<sup>20</sup> The Coffee House Politician; or, the Justice Caught in His Own Trap (1730), III, v. Works, Vol. I.

<sup>21</sup> The Miser (1733), IV, xi; V, xii. Works, Vol. II. Don Quixote in England (1734), I, ii. Works, Vol. III.



Because of its restricted purpose, the comedy does not touch upon practical matters, except in one episode involving debtors. The second act opens with the unsuccessful attempt of a bailiff and his follower to secure the person of Noodle, a courtier. These two representatives of a despised profession hope to surprise their victim, "to lay arresting hands upon his back, and drag him trembling to the spunging-house," where they will "spunge upon him."<sup>22</sup> They are thwarted by Noodle's companion, Tom Thumb, who saves his friend by slaying the bailiff and his follower, crying:

Thus perish all the bailiffs in the land,  
 Till Debtors at noon-day shall walk the streets,  
 And no one fear a bailiff or his writ.<sup>23</sup>

The purpose of this episode was to arouse laughter; the "Tragedy of Tragedies" owed much of its success to its violent action and few scenes are more violent than Tom Thumb's impetuous slaughter of the bailiffs. But though obviously ridiculous characters, the bailiffs constitute, with the Faron, the only real characters in the play; the others are all stock figures, common in heroic tragedy.<sup>24</sup> And furthermore, in this comedy which is far removed from the concerns of everyday life,

<sup>22</sup> The Tragedy of Tragedies: or The Life and Death of Tom Thumb the Great (1730), II, 1. Works, Vol. I.

<sup>23</sup> Ibid., II, ii.

<sup>24</sup> Tom Thumb, ed. J. T. Hillhouse (New Haven, 1918), Preface, p. 21.

Fielding saw fit to mention the prosaic matter of debt not once, but twice. When Tom Thumb suppresses a rebellion, the grateful king, in an outburst of philanthropic zeal, commands:

Open the prisons, set the wretched free,  
And bid our treasurer disburse six pounds  
To pay their debts . . . .<sup>25</sup>

Fielding's purpose in Tom Thumb was to ridicule heroic tragedy. His references to bailiffs, sponging houses, and debtors' prisons appear extraneous to this purpose, and their presence in the play suggests some degree of interest in the misfortunes of debtors.

In Pasquin Fielding for the first time openly censured the law concerning the imprisonment of debtors. The passage occurs in that part of the play devoted to an attack upon English legal customs. Queen Common-Sense, who comes to England to supplant the rule of Queen Ignorance, expresses to Law her disapproval of certain laws operative in that country.

I have heard . . . that . . .  
Men unable to discharge their debts,  
At a short warning being sued for them,  
Have, with both power and will their debts to pay,  
Lain all their lives in prison for their costs.

Law hastens to enlighten her with the true state of affairs;

---

<sup>25</sup> Tom Thumb, III, x.

That may perhaps be some poor person's case,  
Too mean to entertain your royal ear.

But the Queen disagrees.

My lord, while I am Queen, I shall not think  
One man too mean, or poor to be redress'd.<sup>26</sup>

Unfortunately, before her humanitarianism can be put into effect, Queen Common-Sense falls before Queen Ignorance, who presumably perpetuates the country's time-honored customs.

This episode is not irrelevant comedy, but one aspect of Fielding's satire on law, to which the latter part of Pasquin is devoted. His attitude toward the imprisonment of debtors is clearly one of condemnation, and slight though his censure of the practice may be, it implies a definite opinion on the subject. The expression of this opinion seems to indicate that by 1736, if not before, Fielding was actively interested in the plight of debtors.

Fielding's activity as a dramatist was abruptly halted when his theater was closed by the Licensing Act of 1737.<sup>27</sup> This Act marks the end of his early dramatic career, but before considering his other work, a summary may be made of the treatment of debt in the plays up to this period.

<sup>26</sup> Pasquin; a Dramatic Satire on the Times (1736), IV, 1. Works, Vol. III.

<sup>27</sup> Cross, op. cit., I, 235. Fielding's attacks on the Ministry, especially in The Historical Register for the Year 1736, were the cause of the Act.

By 1737 Fielding had produced twenty-one plays.<sup>28</sup> Of these, eleven contain fairly definite references to debt, and in four more, debt occurs in incidental figures of speech. After 1741, he wrote two more plays, and had a small part in the writing of another. Debt is only casually referred to in two of these, but in his last play, The Good Natured Man, published posthumously, the topic receives significant mention.<sup>29</sup> In one manner or another, therefore, debt figures in eighteen of the twenty-four plays ascribed to Fielding.

These references to debt in the plays occur principally in Fielding's portrayal of London social life, and in his representation of indigent playwrights. Seldom does debt figure prominently in the plays; rather, it appears in figures of speech, and in incidental remarks of characters, and occasionally forms the basis for short comic scenes. But in one play, The Intriguing Chambermaid, the plot is based upon the hero's debts. For the most part, since its occurrence is in comedy, farce, and satire, the subject of debt is not generally treated seriously. Bailiffs, frequently appear on the scene merely for the purpose of being chased off, or

---

<sup>28</sup> Not all these plays were wholly Fielding's; two were free translations from Molière, another, an adaptation from Regnard.

<sup>29</sup> This play, written probably in 1742, is considered below.

killed; duns and creditors are presented in a ridiculous light, and are often utterly disregarded by their debtors. Likewise, the figure of the impoverished playwright may have been utilized largely for the purpose of comedy. But occasionally, debt is regarded more seriously, as in Pasquin, where Fielding, satirizing law in general, gives critical attention to the debtors' law in particular.

Aside from the dramatic purpose which they serve, the references indicate that Fielding was more or less familiar with practically every aspect of imprisonment for debt. As early as his first play, the subject is mentioned; duns and creditors appear in the second comedy; bailiffs, shortly after, and in later plays the dramatist displayed some knowledge of sponging houses and debtors' prisons. But something more than mere familiarity with the situation seems indicated by his treatment of the topic. His references to debt are remarkably frequent, appearing in some instances where the subject is scarcely relevant to his dramatic theme. Considered separately, they may have little significance, but together, their number seems too great to attribute solely to dramatic contrivance or to coincidence. If to these references is added the critical attitude toward the debtors' law, manifested in Pasquin, the result seems to warrant the conclusion that, by the end of his early dramatic career, Fielding had an active interest in the condition of the English debtor. It is this

interest which might well have motivated his subsequent attempts to alleviate the wide-spread suffering caused by the imprisonment of debtors.

. . . . .

After the Licensing Act closed the theatre to him, Fielding turned to journalism, editing and writing articles for the Champion from 1739 until 1741. His contributions to this journal included political articles and moral and social essays. In the latter, the subject of charity is a recurring theme and serves in two essays as the basis for Fielding's most significant statements about the treatment of debtors. The virtue of charity was an integral part of Fielding's philosophy, a philosophy which parallels, as has been briefly pointed out, the eighteenth century doctrine of benevolence. According to this ethical theory, charity included the compassionate sentiments which prompted man to good deeds, as well as the deeds themselves. Fielding's less elaborate doctrine of "good-nature" similarly postulated both a feeling of sympathy for the distress of others and an active desire to relieve the unfortunate. The application of these two principles to the plight of debtors was pointed out in two consecutive papers published in the Champion, February sixteenth and nineteenth, 1739/40.

In the first of these two articles, Fielding declared

that the amiable characteristic of the present age is charity . . . . This virtue hath shone forth brighter in our time, than at any period which I remember in our annals. Since, therefore, so noble a spirit is raised among us, every man must wish to see it conducted in a manner which may render it as extensively beneficial as possible, to which purpose I shall likewise throw in my mite of charity . . . by the help of which, I shall endeavour to point out the properest objects, as they appear to me, of this virtue.<sup>30</sup>

The proper objects of charity are not beggars; these in Fielding's opinion, deserve punishment more than relief.<sup>31</sup> His concern is for those whose distresses are less apparent and who seldom receive charitable aid. Fielding considers these persons under five classifications, tracing their misfortunes "from the first distress in their circumstances, to a gaol, the last and most miserable of all human calamities."<sup>32</sup>

---

<sup>30</sup> The Champion, February 16, 1739/40. The Works of Henry Fielding, Esq., ed. Leslie Stephen (London, 1882), Vol. V.

