

D'ARCY WENTWORTH THE HIGHWAYMAN

Stephen Cooper

On Thursday evening, 7th March 2019 Professor Melvyn Jones gave a scintillating talk on the history of Wentworth Woodhouse and its owners, in the Marble Saloon. He told us many things, including the remarkable story of D'Arcy Wentworth, who founded the Australian branch of the Wentworth family, and may also have been the inspiration for Jane Austen's Mr Darcy, of *Pride and Prejudice* fame.

There is a page in the late Roy Young seminal *The Big House and the Little Village* (2000 and 2011), devoted to the

THE AUSTRALIAN WENTWORTHS

D'Arcy Wentworth founded the Australian branch of the family in 1790. He was descended from a younger son of one of Sir William Wentworth's younger sons - nephews of the Earl of Strafford - who left England for America in 1695. D'Arcy himself studied medicine in Ireland, and his name first occurs when, on December 9th 1789, he stood trial at the Old Bailey, charged with highway robbery.

He was attended in court by the 4th Earl Fitzwilliam, anxious for the reputation of the family, however distant the relationship. By an early example of plea bargaining he escaped sentence, the prosecuting counsel announcing at the end of the trial and before the jury retired, "My Lord, the prisoner at the bar has taken passage to go in the fleet to Botany Bay and has obtained an appointment there as Assistant Surgeon and desires to be discharged immediately." By thus anticipating a sentence of transportation he avoided a 'Guilty' verdict and a fixed sentence and so he was free to return to this country at a future date. How much influence Lord Fitzwilliam exercised in his favour is not known, but D'Arcy was always grateful to him and from time to time sent presents, such as the two black swans he sent for Wentworth Lakes in 1816 and the king parrot he sent to Lady Fitzwilliam.

Now Roy was a meticulous historian, and I do not doubt for one minute that what he wrote was soundly based in evidence; but, unfortunately, he was not in the habit of citing his sources - at least not in detail; and the story is almost too good to be true, and cries out for corroboration. When the sources are consulted, it turns

out that the story of D'Arcy Wentworth's trial in 1789 needs to be modified in at least two important respects. Firstly, he did stand trial for one offence of highway robbery; but he was wanted for at least two other offences of a similar nature, at the time. Secondly, it is not the case that he engaged in some form of plea bargaining at the trial. In fact, he was acquitted, and left for Australia voluntarily.

These are the main conclusions to be drawn from a study of the newspaper reports in the British Newspaper Archive, and from the official record of trials at the Old Bailey.

The *Derby Mercury* for Thursday 29 November 1787 reported that a different crime from the one for which D'Arcy was eventually tried at the Bailey had been committed:

On Tuesday Night at Twelve o'Clock was taken at Kensington Giavel Pits, D'Arcy Wentworth, a young Man of good Family; upon searching him was found a Metal Watch, and a Purse containing one Guinea and a Half, the Property of Mrs. Grumby and Mr. Hurst, whom he had robbed in a Post-Chaise, on Hounslow Heath, that Evening. The Hair-breadth Escapes this Youth has had, and the particular Admonitions he received from Sir Sampson Wright,¹ when lately brought before him, carried no Weight with him, so confident was he of the Interest of his Family Connexions. Maynard and Hughes, the Bow-Street Patroles [sic] took him.

We shall refer to these 'family connections' later; but note here that the 'Bow Street Patroles' were sometimes called 'the Bow Street Runners', a proto-police force associated with the London magistrate Sir Henry Fielding (1721-80), but also with his successor Sir Sampson Wright.

D'Arcy's previous brushes with the Law were also noted in a paragraph which appeared in the *Reading Mercury* for Monday 3 December 1787:

Yesterday the noted D'Arcy Wentworth was committed from the Public-office, Bow Street, to Tothill-fields Bridewell, for robbing Mr. Hurst of Bow Church-yard, in company with a lady, on the preceding evening, near the ten-mile stone on Hounslow-Heath. He was pursued by Sir S. Wright's patrole, and apprehended by them at Notting Hill turnpike.