<sup>31</sup> The explanation for Fielding's exclusion of beggars may perhaps be found in a later work, An Enquiry into the Causes of the Late Increase of Robbers &c. with some Proposals for Remedying This Growing Evil in Which the Present reigning Vices are impartially exposed . . . (1751), The Works of Henry Fielding, ed. James P. Browne (London, 1871), III, 401-403. His experiences as a magistrate led him to the conclusion that many beggars were impostors; the blind who outran their dogs when pursued by peace officers, the lame who used their crutches as weapons whenever the occasion arose. Fielding differentiated sharply between the able-bodied poor who were not willing to work and those who were; the latter, he stated in this pamphlet, were fully deserving of private philanthropy.

<sup>32</sup> The Champion, February 19, 1739/40.

The first class includes those persons of moderate circumstances who have "by following their superiors into luxury, in order to support, as they call it, figures of gentlemen, reduced themselves to distress and poverty."<sup>33</sup>

Included in this group might be those characters in Fielding's plays whose association with "people of fashion" brought them to disaster. Particularly applicable seems the example in The Intriguing Chambermaid, of the hero, reduced to distress through emulation of the extravagance of his superiors, and saved from poverty only by the benevolence of his father, who practiced the charity Fielding here advocates.

The second class of persons deserving aid are "such younger brothers, sons, collateral relations and persons unhappily of the same name with those who have wickedly and foolishly opposed the measures of a minister," and by virtue of this "have, with great abilities, been refused those provisions civil and military, which seem to have been intended only for them."<sup>34</sup>

<sup>33</sup> Ibid., February 16, 1739/40.

<sup>34</sup> Loc. cit. The misfortunes of this class, seemingly the least important of the five here discussed are again mentioned in a later work, A Journey From This World to the Next, Works, ed. James P. Brown (London, 1871), IV, 446, suggesting that Fielding was as consistent with regard to the objectives of charity as he was persistent in advocating the practice of the virtue.



In the third group Fielding places all persons who have through misfortune been reduced from "affluency to want, and having long tasted the sweets, are, without any faults of their own, obliged to experience the bitterest potions of life."<sup>35</sup> Since this classification, no less than the one preceding, obviously excludes all persons of moderate circumstance, it might seem that Fielding's sympathies lay largely with the financial distress of the upper classes. This impression is dispelled by the subsequent categories of persons deserving aid.

The fourth object of charity consists of those "who, for want of reputation, friends or money, may apply themselves in vain with great industry and ability to any art or science."<sup>36</sup> The designation recalls the indigent writers frequently mentioned in Fielding's plays and poems where they were generally depicted as comic rather than pathetic figures. Here, however, he views their plight seriously, and deems it worthy of charitable aid. The popular writers and artists of his time were not generally persons of position and rank; nor were those whom he puts in the fifth and last group:

Lastly, and perhaps chiefly, such as sometimes by

---

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

inadvertency, sometimes by misfortunes, and sometimes by the noblest acts of friendship, and through the rapaciousness, impatience, and unmercifulness of creditors, more savage than wolves, and the impious severity of our laws, are snatched away from their poor families, from the little comforts of the conversation of their relations and acquaintances, from a possibility of employing their faculties for the service of themselves, their wives or their children, from the benefit of wholesome air in common with the brute creation; stript of all the poor, little supports of wretchedness, and even that last and greatest, hope itself, and carried to the dungeons where no conveniency of life is to be had, where even the necessaries of it are dearer than the conveniences elsewhere, where they are confined together with the vilest criminals, who are indeed much happier, as a judge is shortly to deliver them either to liberty,<sup>37</sup> or what is better than their dungeon, to the gallows.

Fielding's condemnation of debtors' prisons rests upon the assumption that the inmates are by no means wholly responsible for their misfortunes. His attitude is clearly biased in favor of the debtor; nowhere does he imply that something might be said on the creditor's behalf. He censures the rich for flaunting their wealth and the tradesmen for their lack of humanity; the impulses that lead men to debt and to prison he attributes to generous motives. But while the validity of Fielding's argument is questionable, the sincerity of his purpose is not. Thoroughly aroused by the injustice of this situation, he suggests a rather extreme relief measure, saying that some readers might wonder

---

<sup>37</sup> Ibid.

whether I would raise a fund large enough to pay off the debt of the nation, or whether I would impoverish all the rich to enrich the poor? I own . . . I have a fund in view for that purpose, and could heartily wish to see a law, by which all ill-gotten estates should be applied to so good an end; and indeed, this would be no more than a lex talonis, to make these estates repair, in their dissolution, the mischiefs they have occasioned in their creation; and to convert a fund, which hath been amassed by preying on the miseries of mankind to the relief of those miseries . . . .<sup>88</sup>

His indignation subsiding somewhat, Fielding concludes on a less vituperative note: "But however desirable such a law would be, as it will scarce pass this sessions, or perhaps the next, and as (being coercive) it doth not fall under the head of charity, I shall say no more of it."<sup>89</sup>

In the next number of the Champion, Fielding returns to the same subject. Here his purpose is to indicate to favorably disposed people the most efficient method of employing their charity. The chief source of contemporary distress he attributed to the recent increase in luxury in England and the subsequent attempt of a great many persons to affect appearances beyond their means; much suffering could be eliminated, Fielding states, if the wealthy displayed their possessions less ostentatiously. He then advances practical remedies for each type of distress, as outlined in the

---

<sup>88</sup> Ibid.

<sup>89</sup> Ibid.

preceding issue of this journal; the most detailed consideration he devotes to

men in the last and greatest of distresses, which can arise from circumstances, or which it is in the power of charity to relieve, I mean those wretches who are in gaol for debts which they cannot pay. There is not, perhaps, a more shocking reflection than that of the numbers who are confined on this account, in all manner of misery in the several gaols of this kingdom; and more, I believe, than are to be found on the same occasion in all the prisons in Europe.<sup>39</sup> How agreeable the making of such numbers of subjects not only useless to, but a burden on the community, may be to a wise or polite nation, or the inflicting of such misery on so many sometimes for no offense, may be to a humane or a Christian people, I will not determine. The wisdom and goodness of our common law suffered this only in cases of violent trespasses, or for debts due to the king, till the devil found means, by slow degrees and several<sup>40</sup> statutes, which gave this satisfaction, as it is called, first in account, afterwards in debt, &c., to introduce this prototype of hell more generally; and it is the same infernal spirit, who, in one of our law-books<sup>41</sup> speaks through the mouth of a good servant of his, a judge in

<sup>39</sup> This assumption was verified by the investigations of Howard (circa 1780).

<sup>40</sup> Here Fielding inserts a footnote: "Marib. cap. 23, Westm. 2 cap. II. 25 Ed. 3 cap."

<sup>41</sup> Fielding's second footnote at this point reads, "Flewd. Com." These two references indicate that before preparing this article, the author had taken the trouble to ascertain the origin and development of the law concerning imprisonment for debt. Fielding's implication of the illegality of this practice were borne out by a later writer, Benjamin F. Washer, "Imprisonment for Debt," The Green Bag (1895), VII, 412, who wrote that "Imprisonment for debt in England . . . offers a striking example of the judicial usurpation; of the courts taking unto themselves authority unwarranted by law, and asserting a power neither vested by statute nor sanctioned by policy."

Queen Elizabeth's reign, who compares a man in gaol to a beast in the pound . . . .<sup>42</sup>

After describing the conditions faced by debtors in prison, he next considers the law, which puts "in the power of every proud, ill-natured, cruel, rapacious creditor to satisfy his revenge, his malice, or his avarice this way on any person who owes him a few shillings more than he can pay."<sup>43</sup> Although this law is at present in effect, Fielding warns

let a Christian take care how he uses it; and remember that as surely as he forgives not his neighbour his trespasses, so surely will his Father in heaven deny to forgive him his; nor do I know any crime in this world which can appear to a finite understanding to deserve infinite punishment so much as that cursed and rancorous disposition which could bring a man to cause the destruction of a family, or the confinement of a human creature in misery during his life, for any debt whatever, unless the contracting of it be attended with great circumstances of villainy.<sup>44</sup>

The article ends with an appeal for the reformation of the law. "Sure I am," Fielding declares, "that no age ever called so loudly for it as the present, when we must shortly make either an alteration in our law herein, or a very large one in our gaols."<sup>45</sup>

<sup>42</sup> The Champion, February 19, 1739/40.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

These essays contain Fielding's most emphatic statement of his attitude toward the practice of imprisoning men for their debts. Motivated by the principles of "good-nature," he evinced concern for the financial misfortunes suffered by persons of various classes; but it was for those who were actually imprisoned for debt that he expressed his deepest compassion. His protest against their treatment was based upon an awareness of contemporary prison conditions, upon the belief that most debtors were innocent of any save the noblest intentions, and upon a conviction that the laws were not only unnecessarily severe, but illegal as well. Several of the ideas embodied in these articles were touched upon in his earlier writing; particularly do the references in two plays, Pasquin and Tom Thumb, seem to foreshadow something of the strong interest Fielding here expresses in this social problem. But whether or not the genesis of these ideas lies back in his earlier literary period, it is certain that by the middle of his career, in 1740, Fielding had definite and sincere convictions concerning the treatment received by English debtors.

Although he stressed the need for legal reformation, he was probably too well aware of the temper of his age to expect any immediate revision of the law. Eighteenth century England was not noted for its humanitarian legislation, and Fielding, in ill repute with the Walpole ministry, was scarcely the man to effect any such drastic change. But although he left the

task of actual reformation to future legislators, he was not content to let the matter drop there; while the severe laws remained unchanged, some good could be done through charity. And it is the practice of charity which was Fielding's temporary solution for the plight of England's debtors. Relying upon the benevolence or "good-nature" of others, he sought the aid of private philanthropy for the thousands who suffered in debtors' prisons. This he did in many of his subsequent works by calling attention to the plight of debtors and their families, by persistently advocating a more general practice of charity, by pleading for a greater leniency on the part of creditors, warning them that harsh treatment of one's debtors was incompatible with the spirit of Christian morality.

. . . . .

The next expression of these ideas occurred in The History of the Adventures of Joseph Andrews, and of his Friend Mr. Abraham Adams, Fielding's first novel, published in 1742. Originally intended as a burlesque of Richardson's Pamela, this novel is less didactic in spirit than many of Fielding's works. Although the nature and the initial purpose of the novel would scarcely suggest the presence of the author's social and moral opinions, he does express his attitude toward debtors in one episode which has seemingly little connection with the novel's main line of action. This episode, "Wilson's

Story," concerns the autobiography of a person whom Joseph Andrews and Parson Adams meet during the course of their travels. Describing his early years in London, Wilson relates that he lived beyond his means and was soon brought to distress through his debts. A tailor, although aware that Wilson would pay if he were able, resolved to cast his client into prison. At this point in the story, Parson Adams interrupts to exclaim:

How can such a wretch repeat the Lord's prayer; where the word, which is translated, I know not for what reason, trespasses, is in the original debts! And as surely as we do not forgive others their debts, when they are unable to pay them, so surely shall we ourselves be unforgiven, when we are in no condition of paying.<sup>46</sup>

Continuing his story, Wilson tells them that his creditor placed the debt in the hands of a bailiff who gained access to Wilson's rooms by disguising himself as a woman. The bailiff arrested Wilson, and after the usual period in the sponging house, took him to prison,

where, as I had not money sufficient to procure me a separate apartment, I was crowded in with a great number of miserable wretches, in common with whom I was destitute of every convenience of life, even that which all brutes enjoy, wholesome air . . . I languished in a condition too horrible to be described, and which, in a land of humanity, and what is more, Christianity,

---

<sup>46</sup> The History of the Adventures of Joseph Andrews, and of his Friend Mr. Abraham Adams, III, liii. Works, ed. cit., Vol. V.



seems a strange punishment for a little inadvertency and indiscretion.<sup>47</sup>

Whether through coincidence or express purpose, this passage repeats what Fielding had previously written concerning the punishment of debtors. The similarity of the two views is made more apparent by almost identical wording. While Wilson's adventures were undoubtedly entertaining, both to his guests and to Fielding's readers, the entire episode seems to have no apparent relation to the plot of the novel. And in particular, the pathetic passages describing Wilson's financial distress, and his imprisonment are not in harmony with the prevailing comic tone of the story, suggesting that his experiences may have been designed less to entertain than to instruct and enlighten Fielding's readers on a matter of considerable importance to the author.

Fielding's opinions on the relief of debtors, as well as his attitude on their imprisonment, appear briefly in this novel. Joseph Andrews, on perceiving the estate of a wealthy man asks, "How would not one great act of charity create more respect, as redeeming a poor family from all the miseries of poverty . . . discharging an undone debtor from his debts or a gaol . . .?"<sup>48</sup>

---

<sup>47</sup> Joseph Andrews, III, 111.

<sup>48</sup> Joseph Andrews, III, 111.

Andrews' suggestions, incidentally, are carried out by Boncour, in the Good-Natur'd Man, a play written in the same year as Joseph Andrews, but published posthumously. Among the charitable acts ascribed to Boncour are relief of the poor, lending money without security, and liberation of debtors from prison;<sup>49</sup> actions which are, in effect, a dramatization of the definition Fielding made two years earlier of "good-nature."

Several of the ideas expressed in the Champion are also restated in another work published in 1743, entitled The Miscellanies. In this volume appeared Fielding's collected poems and two satires, A Journey From This World To the Next, and The Life of Mr. Jonathan Wild the Great. There are references in some of the poems to debtors in general and to the misfortunes of indigent authors in particular,<sup>50</sup> but the subject is for the most part but lightly touched upon. The satires, however, contain more significant material; in the first, Fielding sets forth, once again, his convictions concerning philanthropy; in the second he gives a vivid and detailed picture of the treatment of debtors both in and out

---

<sup>49</sup> The Fathers; or, The Good Natur'd Man, a Comedy, IV, iv. Works, ed. cit., Vol. IV.

<sup>50</sup> "To the Right Honourable Sir Robert Walpole (Now Earl of Oxford," "Of True Greatness; An Epistle to the Right Honourable George Dodington, Esquire;" "Of Good-Nature; To His Grace the Duke of Richmond." Works, ed. cit., Vol. XI.

of prison.

The satiric fantasy, A Journey From This World to the Next, is an account by an "anonymous author" of his visit after death to the other world. Minos, who guards the gates of Elysium, assures the new arrivals from earth that "no man enters that gate without charity."<sup>51</sup> Each person who seeks entry is required to present his qualifications to the gate-keeper. A writer requests admittance because his dramatic works have done much good in encouraging virtue and punishing vice. Considering this insufficient recommendation, Minos refuses to let him pass, until the writer mentions that he had once "lent the whole profits of a benefit night to a friend, and by that means had saved him and his family from destruction." At this, Minos admits him instantly.<sup>52</sup> Another, who was hanged after necessity had forced him to steal eighteen pence, said that he had been a good husband, and a kind father, "and that he had ruined himself by being bail for his friend. At which words the gate opened, and Minos bid him enter, giving him a slap on the back as he passed by."<sup>53</sup> This once charitable act more than atoned for the crime for which the man was executed, and no candidate

---

<sup>51</sup> A Journey From This World to the Next, Works, ed. sit., IV, 372.

<sup>52</sup> Ibid., pp. 369-70.