We are not told the outcome of this second case, but the *Northampton Mercury* for Saturday 15 December 1787 carried the report of a *third* highway robbery; and this time we are told the outcome.

D'Arcy Wentworth was tried for stopping and robbing William Lewes on the Highway, and taking from his Person a Silver Watch, Gold Seal, and Purse,

1

Containing three Guineas and some Silver. And Elizabeth Wilkinson, a Woman he cohabited with, was tried for receiving the Watch, knowing it to be stolen: When, after a long Trial, which lasted three Hours, they were both acquitted. There are three other indictments against Wentworth, for highway robberies.

Even now we have not reached the end of D'Arcy's career in crime. The *Northampton Mercury* for 14 November 1789 carried news of another robbery, with details of the prisoner's background:

That modern Mackheath², D'Arcy Wentworth, was on Saturday last, under safe Convoy, sent once more to Newgate, for robbing two Gentlemen on Hounslow Heath. Wentworth was originally bred a Surgeon; he was afterwards a Lieutenant in the 69th Regiment. Soon after he had taken to the Road, his Friends were induced to accommodate several Matters that would other wife have appeared against him, on his representing that *Necessity* had driven him to this dangerous Occupation. A Gentleman declined prosecuting him from the same generous Motives, and an honourable Appointment to India was procured for him. These good Intentions were all frustrated by himself: he *forced* the Money for his own Equipment from the Agent, in whose Hands it was lodged, and thus threw himself on the World, and into a Life that must one Day prove fatal to him.

On Monday 16 November 1789 the *Reading Mercury* carried a story about yet another escapade in which D'Arcy Wentworth was involved:

On Saturday night, the 31st ult. A genteel young man called on Mr Connor, a surgeon, and requested his assistance for a person who had received a gunshot wound: the affair, he said, might occasion some uneasiness and he therefore desired to take the whole care it on himself. Mr. C. attended him to Clipstone Street, where the wounded person was,; he had the appearance of a servant, and said, that whilst attending his master's carriage to town, they were stopped by highwaymen, who had fired at and shot him: the ball had struck against one of his coat buttons, and passed from thence across the breast under his armpit, where it lodged among blood vessels that rendered it dangerous to attempt extracting it.

The surgeon was convinced that the man had received his wound from a person below him, as if he had been on horseback and fired from a post-chaise; from this and other circumstances, he concluded him and the gentleman who recommended him to be highwaymen the man was with much reluctance, persuaded go to the Middlesex hospital; and the master has

² A villain in John Gay's *The Beggars Opera* (1728). See also, 'Mack the Knife' in Berthold Brecht and Kurt Weil's *The Threepenny Opera* (1928). A song with this title was recorded by Bobby Darrin in 1956.

since been taken into custody, and proves to be the celebrated D'Arcy Wentworth. He was examined on Saturday at Bow Street, and committed for further examination Thursday next, when it is supposed his wounded friend will be well enough to attend.

Finally, we come to the trial mentioned by the late Roy Young. The *Hereford Journal* for Wednesday 18 November 1789 reported as follows:

PUBLIC OFFICE, BOW-STREET.

Thursday the notorious D'Arcy Wentworth was brought before N. Bond, Esq. The circumstances which led to the apprehending of this offender, were as follows: a man had been wounded in an attempt to rob two gentlemen on Hounslow Heath a few days after this robbery. Sir S. Wright received information, that a man then lay in the Middlesex Hospital, who said he had been wounded by a highwayman. Two of Sir Sampson's offices were sent to the hospital, but had no recollection of the man; and on enquiry, found that a woman came constantly once a day to see him about three and remained with him till seven o'clock. On this they agreed to return, and if possible, to trace out the lodgings of the wounded man whom they suspected to have been the person wounded on Hounslow Heath. They returned, but found the man had contrived to escape out the window of the ward in which he was lodged.

They then met with a Surgeon, who had been called in to dress the wounds of a man who said he had received them from a highwayman.

The Surgeon informed them, that he had been called on to go to No. 23, Clipstone Street, which he did; but found that the man's wounds had been dressed by the person who now appears to be Wentworth, who being originally a Surgeon, had probed the wounds, but could not extract the ball. The medical gentleman who had been called in advised the man to the hospital, where Wentworth took him in a hackney coach, and left him in the name of John Smith.