<sup>53</sup> Ibid., p. 370.

received quicker admission to the abode of the blessed. Finally, the anonymous author presents his qualifications for entry, confessing that he had been profligate in his youth, "but had never done an injury to any man living, nor avoided an opportunity for doing good; that I pretended to very little virtue more than general philanthropy and private friendship."<sup>54</sup>

To a certain extent, this description might be considered Fielding's estimate of his own character. His contemporaries frequently stressed his profligacy while forgetting his "general philanthropy."<sup>55</sup> But whether or not there is an autobiographical element in this passage, the whole episode does again express Fielding's convictions about the relief of the financially distressed. Minos' statement, that only the charitable can gain admission to Elysium, may seem exaggerated, but in utmost seriousness Fielding had earlier stated that as one "forgives not his neighbor his trespasses, so surely will his

<sup>54</sup> Ibid., p. 373.

<sup>55</sup> Fielding's later biographers are in general accord concerning his philanthropy. G. M. Godden, Henry Fielding, a Memoir (New York, 1909), p. 2, says that "no man ever more heartily preached and practised the virtue of open-handed charity." Wilbur Cross, The History of Henry Fielding, II, 302-303, cites several instances when Fielding relieved the financial difficulties of others, and adds that his charities often exceeded his means. Gerard Edward Jensen in "Notes," The Covent-Garden Journal (New Haven, 1915), II, 280, asserts that Fielding was deeply interested in "two glorious benefactions," a foundling hospital and a lying-in hospital.

Father in heaven deny to forgive him his."<sup>56</sup>

The other satire included in The Miscellanies contains little mention of charity, but considerable information about debtors. The Life of Mr. Jonathan Wild the Great, which ostensibly concerns the rise and fall of Jonathan Wild, the notorious English "thief-taker," has been generally accepted as a satiric attack on the prime minister, Sir Robert Walpole. The story relates Wild's long and vicious career, his rise to eminence through betrayal of his fellow-criminals, his eventual downfall, and his death on the gallows. Throughout the satire the author assumes an ironic attitude toward worldly success, representing vice as the path to greatness, and virtue as the road to failure. Thus Wild, through consummate villainy, achieves conspicuous triumphs, while Heartfree, a thoroughly good man, meets only with misfortune and is reduced by his very virtues to disaster and the debtors' prison. The concept of "greatness," or unscrupulous ambition, was frequently contrasted by eighteenth century writers to the concept of goodness; in this satire Wild represents "greatness," Heartfree, "goodness," and Fielding's vivid comparison of the two moral attitudes gives an ethical, rather than a narrowly political basis to Jonathan Wild.<sup>57</sup>

---

<sup>56</sup> The Champion, February 19, 1739/40. Works, ed. cit.

<sup>57</sup> William Robert Irwin, The Making of Jonathan Wild, p. 107.

Mrs. Heartfree

past a sleepless night in . . . great agonies and horror for the absence of her husband . . . . In the morning, the children being brought to her, the eldest asked, 'where dear papa was?' At which she could not refrain from bursting into tears. The children perceiving it, said, 'Don't cry, Mamma; I am sure papa would not stay abroad if he could help it.' At these words, she caught the child in her arms, and throwing herself into a chair, in an agony of passion, cried out, 'No, my child; nor shall all the malice of hell keep us long asunder.'<sup>61</sup>

Heartfree's own distress is acute, and it is presumably not lessened when he is taken from the sponging house to the debtors' prison. After a short residence in Newgate, he is provisionally released, pending the decision of the commission on bankruptcy. But at the moment when freedom seems assured, Wild fabricates a charge of willful embezzlement against him, and, with the aid of one of Heartfree's "most bitter and severe creditors," has him once again committed to Newgate, where he is eventually joined by Wild.

Fielding gives an enlightening picture of Newgate, one of the better known English prisons which housed both debtors and criminals. He describes in detail one practice common in eighteenth century prisons, "garnish," or the extraction of

---

<sup>61</sup> Jonathan Wild, II, ix. Fielding comments on this pathetic episode: "These are circumstances which we should not, for the amusement of six or seven readers only, have included, had they not served to show that there are weaknesses in vulgar life, to which great minds are so entirely strangers, that they have not even an idea of them . . . ."

The early scenes of the story are laid in the sponging house of Mr. Snap, where young Jonathan spends much of his time, becoming learned in the ways of wickedness that accelerate his rise to fame. Fielding's description of the sponging house includes a detailed account of the difficulties of debtors confined in such institutions. Snap had arrested a debtor, Count La Ruse, who because he was unable to find bail,

was obliged for some time to reside at Mr. Snap's house; for it seems that the law of the land is, that whoever owes another ten pounds, or indeed two pounds, may be, on the oath of that person, immediately taken up and carried away from his house and family, and kept abroad till he is made to owe fifty pounds whether he will or no; for which he is perhaps afterwards obliged to lie in gaol; and all this without any trial had, or any other evidence of the debt than the above said oath, which if untrue, as it often happens, you have no remedy against the perjure; he was, forsooth, mistaken.<sup>58</sup>

It is not in Count La Ruse's defense that Fielding momentarily forsakes irony, to speak openly on a weakness in the law; the predicament of this particular debtor arouses no pity, but it does afford Fielding an opportunity to generalize on a serious danger which faced all debtors.

With the appearance of Heartfree, Fielding enlarges

---

<sup>58</sup> The Life of Mr. Jonathan Wild the Great, I, iv.  
Works, ed. cit., Vol. IV.

on those qualities which often lead to financial distress.

Heartfree was

possessed of several great weaknesses of mind; being good-natured, friendly, and generous to a great excess. He had indeed too little regard to common justice, for he had forgiven some debts to his acquaintance, only because they could not pay them; and had entrusted a bankrupt on his setting up a second time, from having been convinced that he had dealt in his bankruptcy with a fair and honest heart, and that he had broke through misfortune only, and not from neglect or imposture.<sup>59</sup>

But such humanitarian qualities do not make for success in Wild's world, and later, robbed by Wild, and hard-pressed for money, Heartfree seeks in vain to collect debts owed him by people of fashion.<sup>60</sup> Then, unable to satisfy his own creditors, he is arrested and taken from his home to Mr. Snap's house. Arrest not only affected the debtor, but his family as well, a fact which Fielding had mentioned briefly in the Champion; here, he gives more vivid illustration of the misery endured by the debtor's wife and children. After failing in her frantic attempts to procure her husband's release,

<sup>59</sup> Ibid., II, 1.

<sup>60</sup> Fielding's contempt for "people of fashion" was evinced in earlier works; here it is again revealed in a chapter entitled, "Some precedents of letters, being the different methods of answering a Dun." The "Dun" is Heartfree, who writes five courteous letters to his clients, "people of great fashion," seeking some settlement on their bills. He receives five courteous, but evasive answers, each customer adroitly evading his honest debts.



tribute--in the form of money and clothes--from all new arrivals by the other prisoners. Garnish forms the basis of Wild's last triumph, when he successfully opposes the supremacy of "one Roger Johnson, a very GREAT MAN, who had long been at the head of all the Frigs [thieves] in Newgate, and had raised contributions on them." During the conflict between Wild and Johnson, Newgate is divided into two factions; and oddly enough, Fielding remarks, the debtors "who were the destined plunder of both parties" interested themselves "with the utmost violence, some on behalf of Wild, and others in favour of Johnson." When Wild finally wins, he refuses to share his plunder with the debtors who had supported him. They are discontented

until a very grave man, and one of much authority among them, bespake them as follows: '--that there was no advantage in the struggle to them, for one Prig is as bad as another . . . . Let us, therefore, who are confined here for debt only, separate ourselves entirely from the Frigs; neither drink with them, nor converse with them. Let us, at the same time, separate ourselves farther from Priggism itself.'<sup>62</sup>

The suggestion of this debtor embodies a plan which John Howard, the foremost prison reformer of the century, later advocated as an extremely desirable prison reform--

---

<sup>62</sup> Jonathan Wild, IV, iii.

the separation of debtors from criminals.<sup>63</sup> It is perhaps too much to ascribe a similar reform to Fielding; Jonathan Wild is primarily a political satire, not an essay on prison conditions, "and no one needed to be informed that the Prigs were place-hunters . . . and that the unfortunate debtors were the people who paid the heavy taxes."<sup>64</sup> But whatever his purpose, Fielding does show the evils arising from the promiscuous association of debtors with criminals. Toward the end of the story, Wild's influence on the debtors so corrupted their morals "that they now spoke with the utmost contempt of . . . Honesty."<sup>65</sup>

Debtors figure prominently in this story, and one in

<sup>63</sup> John Howard, The State of the Prisons . . ., p. 23. "Debtors and felons should have wards totally separate; the peace, the cleanliness, the health and morals of the debtors cannot be secured otherwise."

<sup>64</sup> Cross, The History of Henry Fielding, I, 420-424. The allegory is not always as obvious as it appears here. In discussing the conflict between Wild and Johnson, Cross states, "But precisely what change in Ministry the author had in mind was left--purposely, I think--to conjecture." His conjecture is that ". . . by reversing the allegory in the Newgate quarrel, making Johnson stand for Walpole and Wild for Wilmington, the scene can be made to fit the change in Ministry." This ingenious explanation seems to impute rather excessive subtlety to Fielding, and arouses the suspicion that the allegorical significance of the Newgate episodes may rest more in the mind of the critic than in that of the author.

<sup>65</sup> Jonathan Wild, IV, 111.

particular, Heartfree, has a role secondary in importance only to that of Wild. But since Jonathan Wild is an ironic allegory, it would be unwise to attach too much significance to what appears on the surface. The significance of the story lies in what is implied, not in what is expressed; the characters as well as the incidents are subservient to the allegorical contrast between "greatness" and "goodness." Yet while the sponging house and the debtors' prison may represent something else, Fielding's selection of these particular institutions, which he had frequently and vigorously condemned on several previous occasions, seems more than mere coincidence. Moreover, to illustrate "goodness" he selects a debtor, a man who possesses all the virtues of "good-nature." Fielding shows a preoccupation with the misfortunes of Heartfree and his family which their role in the story scarcely justifies. As the foil and dupe of Wild, Heartfree is obliged to suffer some kind of misfortune while the central character triumphs; that indebtedness and the debtors' prison were selected as his particular fate may well imply that Fielding's preoccupation with his allegory did not preclude the expression of his concern for the misfortunes of the financially distressed.

In not all his writings is Fielding's interest in debtors as apparent as it is in the selections comprising The Miscellanies. There is no mention of the subject in either The True Patriot or The Jacobite's Journals, political papers

for which Fielding wrote from 1745 until 1748. The omission is not unnatural; since both journals were probably subsidized by the government.<sup>66</sup> Fielding's themes may have been restricted to the immediate political questions of the day. But in his best-known novel, The History of Tom Jones, A Foundling, published in 1749, he again expresses in various ways his opinions on the unjust treatment of debtors.

One manner in which these opinions are stated in Tom Jones is in figures of speech, reminiscent of those occurring in his early plays. Thus

Western beheld the deplorable condition of his daughter with no more contrition or remorse than the turnkey of Newgate feels on viewing the agonies of a tender wife, when taking her last farewell of her condemned husband; or rather he looked down on her with the same emotions which arise in an honest tradesman, who sees his debtor dragged to prison for ten pounds, which though a just debt, the wretch is wickedly unable to pay.<sup>67</sup>

Another passage contains this long simile:

As a bailiff, when well authorized by his writ, having possessed himself of the person of some unhappy debtor, views all his tears without concern; in vain the tender wife bereft of her companion, the little prattling boy, or frightened girl, are mentioned as inducements to reluctance. The noble

<sup>66</sup> Cross, ibid., II, 364.

<sup>67</sup> The History of Tom Jones, A Foundling, XVI, 11. Works, ed. Leslie Stephen.

bum-trap, blind and deaf to every circumstance of distress, greatly rises above all motives to humanity, and into the hands of the gaoler resolves to deliver his miserable prey.<sup>68</sup>

The author's attitude on this subject is also indicated by such satiric remarks as that made when Tom Jones, after borrowing fifty pounds from Lady Bellaston, decides to "devote himself to her, from that great principle of justice, by this the laws of some countries oblige a debtor, who is not otherwise capable of discharging his debt, to become the slave of his creditor."<sup>69</sup>

If these allusions convey any impression of levity, it is soon dispelled by Fielding's obvious sincerity when discussing the same topic in another passage. Partridge, telling the story of his life, says,

I owed two or three small debts, which began to be troublesome to me, particularly one which an attorney brought up by law charges from fifteen shillings to near thirty pounds, and as I found all my usual means of living had forsook me, I packed up all as well as I could, and went off.<sup>70</sup>

That the purpose of this incident was to expose a certain corrupt practice seems evident from the footnote Fielding appends:

This is a fact which I knew happen to a poor

---

<sup>68</sup> Ibid., VII, 111.

<sup>69</sup> Ibid., XIII, ix.

<sup>70</sup> Ibid., XVIII, vi.

clergyman in Dorsetshire, by the villany of an attorney who, not contented with the exorbitant costs to which the poor man was put by a single action, brought afterwards another action on the judgment, as it was called.<sup>71</sup>

Seldom in his fiction does Fielding's interest in debtors appear as obviously as it does here, where he drops momentarily the role of story teller to point out to his readers the legal extortions inflicted upon debtors.

In addition to Partridge, other debtors appear in the story. One is introduced in the "Tale of the Man of the Hill," an episodic interlude similar to "Wilson's Tale" in Joseph Andrews. As a youth, the "Man of the Hill" had found the social life of London full of pitfalls for the unwary; led into debt by the inducements of a wealthier youth, he stole money in an effort to satisfy his creditors; for this crime he was later arrested and imprisoned.<sup>72</sup> The hero of the novel also runs into debt while in London, and is dunned by tradesmen. Jones' indebtedness, however, results not from profligacy, but from his somewhat excessive generosity. So touched is he by the plight of the Anderson family, ruined after posting bail for a friend, that he readily contributes to their relief ten guineas which he can ill afford to part with. His landlady,

---

<sup>71</sup> Ibid., XVIII, vi.

<sup>72</sup> Ibid., VIII, xi.

deeply moved by such charity, exclaims, "'Can there be another so generous?' 'I hope, madam,' cries Jones, 'that there are many who have common humanity; for to relieve such distress in our fellow creatures can hardly be called more!'"<sup>73</sup> This is patently the same attitude Fielding had urged in the Champion, and though his hero accumulates debts which he cannot pay, his condition is apparently not dishonorable in Fielding's opinion, for the author, in speaking of debt, admitted that he looked

upon indiscretion with pity, not abhorrence, and on no indiscretion with so much pity as extravagance, which . . . may bring men into the greatest calamities of this life . . . [and] may arise from the goodness, the openness, and the generosity of the heart.<sup>74</sup>

Tom Jones is a novel large in scope and rich in incident, and the treatment of debtors is only one of many aspects of eighteenth century life touched upon in its pages. But while neither prominent nor frequent, the references to financial distress occur where scarcely pertinent to the theme: in figures of speech, in one direct and forceful statement by the author, and in a long episode which has little connection with the rest of the story.<sup>75</sup> These references reflect

<sup>73</sup> Ibid., XIII, viii.

<sup>74</sup> The Champion, February 16, 1739/40.

<sup>75</sup> Cross, ibid., II, 187. Cross speaks of "The Tale of the Man of the Hill" as "detachable" from the rest of the novel and adds that many contemporary readers complained that it interrupted the story.

Fielding's previously expressed opinions and indicate that he was still interested in the condition of debtors at the time when he wrote this novel.