On receiving this information, the proper officers repaired to Clipstone Street, but neither Mr. Wentworth, who went by the name of Wilton, nor the woman who passed for his wife, by the name of Mrs Wilton were within. They waited a short time, when Mrs. Wilton, whose real name appears to be Weaver, came in. They of course secured her; but a great crowd being collected about the door, they thought it necessary to take Mrs. Wilton, alias Mrs. Taylor, alias Mrs. Weaver, away with them, as they well knew that Wentworth would not home if he saw any mob about the door; but in order to secure Wentworth when he did come in, they told Mr Dickinson, who rents the house in which he lodged, that unless he secured him as soon as he returned, a prosecution for concealing a felon would be brought.

This scheme succeeded. As soon as the mob saw the woman taken away, they dispersed; and, as soon Wentworth them away, he ventured home; when his landlord, with the assistance of some of his neighbours, secured and brought him to this office.

All that was material against the prisoner, on the examination, was the evidence of John Pemberton Hayward, Esq. who swore, that on the 5th of last July, about twelve o'clock he, in company with Mr Russell, was crossing Finchley Common in a post-chaise, when they were stopped by two men, who demanded their money, which they gave them. One of them told Mr. Hayward, that he knew him, and where he was going. A gust of wind blew up the crape [sic] which he wore over his face, and Mr. Hayward had a full view of him. The highwaymen then rode off, and Mr. Hayward told Mr. Russell that, had he not been informed that Wentworth was gone abroad, he should have thought that the man whose crape blew up, was him. He said that he had dined with him at York, and that from his voice and person, he had doubt of his being the person who robbed him.

Mr. Hayward was bound over to prosecute Wentworth, who was ordered for re-examination on Saturday.

The woman was also Committed for re-examination.

Several persons of fashion attended the examination; among whom were his Royal Highness, the Duke of Cumberland, the Duke of Hamilton, Col. Gwynne, &c. &c.

Pausing there, we may note at this point the evidence pointing to the fact that D'Arcy was a man of gentle birth who had become a highwayman. He was accused of numerous offences of highway robbery, or attempted robbery, all committed within a few months and with a similar *modus operandi*. They involved attacks upon coaches leaving London and crossing heaths or commons. Further, the highwayman used an alias or aliases; he consorted with at least one woman, who acted as his 'fence'; and he enjoyed the support or protection, sometimes of the mob, and more often of friends in high places - men who could use their influence to secure 'accommodations' with victims (which presumably meant buying them off), or find him a position, or even arrange for him to be spirited out the country.

But the man in question was not above the law. The *Hampshire Chronicle* for Monday 7 December 1789 carried this story:

D'Arcy Wentworth was on Saturday once more put to the bar, when the post-chaise boy, who drove Mr. Haywood and Mr. Russell the day they were robbed, attended, in order to see could identify the person of Wentworth, which he said he could not. Wentworth then addressed Mr. Bond, and said, it was hard that he should be confined so long³ on a charge of which he was

³ As far as I can see he can only have been in custody for a matter of two or three weeks.

quite innocent that he expected when he was ordered that time, he was to have been discharged; that the ship to which he had been appointed, had sailed, and had got round to Plymouth, and the keeping him in confinement would deprive him of the opportunity of going abroad to provide for himself, and that the consequences must be fatal to him. Mr. Bond told him, under the present circumstances Mr. Haywood was by the laws of his country bound proceed against him and he, as a Magistrate, was duly obliged to take recognizances. Wentworth was remanded back to Newgate.

The report in the *Northampton Mercury* for Saturday 12 December 1789 gives us the name of D'Arcy's barrister, as well as the verdict:

D'Arcy Wentworth was next tried for Highway Robbery on John Pemberton Heywood, but be not being able to identify his Person, Mr. Garrow, Counsel for the Prisoner, declined any Defence, and he was acquitted.