In 1749, shortly after the publication of Tom Jones, Fielding was appointed Justice of the Peace for the County of Middlesex. While serving in this office he wrote and published his last novel, Amelia, in addition to a notable pamphlet entitled An Enquiry into the Late Increase of Robbers . . . . The Enquiry deals exclusively with crime, and mention is made of debt only as one of many causes contributing to thefts and robberies.<sup>76</sup> Amelia, however, contains the most detailed portrayal of imprisonment for debt to be found in Fielding's novels. There can be little question about the seriousness of the author's purpose in this instance, for in an introduction, he states that the novel is "sincerely designed to promote the cause of virtue, and to expose some of the most glaring evils, as well public as private, which at present

---

<sup>76</sup> An Enquiry into the Late Increase of Robbers &c., With Some Proposals for Remedying this Growing Evil in Which the Present reigning Vices are Impartially exposed; and the Laws that Relate to the Provision for the Poor, and to the Punishment of Felons are largely and freely examined (1751). Works, ed. cit., III, 366. Fielding repeats here what he had stated in The Champion, that luxury and extravagant pursuits are responsible not only for much of the suffering among the poorer people, but for most of the lawlessness as well. When confined to the "palaces of the great," luxury may result "in the misery, distress and ruin of a private family. But when this vice descends downward . . . it is most evidently the parent of theft and robbery."



infest this country."<sup>77</sup> Among the various evils which the story points out are gambling, duelling, immorality, and corrupt legal practices. Most prominent, however, are the evils resulting from England's treatment of debtors.

The opening scenes of Amelia are laid in a prison which Fielding refers to as "Bridewell." Booth, the hero of the novel, is brought there, charged with assault. On entering he is at once subjected to "garnish," which, he is told by the keeper "was the custom of the place for every prisoner upon his first arrival there, to give something to the former prisoners to make them drink." Because he has no money with which to purchase protection, Booth is left by the keeper to the mercy of the other inmates, who "applied themselves to his unceasing, as they called it, and with such dexterity that his coat was not only stript off, but out of sight in a minute."<sup>78</sup> This is not the only imposition to which prisoners are put; the governor of these "infernal regions" operates his institution strictly for profit, charging exorbitant sums for food, drink, lodging, and every incidental service one might require. For the poorer prisoners, such as Booth, only

---

<sup>77</sup> Amelia (1751). Works, ed. cit., Vol. VII, Dedication to Ralph Allen.

<sup>78</sup> Amelia, I, iii. The same practice of "garnish" is described by Oliver Goldsmith, The Vicar of Wakefield, ed. cit., I, 390. No mention is made, however, of the fees charged by the keeper, whom the Vicar finds "civil enough."

the barest necessities are furnished, their daily allowance consisting of a penny loaf of bread. Immorality flourished in this prison; gambling and theft were openly practiced, and drinking and prostitution were not only countenanced, but actively promoted by the avaricious prison governor. No debtors are mentioned, but if, as one critic assumes, Fielding was describing Newgate as it was twenty years before the prison reforms of Howard,<sup>79</sup> there might well have been debtors among the "crowd of wretches" whose lives were being irreparably ruined by their experiences in prison.

The first mention of debt occurs in Booth's narration of his life history to a fellow-prisoner. Booth, an army captain serving at Gibraltar, ran into debt soon after his marriage to Amelia. His troubles did not become serious, however, until he returned to England. With his family, Booth moved to the country, where his debts continued to mount up while he lived in ill-advised luxury on a farm. "The consequences of all this could be no other than that ruin which ensued . . . to avoid immediate confinement in prison, I was forced to leave the county, with all that I

---

<sup>79</sup> E. M. Godden: Henry Fielding, A Memoir, p. 239. Fielding knew that debtors were confined in Newgate: "Newgate is the place for all debtors that can't find bail." Amelia, VIII, x. The prison scenes involving debtors in Jonathan Wild were laid in Newgate.

hold dear in the world, my wife and my poor children."<sup>80</sup> A few days after his arrival in London the incident occurred which resulted in his arrest and imprisonment. After a short confinement on the charge of assault, Booth is released and returns to his family.

But his new-found freedom is soon imperiled by his unpaid debts, and throughout the course of the novel, he is harassed by bailiffs, and in constant danger of being committed to the debtors' prison. On learning that a warrant had been issued for his arrest, Booth, in desperation, resolves to remain a close prisoner in his own lodgings, while awaiting a promised army commission. In defense of Booth's condition, which was common enough among his fellow-officers, Fielding asks, "How is it possible that, without running into debt, any person should maintain the dress and appearance of a gentleman, whose income is not half so good as that of a porter?"<sup>81</sup>

Despite his precautions, Booth falls into the hands of

---

<sup>80</sup> Amelia, III, xii. In this episode, as in others, Booth seems guilty if not of prodigality, at least of a singular lack of prudence. The same want of caution is evident in Tom Jones, in Fartridge, in Heartfree and several of Fielding's other characters who become involved in financial difficulties. Fielding's sympathetic treatment of their misfortunes would suggest that he did not put much emphasis upon the practice of prudence in the practical affairs of life.

<sup>81</sup> Ibid., IV, viii.

a bailiff, who resorts to a despicable trick to secure his victim. Informed by a messenger that his wife is taken violently ill, Booth rushes out of the house, leaving his children "roaring at the news of their mother's illness." Once in the street, he is arrested by the supposed messenger who excuses his action by terming it a "stratagem of war." Too relieved to protest, Booth leaves with the bailiff for the sponging house. Contemplation of his approaching fate, however, saddens the unfortunate man:

The charms of liberty against his will rushed in his mind; and he could not avoid suggesting to himself, how much more happy was the poorest wretch, who, without control, could repair to his homely habitation and his family; compared to him, who was thus violently, and yet lawfully, torn away from the company of his wife and children. And their condition, especially that of his *Amelia*, gave his heart many a severe and bitter pang.<sup>62</sup>

They soon arrive at the sponging house, one of the "glaring evils" which this novel sought to expose. In these institutions, helpless debtors were subjected to large fees they were often unable to pay, such as the demand made on Booth for coach-hire for two shillings, a sum that was double the legal fare. The bailiff next tries to persuade Booth to buy food and drink which he neither desires nor can afford. When this attempt fails, the bailiff resorts to another practice common among the mercenary members of his profession.

---

<sup>62</sup> Ibid., VIII, 1.

After assuring Booth he wished him soon free of his difficulties, he orders his porter to call upon his prisoner as many actions as possible. Fielding remarks at this point that

the reader may be apt to conclude that the bailiff, instead of being a friend, was really an enemy to poor Booth; but in fact, he was not so. His desire was no more than to accumulate bail bonds; for the bailiff was reckoned an honest and good sort of man in his way, and had no more malice against the bodies in his custody than a butcher hath to those in his; and as the latter, when he takes his knife in hand, hath no idea but of the joints into which he is to cut the carcase; so, the former, when he handles his writ, hath no other design but to cut out the body into as many bail bonds as possible. As to the life of the animal, or the liberty of the man, they are thoughts which never obtrude themselves on either.<sup>85</sup>

To show the effect of the debtor's imprisonment upon his dependents, Fielding turns momentarily from the sponging house to Amelia and her children, who were to be "utterly undone with their father," although they were entirely innocent. After Amelia tells them of the fate of their father, a scene follows which Fielding declares "is beyond my power of description; I must beg the readers' hearts to suggest it to themselves." Fielding's purpose does not lose in effectiveness by the omission of melancholy scenes; his realistic description of the troubles of the debtor is sufficient evidence of the need for reform.

Booth is saved from the debtors' prison only by the

---

<sup>85</sup> Ibid., VIII, 1.

timely arrival of Dr. Harrison, who secures for him the necessary bail. But before Booth leaves the sponging house, he becomes involved in a quarrel over the "civility-money" demanded by the bailiff. It is then explained to Dr. Harrison that "custom hath established a present or fee to them [bailiffs] at the delivery of a prisoner which they call civility-money and expect as in a manner their due, though in reality they have no right." The doctor, presenting what is perhaps Fielding's judgment on this custom, and on bailiffs, in general, declares

it is a pity, that instead of a custom of flogging them out of the pocket of the poor and wretched, when they don't behave themselves ill, there was not both a law and a practice to punish them severely when they do . . . [and] there are none whose conduct should be so strictly watched as that of these necessary evils in society, as their office concerns, for the most part, those poor creatures who cannot do themselves justice, and as they are generally the worst of men who undertake it. <sup>84</sup>

Booth returns to his family without paying the "civility-money," but before many days elapse, he is once again in the hands of the same bailiff, this time through debts incurred through gambling. The purpose of this incident was probably to show the consequences of gambling, a vice which the Enquiry declared often led to financial ruin and highway robbery.<sup>85</sup>

<sup>84</sup> Ibid., VIII, x.