Further details had appeared in the *Derby Mercury* for Thursday 10 December 1789:

Four were convicted of felonies, and nine were acquitted, among whom were D'Arcy Wentworth for an highway robbery, and George-Barrington, for robbing Haviland LeMesurier, Esq. D'Arcy Wentworth applied to be immediately discharged, to embrace the appointment which he had obtained of a surgeon in the Botany Bay fleet, now under sailing orders. The court granted his request.

The newspaper reports do not confirm any connection between D'Arcy and the owner of Wentworth Woodhouse - which was the 4th Earl Fitzwilliam - while the suggestion that he was of Irish origin, or at least had an Irish accent, would point to a connection with the Fitzwilliams of Ireland, rather than the Fitzwilliams of England. However, according to Matthew Wiles, a knowledgeable tour guide at Wentworth Woodhouse and at Wentworth Old Church, there was once a plaque in that church dedicated to the memory of D'Arcy Wentworth, though it was stolen in 2014, which might indicate the contrary.

The reference to D'Arcy's barrister is interesting, because about ten years ago there was a TV series on the BBC entitled *Garrow's Law*, which related the true story of how William Garrow (1760-1840) changed the way in which criminal trials were conducted, so that greater emphasis was placed on the presumption of innocence; and greater scope was allowed for cross-examination of prosecution witnesses. The records of trials at the Old Bailey, which can now be viewed online, certainly confirm that Garrow did act for D'Arcy Wentworth in 1789, and helped to secure an acquittal. Here is the official record:

Violent Theft: highway robbery. 9th December 1789

D'ARCY WENTWORTH was indicted for feloniously assaulting John Pemberton Heywood, Esq. on the king's highway, on the 10th day of July last, in the parish of Finchley, and putting him in fear and danger of his life, and feloniously taking from his person, and against his will, a silk purse, value 1 s. a base metal watch, value 40s. a steel chain, value 1s. four cornelian seals set in gold,⁴ value £8 a red morocco leather tweezer case, value 1d. six guineas, a crown piece, and nine shillings, and a piece of foreign copper coin, value one farthing, his property.

JOHN PEMBERTON HEYWOOD,
Esq. sworn.

I was robbed on the 5th of July last, on the highway; I left Lincoln's Inn a little before eleven o'clock; I was going into the north; there was another gentleman with me in a post chaise; it was a very rainy morning; nothing particular happened till we got to Finchley Common; when the first thing I observed, was two men rode up past the chaise, one on one side, and the other on the other, and called out Stop! Stop!

Not having the least idea of a robbery at that time of day, I let down the window, and called out, what do these fellows want? The gentleman that was with me in the chaise, called out, Want! D--n me, why we are stopped and robbed; the man who was less than the prisoner, was on a bay horse; the other man, whom I took to be the prisoner, was mounted on a black horse; and the other man rode up to the side of the chaise, and presented a pistol, and said, your purses, your purses; they both presented a pistol; then the taller man that was on my side of the chaise, who staid [sic] longer with the postilion than the other, came to my side of the chaise, and presented a pistol, and said, your purses, your purses; he first asked me for my purse. I said something to him, that I was surprised at such a thing happening at that time of day; he immediately said, no talk, your purse.

I immediately gave him my purse, in which there were six guineas in gold, and some silver; I cannot say exactly the quantity; but I remember there was six guineas in gold, and some silver; as soon as he had my purse, he said, your watches gentlemen, your watches; the other man had taken my companion's watch; I told him I had no watch; he said, no watch! and I said, no, I never travel with a watch? and he said, pho, pho, I know who you are very well; I know you do travel with a watch, give it me; I thought before I denied having a watch any more, that I would look down, to see if it was

⁴ Presumably, these seals were used for sealing letters and documents; and contained precious metal or stone e.g. carnelian.

visible; and I looked down, and saw the seals hanging on my thigh; then I said, if you know so much about the matter, you must have the watch; and I gave him my watch; there were four seals, three cornelian, and one white chrystal set in gold.

Then he said, now Sir, your rings; and I said, rings, Sir, we have no rings; he seemed to be satisfied with that; he said, your pocket books; he said, you must have pocket books; and I pulled out a red morocco tweezer case, and said, you; surely will not take it? and he said, no; and I was going to put it back; and he said, yes, I will take it too, and there was an imperial farthing in the tweezer case, a pen knife, and a pair of scissors [sic]; I mentioned that in my examination at Bow-street.

[Court] Look at the prisoner, and tell the gentlemen of the jury whether you can swear positively that he was the person that committed this robbery?

I do verily believe the prisoner to be the man that committed the robbery; I had seen him before, and I was very much struck with the circumstance of his saying, that he knew me; and when he was gone I began to recollect what highwayman it was likely I should know; and seeing the prisoner at York, which I once or twice had the pleasure of doing; I said to the gentleman that was with me, if I was not sure that D'Arcy Wentworth was out of the kingdom, I should be sure it was him; I knew that considerable pains had been taken by myself, and others to get him out of the kingdom; I did at that time think he was abroad: I had some reason to think it; I have mentioned to you, that while he was arguing with me about my watch, he held the pistol to my head, and I said, Sir, we are totally unarmed, and can make no defence, therefore I should be obliged to you to point the pistol another way; upon which he turned his horse a little, and either by accident or the wind, the crape flew up, and I saw the lower part of his face very distinctly, about as far as his nose; I saw across his face, and I saw the lower part of his face very distinctly.

[Court] Then you cannot positively say the prisoner was the person? - Whatever strong belief I might have in my own mind, as I did not see his face, I certainly would only chuse [sic] to say what I have said, that I do believe him to be the man, but I did not see his face; he has a pretty strong Irish brogue, as you will hear, if you hear him speak.

You had some knowledge of the prisoner before? - Yes, my lord, he was at York some time, and during one summer assize, I saw him repeatedly at Mr. Sinclair's house, that was four or five years ago; he lived at Mr. Sinclair's house then.

Mr. Garrow, Prisoner's Counsel. Mr. Heywood, I am very glad that in the latter part of your examination, a circumstance has come out, as it explains what you said of knowing the prisoner at York, because, when Barristers talk

of knowing a prisoner at York, it makes impressions;⁵ I believe when you knew him, it was in the character of a gentleman visiting at a very respectable house in the country of York? - Certainly, it was, and very respectably he behaved; I thought him a very agreeable young gentleman; I know he was introduced by a very respectable gentleman; I believe he is of an excessive good family in Ireland.

You have given your evidence, as all of us, who know you, expected you would, with great candour and fairness; is not the appearance of the prisoner exceedingly altered from that which you remember to have seen of him at York? - Yes, he is grown much larger and stouter.

But the opinion you took up was from the circumstance of having known him before? - Yes, and which circumstance, I am told, made a much greater impression upon me than it should; for I am told it is a very common thing for them to say that they know people: I never saw him since the robbery, till I saw him at Bow-street.

Now, Mr. Heywood, I must ask you a question, which we frequently ask witnesses, to discredit their testimony; you will do me the justice to believe that I do not ask it you with that intention; soon after the robbery did you meet nobody on the common that you might have communicated this to? - I had the pleasure to meet you, Sir, on the common soon after.

And very kindly let me go on to be robbed, I believe? - I had no idea that you would be robbed. I had the good fortune to escape your kind wishes? - I dare say you had; I do not think you was [sic] in any danger of being robbed.

Court. Would the prisoner say anything?

Mr. Garrow. No, my lord, I would not advise him to say anything on this occasion.

Have you any witnesses?

Mr. Garrow. No.

NOT GUILTY.

Tried by the first Middlesex Jury before Mr. Baron PERRY.

Prosecutor. My lord, Mr. Wentworth the prisoner at the bar, says, he has taken a passage to go in the fleet to Botany Bay; and has obtained an appointment in it, as assistant surgeon, and desires to be discharged immediately.

Court. Let him be discharged.

⁵ The barrister must mean that, when members of his profession spoke of 'being at York', they usually were usually referring to the York Assizes, and therefore to a person's bad character.

The Old Bailey report conveys a vivid impression of Garrow's skill in cross-examining the only prosecution witness. He clearly established that there was a reasonable doubt about the identification evidence, since the witness had only had a partial view of the accused's face, and not a full view; and that he could not be certain this was the same man he had once known in York. Further, Garrow was clearly right not to put his client 'on the stand;' but to rely instead on the inability of the prosecution to prove its case.