<sup>85</sup> An Enquiry . . . , III, 224. Cross, op. cit., II, 211, noting that the same topics appear in both works believes that the Enquiry is the background of Amelia. One notable difference between the two is that the former, addressed to legislators, along carries concrete proposals for reform; the latter, written for the general public, merely exposes social evils.

Booth is not drawn into crime, but his gambling losses threaten to ruin his family when he is again arrested.

Imprisoned for the second time in the sponging house, Booth hears the cries of a fellow-prisoner and is informed by the bailiff:

'This poor rascal resisted the law and justice; so I gave him a cut or two with an hangar. If they should prove mortal, he must thank himself for it . . . . Not that, I believe, I have done his business, neither; but the fellow is faint-hearted, and the surgeon, I fancy, frightens him more than he need. -But, however, let the worst come to the worst, the law is all on my side, and it is only se defendo.'<sup>86</sup>

As Fielding presents the incident, however, it was anything but a case of self-defense, and if such callous brutality were typical of bailiffs, Fielding's frequently expressed contempt for these officers was justified.

While her husband awaits assistance again from Dr. Harrison, Amelia is informed by the doctor that he lacks money for the bail. "Then Heaven have mercy on us all," cries Amelia, "for we have no other friend on earth--My poor husband is undone, and these poor little wretches must be starved."<sup>87</sup> But at the moment when things seem darkest, a sudden turn of events brings long-awaited good fortune to Booth and Amelia. In the ver, sponging house where Booth

<sup>86</sup> Amelia, XII, i and v.

<sup>87</sup> Ibid., XIII, iii.

had spent so many miserable hours, a dying debtor confesses an old crime, reinstating Amelia and her family to their rightful estate.

On finishing this lengthy account of Booth's financial difficulties, the modern reader might readily agree with Dr. Harrison, who remarked to Amelia, "I am sorry, child, for the share you are to partake in your husband's sufferings; but as for me, I think he deserves no compassion."<sup>88</sup> Fielding, however, treats his hero more leniently; he attributes Booth's misfortunes not to his imprudence, but to the wickedness of his associates. Tricked at the gambling table, deceived by intriguing acquaintances and ruined by heartless creditors, Booth is deserving of pity rather than censure. He may have lacked caution in financial matters but he was not wilfully neglectful of his debts; when money at last came into his possession, he made haste to discharge all his obligations. To Fielding indebtedness was not a crime; others might deplore Booth's extravagance, but it was the unjust severity of his punishment that aroused the author's condemnation.

Amelia contains the most thorough description of the debtor's position to be found in any eighteenth century English novel. Every aspect of the problem is discussed, from the causes of indebtedness to the effect of the law upon the

---

<sup>88</sup> Ibid., XII, iii.



debtor's dependants.<sup>89</sup> Disregarding the author's expressed reformatory purpose, some of his readers thought that Fielding was motivated by personal rancor when he wrote at such considerable length about the vicious practices of bailiffs and the evils of the sponging house. One reader stated she was convinced that the author had "given us a true picture of himself and his first wife in the characters of Mr. and Mrs. Booth."<sup>90</sup> While there are a few superficial similarities between certain episodes in the story and incidents in Fielding's early life, the weight of evidence is entirely against the viewpoint that the novel is autobiographical.<sup>91</sup> It is more accurate to say that in describing Booth's experiences, Fielding was depicting misfortunes common to all debtors, and that in exposing the practices of bailiffs and the conditions of prisons and sponging houses, he was attacking the law itself which sanctioned the arrest and imprisonment of debtors. In an introductory chapter he argued that

---

<sup>89</sup> Debt, in its various aspects, is one of the most prominent topics in the novel, and is mentioned in instances where Booth's misfortunes are not concerned. Thus in one minor episode, a character relates that her husband, a poor parson, was dunned by a creditor and was forced to seek sanctuary from bailiffs in London. Ibid, VIII, v.

<sup>90</sup> Lady Wortley Montagu, The Letters and Works of Lady Wortley Montagu, p. cxlii, quoted from G. M. Godden, Henry Fielding, a Memoir, p. 235.

<sup>91</sup> Cross, op. cit., Vol. II, 328, 333.

it will probably be objected, that the small imperfections which I am about to produce do not lie in the laws themselves, but in the ill execution of them; but this . . . appears to me to be no less an absurdity, than to say of any machine that it is excellently made, though incapable of performing its function.<sup>92</sup>

Unfortunately, Fielding's strong plea on behalf of debtors went unheeded. The public, expecting a novel more in the comic vein of Tom Jones or Joseph Andrews, accorded Amelia an indifferent reception. With faint praise one reviewer conceded that the novel contained "many reflections which are useful, if the reader will but take notice of them, which in this unthinking age, it is feared, very few will."<sup>93</sup> This fear proved all too true. His readers, in Fielding's words found the book a "Heap of sad Stuff, Dulness, and Nonsense;"<sup>94</sup> lacking his humanitarian spirit they either missed or ignored the lesson which the "dismal scenes" were intended to convey.

Fielding was greatly disappointed when this novel, which he termed his "favourite child," suffered speedy and undeserved neglect. During the two remaining years of his life he wrote

<sup>92</sup> Amelia, I, ii.

<sup>93</sup> The London Magazine (December, 1751), XX, 521. An unsigned article quoted from Frederick T. Blanchard, Fielding the Novelist (New Haven, 1926), p. 81.

<sup>94</sup> The Covent-Garden Journal, No. 7, January 26, 1752, ed. Gerard Edward Jensen (New Haven, 1915), Vol. I. In this issue Fielding discusses the charges brought against his novel.

but little about social problems and made no further direct mention of debtors. In the Covent-Garden Journal, the last periodical for which he wrote, he continued to advocate the practice of charity, but did so in general rather than in specific terms.<sup>95</sup> Amelia thus marks both the culmination and the end of Fielding's active efforts on behalf of debtors.

These efforts are discernible throughout the greater part of his writing; in his early plays, references to financial distress were frequent, and they increased, both in number and in relative significance as his career progressed; then in two essays in the Champion, he gave definite and emphatic expression to his opinions concerning the imprisonment of debtors, and offered at the same time suggestions for their relief; in subsequent works he championed the cause of the debtor more or less persistently, and finally, in his last novel, he gave the subject a position of major importance.

From the repeated mention which Fielding made of debtors it is certain that their condition was a matter of great interest to him. His interest arose from his humanitarian concern for the distress of others, and he was convinced, through early observation and later, through his experiences as a magistrate, that of all persons, debtors were most deserving of aid. A professed reformer, Fielding did not limit his concern to

---

<sup>95</sup> The Covent-Garden Journal, ed. cit., Nos. 37, 38, 42.

expressions of pity and sympathy; with considerable vigor he exposed the unjust treatment to which debtors were subjected, and urged his readers time and again to do all in their power to relieve the sufferings of imprisoned debtors and their families.

Fielding's efforts in this direction have been unduly neglected. Thus a modern critic, referring to the prison scenes in The Vicar of Wakefield stated that Goldsmith's voice was "the solitary one raised in protest against this shocking condition of things."<sup>96</sup> This statement slights the work of such writers as Smollett, Thomson, Wesley and Johnson, and does a grave injustice to Fielding. No other popular writer of his time showed an interest as consistent as Fielding's in the treatment of debtors; nor did any other treat the problem as thoroughly as he did. He studied the causes of indebtedness, examined the laws governing the imprisonment of debtors, and exposed the legal machinery that permitted the extortions of bailiffs and gaol keepers. He emphasized the hardships that imprisonment inflicted upon the debtor's dependants and stressed the difference between debtors and criminals in prisons, a distinction that other writers did

---

<sup>96</sup> F. Frankfort Moore, The Life of Oliver Goldsmith (New York, 1911), p. 272.

not always make.<sup>97</sup> Moreover, Fielding's attitude toward this social problem appears more significant than that of his contemporaries because he explicitly stated that he was deeply affected by the financial distress of others, and that he sincerely desired to relieve the suffering caused by the imprisonment of debtors.