Despite his acquittal, the newspapers continued to be fascinated by D'Arcy Wentworth. The *Norfolk Chronicle* for Saturday 2 January 1790 reported:

When D'Arcy Wentworth was apprehended in Clipstone Street, he entreated with tears in his eyes, his Landlady (who, contrary to the usual tenderness of her sex, was hardy enough to take him, when several men declined the disagreeable task) to let him escape, conjuring her pity by her feeling as a parent; and to some of the mob, gathered on the occasion, who would have behaved roughly to him, begged, trembling, that they would not be rude, for his life was forfeit to the law. This proves that the boasted courage of an highwayman is but a flash in the pan; and that guilt and pusillanimity are companions that part but for a moment.

The moral drawn here is the one which one would expect a Christian journalist to draw, that bullies are really cowards; but, to my mind, the passage prompts another thought: that D'Arcy was the sort of charming young gentleman who might inspire fear in some of his fellow men, but tender feelings in women.

There is also evidence of a kind of admiration for D'Arcy, not on the basis that he was a Robin Hood, but because he was thought to be 'a bit of a lad', whilst being a gentleman whose opinion one could respect. On Saturday 6 March 1790 the *Newcastle Courant* contained a report that 'the noted d'Arcy Wentworth has, at length, taken his station on board the *Julia*,⁶ for Botany Bay.' On Friday 15 October the same year the *Stamford Mercury* reported on a case involving another highwayman, an associate of D'Arcy who was also of Irish extraction and a surgeon:⁷

John Francis Molloy, a highwayman, who was on Monday committed from Bow Street for trial, on suspicion of robbing the passengers in the Dover diligence,⁸ on Tuesday the 5th instant was the associate and intimate companion of the notorious D'Arcy Wentworth, who, on a certain occasion, boasted of the heroism of his friends, and declared he had more abilities, in a certain way, than any man he ever knew - and, after the authority of so good a judge, no one will doubt it.

⁶ But Matthew Wiles informs me that D'Arcy sailed on the *Neptune*.

⁷ See also the *Reading Mercury* for Monday 11 October 1790.

⁸ Coach.

THE WHOLE
P R O C E E D I N G S
 UPON THE
 KING's Commission of the Peace, Oyer and Terminer, and
 Gaol Delivery for the CITY of LONDON, &c.

BEFORE the Right Honourable WILLIAM PICKETT, LORD MAYOR of the City of London; the Honourable Sir WILLIAM HENRY ASHURST, one of the Justices of his Majesty's Court of Kings Bench; the Honourable Sir RICHARD PERRY, one of the Barons of his Majesty's Court of Exchequer; JOHN WILLIAM ROSE, Esq; Serjeant at Law, Recorder of the said City, and others his Majesty's Justices of Oyer and Terminer of the City of London, and Justices of Gaol Delivery of Newgate, holden for the said City and County of Middlesex.

<i>London Jury.</i>	<i>First Middlesex Jury.*</i>	<i>Second Middlesex Jury.</i>
James Maidment	Robert Whitfield	James Tregent
John Cooper	John Thompson	William Lenden
David Evans	Joseph Philips	David Bray
James Cardiff	George Beard	Richard Clarke
John Allecock	Robert Muffin	Tho. Howlett Warren
John Wallis	James Unsworth	John Waghorn
John Davis	William Bailey	James Wild
Thomas Maidment	Robert Pesborough	Benjamin Smart
James Smith	William Reynolds	Edward Johnson
Thomas Nannett	George Fife	Christopher Emmett
Joseph Giles	Adam Dunford	John Bunday
James Bennett	William Cook	John Pinchback

* George Maion served a short time on Friday.

D'ARCY WENTWORTH was indicted for feloniously assaulting John Pemberton Heywood, Esq. on the king's highway, on the 10th day of July last, in the parish of Finchley, and putting him in fear and danger of his life, and feloniously taking from his person, and against his will, a silk purse, value 1s. a base metal watch

Extract from Old Bailey Trial Records