Henry Fielding was interested in many of the outstanding social and ethical problems of his time, but in none did he show a deeper and more lasting concern than he evinced in the deplorable condition of England's debtors. It is fitting that he should receive credit for his efforts in this matter since his plea for reform was the most eloquent of the period. That his efforts met with failure does not lessen the value of his attempt for in Fielding's own words, "surely there is some praise due to the bare design of doing a service to the public."<sup>98</sup>

---

<sup>97</sup> While Wesley, Goldsmith and Smollett deplored prison conditions, they did not imply that debtors were unjustly imprisoned.

<sup>98</sup> An Enquiry into the Causes of the Late Increase of Robbers . . . . Works, ed. cit., X, 344.

## BIBLIOGRAPHY

- BAYNE-POWELL, ROSAMOND. Eighteenth-Century London Life. New York: E. P. Dutton, 1938.
- BIRON, H. C. "Henry Fielding as an Eighteenth Century Magistrate," The Living Age, No. 3944 (1920). Pp. 344-352.
- BISSEL, FREDERICK OLDS, JR. Fielding's Theory of the Novel. New York: Columbia University Press, 1933.
- BLANCHARD, FREDERICK T. Fielding the Novelist. New Haven: Yale University Press, 1926.
- BRYSON, GLADYS. "Some Eighteenth Century Conceptions of Society," Sociological Review, XXXI (1939). Pp. 401-421.
- BOSWELL, JAMES. Boswell's Life of Samuel Johnson, including Boswell's Journey of a Tour to the Hebrides and Johnson's Diary of a Journey into North Wales. Six vols. Oxford: The Clarendon Press, 1887.
- BOTSFORD, JAY BARRETT. English Society in the Eighteenth Century as Influenced from Overseas. New York: The Macmillan Co., 1924.
- CROSS, WILBUR L. The History of Henry Fielding. Three vols. New Haven: Yale University Press, 1918.
- DOBSON, AUSTIE. Eighteenth Century Vignettes. New York: Dodd Mead and Co., 1896.
- \_\_\_\_\_. Henry Fielding, a Memoir. New York: Dodd, Mead and Co., 1900.
- \_\_\_\_\_. Hogarth. London: S. Low, Marston and Co., 1894.

- FIELDING, HENRY. The Champion: The Works of Henry Fielding, Esq. Edited with a biographical essay by Leslie Stephen. Vol. V. London: Smith, Elder and Co., 1882.
- \_\_\_\_\_. The Covent-Garden Journal: By Sir Alexander Duncanson, knt. censor of Great Britain (Henry Fielding). Edited by Gerard Edward Jensen. Two vols. New Haven: Yale University Press, 1915.
- \_\_\_\_\_. The Tragedy of Tragedies: or The Life and Death of Tom Thumb the Great; with annotation by H. Scriblerius Secundus. Edited by James T. Hillhouse. New Haven: Yale University Press, 1918.
- \_\_\_\_\_. The Works of Henry Fielding: With an essay on his Life and Genius: By Arthur Murphy, Esq. Edited by James F. Browne. Eleven vols. London: Bickers and Son, 1871-1872.
- GODDEN, G. M. Henry Fielding, a Memoir. London: S. Low, Marston and Co., Ltd., 1910.
- GOLDSMITH, OLIVER. The Vicar of Wakefield: The Works of Oliver Goldsmith. Edited with notes by J. W. M. Gibbs. Vol. I. London: G. Bell and Sons, 1885-1886.
- HANNA, JOHN. Cases and Materials on the Law of Creditors' Rights. Chicago: Commercial Clearing House, 1931.
- HOWARD, JOHN. The State of the Prisons in England and Wales, with Preliminary Observations and an account of Some Foreign Prisons: The Works of John Howard, Esq. Vol. I. London: J. Johnson, C. Dilly and T. Caddell, 1792.
- "Imprisonment for Debt in Scotland" (Unsigned article), The Scottish Law Review, XLVIII (1931). Pp. 33-35.
- IRWIN, WILLIAM BROWN. The Making of Jonathan wild. New York: Columbia University Press, 1941.

JENSEN, GERARD EDWARD. "Fashionable Society in Fielding's Time," Publications of the Modern Language Association of America, XXI (1916). Pp. 78-89.

JOHNSON, DR. SAMUEL. The Idler: The British Essayists, with Prefaces, Historical and Biographical. Edited by Alexander Chalmers. Vol. XXIII. London: Nichols and Son, 1817.

LECKY, WILLIAM E. H. A History of England in the Eighteenth Century. Seven vols. London: Longmans, Green and Co., Ltd., 1913.

LIPSKY, ABRAM. John Wesley, a Portrait. New York: Simon and Shuster, 1928.

MOORE, FRANK FRANKFORT. The Life of Oliver Goldsmith. New York: E. P. Dutton Co., 1911.

NICHOLS, JOHN. Literary Anecdotes of the Eighteenth Century. Vol. III. London: Nichols and Son, and Bentley, 1812-15.

PATTON, SIMON. The Development of English Thought. New York: The Macmillan Co., 1910.

ROGERS, WINFIELD. "The Significance of Fielding's Temple Beau," Publications of the Modern Language Association of America, LV (1940). Pp. 440-44.

RICHARDSON, SAMUEL. Clarissa Harlowe; or the History of a Young Lady. Nine vols. London: Chapman and Hall, Ltd., 1902.

SMOLLETT, TOBIAS GEORGE. The Works of Tobias Smollett with an Introduction by G. H. Magnadier. Six vols. The C. F. Brainard Publishing Co., 1902.



SWABEY, CARL M. "Benevolence and Virtue," Philosophical Review, LII (1943). Pp. 452-67.

THOMSON, JAMES. The Poetical Works of James Thomson. Boston: Houghton Mifflin Co., 188-.

TRAILL, HENRY DUFF, Editor. Social England: A Record of the Progress of the People in Religion, Laws, Learning, Arts, Industry, Commerce, Science, Literature and Manners, from the Earliest Times to the Present Day, by various writers. Vols. IV and V. New York: G. P. Putnam's Sons, 1909.

TREVELYAN, GEORGE MACAULAY. English Social History: A Survey of Six Centuries, Chaucer to Queen Victoria. London: Longmans, Green and Co., Ltd., 1943.

\_\_\_\_\_. A History of England. London: Longmans, Green and Co., Ltd., 1926.

TURBERVILLE, ANTHONY STANLEY, Editor. Johnson's England: an Account of the Life and Manners of his Age. Two vols. Oxford: The Clarendon Press, 1933.

\_\_\_\_\_. English Men and Manners in the Eighteenth Century. Oxford: The Clarendon Press, 1926.

TWICKENHAM, B. L. "A Parallel Between the Master Debtors' Side of Newgate, and Several Sponging Houses in the County of Middlesex," Blackwood's Edinburgh Magazine, (1819). Pp. 576-82.

VINCENT, HOWARD P. "Henry Fielding in Prison," Modern Language Review, XXXVI (1941). Pp. 499-500.

WASHER, BENJAMIN F. "Imprisonment for Debt," The Green Bag, VII (1895). Pp. 412-413.

WEBB, SIDNEY and BEATRICE. English Prisons under Local Government. London: Longmans, Green and Co., Ltd., 1922.

- WELLS, JOHN EDWIN. "Fielding's Political Purpose in Jonathan Wild," Publications of the Modern Language Association of America, LXVIII (1913). Pp. 1-55.
- WESLEY, JOHN. The Journal of the Reverend John Wesley. Four vols. New York: E. P. Lutton and Co., 1907.
- WILLEY, BASIL. The Eighteenth Century Background: Studies on the Idea of Nature in the Thought of the Period. New York: Columbia University Press, 1941.
- WILLIAMS, BASIL. The Whig Supremacy, 1714-1760. Oxford: The Clarendon Press, 1939.